

CLERKS REPORT. 30.08.2023

1. **FUN DAY.** The day itself raised just over £5k, despite the extreme heat negatively impacting dog show entries. A post-event reflective meeting and the presentation evening both sought views on the event and what could be done to make the day better for the community and for those groups taking part. Feedback analysis is not yet complete.
2. **COMMUNITY EVENTS.** There were two additional events during the summer, one at Tithebarn and one at Westclyst. The Tithebarn event included a dog show and nature trail around the country park, and was ably supported by the Environment Group which did pond dipping and bug hotels. The Westclyst event comprised circus skills workshop, team games, and offered cream teas (donations invited for Breast Cancer Now). Both events were popular with those who attended; numbers were lower at Tithebarn but this was not helped by the weather. Regardless, the events were positive community engagement sessions and it was good to be back out in the community doing some fun things with families. Council allocated a budget of £1,200 for the two events; the final figure for both events was £733.66.
3. **GRANT FUNDING.** Council has made two successful grant applications so far in this financial year: one to the Devon Communities Resilience Fund for £1,340.91 for flood resilience equipment and signage, and one to the DCC's Growing Communities fund for £1,000 for food bank work. Feedback is due next month to the Julia and Hans Rausing Trust for the £2,500 grant awarded for food bank / community support work in February 2023.
4. **NEIGHBOURHOOD PLAN PLANNING APPLICATION DELEGATION.** Now that the NP is made, council may wish to review its delegations in respect of responding to applications within the Plan area. A policy is appended; its adoption is **recommended**.
5. **NEIGHBOURHOOD PLAN SITE.** An Outline application for the first allocation in the Broadclyst NP has been published for public consultation. It is very exciting to see that the wishes of the community are on the way to being delivered! There has been some local opposition to the proposal; it will be interesting to see how the applicant responds to the objections and what mitigations can be put in place to allow this site that is part of the development plan for the parish to come forward.
6. **COUNTRY PARK MANAGEMENT.** It has been reported that the management of the Pinbrook Country Park is not in accordance with the management plan. It has been mooted that the parish council might want to look into taking on the management of the park. This is not as straightforward as it might sound, as the costs of running the country park will have been calculated and included in the estate rent charge paid to the management company, which in turn is likely to be written into the conveyancing. The council is well-placed to bring pressure on those with responsibility for the maintenance contract, so at this stage, that is the **recommendation**.
7. **WESTCLYST ALLOTMENTS.** An issue with badger ingress was noted, with wildlife cameras capturing images of activity in the top right-hand corner of the site. At the time of writing this report, the

cameras have been moved along the top fence to see if there are additional points of entry. This has delayed handover of plots. It is hoped to be allocating the lower two rows of plots (8 in total) shortly, while ways forward are determined by badger activity along the top plots. The landowner and management company are aware, as is EDDC planning.

8. **WESTCLYST ALLOTMENT ASSOCIATION.** The Westclyst Allotment Association will be set up as the first plots are allocated. A resident with experience in such matters has kindly offered to help with this, which is much appreciated. **Recommendation:** that the council resolves to set up the Westclyst Allotment Association and to transfer the initial plot fees to the Association once it is fully formed and has a bank account.
9. **WESTCLYST PUFFIN CROSSING.** A new pedestrian crossing is to be installed this autumn, providing a safe crossing point between the Poltimore gate bus stops. The crossing has been funded as part of the Moonhill Rise development and was a mitigation that the parish council fought for through the planning process.
10. **MOONHILL RISE.** Development has started on the Sovereign site which will provide 69 dwellings. Sovereign Housing has committed as an organisation to being net carbon zero by 2050, and this is reflected in the design of the homes at Taverners Field, which will be the first site of this type of Sovereign house to be built. The design promotes more natural daylight, increased storage and exceeds national space standards. Each property has its own private garden space. The estate benefits from a sustainable heating system as each property is heated by air source heat pumps. All properties have access to EV charging points and bike storage. Each unit also has a utility room, which supports the kitchen being used as communal space.

Throughout our interactions with Sovereign Housing to date, they have emphasised that their investment is a long term one. Their work doesn't stop at the front door and they offer a range of services to help people and their neighbourhoods be the best they can be.. The housing team includes estate management and property services/maintenance, and a Neighbourhood team who work with residents to create thriving communities and identify and solve any issues as they arise.

Moonhill Rise properties are being delivered thanks to a strategic partnership between Sovereign Housing and Homes England; the partnership funding allows Sovereign to bid for money to deliver their own housing by buying land and then determining their own type and tenure of properties. The homes will include a mix of one and two-bed maisonettes, bungalows and two-four bed houses. The development will be 100 per cent affordable properties, with 36 social rent and 33 homes for shared ownership, as well as providing green infrastructure, public open space, and a play area. Completion is scheduled for summer 2026.
11. **COMMUNITY RESILIENCE.** Food bank numbers have reduced slightly following positive targeted interaction with households. Officers benefitted from 'affordability' training earlier this year, which looks at different ways to maximise income, reduce outgoings, and prioritise / manage debt. It is intended to continue this work into the winter, with a library of resources being compiled and made available thanks to grant funding.

12. **FOI.** Council has received one FOI request and complaint in relation to a planning application. Both are being processed according to policy, with guidance from council's legal advisors.
13. **WISHFORD RAISED WALKWAY.** The works to replace the raised walkway, originally scheduled to take place earlier this summer, have been postponed due to change in contractor. It is hoped they will be carried out before the winter; we await confirmation of the new start date.
14. **STATION ROAD FIRE HYDRANT REPLACEMENT.** A road closure on the southernmost end of Station Road is scheduled for Sunday 3rd September (with possible completion running into the Monday). A temporary parking restriction outside the former Baptist Chapel in Dog Village has also been arranged to mitigate the risk of building strike by large vehicles needing to exit via the northern end of Station Road during the closure. Thanks to Kier, the contractors doing the work, for their cooperation and for doing the works on a Sunday to minimise disruption. Their community liaison has been second to none.
15. **PATCHING WORKS.** Works around the Ashclyst Forest area are scheduled to be undertaken early September with temporary road closures and diversions in place during the works.
16. **HIGHFIELD TO KERSWELL HEDGE CUTTING.** There were complaints from residents about the narrow stretch of dual-use path between Withy bridge and Kerswell. Issues include:
- Frequency: our records (supported by photographs from those who walk/cycle the path regularly) indicate there have only been 2 cuts to date this season, whereas we should have just had the 6th cut according to the schedule.
 - Height of cut: the tractor has only been making one pass. This results in brambles and foliage that is rooted further up the hedge hanging down at head height of cyclists/walkers. This is especially a problem after it rains.
 - Depth of cut: I asked the contractor to scalp it back really hard, but it could have gone a lot tighter. Henry Gent ended up arranging for a local farmer to come through and give it a full height scalping after idverde had finished, which wasn't ideal or cost-effective.

As a result, the contract price is being re-negotiated and will be reviewed as part of the budget-setting process. We have met with local residents and with DCC about this matter; while the parish council will do what it can for its part to try to manage the hedges along that stretch of path, it is generally felt that its long-term focus should be on getting the path re-routed. Early talks have taken place with landowners and green infrastructure officers; as always, funding is going to be a challenge. It is possible council may wish to consider offering some CIL money towards the cost, but this is a discussion to be had at strategic level with delivery partner(s).

17. WASTE DISPOSAL PAVILIONS.

The waste from the Pavilions (which includes rubbish from public litter bins) is on a 'zero' tariff with Binit, which means that in theory waste is collected, sorted, and recycled; however, our monthly waste reports have recently been reading 0% recycled and 100% rubbish. A query was raised, and the explanation was given that in reality, recyclables are often contaminated (i.e. wet/dirty cardboard) and therefore cannot be recycled, going instead to the EfW (Energy from Waste) incinerator. As waste is

collected by a subcontractor in a big bin lorry, it is impossible to tell by the time it gets to the depot and is sorted whose waste was whose, so accurate reporting is not possible. Rather than give a best guess, Binit is recording a 0% recycling rate, although the subcontractor is reporting an approximate average recycling rate of c.85%.

Binit recognises that this 0% recycling report falls short of our expectations and our reasons for selecting the 'zero' tariff, and so have proposed the following:

- To move the 1100l bin to a 'waste' tariff
- To provide an additional bin (30l) for dry recyclables
- To do some consultancy work with us and help us to promote recycling at the pavilions, with user groups separating waste into different receptacles (much the same as we do in domestic properties) and putting these into the dry recyclables bin. The consultancy / promotion would be done FOC; they currently work with a larger public authority in Bristol on this and feel this would give them a comparison for a smaller authority.

Costings of the second bin have been requested; it is likely a fortnightly or even monthly collection for the dry recyclables bin will be adequate.

Recommendation: to note that the Clerk will keep the Finance Chairman aware of changes to cost of contract.

18. PLANNING UPDATE

Re: 23/1537/MOUT, Elbury View. Up to 16 dwellings. All matters reserved except for access. New information has arisen following a site visit as a result of an email received from the neighbouring property regarding mention of a pavement on the site side of the road that would extend towards Dog Village. The following was noted on the site visit:

- a. Footpath. Detailed plans for the footpath proposal are not submitted, however, the indicative drawings on p17 and 18 and wording in the 'connectivity' paragraph of the Design and Access statement seem to suggest a new "footpath [would be provided] along Woodbury View to connect to the road access point". The land on which the applicant proposes to provide the connecting footpath is not under the control of the applicant and is in private ownership. Discussions have not been initiated between the applicant and the landowner. Somewhat contradictory to the indicative footpath shown in the Design and Access Statement, the Transport Statement makes no reference to a new footpath on the site side. It instead states in 3.2.2 (page 7) that a dropped kerb crossing will be provided to link the site to the existing footpath on the northern side. Regardless of the ownership of the land on the brow of the hill, the site visit (which was conducted between 5.30 and 6pm) showed that the road between the brow of Bustard Hill and its junction with Woodland Road is quite narrow, with cars and light vans passing each other easily enough, but tractors and lorries take more than their side of the white line when going up towards the brow past the site. The provision of a footpath along this stretch of road is likely to further narrow the available width of carriageway, cause potential harm to the tree root (see point b), and reduce the width of the hedgerow/bank (see point c).

- b. Trees. Looking at the length of the hedgerow site side between the existing field gateway and the brow of the hill, it comprises many mature trees including oaks and sycamore. The protected root zone of these trees is highly likely to be impacted by provision of a kerbside footpath. Officers recommend that the EDDC arboricultural officers are asked to look at the trees and apply TPOs as they feel appropriate for the trees' protection. Root Protection Areas (RPAs) should be assessed in accordance with *British Standards – 5837:2012 Trees in relation to design, demolition and construction*. The RPAs should be clearly identified during construction, with the design and layout of the site such that it causes no harm to the mature trees. Where less significant trees are removed to create access, they should be replaced on a 3/2/1 basis in accordance with Broadclyst Neighbourhood Plan policy NE3.
- c. Hedgerow. The hedgerow looks to be an original Devon bank which provides habitat and cover for a wide range of wildlife; retention of as much of it as possible is therefore desirable. Broadclyst Neighbourhood Plan policy NE4 applies. The removal of sections of hedgerow to create gaps for pedestrians would break the hedge up and interrupt the 'corridor' effect along its length, and is therefore not in conformity with Neighbourhood Plan policy NE4.

Recommendation: The clerk will contact the applicant and seek clarification on matters raised in point a. The Planning Committee may then wish to submit an updated response regarding this new information (Standing Orders permit the council to revisit a previous decision within 6 months if new information comes to light).



Above left: the road width permits cars to pass easily, but tractors and lorries take more than the available carriageway. Above right: the hedgerow is well-established but the distance between mature tree trunks and edge of the tarmac is c.1m (yellow arrow).



Above: the hedgerow comprises many mature native species of trees. It is important these are protected from the impact of development.

This concludes my report.

Angie Hurren BEM
BA(Hons): Community Governance
Fellow SLCC
Broadclyst Parish Council Clerk & RFO.
30.08.2023

Broadclyst Parish Council

PLANNING PROTOCOL

1. Introduction

This procedure sets out how Broadclyst Parish Council considers planning matters on which it is consulted by a Planning Authority. It considers that:

- 1.1. the consultation period for planning applications is 21 days, which means that not all planning applications can be considered by Broadclyst Parish Council at its scheduled meetings,
- 1.2. Broadclyst Parish Council believes parishioners are best served by the Parish Council responding to applications in a timely fashion.

2. Delegation

- 2.1. By adoption of this policy, Broadclyst Parish Council resolves that any actions in respect of planning matters shall be discharged by:
 - 2.1.1. the Parish Council as a body corporate¹,
 - 2.1.2. its appointed² Planning Committee,
 - 2.1.3. by the Clerk acting on the outcome of an email consultation with Parish Councillors sitting on the Planning Committee,
 - 2.1.4. by the Clerk in conjunction with the Planning Committee Chairman.
- 2.2. To ensure all consultations on planning applications are processed in a timely manner, the Parish Council has delegated³ the option of responding to planning applications to its Clerk⁴ with consideration of responses to the application by the Council or its Planning Committee.

3. Planning and parish councils

- 3.1. In England, parish councils have the right to be consulted on planning applications within their parish under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990
- 3.2. Broadclyst Parish Council is consulted by the Local Planning Authority (which is usually East Devon District Council, though for some applications it may be Devon County Council) on all planning applications that fall in or partly within the parish boundary. It is also consulted as a neighbouring parish for some applications (especially where proposals are likely to impact the parish).
- 3.3. Any views expressed by the Parish Council are considered by the Planning Authority as part of its decision-making process, providing the points made are relevant to the determination of a planning application.
- 3.4. The parish council has *influence* on planning applications in its area but does not have any decision-making *power*; its role is consultative. The final decision is made by the Planning Authority.
- 3.5. Broadclyst Parish Council will only comment on what are known as “material considerations” – non-material consideration, such as boundary disputes between neighbours or loss of views will not be considered. Appendix A has a (not exhaustive) list of material and non-material consideration.

4. Options for councillors to respond to Planning Applications

- 4.1. The Council aims to consider all applications in a meeting, however there are occasions where this is not always possible (i.e. holiday periods).
- 4.2. The flow chart in Appendix B shows when planning committee meetings must be convened.
- 4.3. The chart in Appendix C shows which type of applications may be delegated to officers.
- 4.4. One of the following options shall apply when notice of a planning application on which the Parish Council is consulted is received: either

¹ Local Government Act 1974, (14)(2)

² Local Government Act 1974, s101(1)(a)

³ Local Government Act 1974, s101(1)(a)

⁴ Or any Officer of the Council under the Clerk's direction

- 4.4.1. If there is a scheduled Council meeting or Planning Committee meeting before the end of the consultation period, then Officers will place the matter on the agenda for that meeting, and any decision will be taken at that meeting, or
- 4.4.2. If there is no scheduled Council meeting before the end of the consultation period, Officers will alert members of the Parish Council's Planning Committee to the application via email. Committee members will be asked to consider and respond to the application.
- 4.5. Councillors will be requested to respond to the Officer's email within the deadline given. The deadline will be five days from when the email was sent.
- 4.6. Councillors shall respond in one of three ways: 'no objection', 'objection' or 'Planning Committee meeting requested'.
- 4.7. If the response is 'objection', the reasons for objection must be clearly stated, including any relevant reference to the adopted development plans for the parish.
- 4.8. If the response is 'no objection', councillors may choose to include comments with their response.
- 4.9. If at least two members of the Planning Committee (or the Chairman of the Council) request a committee meeting to further discuss the planning application, one will be convened within the consultation period and any decision will be taken at that meeting.
- 4.10. In accordance with 2.1.3 above, if a committee meeting is not requested, then the response to the application by the Council shall be deemed to have been delegated to the Clerk.
- 4.11. The Clerk will consider all responses received from councillors when compiling the response. In addition to 4.7, a meeting will be called where there is not majority agreement from members of the committee.
- 4.12. NB: the parish council is not obliged to submit a representation. Should it not wish to do so, it should notify the Planning Authority to that effect.

5. Council's comment.

- 5.1. No objection: where there is a majority 'no objection' response, the Clerk will respond 'no objection' to the planning consultation. Further comments may be included at the Clerk's discretion. Such comment should be based on any comments made by councillors and / or policies within the Broadclyst Neighbourhood Plan or any other adopted planning policy document.
- 5.2. Objection: where there is a majority 'objection' response, the Clerk will submit this objection to the Planning Authority alongside the reasons for the Council's objection, to be compiled at the Clerk's discretion. Such comment should be based on any reasons for objection stated by councillors and / or policies within the Broadclyst Neighbourhood Plan or any other adopted planning policy document.
- 5.3. The Clerk's written response to the planning application consultation will be duly noted at the next scheduled Parish Council meeting.

6. Public participation

- 6.1. In those cases where a planning application comes before a full meeting of Broadclyst Parish Council or its Planning Committee, then any residents will be able to speak at the meeting during public participation.
- 6.2. Requests from the applicant to speak to the Parish Council will be encouraged.
- 6.3. As per ROI / Code of Conduct, any councillor with a pecuniary interest in an application to be considered will take no part in the debate (unless invited to speak by the Chairman), must leave the room during the debate, and will not be entitled to vote on any relevant motion.

Version control:

Adoption: 4th September 2023

Appendix A

Material considerations.

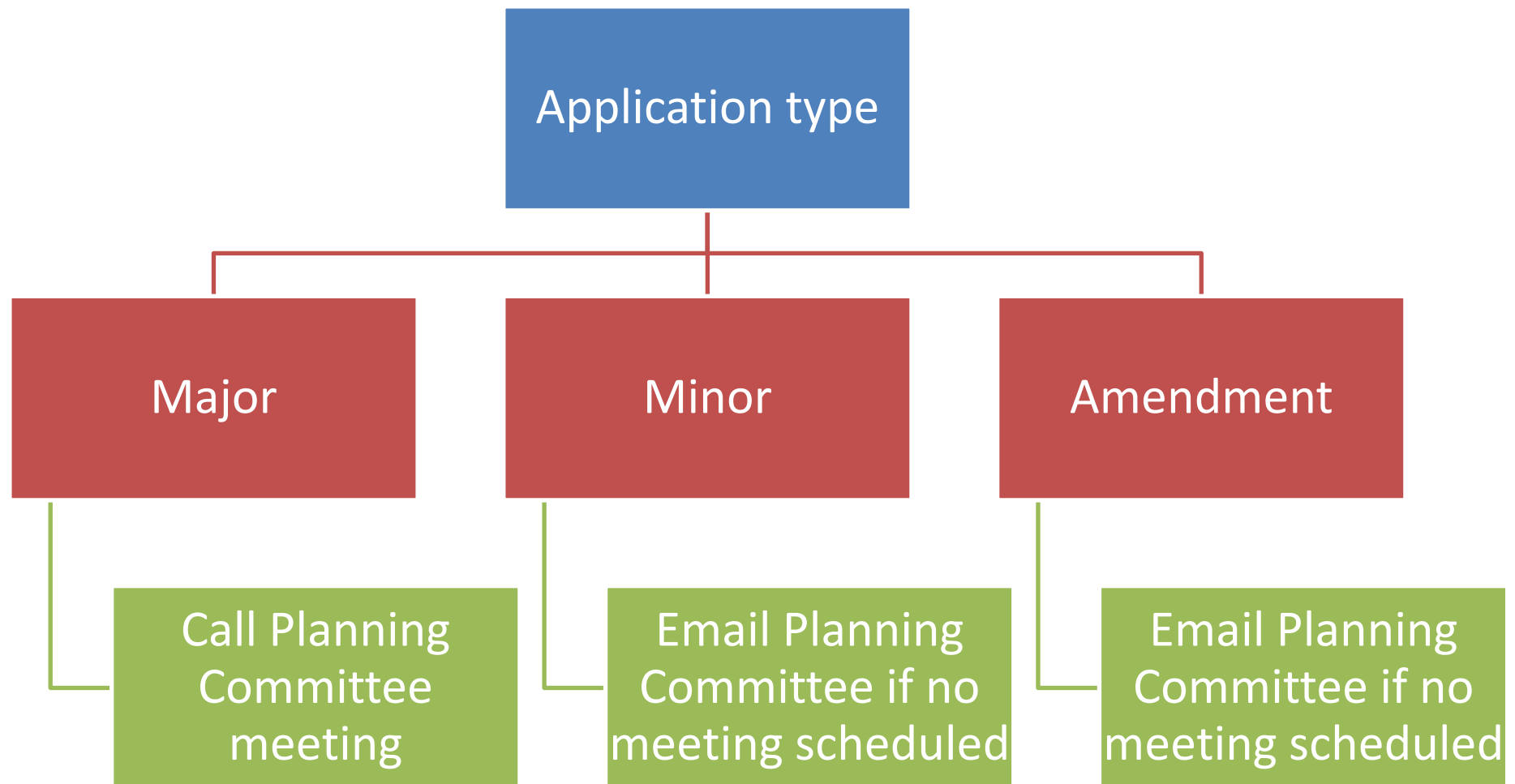
Comments should be clear, concise, and accurate, supported by / linked to planning policy where appropriate. When planning applications are considered, the following matters can all be relevant. These are referred to as ‘material planning considerations’:

- Central government policy and guidance i.e., National Planning Policy Framework, Acts, Planning Policy Guidance Notes (PPGs) etc.
- The adopted Development Plan (i.e., the East Devon Local Plan) - and any review of the Development Plan, with weight afforded according to how close it is to adoption.
- The adopted Broadclyst Neighbourhood Plan and any review of it, with weight afforded according to how close it is to adoption.
- Adopted supplementary guidance - for example, village design statements, conservation area appraisals.
- Replies from statutory agencies (e.g., Environment Agency, Highways Authority).
- Effects on an area - this includes the character of an area, availability of infrastructure, density, over-development, layout, position, design and external appearance of buildings and landscaping.
- The need to safeguard valuable resources such as good farmland or mineral reserves.
- Highway safety issues - such as traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrians and cyclists.
- Public services - such as drainage and water supply.
- Public proposals for using the same land.
- Effects on individual buildings - such as overlooking, loss of light, overshadowing, visual intrusion, noise, disturbance, and smell.
- Effects on a specially designated area or building - such as green belt, conservation areas, listed buildings, ancient monuments, and areas of special scientific interest.
- Effects on existing tree cover and hedgerows.
- Nature conservation interests - such as protection of badgers, great crested newts etc.
- Public rights of way.
- Flooding or pollution.
- Planning history of the site - including existing permissions and appeal decisions.
- Prevention of crime and disorder.
- Precedent - but only where it can be shown there would be a real danger that a proposal would inevitably lead to other inappropriate development (for example, isolated housing in the countryside)

Non-material considerations

There are certain matters which do not amount to ‘material planning considerations’ under current legislation and guidance. These matters should not be included in objections:

- Speculation over future use
- The identity of the applicant or occupant
- Unfair competition
- Boundary disputes
- Breach of covenants and personal property rights, including personal (not Public) rights of way
- Loss of a private view
- Devaluation of property
- Other financial matters
- Matters controlled by other legislation - such as internal space standards for dwellings or fire prevention
- Religious or moral issues - such as betting shops and amusement arcades
- The fact that the applicant does not own the land to which the application relates.
- The fact that an objector is a tenant of land where the development is proposed.
- The fact that the development has already been carried out and the applicant is seeking to regularise the situation.
- The developer’s motives, record, or reputation.



Major applications include the type codes: MOUT (Major Outline), MFUL (Major full), MRES (Major Reserved), VAR (variation).
Minor applications include OUT (outline), FUL (full), LBC (Listed Building), TCA (trees), TRE (trees), AGR (agricultural), CPE (prior use),
VAR (variation), HRN (hedgerows), and ADV (advisory only, no requirement to respond)

