

CLERKS REPORT. 30.11.2023

1. **COUNTRY PARK MANAGEMENT.** It has been reported that the management of the Pinbrook Country Park is not in accordance with the management plan. The council is well-placed to bring pressure on those with responsibility for the maintenance contract, and at the September 2023 meeting, Council resolved that was its agreed position.

We were initially led to believe an audit was conducted earlier this autumn; the parish council has not been made aware of its findings.

Action: Cllr Fernley will obtain an update on the survey once it has been completed.

2. **WESTCLYST ALLOTMENTS.**

- i. **Badgers:** 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.

Update Nov 23: with badger presence confirmed, the most sensible, easiest, and cheapest option is to place a second badger-proof fence along the inside of the top fence line to prevent access into the allotments. This will result in a slight decrease in plot size of the top block of plots.

Council approved the spend from the Allotments EMR for this fencing work.

Update 04.12.23: badger fencing is complete. No sign of activity inside the fence.

- ii. **Tenancy agreements:** this has been with Council's solicitors and we have also taken advice from the National Allotments Society. Preparation of the tenancy has been complicated by the fact the parish council has neither ownership nor lease of the site, yet will be operating the site and will be the authority permitting allotmenters to take possession of their plots. It has taken longer than anticipated to get the tenancy right; however, we felt it was necessary to make sure the tenancy was legally watertight. The tenancy is presented to council later in tonight's agenda for adoption.

Council approved the draft tenancy for Westclyst Allotments.

Update 04.12.23: Tenancy agreements, commencing 01.12.2023, have been distributed to plot holders.

3. **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.

Update Nov 23: Residents of Poltimore Way have raised concerns about potential negative impact on visibility at the junction if lights are installed at their proposed location. Installation has been postponed while residents' concerns are evaluated by DCC highways engineers.

County Division Members and the parish clerk will attend a site meeting later this month.
[No further update.](#)

4. **WISHFORD RAISED WALKWAY.** The works to replace the raised walkway, originally scheduled to take place earlier this summer, have commenced and the new material looks to be much better than the previous wooden planks.

Rain did stop play during the storms!
The damaged fencing on the opposite side will be replaced once the walkway is finished, using the same traffic management provision.



[UPDATE 04.12.23.](#) Work all but complete. Quote for damaged fencing on opposite side is too large for DCC budget; DCC trying to get the fencing in for repairs in this financial year. Does not meet DCC safety defect criteria.

5. TITHEBARN DOG WASTE BINS

Currently serviced by Cavanna, there is an ongoing issue with dog bins not being serviced in the swale adjacent to Old Tithebarn lane. We are repeatedly being contacted by residents to report that the bins are overflowing; we email Cavanna which in turn promises to chase up its contractor. There is no recommendation, per se, just to note this issue and that the parish council is doing what it can to encourage the developer to deliver on its obligations.

[UPDATE 04.12.23](#) Cavanna is servicing its bins fortnightly; bins on Persimmon land are not being serviced.

6. ASSET MANAGEMENT SOFTWARE

The asset management software that sits within the council's Rialtas finance software suite has been purchased and installed. It will take time to populate, as each asset needs coding and entering individually, along with its purchase details and insurance value.

We need to give some thought around how to set it up (asset codes) and how bulk assets will be recorded (as an example, are 50 chairs recorded as 1 x 50 chairs, or will 50 x 1 chair be entered. If a chair is broken, it is easy to delete 1 x chair from the register, otherwise you need to delete 1 x 50 chairs and re-enter 1 x 49 chairs).

[UPDATE 04.12.23](#) Remains outstanding.

7. FOOD BANK BULK PURCHASING

While we have a reasonable amount of fresh produce and end-of-day bakery items regularly donated by Tesco and Co-Op, ambient food is currently purchased for the food bank in two different ways: via FoodShare and as needed from Tesco weekly as a retail customer. The FoodShare delivery is bought by weight and can contain some random foodstuffs which are of limited value for our clients (e.g., sushi seaweed papers) or have gone past its useability. Our Tesco purchasing is much more tailored to household needs, and includes cereal, tins, packed lunch items, and basic cupboard staples from which households can make a meal.

The issues with buying from Tesco are two-fold: firstly (and somewhat selfishly) it means I have to go every week, but secondly sometimes stock availability for bulk purchasing is a challenge. Tesco itself does not offer a wholesale option, but we used to bulk-buy from Bookers. That has now closed, so Makro is the other option, but they don't seem to stock the cheaper brands and it is not best value for money to buy (for example) Heinz beans at over £1 a tin whereas the Tesco cheapest price is 28p/tin.

Morrisons offer a bulk wholesale service, with a minimum order of 40 outers. Some items are not quite as cheap as Tesco retail prices; however by the time you add in stock availability, volunteer mileage, and the time factor, a bulk monthly order is an attractive way of purchasing.

There are Ts&Cs, a new customer form, and site assessment questionnaire to complete. First order will be approx. 6-8 weeks after applying.

Council resolved to trial using Morrisons wholesale service.

UPDATE 04.12.23 Wholesale service forms have been completed and submitted. Awaiting confirmation.

8. 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. Issues including those relating to a proposed pavement, trees, and hedgerows were noted on the site visit and reported to council in more depth in the September clerks report:

Update Nov 23: Council has received the following feedback to its comments on the outline consultation:

- i. To be sure that there are no items of archaeological significance, the applicant has arranged for trenching to be carried out on the site. This will take place on 6th and 7th November.
- ii. Following issues raised about the tree root protection area (RPA) and shading issues from the tree canopy, EDDC's arboriculture officers and the applicant's arboriculture consultants are now talking to each other. Off the back of this, the layout may need to be amended, potentially even resulting in a reduction of the totally number of dwellings to ensure the RPA is not compromised and other arbo-related matters we raised are resolved.

- iii. Council highlighted a discrepancy between the Design and Access (D&A) Statement and the Highways Access Plan, specifically in relation to a pavement running alongside the development on its side or the Whimple Road. There was also the matter of the indicative pavement using 3rd party privately owned land. Burrington Estates have investigated following our notes and have confirmed that the Highways Access Plan, which does not show a new pavement, is the Plan that will be taken forward for approval, and they will update the D&A Statement to reflect this inconsistency.

9. EAST DEVON DISTRICT COUNCIL CONSULTATION UPDATE

i. **Neighbourhood Plan and Local Plan update.**

Please find attached (in meeting docs pack) an autumn update from the Planning Policy team on progress with the emerging new Local Plan and related matters of relevance to neighbourhood planning.

Importantly, this includes an invitation for all town and parish councils to take part in a survey of neighbourhood planning activity and intentions. EDDC is keen to hear from as many town and parish councils as possible, irrespective of whether there is any prior neighbourhood planning experience or any intention to undertake neighbourhood planning in the future. The results will help inform the continued preparation of the new Local Plan (including the options for how EDDC approaches housing requirement for Designated Neighbourhood Areas). It will also help to plan and tailor the support it offers for neighbourhood planning in the district.

The survey is open for approximately 6 weeks to allow town/parish councils to discuss it at formal Council meetings, should they wish to do so. The closing date for responses is Friday 8th December. A pdf of the questions is included in the meeting docs pack.

EDDC says: We will be sharing the results with you and plan to hold a webinar early in the new year to feedback and discuss the findings, as well as to update again on the new Local Plan and other opportunities to engage its preparation.

UPDATE 04.12.23 An extension of one week has been obtained to complete this survey. Please could Members pass their thoughts on to the Clerk.

ii. **EDDC Council Plan workshops.**

I attended the first stakeholders session, during which we worked in small groups to consider the challenges facing East Devon (as a geographical area) and EDDC (as a council), and then list what we felt were the priorities arising from those challenges. Stakeholders repeatedly felt the lack of infrastructure delivery that matched the pace of development was a top challenge and priority, along with public transport, rural poverty, climate emergency, cost of living crisis, funding cuts, human resource cuts, other highways matters, flooding, healthcare, recycling, and education. The engagement session was repeated with two further groups of people.

They now need to filter out what is their responsibility and what lies with County / other agencies, and from that will draw up a draft Council Plan which we will look at on 20th

November and give feedback as to whether we feel they have got the right balance on their priorities.

UPDATE 04.12.23 I attended the second stakeholder meeting which focused on different elements of sustainability. As other elements of sustainability were well-covered, I worked with one other town council on the economy and how the Local Plan and its policies should support not just the high streets, but also cottage industries, SMEs, and rural businesses. The challenge of poor / unreliable / dated infrastructure kept repeating itself across all elements: it will be interesting to see how EDDC applies this feedback into policy.

The stakeholder workshops were interesting and an excellent opportunity for town and parish councils to engage and influence Local Planning Policy. They were disappointingly poorly attended, with only a handful of the 60+ T&P councils across the District engaging with the consultation, but at least Broadclyst was represented and put forward some sensible suggestions.

10. OLD PARK AVENUE, WESTCLYST

We have received a request from a resident to stop vehicles taking a short cut between old Park Avenue and Leaworthy Drive (Old Park Farm, Westclyst). We have passed this request over to the Management Company which is responsible for the grassed area, and will work with them to find a solution.



11. TITHEBARN RESIDENTS ASSOCIATION

Cllr Massey and I were invited to attend the first formal meeting of the Tithebarn Residents Association. Held on Tuesday 28th November. It was a well-attended meeting (c.20 residents), and we explained what a parish council is, what it can do, what it can't do, and where it sits in the rather complex medley of public and statutory bodies, developers, and policy. The parish map provided a good focal and talking

point, creating a good opportunity to talk about the history of the wider area as well as the land on which the Tithebarn estate is built.

There was a largely positive feel in the room, with tangible but understandable frustrations not far below the surface. It was good to see the community coming together and we look forward to working with the Residents Association.

12. BROADCLYST DEVON AIR AMBULANCE LANDING SITE

The annual re-survey for our site is now due and therefore the Landing Site Manager will be making a site visit at some point during the day on Wednesday 6th December 2023.

“The re-survey is undertaken each year as part of our requirements to ensure the continuing safety of our helicopters, crew and patients and that nothing has substantially changed as far as any potential obstacles or height of trees, access etc.

On behalf of Devon Air Ambulance, we would like to take this opportunity to thank you and your community for all the help and support given to us which enables the safe night- time landing sites for the benefit of our patients across Devon.”

13. BROADCLYST NEIGHBOURHOOD PLAN POLICY

In a recent training module Custom and Self Build Master Class run by the Right to Build Task Force, the Broadclyst live- work policy was used in a PowerPoint slide to show an example of a successful live- work policy in a made plan that was being utilised across a Parish that has semi urban, semi-rural and rural land.

It would be good to share this with the Steering Group members and for us all to realise that the Plan has a bigger audience than we ever anticipated.

14. MARTYN’S LAW

This was a topic of conversation at the DALC Larger Council’s forum this month. Notes from the meeting are as follows:

The UK is in a period of a heightened risk of terrorism. The creation of the new Terrorism [Protection of Premises] Draft Bill (a.k.a. Martyn’s Law) when enacted will require councils to implement measures to help prevent terrorism in their communities. Whilst the Bill is still in development, councils were invited to share their understanding of the new Bill, and the impact it will have on their premises and events.

Comments raised:

- Concerns were raised on the costs of implementing the new measures. Will there be funding - unlikely. Impact on large events could be significant.
- It was recognised that all councils can start preparing by familiarising themselves with existing anti-terrorism information/training i.e. ACT and Prevent UK resources. DALC can help circulate resources and attempt to identify local contacts/support.

For Broadclyst PC, indoor venues are likely to fall below thresholds, however Fun Day will be impacted by Martyn's Law. Other topics of conversation included the anticipated Devolution Deal for Devon, T&P council budgets (most Devon towns are looking between 5 and 10%, average 5-7%) given principal authority budgets are under increasing pressure with all anticipating shortfalls in next years budgets, and engagement with DCC.

15. LAND OPPOSITE NEW INN.

Council received an email which raised concerns about an application for planning permission on land between the New Inn and the village. This coincided with activity on a village social media page too. The response to the email is pasted below so it is on public record for anyone to see.

"I have a sense of déjà vu as I sit here on a Sunday evening and write this; I seem to recall writing a very similar email about this site when the East Devon Local Plan consultation was underway around 12 months ago. In that respect, little has changed; the parish council's position in the planning system largely remains one of influence rather than decision-making power, and its main role is to respond to planning applications during the public consultation period. That said, the one main change since my last missive on the subject relates to the current policy position, in particular that of the Broadclyst Neighbourhood Plan, which now has considerable statutory power as the planning document for the parish, partly because it is now 'made' and partly because East Devon District Council cannot demonstrate a five-year housing land supply, which weakens its own Local Plan.

Background

The Winter Gardens site was put forward through the Neighbourhood Plan Call for Sites process for inclusion as a site in the Broadclyst Neighbourhood Plan; however, following an external consultant's desk-based assessment, it was deemed to be too large for inclusion in the Neighbourhood Plan and so did not progress through that development plan. As you know, it has been proposed for development through the forthcoming new East Devon Local Plan; Broadclyst Parish Council responded to the Local Plan consultation in January 2023 and the council's comments to that consultation can be viewed online here <https://eastdevon.gov.uk/media/pt2bcj4s/htqg1p-1.pdf>

Consultation

If/as/when the Winter Gardens site comes forward for development, the public will be notified through usual channels (i.e., EDDC's website, adverts in the press, notices on site) and the parish council will likely respond by calling a Planning Committee meeting so members of public can attend and submit their concerns to the Planning Committee Members. Members of public should also submit their own individual representations to East Devon District Council as part of that same consultation.

Sustainable development

The Broadclyst Neighbourhood Plan, in line with the National Planning Policy Framework and East Devon's Local Plan, supports the principle of sustainable development. The question is always whether development of a site can be done in a way that can be considered sustainable: can the impact of development be adequately mitigated. Sustainability in planning terms is informed by the Bruntland Report to the United Nations in 1987, in which sustainable development was defined as that which

“meets the needs of the present without compromising the ability of future generations to meet their own needs”, therefore arguments around sustainability are best informed by evidence-derived policy.

Community actions

The Broadclyst community will naturally want to engage with and respond to the public consultation for the site. For the parish council's part, we will do what we can to facilitate this and make sure to call a planning meeting. I trust I can count on your help with the publicity for same. The council will restrict its comments to policy-backed and material considerations only - a useful guide to material and non-material considerations can be found

here: <https://www.planningportal.co.uk/services/help/faq/planning/about-the-planning-system/what-are-material-considerations>

Obviously, I cannot predict what will happen in the future, but the parish council may resolve to submit a 'double-edged response, i.e., one argument why it does not support, along with an argument for mitigations that would off-set the impact of development. It should be remembered that the presumption in favour of sustainable development is a golden thread that runs through the heart of national planning policy, and there will have to be a strong policy-based argument against the site going ahead for East Devon to have sufficient grounds to refuse the application.

With the Broadclyst Neighbourhood Plan as the main development policy document for planning in our parish, the parish council's voice will carry significant weight; the community can help by familiarising themselves with material considerations and how each apply to the site. We understand there will be concerns around the proposals once they are published; well-informed members public attending the planning committee meeting will enable us to focus our collective energies on creating a strong representation.

I hope this helps - happy to talk further.”

This concludes my report.

Angie Hurren BEM
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Fellow SLCC
Broadclyst Parish Council Clerk & RFO.
30.11.2023