

County Council
Thursday, 26th May, 2022



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AGENDA

13. Questions from Members of the Council (Pages 1 - 12)

Answers to questions from Members of the Council pursuant to Standing Order 17.



QUESTIONS FROM MEMBERS OF THE COUNCIL TO THE LEADER, CABINET MEMBERS AND COMMITTEE CHAIRS. Thursday 26 May 2022

1. QUESTION FROM COUNCILLOR CONNETT Re: Lower Hare Farm - Landfill Capacity

A very controversial planning application for a major landfill site at Lower Hare Farm, Whitestone, was given planning consent by Devon County Council in December 2020. A proposal to refuse consent was lost on the casting vote of the Committee Chair. A new proposal to give consent was then narrowly approved. Since that decision, local community campaigners have continued to believe the consent was granted without the Development Management Committee having full possession of the facts.

Will the Chair of the Development Management Committee confirm that the Environment Agency on the 23 November 2020 provided additional information to the Council which identified that the remaining landfill capacity at the three Exeter landfill sites was 553,000m³.

However, the next day, 24 November 2020, Devon County Council published an Addendum stating that, according to the Environment Agency, the remaining landfill capacity at these three sites as only 287,222m³?

REPLY BY COUNCILLOR BROOK

The Environment Agency publishes data each year, in or around November for the preceding calendar year, for the remaining capacity of landfill sites in England. To ensure that the Committee Report for the Lower Hare Farm planning application was informed by the most up-to-date information, a County Council planning officer contacted the Environment Agency on 19 November 2020 to request the 2019 data which, at that time, had not been published by the Environment Agency.

On 23 November 2020, the Environment Agency's Devon, Cornwall & Isles of Scillies Enquiries Team forwarded a copy of the 2019 landfill capacity dataset, advising that "We are unaware as to when the data will be published online as this is not done locally". The Agency's information provided capacities for individual landfill sites, but it did not specifically identify the aggregated capacity for the three sites in the Exeter area (that calculation (the figure of 553,000m³ referred to in the Question) was undertaken by a County Council planning officer).

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The County Council planning officer responded on 23 November 2020 with a query regarding the stated capacity at the Trood Lane site, as the Environment Agency's figure for that site of 275,756m³ was accompanied by a note stating: "revised contours, variation in progress". The planning officer pointed out to the Environment Agency that the revised contours referred to had not yet been approved, and that the figure given therefore did not represent the remaining permitted capacity at the end of 2019.

The original Committee Report on the Lower Hare Farm planning application for the Development Management Committee meeting on 2 December 2020 was published on 24 November 2020. As no response had been received from the Environment Agency to the planning officer's query of the previous day, the figure of 553,000m³ for the remaining capacity of the three Exeter sites was used in the Report (but stated as 553 cubic metres due to a typographical error), based on the data provided by the Environment Agency on 23 November 2020.

On 26 November 2020, the Environment Agency responded to the Council's enquiry of 23 November and confirmed "the reported actual permitted remaining capacity at the end of 2019 for Trood Lane Landfill was 10,265m³".

To reflect the corrected Trood Lane capacity figure, the County Council published a Supplementary Report for the Development Management Committee meeting, replacing the figure of 553 cubic metres with 287,222 cubic metres and amending a related figure for the remaining life of that capacity. This Supplementary Report was published on 27 November 2020, and not on 24 November as stated in the Question, and took account of the Environment Agency's corrected figure for Trood Lane provided on 26 November.

2. QUESTION FROM COUNCILLOR CONNETT Re: Lower Hare Farm – Publication of Addendum

Was the Addendum published knowing that the Environment Agency information was not publicly available and could not be checked by members of the public e.g. objectors, and also that there was no known publication date?

REPLY BY COUNCILLOR BROOK

At the time of publication of the Supplementary Report on 27 November 2020, County Council planning officers understood that publication of the landfill capacity dataset by the Environment Agency was imminent, but that a specific publication date was not available to the Agency's local office. It was therefore apparent that the data was not available to members of the public at the time of publication of the Supplementary Report, although it was subsequently published prior to the meeting of the Development Management Committee on 2 December 2020.

3. QUESTION FROM COUNCILLOR CONNETT

Re: Lower Hare Farm - Timing and Content of Environment Agency Data

Will the Chair of the Development Management Committee confirm the data on remaining landfill void capacities at the end of 2019 was published by the Environment Agency on 30 November 2020, just two days before the Development Management Committee's meeting on 02 December, and this data continued to state that the remaining void capacity for the three Exeter sites was 553,000m³?

REPLY BY COUNCILLOR BROOK

The landfill capacity data was published by the Environment Agency on 30 November 2020. As noted in response to Question 1, the dataset did not provide an aggregated capacity figure for the three Exeter area landfill sites, but it did include an incorrect figure of 275,756m³ for Trood Lane that would have resulted in a total for the three sites of 553,000m³.

The Environment Agency subsequently published a new version of their landfill capacity dataset on 9 December 2020, in which the change in capacity for Trood Lane from 275,756m³ to 10,265m³ at the request of the waste planning authority was noted, reflecting the discussions between the County Council and Environment Agency between 23 and 26 November 2020.

4. QUESTION FROM COUNCILLOR CONNETT

Re: Lower Hare Farm - Capacity Data published by Environment Agency

Does the Chair of the Development Management Committee agree that the data published by the Environment Agency did not state that the remaining capacity was only 287,222m³?

REPLY BY COUNCILLOR BROOK

As noted in response to Questions 1 and 3, the Environment Agency dataset only provides figures for individual landfill sites, which was used by County Council planning officers to produce aggregated figures for the three Exeter sites. It was explained in response to Question 1 that, following identification of an incorrect figure in the information provided by the Environment Agency on 23 November 2020, a planning officer verified with the Agency that the correct figure for Trood Lane was 10,265m³. The planning officer recalculated the total figure for the three Exeter sites as 287,222m³, which was stated in the Supplementary Report published on 27 November 2020.

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5. QUESTION FROM COUNCILLOR CONNETT

Re: Lower Hare Farm - External Evidence to support Addendum

Does the Chair of the Development Management Committee agree that, in summary, on 24 November 2020, in preparation for the meeting of the Development Management Committee meeting on 02 December 2020, Devon County Council published an Addendum which presented revised data for which, at that time, it appeared to have no external evidence to support?

REPLY BY COUNCILLOR BROOK

Councillor Connett is incorrect in relation to the date of publication of the Supplementary Report, or Addendum. This Report was published on 27 November 2020 following verification of the correct figure for Trood Lane by the Environment Agency on the preceding day, and it was supported by the 'external evidence' provided to the County Council by the Environment Agency.

6. QUESTION FROM COUNCILLOR CONNETT

Re: Lower Hare Farm - Contradiction of Data Sources

Does the Chair of the Development Management Committee agree that the Addendum appears to state a position which was in contradiction to the data provided to the County Council by the Environment Agency, and which could not be checked by objectors to the Lower Hare Farm proposal, or the general public?

REPLY BY COUNCILLOR BROOK

It is not agreed that the Supplementary Report/Addendum is contradicted by the Environment Agency's data for the reasons given in response to the previous Questions; rather, the Council's planning officers took steps to ensure consistency between the Agency's data and the information provided to the Development Management Committee by providing an updated Report to correct an error.

It is accepted that, at the time of the publication of the Committee Report on 24 November and the Supplementary Report on 27 November 2020, the Environment Agency's dataset had not been published online. However, the Committee was provided with the most up-to-date information rather than relying on figures published 12 months earlier.

A revised dataset reflecting the discussions between the County Council and Environment Agency was subsequently published on 9 December 2020, confirming the information that provided the basis for the Supplementary Report.

7. QUESTION FROM COUNCILLOR WRIGLEY
Re: Access to Dawlish Beach and Network Rail Works

Does the Cabinet Member for Highways Management think it is reasonable to grant permission to Network Rail to close off access to Dawlish Beach for the months of June, July and August this year? Granted that they need to access the site to construct elements of the new sea wall, should that be done in a way to either allow people through to the beach or postponed to be out of peak tourist season?

REPLY BY COUNCILLOR HUGHES

Devon County Council have no control over the main access route to Dawlish Beach. The land providing the access is in the ownership and control of both Network Rail and Teignbridge District Council to whom the matter should be referred.

8. QUESTION FROM COUNCILLOR CONNETT
Re: Access to Child Trust Funds

The BBC 'MoneyBox' programme on 14 May reported on problems some 18 year olds experience claiming their Child Trust Fund. The programme reported this can be particularly challenging for young people who are, or have been in care.

How is Devon County Council helping young people in care of the council, or those who have been, to access their Child Trust Funds?

REPLY BY COUNCILLOR LEADBETTER

All long-term saving accounts of children and young people in care (either a Junior ISA or a Child Trust Fund) – are managed nationally by the Share Foundation, on behalf of the Department for Education. The Share Foundation have a search function on their website to help find lost Child Trust Funds. This can be used by young people over the age of 16 who may have a CTF. During pathway planning, when the young person is approaching their 18th birthday, Social Workers and Personal Advisors are responsible for supporting young people to find and claim their savings accounts online via the Share Foundation.

In light of the announcement that we will be making regular £5 weekly savings for children and young people in care (see news article: Council puts savings aside for children in its care - News (devon.gov.uk)), we will be taking extra steps to make sure that our young people have found and claimed their accounts and that they know how to access the funds when they turn 18.

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As a first step, we have produced a range of guides which we are sharing with children and young people, foster carers, accommodation providers and social care professionals to explain the process. These guides are being sent to all foster carers and accommodation providers, to young people via social media and online, and to social workers and PAs through team meetings.

We are committed, as corporate parents, to ensuring that all children and young people in our care who are eligible for an account have one and have direct access to it. We are aware that in some cases, additional complications can come about as a result of a responsible adult being listed against a child or young person's account. This can make it harder for the local authority and the Share Foundation to identify an account. We continue to liaise with the Share Foundation to confirm that, where this may have happened, this is resolved and doesn't disadvantage any of our young people. The Share Foundation are then responsible for recovering CTFs from HMRC.

9. QUESTION FROM COUNCILLOR CONNETT Re: Signage in Sannerville Way, Exminster

I have been contacted by a local resident who tells me that for about 10 years now they have been intermittently complaining to Highways about the big electronic sign erected close to the Texaco petrol station on Sannerville Way, Exminster. They say it has rarely worked, although occasionally some bland slogan will appear for a couple of days and then go away. The resident points out that all the time Bridge Road was closed, the sign never operated, nor has it ever, to their knowledge, alerted drivers to the regular bridge closures, for example. The resident adds that, "usually when I complain I get brushed off, as I did this time, with a comment that there are temporary signs for Bridge Road closures".

What is the difficulty that is preventing the sign being used? When will it be resolved? or should this sign, and others like it, simply be removed?

REPLY BY COUNCILLOR HUGHES

This equipment is part of a network of variable message signs, which DCC operate around the County, to help manage our highway network. These signs are now at the end of their serviceable life and their reliability reflects this. This particular sign had a transmission error and has since been made operational again by our maintenance contractor. There is a review underway of all our variable message sign equipment and this includes how the signs will be used in the future to manage traffic, including around bridge closures and whether any signs should be decommissioned, repaired, renewed or sited in a new location.

10. QUESTION FROM COUNCILLOR CONNETT
Re: Closure of the Two Moors Way Walking Route

The Two Moors Way long-distance walking route has been closed since last June, where it crosses the restored Dartmoor Line, and no alternative route advertised. How is such a long closure justified?

REPLY BY COUNCILLOR HELLYER

The need to close this footpath was in order to deliver the reopening of the railway between Okehampton and Exeter, which benefitted from £40m Government funding and has been a huge success. The upgrade of the pedestrian crossing of the railway is a necessary safety improvement and forms part of the remaining works to complete the project.

Footpath No. 4 Colebrook forms part of the route for the 'Two Moors Way - Devon's Coast to Coast', a 117 mile walking route connecting Wembury to Lynmouth. This particular public footpath is currently subject to a Temporary Traffic Regulation Order. This Order initially came into force on 9 April 2021 due to the need for track works associated with the re-establishment of passenger services on the railway line between Okehampton and Exeter. Associated work being undertaken by Network Rail includes upgrading the pedestrian crossing for public safety reasons.

There is no feasible temporary alternative route for Footpath No. 4 Colebrook. Walkers using the Two Moors Way therefore need to make alternative arrangements, the shortest and most practicable being to continue along the lane to Brocks Cross (west of Colebrook). This detour temporarily adds approximately 1¼ miles to the total route.

Devon County Council approved the initial closure of 6 months. In accordance with the legislation and regulations, extension of this was by direction of the Secretary of State for Transport. The current order is in place up until 9 July, and an application has been received for this to be extended for up to a further 6 months. The reasons given are that required agreements with landowners have not yet been finalised and so Western Power Distribution have been unable to complete work to provide a reliable, permanent electrical supply to service the pedestrian crossing upgrade.

The advice from Network Rail is that this crossing point is not safe for public use until the crossing upgrade is complete, and that reopening the path beforehand will put walkers at an unacceptable risk of being injured or killed by a train.

An extension to the current Temporary Traffic Regulation Order will again need to be by direction of the Secretary of State.

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11. QUESTION FROM COUNCILLOR CONNETT
Re: Priority Reopening of Two Moors Way

When will the Two Moors Way reopen, and what can be done to give this the priority it deserves?

REPLY BY COUNCILLOR HELLYER

Timescales for completion of works to upgrade the pedestrian crossing point are outside of the control of Devon County Council as this is a Network Rail-led scheme. Officers are liaising with both Network Rail and Western Power Distribution to highlight the importance of reopening the public footpath, including as part of the Two Moors Way.

12. QUESTION FROM COUNCILLOR CONNETT
Re: Two Moors Way and Contingency Plans for the Reopening of Dartmoor Line

Did Devon County Council take the route of the Two Moors Way into account when initial plans for reopening the Dartmoor Line were proposed, and if so, what contingency plans were put in place?

REPLY BY COUNCILLOR HELLYER

The railway reopening is a Network Rail-led project and the importance of public access and the Two Moors Way is reflected in their proposed course of action to upgrade the pedestrian crossing point rather than pursuing a rail crossing extinguishment order.

Whilst the Two Moors Way is recognised as a high profile, important walking route, the legal basis for the closure of this section of path is Section 14 of the Road Traffic Regulation Act 1984. This applies specifically to Footpath No. 4 Colebrook.

13. QUESTION FROM COUNCILLOR BAILEY
Re: John Humphreys and Safeguarding

When were concerns first raised with Devon County Council about John Humphreys and what actions did Devon County Council take to keep children safe?

REPLY BY COUNCILLOR LEADBETTER

We are continuing our enquiries to be able to provide a response to both parts of this question. A written response will be provided for Councillor Bailey within 2 weeks.

14. QUESTION FROM COUNCILLOR BAILEY
Re: Guidance to Schools following Conviction

What guidance did Devon County Council give to Devon Schools, following the conviction of John Humphreys for serious child sex offences, about the appointment of school governors?

REPLY BY COUNCILLOR LEADBETTER

No specific guidance was issued by Devon County Council following the conviction of John Humphreys. Babcock provide consultancy to education providers about the recruitment of governors. In general, the position of school Governor has eligibility criteria set, for example, Governors are subject to DBS checks which must be complete before appointment. They are eligible for a section 128 check and someone with a past conviction would not be eligible to become a Governor. There are also processes in place where a Governor receives a conviction. All details relating to Governors must be kept up to date on the Single Central Record in a school and supporting documents must be held securely by the school.

The Council has a Recruitment and Induction toolkit which schools use when seeking board members. All new board members will have an enhanced DBS and a Section 128 check (which must be put in place within 21 days of appointment/election to the board).

There is also safeguarding training provided for all governors and specific training for the safeguarding lead governor. All board members are required to sign to acknowledge that they have read, and understand, 'Keeping Children Safe in Education(KCSiE). This is addition to the level 2 and level 3 safeguarding training staff receive.

15. QUESTION FROM COUNCILLOR HODGSON
Re: Proposed sale of the Elmhirst Fields and former school building by King Edward VI Community College (KEVICCS)

Will the Cabinet Member seek to ensure that Devon County Council supports the proposed sale of the Elmhirst Fields and former school building by King Edward VI Community College (KEVICCS) in Totnes, to Totnes Town Council to ensure that these assets, which were endowed to the town for public open space can be held in public ownership for community benefit and recreational use. If this is the case, will Devon County Council also notify the Secretary of State for Education and make the local MP, Anthony Mangnall aware of this position?

REPLY BY COUNCILLOR LEADBETTER

Devon County Council officers have supported conversations between the Town Council and the Trust which would enable the Town Council to purchase the former school buildings and fields. From these conversations, the Town

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Council will be aware of the Trust's position in respect of the capital value of their asset which, when realised, will be directly invested in the existing school estate for the betterment of all students now and in the future.

It is not for Devon County Council to intervene in these commercial discussions but we do hope the two parties will reach a mutually beneficial agreement.

16. **QUESTION FROM COUNCILLOR HODGSON**

Re: Work to respond to anxiety, depression, suicide and drug abuse in Children and Teenagers

With rising evidence and public concerns regarding anxiety, depression, suicide and drug abuse among school age children and teenagers, what improvements, increases and changes in local services are being provided to respond fully to this growing need and avoid long term mental health problems for these young people?

REPLY BY COUNCILLOR LEADBETTER

A task and finish group is currently focussing on suicide prevention although a number of actions will ensure that our local services support our young people who may present anxiety, depression, a risk of suicide and drug abuse. An updated paper was recently presented to the Health and Well-being board. The task and finish group will:

- update data, looking at both national and local data (including obtaining data from schools where available) to identify gaps.
- Offer support with the Self Harm Health Needs Assessment, recognising that this work already sits with Torbay Council and is not the direct work of this Task and Finish group.
- Continue system mapping against the Thrive model to identify gaps, specifically identifying what sits underneath CAMHS to support Children and young people with Suicidal ideation so that resource reflects need
- update a systems map indicating where suicide is dealt with and discussed
- Identify where child and young people can be better represented and heard on Local Authority Prevention groups
- Offer postvention support to schools, colleges, and youth groups, with a coordinated emergency response

There is work continuing between Pete's Dragons, (an organisation that supports with bereavement following suicide and that works to prevent suicide), CAMHS and Babcock to coordinate the response to schools/ colleges following a potential suicide. Babcock staff will become Devon County Council staff from 1 August this year. They will be working with Pete's Dragons to produce some proactive resources for schools around suicide bereavement.

17. QUESTION FROM COUNCILLOR HODGSON
Re: IPCC Weather and Flooding Data

Why are 2013 IPCC weather and flooding data continuing to be used by DCC Drainage Officers as the Lead Flood Authority response team to assess Drainage reports for Planning Applications? When will this council will require Flood Modelling to be carried out and all new drainage assessments to be based on the most recently published 2022 IPCC (intergovernmental Panel for Climate Change) reports to ensure that that the most up to date risk assessment data is applied?

REPLY BY COUNCILLOR CROAD

The 2013 IPCC figures have not been used by Devon County Council since February 2019 following the previous updated information that was based on the UK Climate Projections 2018 (IPCC 2018). It should also be noted that surface water modelling is already a requirement of the planning application submission.

On 10th May 2022 the new updated climate change allowances to be used for major development proposals (IPCC 2022) were released and are now expected to be adhered to. In line with government guidance there must be a transition period for those applications that are well progressed so as to avoid any significant delay. Devon County Council's Flood & Coastal Risk Management team have therefore set a deadline of 1st September 2022 to enable those development applications to be finalised. All new applications must use the 'Upper End Allowance' of the 2022 revised figures with immediate effect and as of 1st September 2022 no applications will be accepted using the previous 2018 figures. We are liaising with neighbouring Lead Local Flood Authorities to ensure a consistent message across the South West.

The following message has been uploaded to the Flood & Coastal Risk Management's website and has also been issued direct to all of the developers and consultants that we have had recent communication with.

[Climate Change Update May 2022](#)

Further to the release of the new climate change guidance, [Flood Risk Assessments; Climate Change Allowances Flood](#), it is expected that the new peak rainfall allowances are used when designing surface water drainage strategies for planning applications. To avoid significant delays to planning applications currently validated or well progressed there will be a grace period up to 1st September 2022 for the previous allowances to be used, after which only the 2022 revised figures will be accepted.

In Devon the values vary depending on location, so we would encourage applicants to use the peak rainfall allowances map, listed in the website above, for every site.

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