

CABINET

9 October 2019

Present:-

Councillors J Hart (Chair), S Barker, R Croad, A Davis, R Gilbert, S Hughes, A Leadbetter, J McInnes and B Parsons

Members attending in accordance with Standing Order 25

Councillors Y Atkinson, F Biederman, A Connett, A Dewhirst, B Greenslade, R Hannaford, S Randall-Johnson and C Whitton

* **401** **Minutes**

RESOLVED that the minutes of the meeting held on 11 September 2019 be signed as a correct record.

* **402** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **403** **Announcements**

There was no announcement by the Chair at this meeting.

* **404** **Petitions**

There was no petition received from a Member of the Public or the Council.

* **405** **Question(s) from Members of the Council**

There was no question from a Member of the Council.

* **406** **Question(s) from Members of the Public**

The Chair exercised his discretion to bring this item of business forward on the agenda.

In accordance with the Council's Public Participation Rules, the relevant Cabinet Member responded to seven questions from Members of the public on the global environmental impacts of animal agriculture and the steps being taken by the Council to encourage staff and residents to reduce their consumption of meat and dairy, the power to cancel 5G exposure, speed of internet access over safety regarding 5G, invitation to independent non industry funded experts to future Council meetings regarding the impacts of non-ionizing radiation, the appropriateness of ICNIRP guidelines and application of the precautionary principle, the duty of care and democracy, attendance at international conference and the health effects of exposure to non-ionizing radiation and the provision of independent peer reviewed studies.

Copies of the responses would be sent to those who could not be present at the meeting.

The Cabinet Member also responded orally to supplementary questions arising from the above.

[NB: A copy of the questions and answers are appended to these minutes and are also available on the Council's Website at <http://www.devon.gov.uk/dcc/committee/minutes.html>]

FRAMEWORK DECISIONS

407 Heart of the South West Joint Committee Governance Arrangements

(Councillors Atkinson, Biederman, Connett, Dewhirst, Greenslade and Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

(Councillor Davis declared a personal interest in this matter by virtue of being a Member of the Joint Committee, appointed by Exmoor National Park).

(Councillor Dewhirst also declared a personal interest in this matter by virtue of being a substitute Member of the Joint Committee, appointed by Teignbridge District Council).

The Cabinet considered the Report of the Chief Executive (CX/19/01) which had been circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report provided an update for Constituent Authorities on the Heart of the South West (HotSW) Joint Committee's governance arrangements and budgetary position for 2019/20 and contained recommendations for amendments to the Committee's Arrangements document, following a governance review.

The Council had been a member of the Heart of the South West Joint Committee since its creation in August 2015 and the Committee had become a formal body in March 2018 with currently twenty-one members. The Committee acted as a single voice to Government on socio-economic and environmental issues and made the case for additional powers and funding for the benefit of the people of Devon and Somerset.

In terms of the review of the role and functions of the Joint Committee, it had refined its focus into strategic policy development, influencing Government and key agencies to achieve direct intervention, support, funding and powers, designing and delivering strategic HotSW responses to 'Government' offers, designing and delivering public sector reform where this would deliver improved productivity, e.g. in health and education, delivering at scale (beyond what individual councils could achieve) and oversight of the delivery plan.

The refinements to the focus of the Committee had been reflected in amendments to the list of functions in the Joint Committee's 'Arrangements' document, at Appendix A of the Report.

The Report also outlined that the Committee had agreed to change its meeting arrangements to achieve a better balance between formal decision-making meetings (fewer) and more opportunities for informal engagement and challenge sessions.

In January 2018, the Constituent Authorities had appointed Somerset County Council as the Administering Authority for a two-year period from 22 January 2018. The Report recommended a reappointment of Somerset County Council for a further two-years (until 22 January 2022), which had been endorsed by the Joint Committee.

The diagram in Appendix B to the Report showed the revised management support arrangements of the Joint Committee.

The Joint Committee remained reliant on the Constituent Authorities for its budget to support running costs and delivery of the work programme. Contribution levels for each Council tier were based on population levels. The Joint Committee approved 'in principle' to seek agreement from Constituent Authorities to double the 2018/19 core contributions as a one-year arrangement for 2019/20. For the County Council this meant a maximum of £21,000, but the additional monies would only be requested if the budget proved to be insufficient to fund the work required and only if fully costed work programme proposals were available.

The Cabinet noted that the Joint Committee had reviewed and updated its governance arrangements in the light of experience and in response to changing Government policy and local circumstances. It was essential the Joint Committee remained fit for purpose, represented a sustainable way of working into the future and delivered value for the resources committed to it by the Constituent Authorities.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability (including carbon impact), risk management, equality and legal considerations and Public Health impact) set out in the Chief Executive's Report and/or referred to above having been considered:

it was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and

RESOLVED

(a) that as a constituent member, Council be asked to approve the amendments (highlighted in italics) to the Heart of the South West Joint Committee's list of functions in the Arrangements document – Appendix A attached and note the updated budget position for 2019/20;

(b) that as a constituent member, Council be asked to approve the recommendation from the Joint Committee on 27th September 2019, to re-appoint Somerset County Council as the Administering Authority for the Joint Committee; and

(c) that Council be asked to make provision of £21,000 as a contribution to the administration and work programme of the Committee in 2020/21 financial year subject to all other Constituent Members making a financial contribution based on the methodology agreed in previous years.

408 Devon County Council's Updated Corporate Energy and Carbon Strategy

(Councillors Atkinson, Biederman, Connett, Dewhirst, Greenslade, Hannaford and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Planning Transportation and Environment (PTE/19/35) on a revised Energy and Carbon Strategy, setting carbon reduction targets for the Council's activity, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Cabinet heard from the Chair of the Climate Change Standing Overview Group (Corporate Infrastructure and Regulatory Services Scrutiny Committee) updating the Cabinet on a meeting that took place on 4th October 2019. The Group had supported the recommendations in the Cabinet paper to declare the Authority would be carbon neutral by 2030 through the Corporate Carbon Footprint and Supply Chain Carbon Footprint targets outlined in the recommendations.

Additionally, the Climate Change Standing Overview Group had asked the Cabinet to

(a) Add additional targets and strategies in the plan to address the 30% (of current figures) residue corporate emissions after 2030 and not rely on carbon offset;

(b) Undertake discussions with Town and Parish councils to switch off streetlights;

(c) Write carbon reduction expectations into contracts for new leases;

(d) Review the heating strategy across the Council estate to encourage less carbon being used;

- (e) Ask the LEP to invest in improvements in the link with national grid to support greater use of renewable sources of energy;
- (f) Use influence to Improve and increase the grid capacity for electric vehicles;
- (g) Explore the local opportunities around school transport to move to carbon neutrality;
- (h) Explore the encouragement of train travel on Council business by putting on a shuttle bus to the station;
- (i) In line with the Friends of the Earth '33 actions local authorities can take on climate change' report; Does not have a default position to build new roads, considering other options where possible, and have regard to the carbon impact of building new roads; and
- (j) Explore greater opportunities to use the residual heat from waste processes including incineration for heating in localities.

The Leader highlighted that the issues raised could be considered further by the Cabinet Member for Community, Public Health, Transportation and Environmental Services and the Environmental Performance Board for incorporation into a revised Energy and Carbon Strategy.

The Cabinet noted that the Council's corporate carbon footprint had fallen by almost 40% since 2012/13. The current target was to reduce the 2012/13 emissions by 50% by 2030, which was likely to occur by 2021, therefore a more ambitious target was needed, with consideration of when and how to achieve carbon neutrality. The Authority also explicitly needed to increase efforts to reduce emissions from its supply of procured goods and commissioned services, not currently included in the corporate carbon footprint.

The proposal was that the Authority should elect to be carbon neutral by 2030 by implementing a number of activities within its corporate carbon footprint and supply chain carbon footprints. In relation to the former, a 70% reduction in the corporate carbon footprint on 2012/13 levels by 2030 was a challenging target that required the set of projects as outlined in Appendix 1 to be implemented. This included measures to meet the existing target for 30% of DCC's energy needs to be met by renewable sources by 2030.

In order to declare the Authority carbon neutral by 2030, supply chain emissions would need to be neutralised alongside the activity to neutralise the corporate carbon footprint. This would involve contractors implementing measures to reduce direct emissions and using carbon offsets.

It was proposed that the Environmental Performance Board would monitor the achievement against the ambitious and challenging targets, plus any future opportunities to exceed, referring back to Cabinet for any review, as necessary.

The costs of meeting the targets were currently unknown due to uncertainties about the speed at which technologies would be brought to market and their cost competitiveness; but there would be costs, some of which would offer a return on investment and others would not. Decarbonising the supply chain by 2030 would have some costs with some measures saving money, but carbon offsetting could cost about £3m in the year 2030 and new financial resources would be needed to cover these. However, reducing the carbon footprint by 70% by 2030 would avoid £3.4m in energy costs.

The environmental impacts of the proposals were positive, reducing carbon emissions and their associated influence on global warming.

The Head of Service's Report also incorporated an Impact Assessment circulated for the attention of Members at the meeting. This highlighted that Climate change would affect everybody in the county, and it would affect people less able to adapt the most (e.g. the less

well off, those with physical and mental health conditions, those living in coastal communities or areas prone to flooding, young people who would live with the effects becoming worse over time). Implementing the recommendations would help reduce international carbon emissions and minimise the impacts on everyone. Whilst implementing the recommendations would require fundamental changes, this had the potential to impact negatively and positively on service users depending on the specifics of the proposals. Tactical-level changes to services over the next decade would need their own impact assessment to consider their effect on equality characteristics.

The Cabinet noted the potential risks to Devon's communities from climate change beyond 1.5 degrees were profound. Whilst the Council was unlikely to influence emissions on a global level, it was vital to demonstrate local leadership. The Council's corporate risk register had also been updated.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability (including carbon impact), risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

it was **MOVED** by Councillor Croad, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that Council be asked to declare that the Authority will be carbon neutral by 2030 through:

(i) Corporate Carbon Footprint

- Reducing its 2012/13 corporate carbon footprint by 70% by 2030
- Retaining its existing target to source 30% of its energy requirement from renewable sources by 2030; and
- Incrementally increasing the percentage of the remaining carbon footprint that is offset, from 5% in the current year to 100% by 2030.

(ii) Supply Chain Carbon Footprint

- Engaging with contract providers to reduce carbon emissions from their operations and offset the remainder by 2030. As a first step, engage the ten highest-value contract providers.

(b) that Council delegate authority to the Cabinet Member for Community, Public Health, Transportation and Environmental Services and the Environmental Performance Board to incorporate these principles into a revised Energy and Carbon Strategy, including the issues raised by the Climate Change Standing Overview Group, as outlined above.

[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].

KEY DECISIONS

* 409

South West Exeter Housing Infrastructure Fund: Update on Project and Tender

(Councillors Atkinson, Biederman, Connett, Dewhirst, Hannaford and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Planning, Transportation and Environment (PTE/19/36) which provided an update on the project and sought approval for certain aspects to allow progression of the project, circulated prior to the meeting in accordance with

regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report followed the successful bid which had been submitted to the Ministry of Housing, Communities and Local Government (MHCLG) in September 2018 for funding from the Housing Infrastructure Fund (HIF). The bid was for £55.1 million towards infrastructure to support development at South West Exeter. The Council was working positively with Homes England, who were acting on behalf of MHCLG, to enter into a contract for the funding.

In order to ensure the project remained on programme, the Council had been progressing those elements of infrastructure which were on the critical path, outlined below;

Eastern Junction – a new access junction to a development parcel between the Devon Hotel and Matford roundabouts, the delivery of which would ensure the junction was able to unlock both landownerships. Subject to modifications of the planning conditions, delivery of the junction by the Council would include a mechanism to ensure that both parcels could be unlocked.

Interim School Access Junction - a free school had been secured and to facilitate the delivery of this, it was necessary for the Council to deliver a suitable access. The proposal was for a signalised junction, with sufficient capacity.

Interim School Access Earthworks - the location of the new school (above existing road level) meant earthworks were required. Earthworks were also required by the developer, therefore it was proposed to undertake these in a single contract. As the developer would need to be recompensed, it was suggested this cost be offset against future repayments of the HIF funding, thereby being cost neutral to the Council.

Pedestrian / cycle bridge - linked to the delivery of the proposed all-through school was the delivery of a pedestrian / cycle bridge across the A379 to provide a safe crossing. The proposed design was of a skew parabolic arch, plans of which were included in Appendix I of the Report.

Peamore Park and Ride - employment development was proposed at Peamore, therefore it was proposed to deliver a roundabout to access the development as well as upgrade the electricity infrastructure. It was also proposed to try and secure land for a park and ride site. A feasibility study had been undertaken which identified a preferred option, which was included in Appendix II. The Local Member asked (and the Head of Service agreed) that consideration be given to extending the planned cycle route (past Peamore) towards Kennford (over the A30) to prevent 'rat running' from the village to the proposed Park and Ride site.

The Report outlined the Consultation and Stakeholder Engagement proposals for all elements of the scheme. The Cabinet Member assured the Local Member that consultation would include the local Parish Councils as well as relevant local Members from District and City Councils. The Report highlighted the financial considerations highlighting that HIF funding was a capital grant to the Local Authority. Once the funding contract was signed, the Council could draw down funding in arrears on a monthly basis. The Cabinet Member highlighted that in relation to the Park and Ride a full stakeholder consultation would take place. Subject to this, a more formal consultation would be carried out as part of any planning application.

The Cabinet noted that the planning applications for the 2,500 dwellings and employment, including the infrastructure required had been supported by Environmental Statements. Negotiations were taking place between the developers and planning authorities to reduce the carbon generation of the development. The proposals such as pedestrian/cycle provisions and Park & Ride provided an opportunity to reduce carbon emissions further through reducing vehicle movements.

The Head of Service's Report incorporated an Impact Assessment for the attention of Members at the meeting. There were positive impacts in terms of new homes, including

affordable housing and a new school, including nursery provision, although during construction works, it was anticipated that some negative impact would be realised as a result of traffic management (but this would be mitigated through highway co-ordination and traffic management groups). The proposals had no adverse impact on a specific audience, regardless of age, race, gender, sexual orientation and religion / belief. Improvements would improve journey time reliability benefitting all road users. The proposals had no adverse impact on a specific audience, regardless of age, race, gender, sexual orientation and religion / belief. Improvements to the roundabout approaches and shared paths improved journey time reliability for road users benefitted pedestrians and cyclists. The Impact Assessment had also been updated since its publication to reflect how disabilities would be taken into account.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability (including carbon impact), risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

it was **MOVED** by Councillor Davis, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the update on the project and progress with Homes England in entering into the funding contract be noted;

(b) that authority be delegated to the Head of Planning, Transportation and Environment in consultation with the Cabinet Member for Infrastructure, Development and Waste to award the contracts for the Eastern Junction and Interim School Access Junction within a budget threshold of £4.5m, subject to funding being secure;

(c) that in relation to a Park & Ride site at Peamore, approval be given to undertake stakeholder consultation and conditional on the response, approval for the submission of a planning application also be given; and

(d) that the proposal to recover repayments from developers against work undertaken to assist the delivery of the infrastructure, subject to a review of costs of this work, also be approved.

[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>.]

* 410

Stokeinteignhead Flood Improvements

(Councillor Dewhirst attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Planning Transportation and Environment (PTE/19/37) on proposed flood Improvements in Stokeinteignhead, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Report informed the Cabinet on the progress made in developing the flood improvements for Stokeinteignhead, the challenges experienced to date and current proposals for scheme delivery. It also updated the funding allocations that were previously reported in the 2019/20 Flood Risk Management Annual Action Plan presented to and approved by Cabinet in March 2019.

Stokeinteignhead had up to 45 properties at risk of flooding from an event with a high (1 in 5-year event) probability of occurrence. During the severe weather in 2012, 12 of those properties suffered internal flooding. There were two watercourses merging in the centre of

the village, together with numerous surface water flow paths, all flowing towards the low-lying area of the village where the majority of at-risk properties were located.

Works were carried out in 2016 to improve the drainage conveyance and discharges back into the watercourse for the lower end of the village. This had reduced the risk of flooding to a small number of properties, but was also an essential element of works to support the current proposals.

The proposed scheme incorporated three separate elements which were Property Flood Resilience (PFR) installation to individual properties, improvements to the local highway drainage network; and the installation of Natural Flood Management (NFM) measures in the upper catchment. Accompanying the PFR measures, on individual properties, a programme of highway drainage improvements would be undertaken, as illustrated in Appendix A.

The Report highlighted the alternative options that had been considered and that key stakeholders had been involved from an early stage and throughout development of the scheme proposals, including the Parish Council, District Council, land owners, local MP, local flood group and individual property owners. Discussions with the District Council's Conservation Officer had also taken place as a number of properties were Listed Buildings.

The Cabinet noted that a business case was currently being finalised for submission to the Environment Agency for Flood Defence Grant in Aid. The partnership funding calculator had indicated a figure of £200k should be requested. The various funding sources were illustrated in the revised table, circulated at the meeting, appended to these minutes including spend prior to 2019/2020 and the costs for 2019/2020 and 2020/2021.

An environmental appraisal had been carried out on the proposals which indicated that, with appropriate mitigation, there would be limited impact upon landscape, historic and ecological interests. The scheme would look to maximise any ecological opportunities, reuse materials excavated on site and utilise naturally occurring materials as part of the Natural Flood Management proposals, to reduce the carbon footprint of the scheme.

The Head of Service's Report also incorporated an Impact Assessment for the attention of Members at this meeting. The Cabinet noted that all of the flood improvements had been developed in accordance with the Equality and Environmental Assessments produced in support of the Devon Local Flood Risk Management Strategy.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability (including carbon impact), risk management (which had been outlined in the Devon Local Flood Risk Management Strategy), equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

it was **MOVED** by Councillor Croad, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the implementation of the proposed flood improvements for Stokeinteignhead be approved; and

(b) that the revised funding sources and overall increase in the capital budget of £60,000 giving a total budget allocation of £780,324 also be approved.

[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].

* 411 **Construction of a community facilities building in Cranbrook Town Centre providing flexible space for County Council services including children's, youth and libraries**

(Councillors Connett, Hannaford and Randall Johnson attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Head of Planning Transportation and Environment (PTE/19/38) on the construction of a community facilities building, including space for children's, youth and libraries facilities, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The new town of Cranbrook (East Devon) was expected to grow to about 7,750 homes with over 18,000 residents by 2031. The town had been delivered through a commercial delivery model with no public sector control of land. The model was dependent on a legally binding (section 106 agreement) that established trigger points for the delivery of facilities with financial payments and delivery of land.

The process of coordinating infrastructure and service requirements was complex and the Council and other agencies faced significant challenges in supporting the health and social needs of the growing number of residents. The early delivery of a community facility would allow provision of critical County Council services to support the growing population, in line with the Council's aim to promote resilient, healthy, prosperous, connected and safe communities.

The Cabinet also noted the establishment of a Cranbrook Strategic Delivery Board (an advisory board) comprising Members of the County Council, District Council and Cranbrook Town Council. The board would meet quarterly and focus on coordinating the delivery of future assets and services for Cranbrook.

The proposal was for a multi-purpose integrated building to meet the functions of the Council and ability to adapt to future changes in service provision. This would provide flexible space for children's, youth, adult and library services with potential use for public health and highways services and council working space, in particular, the Council's Public Health Nursing Service.

Subject to funding to enable early delivery, the aim would be to complete the building within the next two years, subject to other processes such as the transferring of necessary land and potential renegotiation of existing planning agreements.

Public consultation had been undertaken at appropriate stages of preparing the Cranbrook Plan, which had been submitted to the Secretary of State for Communities and Local Government for examination. There were ongoing discussions with Local Members and formal public consultation would be undertaken as part of the statutory procedures for determining the planning application for the building.

The Council would seek partnerships with a range of organisations to develop the facilities and services within. It would also seek a range of capital funding from local and national partners to accelerate the delivery. Feasibility and design work had yet to be undertaken, therefore the estimated cost was unknown. Also, the funding gap between this and the money available from the existing planning agreement would not be known until this was renegotiated with the developers.

The development would be subject to full environmental analysis as part of the design and planning application process, but the provision of a community facilities building within the town centre was considered to minimise the environmental impact of service provision at

Cranbrook. The building would be designed to appropriate environmental standards to meet the Climate Emergency agenda.

In addition, following approval to progress the scheme, an Impact Assessment would be undertaken alongside development of detailed scheme design.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability (including carbon impact), risk management, equality and legal considerations and Public Health impact) set out in the Head of Service's Report and/or referred to above having been considered:

it was **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the proposal to deliver a community facilities building in Cranbrook town centre providing flexible space for County Council services including children's, youth, adults and libraries be approved;

(b) that officers be empowered to renegotiate the existing planning agreement to allow the provision of an integrated building at an earlier timescale;

(c) that authority be delegated to officers to seek sources of funding to bridge any funding gap; and

(d) that the Membership of the new Cranbrook Strategic Delivery Board be attended by the Cabinet Member for Economy and Skills and one of the two Local Members.

* **412 Devon Permit Scheme for Road and Street Works**

(Councillors Biederman, Connett, Dewhirst and Hannaford attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/74) outlining proposals to introduce a Permit Scheme across the County for works on the highway, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Cabinet Member highlighted that roadworks were an emotive issue and featured highly in many Members and Officers email inboxes. The Council was currently consulting with key stakeholders, utility companies and the Council's contractors, on changing how the Council planned and managed works on the highway network. The Council currently operated a 'noticing' regime and the alternative arrangement being considered was a Permit scheme. Under a permit scheme, works promoters would have to ask permission from the Council which would be approved, rejected or with various conditions, giving the Council greater control over the network.

Permits would incur a charge, although maximum fees were set by DfT. Other Highway Authorities who had introduced such schemes had generally seen reductions of between 5-10% in the disruption on the network.

The Report outlined the steps that had been taken to assess the impact of introducing such a scheme, how the scheme would run and the reasoning behind the proposed recommendations.

There was a cost to the Authority to administer the scheme, for example additional staff and amendments to existing software to cater for permits. However, the costs would be recovered through the fee income and the scheme was intended to be broadly cost neutral over a three-

year period. The initial set-up costs (project management, training and ICT infrastructure) were estimated at £157,099 (See Table 1 in Appendix 2). It had been calculated that 18 staff would be needed, which would require the appointment of an additional 12.4 FTE new posts (the total additional costs associated with these new posts was £647,150, but a full breakdown included at Table 2 in Appendix 2).

Full detail of the proposed scheme (the Permit Plan) was in Appendix 1 of the Report.

An informal consultation was held between May – July 2019 but a dedicated micro site had been developed and was being publicised for interested parties <https://www.devon.gov.uk/workpermit-scheme>. Subject to approval, a formal consultation would be held in October / November 2019 as part of the statutory Legal Order advertising process.

The scheme could potentially reduce emissions due to less delay caused by roadworks (less queuing and diversions) and other benefits by allowing reduced permit charges for companies that either site shared or worked in the same trench lines. Other benefits could be achieved by offering discounted permit fees for works promoters who used environmentally friendly methods of working.

The Chief Officer's Report incorporated an Impact Assessment circulated for the attention of Members. This outlined that the scheme should encourage efficient roadworks, reduce congestion, therefore be a positive visual and audible impact on residents and businesses. The proposed Permit Scheme would not negatively impact on any user group.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability (including carbon impact), risk management, equality and legal considerations and Public Health impact) set out in the Chief Officer's Report and/or referred to above having been considered:

it was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the introduction of a roadworks permit scheme for all roads for which Devon County Council is the Highway Authority for from 1st March 2020, in line with the Permit Plan and associated fee structure as set out on Page 39 of Appendix 1, be approved;

(b) that subject to (a) approval be given to advertise the required Legal Order and, if no significant objections are received, be made and sealed;

(c) that the Chief Officer for Highways, Infrastructure Development and Waste be given delegated authority to make minor alterations/adjustments to the Roadworks Permit Plan in consultation with the Cabinet Member for Highway Management;

(d) that the existing team establishment be increased by 12.4 FTE permanent posts, with recruitment commencing at the earliest opportunity; and

(e) that initial set up costs are funded by On-Street Parking Account.

[NB: The Impact Assessment referred to above may be viewed alongside Minutes of this meeting and may also be available at: <http://new.devon.gov.uk/impact/>].

STANDING ITEMS

* **413** **Minutes**

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and

RESOLVED that the Minutes of the following and any recommendations to Cabinet therein be approved:

Farms Estate Committee – 9 September 2019
Personnel Partnership – 2 October 2019

* **414** **Delegated Action/Urgent Matters**

The Registers of Decisions taken by Members under the urgency provisions or delegated powers were available for inspection at the meeting in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; a summary of decisions taken since the last meeting had been published with the Agenda for this meeting. Decisions taken by Officers under any express authorisation of the Cabinet or other Committee or under any general authorisation within the Council's Scheme of Delegation set out in Part 3 of the Council's Constitution may be viewed at <https://new.devon.gov.uk/democracy/officer-decisions/>.

* **415** **Forward Plan**

In accordance with the Council's Constitution, the Cabinet reviewed the Forward Plan and determined those items of business to be defined as key and framework decisions and included in the Plan from the date of this meeting onwards reflecting the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPIId=133&RD=0>). Since the publication of the agenda, there had been the addition to the plan - 'the NHS long term plan' (the website being updated accordingly).

NOTES:

1. These Minutes should be read in association with any Reports or documents referred to therein, for a complete record.
2. Notice of the decisions taken by the Cabinet will be sent by email to all Members of the Council within 2 working days of their being made and will, in the case of key decisions, come into force 5 working days after that date unless 'called-in' or referred back in line with the provisions of the Council's Constitution.
3. The Minutes of the Cabinet are published on the County Council's website.
4. A recording of the webcast of this meeting will also be available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 12.37 pm



QUESTIONS FROM MEMBERS OF THE PUBLIC Wednesday 9 October 2019

1. QUESTION FROM MR SLEIGH (NOT IN ATTENDANCE) Re: Climate Change and Meat and Dairy Consumption

Given the declaration of a climate emergency and the global environmental impacts of animal agriculture, what steps are the Council taking to encourage their staff and local residents to reduce consumption of meat and dairy?

REPLY BY COUNCILLOR CROAD

As an immediate response to the climate emergency, the council updated the advice on its website for individuals about how to reduce carbon emissions – this now includes advice on diet and has been circulated to all staff via email - <https://www.devon.gov.uk/energyandclimatechange/saving-energy/top-tips-for-everyone>. In the medium term, through the Devon Climate Emergency project, the Net-Zero Task Force has been charged with developing a Devon Carbon Plan through a set of themed hearings and the use of a citizens' assembly. It is likely that one of the themed hearings will be focussed on issues related to agriculture and food.

2. QUESTION FROM LISA GOUDIE (IN ATTENDANCE) Re: Power to Cancel 5G Exposure

Do you think that it is possible that considering other cities have cancelled 5G exposure, that we in Devon have the power to do the same?

REPLY BY COUNCILLOR CROAD

It is not clear at present how areas in England could 'cancel' the implementation of 5G. The Government's strategy for future digital infrastructure – full fibre and 5G – is set out in the Department of Culture, Media and Sport's Future Telecoms Infrastructure Review (FTIR), published in 2018. The Government set a target that the majority of the population will be covered by a 5G signal by 2027, delivering ultrafast wireless connectivity.

The County Council is not involved with mobile infrastructure planning applications; this is a District Council responsibility as part of the planning authority remit.

It should be noted that with regard to mobile infrastructure planning requirements, the Government is currently consulting on the reform of permitted development rights to support the deployment of 5G and extend mobile coverage. Members of the public are invited to respond to the consultation, which can be found at:

<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>

The County Council can determine access to its street furniture for 5G uses and would take guidance from Public Health England in considering any public health risks from 5G deployment from suppliers. Where street furniture is concerned, we are not aware of any Council assets that are currently hosting mobile network operators' 5G technologies, but we would review any such request from mobile network operators in accordance with Government guidance and PHE guidance.

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3. QUESTION FROM GABRIELE SIMONS (IN ATTENDANCE)

Re: Internet Speed and 5G

How can Council warrant putting speed of internet access over safety for the welfare of its people, considering there are absolutely no safety guidelines for the new 5G technology. On the contrary, many condemning studies are available and does Council not feel obliged to study them in depth? Council refers to PHE and ICNIRP whose guidelines are irrelevant for the majority of the population, outdated and studies were time-limited, not for 24/7 use.

REPLY BY COUNCILLOR CROAD

The County Council is not responsible for mobile infrastructure installation (please see my answer to Question 2. above). Public Health England is the statutory organisation with responsibility for health protection, and this County Council is – as are all other Local Authorities – advised by them. Public Health England's specialists in the Centre for Radiation, Chemical and Environmental Hazards (CRCE) have reviewed international evidence including the studies referred to, and are keeping the evidence under active review. Nevertheless, the stated national position on this is that the existing precautionary advice on the use of mobile telecommunications equipment should be followed and that, providing exposure to the internationally-agreed electromagnetic frequencies is not exceeded, there should be no consequences for public health. Nevertheless, Public Health England has committed to monitoring all evidence applicable to this and other radio technologies, and to revising its advice, should this be necessary.

4. QUESTION FROM MARIANNE BONNETA (ATTENDANCE TBC)

Re: Independent Non Industry Funded Experts

Would Devon County council be willing to invite independent non industry funded experts, scientists and doctors to a council meeting to give a talk about the many impacts that non ionizing radiation has on our DNA and on the health of humans, animals, and plants?

REPLY BY COUNCILLOR CROAD

The Government and local authorities take their specialist health protection advice from the statutory national organisation, which is Public Health England.

Such a request would be a matter for the Chairs of the Scrutiny Committees who will be considering 5G technology in the near future.

5. QUESTION FROM CHARLIE KAY (IN ATTENDANCE)

Re: Application of the Precautionary principle and Out of Date Research

I recently attended the International Conference of Electronic Magnetic Fields and Radiation at the end of September in London. Professor and scientist, all peer reviewed and renown in their field of expertise stood up, one after the other, and presented their research over the last 10 years and more. All their research indicated harmful effects of EMF's, at below current guidelines, including carcogens, damaged DNA, emotional and mental trauma, and significantly increased damage to sperm and fertility.

Is the council aware that the guidelines suggested by ICNIRP, the Independent Council of Non Ionising Radiation Protection, and which PHE, Public Health England, adhere to are based on outdated research from 30 years ago, exposure of no longer than 6 minutes and was about the heating of the body, not about non-ionising radiation which is now proven (the science is no longer in question) to have significant harm on humans, pollinators and life?

This relates to current EMF's; broadband, wifi, phones, etc and the implementation of 5G, which is far more intrusive with regards to the effects it will have on the human body, will have devastating effects. There has been NO research into the effects of 5G. Will the council

therefore impose the precautionary principle and put a moratorium on the roll out of 5G until independent (and I stress independent) research has been done then proves it to be safe?

REPLY BY COUNCILLOR CROAD

Firstly, I must reiterate that the Government and local authorities take their specialist health protection advice from the statutory national organisation, which is Public Health England, and which keeps its advice updated based on the latest national and international research.

In terms of what action is possible by the County Council, it is not responsible for mobile infrastructure planning. The County Council can determine access to its street furniture for 5G uses and would take guidance from Public Health England in considering any public health risks from 5G deployment from suppliers. Where street furniture is concerned, we are not aware of any Council assets that are currently hosting mobile network operators' 5G technologies, but we would review any such request from mobile network operators in accordance with Government guidance and PHE guidance.

6. QUESTION FROM CLIFF MOORE (IN ATTENDANCE) Re: Duty of Care

It is my understanding that the electorate vote on a local basis for public health and environmental safety to be checked and balanced as per the councils Constitution statements on your duty of care.

Regarding the existing and now impending UNLAWFUL roll out of harmful untested and uninsurable WIFI microwave technology infrastructure within the boundary's of DCC.

It seems that you have sadly been deceived or have knowingly made yourselves redundant and incapable to serve the electorate in your duty of care.

My Question is why do we need you if you cannot full fill your sworn and fundamental Obligations to public safety?.

And how have you allowed your powers to serve your community to be diminished to allow central government to dictate to us in this un democratic way.

How can we together return democracy to the electorate and this County once again.

REPLY BY COUNCILLOR CROAD

While local authorities' democratic accountabilities cover a wide range of responsibilities, it is important to make it clear that matters of health protection and environmental safety are not the statutory responsibility of Devon County Council.

5G implementation is part of the Government's national Future Telecoms Infrastructure Review (FTIR) which was published in 2018.

Any concerns you have about national Government policy should be raised with your Member of Parliament.

7. QUESTION FROM RHIANNON AUGENTHALER (IN ATTENDANCE) Re: Independent Studies

I have attended the international conference - "Radiation health: get the facts" in London on the 28th of October 2019 during which international scientists informed us about the serious

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consequences and accumulative health effects of constant exposure to non ionizing radiation and of the fact that due to these consequences thousands of scientists, professors and doctors around the world advise us to do a lot more independent non industry funded research to find out whether or not it is safe for our health and for our environment to introduce the technologies associated with 5G and with exposure to increased emf radiation prior to considering the roll out of 5G.

Can Devon County Council contact PHE England and ICIRNP and ask them on behalf of the constituents of this county to provide us with one independent peer reviewed study during which subjects of the study have been exposed to the levels of radiation present in 5G 24/7 for at least one year with the results of the study being that there are no adverse health effects and can you make their response publicly accessible?

REPLY BY COUNCILLOR CROAD

In relation to specific research on the implementation of 5G user devices and networks, the technology is at an early stage. Use of higher levels of non-ionising radiation for 5G (approximately ten times higher than those used by current network technologies, up to a few tens of GigaHertz) is not new, and the current International Commission on Non-Ionising Radiation Protection, ICNIRP) guidelines apply up to 300 GigaHertz. Health-related research has been conducted on this topic over several decades. In particular, a large amount of new scientific evidence has emerged over the past few years through dedicated national and international research programmes that have addressed concerns about rapidly-proliferating wireless technologies. It is acknowledged that fewer studies have been carried out at the higher frequencies, but I am happy to enquire of PHE with regard to the specific research question on your behalf.

Cabinet
9 October 2019

Item 10 Stokeinteignhead Flood Improvements

Revised Funding Table is set out below

6. Financial Considerations

A business case is currently being finalised for submission to the Environment Agency for Flood Defence Grant in Aid reflecting the current cost estimates for the revised scheme. The partnership funding calculator has indicated that the figure of £200k to be requested is within the limits of grant aid and, subject to acceptance of the scheme detail, should gain the necessary approval. The £150k of Local Levy has already been granted by the South West Regional Flood and Coastal Committee (SWRFCC) and has been allocated for 2019/20. A sum of £250k from Highways Assets has been approved with an equal split between 2019/20 and 2020/21, however current estimates are that only £25k approved for 2020/21 is likely to be required.

The remainder of the required funding is from the County Council's own capital and revenue flood risk budgets, which have also provided all the investment to date. Prior expenditure included the 'quick win' works in 2016, plus all site investigations, studies and design work. The various funding sources are illustrated in the table below by financial year. These figures include an optimism bias of 45% to provide for contingency and risk.

Funding Source	Prior to 2019/20	2019/20	2020/21	Total
Prior capital costs incurred by DCC	£205,324	-	-	£205,324
Internal Borrowing (Capital Flood Improvement Budget)	-	£21,492	-	£21,492
Capital Receipts (Capital Flood Improvement Budget)	-	£3,508	£50,000	£53,508
External Grant (Local Transport Plan Capital Drainage)	-	£125,000	£25,000	£150,000
External Grant (Flood Defence Grant in Aid) See note below *	-	£200,000	-	£200,000
External Grant (Local Levy)	-	£75,000	£75,000	£150,000
Total	£205,324	£425,000	£150,000	£780,324

* Subject to approval of the business case submitted to the Environment Agency

