

Phil Norrey  
Chief Executive

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To: The Chair and Members of the  
Cabinet

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

(See below)

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Your ref :  
Our ref :

Date : 1 October 2019  
Please ask for : Karen Strahan, 01392 382264

Email: karen.strahan@devon.gov.uk  
:

## **CABINET**

Wednesday, 9th October, 2019

A meeting of the Cabinet is to be held on the above date at 10.30 am in the Committee Suite - County Hall to consider the following matters.

P NORREY  
Chief Executive

## **A G E N D A**

### **PART I - OPEN COMMITTEE**

1 Apologies for Absence

2 Minutes

Minutes of the meeting held on 11 September 2019 (previously circulated).

3 Items Requiring Urgent Attention

Items which in the opinion of the Chair should be considered at the meeting as matters of urgency.

4 Announcements

5 Petitions

6 Question(s) from Members of the Council

## **FRAMEWORK DECISIONS**

7 Heart of the South West Joint Committee Governance Arrangements (Pages 1 - 10)

Report of the Chief Executive (CX/19/01) providing an update for the Constituent Authorities on the Heart of the South West (HOfSW) Joint Committee's governance arrangements and budgetary position for 2019/20, attached.

*Electoral Divisions(s): All Divisions*

8 Devon County Council's Updated Corporate Energy and Carbon Strategy (Pages 11 - 28)

Report of the Head of Planning, Transportation and Environment (PTE/19/35) recommending an approach setting a revised energy and carbon strategy for the Council's (DCC) operations in response to the climate emergency, attached.

An Impact Assessment is attached for the attention of Members at this meeting.

A meeting of the Climate Change Standing Overview Group (Corporate Infrastructure and Regulatory Services Scrutiny Committee) will take place on Friday 4th October 2019 and will be making comment accordingly.

*Electoral Divisions(s): All Divisions*

## **KEY DECISIONS**

9 South West Exeter Housing Infrastructure Fund: Update on Project and Tender (Pages 29 - 50)

Report of the Head of Planning, Transportation and Environment (PTE/19/36) which provides an update on the project as well as seeking approval for elements to allow the project to progress, attached.

An Impact Assessment is also attached for the attention of Members at the meeting.

*Electoral Divisions(s): Alphington & Cowick;  
Exminster & Haldon*

10 Stokeinteignhead Flood Improvements (Pages 51 - 66)

Report of the Head of Planning, Transportation and Environment (PTE/19/37), on proposed flood Improvements in Stokeinteignhead, attached.

An Impact Assessment for the Devon Local Flood Risk Management Strategy is also attached for the attention of Members at this meeting.

*Electoral Divisions(s): Ipplepen & The Kerswells*

11 Construction of a community facilities building in Cranbrook Town Centre providing flexible space for County Council services including children's, youth and libraries (Pages 67 - 72)

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, attached.

*Electoral Divisions(s): Broadclyst*

12 Devon Permit Scheme for Road and Street Works (Pages 73 - 142)

Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/19/74) on the Council's proposals to introduce a Permit Scheme across the County for works on the highway, attached.

An Impact Assessment is also attached for the attention of Members at this meeting.

*Electoral Divisions(s): All Divisions*

**MATTERS REFERRED**

NIL

**STANDING ITEMS**

13 Question(s) from Members of the Public

14 Minutes

- a Farms Estate Committee - 9 September 2019 (Pages 143 - 146)
- b Personnel Partnership - 2 October 2019 - To be published [here](#) shortly.

Minutes of the bodies shown below are circulated herewith for information or endorsement as indicated therein:

[NB: Minutes of [County Council Committees](#) are published on the Council's Website:

Minutes of the [Devon Education \(Schools\) Forum](#):

Minutes of the [South West Waste Partnership](#)

Minutes of the [Devon & Cornwall Police & Crime Panel](#)

15 Delegated Action/Urgent Matters (Pages 147 - 148)

The Registers of Decisions taken by Members under the urgency provisions or delegated powers will be 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 such decisions taken since the last meeting is attached.

16 Forward Plan (Pages 149 - 158)

In accordance with the Council's Constitution, the Cabinet is requested to review the list of forthcoming business (previously circulated) and to determine which items are to be defined as key and/or framework decisions and included in the Plan from the date of this meeting.

[NB: The Forward Plan is available on the Council's website at: <http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0&bcr=1> ]

**PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC**


NIL

*Notice of all items listed above have been included in the Council's Forward Plan for the required period, unless otherwise indicated. The [Forward Plan](#) is published on the County Council's website.*

*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. The Minutes of this meeting will be published on the Council's website, as indicated below, as soon as possible.*

*Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s).*

*Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.*

<b>Membership</b>
Councillors J Hart (Chair), S Barker, R Croad, A Davis, R Gilbert, S Hughes, A Leadbetter, J McInnes and B Parsons
<b>Cabinet Member Remits</b>
Councillors Hart (Policy, Corporate and Asset Management), Barker (Resources), Croad (Community, Public Health, Transportation & Environmental Services), Davis (Infrastructure Development & Waste), R Gilbert (Economy & Skills) S Hughes (Highway Management), Leadbetter (Adult Social Care & Health Services), McInnes (Children's Services & Schools) and Parsons (Organisational Development & Digital Transformation)
<b>Declaration of Interests</b>
Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.
<b>Access to Information</b>
Any person wishing to inspect the Council's / Cabinet Forward Plan or any Reports or Background Papers relating to any item on this agenda should contact Karen Strahan, 01392 382264. The Forward Plan and the Agenda and Minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores.
<b>Webcasting, Recording or Reporting of Meetings and Proceedings</b>
<p>The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: <a href="http://www.devoncc.public-i.tv/core/">http://www.devoncc.public-i.tv/core/</a></p> <p>In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chair. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.</p> <p>Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.</p>
<b>Questions to the Cabinet / Public Participation</b>
<p>A Member of the Council may ask the Leader of the Council or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility.</p> <p>Any member of the public resident in the administrative area of the county of Devon may also ask the Leader a question upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Office of the Chief Executive Directorate by 12 noon on the fourth working day before the date of the meeting. The name of the person asking the question will be recorded in the minutes. For further information please contact Karen Strahan on 01392 382264 or look at our <a href="#">website</a></p>
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<b>Mobile Phones</b>
Please switch off all mobile phones before entering the Committee Room or Council Chamber
<p>If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: <a href="mailto:centre@devon.gov.uk">centre@devon.gov.uk</a> or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.</p>
 Induction loop system available

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The nearest mainline railway stations are Exeter Central (5 minutes from the High Street) and St David's and St Thomas's both of which have regular bus services to the High Street. Bus Service H (which runs from St David's Station to the High Street) continues and stops in Wonford Road (at the top of Matford Lane shown on the map) a 2/3 minute walk from County Hall, en route to the RD&E Hospital (approximately a 10 minutes walk from County Hall, through Gras Lawn on Barrack Road).

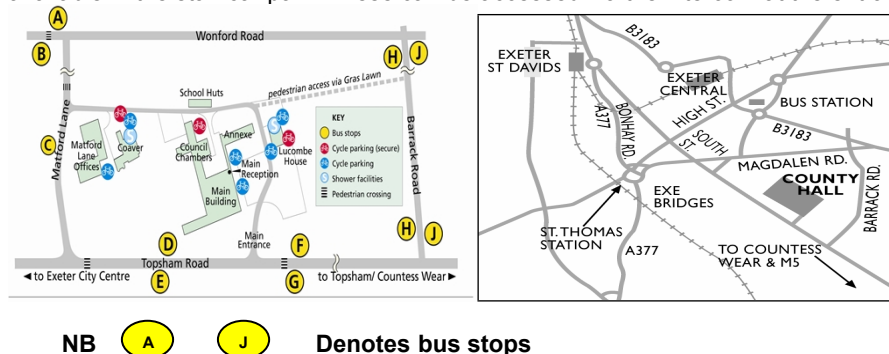
## **Car Sharing**

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As indicated above, parking cannot be guaranteed and visitors should allow themselves enough time to find alternative parking if necessary. Public car parking can be found at the Cathedral Quay or Magdalen Road Car Parks (approx. 20 minutes walk). There are two disabled parking bays within the visitor car park. Additional disabled parking bays are available in the staff car park. These can be accessed via the intercom at the entrance barrier to the staff car park.



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## **First Aid**

Contact Main Reception (extension 2504) for a trained first aider.

CX/19/1

Cabinet  
9 October 2019

Council  
5 December 2019

## Heart of the South West Joint Committee – Governance Review Report

Report of the Chief Executive

***Please note that the following recommendation is subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.***

### Recommendation:

It is recommended that the Council:

- (a) as a constituent member, 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) as a constituent member approves the recommendation from the Joint Committee on 27<sup>th</sup> September 2019, to re-appoint Somerset County Council as the Administering Authority for the Joint Committee;**
- (b) makes 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;**

### 1. Summary

This report provides an update for the Constituent Authorities on the Heart of the South West (HOSW) Joint Committee's governance arrangements and budgetary position for 2019/20. The report contains recommendations for amendments to the Committee's Arrangements document following a governance review.

### 2. Background

The Council has been a member of the Heart of the South West Joint Committee since its creation in August 2015. The Committee became a formal body in March 2018. The Committee has twenty-one members:

- Devon County Council
- Somerset County Council
- Plymouth City Council
- Torbay Council
- All Devon and Somerset District Councils

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- Dartmoor and Exmoor National Park
- Heart of the South West Local Enterprise Partnership
- Devon and Somerset Clinical Commissioning Groups

The Committee acts as a single voice to Government on socio-economic and environmental issues and makes the case for additional powers and funding to be transferred to its individual members for the benefit of the people of Devon and Somerset.

### **3. Review of the role and functions of the Joint Committee**

The Constituent Authorities have previously agreed one addition to the list of delegated functions by giving the Joint Committee the function of agreeing the local authorities' input into the development of the HoSW Local Industrial Strategy (LIS).

In addition to the above policy development, the need to review the governance arrangements arose from:

- Changes in Government policy away from large devolution 'deals' to a more targeted dialogue on key themes of relevance to the local authorities and partners, eg, housing. The Joint Committee's influencing role has become increasingly important as recognised by Ministers, local MPs and Government officials. The ambition remains to draw down additional functions, powers and funding from Government.
- The evolution of the Joint Committee's role from agreeing policy (the HotSW Productivity Strategy) to overseeing delivery of the Strategy alongside the LEP.
- The developing relationships with other key local partnerships to ensure that there are appropriate reporting lines, ie, HotSW LEP Joint Scrutiny Committee, Peninsula Transport Board, Great South West, HotSW Local Transport Board.

Accordingly, the Committee has refined its focus into the following areas:

- Strategic policy development
- Influencing Government / 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 will deliver improved productivity, eg in health and education
- Delivering at scale –(beyond what individual councils can achieve)
- Oversight of the Delivery Plan – working with the HotSW LEP to ensure delivery of the HotSW Productivity Strategy.

It is not proposed at this stage to request the delegation of further functions from the Constituent Authorities to the Joint Committee.

These refinements to the focus of the Committee have been reflected in amendments to the list of functions contained in the Joint Committee's 'Arrangements' document – see Appendix A attached.

The subject matter focus for the Joint Committee will fall into the following areas of the Delivery Plan:



- Housing – including bid(s) for strategic housing deal(s) designed, submitted and agreed resulting in additional investment into HotSW
- Major Route Corridor Study agreed and completed
- Agreed HotSW LIS which meets our transformational objectives
- Successful engagement plan with MPs / Ministers
- Successful operational phase of the Brexit work in collaboration with Government
- Preparation for / response to offers of public sector reform to improve productivity
- Agreement and submission of Coastal Communities proposal to Government seeking additional Government support for our coastal communities
- Development of the JC's investment framework required to deliver the Productivity Strategy within a new national funding environment.
- Enable the partners to prepare for and respond to opportunities arising from the Comprehensive Spending Review and the Shared Prosperity Fund.

### **3.1 Joint Committee Political Arrangements**

The Committee has 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 addition, two informal engagement sessions will be arranged per annum to engage relevant Portfolio Holders and Directors on Joint Committee business.

### **3.2 Appointment of Administering Authority**

At the time of the establishment of the Joint Committee, the Constituent Authorities agreed to appoint Somerset County Council as the Administering Authority for the Joint Committee for a two-year period from 22 January 2018. With this appointment coming to an end early in the new year the HotSW Chief Executives' Executive Group has considered an appointment for the next two-year period (as required by the Joint Committee's 'Arrangements' document).

The detail of the Administering Authority role is set out in the Joint Committee's Arrangements document but in summary it includes:

- Running the Joint Committee business and meetings;
- Administering the Joint Committee's budget;
- Responsibility for the Committee's communications and engagement plan including maintaining the Joint Committee's website.

The view of the HotSW Chief Executives' Executive Group is that Somerset County Council has done an excellent job of supporting the Committee and their recommendation is to reappoint the County Council to the Administering Authority role for a further two-year period from 23 January 2020 to 22 January 2022. The Joint Committee approved this recommendation at its meeting on the 27<sup>th</sup> September 2019. In anticipation of this approval, Devon County Council is recommended to agree to the reappointment of Somerset County Council as the Administering Authority to the Joint Committee for the period from 22 January 2020 to 21 January 2022.

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## 3.3 Joint Committee Management Support Arrangements

Comprehensive management support arrangements have been in place to support the partnership (and latterly the Joint Committee) since 2015. These have been recently reviewed and refined. To minimise direct support costs impacting on the Committee's budget, most of the officer resource is provided by the Constituent Authorities on an 'in-kind' voluntary basis. Other direct budget contributions towards the Committee support costs have been allocated to refund those Constituent Authorities who have provided officer resources for project management capacity and administrative support to the Brexit Resilience and Opportunities Group.

The diagram in Appendix B shows the revised management support arrangements of the Joint Committee.

The revised arrangements provide for:

- A CEx Executive Group to lead the work of the Joint Committee and to include theme leads from the Delivery Plan. The membership of this Group is set out in Appendix B.
- Use of existing Devon and Somerset Chief Executives' and Leaders' meetings to support the work of the Committee;
- 1 x joint meeting per annum of the Devon and Somerset Chief Executives.
- Better alignment of the Joint Committee's support arrangements with the LEP.
- A Policy and Technical Officer Group of senior policy officers to focus on: delivery of the Delivery Plan; monitoring progress/measuring performance; and drafting responses to national policy changes.
- A dedicated and resourced programme management function, (funded from the Joint Committee's budget) to manage Joint Committee business on behalf of the CEx Executive Group and in addition to the Administering Authority role. This arrangement was initially agreed for 6 months (April to Oct 2019) pending a review of the work load.

## 3.4 Joint Committee Budget Position

The Joint Committee remains completely reliant on the Constituent Authorities for its budget and there are no obvious sources of additional funding to support running costs or delivery of its work programme.

The Joint Committee budget as at the end of March 2019 was as follows:

Constituent Authorities	Contributions – 18/19 £	Expenditure – 18/19 £
County Council x2	10,500	40,000 – Administering Authority costs (including staffing, venue hire, publicity costs) 16,346 – Brexit admin support costs 9750 – Housing audit 5000 – Housing conference 8759 – Transport consultancy
Unitaries x 2	4,000	
Districts / National Park Authorities x 15	1,400	
Underspend carried forward from Devolution Budget	66838	

		660 - Portfolio-holder event costs
Total	116,838	80513 36,325 (carry forward to 2019/20)

The Joint Committee budget covers the costs of running the Committee and the work programme. Contribution levels for each council tier are based on population levels. The Committee agreed earlier this year that a larger annual budget was likely to be required to fund work programme priorities in future years and approved 'in principle' to seek the agreement of the Constituent Authorities to double the 2018/19 core contributions as a one-year arrangement so giving maximum contributions in 2019/20 of:

County Council - £21,000

Unitary Council - £8,000

District Council / National Park Authorities – £2,800

For 2019/20 the Constituent Authorities have been invoiced for 50% of the amounts stated above. A second invoice was to be sent to each Constituent Authority for the other 50% in the autumn if the budget proved to be insufficient to fund the work required in 2019/20 and only if fully costed work programme proposals were available to justify the request.

The overall budget position for 2019/20 is detailed in the table in 4.5.3. There are no plans to invoice the Constituent Authorities for the second budget contribution for 2019/20 because of the need to take stock of the direction of the Committee's work programme following the recent elections and delays in progressing discussions with Government as a result of Brexit. As it stands the contributions collected from the Constituent Authorities (£48,600) together with the underspend carried forward from 2018/19 (£36,326) totalling £84,926 is sufficient to cover the planned and anticipated costs for 2019/20 of £60k. A key unknown aspect of the work programme is the preparations for Brexit and the budget impacts of any work which the Committee may wish to commission. This will be kept under review in the coming months as the position becomes clearer.

<b>Income</b>	<b>£ (,000)</b>
Constituent Authority contributions	48,600 - committed 48,600 – in principle
2018/19 underspend	36,326
<u>Total</u>	133.5 (of which 48.6k is in principle)

<b>Expenditure</b>	<b>£ ,000</b>
Administering Authority Programme Office	20 – committed (for the year) 10 – committed (April to Sept) (Oct to March 2020 tbc but estimated at £10k)
Brexit Resilience and Opportunities Group – officer support costs	10 – in principle (April to Sept) (Oct onwards tbc but estimated at up to £10k)
Housing Task Force	Tbc
Growth Corridor Work	Tbc

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MP/ Ministerial engagement	Tbc
Brexit work programme	Tbc
Coastal Communities proposal	Tbc
<u>Total</u>	£60k (including anticipated commitments detailed above)

Further discussions are planned as to how to establish a financially stable Joint Committee budget for future years as a pre-requisite to preparing a budget proposal for 2020/21 for submission to the Constituent Authorities. The Council might wish to consider making a provision of £21,000 to fund in lieu of these discussions.

## **4. Consultations/Representations/Technical Data**

Technical data is set out in Appendix A and B of this report

## **5. Financial Considerations**

The financial considerations are set out in section 3.3 of this report. The Council makes a financial contribution as well as 'in kind' officer time to support the work of the Joint Committee.

## **6. Environmental Impact Considerations (Including Climate Change)**

This proposal does not have an impact on carbon emissions. The Committee could undertake joint work to respond to the Climate Change Emergency. The impact of this will be evaluated in any future proposal.

## **7. Equality Considerations**

There are no equality considerations to these recommendations.

## **8. Legal Considerations**

The review of the role and functions of the Joint Committee have taken account of the legal framework within which the Joint Committee operates.

## **9. Risk Management Considerations**

The key risk to the Constituent Authorities is a Committee without a clear role and functions and with unsustainable support arrangements which threaten the security and operation of the model. If the Committee cannot be sustained into the future then the momentum already achieved with Government will be at risk and the opportunity to realise additional funds, powers and responsibilities from Government for the benefit of the HotSW will be severely compromised. This in turn would compromise the ability to deliver the Productivity Strategy.

## **10. Public Health Impact**

There are no public health impacts associated with this report.

## **11. Options/Alternatives**

The following options have been considered:

Option 1 – Not to make changes to the governance arrangements. This was rejected as it is essential that constituent members can regularly review and agree any changes to the Joint Committee to align with existing policy positions.

Option 2 – Recommended option

## **12. Reason for Recommendation/Conclusion**

In recent months the Joint Committee has reviewed and updated its governance arrangements in the light of experience since its establishment in early 2018 and in response to changing Government policy and local circumstances. Some changes are required to the Committee's Arrangements document as a result and these need to be formally agreed by the Constituent Authorities. It is essential that the Joint Committee remains: fit for purpose, represents a sustainable way of working into the future; and delivers value for the resources committed to it by the Constituent Authorities.

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## APPENDIX A – EXTRACT FROM THE JOINT COMMITTEE’S ARRANGEMENTS DOCUMENT

### 2. Joint Committee Functions:

2.1 The only delegated functions of the Joint Committee relate to:

- (a) the approval of the HotSW Productivity Strategy; and
- (b) ***the development and endorsement of the HotSW Local Industrial Strategy (LIS) (noting that final approval of the HotSW LIS rests with the HotSW Local Enterprise Partnership (LEP) and the Government.***

All other matters referred to in 2.3 below are ‘referred’ matters where the Joint Committee will make recommendations to the Constituent Authority or Authorities for decision. Additional delegated or referred functions may be proposed for the Joint Committee in the future by the Joint Committee or any of the Constituent Authorities but shall only be agreed if approved by all of the Constituent Authorities.

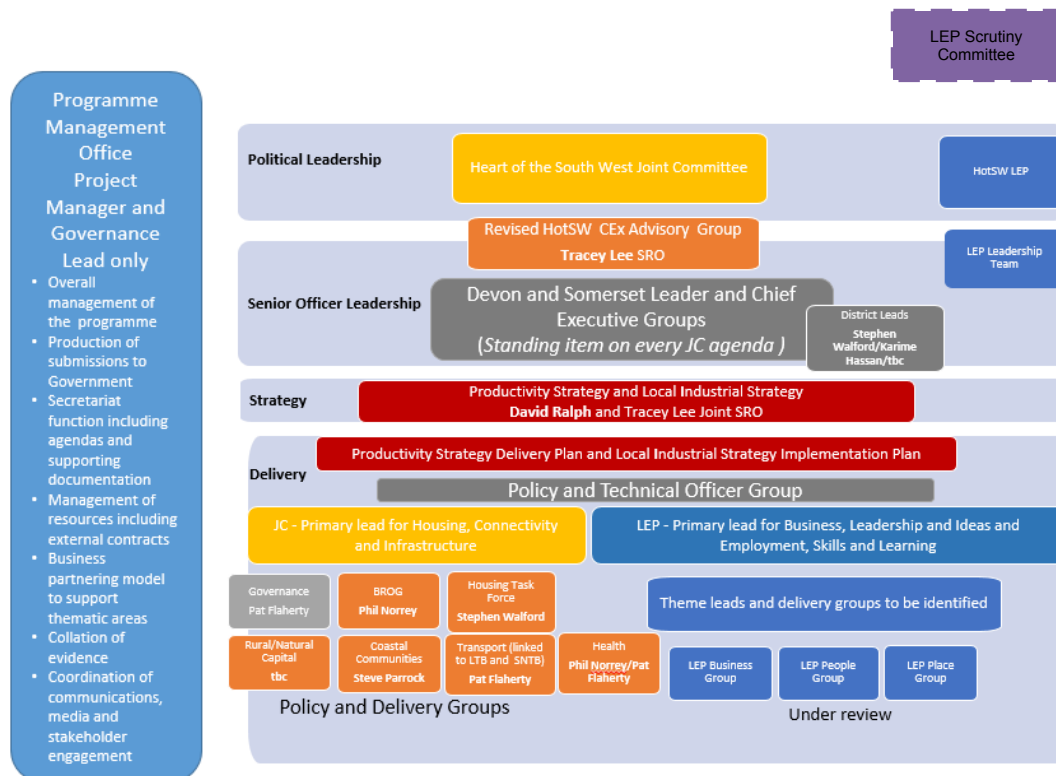
2.2 The principle of subsidiarity will apply to the relationship between the Joint Committee, the Constituent Authorities and local Sub-Regional Partnerships with decisions being made at the most local and appropriate level on all matters to do with the delivery of the Productivity Strategy and in relation to the other functions of the Joint Committee.

2.3 The Joint Committee shall:

- (a) Develop and agree the HotSW Productivity Plan in collaboration with the LEP.
- (b) ***Maintain oversight of the HotSW Delivery Plan = working alongside and in collaboration with the LEP using each other’s strengths and roles to ensure delivery of the HotSW Productivity Strategy.***
- (c) ***Continue discussions /negotiations with the Government and Government agencies to achieve direct intervention, support, funding and powers to the benefit of the HotSW and assist with the delivery of the Productivity Plan and the LIS, working with the LEP.***
- (d) Continue discussions / negotiations with the Government / relevant agencies to secure delivery of the Government’s strategic infrastructure commitments, eg, strategic road and rail transport improvements.
- (e) ***Design and deliver the strategic HotSW response to ‘Government’ offers and respond to Government calls for evidence if appropriate.***
- (f) ***Design and deliver public sector reform where this will deliver improved productivity to the HotSW, eg health, education.***
- (g) ***Deliver at scale (beyond what individual councils can achieve).***
- (h) Work with the LEP to identify and deliver adjustments to the LEP’s democratic accountability and to assist the organisation to comply with the revised (November 2016) LEP Assurance Framework. This includes endorsing the LEP’s assurance framework on behalf of the Constituent Authorities as and when required. However, this is subject to the Framework being formally approved by the LEP’s Administering Authority.
- (i) Ensure that adequate resources (including staff and funding) are allocated by the Constituent Authorities to enable the objectives in (a) to (e) above to be delivered.

## APPENDIX B

### HotSW Joint Committee Support Structure



### Chief Executives' Executive Group Membership and Roles

Theme/Role	Lead	Body
HotSW Leaders SRO	Tracey Lee	JC (PCC)
Productivity Strategy SRO	Tracey Lee/David Ralph	JC (PCC)/LEP
LIS SRO	David Ralph/Tracey Lee	LEP/JC (PCC)
BROG	Phil Norrey	JC (DCC)
Governance lead	Pat Flaherty	JC (SCC)
Housing lead	Stephen Walford	JC (MDDC)
Transport lead	Pat Flaherty	JC (SCC)
Coastal Communities lead	Steve Parrock	JC (TC)
District Council Leads X 3	Stephen Walford (Devon - Rural) Karime Hassan (Devon - City/Urban) Stuart Brown (Somerset)	JC (MDDC/ECC/MDC)
Rural/Natural Capital lead	Kevin Bishop	JC (DNP)
Health theme	Via Phil Norrey and Pat Flaherty in the short term	JC (DCC/SCC)

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Phil Norrey  
Chief Executive

**Electoral Divisions:**  
**All**

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Leader: Councillor John Hart

Local Government Act 1972: List of Background Papers

Contact for enquiries: Sue Rose

Room No. G60, County Hall

Tel No: 01392 383000

Background Paper	Date	File Reference
	<i>10 December 2015</i>	<i>Min157</i>
	<i>7 December 2017</i>	<i>Min55</i>



PTE/19/35

Cabinet  
9 October 2019

County Council  
5 December 2019

## **Devon County Council's Updated Corporate Energy and Carbon Strategy**

Report of the Head of Planning, Transportation and Environment

***Please note that the following recommendations are subject to consideration and determination by the Cabinet and County Council (and confirmation under the provisions of the Council's Constitution) before taking effect.***

**Recommendations: That County Council be recommended to:**

- (a) **Declare that the Authority will be carbon neutral by 2030 through:**
- 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**
    - **Incrementally increasing the percentage of the remaining carbon footprint that is offset, from 5% in the current year to 100% by 2030**
  - 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) **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.**

### **1. Summary**

This report recommends an approach for setting a revised energy and carbon strategy for Devon County Council's (DCC) operations in response to the climate emergency.

### **2. Background/Introduction**

DCC's corporate carbon footprint has fallen by almost 40% since 2012/13. The current target is to reduce the 2012/13 emissions by 50% by 2030, which is likely to occur by 2021 and so a more ambitious target is needed, with consideration of when and how to achieve carbon neutrality.

Additionally, having signed the Devon Climate Declaration, the Authority explicitly needs to increase its efforts to reduce the emissions from its supply of procured goods and its commissioned services – these are not currently included in the corporate carbon footprint, but their carbon footprint is estimated each year and published separately.

### **3. Proposal**

The Authority should elect to be carbon neutral by 2030 by implementing the following activity within its corporate carbon footprint and supply chain carbon footprints:

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## 3.1 Corporate Carbon Footprint

A 70% reduction in the corporate carbon footprint on 2012/13 levels by 2030 is a challenging target that will require the set of projects in Appendix 1 to be implemented. This includes measures to meet the existing target for 30% of DCC’s energy needs to be met by renewable sources by 2030.

To achieve carbon neutrality, the remaining emissions can be offset, initially using existing government-certified schemes that plant trees. Given time there is an opportunity to pool the carbon-neutrality aspirations of organisations involved in the Devon Climate Emergency Response Group to create a market for local offsetting projects in Devon, which doesn’t currently exist. Such local investment would generate environmental and economic benefits, in addition to carbon sequestration, and could include a broader range of offset projects, such as peatland or culm grassland restoration.

It is recommended that the authority begins to contribute to building this market immediately by incrementally increasing the percentage of the remaining carbon footprint that is offset, from 5% to 100%, each year between 2019 and 2030 as shown in Table 1.

Table 1 - Ramped approach to offsetting the residual corporate carbon footprint

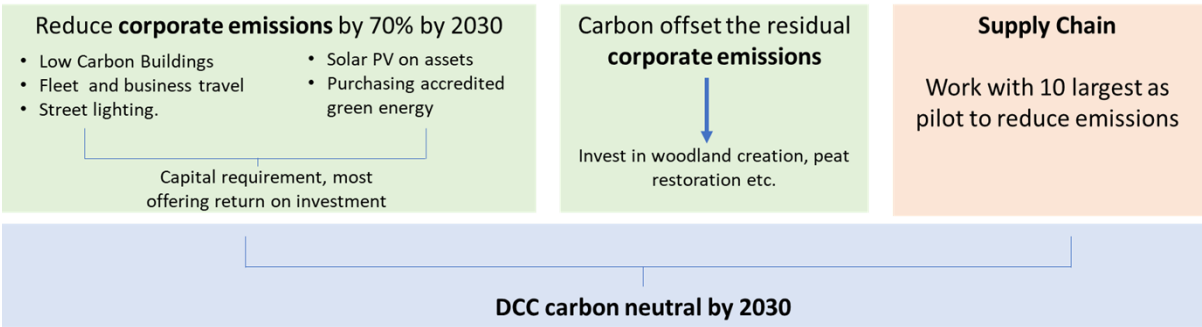
Year	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30
% offset	5%	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%

## 3.2 Supply Chain Carbon Footprint

The supply chain carbon footprint is estimated to be thirteen times larger than the corporate carbon footprint and these emissions come from a large number of providers of goods and services e.g. civils contractors and care-service providers. In order to declare that the Authority is carbon neutral by 2030, these supply chain emissions will also need to be neutralised alongside the activity to neutralise the corporate carbon footprint. Addressing supply chain emissions is one of the specific expectations of the Devon Climate Declaration, to which this Authority is a signatory.

It is therefore recommended that the Authority commits to making the supply chain carbon neutral by 2030. This will involve contractors implementing measures to reduce direct emissions and using carbon offsets. As a first step, DCC should engage the ten largest contracts by value to understand how the contract providers can assist with the decarbonisation agenda. Learning from this pilot, an approach can be refined and rolled out to engage further contractors in due course.

## 3.3 Proposal Summary



Meeting a 70% corporate carbon reduction target by 2030 will be challenging yet achievable. Committing to offset the residual corporate emissions and to decarbonise the supply chain by the same date demonstrates further leadership from this Authority.

## **4. Financial Considerations**

Reducing the corporate carbon footprint by 70% by 2030 will avoid £3.4m in energy costs in comparison to the existing 50% target. The costs of meeting the target are currently unknown due to uncertainties about the speed at which technologies will be brought to market and their cost competitiveness; but there will be costs, some of which will offer a return on investment and others won't.

The cost of the ramped approach to carbon offsetting the residual corporate carbon footprint will cost about £20k in 2019/20 and will increase to £200k in 2029/30 per annum.

Decarbonising the supply chain by 2030 will come at a cost. Some measures will save money – more efficient technology and embracing digital service provision for example – but carbon offsetting, which will be necessary to achieve carbon neutrality, could cost about £3m in the year 2030, which is ca. 0.5% of DCC's supply chain expenditure.

New financial resources will be needed to cover these costs.

## **5. Environmental Impact Considerations (Including Climate Change)**

The environmental impacts of the proposals are positive. The proposals will reduce carbon emissions and their associated influence on global warming. Additionally, the opportunity for carbon offsetting in Devon can provide air quality, flood risk, biodiversity and landscape enhancements that in turn can improve community resilience.

## **6. Equality Considerations**

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

This may be achieved, for example, through completing a full Equality Impact Needs Assessment/Impact Assessment or other form of options/project management appraisal that achieves the same objective.

In progressing this proposal, an Impact Assessment has been prepared which has been circulated separately to Cabinet Members and also is available on the Council's website at: <https://www.devon.gov.uk/impact/corporate-energy-and-carbon-strategy/>, which Members will need to consider for the purposes of this item.

Climate change will affect everybody in the county, and it will affect people less able to adapt the most. These include less affluent people, those living with physical and mental health

# Agenda Item 8

conditions, those living in coastal communities or other areas prone to flooding and young people who will live with the effects becoming worse over their lifetimes. Implementing the recommendation will help grow efforts to reduce international carbon emissions and minimise these impacts on everyone.

Furthermore, implementing the recommendation will require fundamental changes to the way the Authority's services are provided, which will need to consider the energy used in buildings, transport and the supply of goods and services. This has 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 will need their own impact assessment to consider their effect on equality characteristics.

## **7. Legal Considerations**

The Climate Change Act 2008 (2050 Target Amendment) Order 2019 requires the UK to become carbon neutral by 2050. DCC has a moral obligation to demonstrate local leadership towards achieving or exceeding this requirement.

## **8. Risk Management Considerations**

The potential risks to Devon's communities from climate change beyond 1.5 degrees are profound – e.g. extreme sea level rise, health effects (heat stress, anxiety, vector-borne diseases etc.), increased flood risk, economic shocks and a breakdown of environmental services that provide food, fuel and pharmaceuticals to name just a few.

The effort to minimise these impacts must occur at all scales from the individual to the global. Whilst DCC is unlikely to influence emissions elsewhere in the world, it is vital that the Authority demonstrates local leadership.

The corporate risk register has been updated as appropriate.

## **9. Options/Alternatives**

DCC has three main options available.

- a. Continue with the current target to reduce the corporate carbon footprint by 50% by 2030 from 2012/13 levels with no specific mandate to engage its supply chain.
- b. Implement the recommendation in this report.
- c. Adopt even more ambitious targets than those recommended by this report, regardless of the current uncertainty relating to their achievability or affordability.

## **10. Reason for Recommendation**

The recommendation demonstrates the necessary local leadership to accelerate the decarbonisation of Devon, the UK and, indeed, the globe that is required to avoid the worst effects of climate change on our communities. It also provides an opportunity for wider environmental enhancement and community resilience through the development of carbon offset schemes in Devon. The Environmental Performance Board will monitor achievement against these ambitious and challenging targets, plus any future opportunities to exceed these, and refer these back to Cabinet for review as necessary.

Dave Black  
Head of Planning, Transportation and Environment

## **Electoral Divisions: All**

Cabinet Member for Community, Public Health, Transportation and Environmental Services:  
Councillor Roger Croad

*Chief Officer for Communities, Public Health, Environment and Prosperity, Dr Virginia Pearson*

Local Government Act 1972: List of Background Papers

Contact for enquiries: Doug Eltham

Room No. AB3 Lucombe House, County Hall

Tel No: 01392 383000

Background Paper	Date	File Reference
Impact Assessment for Devon County Council's Revised Corporate Energy and Carbon Strategy	September 2019	<a href="https://www.devon.gov.uk/impact/corporate-energy-and-carbon-strategy/">https://www.devon.gov.uk/impact/corporate-energy-and-carbon-strategy/</a>
da180919cab DCC's Revised Energy and Carbon Strategy hk 05 260919		

# Agenda Item 8

## Appendix 1 To PTE/19/35

The table below shows the set of projects required to be implemented to reduce the Authority's corporate carbon footprint by 70% from 2012/13 levels by 2030.

Sector	Project	Implementation
Buildings	Deep-retrofit of Lucombe House. Technically possible now.	ZebCat 2 Project is at full-application stage. DCC has committed match-funding.
Transport  Note: Technology not yet available for all vehicle types but is likely to be by 2030.	Driver aids installed in the whole of the DCC-owned fleet.	Additional investment of £250k required. Payback is 2.5 years.
	Driver aids installed in all school transport contract vehicles.	Additional investment of £500k required. Payback about 2.5 years.
	50% of DCC's owned-fleet converted to electric by 2030 (cars and small vans)	Additional budget will be required to pay for any cost differential against diesel, which is difficult to estimate as the price of the technology is changing rapidly. There is likely to be a business case, but this is currently uncertain.
	100% of school transport contract vehicles with fewer than 8 seats converted to electric by 2030	
Renewable Energy  (this package will meet the existing target for 30% of DCC's energy needs to be met by renewable sources by 2030)	0.2MW of solar PV installed on DCC assets.	DELETTI project is contracted and funded. Planning permission required.
	2MW of solar PV installed on DCC assets	Additional investment of £1.8m required, offering an IRR of 5 – 8%. Suitable site and planning permission required.
	Facilitation of a minimum of 23MW new solar PV capacity in Devon enabled through a corporate power purchase agreement between DCC and generators. This is 80% of DCC's projected energy consumption in 2030.	This can potentially be achieved for a similar price to that which DCC pays for 'brown' energy but a modest cost may be required.

# Impact Assessment

Version 2017

To publish, please send a dated PDF to [impactassessment-mailbox@devon.gov.uk](mailto:impactassessment-mailbox@devon.gov.uk)



<b>Assessment of:</b>	<b>Devon County Council's Revised Corporate Energy and Carbon Strategy</b>
<b>Service:</b>	<b>Planning, Transportation and Environment</b>

<b>Head of Service:</b>	Dave Black
<b>Date of sign off by Head Of Service/version:</b>	18/9/19
<b>Assessment carried out by (incl. job title):</b>	Doug Eltham, Environment and Sustainability Policy Officer

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## Section 1 - Background

<b>Description:</b>	<p>An update to Devon County Council's Energy and Carbon Strategy that sets carbon reduction targets for Devon County Council's activity.</p> <p>Climate change is bringing warmer, wetter winters; hotter, drier summers; more intense storm events; and rising sea levels. To minimise the impacts, local leadership is necessary to encourage individuals, communities and organisations in Devon to reduce their carbon emissions which in turn can help influence national and international efforts.</p>
<b>Reason for change/review:</b>	Progress is ahead of existing targets and the climate emergency calls for carbon neutrality by 2050 at the latest.

## Section 2 - Impacts, options and recommendations

See sections 3, 4 and 5 for background analysis

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Options Appraisal and Recommendations:	<p>It is recommended that the revised strategy should be for Devon County Council to become carbon neutral by 2030, including its corporate activity and supply chain.</p> <p>Further options are:</p> <ol style="list-style-type: none"><li>1. Continue with the current target to reduce the corporate carbon footprint by 50% by 2030 from 2012/13 levels with no specific mandate to engage the supply chain. This would not demonstrate the local leadership required to accelerate the decarbonisation of Devon and support the UK and the international community in doing the same.</li><li>2. Adopt even more ambitious targets than those recommended, regardless of the current uncertainty relating to their achievability or affordability. This would provide additional local leadership.</li></ol>
Social/equality impacts (summary):	<p>Climate change will affect everybody in the county, and it will affect people less able to adapt the most. These include less affluent people, those living with physical and mental health conditions and those living in coastal communities or other areas prone to flooding and young people who will live with the effects becoming worse over their lifetimes. Implementing the recommendation will help grow efforts to reduce international carbon emissions and minimise these impacts.</p> <p>Furthermore, implementing the recommendation will require fundamental changes to the way services are provided, which will need to consider the energy used in buildings, transport and the supply of goods and services. This has the potential to impact negatively and positively on service users.</p>
Environmental impacts (summary):	<p>The environmental effects of global climate change beyond 2 degrees are profound. Natural processes that provide us with clean air and water, raw materials, food, fuel and pharmaceuticals will be negatively affected by changes to marine and terrestrial biodiversity brought about by the climate changing more rapidly than species can migrate and adapt.</p>



	There are environmental enhancement opportunities for Devon through the implementation of the recommendation which will require opportunities for carbon offsetting to be developed. This offers the potential to plant trees, re-wet peatlands and restore culm grassland, for example.
Economic impacts (summary):	<p>The Stern Review (2006) identified that climate change will reduce the UK's gross domestic product by 5% every year through impacts on the provision of raw resources, supply chains and workforce productivity.</p> <p>There are also economic opportunities in clean growth that can offset the negative effects. Implementing the recommendation in partnership with other leaders in the southwest will begin to build markets for innovative technology and carbon offsetting opportunities.</p>
Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):	<p>All partner agencies will be affected by the climate change described above.</p> <p>Implementing the recommendation will demonstrate local leadership and combine efforts with partner agencies taking similar action.</p>
How will impacts and actions be monitored?	Tactical-level changes to services over the next decade will need to undertake their own impact assessment to consider their effect on equality, environment and economy.

# Background Analysis

This section describes how relevant questions and issues have been explored during the options appraisal.

## Section 3 - Profile and views of stakeholders and people directly affected

People affected:	Climate change will affect everybody and therefore the result of implementing the recommendation will also affect everybody.
Diversity profile and needs assessment of affected people:	<p>Climate change will affect people less able to adapt the most. These include less affluent people, those living with physical and mental health conditions and those living in coastal communities or other areas prone to flooding and young people who will live with the effects becoming worse over their lifetimes.</p> <p>Implementing the recommendation will require fundamental changes to the way services are provided, which will need to consider the energy used in buildings, transport and the supply of goods and services. This has the potential to impact negatively and positively on all service users.</p>
Other stakeholders (agencies etc.):	
Consultation process and results:	The revision to the Corporate Energy and Carbon Strategy has been consulted with Devon County Council's Environmental Performance Management Group, Environmental Performance Board and the Corporate Infrastructure and Regulatory Services Climate Change Standing Overview Group.
Research and information used:	United Nations' Intergovernmental Panel on Climate Change, 1.5-Degree Special Report, 2018

## Section 4a - Social Impacts

### Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

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A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').

An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).

- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair

- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

Characteristics	<p>In what way can you eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage?</p> <p>Are there any lawful, reasonable and proportionate, unavoidable negative consequences?</p>	<p>In what way can you advance equality (meet needs, encourage participation, make adjustments for disabled people, 'close gaps').</p> <p>In what way can you foster good relations between groups (tackle prejudice and promote understanding), if relevant?</p>
<p>2022-23 All residents (include generic equality provisions):</p>	<p>Implementing the recommendation will encourage further action locally that in turn can build momentum for national and international action on decarbonisation to reduce the impacts of climate change on all characteristics.</p> <p>Tactical-level changes to DCC's services over the next decade will need to undertake their own impact assessment to consider their effect on the equality characteristics of service users.</p>	<p>There will be opportunities to advance equality through the tactical-level changes to DCC's services over the next decade. These opportunities will need to undertake their own impact assessment to consider their effect on the equality characteristics of service users.</p>
Age:	See above	See above
Disability (incl. sensory, mobility, mental health, learning disability, ill	See above	See above

health) and carers of disabled people:		
Culture and ethnicity: nationality/national origin, skin colour, religion and belief:	See above	See above
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed).	See above	See above
Sexual orientation and marriage/civil partnership:	See above	See above
Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.	See above	See above
Human rights considerations:	See above	

## Supporting independence, wellbeing and resilience?

Give consideration to the groups listed above and how they may have different needs.

In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered and resourceful?	This will need to be considered at the tactical level as the Authority's services implement decarbonisation opportunities over the next decade.
In what way can you help people to be safe, protected from harm, and with good health and wellbeing?	This will need to be considered at the tactical level as the Authority's services implement decarbonisation opportunities over the next decade.
In what way can you help people to be connected, and involved in community activities?	This will need to be considered at the tactical level as the Authority's services implement decarbonisation opportunities over the next decade.

## Section 4b - Environmental impacts

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties.

The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select from the table below and proceed to the 4c, otherwise complete the environmental analysis table):

	Devon County Council's Environmental Review Process
	Planning Permission
	Environmental Impact Assessment

	Strategic Environmental Assessment
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	<b>Describe any actual or potential negative consequences.</b> <b>(Consider how to mitigate against these).</b>	<b>Describe any actual or potential neutral or positive outcomes.</b> <b>(Consider how to improve as far as possible).</b>
Reduce, reuse, recycle and compost:		Decarbonising the supply chain is likely to involve using resources more efficiently and thinking about the circular economy.
Conserve and enhance wildlife:		Building a market for carbon offsets in Devon will provide opportunities to restore and extend habitats.
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	Building a market for carbon offsets in Devon will provide opportunities to introduce features into the landscape, such as trees. These will need to be managed appropriately, taking into account existing landscape quality and character.	Building a market for carbon offsets in Devon will provide opportunities to enhance landscape, taking into account existing landscape quality and character.
Conserve and enhance Devon's cultural and historic heritage:	Potential negative effects on the historic built environment from new technology, however planning policies and procedures exist to safeguard these.	
Minimise greenhouse gas emissions:		Decarbonising the Authority will minimise greenhouse gas emissions.
Minimise pollution (including air, land, water, light and noise):		There will be opportunities alongside decarbonisation to improve air quality (e.g. sustainable transport), water

		quality (e.g. re-wetting peatlands) and light pollution (e.g. upgraded street lighting technology).
Contribute to reducing water consumption:		Consuming water emits carbon emissions due to the electricity required to pump and treat the water. Decarbonising the Authority may involve consuming less water.
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):		Through carbon offsetting projects in Devon, there is an opportunity to use habitat restoration to reduce flood risk and provide summer shading.
Other (please state below):		

#### Section 4c - Economic impacts

	<b>Describe any actual or potential negative consequences. (Consider how to mitigate against these).</b>	<b>Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).</b>
Impact on knowledge and skills:		Committing to decarbonise the Authority alongside other organisations in Devon will give confidence to a growing market for clean technology and carbon offsets.  Decarbonising the authority's supply chain will need to be undertaken sensitively not to unfairly affect SMEs.
Impact on employment levels:		
Impact on local business:		



Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	<p>The impacts of climate change will affect society, the environment and the economy. Reducing greenhouse gas emissions globally will minimise its effects.</p> <p>Committing to decarbonise Devon County Council alongside other organisations will have local benefits for the environment through offset opportunities and the development of clean technology.</p>
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Section 5 - ‘Social Value’ of planned commissioned/procured services:

How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?	n/a
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PTE/19/36

Cabinet  
9 October 2019

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

Report of the Head of Planning, Transportation and Environment

***Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.***

### **Recommendation: That Cabinet:**

- (a) notes the update on the project and progress with Homes England in entering into the funding contract;**
- (b) delegates authority 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) approves the proposal to undertake stakeholder consultation and conditional on the response, submission of a planning application for a Park & Ride site at Peamore;**
- (d) approves 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.**

### **1. Summary**

This report follows a successful bid that was 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 funding totalling £55.1 million towards infrastructure to support development at South West Exeter. Devon County Council was advised in February 2019 that it had been successful with the submission and is currently working positively with Homes England, who are acting on behalf of MHCLG, to enter into contract for the funding. This report seeks to provide an update on the project as well as providing approval for elements to allow the project to progress.

### **2. Background/Introduction**

#### South West Exeter

South West Exeter is a strategic allocation of 2,500 dwellings and 5 hectares of employment on the edge of Exeter, which spans two administrative areas – Teignbridge District Council and Exeter City Council. The Teignbridge Local Plan allocates land for 2,000 dwellings and the Exeter Core Strategy allocates land for 500 dwellings. SW Exeter is a complex site. The development straddles a key arterial road (the A379), is close to the Exe Estuary Special Protection Area, requiring additional mitigation, has difficult topography and has multiple land ownerships. It requires a significant amount of infrastructure to enable the development to come forward, much of which is needed early, and involves coordination to minimise disruption. The HIF funding will enable the early delivery of the infrastructure to support the delivery of housing. In order to avoid further delay to the housing coming forward, the aim is to deliver infrastructure in line with developers' timescales.

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## Housing Infrastructure Fund

The HIF is a government capital grant scheme of £5.5 billion which has been identified to support the delivery of infrastructure related to the building of new homes. There are two streams to the HIF – marginal viability funding and forward funding. DCC was successful with its bid of £55.1 million under the forward funding tranche of the programme.

The submitted bid included:

- Delivery of four signal junctions on the A379 to provide access to the development
- Realignment of Chudleigh Road to provide a safe access onto the A379 and unlock development north of the A379
- Delivery of a southern spine road through development
- New access roundabout on the A379 to unlock employment land at Peamore
- Upgrade to the 'Devon Hotel' roundabout on the A379 to increase capacity for development
- Alphington Village enhancements
- Delivery of access to the school site to enable delivery of the approved Free School
- Pedestrian / cycle bridge to provide a safe crossing of the A379, serving the school, community facilities and providing a key link for sustainable transport
- Suitable Alternative Natural Green Space to mitigate the impact of the SW Exeter and further developments on the internationally important Exe Estuary Special Protection Area required in advance of the delivery of development
- Utility upgrades – new primary sub-station to provide additional capacity to accommodate the residential and employment development (Peamore) and provision of foul drainage to serve the residential development
- Community building to include GP surgery, hall space for sports provision, flexible meeting space and library space.

A letter was received in February 2019 from the Director General, Decentralisation and Growth at MHCLG advising that the county council had been successful with its submission to the HIF. Since this time, officers have been working with Homes England. A number of conditions have been provided by Homes England, requiring information to be provided prior to entering into a funding contract. DCC is working to ensure the necessary information is provided for these. In addition, draft Heads of Terms for the funding contract with Homes England have been provided. It is considered that progress is being made to enable DCC to enter into the funding contract with Homes England.

Recognising the process made to date, it is considered that there is minimal risk regarding the funding contract. Furthermore, reassurances have been provided from Homes England regarding their commitment to entering into a funding contract with Devon County Council.

### **3. Proposal**

In order to ensure that the project remains on programme and seeks to meet developer's timeframes, DCC has been progressing those elements of infrastructure which are on the critical path. The relevant items of infrastructure are discussed in turn below.

#### Eastern Junction

The Eastern Junction is a new access junction to a development parcel between the Devon Hotel and Matford roundabouts. It unlocks two land ownerships. Design of the access junction has been progressed to date by a single developer, with DCC undertaking a technical check of the design of this junction.

The Eastern Junction is currently being progressed to meet developer timescales. It is considered necessary for DCC to take an active role in the delivery of this junction given that it unlocks two landownerships and is on the extremely sensitive A379. The delivery of the junction by DCC will ensure that the junction is able to unlock both landownerships. If a single developer delivered the junction, there is a strong likelihood that the unlocking of the second landownership would be delayed as the current planning condition is that it does not need to be delivered to the boundary between the two sites until 200 homes are delivered. Subject to modifications of the planning conditions delivery of the junction by DCC will include a mechanism to ensure that both parcels can be unlocked.

## Interim School Access Junction

A free school has been secured for South West Exeter, to be delivered by the Education and Skills Funding Agency. In order to facilitate the delivery of this school, it is necessary for DCC to deliver an access suitable for both the construction and opening of the school. It is proposed that this will be a signalised junction, with sufficient capacity for both the school and an early phase of development as well as a road up to the school site. To expedite the delivery the junction will be delivered within the existing carriageway to limit abortive works. The junction will be upgraded at a later date in combination with other works to the A379.

## Interim School Access Earthworks

The new school will be located on a parcel of land raised above the existing road level. As such, the road to the school and access junction will be in cutting, which requires earthworks to amend existing ground levels. Earthworks are also required to be undertaken by the developer to ensure appropriate levels for the development site. The developer is proposing to undertake all the earthworks, including those required for the delivery of the junction, in a single contract.

If the developer undertakes the earthworks instead of DCC, the timescales for delivery of the junction would be reduced as the alternative would require DCC to undertake the works as part of the contract to deliver the junction. Whilst the developer is willing to bear the upfront cost of the earthworks to assist the delivery of the junction, they would expect to be recompensed for the cost in some form. The proposal is that this cost will be offset against future repayments of the HIF funding thereby being cost neutral to DCC. The developer will be expected to make sufficient repayments of the HIF funding to cover the cost of the earthworks. Approval is therefore sought to offset the cost of the earthworks against the future recovery of funding. In advance of offsetting the cost, it is expected that DCC would review the cost of the earthworks to ensure value for money.

## Pedestrian / cycle bridge

Linked to the delivery of the proposed all-through school is the delivery of a pedestrian / cycle bridge across the A379. This would assist in providing a safe crossing of the road to both the school and wider development as it is delivered.

Initial design has been undertaken of the pedestrian / cycle bridge. It is proposed that this will be a landmark structure, creating a sense of identity for the development at South West Exeter. It will provide a focal point, assisting the navigation through the development towards a crossing point across the A379, which will be adjacent to both the school and other community facilities.

The design proposed is of a skew parabolic arch, plans of which are included in Appendix I. Initial designs of the bridge were undertaken in 2015. The cost estimate for the bridge has recently been reviewed in consideration of the deliverability of a bridge of such a landmark

# Agenda Item 9

structure in advance of progressing the detailed design. This has indicated that the design and cost remain appropriate compared to the funding received from the Housing Infrastructure Fund. DCC is currently working with developers to confirm final levels for the bridge to allow detailed design to be progressed.

## Peamore Park and Ride

Employment development is proposed at Peamore, close to an existing employment site, known locally as Frank Tuckers. As part of the Housing Infrastructure Fund it is proposed to deliver a roundabout to access the development as well as an upgrade to the electricity infrastructure to support the employment development. As with the residential development, the County Council will recover the cost of the infrastructure. An option instead of a monetary repayment is to secure land of an equivalent value in lieu, or a combination. In relation to this site, it is proposed to secure land for the purpose of delivering a park and ride site. Initial feasibility has been undertaken which has identified a preferred option, included in Appendix II. It is proposed to undertake stakeholder consultation and, depending on the outcome, submit a planning application for this site, based on the preferred option, which is considered necessary in advance of securing the land.

## **4. Consultation and Stakeholder Engagement**

Consultation regarding the proposed development at South West Exeter and the infrastructure to support it has taken place at a number of stages.

Consultation was undertaken at the Local Plan Stage on the allocation of development in this location. This was undertaken by both Teignbridge District Council and Exeter City Council. In addition to public consultation, the Local Plans were subject to examination by an independent Planning Inspector. Following the adoption of the Local Plans, further work was undertaken by the city and district councils through the production and consultation of a Development Brief for the development within Exeter and a Development Framework for the development within Teignbridge. These documents provide further detail on the infrastructure that is proposed to be provided at South West Exeter.

With regard to the two junctions which it is proposed will be delivered first, these have been included within planning applications, which are subject to public consultation.

Where planning applications are required for future items of infrastructure to be delivered through the Housing Infrastructure Fund, these will also be subject to appropriate consultation.

Stakeholder consultation will be carried on the proposal for a Park & Ride at Peamore. Subject to this a more formal consultation will be carried out as part of the Planning Application.

## **5. Financial Considerations**

HIF funding is a capital grant to the Local Authority. Information received to date suggests that, once the funding contract is signed, the County Council will be able to draw down funding in arrears on a monthly basis.

Whilst the proposal is to forward fund the infrastructure, in advance of entering into the funding contract with Homes England, for the Eastern Junction, a legal agreement will be in place to secure the repayment of the funding, prior to appointing the contractor. This will ensure that the developer will pay back the cost of the works as development is delivered. In order to secure repayment in advance of development coming forward, the ability to secure land of an equivalent value in lieu of a financial contribution will also be an option.

For both pieces of infrastructure, once a funding contract with Homes England is entered into, it is expected that funding to cover these items can be recovered from the HIF.

Considering the budget threshold of £4.5 million, It is proposed that £2.5 million will be funded through corporate forward funding and that £2 million will be funded by unallocated Basic Need in the Medium Term Capital Programme. In addition, both Teignbridge District Council and Exeter City Council will be contacted regarding Community Infrastructure Levy towards the school, including the access works.

Indications are that the funding contract with Homes England will be entered into in advance of tendering for other infrastructure works. The HIF funding will be recoverable from developers as development comes forward and legal agreements will be entered into with developers and / or landowners to secure this repayment. Once funding is recovered, it can be recycled by the County Council. Decisions on how recovered funding is recycled are expected to be made once the funding has been collected and will be subject to the normal approval process.

If HIF funding has not been secured for some reason via contract with MHCLG, the Eastern Road Junction would be funded from S106 (or LTP) and the Schools Access Junction would be funded from Schools Basic Need grant.

## **6. Environmental Impact Considerations (Including Climate Change)**

The planning applications for the 2,500 dwellings and employment, which includes consideration of the infrastructure that is needed to support it, have been supported by Environmental Statements. These planning applications span the administrative areas of Exeter City Council and Teignbridge District Council, both of which are recent signatories to the Devon Climate Declaration along with Devon County Council. We are aware negotiations are currently taking place between the developers and the planning authorities to reduce the carbon generation of the development. In addition, as part of the overall HIF infrastructure plan, we are considering an option to ensure sufficient electric capacity is available for the whole development to go carbon neutral in the future

The long-term aim, by 2030, is to work with our supply chain to enable carbon neutrality. This is in the process of emerging, we will therefore work with the suppliers of the HIF works to encourage them to reduce carbon emissions from their operations.

Looking more specifically at the transport infrastructure discussed. The carbon footprint of end users of this infrastructure has been considered through the design of pedestrian/cycle provisions which include linking the new development with the existing strategic pedestrian/cycle network. Furthermore, the proposed pedestrian/cycle bridge will not only provide a gateway structure but also ensure low carbon transport modes are safe and desirable for pupils and residents alike. Improved walking and cycling infrastructure is a specific inclusion in the Devon Climate Declaration. An important aspect of the HIF infrastructure is the delivery of a spine road through the development. A key purpose of this is to enable good access to public transport with every house being within walking distance of a bus stop.

The Park & Ride provides an opportunity to reduce carbon emissions further through reducing vehicle movements. This site also has the potential for the installation of a solar PV roof over parked vehicles. If this recommendation is approved, Devon County Council will encourage proposals for solar PV over the Park and Ride site in the stakeholder consultations. Using renewable energy systems and new public transport infrastructure are also specific aims of the Devon Climate Declaration.

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## 7. Equality Considerations

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
  - advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
  - foster good relations between people by tackling prejudice and promoting understanding, taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status
- incoming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

An Impact Assessment has been prepared, a copy of which has been circulated to Cabinet Members, and is available on the Council's website at:

<https://www.devon.gov.uk/impact/published/>

Both junctions include provision for pedestrians and cyclists along the A379. The Eastern Junction scheme also provides for a pedestrian / cycle crossing of the A379, providing a connection to an existing cycle route.

## 8. Legal Considerations

Legal agreements will be required for both junctions with the relevant developers. Both will include access rights to enable the junction to be delivered as well as a mechanism for securing the adoption of the road and junction and to enable use by the public in advance of this. The Eastern Junction legal agreement will include provision for repayment of the cost of delivery of the junction.

## 9. Risk Management Considerations

Whilst legal agreements have been drafted to enable the delivery of the junctions, there is a risk that these are not acceptable to the developers. In the case of the Eastern Junction, these works would not be progressed if a legal agreement securing repayment cannot be achieved. With regard to the Interim School Access junction, the legal agreement does not include a repayment mechanism and as such the risk is considered to be lower. Failure to deliver this junction could impact the delivery timescales for the school.

As with the delivery of any highway works, there is risk regarding delivery. A suitable contingency sum will be included in the estimated costs to minimise the impact of risks.

## 10. Public Health Impact

The infrastructure is proposed to support sustainable development at South West Exeter. As part of this there will be the provision of sustainable transport which will encourage active travel and have the potential for a public health benefit.

Designs for the junctions include provision of suitable pedestrian / cycle crossing facilities. Prior to approval of the design, the junctions are subject to safety audit, with issues raised within the safety audit addressed as appropriate.

## 11. Options/Alternatives

An alternative would be to not progress the delivery of the junctions in advance of entering into contract with Homes England. This could have the impact of delaying the delivery of



development given the upfront costs to the developer. This would impact an adjacent development parcel which is dependent on the access works and would be delayed if DCC did not deliver the scheme.

In addition, a delay in the delivery of the Interim School Access Junction would have the impact of delaying the delivery of the all-through school at South West Exeter, which cannot be delivered in advance of the junction works and access. The risk of a delay to the delivery of the school is the loss of the free school. This would have a significant cost implication for the county council as the cost of the free school is estimated to be in excess of £30 million. There would likely also be a delay to the delivery of the school, which is a significant risk as there is considerable pressure for secondary school places in Exeter.

DCC could choose not to offset the cost of the earthworks from the future recovery of funding from the developer. This would impact the programme for the delivery of the junction, potentially affecting the timescale for delivery of the school.

## 12. Reason for Recommendation/Conclusion

The aim of the Housing Infrastructure Fund in relation to South West Exeter is to unlock development through the upfront, coordinated delivery of infrastructure. Although the funding contract with Homes England has not yet been entered into, progress in relation to this is being made. The delivery of the junction works will help to meet the aims and timescales identified in the HIF bid. Furthermore, it will help to support the delivery of the all-through school as well as supporting the delivery of development.

Dave Black  
Head of Planning, Transportation and Environment

## Electoral Divisions: Alphington & Cowick; Exminster & Haldon

Cabinet Member for Infrastructure, Development and Waste: Councillor Andrea Davis

*Chief Officer for Communities, Public Health, Environment and Prosperity: Dr Virginia Pearson*

Local Government Act 1972: List of Background Papers

Contact for enquiries: Sarah Ratnage

Room No. Lucombe House, County Hall, Exeter. EX2 4QD

Tel No: (01392) 383000

Background Paper	Date	File Reference
Impact Assessment	September 2019	<a href="https://www.devon.gov.uk/impact/published/">https://www.devon.gov.uk/impact/published/</a>

sr190919cab South West Exeter Housing Infrastructure Fund Update on Project and Tender  
hk 06 290919

**OPTION D - NOTE**  
FOR FURTHER DETAILS SEE  
DRAWING A379\_CB/008

**OPTION D**  
**SECTION THROUGH CENTRELINE OF BRIDGE**  
**SECTION A-A**  
SCALE 1:100

**OPTION D**  
**SECTION E-E**  
SCALE 1:100

**COMBINING**

**FEASIBILITY ISSUE**

**Engineering Design Group**  
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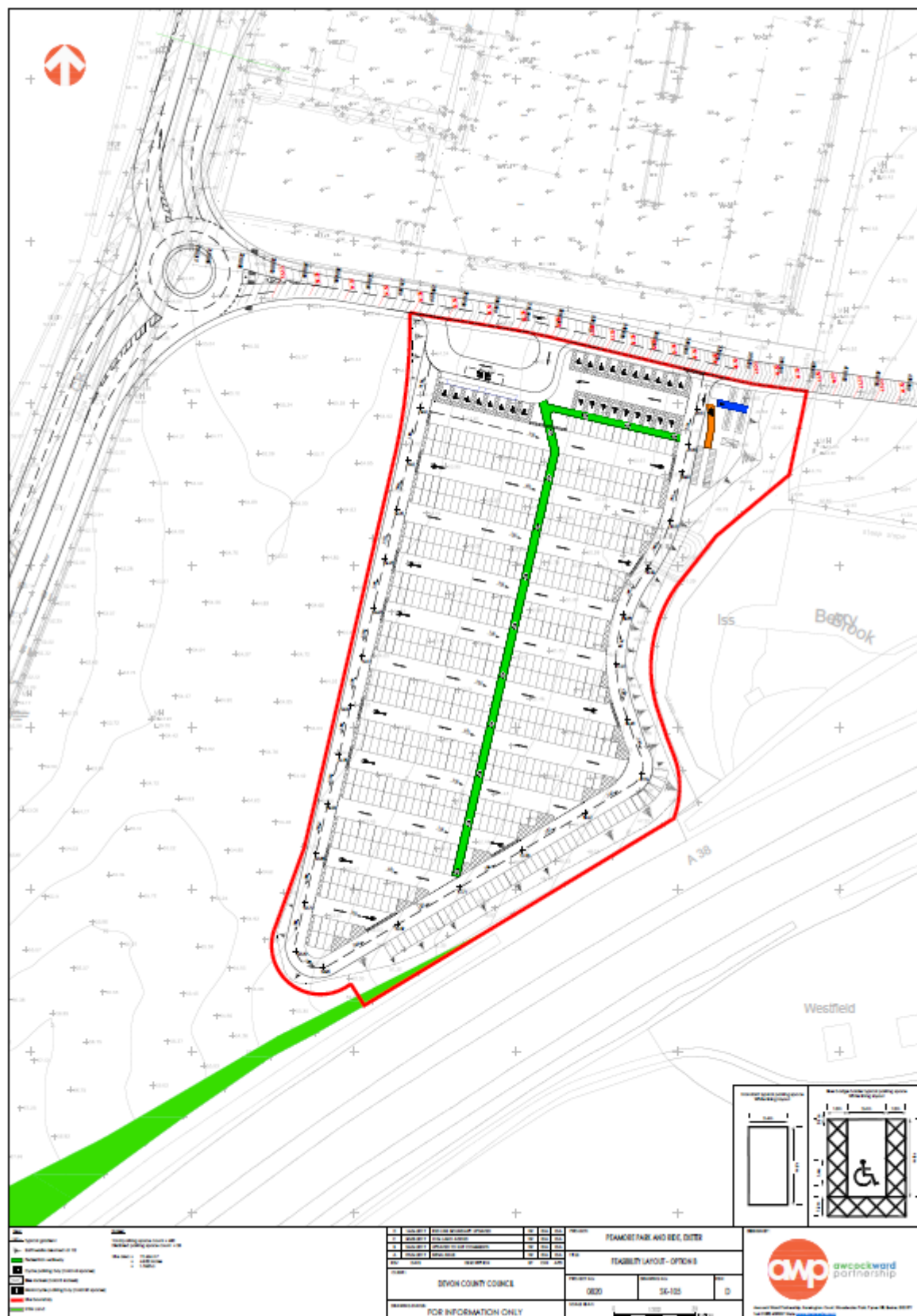
**Devon County Council**

**A379 WEST OF EXETER CYCLE BRIDGE**

**OPTION D - SINGLE SKEW PARABOLIC ARCH**

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## Appendix II to PTE/19/36 – Peamore Park and Ride





# Impact Assessment

Version 2017

To publish, please send a dated PDF to [impactassessment-mailbox@devon.gov.uk](mailto:impactassessment-mailbox@devon.gov.uk)



<b>Assessment of:</b>	<b>Eastern Junction and Interim School Access Junction, South West Exeter</b>
<b>Service:</b>	<b>Planning, Transport and Environment</b>

<b>Head of Service:</b>	Dave Black
<b>Date of sign off by Head of Service/version:</b>	20 September 2019
<b>Assessment carried out by (incl. job title):</b>	Sarah Ratnage, Special Projects and Planning Manager

Page 9

## Section 1 - Background

<b>Description:</b>	<p>South West Exeter is a strategic allocation of 2,500 dwellings and 5 hectares of employment on the edge of Exeter, which spans two administrative areas – Teignbridge District Council and Exeter City Council. The Teignbridge Local Plan allocates land for 2,000 dwellings and the Exeter Core Strategy allocates land for 500 dwellings. SW Exeter is a complex site. The development straddles a key arterial road (the A379), is close to the Exe Estuary Special Protection Area requiring additional mitigation and has multiple land ownerships. It requires a significant amount of infrastructure to enable the development to come forward, much of which is needed early, and involves coordination to minimise disruption.</p> <p>The Eastern Junction will provide access to two parcels of development land at South West Exeter. The Interim School Access Junction will provide access to a further development site and importantly will provide access to a new all-through school.</p>
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Reason for change/review:	<p>The Eastern Junction will unlock two parcels of land and has the potential to speed up delivery of housing.</p> <p>The Interim School Access junction is critical to the delivery of a new all-through school. This is an approved free school to be delivered by government and delivery of the junction will help to prevent delay in the delivery of the school.</p>
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## Section 2 - Impacts, options and recommendations

See sections 3, 4 and 5 for background analysis

Options Appraisal and Recommendations:	<p>The Eastern Junction has been proposed by the developer and has planning permission, which was subject to public consultation. As such, alternatives have not been considered.</p> <p>The Interim School Access Junction is proposed to be delivered in advance of a larger junction in this location to expedite the delivery of the access. An alternative would be to not deliver the interim junction and to deliver the full access. As the full junction is larger, and links to other new proposed junctions, this would delay the delivery of the access and have a knock on impact on the delivery of the new school.</p>
Social/equality impacts (summary):	<p>The positive impacts outlined below will be achieved through this project:</p> <ul style="list-style-type: none"> <li>• Delivery of new homes within the local area, including affordable housing</li> <li>• Delivery of a new all-through school, including nursery provision</li> </ul> <p>The following negative impacts may be realised:</p> <ul style="list-style-type: none"> <li>• In the short term, during the construction works, it is anticipated that some negative impact will be realised as a result of traffic management.</li> </ul>

	<ul style="list-style-type: none"> <li>The negative impact will be mitigated through liaison with Devon County Council's highway co-ordination and traffic management groups.</li> </ul> <p>Throughout the construction, local businesses and stakeholders will be kept informed of the proposed works and necessary traffic management.</p>
Environmental impacts (summary):	<p>The following negative impact will be realised:</p> <ul style="list-style-type: none"> <li>Air quality, introduction of new signal junctions may have a slight impact on air quality as vehicles will be required to stop at red lights</li> <li>There will be the removal of vegetation to enable the delivery of the junctions. This has been considered through the planning application process</li> <li>Lighting – the scheme will require the introduction of some new street lighting</li> </ul> <p>The is expected to be a neutral impact on noise, given the existing road.</p>
Economic impacts (summary):	<p>The positive impacts outlined below will be achieved through this project:</p> <ul style="list-style-type: none"> <li>Unlock housing at South West Exeter and associated employment during construction</li> </ul> <p>The following negative impact will be realised:</p> <ul style="list-style-type: none"> <li>In the short term, during the construction works, it is anticipated that some negative impact will be realised as a result of traffic management.</li> </ul> <p>This negative impact will be mitigated as far as possible by liaising with Devon County Council's highway co-ordination and traffic management groups.</p>
Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):	Unlocking of all-through school at South West Exeter.

How will impacts and actions be monitored?	Housing completions at South West Exeter
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# Background Analysis

This section describes how relevant questions and issues have been explored during the options appraisal.

## Section 3 - Profile and views of stakeholders and people directly affected

People affected:	The delivery of the junctions will affect all road users of the A379.
Diversity profile and needs assessment of affected people:	The proposals have no adverse impact on a specific audience, regardless of age, race, gender, sexual orientation and religion / belief. Improvements to the roundabout approaches improves journey time reliability benefitting all road users. Improvements to the shared paths benefit pedestrians and cyclists.
Other stakeholders (agencies etc.):	Key stakeholders involved in the project include: <ul style="list-style-type: none"><li>• Local Members</li><li>• Developers</li><li>• Exeter City Council</li><li>• Teignbridge District Council</li></ul>
Consultation process and results:	Proposals for development have been through the planning process. This includes a consultation process and the acceptability of the proposals are considered as part of this. The planning process includes direct consultation with statutory consultees as well as site notices.
Research and information used:	The Moor Lane roundabout is on Exeter's strategic highway network and as such it was felt appropriate to use the Design Manual for Roads and Bridges to design the highway improvements.  Improvements for vulnerable road users were based on the Sustrans Design Manual.

## Section 4a - Social Impacts

### Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

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A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').

An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).

- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair

- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

Characteristics	In what way can you eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage?  Are there any lawful, reasonable and proportionate, unavoidable negative consequences?	In what way can you advance equality (meet needs, encourage participation, make adjustments for disabled people, 'close gaps').  In what way can you foster good relations between groups (tackle prejudice and promote understanding), if relevant?
<div>Page 45</div> <p>All residents (include generic equality provisions):</p>	The proposals allow for vehicular access to the site. Provision is also made for pedestrian / cycle access along the A379, with the addition of a separate crossing across the A379 in relation to the Eastern Junction.	<ul style="list-style-type: none"> <li>• Provision of connection across A379 to connect to existing pedestrian / cycle route</li> </ul>
Age:	Not relevant	Supports provision of all-through school which will benefit school age children.
Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:	Not relevant	Not relevant

Culture and ethnicity: nationality/national origin, skin colour, religion and belief:	Not relevant	Not relevant
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed).	Not relevant	Not relevant
Sexual orientation and marriage/civil partnership:	Not relevant	Not relevant
Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.	Not relevant	Not relevant
Human rights considerations:	Not relevant	

### Supporting independence, wellbeing and resilience?

Give consideration to the groups listed above and how they may have different needs.

In what way can you support and create opportunities for people and communities (of	Provision of new junctions will support the delivery of a new development, including associated community facilities.
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place and interest) to be independent, empowered and resourceful?	
In what way can you help people to be safe, protected from harm, and with good health and wellbeing?	The provision of a crossing facility to connect to an existing cycle route will contribute to the independence and wellbeing of the general public.
In what way can you help people to be connected, and involved in community activities?	The infrastructure will help support the delivery of new development, including future community facilities.

## Section 4b - Environmental impacts

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties.

Page 47  
The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select from the table below and proceed to the 4c, otherwise complete the environmental analysis table):

	Devon County Council's Environmental Review Process
X	Planning Permission
	Environmental Impact Assessment
	Strategic Environmental Assessment

	<b>Describe any actual or potential negative consequences.</b>	<b>Describe any actual or potential neutral or positive outcomes.</b>
--	--	---

	(Consider how to mitigate against these).	(Consider how to improve as far as possible).
Reduce, reuse, recycle and compost:		1
Conserve and enhance wildlife:		
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:		
Conserve and enhance Devon's cultural and historic heritage:		
Minimise greenhouse gas emissions:		
Minimise pollution (including air, land, water, light and noise):		
Contribute to reducing water consumption:		
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):		

Other (please state below):		
-----------------------------	--	--

### Section 4c - Economic impacts

	Describe any actual or potential negative consequences.  (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes.  (Consider how to improve as far as possible).
Impact on knowledge and skills:	Not applicable	Enables delivery of new all-through school at South West Exeter
Impact on employment levels:	Not applicable	Enables delivery of new all-through school at South West Exeter which will provide employment.
Impact on local business:	Potential negative impact on local business e.g. at Marsh Barton during construction.	

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### Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	The implementation of the schemes will unlock housing at South West Exeter. Providing housing in areas where people want to live is one of the key aims of the Government.
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### Section 5 - 'Social Value' of planned commissioned/procured services:

How will the economic, social and environmental well-being of the relevant area be improved through what is being	The proposals will support the delivery of development and a new all-through school, supporting social value in the area.
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proposed? And how, in conducting the process of procurement, might that improvement be secured?	
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PTE/19/37

Cabinet  
9 October 2019

## Stokeinteignhead Flood Improvements

Report of the Head of Planning, Transportation and Environment

***Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.***

**Recommendation:** It is recommended that Cabinet;

- (a) approves the implementation of the proposed flood improvements for Stokeinteignhead;**
- (b) approves the revised funding sources and an overall increase in the capital budget of £60,000 giving a total budget allocation of £780,324.**

### 1. Summary and Purpose of Report

The purpose of this report is to inform Cabinet on the progress made in developing the flood improvements for Stokeinteignhead, the challenges that have been experienced to date and the current proposals for scheme delivery. It will also update on 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.

### 2. Background to Flood Improvements

Stokeinteignhead is a small village to the east of Newton Abbot with up to 45 properties at risk of flooding from an event with a high<sup>1</sup> probability of occurrence. During the severe weather experienced in 2012 it was reported that 12 of those properties suffered internal flooding. There are two watercourses merging in the centre of the village, one from the Stoke Road catchment and the other from Dean Road, together with numerous surface water flow paths, all flowing towards the low-lying area of the village where the majority of at-risk properties are located.

An initial 'quick-win' scheme was carried out in 2016 to improve the drainage conveyance and discharges back into the watercourse for the lower end of the village. This only reduced the risk of flooding to a small number of properties but was an essential element of works to support the current proposals and enable flood flows to be conveyed downstream away from properties.

After modelling, numerous site investigations, land negotiations and financial viability the preferred option consisted of upsized drainage for a considerable length of Stoke Road and the creation of a large dammed flood storage area and drainage improvements for the Dean Road area. The cost estimates, produced for the initial design concepts, were very close to the threshold of available funding, even prior to more detailed consideration of potential risk factors.

Reviews were undertaken of the scheme design, cost estimates and risks, which identified additional costs and further risks that needed to be considered. The resulting conclusion was that the envisaged scheme proposals did not meet a realistic cost benefit and, as such, were unaffordable. Consequently, a difficult decision had to be made to reduce the scope of works, whilst still ensuring a good standard of flood improvements could still be delivered.

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<sup>1</sup> High risk is as low as a 1 in 5-year event

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This was, understandably, a disappointment for the residents of Stokeinteignhead, particularly given the lengthy process of reaching this decision; however, there is good support for the alternative proposals now being promoted.

## **3. Proposed Flood Improvement Scheme**

The currently proposed scheme for Stokeinteignhead incorporates three separate elements:

1. Property Flood Resilience (PFR) installation to individual properties;
2. Improvements to the local highway drainage network; and
3. The installation of Natural Flood Management (NFM) measures in the upper catchment.

These three elements together will give the desired benefit to the properties in question and the economic appraisal indicates that there is justification to implement this option, with 45 properties moving to a lower risk band.

Property Flood Resilience (PFR) is recognised in DCC's Local Strategy as a suitable option to reduce the risk of flooding to a property when no other measures are economically or practically feasible. In the case of Stokeinteignhead, PFR is to be installed as a passive measure (i.e. permanently in place to provide continuous flood protection), in contrast to the installation of flood boards required at times of high rainfall. For the majority of properties, these passive measures will be placed on the boundary walls rather than on the property itself. Where this is the case, however, the doors will also be passive (i.e. self-closing) in nature, giving internal flood protection once closed.

Accompanying the PFR measures, to be installed on individual properties, a programme of highway drainage improvements is to be undertaken, as illustrated in Appendix A. The hydraulic modelling exercise identified a number of restrictive elements in the underground culverted watercourse system and highway drainage network. The scheme will remove these pinch points and improve conveyance through larger diameter culverts/pipes. This will reduce the frequency of overland flows being conveyed down the highway.

In addition to the PFR and highway drainage improvements, a series of Natural Flood Management (NFM) measures are to be developed in conjunction with the land owner to slow water flows and give temporary storage in the upper catchment. This will give a reduction in peak flow and take the pressure off the downstream system. The measures to be included in the NFM proposals are the installation of woody debris dams, shallow scrapes and planted backwaters, which should result in some wildlife benefit as well as reducing flood risk.

## **4. Options/Alternatives**

A number of alternative options have been considered, including upstream storage and attenuation, upsizing of the existing drainage system and installation of new culverts, an improved highway gully network, natural flood management measures and temporary flood defence systems. Some of these options were progressed through to design stage but have had to be discounted due to affordability within the available budget and a realistic cost benefit. A combination of the options considered have helped to derive a scheme that will still provide a good standard of protection for the at-risk properties and which can be delivered within an acceptable cost benefit ratio.

## **5. Consultations/Representations/Technical Data**

Key stakeholders have been involved from a very early stage of the investigation and throughout development of the scheme proposals in Stokeinteignhead. These include the Parish Council, District Council, land owners, local MP, the local flood group and individual property owners. Regular attendance at the Parish Council meetings with a specific agenda

to discuss the flooding issues in the village has enabled a robust scheme to be developed ensuring that local anecdotal evidence has been considered where necessary.

A number of the properties to benefit from the works are Listed Buildings, which has required discussion with the District Council's Conservation Officer to understand the specific requirements for undertaking the works. This is reflected in the proposed project programme.

Once the decision was made to stop working towards the storage attenuation option, which was considered to be unachievable within the available budget and unrealistic in terms of cost benefit, a community drop-in event was arranged by DCC to discuss individual needs with the affected residents. This resulted in 35 of the 45 affected properties being represented with overwhelming support shown for the new scheme proposals to deliver individual property protection measures together with improved drainage.

## 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.

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

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

## 7. Legal Considerations

Under the Flood and Water Management Act 2010 Devon County Council is defined as a Risk Management Authority and the Lead Local Flood Authority, giving it powers under the Land Drainage Act 1991 to carry out flood improvements in its area. The District Councils,

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which in this case is Teignbridge, have certain powers for carrying out works on an ordinary watercourse and these can be delegated to the LLFA for carrying out the flood improvements, as they have been in this instance.

Notices will need to be served on property/landowners for access onto their properties for carrying out the flood improvements, but these are generally completed as a formality to support a local agreement made between the landowner and DCC.

## **8. Environmental Impact Considerations (including Climate Change)**

An environmental appraisal has been carried out for the proposals and this has indicated that, with the appropriate mitigation, there will be limited impact upon landscape, historic and ecological interests. The scheme will also look to maximise any ecological opportunities. Where possible the project will look to reuse materials excavated on site to reduce the need for their importation to site. There is also the desire to utilise naturally occurring materials as part of the Natural Flood Management proposals, again to reduce the carbon footprint of the scheme.

Action to address areas at particular risk of flooding will become an increasing priority due to changing weather patterns linked to climate change. The design of schemes routinely takes account of this additional climate change risk.

## **9. Equality Considerations**

All of the flood improvements have been developed in accordance with the Equality and Environmental Assessments produced in support of the Devon Local Flood Risk Management Strategy. All elements of the scheme have been assessed at the appropriate stage using the corporate, integrated assessment tool, with relevant equality and environmental impacts identified and acted on as necessary.

## **10. Risk Management Considerations**

The risks associated with flooding are set out in the Devon Local Flood Risk Management Strategy and are addressed through multi-agency and local emergency plans, developed by DCC, the Local Resilience Forum and local communities. In addition, the corporate risk register identifies the risks linked to the implementation of DCC's role as Lead Local Flood Authority. The proposed works are designed to reduce these risks and align with these strategies and plans.

The current standard of protection to some properties is estimated to be as low as from the 1 in 5-year event and this scheme aims to improve the standard beyond the 1 in 50 year, as a minimum, and, for many properties, up to the 1 in 75-year scenario.

## **11. Public Health Impact**

The effects of flooding are devastating, not only the physical nature in terms of damage to the properties and infrastructure, but also the stress and mental wellbeing of the individuals affected. Deep flood waters present a risk to life as they often contain contamination from foul sewers and pesticides from field runoff and there is also the risk of drowning. The delivery of these essential flood improvements will help to reduce the risks identified and contribute to the wellbeing of residents.

## **12. Discussion**

The development of flood improvements for Stokeinteignhead, achieving the required design standards, has been very challenging, particularly to justify the level of investment required. Consequently, it has become the first location where we have had to reduce the scope of the

works to make it a more affordable option and bring it in line with an acceptable cost benefit. On average grant-aided flood improvement schemes being delivered across the country are now in the region of £13,000 per benefitting property, whereas estimates for the initial proposals for Stokeinteignhead were indicating considerably more than double this national average. DCC has worked closely with the Parish Council, elected member and local residents to reach this decision and help manage expectations on the final scheme proposals to be delivered.

## 13. Conclusion and Reason for Recommendation

After much deliberation and determination to achieve the maximum standard of protection the decision has had to be made to deliver an affordable scheme that achieves a more realistic cost benefit, whilst still providing a much-improved standard of protection albeit less than the 1 in 100-year desirable level. It is, therefore, recommended that approval be given to deliver the most advantageous and cost beneficial flood improvements within the assumed budgets, as set out in this report.

Dave Black  
Head of Planning, Transportation and Environment

## Electoral Divisions: Ipplepen and The Kerswells

Cabinet Member for Community, Public Health, Transportation and Environmental Services:  
Councillor Roger Croad

*Chief Officer for Communities, Public Health, Environment and Prosperity: Dr Virginia Pearson*

Local Government Act 1972: List of Background Papers

Contact for enquiries: Martin Hutchings

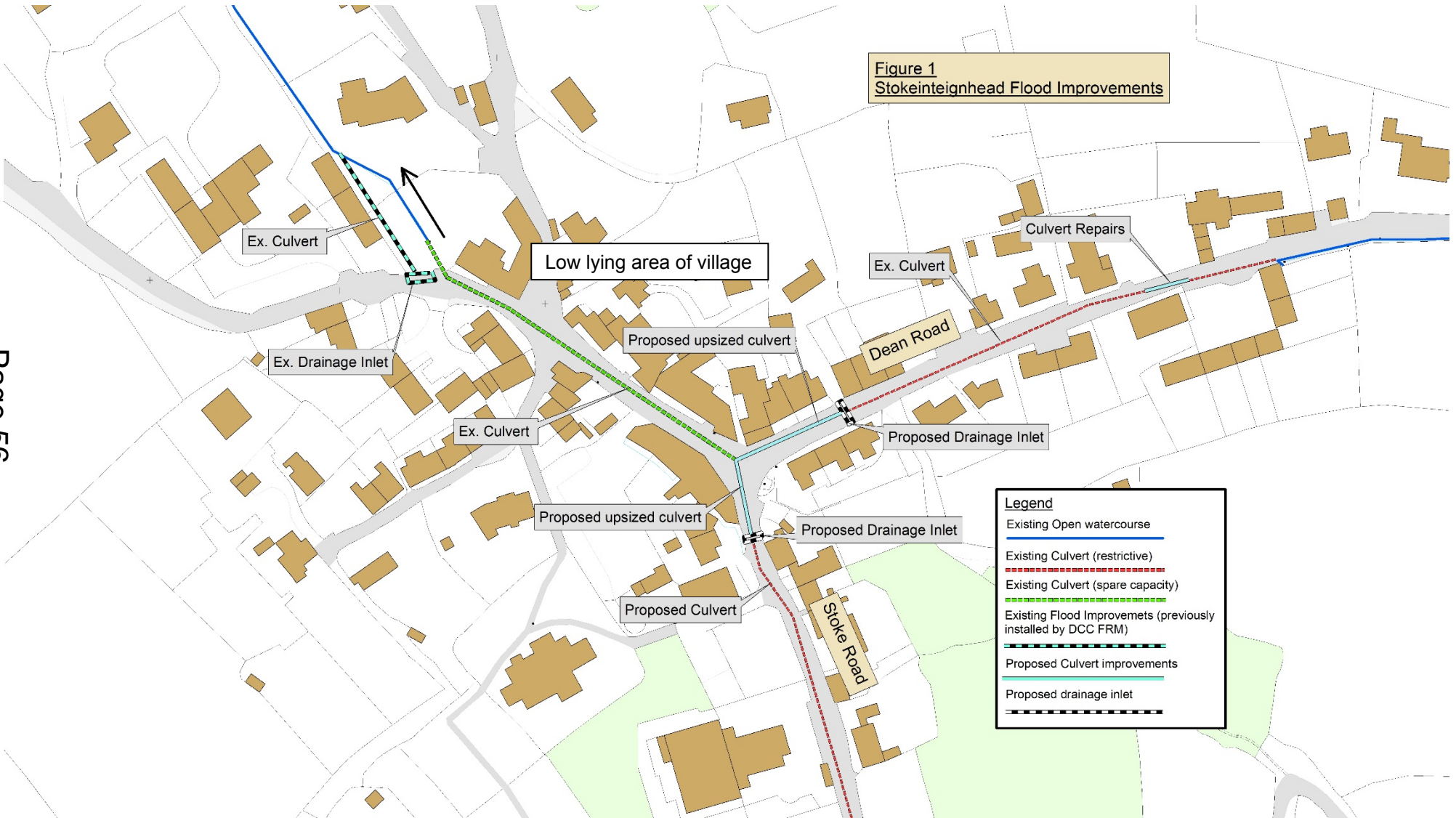
Room No. Lucombe House, County Hall, Exeter. EX2 4QD

Tel No: (01392) 383000

Background Paper	Date	File Reference
1. Government Programme of Flood and Coastal Erosion Risk Management Schemes	Updated 1 <sup>st</sup> April 2019	<a href="https://www.gov.uk/government/publications/programme-of-flood-and-coastal-erosion-risk-management-schemes">https://www.gov.uk/government/publications/programme-of-flood-and-coastal-erosion-risk-management-schemes</a>
2. Devon Local Flood Risk Management Strategy	June 2014	<a href="https://new.devon.gov.uk/floodriskmanagement/local-flood-risk-management-strategy/">https://new.devon.gov.uk/floodriskmanagement/local-flood-risk-management-strategy/</a>
3. Flood Risk Annual Action Plan	March 2019	<a href="https://www.devon.gov.uk/floodriskmanagement/local-flood-risk-management-strategy/action-plan/">https://www.devon.gov.uk/floodriskmanagement/local-flood-risk-management-strategy/action-plan/</a>
4. Impact Assessment – Devon Local Flood Risk Management Strategy	March 2014	<a href="https://www.devon.gov.uk/floodriskmanagement/local-flood-risk-management-strategy/">https://www.devon.gov.uk/floodriskmanagement/local-flood-risk-management-strategy/</a>

mh180919cab Stokeinteignhead Flood Improvements  
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Figure 1  
Stokeinteignhead Flood Improvements



# Devon Local Flood Risk Management Strategy

## Equality Impact Assessment

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### 1.1 Introduction

An Impact Assessment is required when developing policies, plans or strategies and should be used to aid development and produce recommendations for decision makers, covering the potential social, environmental and economic impacts. The Devon County Council guidance on Impact Assessments has been followed during this procedure.

The Impact Assessment must be carried out as early on in the process as possible so that considerations can be taken in to account before decisions are made. Outcomes of this assessment have been taken into account whilst developing the Strategy and are evidenced in the Impact Assessment Form.

#### Social Impact

Under the Equality Act 2010 an Impact Assessment must consider the impact on all people, including vulnerable or excluded groups before any significant changes are made to policy or practice.

#### Environmental Impact

Environmental impacts must also be considered, which has been completed for Devon's Local Flood Risk Management Strategy in a Strategic Environmental Assessment (SEA) under the European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment". The environmental report for the SEA can be found in Appendix C of the Strategy and the environmental issues will therefore not be covered in this Impact Assessment.

#### Economic Impact

One of the main impacts of implementing the Local Flood Risk Management Strategy will be the improved protection of homes and businesses from flooding, resulting in more resilient communities and economy.

Another aspect of the economic impact assessment is socio-economic issues, where certain protected characteristics such as being elderly or disabled may be combined with socio-economic profiles such as someone on low income. It is felt that the socio-economic issues will need addressing as part of this Impact Assessment and will come under the Social (equality) Impact Assessment.

### 1.2 Devon Local Flood Risk Management Strategy

The Equality Impact Assessment for Devon's Local Flood Risk Management Strategy will be assessed on the aims, objectives and principles throughout



the main document, the criteria for prioritising works and investigating flood events and any other factors that will directly affect communities.

With the nature of this strategy and the programme of works and investment identified in the Appendix B Action Plan, further Equality Impact Assessments will be considered for individual flood risk management schemes and the associated communications.

### **Rural Nature of Devon**

The rural nature of Devon means that the usual risk based approach, focusing on larger and more populated areas for investment in flood risk management is not always appropriate as this can lead to prioritising densely urban areas where the count of properties flooded is high, rather than rural areas where a small number of properties may have been affected on several occasions. The large number of agricultural businesses in the area could also be potentially overlooked in favour of protected businesses in urban areas.

As part of the Preliminary Flood Risk Assessment exercise for Devon, the threshold to identify a 'significant' flood in historic records was reduced to reflect the rural nature of Devon and the fact that in storm events, many smaller communities across the County are affected rather than one large urban location. The significance threshold given in Devon's Local Strategy to identify flood incidents that will be officially investigated under Section 19 of the Flood and Water Management Act 2010 has also been considered specifically for Devon and is consistent with other neighbouring Lead Local Flood Authorities across the South West Region with similar urban/rural distributions of the population.

Socio-economic issues also play a part here, where urban areas could potentially be populated by deprived members of the population. Therefore a balance needs to be met in how the flood risk in urban and rural areas is addressed.

### **Devon Local Flood Risk Management Strategy Aims and Objectives**

Among the aims and objectives of the Local Strategy it is stated that Devon will encourage more effective risk management by enabling people, communities, businesses and the public sector to work together to ensure that emergency plans and responses to flood incidents are effective and that communities are able to respond properly to flood warnings, focusing on vulnerable properties and people more vulnerable to flooding, such as the elderly, those living with a disability or those living in areas of deprivation. These characteristics are also addressed in the Impact Assessment Form and mitigation measures explained.

### **Local Strategy Principles**

A series of principles have been highlighted throughout the Local Strategy main document, which have all been taken into account in the overall Impact Assessment. Principle 13 shown below identifies characteristics and socio-economic issues to be taken into account in the implementation of raising awareness of flood risk and improving communication:

***Principle 13: Raising Awareness and Improving Communication and Involvement***



*Through the Devon Strategic Flood Risk Management Partnership, all Partners will work together towards raising the awareness of the public (including those that are most vulnerable such as the elderly, those living with a disability or living in areas of deprivation) about flood risk and the roles of the Risk Management Authorities, providing clear and up to date information. Partners, stakeholders and the public will be involved as far as is practicable in actions to improve flood risk management to seek locally acceptable solutions which provide other benefits, such as green infrastructure with amenity use, and local transport routes in addition to a reduction in flood risk.*

### **Prioritisation Criteria and Significance Thresholds**

The Local Strategy includes prioritisation criteria for its associated Action Plan for investment. As a result of this assessment this has been amended to require risk to life to particularly take in to account the vulnerable, such as the elderly, those living with a disability or in areas of deprivation). Previously the criteria did not specify vulnerable groups.

Thresholds set for determining if an official flood investigation will be carried out following a flood incident have also been amended to include areas where it is considered that the vulnerable are at particular risk. Previously the threshold level did not specify vulnerable groups.

### **Emergency Planning and Response**

The emergency response during a flood event falls outside of this local strategy and its actions and is dealt with by the emergency services, ensuring the safety and well being where possible, of any vulnerable groups and people at risk or in immediate danger.

The Devon, Cornwall and Isles of Scilly Local Resilience Forum have produced some emergency planning guidance in the form of a video to help get a clear message across to be prepared in an emergency and to advance equality to a range of people at risk: <https://services.devon.gov.uk/web/lrf/a-clear-plan>

## 1.3 Equality Impact Assessment Form

**Table 1.1.** Impact Assessment Form including mitigation measures in place.

Characteristic	Issues / Potential impacts	Assessment of potential impact High/Medium/Low		Mitigation/relevant policy or practice
		Positive	Negative	
Age	<b>Communication issues:</b> Elderly members of communities may have difficulty in accessing material and reading advice about flood risk, due to poor eyesight, no internet access or being unable to get out to local community events and meetings.	None	Medium	In the promotion of the Local Strategy and raising flood awareness in Devon, a wide range of communication methods will be used, from local Town and Parish Councils to press releases and social media updates.  An Equality Impact Assessment will be required for individual schemes to assess the need to make sure that any publications or methods of reporting are accessible to the whole community affected.  The Summary of the Local Strategy will be a very simplified explanation of the main and supporting documents aimed at the public, using plain English.
	<b>Mobility issues:</b> Elderly members of communities may have difficulty moving around inside and outside of their home and be less able to help	None	High	The prioritisation criteria for identifying areas for investment in flood risk management will need to identify areas with vulnerable community members, such as the old or those living with a disability. Planned works, schemes and community

	themselves, which could put them in danger in the event of a flood.			action plans in these locations will reduce the flood risk and reduce any danger to the vulnerable population. Emergency plans will make specific reference to identifying vulnerable members of the community that will need assistance.
<b>Disability</b>	<b>Communication issues:</b> Those living with a disability such as a mental health condition, learning difficulties or other brain/cognitive condition may have difficulty with understanding or communication.	None	High	<p>In the promotion of the Local Strategy and raising flood awareness in Devon, a wide range of communication methods will be used, from local Town and Parish Councils to press releases and social media updates.</p> <p>An Equality Impact Assessment will be required for individual schemes to assess the need to make sure that any publications or methods of reporting are accessible to the whole community affected.</p> <p>The Summary of the Local Strategy will be a very simplified explanation of the main and supporting documents aimed at the public, using plain English.</p> <p>In addition to this, documents with larger print for example could be arranged on request for those with visual impairments.</p>
	<b>Mobility issues:</b> Those living with a physical disability may have difficulty moving around inside and outside of their home and be less able to help themselves, which could put them in	None	High	<p>The prioritisation criteria for identifying areas for investment in flood risk management will need to identify areas with vulnerable community members, such as the old or those living with a disability. Planned works, schemes and community</p>

	danger in the event of a flood.			action plans in these locations will reduce the flood risk and reduce any danger to the vulnerable population. Emergency plans will make specific reference to identifying vulnerable members of the community that will need assistance.
	<b>Other issues:</b> Those living with a mental health disability or other brain/cognitive condition may have difficulty coping emotionally in the event of a flood or with the fear of flooding.	None	Low	As part of raising the awareness of flooding and being prepared, Emergency Planning partners will be worked with closely and clear methods of communication will be promoted to reach as many people as possible and to advance equality, such as the Local Resilience Forum website and video advice available.
Gender	None	None	None	It is believed that any impacts will not adversely affect this group over any other.
Sex assignment/Identity	None	None	None	It is believed that any impacts will not adversely affect this group over any other.
Marriage and civil partnership	None	None	None	It is believed that any impacts will not adversely affect this group over any other.
Pregnancy/maternity	<b>Mobility issues:</b> See mobility issues with Age and Disability above.	None	Medium	See above for Age and disability: Mobility issues
Sex	None	None	None	It is believed that any impacts will not adversely affect this group over any other.
Sexual orientation	None	None	None	It is believed that any impacts will not adversely affect this group over any other.
Race/ethnicity	<b>Communication issues:</b> English may not be the first language of some members of the	None	Low	See above for Age: Communication issues If members of the community where English is not their first language were to

	community and therefore may be a barrier to clearly communicating flood risk and raising awareness.			be affected by any outcomes of the Strategy or proposed works, individual and appropriate measures would be put in place to ensure that they fully understand any impacts on them and their rights and responsibilities.
<b>Religion/belief</b>	None	None	None	It is believed that any impacts will not adversely affect this group over any other.
<b>Deprived areas</b>	<b>Socio-economic issues:</b> Those living in deprived areas may be more likely to receive investment for flood risk management, due to methods of prioritising communities and towns by assessing the number of properties at risk.	Medium	Low	The prioritisation criteria for prioritising communities at risk of flooding and the methods used for assessing if an official flood investigation will be carried out now both include considerations to be taken into account that particularly affect or endanger the vulnerable, including those living in deprived areas. This will cover both urban and rural locations.
<b>Rural communities</b>	Small rural communities with very few properties affected could be missed when prioritising flood risk management works due to the low number of properties affected.	None	Medium	Rural areas will be identified as such on the priority list and it will be recognised (Principle 8) that offering support to small communities and groups with individual property protection may be more appropriate than investing in a flood defence scheme, which could be costly, with little economic benefit.

## 1.4 Conclusions and Recommendations

Age (specifically the elderly population) and disabled members of the population have both been identified as characteristics potentially susceptible to negative impacts of this Strategy and associated principles and actions. The reasons for this are for potential difficulties in communicating with the population and raising awareness of flood risk, in addition to the difficulties in mobility and safety during a flood event response and recovery process. Pregnant women or those with very young children also come under the mobility issues discussed.

Rural areas being missed as part of the prioritisation of works and the investigation of significant flood incidents has also been addressed in the Impact Assessment Form.

In many cases, a further Impact Assessment will be carried out to assess the particular impacts of individual communities affected by flood risk management works.

Table 1.1 summarises all of the issues and Table 1.2 below summarises the conclusions reached and any recommendations or changes made.

**Table 1.2.** Conclusions and recommendations of the Impact Assessment

✓	Outcome of Impact Assessment chosen	Reason for outcome chosen
	<b>No major change:</b> The assessment made shows that the strategy and principles are robust and the evidence shows no potential for discrimination, taking all opportunities to advance equality between different groups.	The Strategy and principles throughout, aim to encourage more effective flood risk management and evidence how this will be delivered in the Action Plan for investment.  Flooding can occur anywhere and affect all members of the population. This strategy sets out how flood risk will be communicated, managed and prioritised across Devon, whilst taking into account the needs of the diverse population with different characteristics identified in this assessment report.
✓	<b>Amend the strategy/principles:</b> Steps are required to amend the Strategy to include considerations to any groups at risk of discrimination or to remove barriers to advance equality between groups.	The prioritisation of flood risk management works often relies on the potential economic benefits. As a largely rural area, many small
	<b>Continue with the strategy/principles:</b> Adopting the strategy and principles despite any adverse effects on certain characteristics of the population or any missed opportunity to advance equality between groups.	

	<p><b>Stop/remove the strategy/principles:</b></p> <p>Removal of the strategy or specific policies is required due to unlawful discrimination or adverse effects which cannot be mitigated.</p>	<p>locations can be affected by flooding. Therefore methods have been set out showing how the rural areas will not be marginalised when prioritising works and studies.</p> <p>The threshold level for investigation of flood events and the prioritisation criteria for actions and investment at locations across Devon have been amended to ensure that vulnerable members of the population such as the elderly or those living with a disability are considered and are not adversely affected.</p>
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Impact Assessment completed by:	Responsible Officer:
Name/Job Title	Name/Job Title
Jessica Bott, Flood Risk Officer	Dave Black, Head of Planning, Transportation and Environment
Date of sign off:	March 2014





PTE/19/38

Cabinet  
9 October 2019

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

Report of the Head of Planning, Transportation and Environment

***Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.***

### **Recommendation: That Cabinet:**

- (a) approves this 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;**
- (b) empowers officers to renegotiate the existing planning agreement to allow the provision of an integrated building at an earlier timescale;**
- (c) delegates authority to officers to seek sources of funding to bridge any funding gap;**
- (d) agrees to the County Council's membership of the new Cranbrook Strategic Delivery Board attended by the Cabinet Member for Economy and Skills and one of the two Local Members.**

### **1. Summary**

This report seeks support to progress plans for a community facilities building in Cranbrook town centre providing flexible space for County Council services including space for children's, youth, adult and libraries.

### **2. Background/Introduction**

Construction of the new town of Cranbrook in East Devon began in 2011. The town now has approximately 2,000 houses and over 4,000 residents. It is expected that the town will grow to about 7,750 homes with over 18,000 residents by 2031, which is about the same size as Barnstaple. Community facilities provided so far at Cranbrook include a primary school, an all-through school, a multi-purpose building with GP surgery space and a rail station. To date the only building that has been provided in the town centre is a public house.

Cranbrook has been delivered through a commercial delivery model with no public sector control of land. This model is dependent on a legally binding planning agreement (section 106 agreement) attached to the existing planning permissions for the original 3,487 houses that has established trigger points for the delivery of facilities with financial payments and delivery of land. In the case of social infrastructure for which the County Council is responsible, the planning agreement requires the developers to provide specified areas of space for children's, youth and library facilities.

A trigger point for the provision of the children's centre facilities was recently met and this Council has served notice on the Cranbrook consortium of developers to make direct provision of the children's centre facilities. This notice requires the developers to agree the specification, construct and complete the facilities no later than 10 June 2021 or upon the occupation of 2500 dwellings (whichever is later) unless otherwise agreed by the Council.

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The planning agreement also requires the provision of town council offices in the town centre by the same deadline as for the youth and library facilities (prior to first occupation of the 3450<sup>th</sup> dwelling at Cranbrook) and five retail units by occupation of 2000 dwellings. Other facilities such as additional town centre shops and a food store are commercially led and the expectation is that these would be delivered by the private sector with no fixed timescales.

It is expected that additional infrastructure would be provided to facilitate the expansion of the town to 7,750 houses as allocated in the Cranbrook Plan Development Plan Document (DPD, Submission Draft February 2019). This infrastructure would be funded in part by developer planning contributions secured by planning agreements attached to the expansion area planning applications. It is anticipated that this would deliver other town centre facilities including a health and wellbeing hub and a leisure centre.

The process of coordinating infrastructure and service requirements which are future-proofed is very complex and so far there has been no resolution of what form key facilities should take and how they should be delivered. The Council considers it essential that important infrastructure is provided in an appropriately phased and timely manner due to the unusually high proportion of families with young children and need for additional support. Given the limited infrastructure currently in place, the County Council and other agencies face 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. It is likely to be the first significant building within the town centre and would be a catalyst for further commercial and civic development.

A Cranbrook Strategic Delivery Board is due to be established in Autumn 2019 subject to approval by the councils involved. This advisory board would comprise members of the County Council, East Devon District Council and Cranbrook Town Council to ensure that the three tiers of local government can speak with one voice and to provide oversight. The County Council would be represented by the Cabinet Member for Economy and Skills and one of the two Local Members. The board would meet quarterly and focus on coordinating the delivery of future assets and services for Cranbrook. East Devon District Council endorsed involvement in this board and its Cabinet meeting on 4<sup>th</sup> September 2019.

### **3. Proposal**

Commensurate with the size and importance of Cranbrook, it is proposed that there should be a multi-purpose integrated building to meet the functions of the County Council and able 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 would share the children's centre space allowing integrated working. The facility would support locality-based delivery of multi-agency services at Cranbrook. It is expected that there would be spaces that can be used/hired to other organisations. It could be delivered as a stand-alone County Council owned and operated building or combined with other civic facilities such as the Town Council offices. Subject to funding to enable early delivery, the aim would be to complete the building within the next 2 years.

The Council will work with partners to deliver these town centre facilities, including the district and town councils and the developers. It may be necessary for the Council to seek renegotiation of the existing planning agreement with the developers to provide financial contributions for the library, youth and children's facilities instead of the developers building the facilities themselves. The Council would also seek transfer of necessary land to the County Council from the developers earlier than the timescales specified in the agreement.

The triggers in the planning agreement require the delivery of children's centre facilities by June 2021 (at the 2500<sup>th</sup> dwelling at Cranbrook) and the library and youth facilities in approximately 2025 (by first occupation of the 3450<sup>th</sup> dwelling at Cranbrook). The delivery of an integrated building within the next few years would therefore involve early delivery of the library and youth facilities. It is expected that payment of contributions for the library, youth and children's facilities by the developers would not cover the full cost of early delivery of this space. Additional forward funding would therefore be required to fill the shortfall between the money available from the agreement (planning contributions) and the cost of the building. The Council would expect to manage the design and delivery of a stand-alone County Council building.

#### **4. Consultations/Representations/Technical Data**

Public consultation has been undertaken at appropriate stages of preparing the Cranbrook Plan, which has now been submitted to the Secretary of State for Communities and Local Government for examination. The draft plan includes policies for the town centre and infrastructure delivery. The planning agreement (that provides existing developer contributions for the library, youth and children's centre facilities) was attached to planning applications which were subject to the statutory publicity and consultation processes.

There are ongoing discussions about this scheme with the Council's Local Members. Formal public consultation would be undertaken as part of the statutory procedures for determining the planning application for this new building.

#### **5. Financial Considerations**

The Council retains ambitious requirements for facilities fit for purpose for children's, youth, adult and library services. It remains committed to these services and buildings able to facilitate this work as a means of improving wellbeing and health across the local community and providing space to bring people together to learn, create and connect. Whilst work will be needed to ensure requirements for separate services are understood and accommodated within an integrated building, additional cross community and cross generational opportunities will also be made possible. The Council would seek partnerships with a range of organisations to develop these facilities and services within.

Given this opportunity to enhance the public realm in Cranbrook, and with it to improve community wellbeing and relations, the Council will seek a range of capital funding from local and national partners to accelerate the delivery of the facilities in advance of existing trigger points. As initial feasibility and design work has not yet been undertaken, the estimated cost of the new building is unknown. The funding gap between this and the money available from the existing planning agreement will not be known until this is renegotiated with the developers. As indicated above, approval is sought to seek sources of funding to address any shortfall.

#### **6. Environmental Impact Considerations (Including Climate Change)**

The development would be subject to full environmental analysis as part of the design and planning application process. The provision of a community facilities building within the town centre is considered to minimise the environmental impact of service provision at Cranbrook. A single integrated building would reduce carbon emissions and use of natural resources compared with provision of individual buildings. The building would be designed to appropriate environmental standards to meet the Climate Emergency agenda. Connection to the existing district heating system would allow the building's heating to be decarbonised when the fuel source switches away from gas.

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Location of the building within the town centre on a bus route would maximise accessibility and allow users to travel by non-car modes, thereby minimising carbon emissions. The socio-economic impact is expected to be beneficial through improved provision of community services at Cranbrook within a space which would support community interaction and integration.

## **7. Equality Considerations**

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

Following approval to progress the scheme, an Impact Assessment will be undertaken alongside development of detailed scheme design. This will assess the social/equality, environmental and economic impacts of the scheme in line with the County Council process.

## **8. Legal Considerations**

In order to achieve early delivery of these facilities, the Council would need to renegotiate the existing planning agreement with the developers to seek provision of financial contributions for the library, youth and children's facilities instead of the developers building the facilities themselves. The Council would also seek transfer of necessary land to the County Council from the developers earlier than the timescales specified in this legal agreement.

## **9. Risk Management Considerations**

The main risks associated with this proposal are the successful renegotiation of the existing planning agreement, securing additional money to fill any funding shortfall and obtaining the necessary planning permission. As this scheme has not yet been started, there is currently uncertainty over the outcome and delivery timescale.

It is considered that this scheme would reduce risks by giving the Council greater control over the design and delivery process for these facilities. As indicated in section 11 below, there are also risks associated with the alternative 'default position' defined in the existing agreement.

## **10. Public Health Impact**

This scheme would result in significant public health benefits by provision of a community facility building providing dedicated space for provision of essential children's, Public Health Nursing, youth, adult and library services. The building would contribute to wider public health objectives by supporting community interaction and active travel.

## 11. Options/Alternatives

The main alternative option to delivery of an integrated community facility building would be to allow delivery of separate buildings for library, youth and children's services as specified in the existing planning agreement (the default position). This would involve construction of the buildings by the developers in accordance with an agreed specification at the specified trigger. The children's centre would be due to be delivered as a stand-alone building by June 2021. The library and youth centre facilities are due to be delivered separately by approximately 2025 at the trigger point of first occupation of the 3450<sup>th</sup> Cranbrook dwelling. The library and youth facilities could potentially be combined with each other or the town council offices should agreement on this be reached.

A disadvantage of this default position is that it would involve later delivery of the youth and library facilities, when they are needed by the local community as soon as possible. It would also result in delivery of fragmented and inflexible buildings which are not favoured by the Council and some partners. Later (or potentially no) delivery of these community buildings would contribute to Cranbrook remaining without a town centre that provides the facilities and services required for this growing town.

It is considered that delivery of an integrated County Council community facility would be beneficial in providing the necessary facilities earlier than currently required and with greater certainty over delivery and final design.

## 12. Reason for Recommendation/Conclusion

The existing planning agreement requires delivery of library, youth and children's centre facilities in Cranbrook town centre within the next two to six years. It is considered that this proposal to deliver an integrated County Council community facilities building in Cranbrook town centre represents the optimal way to provide the required facilities. It would allow early delivery of Council facilities and give the Council greater control over the design, delivery process and outcome. This would enable the Council to ensure that the resulting community facility represents value for money and provides flexible integrated space that can adapt to future changes in service provision. It is therefore recommended that Cabinet approves this proposal, the associated renegotiation of the planning agreement, and the seeking of additional funding. Cabinet is also requested to approve County Council membership of the new Cranbrook Strategic Delivery Board which would allow coordination and oversight of infrastructure and service provision in the town.

Dave Black  
Head of Planning, Transportation and Environment

## Electoral Divisions: Broadclyst

Cabinet Member for Economy and Skills: Councillor Rufus Gilbert

*Chief Officer for Communities, Public Health, Environment and Prosperity: Dr Virginia Pearson*

Local Government Act 1972: List of Background Papers

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Tel No: 01392 383000

Background Paper	Date	File Reference
Nil		
nw170919cab Construction of a community facilities building in Cranbrook Town Centre	hk	05 270919



HIW/19/74

Cabinet  
9 October 2019

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

Report of the Chief Officer for Highways, Infrastructure Development and Waste

***Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.***

### **Recommendations: That**

- (a) Cabinet agrees to introduce a roadworks permit scheme for all roads for which Devon County Council is the Highway Authority for from 1<sup>st</sup> March 2020, in line with the Permit Plan and associated fee structure as set out on Page 39 of Appendix 1;**
- (b) subject to (a) approval be given to advertise the required Legal Order and, if no significant objections are received, be made and sealed;**
- (c) 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) the existing team establishment is increased by 12.4 FTE permanent posts, with recruitment commencing at the earliest opportunity;**
- (e) initial set up costs are funded by On-Street Parking Account.**

### **1. Summary**

The introduction of a roadworks permit scheme is designed to minimise transport disruption on the highway network associated with roadworks. It offers enhanced measures for Highway Authorities to deploy beyond those we are currently able to with existing 'noticing' arrangements, which simply requires works promoters to notify us of planned works rather than seek our permission to work on the highway.

### **2. Background/Introduction**

Devon County Council had been investigating the suitability of introducing a Roadworks Permit scheme to understand whether it was the right thing to do for the Authority, particularly from a network management and financial perspective. In July 2018 all Highway Authorities, including Devon County Council, who were not operating such a scheme were written to by the Secretary of State for Transport requesting we consider introducing roadworks permitting arrangements.

In June 2018, Cabinet resolved that subject to there being a positive business case for the introduction of Permit scheme a proposal should be consulted on with statutory undertakers. Therefore, an outline business case was developed with the assistance of Jacobs, our professional services contractor who have assisted other Highway Authorities in delivering such schemes. We have also sought advice and input from other Highway Authorities who have been through the transition of moving to a permitting arrangement. This work has subsequently identified a strong business case for the introduction of a Roadworks Permit Scheme in Devon.

The introduction of a Roadworks Permit scheme offers an opportunity to reduce journey

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disruption and associated emissions through better control and planning of works on the highway.

## **3. Proposal**

Devon currently operates a countywide street works 'noticing scheme'. This requires all works promoters to obtain a 'licence' for works or submit a 'notice' to highlight their intention to work on the road network. In 2004, the Traffic Management Act introduced powers for Highway Authorities allowing 'permit' schemes to replace 'noticing' schemes. Devon County Council, as with other Highway Authorities in the Southwest, have continued to operate a 'noticing' scheme rather than introduce a 'permit scheme'.

Further to review of our existing arrangements, the subsequent business case development and strong encouragement from DfT, it is proposed to introduce a roadworks permit scheme in Devon in early 2020.

By implementing a roadworks permit scheme, we will be able to set conditions on working arrangements ranging from timing of works to method of working. The recently updated Traffic Sensitive Street network will form the basis of how we will deal with and prioritise applications. Elsewhere the DfT reports that introduction of such arrangements typically sees a reduction in roadworks on the network of between 5-10%. Permits will have an associated fee, payable by works promoters.

To ensure the scheme is implemented in a controlled and managed way, it is proposed that Phase 1 would include all DCC works and utility company (statutory undertakers) works. A 12-month review will be held after scheme go-live to ensure effectiveness. Within this review, a Phase 2 roll out to privately licenced works activities will be considered, such activities could include skips and scaffolds, development management works and vehicle crossings.

There will be a cost to the Authority to administer the scheme, for example there will be a need to recruit additional staff and amend existing software to cater for permits. However, the costs associated with the additional work involved will be recovered through the fee income associated with the scheme. The scheme is intended to be broadly cost neutral over a three-year period in line with DfT guidance.

It is important to stress that a Permit Scheme can only recover the costs of operating the scheme. It cannot generate 'profit' for reinvestment in other Council services and maximum permit fee levels are set by DfT.

Full detail of the proposed scheme (the Permit Plan) can be found in Appendix 1. The Permit Plan has formed the basis of the informal consultation referred to below. Following this consultation, feedback has been considered by the service and the Permit Plan has been reformulated as appropriate.

Previously the move to a permitting scheme required the approval of the Secretary of State. This requirement has been removed and subject to an associated Legal Order it is a decision for each relevant Highway Authority to make.

## **4. Consultations/Representations/Technical Data**

An informal consultation phase including workshops with key stakeholders has been held between May – July 2019. These included not only statutory consultees, but a range of known works promoters and their associated supply chain. Attendance of approximately 70 persons were present at the workshops.



A dedicated micro site has been developed and is being publicised for interested parties to refer to. A press release was issued to promote the informal consultation period and development of the web pages which can be accessed at.

<https://www.devon.gov.uk/workspermit-scheme>

Social media is also being utilised through the corporate communications team to help raise public awareness.

Subject to Cabinet approval, the formal consultation period will be held around October / November 2019 as part of the statutory Legal Order advertising process.

Internal consultation is ongoing, this includes teams that commission works on the highway not just within Highways & Traffic Management but services such as Planning, Transport & Economy.

Further consultation is proposed through attendance at Parish and Town Annual Conferences and by presentation to the next round of Highways and Traffic Orders Committees' (HATOC) meetings.

To deliver such a project is a complex task which requires the input from across the Council, as such a virtual team has been assembled to deliver the project drawing from Communications, ICT, Finance, Legal, HR, Estates and others as required.

The proposal was also presented to the Corporate, Infrastructure & Regulatory Services Scrutiny Committee on 25 June 2019 for comment, the Committee resolved that the Commissioning Liaison Members monitor progress and review after a year of implementation and report back to a future Committee.

## **5. Financial Considerations**

The DfT guidance states that permit schemes should operate on a broadly cost neutral basis, with fee levels set to recover the additional costs involved with operating the scheme, over and above those required to operate the existing noticing arrangements. Jacobs, our Transport and Engineering Professional Services consultants, have been employed to assist with this work, drawing on their relevant expertise in this area, having previously assisted a number of other Authorities with the implementation of permit schemes.

An assessment of initial set-up costs, to include project management, training and ICT infrastructure is estimated at £157,099 (*Table 1 in Appendix 2*). It is proposed that these costs will be charged to the On-Street Parking account.

The 2017/18 DCC Street Works Register has been analysed to calculate the expected level of annual Permit applications. This data was then applied to the DfT standard cost model, in order to calculate the number of staff required to operate the scheme. It has been calculated that a total of 18 staff will be needed, which will require the appointment of an additional 12.4 FTE new posts. The new posts are comprised as follows:

- Network Permit Technician Supervisor x 1 FTE
- Network Permit Technicians x 8 FTE
- Network Coordination Officer x 2.4 FTE (Total team number of 8)
- Permit Administration Officer x1 FTE

Full costs are outlined in Table 2 in Appendix 2.

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The total additional costs associated with these new posts is £647,150 which takes account of direct salary costs and full overhead allocation. A breakdown of individual costs is included at Table 2 in Appendix 2.

In line with DfT's principle of cost neutrality, the proposed permit fees have been calculated to fully recover the additional staffing costs associated with administering the scheme. The fee structure has been set in such a way to encourage working out of traffic sensitive times and to encourage collaboration. Each fee proposal has been cross referenced with the DfT guidance for permit charges to ensure that no permit fee exceeds the maximum allowable. Table 4 in Appendix 2 outlines the proposed fee levels. Based on the proposed fee structure and assumed number of permits (*Tables 3 and 4 outline historic data levels*), it is anticipated that income totalling £648,937 will be generated by the scheme, thereby covering additional direct staff costs and overheads. (*Table 6 in Appendix 2*).

In line with the DfT guidance, the financial performance of the permit scheme will be regularly reviewed, to ensure that fee income is sufficient to cover the additional scheme costs. Adjustments will be made to the fee structure, where necessary, to ensure the scheme continues to operate on a broadly cost neutral basis.

Resource allocations would need to be monitored throughout the live phase of the scheme. This may result in additional Network Enforcement or Coordinator Officers being required if a fluctuation of major works activities/new developments are seen. This will form part of the annual review consideration.

Through the business case modelling it has been estimated that the Benefit Cost Ratio (BCR) to wider society of Devon introducing a Permit scheme would be approximately 67:1, measured over a 25-year period.

## **6. Environmental Impact Considerations (Including Climate Change)**

Based upon the DfT's anticipated 5% reduction in network occupation figure, it would be argued that emissions could be reduced further due to less delay being caused by roadworks, for example less queuing and delays or traffic having to divert to avoid works.

The scheme could potentially also offer further environmental and climate change benefits by allowing reduced permit charges for companies that either site share or work in the same trench lines. This would result in less excavations and subsequently less waste material being produced. Other benefits could be achieved by offering discounted permit fees for works promoters who propose the use of environmentally friendly methods of working, such as use of recycled materials.

The permit scheme is expected to result in a reduced number of roadworks for site sharing, and reduced traffic queuing when road works are conducted. As a result, this will reduce the amount of time vehicles spend in traffic/delays, and therefore a reduction in fuel consumption and greenhouse gas emissions.

A full impact assessment has been prepared and can be viewed at <https://www.devon.gov.uk/impact/published/>. This considers the impacts not just in relation to the environment, but also includes climate change for economy and equality.

## 7. Equality Considerations

Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

Taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

This may be achieved, for example, through completing a full Equality Impact Needs Assessment/Impact Assessment or other form of options/project management appraisal that achieves the same objective.

In progressing this particular proposal, an Impact Assessment has been prepared which has been circulated separately to Cabinet Members and also is available on the Council's website at: <https://www.devon.gov.uk/impact/published/>, which Members will need to consider for the purposes of this item.

## 8. Legal Considerations

A Legal Order is required to be published before the scheme can become operational. This is a requirement of Section 33A of the Traffic Management Act 2004. When making a Legal Order it is the County Council's responsibility to ensure that all relevant legislation is complied with.

Devon County Council also has a duty under the Traffic Management Act 2004 to ensure the expeditious movement of traffic on the network. The introduction of a roadworks permit scheme will help ensure compliance of this duty.

## 9. Risk Management Considerations

This policy/proposal has been assessed and all necessary safeguards or action have been taken/included to safeguard the Council's position.

A risk register has been developed.

## 10. Public Health Impact

There are no areas highlighted for implications of the proposals on public health (services) in the area.

## 11. Options/Alternatives

- The option of implementing a roadworks permits scheme solely on the strategic road network was considered: This would mean that a dual process for noticing on the minor road network would be required. This option was rejected as it required two processes to operate. This could lead to confusion from works promoters and an

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inconsistency of application quality. It would also reduce the financial sustainability of the scheme.

- Introducing a permit for works scheme for all types of works in Phase 1, including privately licenced works, skips and scaffolds, development control works: This option isn't being pursued as we are keen to implement a focussed scheme which could evolve in future. There is a risk that this could not be achieved for all works within the proposed timeline of early 2020 start.
- There is the option of doing nothing and continuing to operate a 'noticing scheme' the Secretary of State has though implied that to do so could result in him instructing us to do so under Section 3(2) of the Traffic Management Act 2004. It would also seem at odds with the strong Benefit Cost Ratio to stay as we are.

## 12. Reason for Recommendation/Conclusion

In conclusion it is intended to move from our existing noticing system to a roadworks permit system in early 2020. Works promoters, including DCC will be required to seek permission to work on the highway rather than notify us of their intention to do so. Subject to the feedback received as part of the informal scheme consultation it is intended that works promoters be incentivised to work collaboratively and out of traffic sensitive times. The scheme will cover all roads for which we are the Highway Authority. A review would be undertaken one-year post introduction on whether the scheme has begun to meet its intentions and whether to widen to other licenced activity on the highway.

Meg Booth  
Chief Officer for Highways, Infrastructure Development and Waste

## Electoral Divisions: All

Cabinet Member for Highway Management: Councillor Stuart Hughes

Local Government Act 1972: List of Background Papers

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Room No. Lucombe House, County Hall, Exeter EX2 4QD

Tel No: 01392 383000

Background Paper	Date	File Reference
1. Impact Assessment	September 2019	<a href="https://www.devon.gov.uk/impact/published/">https://www.devon.gov.uk/impact/published/</a>

## Definitions Table

Term	Explanation
Major Works  PAA = Provisional Advanced Authorisation – 3 Months' Notice PA = Permit Application) 10 Working Days' Notice	<ul style="list-style-type: none"><li>• Works Identified in annual operating programme</li><li>• Require a Temporary Traffic Regulation Order / Notice</li><li>• Are not Immediate Works</li></ul> Have a duration of 11 working days or more

Standard – 10 Working Days' Notice	<ul style="list-style-type: none"> <li>• Have durations of between 4 and 10 working days</li> </ul> <p>Are not Major or Immediate Works</p>
Minor – 3 Working Days' Notice	<ul style="list-style-type: none"> <li>• Have durations of 3 working days</li> <li>• Are not Major or Immediate Works</li> </ul>
Immediate Works - Within 2 hours of works starting or by 1000 am the next working day for out of ours works	<ul style="list-style-type: none"> <li>• To prevent damage to persons or property</li> <li>• To prevent or end an unplanned disruption to services</li> </ul> <p>To reconnect supplies or services</p>
Permit	The approval of a permit authority for an activity promoter to carry out activity I the highway subject to conditions
Permit Authority	Devon County Council
Road or Street Works	Works by DCC or Statutory Undertakers
Working Day	A day other than a Saturday, Sunday, Christmas day, Good Friday or a bank holiday
Works Promoter	Anyone responsible for undertaking works on the highway N.B. This includes DCC
Traffic Sensitive Street (TSS)	A road in Devon that has been highlighted as carrying high traffic volumes, including domestic and commercial vehicles. Works on a TSS would have the potential to cause delays if not managed well.

## Appendices

Appendix 1 – Permit Plan

Appendix 2 – Executive Summary of Final Business Case

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

September 2019 Rev P03

**Appendix 1  
To HIW/19/74**

## **Authorisation Sheet**

<b>Product Title:</b>	Devon Streetworks Permit Scheme
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Version Control		
Revision Date	Status	Comment
01.06.2019	Draft	Draft Issue for Stakeholder Comment
20.06.2019	Draft	Updated for Scrutiny
20.09.2019	Final	For Cabinet Approval

Produced by (who is the author of the document):	Name	Role
	Dan Trump	Assistant Project Manager

Consulted with in preparation of current version:

Name	Role	Date Consulted	Date of Final Comments
Implementation Team, Operational Team, Strategic board and Works Promoters			

Reviewed and checked by:

Name	Role	Date
Victoria Walsh	Project Manager	
Richard Pryce	Co-Ordination and Events Manager	

Final sign off by individual named under 'Accountable and signed off by'

Name	Signature	Title	Date
Matthew Scriven			

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## 1 Introduction

### 1.1 Background

- 1.1.1 A Permit Scheme gives Devon County Council (DCC) an alternative way to manage street and roadworks activities on the public highway. Permit Schemes were introduced under Part 3 of the Traffic Management Act 2004 (TMA) as amended by the Deregulation Act 2015. They were introduced to enhance Local Highway Authorities (LHAs) ability to minimise disruption as a result of street and roadworks.
- 1.1.2 DCC's Permit Scheme is known as the 'Devon Permit Scheme for Road and Street Works'. Hereafter in this document as 'the DCC Permit Scheme'.
- 1.1.3 The DCC Permit Scheme applies to all for all publicly maintained highway for which DCC is the Highway Authority.
- 1.1.4 The DCC Permit Scheme is based on Part 3 of the TMA (Sections 32-39), the Traffic Management Permit Scheme (England) Regulations 2015 and has been developed in accordance with the Department for Transport (DfT) Statutory Guidance for Highway Permit Schemes (October 2015) and DfT advice note for Local Authorities developing new or varying existing permit schemes (June 2016).
- 1.1.5 The DCC Permit Scheme conforms to Highways Authorities and Utilities Committee (HAUC) (England) Guidance, Operation of Permit Schemes, February 2017. The DCC Permit Scheme will also conform to any future relevant legislative and regulatory documents by means of amendment

### 1.2 Chosen Design for DCC's Permit Scheme

- 1.2.1 The DCC Permit Scheme has been created based on best practice taken from schemes across England, specifically similar shire counties. This best practice has also been tailored to best meet the priorities of the Devon residents and road users.
- 1.2.2 Two options for the DCC Permit Scheme were assessed for implementation. A full scheme whereby permits would be required for works on all roads, and a partial scheme where permits are only required for works on Traffic Sensitive Streets.
- 1.2.3 The full scheme was assessed as the most appropriate scheme for Devon in bringing the greatest benefits to residents and road users to reduce disruption. It was also shown to be financially viable for DCC. This approach is consistent with DfT Guidance.

### 1.3 General Principles

- 1.3.1 DCC's Permit Scheme is designed to provide a way for DCC to manage street and road works on the public highway to improve the Authority's ability to minimise disruption to members of the public and road users.
- 1.3.2 It replaces DCC's existing Street Works operations road booking process as set out in the New Roads and Street Works Act 1991 (NRSWA) Whereby Statutory Undertakers are required to give notice of any works they propose to carry out to DCC. The DCC Permit Scheme introduces a similar concept as the notice system in several key areas and endeavours to maintain consistency wherever possible, the key difference being that Works Promoters need to gain a permit to work prior to commencement.
- 1.3.3 The DCC Permit Scheme is intended to come into operation from the 1<sup>st</sup> March 2020.

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- 1.3.4 Under Regulation 3(1) of The Traffic Management Permit Scheme (England) Regulations 2007, a full consultation complying with The Traffic Management Permit Scheme (England) Regulations 2007 has been successfully carried out. This consultation included all stakeholders specified in Regulation 3(1).
- 1.3.5 During the development of the DCC Permit Scheme, DCC has taken into consideration the requirements of the Equalities Act 2010. An Equalities Impact Assessment has been undertaken and is displayed on the DCC Permit Scheme website <https://www.devon.gov.uk/worksp permit-scheme/>
- 1.3.6 Once implemented, the DCC Permit Scheme will be operated by Devon County Council as the Street Authority for Devon (excluding Plymouth and Torbay unitary authorities). The scheme will apply to all publicly maintainable roads and road categories as set out in paragraph S1.3.1 of the Specification for the Reinstatement of Openings in Highways (Third Edition) within the LHAs boundaries. This is with the exception of the Strategic Road Network (SRN) (motorways and some A-Roads) which is responsibility of Highways England.
- 1.3.7 The DCC Permit Scheme will apply to any person or organisation responsible for commissioning works-related activities in streets covered by the Permit Scheme. In the DCC Permit Scheme these persons or organisations will be referred to as a Works Promoter. The DCC Permit Scheme will also apply to works undertaken by Devon County Council as the Highway or Traffic Authority.
- 1.3.8 Devon County Council must apply for permits in the same manner as a Statutory Undertaker or other Works Promoters.
- 1.3.9 All works comprising and categorised as “specified works” in Regulation 3(6) of The Traffic Management Permit Scheme (England) Regulations 2007, The NRSWA and HAUC (England) Guidance for the Operation of Permit Schemes February 2017 Version 1.0 (or its’ successor) describes the registerable activities that will require a permit under the DCC Permit Scheme.

## 2 Objectives of Permit Scheme

### 2.1 Permit Scheme Purpose

- 2.1.1 Any activity undertaken in a street has the potential to cause disruption. Activities, especially road and street works, can reduce the width of the street available to traffic (including pedestrians, cycle traffic, equestrians and other vulnerable road users); impact route directness; have a noise and environmental impact; and be an inconvenience for residents and businesses.
- 2.1.2 The scale of disruption caused is relative to the type, duration and timings of the activities being undertaken; capacity of the street, traffic volumes (including pedestrians, cycle traffic, equestrians and other vulnerable road users), and the work methods being used.
- 2.1.3 The DCC Permit Scheme is intended to enable more efficient co-ordination of roads and street works activity and empower DCC to minimise disruption. This is in line with the TMA to enable the management of traffic (including pedestrians, cycle traffic, equestrians and other vulnerable road users) to carry out statutory duties outlined in the Network Management Duty.

### 2.2 Permit Scheme Objectives

- 2.2.1 The strategic objective for the DCC Permit Scheme is to assist DCC in the execution of its Network Management Duty under Section 16 of the TMA whilst Works Promoters install and maintain services and assets with minimum disruption to residents, road users and local businesses by improving planning, scheduling and management of road and street works.
- 2.2.2 The sub-objectives of the DCC Permit Scheme are:
  - To proactively manage the local highway network to maximise the efficient use of road space;
  - To improve the quality of works information and compliance with required legislation and relevant guidance, specifications and Codes of Practice;
  - To improve the reliability and accuracy of works information to the public;
  - To protect the right of the public to use the highway in a lawful manner;
  - To protect the structure of the street and any apparatus within it;
  - To ensure parity of treatment for all activity of Works Promoters;
  - To manage road and street works activities to support public transport reliability.
  - To support the economic prosperity of Devon whilst managing reliable journey travel times.
  - To consider the impact of works on the environment whilst considering a prosperous and healthy communities/businesses.
  - To contribute towards the safety of the travelling public.

### 2.3 Aligned Policies

- 2.3.1 DCC's transport strategy is set out in its joint Local Transport Plan (LTP) (2011-2026) with Torbay Council. The LTP describes DCC's strategy and policy framework for transport. The

LTP recognises that a reliable transport system will help to deliver a low carbon future, a successful economy and a prosperous, healthy population.

2.3.2 DCC has a legal and statutory duty to manage the highway network and to improve the movement of traffic. This includes the co-ordination of all activities on the road network, including road and street works.

2.3.3 DCC's five key objectives in the LTP are:

- Deliver and support new development and economic growth;
- Make best use of the transport network and protect the existing transport asset by prioritising maintenance;
- Work with communities to provide safe; sustainable and low carbon transport choices;
- Strengthen and improve the public transport network; and
- Make Devon the 'Place to be naturally active'.

2.3.4 The DCC Permit Scheme has been developed to be consistent with DCC's LTP (2011-2026).

2.3.5 DCC Permit Scheme shall also compliment the strategic objectives of the Better Together Vision, focusing on 'getting from A-B'.

## 2.4 Benefits

2.4.1 The following benefits are likely to be derived from the DCC Permit Scheme:

- Improvement's to overall network management;
- Reduced congestion & disruption on the road network;
- Improved journey time reliability;
- A reduction in costs to local businesses caused by delays;
- Improved general quality of life, particularly for residents;
- Reduced greenhouse gas emissions and levels of noise; and
- Improved customer satisfaction.

2.4.2 Works will always need to be carried out by Works Promoters, but the activities shall be regulated by DCC and Works Promoters in ways that minimise impact by introduction of the Permit Scheme.

2.4.3 A cost benefit analysis has been undertaken in line with DfT guidance for local authorities developing Permit schemes. Analysis shows that works activity typically have a wider economic cost of approximately £850 per day per works activity through disruption and delay. A permit scheme is expected to provide a reduction in disruption of around 5% to 10% based on evidence from other highway authorities who have implemented similar schemes.

## 3 Permit Scheme Principles

### 3.1 Principles for Co-ordination

- 3.1.1 Effective co-ordination and management to ensure traffic disruption is minimised as far as reasonably practical, whilst allowing Works Promoters the required time and space to safely complete their works effectively is essential for the scheme to be a success.
- 3.1.2 It is not intended that the DCC Permit Scheme should delay or prevent any necessary and lawful activities from being undertaken; rather achieve a balance between the interests of users of the highway and those wishing to work on it.
- 3.1.3 Before any specified works are carried out on a specified street the Works Promoter must obtain a permit from DCC, in accordance with the requirements set out in this DCC Permit Scheme document.
- 3.1.4 All Works Promoter activities will be treated in the same way as when setting of restrictions and co-ordination. This will include DCC's own works contractors.
- 3.1.5 The DCC Permit Scheme objectives will be facilitated by improving performance in line with DCC's Network Management Duty.

### 3.2 Principles for Works Promoters

- 3.2.1 It is essential that all involved in the activities on the highway adhere to the objective of the DCC Permit Scheme, TMA, and NRSWA. This will lead to reduced congestion and more reliable journey times wherever possible through better advanced planning of StreetWorks.
- 3.2.2 To meet these objectives DCC and Works Promoters should adhere to four key principles:
  - The need to balance potentially conflicting interests of road users with the Works Promoters and their customers;
  - Close co-operation and liaison between work Works Promoters and DCC;
  - Acknowledgement that activity programmes and practices may have to be adjusted to ensure that disruption is minimised and that statutory requirements are met; and
  - The provision of timely, clear, accurate and complete information.
- 3.2.3 The DCC Permit Scheme gives DCC greater control over how and when activities are carried out. However, the responsibility of planning, supervising and executing safe activities remains with the Works Promoter.
- 3.2.4 Works Promoters must consider the needs of all road users, particularly the needs of vulnerable road users including those who may have a disability, and for whom work-related activities may have an impact and require specific mitigation measures.
- 3.2.5 Works Promoters will consider existing road activities and consider how their proposals will integrate with them and the broader operation of the local and strategic road networks. This has implications for:
  - The timing of activities e.g. avoiding peak traffic times, seasonal constraints, special events and working at unsociable hours
  - The method with which works are carried out, including but not limited to complying with:



- Health and Safety legislation;
  - Construction (Design and Management) Regulations 2015;
  - Equalities Act 2010;
  - Programming and co-ordination of activities with other Works Promoters and activities on the network; and
  - The effective management of noise, lighting, emissions and traffic management.
- 3.2.6 Works Promoters must seek to identify parties directly affected by proposed works and discuss their proposals with them, amending proposals where appropriate to minimise specific impacts.
- 3.2.7 All activities that are likely to cause significant disruption should have their permit applied for as early as possible and statutory application periods will be considered an absolute minimum. This provides DCC and the Works Promoter more time to consider, apply and act on any conditions or modifications that may be required.
- 3.2.8 Whenever possible Works Promoters, including DCC should engage with the Highway Authority's Traffic Manager (or delegated others) to discuss schemes causing significant disruption. This will allow the works to be planned to mitigate the impacts.
- 3.2.9 Works Promoters must consider the space needed to undertake the whole works, including any areas needed for storage and parking etc. Conditions may apply when storage of plant or materials and parking could cause disruption or impact on the highway network.

### 3.3 Collaborative Working

- 3.3.1 Collaborative working should be considered wherever possible and safe to do so. This includes not only the sharing of works space, but also any follow-on works or multiple works within a street. The primary objective of collaborative working is to co-ordinate activities so that they take place in the same traffic management layout or trench, thereby reducing working durations and minimising disruption.
- 3.3.2 Works Promoters shall also consider the options for shared trenching to help minimise the number of reinstatements in the road structure, which has a potential to impact on the integrity of the structure. It also benefits the reduction of overall works durations.
- 3.3.3 In addition to considering activities on a single site, when assessing an application for a permit, DCC will consider known planned works nearby including those on other roads that may affect the same traffic flows. In such a case activity timings or restrictions may be applied to minimise the impact on traffic flow.
- 3.3.4 Reduced permit fees will be charged for any permit where the works are carried out with collaborative working, including shared trenching. This may involve one or more Works Promoter and/or trench/works area sharing.

### 3.4 Forward Planning

- 3.4.1 Forward planning information on potentially highly disruptive activities shall be included in the permits register at the earliest opportunity. This will enable Works Promoters to:
- Take part in early co-ordination;
  - Actively engage collaborative working practices (where viable);
  - Consider other works being undertaken in the area; and



- Consider concerns from interested parties and stakeholders.

3.4.2 Forward planning information should be provided as early as possible and with as much information as available. This information should be updated whenever appropriate. Forward planning information does not remove the needs to apply for a Provisional Advance Authorisation (PAA) or a permit at the appropriate time.

## 3.5 Innovative Working

3.5.1 Innovative streetworks working is promoted by DCC across the network where it can be demonstrated that:

- Value for money is apparent;
- The safety to road users and workers is not put at risk;
- Additional congestion is not created; and
- No adverse environmental pollution is made as a result of the works method.

3.5.2 Reduced permit fees will be charged for any permit where the works are carried using an innovative working practice. This may involve one or more Works Promoter working in conjunction.

3.5.3 Innovation will be assessed on a case by case basis by DCC as to whether it merits a reduction in permit fees. Over time innovative working practices may become the industry norm for that type of work. Therefore, discounts previously applied to innovative working practices may cease if DCC deem this has become standard industry practice.

## **4 Key Performance Indicators and Scheme Success Evaluation**

### **4.1 Key Performance Indicators**

- 4.1.1 DCC must indicate how it will ensure parity to all Works Promoters when implementing a permit scheme. The DCC Permit Scheme will use Key Performance Indicators (KPIs) within the DfT's Statutory Guidance for Highway Authority Permit Scheme (October 2015) to measure performance and ensure parity. DCC will continue to submit performance scorecard data to the National Street Gazetteer (NSG) hub.
- 4.1.2 The DCC Permit Scheme will be reviewed after the first year of operation and thereafter every three years. The review will consider whether the DCC Permit Scheme is meeting the latest KPIs set out by the DfT and those set by DCC and whether the permits scheme fee structure needs to be changed due to any scheme costs surplus or deficit.
- 4.1.3 The DCC Permit Scheme Evaluation Reports will be based on the latest published HAUC (England) Permit Advice Note and Permit Scheme Evaluation Report template. The KPIs proposed are included as Appendix A. *(To be confirmed)*

## 5 Common Elements with NRSWA

### 5.1 Street Inclusion

- 5.1.1 All streets maintained at public expense by DCC are included within the DCC Permit Scheme. These are the specified streets as set out in the regulations. The strategic road network (SRN) which is maintained by Highways England is not included in the Devon Permit Scheme. However, if works on the SRN require diversion routes or temporary traffic management on the local highway network then a Permit will be required. A parallel process shall operate for Highway Authority works that operate cross administrative boundaries.

### 5.2 Street Gazetteer

- 5.2.1 DCC will continue to maintain a Street Gazetteer including a list of Unique Street Reference Number (USRN) and Additional Street Data (ASD). In relation to permits, the term “street” refers to an individual NSG.
- 5.2.2 DCC completed a review of all its traffic sensitive streets in 2018. A further 5-year review will be undertaken to ensure the accuracy of categorised traffic sensitive data with an ever-changing road network.
- 5.2.3 DCC have road reinstatement types defined in its NSG data. As of March 2019, a full countywide review of road reinstatement types is in progress. The results of this are expected by March 2020.

### 5.3 Streets with Special Designations and Controls

- 5.3.1 Streets designated under NRSWA with special controls, protected streets, streets with specific engineering difficulty, and traffic sensitive streets will have the same designations under the DCC Permit Scheme. These streets will be detailed on the Street Gazetteer.

### 5.4 Reinstatement Categories

- 5.4.1 The reinstatement categories of streets used in the DCC Permit Scheme are the same as those reinstatement categories under NRSWA.
- 5.4.2 The reinstatement category, as given in the ASD, must be treated as definitive.

## 6 Permit Scheme Scope

### 6.1 Scope

- 6.1.1 The DCC Permit Scheme applies to all registerable activities as defined in The Traffic Management Permit Scheme (England) Regulations 2007 as amended by 2015 Regulations. The DCC Permit Scheme shall include all works by statutory undertakers and highway works.
- 6.1.2 Works currently managed by licences through other powers, such as skips, scaffolds, depositing materials on the highway, vehicle crossings, development management works etc. shall not require a permit and continue to be processed by the individual licencing methods at this time.
- 6.1.3 The DCC Permit Scheme does not apply to activities licensed under Section 50 of the NRSWA, but similar conditions may be applied to such licenses for the purposes of parity.
- 6.1.4 The start and end dates for permits are calendar days and include weekends and bank holidays. The permit will include information on the duration of the works.
- 6.1.5 Agreements for starting earlier than stated on the initial permit application will be only confirmed following the granting of a variation by DCC prior to works commencing. If DCC has requested an earlier start date than that on the original permit application, permit fees may be waived for the additional variation permit submitted.
- 6.1.6 All registered activities must have an appropriate permit. Undertaking such activities without a permit will result in an offence being committed and the Works Promoter will be subject to the appropriate Fixed Penalty Notice (Section **Error! Reference source not found.**), in accordance with Insert Section 21 of The Traffic Management Permit Scheme (England) Regulations 2007. Valid immediate works can commence with a subsequent permit application, as defined within the DCC Permit Scheme.

## 7 Types of Permit

### 7.1 Provisional Advance Authorisation

- 7.1.1 Provisional Advance Authorisation's (PAA's) must be obtained for certain works as described in The Traffic Management Permit Scheme (England) Regulations 2007 as amended by 2015 Regulations. PAA's fulfil a similar function to notices served under Section 54 of NRSWA.
- 7.1.2 It is required to obtain PAA's for major works only. The PAA application must follow the requirements of the HAUC (England) Guidance, Operation of Permit Schemes (February 2017).
- 7.1.3 Where the proposals for a previously granted PAA require change and the full permit has yet to be issued, the Works Promoter must inform DCC of the new proposals. DCC will then decide whether a new PAA must be made.
- 7.1.4 The granting of a PAA does not guarantee that a permit will be subsequently be issued.

### 7.2 Permit Applications

- 7.2.1 The information which is required for each permit application is described in HAUC (England) Guidance, Operation of Permit Schemes (February 2017). This information must, unless due to exceptional circumstances, be supplied by electronic means<sup>1</sup>.
- 7.2.2 Applicants should also note that in line with The Traffic Management Permit Scheme (England) Regulations 2007 as amended by 2015 Regulations, the Permit Scheme requires Works Promoters applying for permits or PAA's to copy their application to any authority, Statutory Undertaker or other relevant body that has requested to see notices or permit applications on certain streets.
- 7.2.3 Where an activity crosses the Devon administrative boundary between DCC and its neighbouring authorities, the Works Promoter must also apply for a permit/notices from or submit a notice to that authority in addition to DCC in line with the neighbouring authorities permit/noticing plans.
- 7.2.4 The minimum times within which applications must be made are set out in the HAUC (England) Guidance, Operation of Permit Schemes (February 2017). Works Promoters, however, are encouraged to contact DCC as early as possible to assist in identifying problems and resolving issues to try to achieve early approval.
- 7.2.5 All data transactions shall be required to confirm to EToN/Street Manager or any updated statutory requirements.

### 7.3 Permit Categories

- 7.3.1 Applications from Works Promoters when booking road space through the DCC Permit Scheme must use the following activity categories: Major, Standard, Minor and Immediate as defined in the HAUC (England) Guidance, Operation of Permit Schemes (February 2017).

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<sup>1</sup> Please note that as from 1 August 2019 all references to Electronic Transfer of Notifications (EToN) are to be replaced 'by electronic means'. All data transactions shall be required to confirm to EToN/Street Manager or any updates statutory requirements.

## 7.4 Permits for Emergency Works

- 7.4.1 Urgent and Emergency works shall be defined as immediate for the purposes of permit applications. Immediate Activities apply to emergency works as defined in section 52 of NRSWA and are the equivalent of “urgent works” as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.
- 7.4.2 Permits for Immediate Activities must be applied for retrospectively following completion of the works. Failure to do so will result in a Fixed Penalty Notice **Error! Reference source not found..** Permits must be applied for within 2 hours of works commencing and within the requirements of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.

## 7.5 The Application Process

- 7.5.1 A permit application process starts when DCC receives the application not when it is sent. When sending by electronic means this process should be almost instantaneous. The precise time that the application is received is defined by the time of the electronic acknowledged returned by the web services.
- 7.5.2 Where a permit application has failed three times by electronic means and the notice or application cannot be sent for valid reasons, notification by email (and phone for immediate activities), followed by a formal application sent by electronic means as soon as is practical, shall be made.
- 7.5.3 These should be sent to [Highwaycoordination-mailbox@devon.gov.uk](mailto:Highwaycoordination-mailbox@devon.gov.uk). These emails must contain the same information as the EToN application if they do not, they will be rejected. All data transactions shall be required to confirm to EToN/Street Manager or any updates statutory requirements. Any Works Promoter, as prescribed by The Traffic Management Permit Scheme (England) Regulations 2007 as amended by 2015 Regulations, who wishes to perform or carry out an activity on a street within an area covered by the Permit Scheme must first obtain a Permit from DCC. This grants the Works Promoter authorisation to execute the works as described on the approved permit.
- 7.5.4 The permit application must, unless due to exceptional circumstances, be supplied by electronic means. Any alternative forms of permit application shall be agreed prior to making the application with DCC. The description of activities shall be in plain English and not use technical jargon or acronyms.

## 7.6 Permit Application Information

- 7.6.1 The information and minimum times within which applications must be made are set out for each permit application in HAUC (England) Guidance, Operation of Permit Schemes (February 2017). This information should be submitted by electronic means to DCC. Works Promoters are strongly encouraged to contact DCC as early as possible to assist in identifying problems, clashes, and resolving issues to aid early approval.
- 7.6.2 Works Promoters are required to copy their applications to any authority, statutory undertaker or other relevant body that has requested to see notices or permit applications on certain streets
- 7.6.3 Works Promoters shall provide a plan of the activity with their permit application where disruption to road users will occur. This includes diversions for vulnerable road users especially pedestrians, cycle traffic and equestrians. Where an illustration has not been provided DCC may reject the application. Plan detail should be proportionate to the types of works being proposed in the permit application.

- 7.6.4 Any requirement on the part of DCC or its nominated agent must be included in the application. Applications for TTRO/TRO's shall be made separately to the permit request:
- The need to make Temporary Traffic Regulation Orders (TTROs);
  - The approval for all temporary traffic signals with applications being made using the latest notice or permit in accordance with the latest version of EToN/Street Manager. Activities to use portable traffic signals in "immediate" activities must also be supported by the Works Promoter in accordance with most up to date version of the DfT's "Safety at Street Works and Road Works: a code of practice"; and
  - Suspension of TRO restriction of any type.
- 7.6.5 The processing costs associated with the above orders or approvals are not contained with the DCC Permit Scheme cost structure and will be separately applied.
- 7.6.6 To ensure consistency DCC requires permit applications to include the provisional number of estimated inspection units appropriate for the activity, in accordance with the latest NRSWA Inspections Code of Practice and The Street Works (Inspection Fees) (England) (Amendment) Regulations 2004.
- 7.6.7 A permit application requires the Works Promoter to provide their best estimate of the extents and depth of their excavation. This can be provided as a meaningful range providing an indication of the nature of the activity involved.
- 7.6.8 The Works Promoter must outline the proposed Traffic Management in their Permit Application through the provision of a Traffic Management drawing/plan per phase of works. If the proposed Traffic Management is to be in situ for six months or more then these plans should be submitted for a Road Safety Assessment. Evidence of these assessments should be provided as part of the Permit Application (*To Be Confirmed*).
- 7.6.9 The anticipated period of works must be made in the permit application along with the likelihood of known risks prolonging this period.
- 7.6.10 In cases of shared trenching, a lead Works Promoter must be identified for reinstatement purposes. Both Works Promoters must serve applications for permits, and discounts may be applied. Only the lead application works promoter shall provide registration details.
- 7.6.11 The Works Promoter must indicate whether their activity is intended to be completed with temporary or permanent reinstatement (or a subsequent linear combination of both) in accordance with Specification for Reinstatement of Openings in the Highway.
- 7.6.12 Works Promoters are strongly encouraged to support their application with suitable conditions should they find that the location, type of work to be undertaken, road category or any other site-based circumstance require consideration.
- 7.6.13 If DCC does not agree with the condition(s) applied, requires additional conditions, or deems that insufficient information has been provided as part of the permit application then it will either:
- Refuse the request with an inclusion of a comment to reflect the change required. This will require a new permit application to be submitted by the Works Promoter and associated charges; or
  - Respond to the request using a Permit Modification Request. This will also require a new permit application to be submitted by the Works Promoter and associated charges.

7.6.14 If a permit variation is initiated by the permit authority or the permit authority has to revoke a permit through no fault of the activity Works Promoter fees are not normally charged.

7.6.15 DCC will consider all applications on an equal basis.

## **7.7 Form of Issued Permit**

7.7.1 A permit will be issued or refused for every application that is made by a Works Promoter.

7.7.2 A permit will be issued to the Works Promoter by electronic means by DCC, unless the application is deemed to have been granted. The issued permit will contain all relevant conditions so that there is no ambiguity regarding the validity and terms of the permit.

7.7.3 Each permit will be allocated a unique reference number. For all permits it is a requirement that where there are any linked permits, references to those other linked permits must be included in any consequential permit application, using the unique reference number.

7.7.4 Where remedial works or works to make an interim reinstatement, permanent is to be carried out, following completion of permitted works a separate permit is required. This new permit application must be raised using the same works reference as the parent works by the Works Promoter. An additional Permit fee shall apply.

7.7.5 All phases of works shall require a separate permit. A phase of work is a period of continuous occupation of the street (whether or not work is taking place).

7.7.6 Where a Works Promoter makes a permit application or variation to a permit application as a result of DCC's action e.g. where DCC has imposed a variation, it is strongly recommended that a comment is included to this effect within the application. This will assist DCC in determining whether no fee will be applicable to that application.

7.7.7 The DCC Permit Scheme requires all granted permits to be placed on the permit register and copied to any Statutory Undertaker, authority or other relevant body that has been asked to be informed about activities on a Street via the Street Works Gazetteer.



## 8 Timings of Permit Applications

### 8.1 Timing of Applications and Responses

- 8.1.1 For effective planning and co-ordination, information needs to be provided to DCC in good time. Minimum permit application periods and DCC response times shall be as per the HAUC (England) Guidance Operation of a Permit Schemes (February 2017).
- 8.1.2 Although minimum time periods are provided it is strongly recommended that Works Promoters work with DCC prior to submitting their permit application and where possible make applications in excess of these minimum periods.
- 8.1.3 It is essential that applications and variations for permits are made in a timely manner otherwise there is the risk they face being rejected.
- 8.1.4 DCC is aware of the need to be proactive in running a scheme. Time limits have been set out in the (HAUC) (England) Guidance, Operation of Permit Schemes, February 2017 committing DCC to respond to applications within set periods. These are shown in Table 8-A.
- 8.1.5 The time period for a response to an application starts at the time of receipt of the application by DCC. Sending requests by electronic means will provide an auditable record of the actual date and time of the receipt of the application however, the calculation of the application and response time for a permit received after 16:30 will use the next working day as the effective receipt date.
- 8.1.6 In relation to category 0, 1, 2, and Strategically Significant Streets, the planned commencement date and finishing date for the activity are the start date and end date respectively on the permit. The permit is not valid before the start date on the permit and ceases to be valid once the end date has passed.
- 8.1.7 On category 3 and 4 streets that are not Strategically Significant, permit start and end dates allow for flexibility in the start of the activity, but once the activity is started it must be completed within the activity duration period specified in the permit. The starting window is two working days starting on the start date within the permit application. This is in line with the validity period within the NRSWA notice system.
- 8.1.8 These validity periods are the minimum standard and may on exception be relaxed where appropriate for certain pre agreed work activities/projects where there is a benefit to road users.
- 8.1.9 The start and end dates will be calendar days, notwithstanding reference elsewhere to working days, and may include weekends and bank holidays where agreed by the permit authority, even if these are not working days. Permit applications shall be calculated in working days.

Activity Type	Minimum application periods ahead of proposed start date		Minimum period before permit expires for application for variation (including extension)	Response times for issuing a permit or seeking further information or discussion		Response times to applications for permit variations
	Application for Provisional Advanced Authorisation	Application for Permit		Application for Provisional Advance Authorisation	Application for Permit	
Major	3 months	10 days	2 days or 20% of the original	1 calendar month	5 days	2 days
Standard	n/a	10 days		n/a	5 days	

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Minor	n/a	3 days	duration, whichever is longest	n/a	2 days	
Immediate	n/a	2 hours after		n/a	2 days	

**Table 8-A Permit Application and Response Times (in working days)**

## 8.2 Non-Compliance with the Minimum Application Times

- 8.2.1 Where it is not possible for a Works Promoter to adhere to the minimum permit application periods DCC may consider early applications where mitigating circumstances justify this failure. Permission to allow a Works Promoter to submit such an application is solely at the discretion of DCC and will only be given in exceptional circumstances.
- 8.2.2 Permission to allow an application to be made with an 'early start' does not necessarily mean the permit will be granted. DCC will still be required to carry out all required checks in terms of data quality, conditions and co-ordination related matters.
- 8.2.3 For applications made requesting an 'early starts', DCC reserve the right to not include associated discounted fees.
- 8.2.4 Where an 'early start' permit application is granted it will be recorded by DCC. Where permission is not granted the permit application will be refused. It is recognised that some early starts will be required to achieve a positive outcome to potential collaborative working arrangements. However, a Works Promoter proceeding with the planned 'early start' work following a refusal would be working without a permit and liable to fixed penalty notices (Section **Error! Bookmark not defined.**), in accordance with Section 19 of The Traffic Management Permit Scheme (England) Regulations 2007.
- 8.2.5 In exceptional circumstances where a Works Promoter can begin works before the stated date in the Permit Application or believes it to be in the best interest of road users they may contact DCC for a permit variation. It is at the discretion of DCC as to whether the request is accepted or not and/or charges are applied.

## 8.3 Variations and Extensions

- 8.3.1 To vary or extend a permit, an application must be made by the Works Promoter a minimum of two working days before the permit expires or at a point when the existing permit has more than 20% of its duration to run (whichever is longer).
- 8.3.2 Where the Works Promoter fails to apply for a permit variation or extension within the relevant time limits, they will not be approved unless mitigating circumstances justifying the failure to adhere to the relevant timings are provided. DCC will respond to these requests within 2 days (Table 8-A).
- 8.3.3 To request an extension to a permit, the Works Promoter shall apply for a 'Duration Variation Application'. DVA. This shall be either:
- Agreed by DCC;
  - Disapprove – a S74 duration challenge is required to re-set the reasonable period; or
  - Refusal due to conflict with other works and event. DCC shall refuse the DVA and instruct the works promoter to remove site.

## 8.4 Agreement Process

- 8.4.1 In situations where a Works Promoter cannot comply with the minimum permit application times, they must initially contact DCC to discuss the application and the associated

justification. At such time DCC may agree for the permit application to be submitted. All decisions made will be logged so that they are auditable.

- 8.4.2 In circumstances where DCC will accept such a permit application, the Works Promoter should then submit the relevant application to DCC providing the pre-agreed details, justification and required information, in order to obtain a formal grant for early start, variation or extension to the permit.

## 8.5 Maximum Response Times

- 8.5.1 The HAUC (England) Guidance, Operation of Permit Schemes (February 2017) or successor documents sets out time limits DCC will respond to permit applications (Table 8-A above). If DCC fails to respond to the permit application in the allotted response time the permit is deemed to be granted in the terms of the application.
- 8.5.2 A “response” for the purposes of the DCC Permit Scheme means a decision to grant, refuse, or issue a permit modification request. Where there are reasons why the permit could not be granted in the terms applied for e.g. due to insufficient or obviously incorrect information or due to a clash with other activities, the response indicating that a permit will not be granted in those terms will explain the reasons. This will enable the Works Promoter to make a revised and compliant application. DCC will work with the Works Promoter to avoid clashes however, early engagement with DCC is of paramount importance.
- 8.5.3 DCC will utilise the standard permit condition text as set out in the HAUC (England) Guidance, Operation of Permit Schemes (February 2017) or successor documents for refusal text where possible when a permit is refused.

## 8.6 Phasing of Works Activities

- 8.6.1 One permit can only relate to one phase of activity. A phase of an activity is a period of continuous occupation of the street (whether or not work is taking place for the whole time) between the start and completion of works e.g. separate permits would be required for interim, permanent and remedial reinstatements.
- 8.6.2 The dates given in a permit application and in the issued permit will denote the dates for that phase. A phase ends only when all plant, materials including any signing, lighting, guarding and excavation materials have been removed from site and the highway is returned to full use. It is the responsibility of the works promoter to ensure any reinstatements are ready for traffic conditions once the highway is returned to full use.
- 8.6.3 A Works Promoter must clarify when an activity is to be carried out in phases on the permit application. Each phase will require a separate permit and if a major activity involving asset activity, also a PAA which will be cross referenced to other permits.
- 8.6.4 Phased activities must relate to the same works with applications submitted using the same works reference.

## 8.7 New Customer Connections

- 8.7.1 A new main or cable run which includes a new customer connection(s) can be classed as one phase if all work is completed in a single occupation of the street. Otherwise a new permit(s) must be obtained for each customer connection that require separate occupation of the highway. Phases are defined in Section 7.6.1.

## 9 Permit Application Decisions

### 9.1 Decision Considerations

- 9.1.1 DCC must act reasonably when reaching a decision for a permit application and must consider whether issuing a permit will accord with the statutory duties to co-ordinate and to manage the network and the objectives of the Permit Scheme.
- 9.1.2 When reaching a decision on permit applications DCC will consider all aspects of the proposed activities and other influences that may impact traffic. These include but are not limited to:
- a. Safety of all road users;
  - b. The road network capacity;
  - c. The scope of collaborative working arrangements including trench and duct sharing between Works Promoters;
  - d. The overall impact upon the local and regional highway network;
  - e. The optimum timing of activities from all aspects, including the legislative requirement of the works taking place e.g. new customer connections, duty to maintain under the Highways Act 1980 etc;
  - f. The effect on traffic, in particular, the need for temporary traffic restrictions or prohibitions;
  - g. Appropriate techniques and arrangements particularly at difficult road junctions and pinch points;
  - h. The working arrangements required in protected streets, traffic sensitive streets and streets with special engineering difficulties;
  - i. The effect of skip, scaffold, storage and hoarding licenses, pavement licenses and other licenses or consents issued in respect of affected streets under The Highways Act 1980;
  - j. The environmental impact of the proposed works;
  - k. Noise impacts from the works
  - l. Developments for which planning permission has been granted on streets affected by the works;
  - m. The benefits to be achieved from extended working hours;
  - n. Impact of a planned activity on a public transport route and/or interaction near to level crossings; and
  - o. Contingency plans for expedient removal of site occupation.
  - p. Community impact issues

### 9.2 Permit Issue

- 9.2.1 Where DCC is satisfied with the permit application having considered all matters set out in their application and all other material considerations, including statutory duties and that the

objectives of the DCC Permit Scheme are met, DCC will issue a permit to the Works Promoter within the response time.

- 9.2.2 The permit will cross reference the details provided in the application including any associated documentation, drawings and conditions imposed by DCC.

## 9.3 Refusal of Permit Applications

- 9.3.1 Whilst DCC cannot refuse statutory activities, it can refuse a permit application (and a Provisional Advanced Authorisation) if elements of the proposed activity are not acceptable e.g. insufficient information being provided.
- 9.3.2 In such cases DCC will respond to the Works Promoter as soon as possible within the response period specified in HAUC (England) Guidance, Operation of Permit Schemes (February 2017) or successor documents, to explain precisely why the application is not satisfactory and which aspect need modification.
- 9.3.3 A Works Promoter may cancel an application by an electronic works notice at any point prior to DCC granting or refusing the permit application. Charges shall not apply for the cancellation notification, but the initial permit may be charged if approval has already been granted/refused.

## 9.4 Permit Variations

- 9.4.1 The DCC Permit Scheme allows for the variation of permits and for conditions to be attached to permits. This allows DCC to actively manage other activities on the network in light of challenging circumstances.
- 9.4.2 Variations can take place at any time after the permit has been issued and before the activity has commenced or during the activity itself. However, if a variation to a permit is required by the Works Promoter, the application to vary the permit must be made before the permit end date has passed and submitted via electronic means.
- 9.4.3 PAAs cannot be varied. In circumstances where a PAA has been given but a full permit has not been granted and proposals change, the Works Promoter must advise the proposed changes to DCC who will indicate whether or not a new application for a PAA is required.
- 9.4.4 Data changes are notified as new applications (prior to approval) or variations (post approval). Error corrections for registration notices and works status corrections are still relevant however, they should be made in accordance with their relevant Code of Practice.
- 9.4.5 Application by the Works Promoter to vary a permit or to vary permit conditions shall be made as soon as reasonably possible, but in any event as outlined below:
- a. Where the existing permit has more than 20% of its duration or more than two working days to run (whichever is longer) the Works Promoter shall apply for a variation; or
  - b. In any other case the Works Promoter shall first contact DCC to ascertain whether the Authority is prepared to grant a variation and only apply if the Authority is prepared to do so.
- 9.4.6 Activities can be particularly subject to change where a Works Promoter must make several excavations or registerable openings of the street in order to locate a fault. While the DCC Permit Scheme seeks to avoid too many variations, DCC must be advised of the site situation to enable co-ordination and management of these and other works in the area.

- 9.4.7 For multiple excavations the first application will contain the location of the initial proposed excavation or opening. If any further excavations are required, variation of the permit will also be required.

## 9.5 Variation at DCC's Request

- 9.5.1 DCC may impose variations upon permits already granted or deemed. This may be required where it is considered that upon commencement of a granted or deemed permit, further conditions or requirements are needed to reduce the impact of the activities on the highway. Such imposition should only take place when circumstances could not have been reasonably predicted. This will be assessed on a case by case basis.
- 9.5.2 Once a permit is issued it will prove to the Works Promoter with reasonable confidence that the road space will be available to them. Nevertheless, even where a permit has been issued circumstances beyond DCC's control may require a review of the permit and may lead DCC to conclude that the permit or its conditions require changing.
- 9.5.3 Such changes will be the exception and will only happen when the new circumstances could not have been reasonably foreseen or where the impact is significant. Examples of such circumstances include but are not limited to:
- a. Problems which would lead to traffic being diverted onto the road when an activity was underway or about to start, but the permit had been issued;
  - b. Roads closed by flooding, burst water mains, snow or ice;
  - c. Significantly adverse weather not predicted in forecasts;
  - d. An unknown dangerous building or structure;
  - e. A significant traffic disruption has ensued;
  - f. Additional activities have come to light in the same, or nearby street that will now conflict with the planned activity; or
  - g. Protests or demonstrations.
  - h. Other emergency works / activity on the network.
- 9.5.4 If the consequent disruption cannot be suitably mitigated, it may then be necessary to vary the permit for the activity e.g. by changing the time or manner of working.
- 9.5.5 In such circumstances DCC will contact the Works Promoter to discuss the best way of dealing with the situation whilst meeting the co-ordination duties and other statutory requirements of those involved.
- 9.5.6 If agreement is reached, DCC will issue an Authority Imposed Variation to the Works Promoter. The Works Promoter may then either cancel the existing permit and apply for a new permit in those terms, or they may apply for a permit variation. The latter will be more appropriate if the Works Promoter needs to reconsider elements of their plan within the parameters agreed with DCC.
- 9.5.7 If agreement cannot be reached DCC will revoke the permit. The Works Promoter would have the option of invoking the dispute resolution procedure where they disagree (**Error! Reference source not found.**) in accordance with Section 15 of The Traffic Management Permit Scheme (England) Regulations 2007.
- 9.5.8 If a permit variation is initiated by the permit authority or the permit authority has to revoke a permit through no fault of the activity Works Promoter fees are not normally charged. This

will be assessed on a case by case basis. If at the same time the Works Promoter seeks a variation which is not the result of the circumstances causing DCC action, a variation fee would be payable.

## 9.6 Permit Revocation

- 9.6.1 There is no mechanism in the DCC Permit Scheme to formally suspend or postpone a permit only to vary or revoke one.
- 9.6.2 A Works Promoter who wishes to cancel a permit, for which they have no further use, shall use a cancellation notice and submit it to DCC by electronic means. There is no fee for a cancellation notice, but no refund of the fee paid for issuing the permit will be made.
- 9.6.3 DCC can revoke a permit at its own initiative where there has been a breach of a condition.
- 9.6.4 The circumstances in which DCC will revoke permits on its own initiative are as follows:
  - a. As with variations, where circumstances arise which require DCC to review the permit, DCC may conclude that the permit needs revoking rather than being varied;
  - b. Revocation will be the exception and will be where circumstances could not have been reasonably predicted or where the impact is significant; and
  - c. All revocations will be made in accordance with the current guidance and regulations.
- 9.6.5 No charge will be made when a permit is revoked on DCC's request. If as a result of the revocation the Works Promoter must apply for a new permit there will no fee for the new permit, except where the original permit is revoked as a consequence of any action or omission on the part of the Works Promoter. In these circumstances, revocation will only be used as an alternative to criminal action, where it is reasonable, considering the nature of the breach and where it is proportionate.
- 9.6.6 Where the Works Promoter disagrees with DCC's decision in any of the above respects, they may invoke dispute resolution outlined by HAUC UK..



## 10 Permit Fees

### 10.1 When a Fee Will be Charged

- 10.1.1 In accordance with the provisions set out in the Section 37 of the Traffic Management Act 2004 and the 2007 regulations as amended by the 2015 Regulations, DCC may charge a fee for each of the following:
- a. The issue of a permit;
  - b. An application for a permit, where the DCC Permit Scheme requires a PAA to be obtained as part of that application;
  - c. The granting of a PAA which has subsequently been followed up with a permit application; and
  - d. Each occasion on which there is a variation of a permit or the conditions attached to a permit after it has been granted.
- 10.1.2 DCC will charge fees in accordance with the 2007 regulations as amended by the 2015 Regulations. The permit Fees for the DCC Permit Scheme will be published on DCC's website.
- 10.1.3 Permit fees do not include costs charged or recoverable by Highway Authorities, in relation to consents or other requirements such as for Temporary Traffic Orders, Notices or parking suspensions related to other activities being carried out.
- 10.1.4 It is not the purpose of fee charging under the Permit Scheme to generate revenue for DCC although subject to the constraints set out, DCC may cover its costs.
- 10.1.5 Fees are payable by Statutory Undertakers, but highway authorities are not charged. However, Devon may use a shadow charging arrangement to show the cost of issuing permits to its own works promoters both to help understand its own costs, and to set those alongside the costs to other promoters. Data on the fees that DCC would have been charged will be collated to demonstrate parity.

### 10.2 Level of Fees

- 10.2.1 The 2007 Regulations as amended by the 2015 Regulations and the Statutory Guidance for Highway Authority Permit Schemes (Oct 2015) set a maximum flat fee for permit variations initiated by the Works Promoter with a lower fee for category 3 and 4 non traffic-sensitive streets and a higher fee for category 0, 1 and 2 and traffic-sensitive streets.
- 10.2.2 If a permit variation moves an activity into a higher fee category, the Works Promoter will be required to pay the difference in permit fee as well as the permit variation fee.
- 10.2.3 All the Devon Permit Scheme fee levels are at or within the current Regulations and Statutory Guidance. County Council has made use of existing Regulations and guidance to determine the level of fees needed to recover the costs of additional resources required to achieve the scheme's objectives.
- 10.2.4 The permit fees for the DCC Permit Scheme will be published on DCC's website. *Draft Fee brackets have been included as Appendix B. This Appendix will be removed when the Devon Permit Scheme goes live. Up to date fees will then be displayed on the Permit Scheme website.*



## 10.3 Circumstances where No Fee will be Charged

10.3.1 No fee will be charged in the circumstances described below:

- a. Cancellation of a permit – prior to DCC's determination, a Works Promoter cancels a permit application;
- b. Refusal of a permit – when an application for a permit or variation is refused;
- c. Revocation of Permit – where a permit is revoked on DCC's initiative and the Works Promoter had to apply for a new permit, there would be no fee for the new permit, except where the original permit is revoked as a consequence of any action or omission on the part of the Works Promoter;
- d. Variation of Permit at DCC's initiative - for permit variations initiated by DCC, unless at the same time the Works Promoter seeks variations which are not the result of the circumstances causing DCC's action - in that case a variation fee would be payable;
- e. Deemed Permits – where DCC fails to serve a response to an application for a permit or variation, within the relevant response time and the permit is subsequently deemed to be granted;
- f. Highway Authority Activities - permits required by the Highway Authority (although budget adjustments may be made in order to fund the service provided);
- g. Phasing of Activities to Lessen Risk and Inconvenience to Highway Users - where temporary reinstatement is required by DCC e.g. to minimise risk to the public and allow safe passage and DCC request the Works Promoter submits a new permit application for the remaining activities, no fee will apply for the permit application;
- h. Works to fire hydrants; and
- i. Where the activity is Diversionary Works as a result of Major Highway or Bridge Works, initiated by the Highway Authority as described in S86 of NRSWA

## 10.4 Circumstances where Fees may be Reduced

- 10.4.1 Where an Application has been made (and is subsequently granted), stating clearly that activities will not take place (at any time or any day) within the Traffic Sensitive periods as indicated on the Additional Street Data (ASD) supplied within the Authority National Street Gazetteer submission, so long as such time constraints are met during activities throughout the full duration of the permit then a discount will apply. Such Permit Applications (and Provisional Advanced Authorisations) may be required to contain specific time related conditions.
- 10.4.2 The variation process may be used to alter such timings and conditions; however, such application may be reasonably refused. Any reductions to permit fees may be removed by the DCC in this instance. Where, upon evidence is gained, it is clear that the indications of Traffic Sensitivity impact are not being followed throughout the activities, the fee reduction may be removed by the Authority. If related Timing Conditions are also being breached, an Offence or Offences may have occurred.
- 10.4.3 Where collaborative activities are being undertaken a discounted fee will apply to permit applications to all activities involved. The Works Promoters will clearly need to identify such situations and alert them to the DCC.

- 10.4.4 Other instances where circumstances will result in a discount are working outside of traffic sensitive periods on traffic sensitive roads, where shared trenching has been achieved and evidence of additional resources being used to reduce the length of working.
- 10.4.5 Where a Works Promoter makes use of specific innovative techniques or working methods that significantly reduce traffic disruption then discounted permits may apply. The Works Promoter must provide evidence to support a claim for a discounted permit. It should be noted that an innovative working practice may become industry standard. If this occurs, then the discount will no longer be applicable.
- 10.4.6 Works promoters evidencing one circumstance will achieve a 30% discount in their permit fee. If more than one circumstance is evidenced, then this discount will increase to 50% maximum reduction in permit fee cost.
- 10.4.7 100% discount shall apply to cross boundary authorities and Highways England where permits are required for diversionary routes or other associated scheme traffic management.
- 10.4.8 Discounts will be given for new customer connections/infrastructure roll out where the Works Promoter is working as part of a joint venture with DCC. These shall be set at 100%.

## 10.5 Fee Review

- 10.5.1 DCC will continuously monitor costs and there will be a formal review of fees at the end of year three to ensure that overall fee income does not exceed allowable costs. In the event of any surplus in a given year, the fee income will be applied towards the cost of the Permit Scheme in the next year and the fee levels adjusted accordingly.
- 10.5.2 A sustained surplus would indicate that the income was regularly exceeding the prescribed costs and that fee levels should be adjusted. In such circumstances DCC will adhere to relevant regulations to affect any amendments to the DCC Permit Scheme.
- 10.5.3 The outcome of these fee reviews will be published.

## 11 Permit Conditions

### 11.1 Principles of Conditions

- 11.1.1 A Permit Scheme gives statutory powers to the Permit Authority to attach conditions to permits. The DfT Statutory Guidance for Highway Authority Schemes - permit Scheme Conditions March 2015 will be followed for this purpose, or any subsequent update made to this guidance document. Any permit issued will specify in detail the activity it allows, and the conditions attached. Any constraints in the original application will be reflected in the conditions in the permit.
- 11.1.2 Where DCC considers a condition attached to a permit has been breached, it may impose sanctions and DCC may also revoke the permit.
- 11.1.3 DCC may vary the conditions of a permit issued, as an Authority Imposed Variation (AIV).
- 11.1.4 Works Promoters shall plan works and consider all necessary conditions of work that may help reduce the impact of the scheme on the road network. This should be done in advance of submitting the permit application to DCC and be clearly outlined on the permit application. Failure to do so may result in a delay in response from DCC and/or a rejection of permit application. There may also be associated fees attracted.

### 11.2 Condition Types

- 11.2.1 DCC will adopt solely the Nationally agreed conditions text developed and approved by the Secretary of State for Transport and references in the 2015 Permit Scheme Amended Regulations. Any future changes to the conditions text approved by the Secretary of State for Transport will automatically be incorporated into this scheme.
- 11.2.2 Any changes will have been consulted on and agreed by the sector and DCC will not undertake further consultation on those agreed changes but will inform stakeholders of their implementation date for use within our permit scheme.
- 11.2.3 Of these, certain conditions apply to all permits. There is no need for the Works Promoter or DCC to formally attach the National Condition Text relating to national conditions that apply to all relevant permits.
- 11.2.4 DCC may take reasonable actions if any of these conditions are breached.
- 11.2.5 Conditions applied to a permit by DCC will be pertinent to the objectives of the Devon Permit Scheme including the reduction of congestion and disruption, recognizing the needs of other users of the highway, the integrity of the highway itself and the need for essential activities and activities to be carried out.

### 11.3 Applying a Condition to a Permit

- 11.3.1 Where DCC considers it necessary and appropriate to impose conditions that differ from the proposals in the permit application, DCC will state the reasons for this action on their refusal of the permit. The Works Promoter can then choose whether to make a modified permit application, cancel the activity or discuss the matter.
- 11.3.2 For the application of permits, the main principle behind the Prescribed Electronic Format Technical Specification is that when the Works Promoter applies to DCC they may enter the conditions of the permit, for example the timing, duration and work methodology. DCC cannot amend the content of a permit, including the conditions attached.
- 11.3.3 If DCC does not agree with the condition(s) applied or requires additional conditions the application may be either:

- a. Refused with the inclusion of a comment to reflect the changes required. A complete refusal should be used in exceptional circumstances.
  - b. Responded to with the issuing of a Permit Modification request which is also a form of Refusal.
- 11.3.4 If a permit is still required, the Works Promoter should submit a subsequent, modified permit application with any agreed changes. It is the responsibility of the Works Promoter to ensure the application meets the permit conditions specified by DCC.
- 11.3.5 Works Promoters are encouraged to consider the inclusion of conditions on their permit during the initial application. By doing so, the likelihood of DCC refusing a permit with a subsequent re-application, could be minimised.
- 11.3.6 Where a Works Promoter recognises that multiple conditions should be used, or as indicated by DCC, all multiple conditions should be included on the permit application.

## 11.4 Conditions upon Immediate Activities before Permit Issued

- 11.4.1 Activities that are necessary for emergency or urgent reasons (i.e. immediate activities) can commence and continue for an initial stage without requiring a permit to be obtained first. DCC has the power to impose conditions. Where an application has been initially granted and further practical conditions, reasonably unforeseen at the time of granting are required to lessen the impact of the activities upon the highway, further conditions may be imposed through an Authority Imposed Variation (AIV) application.
- 11.4.2 Until a permit is issued following an application for an immediate activity, a Works Promoter will be required to work within the terms of their application, for example, if the application refers to specific working hours then the Works Promoter must work within those hours.
- 11.4.3 Works Promoters of immediate activities shall contact DCC immediately where the specified strategic street is susceptible to unplanned disruption as indicated in the ASD for DCC.
- 11.4.4 Works Promoters must make application to DCC or its appointed agent, for any Temporary Traffic Regulation Order or Notice for immediate activities, even if work on site has been completed.

## 11.5 Conditions Text

- 11.5.1 When applying the use of condition text or conditions both the Works Promoter and DCC must ensure that there is no ambiguity within the description or understanding of the condition. The Works Promoter is encouraged to contact DCC during the application stage to clarify any interpretation or application of conditions, if needed.

## 11.6 Conditions Available on Site

- 11.6.1 DCC recognizes the importance for the Works Promoter work-force to have access to the permit detail, including conditions when carrying out the planned activity Works Promoters shall ensure this information is available to all on site.
- 11.6.2 Work undertaken in breach of a condition, or without a valid permit, on the basis of lack of knowledge from the Works Promoters' work-force will not be accepted by DCC as any form of mitigation for such failure.
- 11.6.3 It is the responsibility of the Works Promoter to ensure that the works gangs on site are aware of all Permit Conditions and recommends this information is available on site at all times. If they do not comply with Permit Conditions then an FPN will be issued.

## 12 Inspections, Fixed Penalty Notices and Dispute Resolution

### 12.1 Inspections

- 12.1.1 The procedures for dealing with all aspects of inspections under the Permit Scheme, with the exception of those related to overrun charges under Section 74 NRSWA and permit condition checks, will reflect the procedures set out in The Street Works (Inspection Fees) (England) Regulations 2002 and investigatory works inspections under Section 72(1) of NRSWA.

### 12.2 Section 74 Inspections

- 12.2.1 These inspections are related to activities that should have been completed by a due date or have been notified as completed by the works promoter serving a works stop under Section 74A NRSWA. No charge will be made for such inspections under the DCC Permit Scheme. These will be undertaken as part of other highway inspection activities. However, costs for overrun may be applied as per The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) (Amendment) Regulations 2012.

### 12.3 Permit Condition Inspections

- 12.3.1 Ad-hoc inspections may be used to assess compliance with permit conditions specified in individual permits although there will be no fee charged for specific permit condition inspections. Such inspections will be carried out as part of other inspections by various officers within DCC.

### 12.4 Sanctions

- 12.4.1 Where activities have been undertaken without a notice or conditions have not been adhered to DCC may use the sanctions provided by the Permit Regulations.
- 12.4.2 Where there is proof that a Statutory Undertaker has committed an offence and it is both practicable and appropriate, DCC may contact the Works Promoter before taking action and seek to discuss the matter in order to establish whether such action is required. After repeated offences DCC may seek to take action without first contacting the Works Promoter.
- 12.4.3 DCC may take action for unauthorized activities, where a Works Promoter:
- a. Undertakes, without a permit, works for which a permit is required to have been obtained; or
  - b. Breaches a permit condition.
- 12.4.4 Any Works Promoter not working within the content of an issued permit (either granted or deemed) will be seen as undertaking activities, without a permit, for which a permit is required to have been obtained. It is the Works Promoter's responsibility to ensure the content of the permit accurately reflects the proposed activity.

### 12.5 Criminal Offences

- 12.5.1 It is a criminal offence for a Statutory Undertaker or someone acting on its behalf to undertake activities without obtaining a permit.
- 12.5.2 Permit offences only apply to Statutory Undertakers, not to highway authorities, however DCC will monitor the performance of its own Works Promoters to ensure a consistent approach is taken. Performance data pertaining to DCC Works Promoters will be collated. It will therefore be a matter of public record if DCC acts in such a way that would amount to

the commission of an offence under the 2007 Regulations as amended by the 2015 Regulations.

- 12.5.3 The 2007 Regulations as amended by the 2015 Regulations provides that it is a criminal offence for a Statutory Undertaker or someone acting on its behalf to undertake activities in breach of a condition.

## 12.6 Fixed Penalty Notices

- 12.6.1 The 2007 Regulations as amended by the 2015 Regulations authorize DCC to issue Fixed Penalty Notices (FPNs) in respect of applicable criminal offences. FPNs offer the offender an opportunity to discharge liability for an offence by paying a penalty amount. DCC will operate FPNs to address most permit and noticing offences and measure performances.
- 12.6.2 FPNs, where issued electronically, will conform with the Prescribed Electronic Format Technical Specification/street manager.

## 12.7 Prosecution

- 12.7.1 DCC may consider the need to proceed to prosecution of an offence. DCC will follow existing processes to determine whether a prosecution is the most appropriate action, taking into account the severity of the offence and the interests of the public. DCC reserve the right to move straight to prosecution if deemed necessary. This will be at DCC's discretion.
- 12.7.2 If the Statutory Undertaker does not pay the FPN within the 36 calendar days DCC may bring proceedings in the Magistrates' Court for the original offence. Legal action may be taken before the expiry of the six months deadline from the date of the offence for bringing a case before the Magistrates' Court, (Section 127 of the Magistrates' Courts Act 1980). This is the case even if the FPN was not given for some time after the offence was committed.
- 12.7.3 In circumstances where an FPN has been issued in relation to an offence, but DCC subsequently forms the view that it would be more appropriate to prosecute the offender, DCC must withdraw the FPN before bringing the proceedings unless the payment of the FPN has been made.
- 12.7.4 Further, in rare or severe instances, DCC may consider the most appropriate action in the circumstances is to proceed directly to prosecution of the offence.

## 12.8 Application of Money by DCC

- 12.8.1 DCC may deduct from the fixed penalties received under Section 37(6) TMA, the reasonable costs of serving FPNs.
- 12.8.2 DCC will need to be able to demonstrate that the costs of managing the process for and serving FPNs are reasonable and that the net proceeds after deducting these costs are being correctly applied. Those enquiring should note that accounts are generated annually.
- 12.8.3 Although it is not a requirement that separate accounts should be kept for operating FPNs it should be possible to follow the audit trail to check income and expenditure.

## 12.9 Other Offences under NRSWA

- 12.9.1 Any offences relating to sections of NRSWA which run in parallel to Permit Schemes will continue to apply. These include offences relating to reinstatements, overrunning activities and failure to send appropriate notices.



## **12.10 Revocation of Permit**

12.10.1 Whilst it is a criminal offence for a Statutory Undertaker or someone acting on its behalf to undertake activities in breach of a condition, as a further alternative to taking criminal action in such circumstances against the Statutory Undertaker DCC may revoke the permit. Similar action is also likely to be undertaken where DCC activities breach permit conditions or work without a permit.

## **12.11 Record Keeping**

12.11.1 DCC will keep all records of all sanctions under the Devon Permit Scheme. Works Promoters should keep records of all permits on their scheme records.

## **12.12 Dispute Resolution**

12.12.1 The TMA provides wide powers to devise a suitable dispute resolution procedure and to identify the stages of the permit application process at which it can be invoked. There are no prescribed statutory dispute resolution procedures as yet and therefore the approach taken is to build on arrangements which already exist through the HAUC (England) at local and national level for resolving disputes.

12.12.2 DCC and Works Promoters are expected to use their best endeavors to resolve disputes without having to refer them to a formal appeals procedure. This might, for instance, be achieved by referring the issue to management for settlement.

12.12.3 Chapter 13 of the Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters sets out a process for dispute resolution. This will be used for the Devon Permit Scheme.

## **12.13 Incidence for Dispute Resolution**

12.13.1 Only four stages of the permit process provide for dispute resolution:

- a. A Works Promoter applies for a permit. DCC confirms it will only issue the permit with conditions attached or with different dates to the application. The Works Promoter believes one or more of these conditions are unreasonable or unrealistic. The two parties are unable to resolve their differences;
- b. A Works Promoter who has been issued with a permit and has started work realizes that they will no longer be able to comply with the original permit. The Works Promoter therefore applies to DCC for the permit to be varied or extended. The two parties are unable to reach agreement on any variation or whether any variation should be allowed;
- c. Where Authority Imposed Variations cause dispute between the Works Promoter and DCC and the situation may require resolution; or
- d. A Works Promoter disagrees with DCC's decision regarding the revocation of a permit.

12.13.2 DCC and Works Promoters should try, wherever possible, to resolve their disagreements between themselves. However, it is recognized that occasionally this may not be possible.

## 13 Related Matters and Procedures

### 13.1 Permit Authority Contact Details

- 13.1.1 DCC is the Permit Authority. DCC will publish its main contact details for the Devon Permit Scheme on its website and make available at local HAUC meetings.

### 13.2 Overrun Charging Scheme — Section 74 NRSWA

- 13.2.1 The following notices under Section 74 are still required to be served to compliment a permit scheme:
- Actual Start (sections 74 (5B) and 74 (5C))
  - Works Clear (section 74 (5C))
  - Works Closed (section 74 (5C))
- 13.2.2 DCC will operate overrun charging under Section 74 NRSWA alongside the Permit Scheme. Section 74 schemes are not compulsory. An authority does not require Secretary of State approval to operate a Section 74 scheme.
- 13.2.3 "Section 74 Regulations" are currently applied by the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations. Any enactment which amends, applies, consolidates or re-enacts the provisions of these Regulations shall be constructed as a reference to the Regulations by virtue of that subsequent enactment.
- 13.2.4 The operation of the overstaying regime however is modified under the Permit Scheme to incorporate the process of setting and modifying the duration of the activity (or "works" in Section 74 terms) through the permit application, approval and variation processes.
- 13.2.5 Activities carried out by or on behalf of the Highway Authority are not subject to Section 74 overrun charges. However, under the Devon Permit Scheme Works Promoters of such activities will be required to follow the same procedures as Works Promoters who are Statutory Undertakers.
- 13.2.6 For all activities the "reasonable period" for NRSWA Section 74 purposes will be the same as the duration of the activity set out in the permit. Variations may be granted to extend the duration of the permit and this will set the revised "reasonable period", however Section 74 durations may still be challenged after a variation to the duration has been granted.
- 13.2.7 The start and end dates will be in calendar days, even though many aspects of Permit Schemes will operate on working days. Where a permit allows working at weekends or on Bank Holidays, the permit start and end dates will also accommodate that, even though those days do not count towards the reasonable period under NRSWA Section 74.

### 13.3 Section 58 & 58a NRSWA Restrictions

- 13.3.1 All required statutory noticing must be submitted by all works promoters after a permit has been approved.
- 13.3.2 Similar procedures will be followed for highway activities in relation to Section 58 and 58a restrictions, in order to facilitate the operation of the Devon Permit Scheme and, as far as possible, parity of treatment for all Works Promoters.



## 14 Transitioning to and Making Alterations to the Devon Permit Scheme

### 14.1 Transitional Arrangements

14.1.1 The Devon Permit Scheme will come into operation on the 1<sup>st</sup> March 2020. The basic rules of transition will apply on all roads where the Permit Scheme operates:

- The Permit Scheme will apply to all activities where the administrative processes, such as an application for a permit or Provisional Advance Authorisation, commence on or after the commencement date;
- Activities which are planned to start on site more than one month after the changeover date (for standard and minor activities) or more than three months after, (for major activities), must operate under the Permit Scheme. This means that even if the relevant section 54 or section 55 NRSWA notice has been sent before the relevant changeover date, the Works Promoter shall cancel the NRSWA notice for that activity, (or phase of activity), and must apply for a permit;
- Any other activities which have started under the notices regime and which will start on site less than one month or three months, (for Major activities as above), after the changeover date, (according to activity category), will continue under that regime until completion; and
- DCC will implement a 1 calendar month period where no permit fee charges shall be applied from the initial go live date.

14.1.2 Given the advanced notice of the changeover there should be few activities where these rules will create difficulties. Activities coordinated in the run-up to the imposition of a restriction might be such a situation. In those few cases, Works Promoters must contact DCC so that discussions can take place to ensure a practical way of dealing with the activities that can be resolved.

14.1.3 DCC will operate a 'bedding in period' where no permit charges or FPN's will be applied. This will enable Works Promoters and DCC to become familiar with the Devon Permit Scheme. The timing of this period shall be confirmed to works promoter at the statutory consultation period.

### 14.2 Amending the Devon Permit Scheme

14.2.1 It may be necessary to change the Devon Permit Scheme from time to time or to cease to operate the scheme. Changes will be made as deemed necessary by DCC at a time and in a manner, which minimizes disruption. Consultation will be made as is deemed or legally required.

14.2.2 Any variation to the permit scheme must contain the relevant explanation and justification for the change(s).

14.2.3 Where revision to permit Regulations by the Secretary of State necessitates changes in existing schemes, new Regulations will make provision for such changes.

### 14.3 Revoking the Devon Permit Scheme

14.3.1 DCC reserve the right to revoke the permit scheme. Prior to this application DCC will consult with all relevant statutory consultees. Any revocation to the permit scheme must contain the relevant explanation and justification for its removal.

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Devon Permit Scheme for Road and Street Works



## 15 Street Works Register and Access to Information

### 15.1 Street Works Register

- 15.1.1 DCC is committed to maintaining a Register of all street works activities. All permit activities will be referenced to an individual USRN and will include details of the activity and a map-based location.
- 15.1.2 Everyone has a right to inspect DCC's register, free of charge, at all reasonable times, except as noted below where there are restrictions. "All reasonable times" means normal office hours (e.g. 09:00 to 16:30, Monday to Friday except Bank Holidays).
- 15.1.3 DCC may publish a limited content version of the register in the public domain. This will be available 24 hours a day, seven days a week, except for those occasional times when it will be unavailable due to upgrade and maintenance.
- 15.1.4 Much of the detailed information in the register is unlikely to be of interest to the Public and it is the responsibility of DCC to decide how much information to make available in this way.
- 15.1.5 Permit applications and notices contain information such as names and telephone numbers of contacts in organisations. Whilst DCC will restrict such contact information being published, the Works Promoter should take responsibility to ensure information contained in free-text fields does not contain information that they do not want to be published. DCC will make it clear that they are not responsible for the accuracy of information concerning those activities for which they are not the Works Promoter.
- 15.1.6 Highways England has its own methods of disseminating such information on trunk roads and motorways. Public access to websites will be read-only to prevent unauthorised amendment to records.

### 15.2 Street Gazetteer

- 15.2.1 The DCC Permit Scheme recognises that a key element of controlling or managing an activity is knowing accurately where the activity will take place, in which street and where in the street.
- 15.2.2 There is already a Nationally consistent street gazetteer system for identifying streets that is used under NRSWA whereby every highway authority produces a Local Street Gazetteer (LSG) and a copy is held centrally by the NSG Custodian. Each of these local gazetteers shall contain the information, required by and defined in the NSG Custodian documentation, about the streets in Devon.
- 15.2.3 Works Promoters must obtain full copies and updates of the street data from the NSG Custodian's website.
- 15.2.4 Under this system each street has a Unique Street Reference Number (USRN). The Devon Permit Scheme provides for the same system to be used, along with the Additional Street Data (ASD) linked to those streets.
- 15.2.5 USRNs can refer to a whole street (as identified on the ground) or, if the street is long, to part of a street between significant junctions. Under the Permit Scheme a "street" refers to that length of road associated with a single USRN, i.e. to part of a whole street where a street is subdivided.
- 15.2.6 ASD refers to other information about streets held on the NSG Custodian's website alongside the NSG data. Highway Authorities, Works Promoters and other interested and approved parties may obtain copies and updates to this data from the Custodian.

- 15.2.7 DCC has reviewed its NSG prior to the implementation of the Devon Permit Scheme and will continue to review it along with ASD data to ensure accuracy and relevancy as far as is practicable.

## **15.3 Who is collecting and using your personal data?**

- 15.3.1 Devon County Council will act as a 'data controller' for any personal data that you provide to us. As such, we will ensure that the data you give us is processed in line with our organisation's data protection policies and in line with your rights under the Data Protection Act 2018 and the EU General Data Protection Regulations.
- 15.3.2 Should you wish to find out more about Devon County Council's data protection policies please contact our Data Protection Officer.
- 15.3.3 Please note that failure to provide your personal data may make it difficult for us to process your license application.

## **15.4 Why are we collecting your personal data?**

- 15.4.1 We are collecting your personal data to process and issue highway licenses. We rely upon the following laws to process your personal data:
- Highways Act 1980;
  - New Roads and Street Works Act 1991; and
  - Road Traffic Regulation Act 1984.

## **15.5 Who will we share your personal data with?**

- 15.5.1 To enable us to process licence application's it may be necessary to share your personal data with one or more of the following:
- Contractors;
  - County and District Councillors;
  - Department for Transport;
  - The Emergency Services;
  - Local Authorities;
  - Adjacent Highway Authorities;
  - Environment Agency;
  - Health and Safety Executive;
  - Public Transport Operators; and
  - Town and parish councils.
- 15.5.2 In order to process Temporary Traffic Regulation Orders (TTRO) applications, we will publish agreed emergency contact details in the local papers, on roadworks.org and/or on DCC webpages.

## 15.6 How long will we hold your personal data?

- 15.6.1 Devon County Council will retain your personal data for only as long as is necessary, and in line with our organisation's record retention schedules.

## 15.7 Automated decisions

- 15.7.1 No automated decisions are made using the personal data you supply to us for the above purposes.

## 15.8 Exercising your rights

- 15.8.1 Under the Data Protection Act 2018 and the EU General Data Protection Regulations the DCC Permit Plan will conform to the DCC Privacy Notice for Highway Licences<sup>2</sup>.

## 15.9 Restricted Information

- 15.9.1 Restricted information is anything certified by the Government as a matter of National security, or information which could jeopardize the Works Promoter's commercial interests such as details of a contract under negotiation. The Works Promoter shall indicate restricted information on the application.
- 15.9.2 The right of access to restricted information is limited to:
- a. Persons authorized to execute any type of activity in the street; or
  - b. Persons "otherwise appearing to the authority to have a sufficient interest".
- 15.9.3 Any person wishing to see restricted information must satisfy DCC, as a minimum, that his interest is greater than the general interest of the ordinary member of the public

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<sup>2</sup> <https://www.devon.gov.uk/privacy/privacy-notices/privacy-notice-for-highway-licences/>

## 16 Payment of Permit Fees

### 16.1 Payments

- 16.1.1 All Works Promoters, except those undertaking works for purposes not covered in this Plan, will be required to pay the appropriate fee for a permit to DCC under the Devon Permit Scheme.
- 16.1.2 Where the Works Promoter does not comply with the terms of the permit, a penalty may be applied using an FPN. This penalty will become payable to DCC. DCC may retain the permit fees and FPN penalties separately for accounting purposes.
- 16.1.3 If a Works Promoter does not already have an arrangement in place with DCC then they shall agree one with DCC's Finance Department prior to submitting their Permit or PAA. Details of how fees can be paid will be provided by DCC's Finance Department.
- 16.1.4 As a standard process for permit fee payment and reconciliation it is expected that an account for a specified period will be produced, containing the permit fees to be charged for that period. Each account will have a reference number which can be used as the reference for any payment, instead of the individual permit numbers.
- 16.1.5 DCC will submit this account to the relevant Works Promoter to provide an opportunity for them to reconcile the charges to be invoiced for the specified period, prior to the generation of an invoice for payment.

### 16.2 Standard Payment and Reconciliation Model

- 16.2.1 DCC will confirm with each Works Promoter the invoicing arrangements together with the frequency of the account reconciliation and/or invoicing. This section contains a standard payment and reconciliation model.
- 16.2.2 The following standard procedure for the reconciliation and payment of permit fees (based on the HAUC (England) Guidance. Operation of Permit Schemes 2017) is recommended:
  - a. An account of the permit fees to be charged for during the specified period will be produced by DCC and submitted to the Works Promoter to review for reconciliation. Normally accounts will be sent monthly for permits granted in the previous month;
  - b. There will be a period of 10 working days after receipt of the full account to confirm fees and charges for the entire period;
  - c. During both reconciliation periods it is the Works Promoter responsibility to liaise with DCC if they have any comments or queries on the content of the account;
  - d. Once the reconciliation period is complete, and the payment agreed, a full invoice for the full period will be issued. Payment will be required within 28 calendar days; and
  - e. Once the account charges have been agreed; the Works Promoter must notify the Permits team if they need to issue a purchase order to DCC. This will need to be sent to the Permit team as soon as possible prior to the invoice being raised in order not to cause a delay.
- 16.2.3 If during the reconciliation DCC and Works Promoter cannot reach agreement on a permit fee and any details are still under discussion, these fees will be omitted from the final account for the period and subsequent invoice. Fees under discussion can be included or not included as a result of discussions, in a later invoice.

- 16.2.4 Held over charges from a previous period may be included in such a statement. For example, these may include charges that were previously queried or PAA charges held back from a previous period which were awaiting the granting of permit for the activities.
- 16.2.5 The account period and subsequent invoicing frequency may vary but only with prior agreement being obtained from the relevant Works Promoter.

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## **Appendix A – DCC Permit Scheme Key Performance Indicators**

KPI Reference Number	Key Performance Indicators
KPI 1	Works Phases Started (Base data)
KPI 2	Works Phases Completed (Base data)
KPI 3	Days of Occupancy Phases Completed
KPI 4	Average Duration of Works
KPI 5	Phases Completed involving Overrun
KPI 6	Number of deemed permit applications
KPI 7	Number of Phase One Permanent Registrations
KPI 8	Number of individual discounts applied to works promoters.



## **Appendix B –Proposed Permit Fees**

For illustrative purposes Maximum Fees prescribed in the Traffic Management Act 2004 (Part 3 - Permit Schemes) are provided for reference.

Type of work	Maximum Permit Charge (DfT guidance)		Proposed Devon Permit Charges	
	SSS	Non SSS	SSS	Non SSS
Provisional Advance Authorisation	£105	£75	£105	£35
Major Work (>10 days)	£240	£150	£240	£65
Major Work (4 to 10 days)	£130	£75	£130	£40
Standard (4 to 10 days)	£130	£75	£130	£40
Major Work (< 3 days)	£65	£45	£65	£25
Minor	£65	£45	£55	£25
Immediate	£60	£40	£55	£25
Permit Variation	£45	£35	£45	£35

*Table Note 1: SSS – Strategically Significant Streets as designated by DCC as traffic sensitive in accordance with the criteria set out in regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007, as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section S1.3 of the Specification 8 for the Reinstatement of Openings in Highways (A Code of Practice -April 2010).*

*Table Note 2: Non SSS – Non-Strategically Significant Streets are all other streets outside of the SSS designation.*

## **Permit Final Business Case: Executive Summary**

It is not currently mandatory for a Local Highway Authority (LHA) to run a Permit Scheme; however, the Secretary of State for Transport has recently asked all LHA's to give serious consideration to the benefits of introducing a Permit Scheme.

Whilst the current management of streetworks operates well across the County, Officers and Members have at times felt that the Local Authority should have greater powers to direct statutory undertakers, the proposed Permit Scheme gives DCC the opportunity to evaluate proposed roadworks and to reject incorrect or incomplete Permit applications. As a result, it is expected that a Permit Scheme will reduce the disruption to residents and businesses in local areas and reduce congestion on the network.

The pre-feasibility work for Stage 1 calculated that a scheme operating on 100% of the network could be mostly cost-neutral, based on a high-level analysis of the current street works database.

There is a strong strategic case for the scheme. Due to the particular reliance of Devon's residents on the road network and the regular influx of tourists, what can appear to be simple street works operations can lead to long delays, particularly in rural towns and on strategically signed tourist routes. There is a strong political impetus to reduce this impact of road users during street works. A permit scheme is expected to provide a reduction in these road user delays of between 5% and 10%. It is noted that this proposal outlined does not cover all Streetworks Authority duties that would be required of DCC which are already being delivered.

In financial terms, the scheme is expected to be broadly cost neutral. Annual ongoing costs of £647,150 have been calculated (mainly due to the need to recruit potentially new FTE staff – note that this required number of staff is subject to refinement as the scheme development progresses). Annual revenues of £648,937 are expected to be received from utility companies. The start-up costs of the scheme – associated with the development of the scheme and IT costs – must be provided by DCC. These are estimated at £157,099, which could be funded from the On-Street Parking Account.

The benefits to road users through a reduction in delays have been quantified and compared against the scheme costs. Since the scheme costs are almost entirely offset by revenues received from permit fees, the scheme therefore offers very high value for money. A Benefit to Cost Ratio of 67:1 has been calculated, meaning £67 of benefits will accrue to society for every £1 spent on the scheme.

The Permit Scheme is considered to be deliverable from a management point of view. Suggested team structures and governance arrangements during both the implementation and operational phases of the scheme have been developed.

## **Strategic Case Summary**

Devon has some unique confounding factors which exacerbate the impact of any Street Works operations. Devon is a rural county with a high proportion of older residents who are particularly reliant on the private car. Alongside this, Devon attracts 28 million-day visitors and 20 million overnight visitors each year. This influx of tourists significantly increases the amount of traffic on the highway network. What appears as simple Street Works operations can lead

to long delays due to this traffic increase, particularly in rural towns and strategically signed tourist routes.

To manage the impact of these Street Works, Devon County Council (DCC) currently operate a Noticing System, where advance notice of Street Works must be provided by works promoters.

The Secretary of State for Transport has urged all Local Highway Authorities to give serious consideration to the benefits of introducing a Permit Scheme to replace the current noticing system. A Permit Scheme would provide DCC with increased control over street works and could reduce disruption to road users and residents. Studies of other Permit Schemes have shown a reduction of between 5-10% of occupation of the highway following implementation of the scheme. Reduced highway occupation eases congestion, improves network efficiency and journey times, reduces noise and improves local air quality. These impacts benefit not only DCC but also local residents, businesses, and public transport operators who use the road network.

It is therefore considered that there is a strong strategic case for the scheme. As part of the scheme development, a series of Key Performance Indicators should be established, and key stakeholders consulted.

## Financial Case Summary

The start-up costs of implementing a permit scheme have been estimated at approximately £157,099, see Table 1 below. This is due to staff costs of designing and implementing the scheme (plus consultancy support), and IT and training costs associated with the new system. Based on the anticipated number of permits expected to be issued, 12.4 additional Full Time Equivalent staff are likely to be required to operate the scheme. The annual cost of operating the scheme over the current Noticing System (based on staff costs plus any ongoing IT costs) is estimated to be £647,150 (Tables 2 – 5).

**Table 1. Permit Scheme Start Up Costs**

Item	Costs
Project Management (DCC staff time)	£27,692
Assistant Project Management Cost	£38,562
DCC IT Requirements	£66,368
Recruitment	£2,000
Staff Training	£3,133
Additional DCC Staff costs	£19,344
<b>Total</b>	<b>£157,099</b>

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Ongoing operational costs have been established using known staff and IT costs as follows in Table 2:

**Table 2. Permit Scheme On-going Operation Costs**

Item	Number	Cost per Employee	Total Costs
Network Permit Technician Supervisor	1	£ 62,822	£ 62,822
Co-Ordination Officers	2.4	£ 62,822	£ 150,772
Permit Administration Officer	1	£ 62,822	£ 62,822
Permit Technicians	8	£ 45,092	£ 360,734
On-going IT costs	1	£ 10,000	£ 10,000
<b>Total</b>	-	-	<b>£ 647,150</b>

Historical works data has been used to help estimate the permit application volume and potential associated revenue. The estimates are outlined below in Table 3 & 4:

**Table 3. Number of Streetworks 2017/18**

Category 0-2 and Traffic Sensitive Streets		Category 3-4 Non-Traffic Sensitive Streets	
Number of PA in SSS	63	Number of PA in non SSS	244
Number of Major Streetworks (more than 10 days) in SSS	63	Number of Major Streetworks (more than 10 days) in non SSS	244
Number of Major Streetworks (4 to 10 days) in SSS	50	Number of Major Streetworks (4 to 10 days) in non SSS	329
Number of Major Streetworks (3 days or less) in SSS	77	Number of Major Streetworks (3 days or less) in non SSS	546
Number of Standard Streetworks (4 to 10 days) in SSS	529	Number of Standard Streetworks (4 to 10 days) in non SSS	1794
Number of Minor Streetworks in SSS	1864	Number of Minor Streetworks in non SSS	5486
Number of Immediate Streetworks in SSS	1673	Number of Immediate Streetworks in non SSS	6110
Total number of Permit Variation in SSS	268	Total number of Permit Variation in non SSS	968

**Table 4. Table 0-1: Permit Scheme Revenue for 1 Year**

Type of Work	Product of Permit charge and Number of Permits	
	SSS	non SSS
PAA	£6,615	£8,540
Major Work (>10 days)	£15,120	£15,860
Major Work (4 to 10 days)	£6,500	£13,160
Major Work (< 3 days)	£5,005	£13,650
Standard (4 to 10 days)	£68,770	£71,760
Minor	£102,520	£137,150
Immediate	£92,015	£152,750
Revenue from Permit Variations	£12,049	£33,866
Total Revenue	£308,594	£446,736
Assumed average reduction to due discounts	20%	10%
Real Revenue (with reduction due to discounts)	£246,875	£402,062
<b>Total Permit Scheme Revenue</b>		<b>£648,937</b>

Utilising the data in tables 3 and 4 above along with known staff costs, a structure of recommended permit fees has been developed, with the aim of covering the majority of ongoing scheme costs through revenues received from these permit fees. Proposed fee levels are provided in Table 5:

**Table 5: Propose Fee Levels**

Type of work	Maximum Permit Charge (DfT guidance)		Proposed Devon Permit Charges	
	SSS	Non SSS	SSS	Non SSS
Provisional Advance Authorisation	£105	£75	£105	£35
Major Work (>10 days)	£240	£150	£240	£65
Major Work (4 to 10 days)	£130	£75	£130	£40
Standard (4 to 10 days)	£130	£75	£130	£40
Major Work (< 3 days)	£65	£45	£65	£25
Minor	£65	£45	£55	£25
Immediate	£60	£40	£55	£25
Permit Variation	£45	£35	£45	£35

Based on the recommended fee structure, annual revenues of £648,937 are expected to be received. As the scheme is broadly cost-neutral once it has been implemented, the major outstanding cost to DCC is due to the start-up costs of £157,099. This is considered to be affordable and would be funded from the On-Street Parking Account.

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**Table 6. Annual Permit Scheme Revenue**

	Annual Revenue (2018 prices)
Annual Permit Scheme Revenue	£ 648,937

## **Economic Case Summary**

The Economic Case describes the estimated benefits of the scheme to wider society. It compares these benefits against the scheme costs, to ensure that the scheme offers value for money.

The Outline Business Case quantified the costs and benefits of a Permit Scheme, showing that the scheme would be broadly cost-neutral once operational, and therefore the benefits would significantly outweigh the costs.

To undertake a Cost Benefit Analysis (CBA) in line with DfT Permit Scheme guidance, it is recommended to assess the costs and benefits of the scheme over a 25-year appraisal period. The scheme is assumed to open in 2020 with benefits calculated until 2044. It was assumed that the benefits would remain constant over the years of scheme operation. The annual 2017/18 delay costs described above were therefore summed over a 25-year period, with relevant adjustments made to the discounting effect as prescribed in WebTAG guidance.

The central case assumption regarding the impact of the Permit Scheme is that it will result in a 5% reduction in streetworks, as recommended within the DfT Permit Scheme Appraisal Guidance (2016). Therefore, a 5% reduction in overall roadwork duration is estimated to generate £ 47,642,000 of benefits to road users over a 25-Year period.

Sensitivity tests confirmed that the scheme still offers value for money under a range of different scenarios, such as a lower than expected reduction in streetworks due to the permit scheme.

In addition to the monetised benefits, the permit scheme would also provide reductions in greenhouse gases, improvements to local air quality and a lower number of accidents. These impacts have not been monetised but are expected to improve the value for money of the scheme further.

**Taking into account both the monetised and the non-monetised assessments, as well as various sensitivity tests, it is considered that the Permit Scheme would represent very high Value for Money.**

## **Management Case Summary**

The Permit Scheme is considered to be deliverable. Suggested team structures and governance arrangements during both the implementation and operational phases of the scheme have been developed. These will be further refined during scheme development. DCC is currently successfully operating its noticing system and has a track record of successfully delivering other projects in various fields.

An indicative programme has been developed, with the scheme due to start operating in early 2020. This will be refined and owned by the identified scheme Project Manager. A risk register has been developed. This will be developed further during the scheme development, with a 'risk owner' allocated to each risk. Risk should be discussed at every meeting of the project's Strategic Board and the risk register regularly updated. Stakeholder and Communication Plans should be produced during scheme development. Consideration must also be given to the monitoring and evaluation of the scheme.

# Impact Assessment

Version 2017

To publish, please send a dated PDF to [impactassessment-mailbox@devon.gov.uk](mailto:impactassessment-mailbox@devon.gov.uk)



<b>Assessment of:</b>	<b>Devon Permit Scheme for Road Works</b>
<b>Service:</b>	<b>Highways</b>

<b>Head of Service:</b>	Meg Booth
<b>Date of sign off by Head of Service/version:</b>	27 September 2019
<b>Assessment carried out by (incl. job title):</b>	Rob Russell, Graduate Road Safety Engineer
<b>Assessment checked by (incl. job title)</b>	Dan Trump, Assistant Project Manager Devon Permit Scheme

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## Section 1 - Background

<b>Description:</b>	<p>Roadworks are necessary to maintain and improve many services which society rely on, such as utility supplies and carriageway condition. However, roadworks can have negative impacts on the operation of a road, and therefore have an impact on road users, businesses and the environment.</p> <p>Devon County Council (DCC) intends to introduce a Permit Scheme across the county. This will provide the Local Authority with greater powers to control works on the highway by work promoters, including its own contractors and utility companies.</p> <p>Under the scheme, companies that want to work on the highway will have to apply for a permit from DCC. There will be a cost associated with the various types of permit. The cost of the permit will depend on the length of the proposed works (in days), and the strategic importance of the road and timing of the works (e.g. costs may be</p>
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	reduced if working outside of the peak congestion periods). The aim of the permit scheme is to incentivise better planning and more efficient working and therefore reduce the impact on road users. The Devon Permit Scheme will enable DCC to place conditions on roadworks that should help minimise disruption and impact on Devon residents and businesses whilst enhancing the economic prospects of the County.
Reason for change/review:	Due to the reliance of Devon's residents on the road network and with a regular influx of tourists, what can appear to be simple street works operations can lead to long delays, particularly in rural towns and on strategically signed tourist routes. Therefore, there is a strong impetus to reduce this impact of road users during works. Initial feasibility studies outline an expected reduction in these road user delays of between 5% and 10% (based on evidence from other highways authorities who already operate a permit scheme). This will reduce congestion on the network, improve journey time reliability and reduce disruption to residents, businesses and travelling public.

## Section 2 - Impacts, options and recommendations

See sections 3, 4 and 5 for background analysis

Options Appraisal and Recommendations:	<p>The aim of the proposed permitting scheme is to give more tools to DCC to control proposed roadworks. This may include placement of working conditions as well as potential rejections of incorrect or incomplete applications. As a result, it is expected that the permit scheme will reduce the disruption to residents and businesses in local areas and reduce congestion on the network.</p> <p>The aim of the permit scheme is to incentivise collaborative, more efficient working and therefore reduce the impact of congestion e.g. journey time reliability and reductions in environmental and noise impacts.</p>
Social/equality impacts (summary):	The proposed permitting scheme will encourage efficient roadworks, reducing congestion and therefore reducing visual and audible impact on local residents and businesses. Furthermore, the permitting scheme will result in reduced travel times, vehicle operating costs, accidents, greenhouse gases and indirect tax revenues.



Environmental impacts (summary):	The permit scheme is expected to improve traffic congestion and a reduction in road user delays. By encouraging well planned roadworks, the permit scheme is expected to result in reduced congestion when road works are conducted, resulting in better air quality and noise due to lower start-stop emissions from traffic congestion on the roads. Noise pollution should also decrease due to a potential in reduced duration of roadworks.
Economic impacts (summary):	<p>In financial terms, the scheme is expected to be broadly cost neutral. Implementing and operating a Permit Scheme will involve initial start-up costs, and ongoing costs for its operation, funded by DCC. All new equipment, training and staff needed to run the Devon Permit Scheme will be offset by revenues recouped through Permit fees.</p> <p>The proposed scheme will have minimal financial impact on the public. Work promoters will be required to pay for a permit to conduct roadworks, the cost of which varies depending on the time-scale of the works and strategic importance of the road. Discounts apply to those companies which show evidence of work collaboration, use of innovative techniques and work undertaken wholly outside of traffic sensitive times.</p> <p>Furthermore, the scheme is expected to reduce the number of roadworks, of which a benefit is less disruption to businesses meaning reduced loss of income as a result of adjacent roadworks.</p>
Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):	<p>The Strategic Road Network (SRN) in Devon which is maintained and operated by Highways England will not form part of the Devon Permit Scheme. At the time of writing the SRN and all DCC's neighbouring highway authorities do not operate a permit scheme however, this could change in the future. Discussions have been held with effected neighbouring stakeholders on the plan proposals at an early stage.</p> <p>Any diversion routes as a result of roadworks on the SRN of neighbouring authorities which use DCC highway will be required to apply for a Permit. It is highly likely that no charge will be applied for these permits. If Highways England or neighbouring authorities introduce a Permit Scheme, discussions will be held with DCC as to how best to manage neighbouring schemes as to minimise disruption.</p>
How will impacts and actions be monitored?	To ensure that the Devon Permit Scheme is successful, regular monitoring is required to check the impacts of the scheme on the road network. To ensure the scheme is measurable and achieving its targets, the following Key Performance Indicators (KPIs) will be monitored; works phases started, works phases completed, days of

	<p>occupancy completed, average duration of works, phases completed involving over run, number of deemed applications, number of phase 1 permanent applications, number of collaborative working site or applications where a positive behaviour discount has been applied. .</p> <p>The permit scheme will be evaluated following the first twelve months of operation, three years and then every three years thereafter. The scheme will continue to be evaluated against its objectives. The fee structure will be evaluated against income and expenditure of operating the scheme and permit fees adjusted accordingly (within permitted DfT maximums).</p>
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# Background Analysis

This section describes how relevant questions and issues have been explored during the options appraisal.

## Section 3 - Profile and views of stakeholders and people directly affected

People affected:	All users of the highway, residents and local businesses.
Diversity profile and needs assessment of affected people:	As per Devon's population profiles.
Other stakeholders (agencies etc.):	Neighbouring Highway Authorities, Highways England, work promoters and other contractors who carry out work on the highway.
Consultation process and results:	A formal consultation process will be conducted as part of the formal Traffic Regulation Order submission after the approval of the business case by Cabinet. Informal consultation will also take place prior to this with Stakeholders.
Research and information used:	<p>The Secretary of State for Transport has urged all Local Highway Authorities to give serious consideration to the benefits of introducing a Permit Scheme to replace the current noticing system. A Permit Scheme would provide DCC with increased control over street works and could reduce disruption to road users and residents. Studies of other Permit Schemes have shown a reduction of between 5-10% of occupation of the highway following implementation of the scheme. Reduced highway occupation eases congestion, improves network efficiency and journey times, reduces noise and improves local air quality. These impacts benefit not only DCC but also local residents, businesses, and public transport operators who use the road network.</p> <p>Sources of information used to support this proposal are:</p> <ol style="list-style-type: none"> <li>1. Statutory Guidance for Highway Authority Permit Schemes, October 2015; Department for Transport;</li> <li>2. Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions, March 2015; Department for Transport;</li> </ol>

	<p>3. Traffic Management Act 2004- Code of Practice for Permits, Statutory Guidance, March 2008; Department for Transport.</p> <p>4. Advice Note 2016: For local highway authorities developing new or varying existing permit schemes, Department for Transport.</p> <p>5. HAUC (England) Guidance, Operation of Permit Schemes (inc. Permit Condition Text), February 2017, Version 1.0</p>
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## Section 4a - Social Impacts

### Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').

- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

<b>Characteristics</b>	<b>In what way can you eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage?</b>  <b>Are there any lawful, reasonable and proportionate, unavoidable negative consequences?</b>	<b>In what way can you advance equality (meet needs, encourage participation, make adjustments for disabled people, 'close gaps').</b>  <b>In what way can you foster good relations between groups (tackle prejudice and promote understanding), if relevant?</b>
All residents (include generic equality provisions):	The proposed Permit Scheme will not negatively impact on any user group.	The proposed Permit Scheme will allow DCC to impose variations or reject incomplete or incorrect roadwork applications. As a result, accepted applications will result in more compliant roadworks which provide suitable mitigation measures to prevent negative impacts to any user group. Therefore, the Permit Scheme will have a positive impact for all residents of Devon.
Age:	See above.	See above.
Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:	See above.	See above.
Culture and ethnicity: nationality/national origin, skin colour, religion and belief:	See above.	See above.
Sex, gender and gender identity (including men,	See above.	See above.

women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed).		
Sexual orientation and marriage/civil partnership:	See above.	See above.
Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.	See above.	See above.
Human rights considerations:	See above.	See above.

### Supporting independence, wellbeing and resilience?

Give consideration to the groups listed above and how they may have different needs.

In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered and resourceful?	The Devon Permit Scheme will be rolled out in a 2 phased approach. Phase 1 would include all DCC works and utility company (statutory undertakers) works. A 12-month review will be held after scheme go-live to ensure effectiveness. Within this review, a Phase 2 roll out to privately licenced works activities will be considered, such activities could include skips and scaffolds, development management works and vehicle crossings. Parishes and communities can apply for a permit to work on the highway providing they pay the necessary
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	fee and can demonstrate the work they propose to carry out has been approved by DCC, meets appropriate design guidance and they conform to all legislation, guidance and Health and Safety Requirements. Those carrying out the work on the highway must have the necessary licenses. A permit scheme can help ensure reliable journey times, assist with movement for tourism and business needs.
In what way can you help people to be safe, protected from harm, and with good health and wellbeing?	Permit applications will be reviewed by DCC to ensure they conform to necessary traffic management layout e.g. Chapter 8 Traffic Signs Manual. If they do not, nor do they provide adequate provision for road users particularly pedestrians, cyclists, equestrians and disabled road users then DCC will either impose variations to change the layout or reject the permit application. An enforcing side of the team will also have focus on health and safety for live road works.
In what way can you help people to be connected, and involved in community activities?	When a permit application is submitted, DCC can place one of 13 statutory conditions to reduce the impact of the scheme on road users. One includes the requirement for necessary stakeholders to be informed of the proposed works e.g. Parish Councils, local businesses etc. By doing this local communities will be informed of road works being carried out in their area. It will also assist DCC in managing local community events and special events are not effected by road works.

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## Section 4b - Environmental impacts

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties.

The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select from the table below and proceed to the 4c, otherwise complete the environmental analysis table):

	Devon County Council's Environmental Review Process for permitted development highway schemes.
	Planning Permission under the Town and Country Planning Act (1990).



	Strategic Environmental Assessment under European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”.
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	Describe any actual or potential negative consequences.  (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes.  (Consider how to improve as far as possible).
Reduce waste, and send less waste to landfill:	There is no specific impact to this activity.	One of the discount activities included in the draft plan is to incentivise works promoters to trench share. This may have the potential to reduce the number of excavations and subsequently mean there is less waste to landfill/new excavation material required from quarry sites.
Conserve and enhance biodiversity (the variety of living species):	There is no specific impact to this activity.	The importance placed on better planning will allow works promoters the opportunity to consider the works more fully and any control measures required for conservation. Collaborative working may also reduce the disruption and effect of roadworks on wildlife, etc.
Safeguard the distinctive characteristics, features and special qualities of Devon’s landscape:	There is no specific impact to this activity.	Better planned and coordinated road works will reduce the impact on the Devon’s landscape. By promoting collaborative working between work promoters undertakers and other contractors working on the highway the number of road works should decrease.

Conserve and enhance the quality and character of our built environment and public spaces:	There is no specific impact to this activity.	Better planned and coordinated road works will reduce the impact on the Devon's built environment and public space. By promoting collaborative working between work promoters and other contractors working on the highway the number of road works should decrease.
Conserve and enhance Devon's cultural and historic heritage:	There is no specific impact to this activity.	Better planned and coordinated road works will reduce the impact on the Devon's cultural and historic environment. By promoting collaborative working between work promoters and other contractors working on the highway the number of road works should decrease.
Minimise greenhouse gas emissions:	There is no specific impact to this activity.	The permit scheme is expected to result in a reduced number of roadworks for site sharing, and reduced congestion when road works are conducted. As a result, this will reduce the amount of time vehicles spend in traffic/congestion, and therefore a reduction in fuel consumption and greenhouse gas emissions.
Minimise pollution (including air, land, water, light and noise):	There is no specific impact to this activity.	The permit scheme is expected to result in reduced congestion when road works are conducted, resulting in better air quality and noise due to lower start-stop emissions from traffic congestion on the roads. Noise pollution should also decrease due to a reduced number of roadworks
Contribute to reducing water consumption:	There is no specific impact to this activity.	There is no specific impact to this activity.
Ensure resilience to the future effects of climate change	There is no specific impact to this activity.	There is no specific impact to this activity.

(warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):		
Other (please state below):	None.	None.

### Section 4c - Economic impacts

	<b>Describe any actual or potential negative consequences.</b> <b>(Consider how to mitigate against these).</b>	<b>Describe any actual or potential neutral or positive outcomes.</b> <b>(Consider how to improve as far as possible).</b>
Impact on knowledge and skills:	None.	None.
Impact on employment levels:	None.	Based on the anticipated number of permits expected to be issued, additional full-time equivalent staff are likely to be required to operate the scheme, and therefore increase employment opportunities in Devon.
Impact on local business:	None.	The proposed permit scheme will encourage efficient road working practices, reducing potentially negative impacts on business such as restricted access.

### Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	No specific links.
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## Section 5 - 'Social Value' of planned commissioned/procured services:

How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?	The main benefits of the proposed permit scheme will be more compliant road works which will minimise disruption to the highway and all road users. This will result in reduced congestion and restricted access on roads, providing economic, social and environment benefits, such as improved access to businesses, reduced delays and a reduction in pollution from idle vehicles.
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## FARMS ESTATE COMMITTEE

9 September 2019

### Present:

#### County Councillors

Councillors R Edgell (Chair), J Brook, J Berry, A Dewhirst, T Inch, C Whitton and C Chugg

#### Co-opted Members

L Warner (Tenants' representative)

### Apologies

H Bellew (Devon Federation of Young Farmers)

\* 94

### Minutes

**RESOLVED** that the minutes of the meeting held on 20 May 2019 be signed as a correct record.

\* 95

### Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

\* 96

### Announcements

The Chair reported that the Co-opted Member, H Bellew, representing the Devon Federation of Young Farmers would, if she was unable to attend a future Committee meeting, relay any comments on any future agenda item to Members of the Committee or to Mr D Meek of NPS South West Ltd, either verbally or in writing, who would relay any such comments to the relevant Committee meeting.

\* 97

### Revenue Monitoring (Month 4) 2019/20

The Committee received the Report of the County Treasurer (CT/19/78) on the County Farms Estate Revenue Monitoring (Month 4) 2019/20, noting the increased target surplus of £464,000 and providing a summary of the annual budget and detailing income and expenditure to date.

\* 98

### Capital Monitoring (Month 4) 2019/20

The Committee received the Report of the County Treasurer (CT/19/79) on the county Farms Estate Month 4 Capital Monitoring Statement for 2019/20, noting that the approved capital programme for 2019/20 included schemes totalling £600,000 and with scheme slippage of £558,337 resulted in a capital programme for 2019/20 of £1,158,337.

\* 99

### The County Farms Estate Annual Report 2018/19

The Committee received the Report of the County Treasurer (CT/19/80) incorporating the 28<sup>th</sup> Annual Report of the County Farms Estate. It was noted that in paragraph 3.8.1 of the Report the figure in the first line should have read £2,700,644 and not £2,398,000.

The Annual Report 2018/19 covered the Committee's functions, financial performance and Estate management performance, and highlighted notable Estate achievements and events.

# Agenda Item 14a

2

FARMS ESTATE COMMITTEE  
9/09/19

Members raised concern at the diminishing size of the County Farms Estate, however it was stated that opportunities to purchase suitable replacement land were always explored.

## \* 100 **Management and Restructuring Issues**

The Committee considered the Report of the Head of Digital Transformation and Business Support (BSS/19/06) on the County Farms Estate management and restructuring issues.

### **Lomans Farm, Broadhempston**

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Inch and

#### **RESOLVED**

- (a) that OS 2000 and Part OS 2800 forming part Lomans Farm, Broadhempston and amounting to 0.88 acres or thereabouts be declared permanently surplus to the requirements of the Estate so that it can be sold on the open market; and
- (b) that Lomans Farm, Broadhempston be advertised to let on the open market to a new entrant as a mixed livestock starter farm for a term of seven years commencing 25 March 2021 and expiring 25 March 2028, subject to terms being agreed.

[Note: In accordance with Standing Order 32(4) Councillor Dewhirst requested that his abstention from the vote be recorded.]

### **Lower Farm, High Bickington**

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Chugg and

#### **RESOLVED**

- (a) that the current tenant of Lower Farm, High Bickington be invited to surrender from his lease the barn and part NG 7235 extending to 0.12 acres or thereabouts as soon as possible; and
- (b) the barn and part NG 7235 forming part Lower Farm, High Bickington and amounting to 0.12 acres or thereabouts be declared permanently surplus to the requirements of the Estate so that it can be sold on the open market.

[Note: In accordance with Standing Order 32(4) Councillor Dewhirst requested that his abstention from the vote be recorded.]

### **Cordwents Farm, Halberton**

It was **MOVED** by Councillor Berry, **SECONDED** by Councillor Inch and

**RESOLVED** that part NG 3881 forming part of Cordwents Farm, Halberton and amounting to 0.14 acres or thereabouts be declared permanently surplus to the requirements of the Estate so that it can be sold on a subject to contract and planning basis on the open market.

[Note: In accordance with Standing Order 32(4) Councillor Whitton requested that her abstention from the vote be recorded.]

## \* 101 **Devon's Climate Emergency and Green Action Plan**

The Committee considered the Report of the Head of Digital Transformation and Business Support (BSS/19/07) on Devon's Climate Emergency and Green Action Plan.

The Council at its meeting on 25 July 2019 (Minute 221) endorsed the principle of further action to address environmental issues in line with the global concerns highlighted through relevant intergovernmental panels; and mandated the Environmental Performance Board to consider how relevant issues raised by the proposed Green Action Plan might be addressed through changes or additional to its own suite of action plans.

Members noted that the County Farms Estate had been identified as a valuable land resource that could and hopefully would play an instrumental role in supporting the Council delivering its Climate Emergency objectives.

It was **MOVED** by Councillor Chugg, **SECONDED** by Councillor Dewhirst and

**RESOLVED** that the proposed new actions linked to the principal themes promoted by the '10 Point Green Action Plan' or otherwise linked to the Devon Climate Emergency be endorsed.

\* **102      Exclusion of the Press and Public**

**RESOLVED** that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Schedule 12A of the Act, namely information relating to, and which was likely to reveal the identity of, tenants and information relating to the financial or business affairs of tenants and the County Council and, in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

\* **103      Holdings and Tenancies etc.**

*(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded, no representations having been received to such consideration under Regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012)*

\* (a)      **Requests for Landlord's consent**

The Committee considered the Report of the Head of Digital Transformation and Business Support (BSS/19/08) on the requests for landlord's consent for tenants' improvements.

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Dewhirst and

**RESOLVED** that landlord's consent be granted:

- (i) for the tenant of Lower Alminstone Farm, Woolserly to construct a 100' x 52' or thereabouts and 13' to eaves painted or galvanised steel portal framed livestock building, complete with corrugated fibre cement roof cladding, rain water goods, concrete dung walls with Yorkshire board cladding over to side elevations and part gable ends, electric and water supplies, subject to the improvement being written down in value to £100 on a straight line basis over a life expectancy of 20 years if painted steels are used or 25 years if the steel work is galvanised; and
- (ii) for the tenant of Kerswill Farm, South Brent to demolish and clear away the landlord's redundant at cost building (building R) and two tenants lean-to buildings (buildings Q and S) and replace the buildings with a 50' x 75' x 16' to eaves painted or galvanised steel portal frame youngstock building with roof pitch of 12.5 degrees, covered in corrugated fibre cement (10% roof lights), rainwater goods, concrete panel dung walling to 6' high and Yorkshire board cladding over to rear gable end and north elevation subject to the improvement being written down in value to £100 on a straight line basis over a life expectancy of 20 years if painted steels are used or 25 years if the steel work is galvanised.

# Agenda Item 14a

4

FARMS ESTATE COMMITTEE  
9/09/19

\* (b) **Higher Artiscombe Farm, Gulworthy**

The Committee received the Report of the Head of Digital Transformation and Business Support (BSS/18/09) relating to Higher Artiscombe Farm, Gulworthy.

It was **MOVED** by Councillor Dewhirst, **SECONDED** by Councillor Inch and

**RESOLVED** that the Committee attend a site visit to Higher Artiscombe Farm, Gulworthy before considering a formal recommendation at the next Committee meeting on 9 December 2019.

\* (c) **Southcott Farm, Okehampton**

The Committee received the Report of the Head of Digital Transformation and Business Support (BSS/18/10) relating to Southcott Farm, Okehampton

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Chugg and

**RESOLVED**

- (i) that the incontestable Case D Notice to Quit served in accordance with the Agricultural Holdings Act 1986 on the tenant of Southcott Farm, Okehampton for failing to comply with a Notice to Pay previously served on the tenant in the prescribed format be upheld and enforced;
- (ii) that a potential early surrender by the tenant of Southcott Farm, Okehampton of a Farm Business Tenancy of an additional block of 69.84 acres or thereabouts of bare land that he also rents from the County Council be accepted; and
- (iii) that the advertisement of Southcott Farm, Okehampton to let on the open market on a seven year Farm Business Tenancy commencing 25 March 2021 and terminating 25 March 2028, subject to terms being agreed, be endorsed.

\* (d) **Perriton Barton Farm, Whimble**

The Committee received the Report of the Head of Digital Transformation and Business Support (BSS/19/11) relating to Perriton Barton Farm, Whimble.

It was noted that the Tenants' representative raised concern at whether the proposal represented the best value for such agricultural land, however, it was stated that the positioning of the equipment at height could allow continued use of the land.

It was **MOVED** by Councillor Dewhirst, **SECONDED** by Councillor Brook and

**RESOLVED** that possession of NG 0006, 1400, 2671 and part 2164 amounting to 22.34 acres or thereabouts of land be secured at the earliest possible opportunity in order that:

- (i) an option agreement be entered into with a Solar Farm Developer; and
- (ii) lease terms be negotiated and agreed with a Solar Farm Developer, on a subject to contract and planning basis, provided that the revenue generated by the proposed Solar Farm lease be retained by the County Farms Estate

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

The Meeting started at 2.00 pm and finished at 3.19 pm



SCHEDULE OF CABINET MEMBER DECISIONS TAKEN SINCE PREVIOUS MEETING		
Cabinet Remit/Officer	Matter for Decision	Effective Date
Policy, Corporate & Asset Management	Approval to a change in governance for CSW Group Ltd to achieve Teckal compliant status from July 2020 and delegation of relevant authority.	13 September 2019
Resources Management	Approval to vary the approved capital programme.	4 October 2019
Infrastructure, Development and Waste	Approval of the preparation and advertisement of two tenders for new highway junctions as part of the South West Exeter Housing Infrastructure Fund (HIF) project.	25 September 2019

The Registers of Decisions will be available for inspection at meetings of the Cabinet or, at any other time, in the Democratic Services & Scrutiny Secretariat, during normal office hours. Contact details shown above.

In line with the Openness of Local Government Bodies Regulations 2014, details of 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/>



# DEVON COUNTY COUNCIL

## COUNCIL/CABINET FORWARD PLAN

In line with the public's general rights of access to information and the promotion of transparency in the way which decisions are taken by or on behalf of the Council, Devon County Council produces a Forward Plan of any Key Decisions to be taken by the Cabinet and any Framework Decisions to be made by the County Council. The Plan normally covers a period of a minimum of four months from the date of publication and is updated every month.

The County Council has defined key decisions as those which by reason of their strategic, political or financial significance or which will have a significant effect on communities in more than one division are to be made by the Cabinet or a Committee of the Cabinet. Framework Decisions are those decisions, which, in line with Article 4 of the Council's Constitution must be made by the County Council.

The Cabinet will, at every meeting, review its forthcoming business and determine which items are to be defined as key decisions and the date of the meeting at which every such decision is to be made, indicating what documents will be considered and where, in line with legislation, any item may exceptionally be considered in the absence of the press and public. The revised Plan will be published immediately after each meeting. *Where possible the County Council will attempt to keep to the dates shown in the Plan. It is possible that on occasion may need to be rescheduled.* Please ensure therefore that you refer to the most up to date Plan.

An up to date version of the Plan will be available for inspection at the Democratic Services & Scrutiny Secretariat in the Office of the County Solicitor at County Hall, Topsham Road, Exeter (Telephone: 01392 382264) between the hours of 9.30am and 4.30pm on Mondays to Thursdays and 9.30am and 3.30pm on Fridays, free of charge, or on the County Council's web site, 'Information Devon', (<http://www.devon.gov.uk/dcc/committee/>) at any time.

Copies of Agenda and Reports of the Cabinet or other Committees of the County Council referred to in this Plan area also on the Council's Website at (<http://www.devon.gov.uk/dcc/committee/mingifs.html>)

# FORWARD PLAN

All items listed in this Forward Plan will be discussed in public at the relevant meeting, unless otherwise indicated for the reasons shown

Any person who wishes to make representations to the Council/Cabinet about (a) any of the matters proposed for consideration in respect of which a decision is to be made or (b) whether or not they are to be discussed in public or private, as outlined below, may do so in writing, before the designated Date for Decision shown, to The Democratic Services & Scrutiny Secretariat, County Hall, Exeter, EX2 4QD or by email to: [members.services@devon.gov.uk](mailto:members.services@devon.gov.uk)

## PART A - KEY DECISIONS

(To Be made by the Cabinet)

Date of Decision	Matter for Decision	Consultees	Means of Consultation**	Documents to be considered in making decision	County Council Electoral Division(s) affected by matter
	<i>Regular / Annual Matters for Consideration</i>				
December 2019	Target Budget for forthcoming year			Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
14 February 2020	Admission Arrangements and Education Travel Review: Approval to admission arrangements for subsequent academic year			Report of the Head of Education and Learning outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
11 March 2020	Flood Risk Management Action Plan – Update on the current year's programme and approval of schemes and proposed investment in 2020/21	All other Risk Management Authorities	Liaison through Devon Operational Drainage Group	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
8 April 2020	County Road Highway Maintenance Capital Budget Update on current years programmes and approval of schemes and proposed programmes for forthcoming financial year	N/A	N/A	Report of the Chief Officer for Highways, Infrastructure Development and Waste outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions

8 April 2020	County Road Highway Maintenance Revenue Budget and On Street Parking Account Allocation of highway maintenance funding allocated by the Council in the budget for the current/forthcoming financial year	N/A	N/A	Report of the Chief Officer for Highways, Infrastructure Development and Waste outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
8 April 2020	Transport Capital Programme 2019/20: For approval	Public, HoSW LEP\LTB, District Councils, Stakeholders and Delivery Partners.	LTP 2011-2026 consultation, meetings, planning applications and local plan consultation.	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
20 May 2020	Approval to Revenue & Capital Outturn, for the preceding financial year	N/A	N/A	Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
<b>Specific Matters for Consideration</b>					
October 2019	Streetworks Permitting Scheme – Full Plan Proposal for approval	All companies that undertake works on the highway including DCC contractors, Utility companies, parish, town and district councils, transport operators, emergency services	Have your say page / formal TRO advertisement	Report of the Chief Officer for Highways, Infrastructure Development and Waste outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions

9 October 2019	Proposed Flood Improvement Works at Stokeinteignhead	Stokeinteignhead Parish Council, individual property owners, DCC Highways, Utility Companies	Parish Council Meetings, public consultation 'drop-in' meetings, individual meetings with property owners and specific reports, meetings and direct communications.	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	Ipplepen & The Kerswells
Page 152 9 October 2019	South West Exeter Housing Infrastructure Fund Project: Update on Project and Tender	Developers, landowners and members of the public	Meetings / correspondence and consultation as part of the planning process	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	Alphington & Cowick; Exminster & Haldon
9 October 2019	Construction of a community facilities building in Cranbrook Town Centre providing flexible space for County Council services including children's, youth and libraries	Statutory consultees, developers, landowners and the public	Meetings / correspondence and consultation as part of the planning process	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	Broadclyst
13 November 2019	Department for Transport's Safer Roads Fund – Scheme for approval A3123 (North Devon)		N/A at this stage	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	Combe Martin Rural; Ilfracombe

Between 13 November 2019 and 11 December 2019	Housing Infrastructure Fund Scheme: Proposed link road, cycleway and bridge, A379 roundabout opposite the Sainsbury's to Secmaton Lane, Dawlish	Statutory and Public	Undertaken as part of the Local Plan and Planning Application, a new planning application will be submitted for the bridge	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	Dawlish
13 November 2019	Budget Monitoring - Month 6			Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
13 November 2019	Adult Services Market Position Statement			Report of the Head of Adult Commissioning and Health outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
13 November 2019	Accommodation Strategy			Report of the Head of Adult Commissioning and Health outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
15 December 2019	Exeter Transport Strategy 2020-2030: For approval	Public Consultation	Online Public Consultation – including Strategy Document, Leaflet, Evidence Base and Online Questionnaire Meetings with key stakeholders	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All in Exeter

11 December 2019	Park and Change facility, nr Exeter Science Park: Scheme and cost estimate approval	Public consultation including statutory consultees; landowners	Consultation via Reserved Matters planning application, which was submitted to and approved by East Devon District Council on 16 October 2018	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	Broadclyst
11 December 2019	Award of Street Lighting Contract 2020 to 2030 <i>This matter will be considered in Part 2, on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, the financial or business affairs of a third party and of the County Council.</i>	N/A	N/A	Report of the Chief Officer for Highways, Infrastructure Development and Waste outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
15 January 2020	Budget Monitoring - Month 8			Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
8 January 2020	Property Consultancy Services <i>This matter will be considered in Part 2, on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, the financial or business affairs of a third party and of the County Council.</i>		NA	Report of the Head of Digital Transformation and Business Support outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
11 March 2020	Budget Monitoring - Month 10			Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions



<b>PART B -FRAMEWORK DECISIONS</b> (Requiring approval of the County Council)					
Date of Decision	Matter for Decision	Consultees	Means of Consultation**	Documents to be considered in making decision	County Council Electoral Division(s) affected by matter
9 October 2019  5 December 2019	Climate Change: Devon County Council's Updated Energy and Carbon Strategy	Internal Stakeholders	Various Meetings	Report of the Head of Planning, Transportation and Environment outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
9 October 2019  2 December 2019	Heart of the South West Joint Committee Governance Arrangements			Report of the Chief Executive outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
15 February 2020	Revenue Budget, Medium Term Financial Strategy 2020/2021 - 2023/2024 and the Capital Programme for 2020/2021 - 2024/2025		Scrutiny Committees Budget Consultation Meetings Leader Roadshows	Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
22 January 2020  25 February 2020	Pay Policy Statement To approve the pay policy statement for the forthcoming year.	Appointments and Remuneration Committee		Report of the County Solicitor, outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions

PART C - OTHER MATTERS (i.e. Neither Key Nor Framework Decisions)					
Date of Decision	Matter for Decision	Consultees	Means of Consultation**	Documents to be considered in making decision	County Council Electoral Division(s) affected by matter
	<i>Regular / Annual Matters for Consideration</i>				
Between 9 October 2019 and 31 December 2020	Standing Items, as necessary (Minutes, References from Committees, Notices of Motion and Registers of Delegated or Urgent Decisions)	As necessary		Report of the TBC outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
Between 9 October 2019 and 1 May 2021 Between 9 October 2019 and 1 May 2021	Standing items on the future management, occupation, use and improvement of individual holdings and the estate, monitoring the delivery of the Budget & the Estate Useable Capital Receipts Reserve in line with the approved policy and budget framework <i>[NB: Items relating to the letting or occupancy of individual holdings may contain information about, or which is likely to reveal the identity of, an applicant for a holding and about the financial and business affairs of the Council and any prospective or existing tenant that may need to be discussed in the absence of the press and public]</i>	To be considered at the Farms Estates Committee, including any advice of the Council's Agents NPS South West Ltd		Report of the County Treasurer, Head of Digital Transformation and Business Support outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
11 December 2019	Treasury Management Mid Year Report	CIRS Scrutiny		Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
8 January 2020	Devon Safeguarding Adults Board Annual Report To receive the annual report	N/A	N/A	Report of the Democratic Services and Scrutiny Manager outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions

11 March 2020	Public Health Annual Report for 2019/20 To receive the Report of the Director of Public Health who has a statutory duty to write an annual report, and the local authority publish it (section 73B [5] & [6] of the 2006 NHS Act, inserted by section 31 of the 2012 Health and Social Care Act).	N/A	N/A	Report of the Chief Officer for Communities, Public Health, Environment and Prosperity outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
8 July 2020	Treasury Management Stewardship Outturn Report	Corporate Infrastructure and Regulatory Services Scrutiny Committee	n/a	Report of the County Treasurer outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
9 September 2020	Annual Childcare Sufficiency Report: Endorsement of Annual report Outlining how the Council is meeting its statutory duty to secure sufficient early years and childcare places and identifying challenges and actions for the coming year in relation	TBC	TBC	Report of the Head of Education and Learning outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary.	All Divisions
<i>Specific Matters for Consideration</i>					

