

CABINET

12 June 2024

Present:-

Councillors R Croad, A Davis (Vice-Chair), R Gilbert, S Hughes,
A Leadbetter, J McInnes (Chair), L Samuel, A Saywell and P Bullivant

Councillor Twiss (remote attendance)

Members attending in accordance with Standing Order 25

Councillors C Leaver and C Whitton

Councillors F Biederman and S Randall Johnson (remote attendance)

* 550 **Declarations of Interest**

The Chair reminded Members they should declare any interests they may have in any item to be considered, prior to any discussion taking place on that item. The details of District and or Town and Parish Twin Hatters was on the attached list - [A list of county councillors who are also district, borough, city, parish or town councillors](#). Councillor Bullivant indicated he would declare a pecuniary interest at agenda item 8.

* 551 **Minutes**

RESOLVED that the minutes of the meeting held on 8 May 2024 be signed as a correct record.

* 552 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 553 **Announcements**

There was no announcement by the Chair at this meeting.

* 554 **Petitions**

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

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

There was no question from a Member of the Council.

* **556** **Okehampton Interchange Railway Station at Okehampton Business Park**

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

The Cabinet considered the Report of the Director of Climate Change, Environment and Transport (CET/24/40) which sought the necessary approvals to deliver a new railway station at Okehampton Business Park, with step-free access, improved cycle links, bus stop infrastructure and a car park with EV charging points and disabled parking bays at Okehampton Business Park. The Report also sought approval for the appropriation of land for planning purposes. The Report had been circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Figure 1 in the Report showed the new railway station at Okehampton Business Park on the east side of the town, building upon the success of the Dartmoor Line reopening in November 2021. It would serve the eastern side of the town where much of the residential growth and employment land was located.

The scheme itself (shown in Appendix 1) would be approximately 2.2km east of Okehampton Town Station and would provide a single, 100m long, 3.3m wide platform offering an hourly frequency service to Crediton and Exeter in one direction and an hourly frequency to Okehampton Town Station in the other.

Step-free pedestrian access was available which would also connect to a new c.200-space car park, including 5% disabled parking bays and 10% electric vehicle charging points. The car park and part of the bridge were located on land owned by DCC and shown edged blue on the plan at Appendix 3 (“the Site”).

For local connectivity, there would be a series of cycle improvements to provide attractive routes to the station from nearby residential areas on the east of the town (see Appendix 2), a new Toucan crossing as well as walking and cycling leisure opportunities.

The proposed station works would be submitted by Network Rail to the local planning authority (West Devon Borough Council) under a prior approval application under Part 18 of the General Permitted Development Order (GPDO).

Section 3.3 of the Report outlined in detail the position with appropriation of land so that it could be used as a car park and bridge to support bringing the railway station development forward. The Cabinet noted that before land could be appropriated from one purpose to another, the requirements of s.122

of the Local Government Act 1972 must be met (that the Council must be satisfied that the land was no longer required for the purpose for which it was presently held and that the Council could acquire by agreement land for the purpose to which the land was to be appropriated).

The Cabinet noted that the requirements could be met in relation to the proposed railway station car park use, with further detailed consideration explained in section 8 legal considerations.

The adopted Plymouth and South Devon Local Plan had been subject to a full statutory consultation process with opportunities for stakeholders and members of the public to comment on land use proposals in Okehampton. Through this process there was support for the development of a rail station on the east of the town as part of the TTV13 allocation (see Figure 2).

The table in section 6 summarised how the proposals would impact achievement of relevant Strategic Plan actions according to a seven-point scale, whereby -3 represented a large negative impact and +3 a large positive impact. There would be environmental and public health benefits achieved through the delivery of a new rail station, including associated walking and cycling improvements.

The Council had worked closely with West Devon Borough Council on round 2 of the Levelling Up Fund and secured £13.455 million grant towards the West Devon Transport Hub project (interchange rail station at Okehampton Business Park, new car park, bus stop, cycle parking facilities and wider active travel linkages). The total approved project value was £14.95 million, of which £110,000 was land value. The funding included internal borrowing of £1.2 million and contributions of £120,000 from West Devon Borough Council towards the project.

The recommendations would enable the Site to be developed to support access for all, including walking, cycling and bus stop infrastructure. The Council was satisfied that the appropriation of the land satisfied the legal tests and could therefore override the restrictive covenant on the land. It was included in policy TTV13 of the Plymouth and South Devon Local Plan and there was strong local support for the new railway station. Funding had been secured through the Government's Levelling Up Fund in partnership with West Devon Borough Council and the necessary governance arrangements were in place to support its future delivery in partnership with Network Rail and their supply chain.

An Impact Assessment had been prepared and was available on the website at [Okehampton Interchange Station - Impact Assessment \(devon.gov.uk\)](https://www.devon.gov.uk/okehampton-interchange-station-impact-assessment), highlighting that the aim of the proposals was to provide an alternative to the private car for journeys between Okehampton and Exeter, and offering choice of rail travel for the wider rural area including West Devon, parts of Torridge and North Cornwall. The people potentially affected by the proposals were primarily people living or working within the Okehampton area, as well as

people wishing to travel by rail from the wider West Devon area. Therefore, the diversity profile for the Okehampton area was presented in the Impact Assessment.

The matter having been debated and the options and alternatives and other relevant factors (e.g. financial, sustainability and carbon impact, risk management, equality and legal considerations and alignment with the Council's Strategic Plan) set out in the Director's Report having been considered:

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

RESOLVED

(a) that pursuant to s.122 of the Local Government Act 1972, Cabinet approves the appropriation of land at Okehampton Business Park such that it be held for planning purposes under s226(1)(a) of the Town and Country Planning Act 1990;

(b) that the Director of Climate Change, Environment and Transport be given delegated power to negotiate and authorise compensation payments and agreements which may be required pursuant to s.122 of the Local Government Act 1972 as a result of the appropriation of the land;

(c) that the construction of a new railway station with walking, cycling and public transport improvements and a station car park at Okehampton Business Park be approved within the Levelling Up Fund cost envelope of £14.95m, subject to securing the necessary planning consent and resolution of recommendations a) and b) of the Report;

(d) that the Director of Climate Change, Environment and Transport be given delegated authority, in consultation with the relevant Cabinet Member and Local Member, to make minor amendments to the scheme design.

* **557** **Amendments to the South West Exeter Housing Infrastructure Fund Project**

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

(Councillor Bullivant declared a Disclosable Pecuniary Interest in this matter by virtue of being a member of the planning committee at Teignbridge District Council at the time the initial decision was made and withdrew from the meeting during its consideration).

The Cabinet considered the Report of the Director of Climate Change, Environment and Transport (CET/24/39) on proposed South West Exeter Housing Infrastructure Fund Project amendments, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive

Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

South West Exeter was a strategic allocation of 2,500 dwellings and 21.5 hectares of employment land within the administrative areas of Teignbridge District Council and Exeter City Council. The Cabinet noted the complexity of the site as well as the positive progress in delivering several elements of the package, which had supported accelerated delivery of housing at South West Exeter.

The Report sought formal approval to request Homes England remove the substation from the HIF project as it was no longer deliverable within the funding timescales (see section 4 of the Report). Although the plan was to proceed with the Community Building and GP surgery, the land ownership arrangements for the Community Building scheme had changed as explained in section 5 of the Report. A map of the infrastructure delivered/proposed to be delivered by HIF could be viewed in Appendix 2.

An Impact Assessment had been previously prepared and was available on the website at [South West Exeter Housing Infrastructure Fund \(HIF\) - Impact Assessment \(devon.gov.uk\)](https://www.devon.gov.uk). The Report highlighted that whilst the changes would involve some infrastructure not being delivered, the remaining infrastructure would support the South West Exeter development. The aim to deliver the Community Building and GP Surgery would foster positive relations in the community and enable participation in activities and services by people with a variety of needs. Access to local healthcare facilities would also be enhanced, supporting the most vulnerable in the local communities.

Ongoing engagement with stakeholders had taken place for the Community Building and GP Surgery. This has included monthly meetings with Exminster Parish Council, NHS and Ide Lane Surgery since September 2021. In addition, meetings on specific issues had taken place as required.

The Cabinet noted that approval of the recommendation would allow the delivery of the remaining infrastructure. It was necessary to remove the substation to allow the deliverable schemes to progress, supporting the housing delivery. Whilst the removal of the substation had the potential to delay housing delivery as well as the transition to net zero, it could no longer be delivered within the HIF timescales and seeking a longer extension had the potential to delay other infrastructure delivery.

Various options had been considered for the Community Building, with the ownership by DCC considered to be the most appropriate option for the wider community benefit in terms of place-making and addressing existing capacity issues within local GP practices. The Director for Climate Change, Environment and Transport commented that an early expression of interest had been received regarding the community building since the publication of the Cabinet papers.

The matter having been debated and the options and alternatives and other relevant factors (e.g. financial, sustainability and carbon impact, risk management, equality and legal considerations and alignment with the Council's Strategic Plan) set out in the Director's Report having been considered:

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

RESOLVED

(a) that the amendments to the HIF package of infrastructure for the removal of the electricity substation be approved and enter into an associated Deed of Variation to the Grant Determination Agreement with Homes England;

(b) that the acquisition of the full site as shown edged blue and green in Appendix 1 be approved, to facilitate construction of the Community Building and GP Surgery;

(c) that the transfer of the land edged in green in Appendix 1 to the NHS prior to occupation of the GP Surgery be approved;

(d) that the Director of Climate Change, Environment and Transport be given delegated authority, in consultation with the Cabinet Member for Climate Change, Environment and Transport and Local Member to remove the combined community building / GP surgery scheme from the HIF programme if, following further investigation, the scheme is not considered deliverable; and

(e) that Devon County Council take ownership of the Community Building, and the Director of Transformation and Business Services be given delegated authority, in consultation with the Cabinet Member for Policy Corporate and Asset Management and Local Member, to explore income opportunities to lease out space in the proposed Community Building and / or transfer the building to a suitable owner, to mitigate Devon County Council's ongoing financial liability.

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

There was no question from a Member of the public.

* **559** **Minutes**

(Councillors Leaver and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

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

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

Farms Estate Committee – 13 May 2024

* **560** **Delegated Action/Urgent Matters**

The [Registers of Decisions taken by Members under the urgency provisions or delegated powers](#) were available for inspection, in line with the Council's Constitution and Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. [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.

* **561** **Forward Plan**

In accordance with the Council's Constitution, the Cabinet reviewed the [Forward Plan](#) and determined those items of business to be defined as key and framework decisions and included in the Plan from the date of this meeting onwards reflecting the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

* **562** **Exclusion of the Press and Public**

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

RESOLVED that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Schedule 12A of the Act namely, information relating to an individual or likely to reveal the identity of an individual, the financial or business affairs of a third party and information relating to consultations or negotiations, 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 outweighs the public interest in disclosing the information.

* **563** **CSW Group Ltd**

(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).

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

The Cabinet considered the Report of the Director of Performance and Partnerships (CX/24/2) on proposals for the CSW Group, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

An Impact Assessment had been circulated for the attention of Members at the meeting.

The Report gave the background to CSW as a wholly owned operating company of Devon County Council, Plymouth City Council, Torbay Council and Cornwall Council ('the owners') as well as an overview of the current financial position, options appraisal and a proposed approach.

A summary breakdown of the financial operating position for CSW in 23/24 and 24/25 was outlined in table 1 in the Report and the implications of the proposals in section 3(d).

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

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

RESOLVED that the proposals as outlined at (a), (b) and (c) in the Report relating to the future of CSW, in conjunction with its fellow owner authorities, be approved, including arrangements for the future provision of services.

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 10.30 am and finished at 11.13 am