

NOTICES OF MOTION

Report of the County Solicitor

Recommendation: that consideration be given to any recommendations to be made to the County Council in respect of the Notices of Motion set out hereunder having regard to the relevant factual briefing/background papers and any other representations made to the Cabinet.

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The Notices of Motion submitted to the County Council by the Councillors shown below have been referred to the Cabinet in accordance with Standing Order 8(2) - for consideration, reference to another committee or to make a recommendation back to the Council.

A factual 'Briefing Note/Position Statement' prepared by the relevant Director is included, to facilitate the Cabinet's discussion of each Notice of Motion.

### **(a) Building on Devon County Council Owned Brown-field Land to provide Homes for Devon (Councillor Wrigley)**

The Council notes:

- The world-wide concerns on the supply of food, in particular wheat following the war in Ukraine and climate change issues globally.
- The need for improved food security in the UK, encouraging more food production requiring grade 1 agricultural land including use in less intensive ways.
- The need for affordable homes, especially for health and social care workers set in sustainable locations.
- The change of work patterns of many Devon residents to have fewer days in an office setting and more days working from home in a hybrid model.

This Council commands:

The acquisition of 34 Hectares of Grade One agricultural land for county owned Markham's Farm in 2009 with the express purpose to make the farm viable.

In the light of the need for thousands more affordable homes for Devon families, the lack of any form of homes to rent long-term in Devon, and to enable homes for incoming workers for health and social care provision this council resolves to:

- 1) Review the land assets held by the County Council with the aim of identifying opportunities to use brownfield sites for new rented affordable homes to generate long term and reliable revenue for the council.
- 2) Work with the District Councils and their registered provider partners as housing providers
- 3) Deliver a significant programme of homes for rent remaining in the ownership of Devon County Council providing a long-term revenue stream to reduce Council Tax requirements.
- 4) Withdraw the sites at Manor Farm, Markham's Farm and other County Farms from local plan allocations for housing and preserve farm viability.

In the site review particular attention will be given to the Topsham Road County Hall site. This site is antiquated and in the wrong place for modern council operation. Office space and meeting space would be far more efficient in a modern working location such as alongside the council's other offices in Sowton or in Marsh Barton – both out of the town centre but well connected by train, bus and by road.

The current County Hall site would be far more effective if it were re-modelled to become homes for rental, with a proportion reserved for NHS and social Care staff and many at social rent levels. This would provide much needed affordable homes and a rental income stream for the council. Turning a liability into a significant revenue generating asset.

Converting the existing office blocks and building new homes on the enormous supply of parking space would provide a highly desirable and green residential location with good connection to the RD&E hospital site and the city centre.

The hundreds of rented flats delivered would not only provide homes for local families, but also a long-term rental income for the Council that should exceed the cost of out of town office space.

Other sites owned by the council across the county should be identified and used in a similar way.

### **Briefing Note / Position Statement from the Head of Digital Transformation & Business Support**

- 1. Review the land assets held by the County Council with the aim of identifying opportunities to use brownfield sites for new rented affordable homes to generate long term and reliable revenue for the council\***

Devon County Council's asset management strategy enables DCC to consider what DCC assets (land and buildings) can be declared surplus and sold. Over the last 5 years sales of DCC land have contributed to the supply of in the region of 500 affordable homes across Devon.

Several Devon County Council sites, such as part Monkerton Farm, Exeter, (providing 68 affordable housing units) have been sold to registered housing providers delivering 100% affordable housing.

*DCC intends to seek discussions with social housing providers to consider potential models/options to utilise DCC land/assets to help address affordable housing provision, in particular for DCC key workers and more widely as part of the financial sustainability programme what opportunities there are for income generation.*

\* County Hall was purpose built in the 1960's. The layout does not lend itself well to many alternative uses, particularly affordable housing. County Hall and Bellair are Grade II\* listed and the Coaver Club is locally listed. The Exeter Local Plan does not designate the County Hall site for any particular use but it is currently an employment use site. Any change of use would be judged on its merits but there is likely to be a policy issue around the loss of employment land. The whole site lies within the St Leonards Conservation Area, most if not all trees are protected with Tree Preservation Orders, and the grounds, within the curtilage of listed buildings, are also designated public access land. Any affordable housing has to meet high standards of space, sustainability and costs of occupation. As such Registered Providers are usually unwilling to convert listed buildings as they generally do not meet the required standards. Converting the listed buildings to any form of alternative use is likely to be very expensive. Equally, building within the grounds of County Hall around the existing buildings is also likely to be challenging, even if planning consent could be granted for such a development.

## **2. Work with the District Councils and their registered provider partners as housing providers**

The Devon Housing Task Force is a Member-led group that is looking at the strategic housing challenges across Devon, Plymouth and Torbay. The group has established a cross-party consensus and principles for working together to help to deliver on those matters within our local control but to also provide, alongside MPs, a strong voice for significant policy change to address the housing crisis. The Task Force is in the process of working with Exeter University to establish an academically-led Devon Housing Commission that will amplify the case for change. Devon County Council is a key partner in this work and recognises its role in supporting the conditions for change.

## **3. Deliver a significant programme of homes for rent remaining in the ownership of Devon County Council providing a long-term revenue stream to reduce Council Tax requirements**

As per question 1 above.

## **4. Withdraw the sites at Manor Farm, Markham's Farm and other County Farms from local plan allocations for housing and preserve farm viability**

The Council has been asked to withdraw the sites at Manor Farm and Markhams Farm previously, most recently via the Council's Cabinet meeting on 11 February 2022 following the presentation of a petition by Cllr Foden. The Council's position has not changed since February but set out below is a reiteration of the summary position put to Cllr Foden at the time.

As background, the Call for Sites exercise for the Greater Exeter Strategic Plan was undertaken between 27 February to 10 April 2017. As part of the plan process those sites were sifted by the local plan team from all the authorities involved to produce the GESP Housing and Economic Land Available Assessment in June 2019 where the main strategic sites for 500+ units were reviewed – which included part of DCC's land at Markhams Farm and Manor Farm.

Some of the GESP work has been carried forward by Local Planning Authorities for consideration as part of Draft Local Plan Reviews. Teignbridge District Council is one of those Authorities.

The responsibility for consultation on the Local Plan proposals rests with the Local Planning Authority which, in this case, is Teignbridge District Council. They follow the Regulations on local plan consultation set out by HM Government.

Part 1 of the consultation of the Draft Local Plan Review 2020 – 2040 ran between 23 March and 13 July 2021, that put forward the broad planning policies and development management covering sustainable communities, climate change, design and wellbeing, economy, homes and the environment.

The consultation period in respect of Part 2 of the Draft Local Plan Review 2020 – 2040 dealing with the large strategic sites of 500+ units ran for 10 weeks between 28 June 2021 and 9 August 2021. The document set out options where possible residential, employment and education development sites could be located and the purpose of the consultation was to seek views on the options for development. Part of Markhams Farm was considered under the Part 2 consultation exercise.

The Part 3 consultation of the Draft Local Plan ran for 10 weeks between 15 November 2021 and 24 January 2022. The document set out options where different types of development (wind turbines and solar, a potential gypsy and traveller site and potential small residential sites) could be located. Part of Manor Farm was considered under the Part 3 consultation exercise.

- Manor Farm, Holcombe

The Local Planning Authority is considering zoning for development two fields at Manor Farm extending to just 9.04 acres or thereabouts. Manor Farm extends to 122 acres and only one of the fields (4.58 acres) being considered for development is let to the tenant of that holding. The other field (4.46 acres) is still occupied by the former tenant of Manor Farm on a short term agreement. The former tenant is aware that parts of Manor Farm may lend

themselves to alternative use and development at some point in the future. The current tenant of Manor Farm was informed during the letting process that some of the farm may be required for alternative use or development during his initial term of occupation. The loss of just 4.58 acres out of a total 122 acres would not have a detrimental impact on the farms viability.

- Markhams Farm, Shillingford Abbot

The Local Planning Authority is considering zoning some land at Markhams Farm, Shillingford Abbot for development. The exact area is yet to be confirmed. Markhams Farm extends to 276 acres in total and is a fully equipped residential holding. A key objective for DCC was that the farmstead must be retained along with a substantial area of land. It is evident that based on our current farm portfolio a viable farm would be retained should part of the Markhams holding be included in the local plan and ultimately sold for development. It is highly likely that the size of the retained land holding will be larger than many of the other farms let as part of the estate to tenants who are able to operate profitable farm businesses on those farms. Indeed, we have let 9 dairy farms this year and many of those are smaller than Markhams Farm might be if the land being considered for development is sold. The current tenant is aware of the plans. It is the Council's intention to relet Markhams Farm, albeit potentially reduced in size, to a new tenant on the retirement of the current tenant.

**(b) Impact of Changes to Pension Age (made at short notice) on Women Born in the 1950s (Councillor Hannaford)**

**Council notes that:**

- In the 1995 Pensions Act, the Government increased State Pension age for women from 60 to 65, with a further increase to 66 in the 2011 Pensions Act.
- The change was not properly communicated to 3.8m women born in the 1950s until 2012, giving some only one year's notice of a six year increase in their anticipated retirement age. 67,000 of the affected women are in our own authority area.
- The Parliamentary and Health Service Ombudsman (PHSO) has found that the Department for Work and Pensions was guilty of maladministration in its handling of the State Pension Age increase for women born in the 1950s.
- The All Party Parliamentary Group on State Pension Inequality for Women has concluded that "the impact of DWP maladministration on 1950s-born women has been as devastating as it is widespread. The APPG believes that the case for category 6 injustice is overwhelming and clear. Women have had their emotional, physical, and mental circumstances totally obliterated by a lack of reasonable notice."
- Research commissioned by campaign group WASPI has found that by the end of 2022, more than 220,000 1950s born women will have died waiting for justice since the WASPI campaign began in 2015.

- WASPI's figures show that over the course of the two year COVID pandemic, 1 in 10 women who died was affected by these uncommunicated changes and lost both their state pension income and the opportunity to make alternative retirement plans.
- Despite the Ombudsman's findings and the rapid death rate of those affected, the government is choosing to wait for further reports before taking any action.

**Council believes this injustice has not only had a profound effect on the individuals involved but on the wider community in Devon and on local government, not least because:**

- Women who would have looked after older relatives or partners are unable to afford to do so, with a knock-on impact on local social care
- Women who would have retired and engaged in caring responsibilities for grandchildren are having to continue working, increasing the childcare burden on the state locally
- Women who have been left in poverty are struggling to meet their housing costs, with a knock-on impact on local housing stock
- There is a broader impact on voluntary services of all kinds locally, which are missing out on able, active volunteers who would otherwise have been able to retire from full-time work as planned
- Our local economy is negatively affected by the reduced spending power and disposable income the uncommunicated State Pension Age changes has brought about among women born in the 1950s

#### **Council supports:**

- The conclusion of the All Party Parliamentary Group on State Pension Inequality that women born in the 1950s have suffered a gross injustice, affecting their emotional, physical and mental circumstances in addition to causing financial hardship.
- A swift resolution to this ongoing injustice before more and more women die waiting for compensation.
- The WASPI campaign for an immediate one-off compensation payment of between £11,666 and £20,000 to those affected, with the most going to women who were given the shortest notice of the longest increase in their state pension age.

#### **Council asks:**

- The Leader of the Council to write to local Members of Parliament, and to the Secretary of State for Work and Pensions to outline the effects of the injustice to 1950s women on the communities in Devon and to seek their support for an immediate compensation package.

## **Briefing Note / Position Statement from the Head of Policy**

### **Ombudsman's investigation of complaints about Department for Work and Pensions' communication of changes**

The Parliamentary and Health Service Ombudsman published, in July 2021, the findings of its investigation of complaints that since 1995 DWP failed to provide accurate, adequate and timely information about changes to the State Pension age for women. It found that had DWP made a reasonable decision in August 2005 and then acted promptly, it would have written to affected women to tell them about changes to their State Pension age by, at the latest, December 2006.

This is 28 months earlier than DWP actually wrote to them. It follows that these women should have had at least 28 months' more individual notice of the changes than they got. The opportunity that additional notice would have given them to adjust their retirement plans was lost. However, the ombudsman has no power to refund "lost" pensions. It is also unable to recommend that anyone receive their state pension any earlier than the current law allows.

### **All Party Parliamentary Group on State Pension Inequality for Women**

The APPG on State Pension Inequality for Women is a cross-party group which aims to:

- Represent women who have been treated unjustly by the short notice changes to the State Pension age.
- Develop and promote policy solutions to support 1950s women and their families who do not have access to their pension and are therefore facing mental and physical health implications.
- Feed the views and experiences of 1950s-born women into future policy decisions relating to State Pension and welfare.

The APPG's view is that not only has DWP maladministration impacted on 1950s-born women financially, but it had also caused extraordinary emotional, physical and psychological distress to the cohort. The APPG feels that it is the time for 1950s-women to be given fast and proper compensation for the impact of successive maladministration.

### **(c) Sewage Discharges and Impacts on Wildlife and Public Health (Councillor Bailey)**

Sewage discharges not only harm wildlife but also pose a serious risk to public health as has been recently confirmed by Chief Medical Officer Professor Chris Whitty.

According to data from the Rivers Trust there were 12,436 sewage spills for a duration of 120,933 hours in Devon in 2021.

Sewage was discharged into the River Otter for 8457 hours in 2021. This includes discharges at Fluxton for 723 hours and upstream at Honiton where sewage was discharged continually for 1974 hours from 16th January 2021 to 10th April 2021.

This Council considers sewage discharges and the associated harm to wildlife and public health totally unacceptable and agrees to write to South West Water to express its very great concern about the impact of sewage discharges on the rivers of Devon and to urge South West Water that this practice must cease urgently.

This Council also requests that the CEO Susan Davey, in recognition of the severity of the situation, considers not taking the whole of her current annual salary of £1.7 million until such time as a substantially improved situation is achieved.

### **Briefing Note / Position Statement from the Director of Climate Change, Environment and Transport**

Water quality in our rivers, streams and coastal waters is, quite rightly, an issue of major concern. Pollution by sewage is one of several causes of poor water quality and which is in the political and media spotlight at present.

The significance of this issue is recognised by Ofwat, the body responsible for regulating water and sewerage companies, whose web site states:

*“The current levels of storm overflow discharges into rivers cannot continue, and the water sector must tackle this. Customers and the public rightly expect water companies to take this role extremely seriously, and there has been widespread, understandable frustration and anger.”*

The statistics quoted in the Notice of Motion are taken from 2021 data published by the Environment Agency and based on the annual returns provided by water and sewerage companies. Such discharges and their monitoring are covered by the Environmental Permitting Regulations, with permitted discharges intended to occur only at times of extreme weather to relieve pressure on overloaded sewerage systems. However, English water companies are under investigation by Ofwat and the Environment Agency in relation to widespread and serious non-compliance with the relevant regulations. As a result, Ofwat confirmed in June this year that it would

continue to progress five earlier enforcement cases as well as opening a new one into South West Water.

These investigations are happening at a time when government has indicated that it is seeking a step change in how water companies tackle this issue, as addressed by its Storm Overflow Discharge Action Plan. The consultation on the draft Plan in March this year included a target to eliminate 40% of the total number of storm overflow discharges by 2050 and to improve the remainder, with a range of measures proposed to achieve these targets.

Water companies have been required to invest £7.1 billion between 2020 and 2025 to protect and improve the environment; of this, £3.1 billion relates specifically to storm overflow improvements. The government also introduced a raft of measures through the Environment Act 2021 to address discharges from storm overflows. The current debate is whether such action is sufficient to achieve the identified targets and reduce the associated threat to public health and wildlife, with clear differences on the practicality and affordability of additional or alternative approaches.

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This Report has no specific equality, environmental, legal or public health implications that will not be assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements in relation to the matters referred to herein.

ANDREW YENDOLE

[Electoral Divisions: All]

**Local Government Act 1972: List of Background Papers**

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| <b><u>Background Paper</u></b> | <b><u>Date</u></b> | <b><u>File Reference</u></b> |
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| NIL                            |                    |                              |