

Chair: Kevin Smith

Action

24/184 Present

Cllr Sheila Churchward (SC), Cllr John Goodey (JG), Cllr Nicola Guagliardo (NG), Cllr Sarah Ladyman (SL), Cllr Lisa May (LM), Cllr Charles Nuttall (CN), Cllr Kevin Smith (KS), Cllr Lorne Smyth (LS), Cllr Gary Wheatley (GW), Cllr Adrian Wood (AW).

Clerk: Mrs Jill Daw (JD)

Deputy Clerk: Mrs Helen Hibbins (HH)

Devon County Councillor: Alan Connett (AC)

Teignbridge District Councillor: Charles Nuttall (CN), Kevin Andrew Lake (KAL)

Public: 5

24/185 Apologies received from

None offered.

24/186 Declaration of interest on Agenda Items

None received.

24/187 Dispensation requests regarding Code of Conduct

None received.

24/188 Public open session (maximum 10 minutes)

No comments.

24/189 To discuss the impact of the latest information received on Exminster Parish Council's resolution to take ownership of the Community Building at Matford (2 October 2023 minute 23/455), and the potential impacts and opportunities of not doing so; to include the latest financial projections, the build out of the Matford development, the additional car park, the design and the value engineering.

Cllr Wood summarised the current position.

The Parish Council had made it clear that it wanted a Community Centre, GPs Surgery and a Spine Road to allow a bus service to connect through the entire South West Exeter Development.

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The one structure the Parish Council did not want was an electricity sub-station on Matford Home Farm, neighbouring the Elm Park development and Matford Mews, and it would continue to fight to stop it.

For these reasons, the Parish Council wrote to the Rt Hon Michael Gove MP on 6 February 2024 and requested that the deadline for the Devon County Council (DCC) Housing Infrastructure Funding (HIF) was extended from 31 March 2025 to 31 March 2030. It was felt that this length of extension would allow sufficient time for the electricity sub-station to be located at Peamore, as preferred by Teignbridge District Council (TDC), a Community Centre and GP Surgery to be built, and a Spine Road to be completed.

Unfortunately, no response had been received from Michael Gove to date despite the best efforts of County Councillor Connett and our MP, Mel Stride.

In its offer letter of 6 September 2016, the Parish Council said it was prepared to own and manage both land and buildings for the Matford Facility subject to contract and certain conditions including that the site should be level and preformed. The Matford Facility was to have 60 car spaces and one ambulance space and space for expanding the designated car park if necessary. The Parish Council had always required that the site (both the Community Building Land and the Community Plus Land) should be level and preformed and to have adequate provision for car parking.

On 2 October 2023, the Parish Council with the help of our County Councillor, Alan Connett, passed a conditional resolution for the DCC planned Community Centre.

In essence there was a financial target supported by four conditions.

Work had been done by the Matford Working Party and the RFO to move the resolution forward.

In the ideal world, the Community Centre should be opened a year before the end of homes being built. The TDC December 2022 housing trajectory and the cut-off date for HIF meant that the Community Centre would be open five years before the 2,000 new homes were completed.

The financial forecast gave a cumulative deficit of £543,000 for the period 2025/26 to 2031/32 as the Matford development of 2,000 new homes was completed and £70,000 per annum for 2032/33 and beyond. The forecasts did not allow for the common areas of car parking and landscaping (planned to be shared with the NHS premises) and therefore, the cumulative and ongoing deficits would be higher.

Specific risks were identified including insufficient dedicated car parking that could undermine the Consult QRD (consultant retained by the Parish Council to consider all iterations of the facilities since 2016) rental income forecasts and the Matford build out could be slower than forecast by TDC.

Unfortunately, the financial situation was now materially worse than set out in the resolution because, unbeknown to the Parish Council, TDC was in the

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process of revising its housing trajectory for Matford. The TDC October 2023 housing trajectory pushed completion of the 2,000 new homes back by four years, meaning that the period of substantial deficits would be increased. It was reported to the Parish Council on 5 February 2024 that the revised ongoing deficit would use most of the Precept generated from Matford.

Additionally, there are issues with at least one of the four conditions outlined in the resolution. The community building has been subjected to 'value engineering' and information on the actual structure of the buildings had been received.

Condition (ii) requested DCC used its best endeavours to assist the Parish Council in securing additional land to provide the additional car parking spaces that the Parish Council deemed necessary to support the facility.

In its objection to the DCC planning application for the Community Centre and the GP Surgery, the Parish Council raised the issue of the lack of car parking spaces. The extra parking was essential to support the financial forecasts.

Regrettably, the offer of the Community Plus Land was triggered by TDC without consultation, and Vistry had offered the Plus Land as if it had residential planning permission as per the s106 agreement signed by Bovis and TDC.

An illustration of the cost of land was given: To keep sums simple, Vistry wanted 4 for its land and the cost of applying for planning permission and turning the land into additional car parking would be 1 making a total cost of 5. The Parish Council had instructed a valuation of the land as a car park and it was less than 1 leading to a loss in land value of 80%.

When compared to the value of the land as a car park, there would be a reduced value running into hundreds of thousands of pounds. Every Parish and Town Council had a fiduciary duty to its taxpayers. It was suggested that this was enough reason to reject the Community Plus Land offer.

The second reason was that DCC had indicated in its letter of 28 March 2024 that its interpretation was that the land did not need to be secured, or planning permission granted, before committing to the delivery of the building.

Given the Parish Council's objection to DCC's planning application included the lack of parking to support both the GP Surgery and the community building and the resolution on the agenda for 2 October 2023 included "Thirty car park spaces being provided for the Matford Community Centre's sole use", it was difficult to see how DCC could argue that interpretation. Nonetheless, the Parish Council had clarity on DCC's position on this condition.

Why would the Parish Council purchase the land when it had no confidence that planning permission would be forthcoming?

It follows that without the additional land for car parking, a revised financial forecast will show lower income and higher deficits.

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There was a comment in the TDC Officer's report dated 7 March 2024 that Vistry was obliged to offer a further 1,150 square metres of land at market value, but it did not specify that market value was market value with planning permission assumed for residential development in this instance and that the Parish Council had made it clear that the land was for car parking. The report also stated that the additional land was not required to bring the community building forward, however the financial projections supporting the Parish Council's resolution of 2 October 2023 required the extra car parking.

The Parish Council was aware back in September 2016 that the valuation of the Community Plus Land would be assumed to have planning permission for residential even though the Bovis planning application defined the area as 'mixed use'.

Referring to the earlier comment that the site should be 'level and preformed' for the Community Building Land - in other words, fit for residential development - was the Parish Council's understanding in 2016 and why it was comfortable with the Community Plus Land being based on the same criteria.

The s106 agreement between TDC and Bovis / Vistry is silent on the 'level and preformed'.

The TDC Officer's report stated that the main alternative option would be for TDC to take ownership of the land and buildings itself. This was in accordance with Cllr Goodey's understanding when he was a District Councillor. The reasons for not doing so were expressed as being that the Community Centre was expected to be loss making for a significant period, the buildings (due to be constructed imminently) had not been designed with involvement from TDC and TDC had not developed a viable business plan.

Financial and operational risks (the Parish Council did not have a business plan either) were problems enough but an email received from DCC on 5 April gave further concern because of the structural issues with Matford Brook Academy and the proximity of that land to the Community Centre and GPs Surgery.

The email was quoted: *'The site for the community building and GP Surgery is steep, with levels needing to be raised to create platforms on which to construct the buildings. The GP surgery is on the higher land and requires all levels to be raised on the lower (community building) land to create the platform for the surgery, including constructing retaining walls.'*

It was suggested that TDC should step up as the 'main alternative' given their failure to secure land which was 'level and preformed'.

Following Cllr Wood's summary, Councillors discussed the issues. The following points were made:

- Everyone around the table wanted a Community Centre for Matford.
- The information that had come to light recently made this a risk-taking venture in its current format. This included the land cost, unknown planning permission and the "supportive structure" of the building. The

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structure itself could potentially increase insurance costs and cause problems in the future.

- The consultant's expert opinion rendered the building financially unviable. It was unfair on the Council-Tax payers who would be subsidising the building.
- Maintenance costs for the building were believed to be expensive, particularly the exterior wood cladding. Concerns about fire proofing were raised.
- Comparisons with the Kenn Centre and Newcourt identified that the maintenance costs were 7 x those of the Kenn Centre and twice those of Newcourt. Did the Parish Council have confidence in those comparative costs?

It was noted that the costs for the Matford Community Centre had possibly been underestimated, especially in the light of the new information received regarding the structure. It was also noted that Newcourt were not responsible for external maintenance and to date, Kenn had not had to carry out extensive external work (such as roof replacement).

- The maintenance costs were based on a percentage of build cost but the build cost was high due to the topography. Why should the build cost affect the maintenance cost? It was noted that even if all the maintenance costs were removed from the equation there would still be a deficit.
- Further work should be done to determine the scale of the deficit without sufficient parking and with the grounds maintenance.
- Should the Parish Council engage a civil engineer to look at the land to help understand the risks, difficulties and practicalities?
- It was disappointing that the Parish Council seemingly had assurance 6 months ago that the deficits could be funded by CIL, however the latest communication from TDC, suggested the "theoretical risk" of the 5-year rule.
- It was asked why, with so many unanswered questions, was a decision being pursued at this meeting?

The time pressure to accept the "plus land" was cited as one of the reasons alongside DCC needing certainty to satisfy the HIF.

The Parish Council felt pressured to make decisions and that is why the letter was sent to Rt Hon Michael Gove MP in February requesting an extension to the HIF deadline. It was considered that this would take the pressure off DCC. It was unhelpful that there had not been a response to date.

DCC had questioned the Parish Council's commitment which was considered an affront as it had not addressed the caveats outlined in the resolution of 2 October.

At the meeting with DCC on 25 March to address the questions issues raised in the letter sent following the meeting on 4 March, the Parish Council were encouraged to make a decision.

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- What would be the consequences if the Parish Council reversed the resolution of 2 October?
It had been previously stated that DCC would stop the build of the Community Centre and the GP surgery and it would revert to the pre-HIF processes, as per the s106 agreement, falling to TDC and the Parish Council to sort out. If that happened, the Parish Council would have the opportunity to design an appropriate Community Centre and consult with the Matford residents. However, it would still be on the same piece of land so the topography challenge would remain unless an alternative piece of land could be found that the Parish Council would need to purchase.
- It was suggested that TDC could be asked to go back to the developers and ask for level and preformed land.
- At the meeting with DCC on 25 March, it was stated that the GP Surgery was considered essential infrastructure in HIF terms, but the Community Centre was not. Surely TDC and DCC would not walk away from providing a GP surgery?
- The Parish Council's desire to ensure the provision of a GP surgery was so great that it was in danger of saddling the Parish with a large debt for the future.
- Why are DCC expecting a small Parish to take on a building that will cost a fortune over the next 200 years?
- A Community Centre was incredibly important but the Parish Council had never asked Matford residents what they wanted. Matford potentially had other requirements but, currently, all the Precept would be used to subsidise the building.
- There are huge questions that still need to be answered. The Parish Council are potentially throwing away an opportunity for a community centre based on figures.
- How much more time would the Parish Council need to address the questions? Would further delays in signing agreements and making decisions cause issues with DCC?
It was noted that the extension requested in the letter to Rt Hon Michael Gove MP was 5-years. DCC had indicated that it was unlikely that that would be honoured but it was possible that an extension would be granted if commitment from the Parish Council and project progress could be evidenced.
- The question was asked whether the Parish Council could be bankrupted if it took ownership.
- It was stated that the Parish Council should cease to be pressurised by DCC to make decisions but to take time to make them with information available.

At the conclusion of discussion, the following proposal was made:

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To defer a decision on 24/190 and review it again in 6 months. In the meantime the Parish Council will investigate further avenues and issues that need to be satisfied and resolved before proceeding further.

Resolved unanimously.

At the meeting on Monday 15 April a list of questions and issues would be compiled. Councillors were asked to submit thoughts and ideas to the Clerk/Deputy Clerk as soon as possible.

24/190 It is proposed that the resolution passed by the Parish Council on 2 October 2023 minute 23/455 regarding the Community Building at Matford is reversed.

Not required.

24/191 Subject to the resolution in 24/190 being passed, a discussion will take place about a Community Centre in Matford.

Not required.

24/192 Public Open Session – (Maximum 10 minutes)

Comments:

1. Whatever form the Community Centre at Matford takes, it would incur costs.
2. Would the Parish Council consider retaining a professional to operate between itself and TDC/DCC.
3. DCC needed to demonstrate commitment. Discussion needed to take place with DCC regarding the HIF implications of delaying a decision. There was the potential that public funding could be lost as there was less s106 funding available than HIF.
4. This had been a good discussion. Many of the questions were of a domestic nature. The Parish Council needed to get its own professional advice on matters such as the cladding.

The meeting closed at 20:20

Date of next meeting: Monday 15 April 2024 at 19:00 in the Victory Hall

Signed:...Kevin Smith..... Date:...15 April 2024.....