

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

7th July 2005

PRESENT:-

Labour Group

Councillor Taylor (Chair), Councillor Lauro (Vice-Chair) and Councillors Bell, Carroll, Dunn (substitute for Councillor Whyman, M.B.E.,) Isham, Richards (substitute for Councillor Shepherd) and Stone.

Conservative Group

Councillors Atkin, Bale, Ford and Mrs. Hall.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Shepherd and Whyman, M.B.E. (Labour Group) and Councillor Mrs. Walton (Independent Member).

EDS/11. **MINUTES**

The Open Minutes of the Meeting held on 2nd June 2005 were taken as read, approved as a true record and signed by the Chair.

EDS/12. **DECLARATIONS OF INTEREST**

Councillor Atkin declared a prejudicial interest in respect of the item on the South Derbyshire Mobile Phone Mast Agreement. Councillor Ford declared a personal interest in respect of the item on the Derbyshire County Council Footpath Agency, as he was a Member of Derbyshire County Council.

EDS/13. **MEMBERS' QUESTIONS AND REPORTS**

Councillors Bale and Carroll voiced their concerns about problems with Ragwort and Japanese Knotweed in areas of the District.

MATTERS DELEGATED TO COMMITTEE

EDS/14. **CRITICAL ORDINARY WATERCOURSES – ENVIRONMENT AGENCY ENMAINMENT**

The Committee was reminded of previous discussions regarding the enmainment of four critical ordinary water courses (COWs), located at Hatton, Shardlow, Willington and Stanton. A Task and Finish Working Group was established to consider these issues in greater detail. However, its work was put in abeyance following a review of the enmainment programme and process.

Members were reminded of the flooding problems in November 2000 and a key outcome to give the Environment Agency (EA) statutory powers for watercourses that presented the greatest flooding risk.

Within the enmainment process, there was an option for Operating Authorities (OAs) to contract back this function for a two year period. The EA had revised its programme and required a decision from this Council about the enmainment of the four COWs in South Derbyshire during August 2005. Amongst the reasons for slippage in the original programme were concerns over the EA draft contract. A new Memorandum of Understanding (MOU) encapsulated best practice, but placed more responsibility on OAs than currently existed.

The report set out the resource impacts of contracting back this service. It would require greater staff capacity and probably the use of consultants rather than directly employed staff. A further requirement was to have staff for a standby rota in place for flooding emergencies. Feedback had been sought from other Derbyshire local authorities and none were likely to take up the option of contracting back the service. The view was also expressed that the public should receive an enhanced level of service from the EA in respect of flood defence, as this was its area of expertise. From discussions with the EA, it had been confirmed that major restructuring was being undertaken to accommodate the additional workloads from enmainment. It was also emphasised that even with enmainment, authorities would still be required to undertake the traditional roles in relation to flooding emergencies.

Members were reminded of the substantial flood alleviation works being undertaken on the Hatton Salt Brook. Presently, maintenance responsibility rested with the individual riparian landowners. A key element in the compensation negotiations was future maintenance responsibility. The EA had indicated that it would be prepared to accept responsibility for this water course from March 2006. Enmainment would also be advantageous for the ongoing management of Shardlow Dyke. At present, responsibility for flood defence in the Village was confusing.

The financial implications were reported and the costs of contracting back would be approximately £22,400 per annum.

In response to a question from Councillor Dunn, Officers confirmed that the works being undertaken at Stanton were to prevent further flooding problems in that area. Councillor Ford commented on the need for the EA to give support to local authorities.

RESOLVED:-

- (1) That the Council rejects the option to contract back the maintenance of Critical Ordinary Watercourses.***
- (2) That the Council provides as much support as practically possible to assist the Environment Agency in its assumption of maintenance responsibilities for these areas.***

EDS/15. **SOUTH DERBYSHIRE MOBILE PHONE MAST AGREEMENT**

Note: At 6.15 p.m. Councillor Atkin left the Meeting.

It was reported that, at the Council Meeting on 16th June 2005 it was agreed to produce a document entitled "The South Derbyshire Mobile Phone Mast

Agreement” and that all operators be asked to sign up to this agreement. The draft document, a copy of which was submitted for Members’ consideration, sought to provide advice for the development of telecommunications base stations within South Derbyshire. It provided guidance to prospective applicants and their agents and was a source of information on the approach taken by the Council on this issue. The document would supplement Planning Policy Guidance Note 8 (PPG8). In developing the guidance, procedures had been reviewed. It was considered essential to work with mobile phone operators, residents and parish councils to address concerns in this area. The document suggested a change to the neighbour notification procedure and emphasis on pre-application consultation and discussion.

The document also recognised Members’ concerns on the health affects of mobile phones, notwithstanding various reports, findings and guidelines. Members of the Working Group had strengthened the document, particularly in regard to proposed development close to sensitive sites, such as schools, hospitals and residential areas. The report also recognised the other numerous texts, which had been taken into account in preparing the document.

Councillor Dunn congratulated the Working Party on the work undertaken. Councillor Isham welcomed the agreement. However, she was concerned about favouring the use of existing masts and commented that the health affects were still unknown. The Head of Planning Services replied that due to a lack of conclusive evidence, national planning policy guidance precluded the refusal of applications on health grounds. The Council could try to ensure that masts were sited away from residential areas. The Chair referred to the planning training. There was the impression that there could be more health dangers associated with the use of mobile phones rather than the masts themselves. Councillor Stone enquired whether there was a policy on the preservation and protection of wildlife. Officers replied that advice was received from the Derbyshire Wildlife Trust in this regard. Councillor Richards shared the health concerns, but these were not supported by the evidence and he commended the document.

RESOLVED:-

That the South Derbyshire Mobile Phone Mast Agreement be sent to operators to sign up to its content, pursuant to the processing of applications for prior approval and planning permission as additional information to the policy set out in government guidance and the Development Plan.

Note: At 6.25 p.m. Councillor Atkin rejoined the Meeting.

EDS/16. **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of

Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meeting held on 2nd June 2005 were received.

**REVIEW OF DERBYSHIRE COUNTY COUNCIL FOOTPATH AGENCY
*(Paragraph 9)***

The Committee agreed to retain the Footpath Agency Agreement with Derbyshire County Council.

S. TAYLOR

CHAIR