

MINUTES of the SPECIAL MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 4th December 2002
at 6.00 p.m.

PRESENT:-

Labour Group

Councillor Mrs. Mead (Chair) and Councillors Bambrick, Brooks, Dunn, Evens, Harrington, Lauro, Pabla, Rose, Mrs. Rose, Shepherd, Southerd, Southern, Stone, Taylor, Whyman and Wilkins.

Conservative Group

Councillors Bladen, Douglas, Harrison, Hood, Lemmon, Shaw, Mrs. Walton and Mrs. Wheeler.

MR. W. HEAPE

The Chair referred to the recent death of Mr. W. Heape, a former Member of the Council for the Gresley Ward and a past Chair of the Council. Members stood in silence as a mark of respect and several Members together with the Chief Executive paid tribute to the service of Mr. Heape.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Bell, Carroll and Richards (Labour Group) and Councillor Bale (Vice-Chair) and Councillor Mrs. Robbins (Conservative Group).

CL/103. **CHAIR'S ANNOUNCEMENTS**

The Chair welcomed to the Meeting Andrea McCaskie (Legal and Democratic Services Manager) and Jeanette Tsoi (Principal Legal Officer) who had both recently commenced employment with the Council.

The Chair reported on the successful 40's Night held on 8th November 2002 at Gresley Old Hall. The Chair also referred to the Remembrance Sunday Parade on 10th November 2002 and to a prize presentation she had made to disabled skiers on 17th November 2002 at Swadlincote Ski Centre. The switch-on ceremony of the Swadlincote Christmas Lights had been held on 29th November 2002. The Chair would shortly be making Christmas visits to Oaklands, South Lodge and The Dales and she would also have Christmas Lunch with the Arthritis Group.

CL/104. **CHIEF EXECUTIVE'S ANNOUNCEMENTS**

The Chief Executive advised that the Code of Practice under the Freedom of Information Act would shortly be submitted to Members for comments.

CL/105. REPRESENTATION ON OUTSIDE BODIES – EAST MIDLANDS AIRPORT INDEPENDENT CONSULTATIVE FORUM

It was reported that Councillor Whyman had recently been elected as the Independent Chairman of the Forum and as a consequence, his resignation as this Council's representative on the Forum was necessary.

RESOLVED:-

That Councillor Brooks be appointed as this Council's replacement representative on the Consultative Forum with effect from 1st January 2003.

CL/106. SOUTH DERBYSHIRE LOCAL PLAN REVIEW

Members considered several recommendations made at a Special Meeting of the Environmental and Development Services Committee held on 20th November 2002. The Chair of that Committee, Councillor Southerd, advised that the Committee's recommendations had been submitted to this Meeting to provide all Members with an opportunity to vote on the matter. The Local Plans Manager outlined the report and advised Members of minor amendments relating to Policy ENV21 regarding the design of new development, Policy H1 relating to development of unallocated (windfall) land for residential purposes and Policy C2 relating to community facilities, where residential care homes would also be included in the term 'community facility'. Car parking standards had also been updated and these various amendments were accepted by Members.

A detailed debate ensued relating to the inclusion of Policy H5 regarding the proposed residential development of part of the former Willington Power Station site. Members asked various questions and the Local Plans Manager outlined the contents of a letter received from the Environment Agency dated 28th November 2002. A Meeting was to be held shortly between all parties concerned relating to the boundaries of zones. More detailed work was required with the Environment Agency to ensure that residential development was not allocated in areas subject to flooding. The Planning Services Manager reiterated that if it was ascertained that any of the site was not suitable for development, the authority could inform the Inspector accordingly at any Local Plan Inquiry and in this context, he considered there to be no obvious need for amending the policy at this stage. The position had been secured by the inclusion of a clear policy for protecting against flooding. Several Members suggested a deferral of this matter and the Planning Services Manager advised that it may be late into 2003 when the Environment Agency clarified the situation. He considered that the Council should facilitate meetings between the owner of the site and the Environment Agency to ascertain the definitive position and in the absence of this clarification, it would then be necessary to seek further instructions from Members. However, he was confident that a reasonably definitive answer would be obtained and that the Plan should be adopted by 2004 when the Government planned to implement changes to the form and content of the development plan.

A motion to remove Policy H5 was moved and seconded and, in accordance with Council Procedure Rule No. 16.5, a recorded vote was agreed. The voting was as follows:-

For the Motion – 8 Members

Councillors Bladen, Douglas, Harrison, Hood, Lemmon, Shaw, Mrs. Walton and Mrs. Wheeler.

Against the Motion – 16 Members

Councillor Mrs. Mead (Chair) and Councillors Bambrick, Brooks, Dunn, Harrington, Lauro, Pabla, Rose, Mrs. Rose, Shepherd, Southerd, Southern, Stone, Taylor, Whyman and Wilkins.

Abstention – Councillor Evens.

As this Motion had been defeated, a recorded vote was then taken on the substantive Motion to include Policy H5 and the voting was as follows:-

For the Motion – 16 Members

Councillor Mrs. Mead (Chair) and Councillors Bambrick, Brooks, Dunn, Harrington, Lauro, Pabla, Rose, Mrs. Rose, Shepherd, Southerd, Southern, Stone, Taylor, Whyman and Wilkins.

Against the Motion – 9 Members

Councillors Bladen, Douglas, Evens, Harrison, Hood, Lemmon, Shaw, Mrs. Walton and Mrs. Wheeler.

RESOLVED:-

- (1) That Policy H5 be included in the Local Plan, as proposed.***
- (2) That the recommendations of the Environmental and Development Services Committee at its Special Meeting held on 20th November 2002 be approved.***
- (3) That the text for the car parking standards omitted from Appendix 'C' of the report to the Special Meeting of the Environmental and Development Services Committee be approved.***

(Councillor Whyman declared a prejudicial interest in (2) above and withdrew from the Meeting during the consideration and determination thereof.

Councillors Brooks, Dunn, Lemmon, Southerd and Southern declared personal interests relating to a particular company that had responded to the first consultation stage of the Local Plan Review and remained in the Meeting).

(Councillor Lauro left the Meeting at 7.10 p.m.)

CL/107. **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 for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined under the paragraphs of Part 1 of Schedule 12A of the Act as indicated.

HOMELESSNESS SERVICES (Paragraph 9)

It was agreed to enter into partnering arrangements to deliver improved homelessness services for the District.

MRS. J. MEAD

CHAIR