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Our Ref: DS
Your Ref:

Date: 18 September 2019

Dear Councillor,

Environmental and Development Services Committee

A Meeting of the **Environmental and Development Services Committee** will be held in the **Council Chamber**, on **Thursday, 26 September 2019 at 18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To:- **Conservative Group**

Councillor MacPherson (Chairman), Councillor Mrs. Haines (Vice-Chairman) and Councillors Billings, Mrs. Brown, Dawson, Fitzpatrick, Mrs. Patten, and Whittenham

Labour Group

Councillors Dunn, Mrs. Heath, Singh, Taylor and Tilley

AGENDA

Open to Public and Press

- 1** Apologies and to note any Substitutes appointed for the Meeting.
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 4** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 5** Reports of Overview and Scrutiny Committee
- 6** GOVERNMENT CONSULTATION -PROPOSED REFORMS TO PERMITTED DEVELOPMENT RIGHTS TO SUPPORT THE **3 - 5**
- 7** DESIGNATION OF NEIGHBOURHOOD AREA **6 - 11**
- 8** COMMITTEE WORK PROGRAMME **12 - 17**

Exclusion of the Public and Press:

- 9** The Chairman may therefore move:-
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 paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 10** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	26 th SEPTEMBER 2019	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	TONY SYLVESTER HEAD OF PLANNING AND STRATEGIC HOUSING	DOC:
SUBJECT:	GOVERNMENT CONSULTATION - PROPOSED REFORMS TO PERMITTED DEVELOPMENT RIGHTS TO SUPPORT THE DEPLOYMENT OF 5G AND EXTEND MOBILE COVERAGE	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: FM05

1.0 Recommendation

- 1.1 That the Committee, in response to the consultation, objects to all proposals relating to new permitted development rights on the grounds that all such telecom developments require careful consideration in the light of the specific merits of the context of individual sites on a case by case basis. Deemed consent would not be appropriate for development particularly in conservation areas and for masts above 25m high, both of which could be harmful to the significance of heritage assets and visual amenity generally. These issues can then be weighed against the acknowledged government objective for the improvement of mobile phone coverage and the enhancement of networks in pursuit of accommodating 5G.

2.0 Purpose of Report

- 2.1 The purpose of this report is to seek the Committee's views on the government's proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage, particularly in rural areas¹.

3.0 Executive Summary

- 3.1 This consultation seeks views on the principle of amending permitted development rights in England to grant planning permission for mobile infrastructure to support

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/827162/Proposed_reforms_to_permitted_development_rights_to_support_the_deployment_of_5G_consultation.pdf

deployment of 5G and extend mobile coverage, particularly in rural areas, and the circumstances in which it would be appropriate.

4.0 Detail

- 4.1 The Government is considering further reforms to the planning system in England in order to support the network upgrades that will be required to deploy 5G and to extend network coverage, particularly in rural areas. The purpose of this consultation is to seek views on the principle of amending permitted development rights for operators with rights under the Code to support deployment of 5G and extend mobile coverage, and the circumstances in which it would be appropriate to do so. The consultation also seeks views on whether it is appropriate to impose specific limitations, conditions and restrictions on any amendments to permitted development rights to mitigate the impact of any new development.
- 4.2 To complement the proposed planning reforms, the Government is also asking the Operators for evidence of the impact these changes to the planning regulations would have on meeting the Government's ambitions for 5G and mobile coverage. Views are also sought on what further measures industry could offer to mitigate the impact of any new electronic communications infrastructure, including assurances about the greater use of existing sites and buildings, sharing of infrastructure, and removing redundant infrastructure and restoration of the land, to protect local amenity and minimise proliferation of infrastructure. The consultation document poses a number of questions inviting a response. The Committee is encouraged to read the document in full (URL at footnote above).
- 4.3 The consultation document seeks comments (inter alia) on the Government's proposals to:
- a. remove the requirement for prior approval for development within protected Article 2(3) land [conservation areas], and for development on unprotected land which exceeds 2.5 cubic metres. The Code Operator would only be required to give one calendar months' notice to the local planning authority prior to deployment;
 - b. amend permitted development rights to allow an increase in the width of existing ground-based masts by more than one third;
 - c. introduce a permitted development right to grant permission for masts to be located within 20 metres of a highway on buildings less than 15 metres in height, in all areas
 - d. amend permitted development rights to increase the height of new masts (above 25m where necessary), subject to prior approval.
- 4.4 In all of these proposals, the respondent is asked to consider whether they agree with the new 'allowances' and what they think the impact the proposals could have on the surrounding area and how could this be addressed.

5.0 Financial Implications

There are no specific financial implications that would extend beyond the normal budget of the Planning Service.

6.0 Employee Implications

6.1 There are no foreseeable implications for employees.

7.0 Corporate Implications

7.1 The recommendation described seeks to ensure that facilities can be delivered in alignment with the priority actions within the Council's Corporate Plan. The process will therefore have a direct impact on the Council's ability to deliver actions against the key objectives of:

- Progress
- Place
- People

8.0 Community Impact

8.1 **Consultation:** None locally. This report seeks to represent the views of the Council in this government consultation.

8.2 **Equality and Diversity Impact:** the improvement of enhanced mobile phone networks could improve access to online information for all sectors of the community.

8.3 **Social Value Impact:** the improvement of enhanced mobile phone networks could improve access to online information for all sectors of the community.

8.4 **Environmental Sustainability:** The recommendation would ensure that all elements of sustainability are able to be evaluated against each other. 'Blanket' permitted development rights could otherwise endanger wider environmental impacts.

9.0 Conclusions

9.1 Notwithstanding the government's objectives to enhance roll-out of a new 5G network across the country, local planning authorities should retain the ability to evaluate the appropriateness of new telecom development locally.

REPORT TO:	ENVIRONMENT & DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	26 SEPTEMBER 2019	CATEGORY: DELEGATED OPEN
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	
MEMBERS' CONTACT POINT:	IAN HEY (01283) 228741 ian.hey@southderbyshire.gov.uk	DOC:
SUBJECT:	DESIGNATION OF NEIGHBOURHOOD AREA	REF:
WARD(S) AFFECTED:	WILLINGTON	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That the Committee formally designates the Willington Neighbourhood Area in accordance with the application from Willington Parish Council.

2.0 Purpose of Report

- 2.1 To draw the Committee's attention to the requirements placed upon the Council within the Town and Country Planning Act 1990 (as amended) regarding supporting the neighbourhood planning process and specifically the need to designate the Willington Neighbourhood Area to enable this process.

3.0 Detail

- 3.1 Under the Town and Country Planning Act 1990 (as amended) the Council has a statutory duty to assist communities in the development of neighbourhood development plans. Within this it is necessary for the Council as Local Planning Authority to consider the designation of Neighbourhood Areas.
- 3.2 In order for a community to proceed with the production of a neighbourhood development plan the specific neighbourhood needs to be identified and designated.
- 3.3 There are no planning reasons why the area identified within the map at appendix A should not be designated because:
- Willington Parish Council is an appropriate body to make the application.
 - The area applied for is an appropriate area.

4.0 Financial Implications

- 4.1 The District is eligible for grant support from the Ministry of Housing, Communities and Local Government to cover costs associated with supporting communities undertaking neighbourhood development plans.

- 4.2 At the Finance and Management Committee of 23 April 2015 it was agreed that the District make a grant, equivalent to the element relating specifically to the designation of a neighbourhood area, to parish councils undertaking neighbourhood planning.

5.0 Corporate Implications

- 5.1 There is a requirement for the Local Planning Authority to formally designate Neighbourhood Areas if certain conditions are met. These conditions have been met and this designation will ensure that the Council is in compliance with its duties.

6.0 Community Implications

- 5.1 Local communities are not able to progress with a neighbourhood development plan unless the identified area has been formally designated. Willington Parish Council has identified a desire to pursue this course of action supported by community volunteers who have already been identified. Designation will enable the community to exercise its rights established within the Localism Bill.

7.0 Conclusions

- 7.1 The appropriate regulations have been followed and there is no reason to not designate a Neighbourhood Area.

8.0 Background Papers

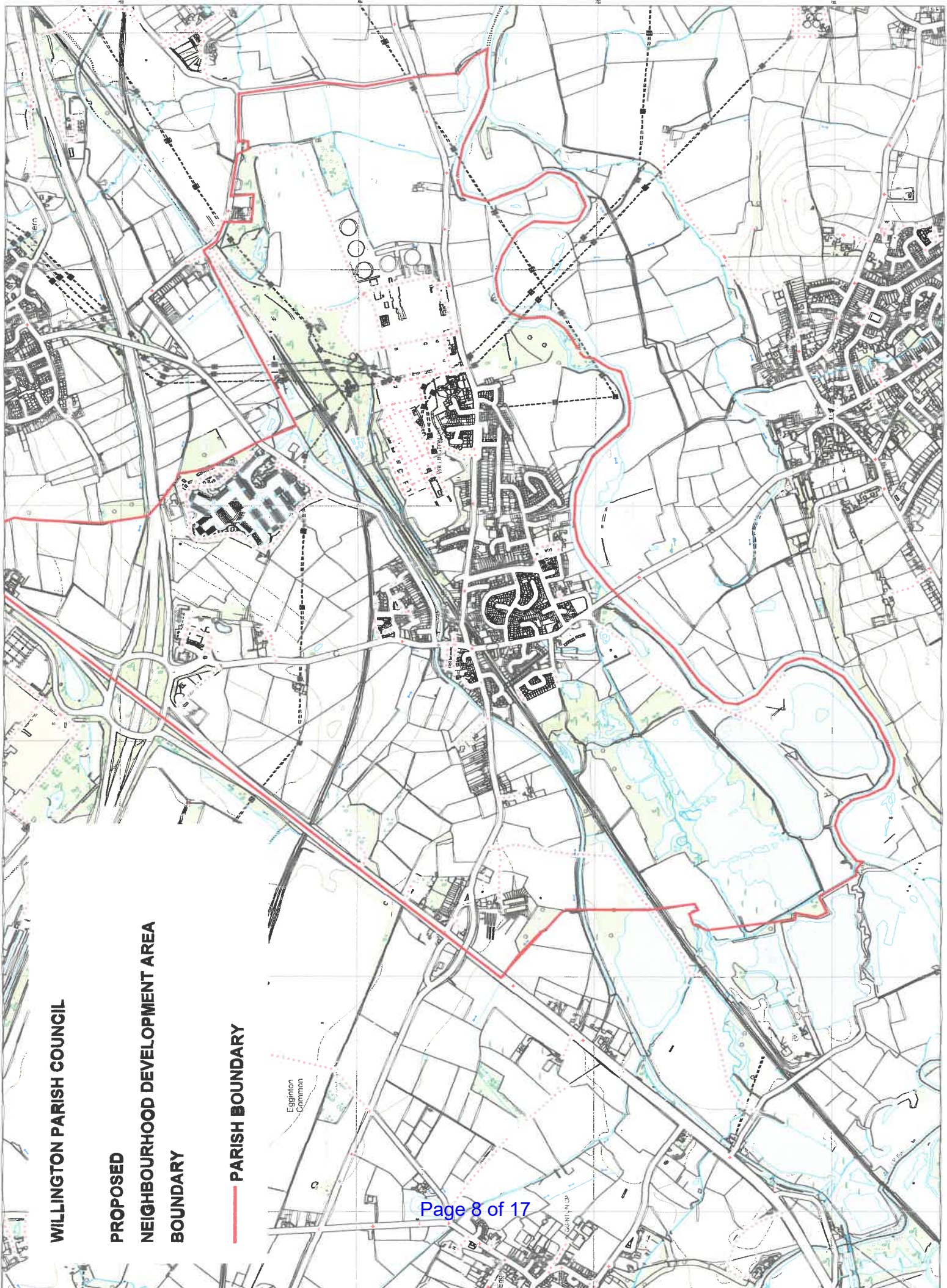
- 8.1 Appendix A – Map of area to be designated.
Appendix B – Application from Willington Parish Council.

WILLINGTON PARISH COUNCIL

**PROPOSED
NEIGHBOURHOOD DEVELOPMENT AREA
BOUNDARY**

— PARISH BOUNDARY

Eglington
Common



**Application to designate a Neighbourhoods Area,
Town and Country Planning act 1990,
Neighbourhood Planning (General) Regulations 2012**

1. Name of Parish Council: *Willington Parish Council*

2. Name of Neighbourhood Area: *Willington Parish*

3. Parish Clerk details: *Parish Clerk (Willington)
c/o 38 Beech Ave,
Willington,
Derby DE656DB*

South Derbyshire District Council

28 MAR 2019

Community & Planning Services

4. First contact details if different from the Parish Clerk: *n/a*

5. Additional contact: *Brian Davis
36 Beech Ave, Willington, DE65 6DB
01283 702762
bldavis@hotmail.co.uk*

6. Relevant body:

I confirm that we (Willington Parish Council) are the relevant body to undertake neighbourhood planning in our area in accordance with section 61G of the 1990 Act and section 5C of the 2012 Regulations

7. Intention of the Neighbourhood area:

We intend to undertake a Neighbourhood Development Plan

8. Explanation / justification of choice of area:

The area selected is the Willington Parish local government area. There are a number of administrative and operational benefits to the area specifically conforming with the administrative and electoral area boundaries of the Willington Parish, as well as more pressing planning issues relating to the area. These are as follows :-

- The Parish is well defined by the A50 (to the north), the A38 (to the West), the River Trent (to the South) and Frizams Lane to the East, centred on the village of Willington which contains the majority of population and services. The village has been designated a “key service village” and hence has a broader catchment area within the sub region.*
- The Willington Parish Council has operated for many years and is well established and recognised by residents as the normal unit for local administrative and planning matters and so it will be easier for parishioners to understand the process and to identify with it.*
- The Willington Parish Council can readily take the lead and its contribution in terms of finance and effort serving the whole of the designated area.*
- Any subsequent financial benefit, such as additional Community Infrastructure Levy, will be available to the whole parish.*
- The area conforms with the boundaries for many of the available local statistics and the ongoing SDDC local planning process.*
- Regular communication is aided by the majority of the area selected being covered by Parish Newsletter which is delivered to all houses (in the village) and is augmented by a growing following in social media*
- The Parish Council is keen to work with adjacent neighbouring communities - particularly where proposals might have particular impact on those communities - and will communicate with their Parish Councils.*
- Willington is situated on an important junction of the A50 and A38, just north of one of the few crossing points of the River Trent. This, along with key village status, countryside setting, the proximity of Derby all add to the pressures for development in and around the village making it essential for the community to have their say and help develop a plan which both recognises the importance of the village and contributes positively to the sub regional needs.*
- There is a long history of village residents wishing to have their say in the future planning of the village and its surrounding area and recent community discussions have underlined their eagerness to become involved in the NDP process.*

South Derbyshire District Council

28 MAR 2019

Community & Planning Services

9. Extent of the area (Map to be included):

The Willington Parish Boundary has been adopted as the proposed Willington Neighbourhood Development Plan area boundary. See attached plan.

10. Declaration:

Willington Parish Council hereby apply to designate a neighbourhood area as described on this form and the accompanying plan.

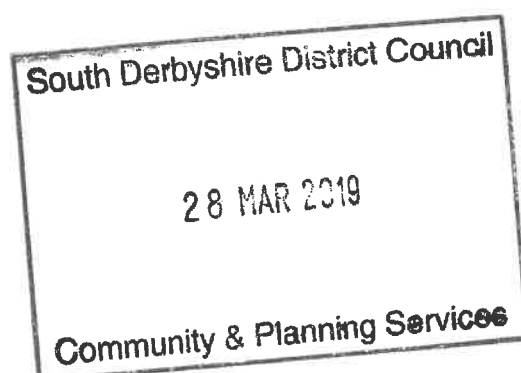
J. Stores

Locum Clerk.

12th March 2019

Signed Cliff. Warne Position Chairman

Date 12 March 2019.



REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	26th SEPTEMBER 2019	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	DEMOCRATIC SERVICES 01283 595848/5722 democraticservices@southderbyshire.gov. uk	DOC:
SUBJECT:	COMMITTEE WORK PROGRAMME	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: G

1.0 Recommendations

1.1 That the Committee considers and approves the updated work programme.

2.0 Purpose of Report

2.1 The Committee is asked to consider the updated work programme.

3.0 Detail

3.1 Attached at Annexe 'A' is an updated work programme document. The Committee is asked to consider and review the content of this document.

4.0 Financial Implications

4.1 None arising directly from this report.

5.0 Background Papers

5.1 Work Programme.

Environmental & Development Committee – 26th September 2019 Work Programme

Work Programme Area	Date of Committee meetings	Contact Officer (Contact details)
Reports Previously Considered by Last Three Committees		
Key Performance Indicators – Licensing Department	17 th April 2019	Emma McHugh Senior Licensing Officer (01283) 595716
Fixed Penalty Notices For Household Duty Of Care Offences	17 th April 2019	Matt Holford Environmental Health Manager (01283) 595856
Corporate Environmental Sustainability Group	17 th April 2019	Matt Holford Environmental Health Manager (01283) 595856
Business Support within the Environmental Health Service	17 th April 2019	Matt Holford Environmental Health Manager (01283) 595856
Service Plans	17 th April 2019	Communications Team (01283) 228705

Resources and Waste Strategy Consultation	17 th April 2019	Adrian Lowery Head of Operational Services (01283) 595764
Corporate Plan 2016-21: Performance Report Q4	30 th May 2019	Communications Team (01283) 228705
Update to Private Hire Licensing Policy and Conditions	30 th May 2019	Emma McHugh Senior Licensing Officer (01283) 595716
Corporate Plan 2016-21: Performance Report Q1	15 th August 2019	Communications Team (01283) 228705
Annual Enforcement and Compliance Report 2018/19	15 th August 2019	Matt Holford Head of Environmental Services (01283) 595856
Environmental Awareness and Local Community Action	15 th August 2019	Matt Holford Head of Environmental Services (01283) 595856
South Derbyshire Call for Sites	15 th August 2019	Karen Beavin Planning Policy Team Leader (01283) 595749
Gypsy and Traveller Site Allocations DPD Scoping Consultation	15 th August 2019	Karen Beavin Planning Policy Team Leader (01283) 595749

Biodiversity Plan for South Derbyshire	15 th August 2019	Karen Beavin Planning Policy Team Leader (01283) 595749
Food Service Plan 2019/20	15 th August 2019	Matt Holford Head of Environmental Services (01283) 595856
Swarkestone Public Footpath No. 9 (Part) Stopping up Order	15 th August 2019	Tony Sylvester Head of Planning Services and Strategic Housing (01283) 595743
Provisional Programme of Reports To Be Considered by Committee		
Derby HMA future Plan Production Options	14 th November 2019	Karen Beavin Planning Policy Team Leader (01283) 595749
Private Hire Cross Border Enforcement Operational Protocol	14 th November 2019	Emma McHugh Senior Licensing Officer (01283) 595716
Corporate Plan 2016-21: Performance Report Q2	14 th November 2019	Communications Team (01283) 228705
S106 Developer Contributions	14 th November 2019	Karen Beavin Planning Policy Team Leader (01283) 595749

Strategic Housing and Economic Land Availability Assessment - Methodology Consultation	14 th November 2019	Karen Beavin Planning Policy Team Leader (01283) 595749
Cross-Border Enforcement Policy	14 th November 2019	Emma McHugh Senior Licensing Officer (01283) 595716
Staff travel plan	14 th November 2019	Matt Holford Head of Environmental Services (01283) 595856
Lowes Lane PSPO	14 th November 2019	Matt Holford Head of Environmental Services (01283) 595856
Swadlincote Parking Policy	14 th November 2019	Matt Holford Head of Environmental Services (01283) 595856
Fleet Management Strategy	14 th November 2019	Adrian Lowery Head of Operational Services (01283) 595764
Recycling Contract	14 th November 2019	Adrian Lowery Head of Operational Services (01283) 595764
Climate Emergency Action Plan	January 2020	Matt Holford Head of Environmental Services (01283) 595856

Environmental Services - commercialisation business plan	January 2020	Matt Holford Head of Environmental Services (01283) 595856
Air Quality Strategy	5 th March 2020	Matt Holford Head of Environmental Services (01283) 595856
Fuel Poverty Strategy	5 th March 2020	Matt Holford Head of Environmental Services (01283) 595856
Corporate Plan 2016-21: Performance Report Q3	5 th March 2020	Communications Team (01283) 228705
Environmental Standards	5 th March 2020	Adrian Lowery Head of Operational Services (01283) 595764
Enforcement & Regulatory annual report	June 2020	Matt Holford Head of Environmental Services (01283) 595856
Waste and Minerals Plan Consultation from the County Council	TBC	Karen Beavin Planning Policy Team Leader (01283) 595749