

ENVIRONMENTAL AND DEVELOPMENT SERVICES
COMMITTEE

20 April 2023

OPEN

PRESENT:

Labour Group

Councillor Taylor (Chair) and Pegg (Vice-Chair)
Councillors M Mulgrew, Rhind (substituting for Councillor Heath), Singh
and Southerd.

Conservative Group

Councillors Bridgen (substituting for Councillor Haines), Brown,
Fitzpatrick, Lemmon, Smith (substituting for Councillor Ford) and Watson.

Non-Grouped

Councillor Wheelton.

EDS/80 **APOLOGIES**

The Committee was informed that apologies had been received from
Councillor Heath (Labour Group), and Councillors Ford and Haines
(Conservative Group).

EDS/81 **MINUTES**

The Open Minutes of meetings held on 11 August 2022, 22 September
2022, 10 November 2022, 03 January 2023 and 26 January 2023 were
received and signed by the Chair of the Committee.

EDS/82 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor Smith declared a personal
interest in item EDS/85 by virtue of being a County Councillor.

EDS/83 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL
PROCEDURE RULE NO 10**

The Committee was informed that no questions from Members of the Public
had been received.

EDS/84 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE

EDS/85 **PRE-SUBMISSION DRAFT DERBYSHIRE AND DERBY MINERALS LOCAL PLAN**

The report was presented to the Committee by the Planning Policy Officer who noted the objections to the proposal that had been received. Members were pleased to receive the report and proposed that where practicable land around the various sites should be restored to their original state, including grasslands for wildlife and suggested that planning applications affecting the reserves should consult Derbyshire County Council.

Members proposed that delegated authority be given to the Strategic Director (Service Delivery) and the Chair of the Committee to make reasonable recommendations for objections that included suggestions made by the Committee.

RESOLVED:

1.1 That the Committee agrees the Council's proposed response to Derby City Council and Derbyshire County Council's Draft Minerals Local Plan (MLP) consultation by objecting to:

(i) the allocation of more sites than are needed to meet the need for sand and gravel over the plan period based upon a forecast using the most recent annual average sales data in accordance with the National Planning Policy Framework (NPPF).

(ii) the allocation of the Sudbury and Foston sand and gravel site, on the basis that there has to date been no investigation as to whether the working of minerals on these sites, either individually or in combination, could lead to an increase in flood risk in the Lower Dove Valley. Any flooding could have a potential detrimental impact on considerable economic interests in the area as well as communities. Furthermore, the absence of flood risk evidence at the allocation stage means that any assessment to be submitted in support of subsequent planning applications that shows unacceptable adverse impacts may potentially lead to refusal. The sites cannot therefore be relied upon to contribute toward meeting sand and gravel needs over the plan period.

(iii) the allocation of the proposed Foston and Sudbury sand and gravel sites on the grounds that a precedent would be set in recent times for sand and gravel extraction in the Dove Valley, which would inevitably and irreversibly alter the character of the area.

(iv) the wording of Policy SP 19 which should be strengthened as follows:

“When considering the restoration of sand and gravel sites in the Trent, Derwent and Lower Dove Valley areas, the overall wider context of the site in the valley should be taken fully into account. ~~where practicable, including the potential for taking a coordinated approach with the restoration schemes of other sand and gravel workings in the area.~~ The Mineral Planning Authority will establish formal arrangements to work with communities and mineral operators and other stakeholders well in advance of the submission of any planning application to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the restoration of sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.”

(v) the wording of the Principal Planning Requirements relating to restoration of minerals works in the river valleys in respect of each of the proposed new sand and gravel allocations which should be strengthened as follows:

“The restoration of the site should take into account ~~of~~ requirements relating to the Restoration Strategy for the Trent Valley, as set out in Policy SP19, to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.”

(vi) the application of the site assessment methodology for the reasons set out in paragraph 8.26.

1.2 *The Committee approved delegated authority be given to the Strategic Director (Service Delivery) in consultation with the Chair of Environmental and Development Services to amend the resolution to take account of the Committee’s comments about, where practicable considering other factors, restoring land to its original use.*

EDS/86 DERBYSHIRE ROAD VERGES PROJECT

The report was presented to the Committee by the Head of Operational Services who confirmed that the areas covered by the project were detailed in table 1 of the report and that Derbyshire County Council owned the highways and that South Derbyshire District Council would undertake the grass cutting described outlined in the report with one cut at the beginning of the season and one 'cut and collect' at the end of the season. It was noted that the project was led by Derbyshire County Council and would be responsible for all communications.

Members discussed whether South Derbyshire District Council had any influence to change the project as there was significant discontent with the proposals and raised particular concern regarding the listed areas. Members noted that the issue of ragwort should be considered and raised concerns that included a risk to visibility splays at junctions, the growth impact along narrow roads, children's safety, the destruction to the aspect of rural villages and biodiversity.

It was agreed that the Head of Operational Services share information regarding previous trials with the Committee.

The Strategic Director (Service Delivery) informed the Committee that the verges were in the ownership of Derbyshire County Council and had responsibility to deal with ragwort.

The Committee proposed that concerns raised by Members should be submitted with the response to Derbyshire County Council and an amended project plan be requested.

RESOLVED:

1.1 That the Committee refused the proposed project plan and the areas of road verge to be included in this scheme.

EDS/87 NSIP CONSULTATION FOR OAKLANDS SOLAR FARM

The report was presented to the Committee by the Head of Planning and Strategic Housing who confirmed that it was an opportunity for the Council to be involved and provide comments about the proposal during the pre-application stage. The Committee was informed that changes had been made since the original report which included revised access and additional information on Rights of Way and public footpaths.

The Chair clarified that South Derbyshire District Council would be able to enter a Planning Performance Agreement utilising South Derbyshire District Council and Derbyshire County Council expertise, with an option to access independent third party advice.

Members sought clarification regarding the development contribution of the Planning Performance Agreement and expressed concerns that South Derbyshire District Council did not have traffic and transport expertise.

The Head of Planning and Strategic Housing confirmed that the Council would contribute to Derbyshire County Council Highways Agency and outlined the processes under the Planning Performance Agreement. The Head of Planning and Strategic Housing clarified that an element of the development contribution would be used by South Derbyshire District Council to purchase additional information from third party experts.

RESOLVED:

1.1 The Committee considered and resolved the District Council's approach to securing relevant expert input into topic areas relating to the Oaklands Solar Farm project. Up to that point the District Council had relied upon specialist officers within Derbyshire County Council (DCC) to inform the relevant topics arising from the project where it had the expertise which the District Council did not, with the intention that if there were any gaps in specialist advisers with no appropriate in-house expert officers either within the District Council or Derbyshire County Council, then to seek to jointly secured services of a third-party specialist to advise both authorities on those matters. The Committee considered and resolved the merits of an alternative approach to securing expert input into topic areas, which would mean the District Council procuring its own third-party expertise from other sources.

1.2 The Committee considered and resolved the District Council's approach to securing a Planning Performance Agreement (PPA) associated with the project relating to the District Council. The Committee considered and resolved to seek advice on three areas: Transport and Access, Glint and Glare, and Geology, Soils and Agricultural Land.

1.3 The Committee considered and resolved the District Council's comments on a targeted re-consultation on recent changes made to the proposals including the additional highways impacts as a result of potential delays to the opening of the Walton bridge.

EDS/88 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the report to the Committee and advised that the that the Work Programme was to be updated with the following reports:

- Corporate Performance and Risk Quarter 4
- Route Optimisation
- Enforcement and Regulatory Activity Annual Report 2023
- Climate and Environmental Action Plan Review
- Electric Recharge Infrastructure
- Environmental Services Commercialisation Plan Review –
- Authority Monitoring Report

Other areas for inclusion on the Work Programme were suggested and the following were noted, with dates to be confirmed.

- Review of South Derbyshire Smoke Control Areas
- Enforcement of Animals in Distress Policy
- Collection of Food Waste Proposals
- Fleet Management
- Local Plan Issues and Option Update
- Route Optimisation

The Chair requested an update to the East Midlands Airport and Gypsy Travellers Accommodation Assessment programmes.

RESOLVED:

1.1 The Committee considered and approved the updated work programme.

EDS/89

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 would be 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 Meetings held on 22 September 2022, 10 November 2022 and 26 January 2023 were received.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no exempt questions from Members of the Council had been received.

CONSULTATION ON PLANNING FEE INCREASE AND STAFFING CHANGES

The Committee approved the recommendations within the report.

GREEN WASTE PROCESSING CONTRACT

The Committee approved the recommendations within the report.

The meeting terminated at 20:10 hours

COUNCILLOR S TAYLOR

CHAIR