

MINUTES of the SPECIAL MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 2nd December 2004
at 6.00 p.m.

PRESENT:-

Labour Group

Councillor Mrs. Mead (Chair), Councillor Jones (Vice-Chair) and Councillors Bambrick, Dunn, Harrington, Lane, Mulgrew, Pabla, Richards, Shepherd, Stone, Taylor, Whyman, M.B.E. and Wilkins.

Conservative Group

Councillors Bale, Bladen, Ford, Mrs. Hall, Harrison, Mrs. Hood, Hood, Mrs. Renwick and Mrs. Wheeler.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Bell, Carroll, Isham, Lauro, Murphy, Southerd and Southern (Labour Group), Councillors Atkin, Lemmon, Martin and Nalty (Conservative Group) and Councillor Mrs. Walton (Independent Member).

CL/96. **DECLARATIONS OF INTEREST**

Councillor Whyman, M.B.E. declared a prejudicial interest in Minute No. CL/101 (South Derbyshire Local Plan – Public Inquiry Inspector’s Report) as an employee of a respondent and advised that he would withdraw from the Meeting during the discussion of any employment issues, if necessary.

CL/97. **CHAIR’S ANNOUNCEMENTS**

The Chair referred to her report to the last Meeting on the Council’s success on receiving the Silver Award at the Green Apple Awards Ceremony at the Houses of Parliament on 4th November for the Environmental Education Project at Rosliston Forestry Centre. These National and International Awards celebrated environmental best practice and the Chair presented Kate Allies, the Council’s Environmental Development Officer, with the Silver Award which she had collected with Councillor Taylor at the Awards Ceremony. Kate Allies thanked Members for their support which had enabled the project to be short-listed for an award.

The Chair thanked those who had supported her Charity Sixties Evening together with the sponsored ‘Learn to Ride Challenge’. The Chair advised that on 21st January 2005, Glendinoree Promotions were organising ‘An Evening of Country Music’ at Belvedere Park Club, Burton-on-Trent in aid of her charity appeal and tickets were now available. On 11th February 2005, volunteers from the St. Giles Hospice were organising a ‘Silent Auction’ at Gresley Old Hall in aid of her charity appeal. The Civic Dinner and Dance would be held at the Bretby Conference Centre at 5th March 2005 and the charity golf competition would be held at the Branston Golf and Country Club on 20th May 2005.

CL/98. **LEADER'S ANNOUNCEMENTS**

The Leader reported that an integral part of the 2004 National Pay Settlement required all Authorities to undertake a pay and grading review by 1st April 2007. Accordingly, the Council's Single Status Steering Group had been reconvened and further progress reports would be submitted in due course.

The Leader advised that he had attended the East Midlands Regional Local Government Association conference earlier in the week, at which he had met Sandra Whiles, the Council's former Head of Community Services. She currently held the post of Acting Chief Executive of Blaby District Council and had conveyed her good wishes to Members and Officers.

CL/99. **DRAFT HILTON VILLAGE ACTION PLAN**

It was reported that Groundwork Erewash Valley had been working with Hilton Village Hall Committee on behalf of Hilton Parish Council to undertake widespread consultation with local residents on their thoughts, aspirations and needs for future community facilities provision in the village. The catalyst for this process had been the extensive housing development associated with the redevelopment of Hilton Depot, together with its associated funding under the Section 106 Agreement. The purpose of the consultation was to provide guidance on how these funds of approximately £456,000 should be used in accordance with the wishes of the community.

A programme of consultation had been undertaken throughout the summer, culminating in a final event in September. A list of projects and programme areas had been devised based on these responses, which formed the basis of the Draft Action Area Plan and which had now been distributed for consultation. The Action Plan Summary had been circulated to Members.

The document outlined the changes that had occurred in the village and set out the consultation framework undertaken through questionnaires, 'on street' interviews, workshops and a final consultation roadshow when the final action points were prioritised. The Action Plan set out action points under the broad headings of green space and environment, infrastructure, play and recreation, and community services. The remainder of the document outlined the evidence and priority rating of the recommended actions.

Whilst there were several minor textual inaccuracies, the Divisional Service Managers affected had been consulted and had generally welcomed the plan. They felt that some form of prioritised timetable of implementation would be beneficial and looked forward to working with the Parish Council on developing a timetable and supporting its delivery, where practicable. The Head of Planning Services had also advised that the plan would need to be assessed in relation to the wider assessment needs of the District, such as the PPG 17 Study of Sports Facilities currently ongoing and decisions on any replacement of the Etwall Leisure Centre. In the interests of clarity, it was also considered that references to the local highway and local education authorities should be amended to specify the Derbyshire County Council.

A Member queried the timetable for Action Plans relating to other villages and this issue would be clarified with the Member concerned.

RESOLVED:-

That the Draft Hilton Village Action Plan be welcomed.

CL/100. **DRAFT SOUTH DERBYSHIRE COMMUNITY STRATEGY – THE COUNCIL'S RESPONSE**

It was reported that the Council has been formally invited by the South Derbyshire Local Strategic Partnership (SDLSP) to comment on the Draft South Derbyshire Community Strategy, which had been circulated to Members. This was part of a wider programme of consultation, which sought to encourage local people and organisations to submit their own ideas on the needs to improve the quality of life in South Derbyshire over the next five years. The Council had agreed that the Community Scrutiny Committee should prepare a response and accordingly, Councillor Harrington, the Chair of the Committee presented a report which had been developed at two informal Meetings of the Committee and finalised at a formal Meeting on 29th November 2004.

The Local Government Act 2000 placed a duty on the Council to work with its partners to produce a Community Strategy that would assist to improve the economic, social and environmental wellbeing of South Derbyshire. Community Strategies were also intended to help local communities identify and improve issues which were important to them and establish a framework for service providers and local communities to work together on the delivery of shared priorities.

The Draft Strategy had been developed by the SDLSP around several building blocks, being an overall vision, six broad themes, priorities for action and examples of the types of action that could be taken. The types of action proposed were those where partners could achieve more by working together or by doing things in new ways. This entailed several important issues continuing to be dealt with by partners outside of the Community Strategy process. When the Strategy was finalised, it would become the overarching strategy/plan for the District and it was expected that this would have a major impact on the way in which Council services were planned and delivered.

Consultation within the organisation had involved information items in the employees' Team Brief and at the Corporate Improvement Group, a Members' Workshop and the submission of reports to the September/November cycle of Policy Committees. In addition, the Community Scrutiny Committee had extended an invitation to all Members and Senior Managers to attend its informal Meeting on 24th November 2004 to provide their views and/or make written submissions. The Committee was satisfied that there had been sufficient opportunity within the organisation for comment.

In developing the response, the Committee had sought to focus on similar questions to those contained in the reports to Policy Committees. The response was divided into two parts, being general comments and specific comments which were detailed in the report. It was considered that the development of the Draft Strategy was much needed and very welcome. It provided a clear vision for South Derbyshire over the next five years and a framework in which service providers and local communities could work together on the identification and delivery of shared priorities.

There was a large measure of consistency between the key aims and priorities of the Council's current Corporate Plan and the themes and priorities of the Draft Strategy. The Safe Communities, Vibrant Economy and Sustainable Environment themes of the Draft Strategy related directly to Corporate Plan key aims, with some shared priorities and actions. There was also some overlap in other areas, with proposals for leisure being dealt with in the Lifelong Learning and Culture whilst support for the National Forest was covered in the Sustainable Environment theme.

The main difference was in the treatment of health and housing issues. Unlike the Corporate Plan, the Draft Strategy had a specific theme relating to Healthy Communities. The inclusion of this theme was strongly supported, given the importance of health services to local people and development of the national agenda around children and young people and the provision of support to vulnerable people. Housing did not have its own theme, although issues relating to housing matters were dealt with in the Healthy Communities theme, Sustainable Environment and Creating Opportunities for All. It was considered that this arrangement did not detract from the robustness of the Draft Strategy and the six themes that had been identified were supported by the Council. Looking ahead, the Community Strategy would have a key role in shaping the plans and strategies of all partners and there were several areas where the Draft Strategy should be strengthened in order to demonstrate commitment and leadership to local people.

The first of these areas related to social inclusion. Although aspects of this issue were dealt with in several themes, it should be given more emphasis in order to focus attention on the delivery of client centred services and the provision of support to socially excluded and vulnerable people. A solution could involve making social inclusion a priority within the cross-cutting Creating Opportunities for All theme, and including this theme at the beginning of the Strategy.

The second area where the Draft Strategy needed to be strengthened related to the environment. According to Government Guidance, one of the functions of a Community Strategy was to contribute to the achievement of sustainable development both locally and more widely. This required local people and organisations to work together around an agreed agenda. Actions relating to monitoring performance on environmental issues and pursuing EMAS (Environmental Management and Auditing Scheme) accreditation for partner organisations would help to strengthen this area.

The inclusion of a priority relating to improving communication and consultation within the Creating Opportunities for All theme was particularly welcomed. However there was a need to ensure that this was translated into action and that partners communicated on a regular basis and co-ordinated their programmes of consultation with local people. There was a particular need for the SDLSP to develop a communications strategy in order that local people were aware of the work of the partnership.

The importance of partnership working to the successful delivery of the Strategy could not be emphasised too highly. The Council had found through experience that partnership working often resulted in better policies, additional resources, increased management capacity and new ways of delivering services. Accordingly, it was pleasing to note that 'working collectively and collaboratively to achieve more than we can on our own' was one of the principles that underpinned the Strategy. In the current Corporate

Plan, the Council had acknowledged the need for the SDLSP to operate effectively and on a sustainable basis and would be seeking to address this issue with partners in the development of arrangements for delivering the Strategy.

The final general comment related to the next stage in the development and delivery of the Strategy. When the Draft Strategy had been finalised, there would be a need to formulate an Action Plan as quickly as possible. This should specify timescales, delivery agencies and resources together with outcomes that would be clearly evident to local people.

The following specific comments had been suggested on the Draft Strategy:-

Theme 1: Safe Communities

- There should be a reference to local Crime Reduction Groups in the section on 'Background Information'.
- The third bullet point on 'The Future' should mention the prevention of alcohol as well as substance misuse.
- Tackling the fear of crime should also be a priority (in 'Getting There').
- In terms of actions, establishing a Neighbourhood Warden Scheme; providing more dedicated youth facilities and activities; organising more activities during the school holidays; and, introducing on the spot fines for anti-social behaviour are priorities for the Council.
- The action relating to raising awareness of the roles and responsibilities played by agencies in tackling anti-social behaviour has little value and should be deleted.

Theme 2: Healthy Communities

- Improving access to GPs, dentists and pharmacists is a priority for the Council in terms of actions.
- A further action relating to the restriction of smoking in public places should be included.

Theme 3: A Vibrant Economy

- Developing tourism should also be a priority (in 'Getting There').
- There may be some scope for rationalising/linking the large number of actions under this Theme.
- Consulting businesses to determine their needs; developing the skills and potential of the local workforce; doing more to secure external funding for regeneration; and, promoting South Derbyshire as a visitor destination are priorities for the Council.
- The action relating to encouraging local businesses to use the internet to purchase goods should be clarified/strengthened to refer to the promotion of local purchasing.
- There should be a further action relating to the Council and its partners acting in a 'broker' type role to assist businesses to meet their employment needs.

Theme 4: A Sustainable Environment

- The reference to ‘improving the environment by working together’ is strongly supported.
- Establishing an Environmental Forum for South Derbyshire is a priority for the Council in terms of actions.
- The overlap with actions in the Community Safety theme relating to litter, fly tipping and graffiti should be addressed.

Theme 5: Lifelong Learning and Culture

- Maximising the use of existing accommodation to increase education and training opportunities is a priority. This action should be strengthened to ensure that accommodation is accessible and available for a wide range of community uses (including meeting places).

Theme 6: Creating Opportunities for All

- In the section on Background information, the bullet point relating to travellers and access to services needs to be clarified; also in this section, the reference to ‘in South Derbyshire’ in the final bullet point should be deleted as some ex-offenders may wish to return to their own communities.
- Tackling Social Inclusion should be added to the priorities in ‘Getting There’ and listed first to underline its importance.
- Improving access to services for rural communities is a priority for the Council in terms of actions.
- A further priority action would be to ensure equality of service provision across the district.

RESOLVED:-

That the report be noted and the comments outlined above be endorsed as this Council’s response to the Draft South Derbyshire Community Strategy.

CL/101. **SOUTH DERBYSHIRE LOCAL PLAN – PUBLIC INQUIRY INSPECTOR’S REPORT**

It was reported that at its Meeting held on 11th November 2004, the Environmental and Development Services Committee had considered the Inspector’s Report of the Local Plan Public Inquiry. The Committee had recommended that in response to the Inspector’s recommendations, several changes to the policies and explanatory text be approved by the Council. Following discussions between Officers of the District and City Councils, an appropriate boundary for the allocation at Highfield Farm was now proposed. Minor changes to the wording of the associated policy and explanatory text were also proposed as a result of the discussions and the new wording was considered by Members. Subsequent to the Committee Meeting, Members of Egginton Parish Council had now confirmed that the shop/post office had closed permanently and that the bus service did not actually through the village but rather some distance from it. Raising the status of the settlement to that of ‘serviced village’ and other consequential changes associated with doing so, as recommended at the Committee, were therefore no longer appropriate.

At the time of the Committee Meeting, there was an outstanding item relating to affordable housing that awaited a response from the Inspector. This had now been received and further changes to the text, particularly Policy H10, were considered by Members. The Inspector was not satisfied with the methodology used in the 2002 Housing Market and Needs Survey (HMNS) as it was not based upon a survey of the District, but used secondary administrative data. He was therefore sceptical about the overall level of need identified in the study of 28% and felt that the document deviated considerably from the ODPM Guidance. The Inspector had recommended that reference be made in Policy H10 and in all the specific housing allocation policies to the provision of ‘up to 20% of affordable housing’. He considered that this would allow for provision in accordance with the numerical conclusions in the HMNS if further investigations revealed those conclusions to be valid. However, allowance would be made for lower levels of provision if this was revealed to be appropriate.

Officers disagreed with the Inspector’s recommendations for several reasons. Firstly, the Government Guidance (stating that surveys were valuable tools but not stating that they were essential) was currently under review as a result of it being widely recognised, including by the ODPM, to contain problems. Indeed, the original author of the Guidance had completed a report for Scotland based wholly upon secondary data. The South Notts Housing Needs Model, accepted as giving the housing needs element for South Nottinghamshire Local Authorities, was also based upon secondary data. One of the major reasons for not using actual surveys related to the cost and that data could become out of date very quickly. Secondly, it was considered that the Inspector’s recommendation was inconsistent, as if there was justification for a lower provision of affordable housing, then setting the ceiling at 20% did not allow the flexibility to negotiate for more than 20% if evidence was produced to justify a higher figure. This was particularly important when considering housing allocations on the edge of Derby City, where the need demonstrated by its study was approximately 30%.

Officers felt that the starting point for negotiating affordable housing provision should remain as set out in Policy H10 of the Revised Deposit Draft Local Plan at 20%. However, the explanatory text should make it clear that this figure could be negotiated downwards if justified by a lower level of need or excessive site development costs, or upwards where there was evidence of greater need. With regard to the individual allocated sites, reference was already made to the provision of affordable housing and it appeared sensible to leave the actual figure for negotiation to the time of the planning application in order that use could be made of the current available data at the time.

At the Committee Meeting, reference had been made to a letter from Redrow Homes forwarded to every Member of the Council. It was advised that this letter contained inaccuracies and that on initial investigation, Officers considered that the other sites justified allocation prior to the site at Stenson Meadows. The Officers’ position had been confirmed by further investigation of the merits of each site and by a meeting with Officers of Derby City Council. This confirmed previous concerns regarding any allocation off Stenson Road, as it was too narrow to provide opportunities for significant improvement to public transport flows. The bus services on this route took double the time to reach the city centre than from Highfield Farm and there were no measures contained within the Local Transport Plan (LTP) to improve

the situation. However, improvements were feasible and programmed into the LTP for the corridor into the city centre from Highfields Farm.

Reference was also made to a letter received from the owners of the Willington Power Station site, making reference to the potential for the Council to be subject to legal challenge. Expert legal advice had been sought on the implications of any legal challenge and details of this had been circulated to Members. The Inspector had concluded that the Power Station site performed so poorly against other named green field sites on the Derby fringe and at Melbourne for various reasons outlined to Members. The Head of Planning Services referred to further correspondence recently received from the Environment Agency and on behalf of the owner of the Willington Power Station site. The basis of this correspondence was that the owner would be most likely to demonstrate that the site would not be in the flood plain. Nevertheless, efforts by Thames Water to overcome the conclusions of the Inspector failed for reasons relating to the sequential approach in paragraphs 30-32 of PPG3. The additional indications of arrangements with the bus company and the Parish Council could be anticipated and did not constitute substantial new information.

In conclusion, it was considered that with the few exceptions identified above and in the report to the Environmental and Development Services Committee, the Inspector's conclusions were sound and well rooted in Government and Strategic Planning Policy. It was therefore considered appropriate to accept them and adopt the Local Plan accordingly. Prior to this, however, the Council must publish modifications to the Plan and consider any objections received within a statutory period of six weeks. These must be considered and evaluated to ascertain if new issues arose of sufficient weight to warrant holding a further Inquiry. In response to a question, the Local Plans Manager advised that it was hoped that the statutory period of six weeks would commence early in the New Year.

Members expressed their gratitude to the Officers who had been involved in the substantial work necessary on this matter.

RESOLVED:-

- (1) That, with the exception of the changes relating to Egginton, the changes to the Revised Deposit Draft Local Plan attached at Annexe 'A' to these Minutes, as recommended by the Environmental and Development Services Committee on 11th November 2004, be approved.***
- (2) That the boundary for the Highfield Farm allocation as indicated at Annexe 'B' to these Minutes, together with minor changes to the wording of the associated policy and explanatory text, be approved.***
- (3) That the further changes to the Plan relating to affordable housing attached at Annexe 'C' to these Minutes be approved.***
- (4) That the modifications to the Plan be published in accordance with statutory requirements.***

CL/102. **LOCAL GOVERNMENT 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined under the paragraphs of Part 1 of Schedule 12A of the Act as indicated in the reports of Committees.

PROPOSED SETTLEMENT OF A COMPLAINT (Paragraph 12)

The Council approved a payment as a Local Settlement of a complaint.

MRS. J. MEAD

CHAIR