

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

13th November 2003

PRESENT:-

Labour Group

Councillor Southerd (Chair), Councillor Taylor (Vice-Chair) and Councillors Isham, Jones, Mulgrew (substitute for Councillor Carroll), Shepherd, Stone and Whyman, M.B.E.

Conservative Group

Councillors Atkin, Bladen, Ford, Mrs. Hall and Mrs. Renwick (substitute for Councillor Martin).

In Attendance

Councillor Harrington (Labour Group).

APOLOGIES

Apologies for absence from the Meeting were received from Councillor Carroll (Labour Group) and Councillor Martin (Conservative Group).

EDS/42. **MINUTES**

The Open and Exempt Minutes of the Meeting held on 2nd October 2003 were taken as read, approved as true records and signed by the Chair.

MATTERS DELEGATED TO COMMITTEE

EDS/43. **MEMBERS' QUESTIONS AND REPORTS**

(a) Developer's Contributions to Education Provision

Councillor Taylor commented that a number of recent planning applications had highlighted an inconsistent approach in the use of Section 106 Agreements, to require developers to contribute to education provision. He understood that there was an agreement between the District and County Councils, but felt that a more consistent approach was needed and suggested a similar approach to that agreed with the Primary Care Trust for contributions towards health provision.

RESOLVED:-

That a report be submitted to the next Meeting of the Committee to consider a review of policy on the contribution that developers are required to make towards education provision.

(b) Adoption of Highways – Swadlincote Woodlands Development

Councillor Taylor asked whether highways on the Swadlincote Woodlands development had yet been adopted by Derbyshire County Council. He spoke of the problems experienced due to the lack of winter maintenance last year.

He requested that if the roads were not yet adopted, the Council liaise with developers to prevent a repeat of these problems. The Chair echoed Councillor Taylor's concerns, referring to problems on the Thorpe Downs estate in Church Gresley, prior to its adoption.

RESOLVED:-

That Officers investigate whether highways on the Swadlincote Woodlands Development have been adopted and ensure that arrangements are made for winter maintenance.

EDS/44. **REPORTS OF OVERVIEW AND SCRUTINY COMMITTEES – BEST VALUE REVIEW OF OLDER PEOPLE IN THE COMMUNITY**

It was reported that Derbyshire County Council completed a major Best Value Review of "Older People in the Community" during the summer. A copy of the Executive Summary had been circulated and it had been considered by the Community Scrutiny Committee. The Scrutiny Committee felt that the review might have implications for a number of Council services and that policy committees should be consulted prior to finalising the response to Derbyshire County Council.

The review was citizen based, focusing on four main themes that were originally identified through consultation with older people. The four themes were set out within the report, together with a number of specific issues. Proposals and options for improvement were outlined and a "Strategy for Older People" Action Plan was proposed.

The Committee was asked to consider how the review might impact on its service areas and a number of specific issues were highlighted to aid discussion of this topic. Councillor Harrington presented the report. He sought Members feedback and they were welcome to attend the next Community Scrutiny Committee when this Best Value Review would be considered in further detail.

The Chair felt that the implications of this report were significant. Other Members spoke about the centralisation of services and the need for effective community transport, which had been recognised as a key issue. Councillor Harrington responded to a question on financial implications, relating to the partnership nature of this review. The Chair felt that the review had highlighted the wish of elderly people to stay in their own homes and receive appropriate support services. A view was expressed that there was a wealth of people skills and knowledge to support others in the community. The Community Scrutiny Committee was thanked for the report.

RESOLVED:-

That Members' views be reported to the Community Scrutiny Committee on the County Council's Best Value Review of "Older People in the Community".

EDS/45. **DRAFT SERVICE PLANS 2004/07**

The Committee gave consideration to draft Service Plans for the period 2004/07 for the Planning Services, Economic Development and

Environmental Health Divisions. It was noted that some elements of the Economic Development and Environmental Health Service Plans were the responsibility of other Committees. The Technical Services Plan was not presently available and would be reported to a future Meeting, to be agreed with the Chair.

Service Plans provided an important part of the Council's Performance Management Framework and details were given of those other elements within this framework. The form and content of Service Plans had been revised with the aim of making them shorter and more focused on key issues. They had also been extended to cover a three-year period, although they would be reviewed and rolled forward annually. Progress reports would continue to be made every six months. Details were provided of the sections contained within each Service Plan. All plans had been developed on the basis that there would be no change in the level of resources devoted to that service area. Proposals for service developments or reductions along with new capital projects would be considered through a separate mechanism and incorporated into the Service Plans at a later date. Proposals resulting from the new Corporate Plan would also need to be included later. It was proposed therefore that the Chief Executive, in consultation with the Chair of the Committee, be authorised to agree final versions of the plans when the budget and the Corporate Plan had been approved.

Members were invited to highlight issues stemming from the Service Plans that they would wish to be included in the budget process, or other proposals for savings or growth on revenue or capital schemes. A meeting of the Services and Financial Planning Working Panel would be held on 17th December to consider all of the proposals and to prioritise them in line with the Council's available resources. Members could also bring proposals and ideas to the attention of the relevant Divisional Manager or Head of Service as part of this process.

Each Divisional Manager was invited to highlight key issues within their Service Plan. The Planning Services Manager spoke of current resource issues and advised that Service Development Proposals would be submitted through the budget process. If these proved unsuccessful, it might impact on the final Service Plan. The Officer responded to Members' questions and clarification was provided about the key task on the introduction of public speaking at the Development Control Committee. It was confirmed that the proposed timescale was to prepare for the introduction of public speaking, rather than the commencement of public speaking at Committee. In response to a question from the Vice-Chair, the Officer explained planned gateway improvements to Swadlincote Town Centre. It was also hoped that landowners could be encouraged to utilise land for forestry planting. Information was provided on progress with adoption of the revised Local Plan and it was noted that the new Planning and Compensation Bill would make the revised Local Plan obsolete within a shorter time period. The Leader of the Council commented on the performance indicators and he felt that the percentage information would be more meaningful if supported by actual figures. With the Chair's approval, Councillor Harrington spoke to this item. He felt there was a need for improved surfacing in the Town Centre and better access to some shops to assist people with disabilities. An explanation was provided of the contribution of development to "greener" public open space.

The Economic Development Service Plan was discussed. The Leader of the Council submitted questions about the number of inward investment enquiries received, the income generated from the Council's property portfolio, improvements to heating and ventilation systems within the Civic Offices, together with their cost and projected timescale. He also questioned future budget pressures and the review of space requirements within the Civic Offices. The Economic Development Manager responded to each issue, explaining the number of enquiries received from the East Midlands Development Agency, those made direct to the Council and the approach taken to deal with enquiries. He confirmed that income from the property portfolio was treated as general capital resources. He then spoke of the survey by Penningtons on heating and ventilation improvements and progress with the review of space requirements within the Civic Offices.

In response to a question from Councillor Ford, it was confirmed that the Council did not presently seek to acquire further property assets. Councillor Taylor referred to the Best Value Indicator on energy consumption and felt that the Council should seek to reduce its level of energy consumption. He referred to the key task on Economic Development and there was a discussion about the level of take-up in the environmental improvement scheme. In response to a question from Councillor Isham, further information was provided on the devolution of facilities management to Community Groups.

The Committee discussed the Service Plan for the Environmental Health Division and Members praised the staff within this Division. The Leader of the Council was concerned at the apparent lack of preparation for the transfer of liquor licensing to the Council. He understood that in some local authorities, recruitments had already taken place and training was being provided for Officers and Members. He spoke of planned legislation to restrict the use of fireworks and asked how this would impact on the Council. He also submitted questions on overcrowding standards and inspections for immigration purposes. A response was provided to each of the issues raised. A County wide approach was being taken to establish consistent liquor licensing guidelines throughout Derbyshire, whilst allowing a degree of local flexibility. The Officer referred to the need for additional staff and the preparation of a service development proposal to address this need. He then commented on the planned legislation to restrict the use of fireworks and would arrange for an appropriate Officer to contact the Leader to provide further information about immigration visits.

In response to a question from Councillor Ford, information was provided on the Council's role in the 'operation Aberdeen' investigation. This investigation led to the seizure of some four tonnes of meat and ultimately the imprisonment of four people. No additional funding had been received, but this case had highlighted the need for staff support and a protocol had since been established with the Food Standards Agency. Councillor Mrs. Renwick spoke of the difficulties in contacting Pest Control Officers by telephone. It was explained that these two Officers spent the majority of their time away from the Civic Offices. However, they had mobile telephones and messages could be passed to the Officers concerned. Councillor Atkin asked about the review of the traveller toleration policy and felt that the proposed timescale should be brought forward. The Officer explained that this was a target date and it might be possible to undertake the review sooner. It was confirmed that Derbyshire County Council met the costs of

traveller site provision. Councillor Taylor praised the work of the Environmental Health Division and supported an earlier suggestion that the Division seek a quality mark. He then sought further information about integrated pollution prevention and control, specifically relating to the permit for Toyota UK Limited. Other questions were submitted about enforcement action for maintenance of hedges which caused a hazard and with regard to home energy efficiency. The Chair requested that Members' praise be passed on to staff within the Division.

RESOLVED:-

- (1) That the Draft Service Plans for Planning Services, Economic Development and Environmental Health be approved as the basis for service delivery over the period April 2004 to March 2007.***
- (2) That the Chief Executive be authorised, in consultation with the Chair of the Committee, to agree final versions of these plans when the new Corporate Plan and the 2004/05 budget have been approved.***
- (3) That Members' views be taken forward regarding matters to be addressed through the budgetary process.***

EDS/46. **CRITICAL ORDINARY WATERCOURSES – ENVIRONMENT AGENCY ENMAINTMENT**

The Committee was informed of proposals to transfer management and maintenance responsibilities to the Environment Agency (EA) for four Critical Ordinary Watercourses (COW's). These were located at Hatton, Stanton, Willington and Shardlow and only represented a small proportion of the total watercourses within South Derbyshire. The Council would retain responsibility for managing and maintaining all other watercourses, many of which were the cause of localised flooding. Against the background of the November 2000 floods, the Government had reviewed the funding of flood and coastal defence work. One outcome was to give the EA statutory powers for those watercourses that presented the greatest flooding risk. The EA had programmed the transfer of COW's nationally over the next three years, with uncontested watercourses being concluded in the early spring of 2004. The EA would then accept the entire costs for future maintenance and management of those watercourses enmained. There was an option for the Council to contract back responsibility for the four COWs, through an operating authority's agreement. The advantages and disadvantages of contracting back were appended to the report. Officers considered that the best option was not to contract back responsibility for the watercourses. This view had been supported by a County-wide Land Drainage Officer's Group. The financial and legal implications were also reported.

In receiving the report, Members noted that the transfer was not due to take place until April 2004. Councillor Atkin referred to recent comments made at a Flood Liaison Meeting and the Officer confirmed that those issues raised with regard to relevant watercourses would be forwarded to the EA. The Leader of the Council was alarmed at the proposal to transfer responsibility for these watercourses. He reminded Members of the devastating affects of the 2000 floods and felt that residents would have little confidence in the EA and its responsiveness to flooding problems. He felt that residents turned to

the District Council when a crisis occurred. The Chair suggested that a Working Group be formed to look at this issue in greater detail. Comment was also made about three other COW's that were not planned for transfer to the EA and there was a discussion about the risk of these watercourses flooding.

RESOLVED:-

- (1) That a Task and Finish Working Group be formed to consider this issue in greater detail and then report back on its findings.***
- (2) That the Working Group comprises five Members as follows:-***

Labour Group

Councillors Southerd, Taylor and Whyman

Conservative Group

Two Members - to be confirmed.

EDS/47. **PROPOSED DIVERSION PUBLIC FOOTPATH NO. 8 (PART) PARISH OF MELBOURNE**

It was reported that an application had been received to divert part of the above public right of way. The diversion was necessary to enable development, following a successful planning application. The Committee was advised of the current definitive line, the proposal and the assessment of the Rights of Way Officer. An informal consultation period had been completed and no objections had been received.

RESOLVED:-

That an Order be made under the provisions of Section 257 of the Town and Country Planning Act 1990 to divert part of the definitive line of Public Footpath No. 8, Parish of Melbourne.

EDS/48. **PROPOSED DIVERSION PUBLIC FOOTPATH NO. 8 (PART) PARISH OF FOSTON AND SCROPTON**

It was reported that an application had been received to divert part of the above public right of way. The diversion was necessary to enable the construction of a secure vehicle storage compound, following a successful planning application. The Committee was advised of the current definitive line, the proposal and the assessment of the Rights of Way Officer. An informal consultation period had been completed and no objections had been received.

RESOLVED:-

That an Order be made under the provisions of Section 257 of the Town and Country Planning Act 1990 to divert part of the definitive line of Public Footpath No. 8 in the Parish of Foston and Scropton.

EDS/49. **DRAFT PLANNING POLICY STATEMENT 7 – SUSTAINABLE DEVELOPMENT IN RURAL AREAS**

It was reported that the Government was reviewing Planning Policy Guidance (PPG) and reissuing it in the form of Planning Policy Statements (PPS). PPS 7 set out the Government's policy on rural areas and the main changes from the current PPG were explained. It included a new policy on the replacement of buildings in the countryside which, subject to some safeguards, was permissive of such buildings where they would be put into business use. There was a new policy on equine activity and an expanded policy on community facilities, including the use of Section 106 Agreements to achieve them. The PPS expanded policy on tourism in advance of the deletion of PPG 21. It removed references to local countryside destinations and deleted the exceptions policy allowing large, high quality houses to be built in open countryside. Some improvements were made by the PPS regarding the conversion of buildings to residential use and the PPS deleted certain annexes to the former PPG other than that relating to occupancy conditions. Responses to the consultation document should be received by the Office of the Deputy Prime Minister by 12th December 2003. The report included suggested responses to each of the main changes in PPS 7.

RESOLVED:-

That the Office of the Deputy Prime Minister be informed that the Council generally supports the policy thrust contained in the Draft Planning Policy Statement 7 subject to the following:-

- (1) The term 'substantially' in so far as it relates to replacement buildings should be defined;***
- (2) Further guidance should be provided regarding the use of Section 106 Agreements relating to development in towns and service centres for securing community benefits for rural areas;***
- (3) Replacement buildings for business purposes should be accompanied by a statement to justify their sustainability;***
- (4) Further guidance should be provided regarding how the Government envisages the policy on replacement buildings for business use operating;***
- (5) The position regarding the conversion of non-residential buildings to dwellings in the countryside should be set out more clearly; and***
- (6) Design guidance should be provided regarding equestrian uses.***

EDS/50. **DRAFT PLANNING POLICY STATEMENT 12: LOCAL DEVELOPMENT FRAMEWORKS**

The Committee received a comprehensive report about the content of Draft Planning Policy Statement 12: Local Development Frameworks (PPS 12). Members' views were sought on a suggested consultation response to the Office of the Deputy Prime Minister. The report explained proposed changes to the planning system being introduced by the Planning and Compulsory

Purchase Act, due to commence in the summer of 2004. It reported the implications for the Authority as contained in the draft guidance. The report set out the types of document that the Council would have to produce, the content of which would be similar to the existing system, albeit under a different name. The timetable was reported and there would be a three year timescale imposed for moving to the new system. Emphasis was placed on achieving true community involvement. There was a need to provide a prescribed document setting out how this would be achieved, together with the requirement for such a document to be subjected an independent examination. There was a need to comply with a European Directive on strategic environmental assessment. The Council would need to prepare and then submit to the Secretary of State an Annual Monitoring report. There would be a transitional period, but as the emerging South Derbyshire Local Plan was a considerable way through the review process, it would continue to adoption under the existing procedures. The Inspector's report of the Public Inquiry would therefore not be binding.

The financial implications were reported. Moving to and implementing a new system was likely to require an increase in human and financial resources. This was particularly relevant in relation to undertaking public consultation and in gathering information, so that policies could be monitored effectively. The Government's aim was for local authorities to co-ordinate consultation on their various strategies, in particular, the new planning documents and the Community Strategy. A detailed explanation was given of the linkages between the Community Strategy and the new planning documents, together with the implications for achieving true community involvement in the process.

In response to Members' questions, it was confirmed that a further Public Inquiry would be required and that the revised Local Plan lifespan would be reduced. However, the draft regulations provided for certain sections of the Local Plan to be transferred to the Local Development Framework (LDF). The regulations were still in draft form and whilst Officers would attend seminars to seek appropriate advice, there would be a steep learning curve. There were still some uncertainties regarding the new system, but it was felt that this Council was better placed than many local authorities because of the progress made on the emerging Local Plan. It was questioned whether a further Public Inquiry would give a second opportunity for objectors to the Local Plan. Officers felt that once the Local Plan was adopted, planning applications would be submitted. If planning consent was granted, that permission could not be revoked.

Councillor Bladen sought further information about the consultation arrangements and the Officer confirmed that a Statement of Community Involvement had to be produced. There was a minimum requirement, but it was hoped that the Council could exceed this. It was questioned whether consultees had monitoring rights. The Officer explained the current consultation approach and the variety of methods used for different types of consultees. Under the revised arrangements, there would be a requirement to produce an Annual Monitoring Report and to submit this to the Government Office for the East Midlands.

Councillor Ford spoke of the need for Members' training and this would be provided once the guidance had been finalised. In response to a further question, a comparison was given between the LDF and the Local Plan, in

terms of the “binding” nature of the Inspector’s decision. At present, Inspector recommendations on a Local Plan Inquiry were not binding, but a District Council would need robust reasons if it chose to ignore these recommendations, otherwise the Secretary of State might give a direction.

RESOLVED:-

That the Office of the Deputy Prime Minister be informed that whilst the Council welcomes the objective of increasing community involvement and speeding up the planning system, it has grave concerns regarding the process as set out in Draft PPS 12, as follows:-

- (1) The arrangements are complex and confusion is very likely to be experienced by the public which, in particular, is just getting to terms with the existing names and status of documents produced by the planning system under the last change.***
- (2) It is likely that due to the short timescales prescribed for preparing the new documents that Authorities will merely conform to the minimum requirement for public consultation thus undermining the aim of achieving effective community involvement.***
- (3) Subjecting the Statement of Community Involvement as well as the various documents to independent examination however laudable is likely to cause delay unless a considerable number of Inspectors are recruited to the Planning Inspectorate.***
- (4) Limiting the consultation period for Supplementary Planning Guidance to a maximum of 6 weeks does not allow sufficient time for bodies such as Parish Councils that comprise representatives of the local community to give sufficient time to respond. Whilst publication of documents on the Council’s website will ease access, not everyone is on the internet.***
- (5) The need to specify what documents are to be produced in advance is likely to result in a cautious approach with fewer Supplemental Planning Guidance documents being produced. Lack of detailed guidance will lead to differences of opinion resulting in inconsistent decisions and potentially an increase in appeals.***

EDS/51. **DRAFT PLANNING POLICY STATEMENT 11 – REGIONAL PLANNING**

It was reported that the Government’s intention was for Planning Policy Statement 11 (PPS 11) to replace the current Planning Policy Guidance Note on regional planning. This PPS concerned the procedural policy for preparing planning documents at the regional level. Regional planning guidance would be replaced by Regional Spatial Strategies (RSSs) and local authorities would in future prepare Local Development Documents (LDDs) in conformity with the RSS. The aim was to ensure that future changes to the RSS were produced on an inclusive basis of partnership working and with community involvement. The document should be more regionally and sub-regionally specific, with a focus on implementation and better integrated with other regional strategies. The RSS should provide a broad spatial

development strategy for the region, for at least a 15 year period. It would identify the scale and distribution of new development and be produced by a Regional Planning Body (RPB). The PPS acknowledged that both planning authorities and County Councils had important survey responsibilities. All authorities were expected to assist the RPB in the preparation of the RSS. It might be appropriate for the local planning authority to lead on a sub-regional study.

Previously, the Council's involvement in the regional planning process had been limited, due to other work commitments. In future, there would no longer be a Structure Plan and it was important that the District increased its involvement at the regional level, at least to influence positively the RSS. The RSS would provide the spatial framework to inform the preparation of LDDs and as part of the Development Plan, would be a material consideration for determining planning applications. The financial, corporate and community implications were reported. The Chair questioned whether the revised approach would reduce the District Council's role in determining land use. It was also questioned how the Council would be consulted on the number of additional properties to be constructed in its area and it was expected that a forum would be established for this purpose.

RESOLVED:-

That the Office of the Deputy Prime Minister be informed that the Council:-

- (1) Welcomes the inclusion of planning at the regional level into the statutory framework;***
- (2) Awaits with interest the mechanisms that will emerge for determining District levels of housing and the opportunities for the Council to influence the process;***
- (3) Requires clarification as to how appropriate amounts of land for employment uses will be identified at District level.***

T. SOUTHERD

CHAIR

The Meeting terminated at 8.15 p.m.