

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

10th November 2005

PRESENT:

Labour Group

Councillor Taylor (Chair), Councillor Lauro (Vice-Chair) and Councillors Bell, Carroll, Shepherd and Stone

Conservative Group

Councillors Atkin, Bale, Ford and Mrs Hood (substitute for Councillor Mrs. Hall).

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Isham and Whyman, M.B.E. (Labour Group), Councillor Mrs Hall, (Conservative Group) and Councillor Mrs. Walton (Independent Member).

EDS/33. **MINUTES**

The Open Minutes of the Meeting held on 29th September 2005 were taken as read, approved a true record and signed by the Chair.

EDS/34. **DECLARATIONS OF INTEREST**

Councillor Atkin declared a prejudicial interest, in respect of item No. 7 - Draft South Derbyshire Mobile Phone Mast Agreement.

EDS/35. **MEMBERS' QUESTIONS AND REPORTS**

The Chair reported that a presentation would be made to a future meeting of the Committee on the new Economic Development Strategy. He felt it had been some time since the last tour of the District and it would be useful to organise one for all Council Members. Councillor Bale supported this proposal, as it would enable Members to see the achievements and developments made in recent years.

EDS/36. **DRAFT SOUTH DERBYSHIRE MOBILE PHONE MAST AGREEMENT**

Note: at 6.05 p.m. Councillor Atkin withdrew from the Meeting during the determination of this item.

It was reported that at the Council Meeting on 16th June 2005, it was agreed that a document entitled 'The South Derbyshire Mobile Phone Mast Agreement' be produced, to which all operators would be asked to sign up to. A draft document was submitted to provide advice on the development of

telecommunications base stations within South Derbyshire. The document aimed to provide guidance to prospective applicants and their agents considering such development within the District. It also aimed to be a source of information to all interested parties.

The document had been published to supplement Central Government guidance set out in Planning Policy Guidance Note 8 (PPG8), those in the adopted Local Plan and to recognise the increasing need for telecommunications masts within the District. Within the PPG, the Government's policy was to facilitate the growth of new and existing telecommunications systems, whilst keeping the environmental impact to a minimum. The document aimed to set out the Council's approach to telecommunication and base station development and how it aimed to tackle material issues.

In developing this document, procedures had been reviewed. The Council considered it essential, within the legislative framework to work with the mobile phone operators, local residents and parish councils, to attempt to overcome concerns. To this end, the document suggested a change to the neighbour notification procedures and additional emphasis for prospective applicants to enter into pre-application consultation and discussion.

The document also recognised the health concerns of Members of the Development Control Committee, in dealing with applications for telecommunication base stations. Notwithstanding the findings of the Stewart report on the health effects of mobile phones, compliance with the ICINRP guidelines often did not address concerns people might have about health risks from such development. In preparing the draft document, it had been assumed that such a fear was likely to be exacerbated where the development proposed was in close proximity to sensitive land uses, such as educational facilities and residential properties. Members of the Working Group had strengthened the document, by adding comments that reiterated their very serious concerns regarding masts close to schools and hospitals, for example. Such applications tended to attract vociferous lobbying by the community. The revised document also required operators to use existing structures, where possible and to produce robust evidence if they claimed they could not.

The report outlined the other numerous texts that had been taken into consideration in preparing the draft document. A joint response had been received from the Mobile Operators Association (MOA), which represented the views of all five operators. The MOA considered that the document should revert to the title of Supplementary Planning Document rather than "agreement", which it considered might appear to be a "deal" between the Council and the operators at the exclusion of other interested parties. However, it stated that the operators had no problems with conducting the levels of consultation required by the document. The operators were committed to sharing existing infrastructure and siting on buildings and other structures, where this represented the best environmental solution. This was in accordance with the local plan policy.

With regard to environmental considerations, and particularly the green belt, it was suggested that the document be reworded to indicate that some development might be possible in the green belt, without compromising its openness.

In the design section of the document, MOA questioned the exclusion of developments in conservation areas and in the setting of listed buildings, stating that there would be a demand for mobile telecommunications services within these areas. As development plan and Government advice already dealt with developments in these locations, it was suggested that it was not necessary to have a presumption against development and that each case should be treated on its own merits. Examples elsewhere of such development were reported.

The MOA's views on the health considerations section of the document were also reported. It was concerned about the emphasis, in the executive summary, on avoiding "sensitive areas" and considered that the document went too far. It might be contrary to guidance set out in PPG 8, which warned against LPA's seeking to introduce their own precautionary principles. It was accepted that health was capable of being a material consideration, but the MOA had requested that this part be deleted from the executive summary. It felt the statement might imply to the public that the council would not permit such development near to any school and had requested that the document to be altered accordingly.

The MOA concluded by agreeing that the document was generally a useful contribution to the policy framework in South Derbyshire. It offered support to the majority of the document but had concerns mainly relating to the term "agreement" and the introduction of "sensitive" areas and subsequent advice.

Members discussed the feedback received from the MOA and whether the document could be considered as a supplementary planning document. It was noted that this document would be advisory in nature. Councillor Shepherd was aware that the siting of mobile telecommunications masts was emotive and complaints were received from the public. He felt this was a good document and referred to the feedback from the Association. He did not feel that any further progress would be made if negotiations were continued. Councillor Bale felt that this had been a successful outcome, but there was difficulty in determining "sensitive areas". He referred to the guidance in the Stewart report and would like a more clear definition of areas considered sensitive. Councillor Ford felt that the document should be adopted and that further discussion should take place with the Association. Councillor Carroll felt it was unlikely that further progress would be made in negotiating with the Association. With regard to health issues, the Stewart report drew no conclusions. The Council was trying to balance residents' concerns and the need for this infrastructure.

RESOLVED:-

That the Committee approves the draft document submitted as advisory guidance.

EDS/37. **NOTTINGHAM EAST MIDLANDS AIRPORT NOISE SURVEY AND ALTERNATIVE NOISE PLAN**

Note: at 6:20 p.m. Councillor Atkin rejoined the Meeting.

The Council had received a request from Leicestershire County Council for a financial contribution towards a Noise Survey Analysis and a Noise Plan for Nottingham East Midlands Airport (NEMA). The Council had previously supported North West Leicestershire District Council in its efforts to seek designation for the Airport. The Secretary of State did not accept the case for designation at that time and the Airport had since introduced its own voluntary noise control arrangements.

The Government White Paper on the future of air transport supported the expansion of freight operations at the Airport, in conjunction with stringent controls on night-time noise and mitigation measures. A joint working group had been formed and it did not consider the current approach to controlling the effects of night-time noise were sufficient. Consultants had been appointed to undertake an analysis of existing noise survey data. This would be taken into account in preparing the Noise Plan and would seek to provide a framework for continuous improvement. The group would seek to persuade the Airport to implement the Noise Plan on a voluntary basis, but if it did not agree to do so, would ask the Secretary of State for Transport to designate the Airport, taking into account the changes in circumstances since the previous request.

The financial implications were reported. Contributions would be provided by NEMA and Leicestershire County Council, with further contributions being sought from other local authorities. The requested sum for South Derbyshire was £1172.64.

Councillor Carroll felt that the funding request should be supported. Council Atkin sought further information. He was advised that this funding request was to enable a Noise Survey Analysis and the production of a Noise Plan, rather than purchasing specific noise monitoring equipment. He also referred to deviations from the noise preferential routes and the control of aircraft by other airport control towers.

RESOLVED:-

That funding in the sum of £1,172.64 be provided as this Council's contribution towards the proposed Noise Survey Analysis and Noise Plan for Nottingham East Midlands Airport.

EDS/38. **SWADLINCOTE TOWN CENTRE VISION AND STRATEGY -FIVE YEARS ON**

It was reported that in February 2001 the Council, in collaboration with the Civic Trust Regeneration Unit and in consultation with a wide range of groups, agreed the Swadlincote Town Centre Vision and Strategy. The aim of the document was to set out an agreed framework for raising the profile of the

Town as a centre for retailing, service and leisure, whilst guiding future work to enhance its vitality, viability and heritage. In doing so, it provided a number of short, medium and long-term actions, many of which had now been implemented. It also identified a number of sites which would benefit from redevelopment, including that currently being developed for Morrisons.

It was nearly 5 years since the document had been published and a monitoring report had been prepared to document changes in the economic and national policy context, to review progress in Swadlincote and to maintain momentum in taking forward change in the Town Centre. It was proposed that this document be made available to act as a single point of reference for the Council, its partners and other stakeholders.

The Council had commissioned Donaldson's to advise on the capacity of the Town Centre to support further retail and leisure floorspace. The key objectives of the study were to examine existing patterns of retail and leisure expenditure flows in and around Swadlincote and to establish the potential of the Town to accommodate new floorspace for those uses. The main conclusions and recommendations were set out in a draft document and a copy of a full study report had been placed in the Members' Room. There was an estimated need for an additional 4645 m² of high street floorspace and 4180 m² of bulky goods floorspace by 2011.

In line with this advice, the monitoring report indicated that the next stage for regeneration of the Town would be the implementation of major improvement works, such as repaving and promotion of the redevelopment of the identified sites.

The Chair asked if the full study report could be provided to Members electronically. In response to a question from Councillor Ford, Officers provided further information about the forecast floorspace required. It was noted that the Council was a major landowner, but this had to be separated from the Authority's planning role. Councillor Ford spoke of the need to keep unused sites in a tidy condition. Councillor Atkin, asked about the Town's economic position, he noted its fast-growing nature and the need to ensure that the redevelopment was completed correctly. He questioned whether this issue should be referred to a scrutiny committee or if a dedicated working panel should be formed. The Deputy Chief Executive, replied that the Council had two distinct roles in the development and regeneration of the Town Centre as a planning authority and as a landowner. There was a need for the majority group to liaise with Officers in determining the way forward, but it might be premature to form a working panel at this stage. The Chair supported this view and intended that the Committee be kept informed of progress.

Councillor Bale noted that many South Derbyshire residents travelled to Burton on Trent for retail and other services. He felt it was important to ensure ample free car parking in Swadlincote. There was a need to improve toilet and rest facilities and to make the Town Centre more attractive. The Vice-Chair referred to the Donaldson survey and the low proportion of people that considered parking issues to be a disincentive. The Chair felt that the Morrisons development would add a further dimension to the Town Centre. Councillor Bell felt that many local residents might currently use the

Morrisons superstore in Burton on Trent and it could be assumed that they would use the new store in Swadlincote. He noted the report's findings and was interested where new development would take place. He felt that Morrisons would be a key development for the Town Centre, linking to the high street, and it should attract other chain stores.

Councillor Atkin questioned whether there was adequate coach parking facilities within the Town Centre and it was confirmed that there were facilities within the bus station. An approach could be made to the Bus Operators Association, to see if additional facilities were required, but such parking was not considered to be an issue. The Deputy Chief Executive noted that the report also looked at the quality of the built environment within the Town Centre and the potential for other land uses, including residential properties, office developments and those to improve the night-time economy.

RESOLVED:-

- (1) That the Committee endorses the content of the Swadlincote Town Centre Vision and Strategy Monitoring Report, as submitted.***
- (2) That the Committee notes the findings of the Swadlincote Town Centre Retail and Leisure Study.***
- (3) That Members acknowledge that further feasibility work will be necessary, in order to plan for the redevelopment of identified sites, for which there will be financial implications and which will be the subject of future reports.***

S. TAYLOR.

CHAIR

The meeting terminated at 6.45 p.m.