

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

2nd June 2005

PRESENT:-

Labour Group

Councillor Taylor (Chair), Councillor Lauro (Vice-Chair) and Councillors Bell, Carroll, Pabla (substitute for Councillor Isham), Shepherd, Stone and Whyman, M.B.E.

Conservative Group

Councillors Atkin, Bale, Ford and Mrs. Hall.

Independent Member

Councillor Mrs. Walton.

In Attendance

Councillor Bambrick (Labour Group) and Councillor Mrs. Wheeler (Conservative Group).

APOLOGY

An apology for absence from the Meeting was received from Councillor Isham (Labour Group).

EDS/1. **MINUTES**

The Open Minutes of the Meeting held on 14th April 2005 were received. Under Minute No. EDS/72, the application for trade of an ice cream vehicle in the consent area, Councillor Stone clarified the comments he had made on this item. Subject to this amendment the Minutes were accepted as a true record and signed by the Chair.

EDS/2. **DECLARATIONS OF INTEREST**

Councillor Ford declared a personal interest in respect of Item No. 15, as a Member of Derbyshire County Council.

EDS/3. **MEMBERS' QUESTIONS AND REPORTS**

The Chair paid tribute to Councillor Southerd, the former Chair of the Environmental and Development Services Committee. He recognised the progress made on environmental and economic development issues, which was demonstrated by recent announcements regarding the Dove Valley Business Park. The Leader confirmed that following the recent announcement by Futaba for a development on this site, he was delighted to announce that Truma UK Limited was expanding and relocating to Dove Valley in an investment worth £8 million.

The Chair made an announcement regarding expansion of the Council's composting scheme. Members were reminded of the decision to expand the scheme to Findern, Mickleover and Stenson Fields from June this year. Unfortunately, delays outside the Council's control were being encountered in

the opening of the new “in vessel” compost facility. The expansion of the scheme would therefore be delayed and would be rescheduled once the date for opening the new facility had been finalised.

MATTERS DELEGATED TO COMMITTEE

EDS/4. CLEANER STREETS ACTION PLAN

A report was submitted to consider options on delivering the Cleaner Streets Action Plan. By way of background, Members were reminded of the importance of clean and tidy public spaces and the introduction of a new Best Value Performance Indicator (BVPI 199). This required Councils to carry out nine hundred inspections each year, to survey for litter and detritus. A grading system was used to measure the percentage of sites surveyed that fell below a “good” level. The report provided an analysis of the results of the first two year’s inspections. For 2003/04, 34% of sites fell below the required grade and for 2004/05 the outturn was 27%. The national average performance in 2003/04 was 21% and the bottom quartile was 29% or worse. A table was submitted to show this analysis in greater detail. The litter score in the urban core was significantly worse than for the rural areas. However, the detritus pattern was reversed, being worse in rural areas.

The report set out the factors that contributed to this pattern, including strategic choices that had shaped the service. In 1999, a change in specification was approved where frequencies for mechanised sweeping were reduced and a targeted approach to litter picking was introduced. The frequency of carriageway sweeping was reduced in general from five to two times each year, although targeted parts of the urban core had a frequency of three sweeps per year. In addition, the frequency of sweeping all main roads throughout the District was increased to eleven times each year. Public concerns still appeared to be strongest about litter and the Clean Team responded to over 200 litter incidents in 2004/05. The number of detritus complaints was negligible, but where it accumulated, it enabled the growth of weeds, which were unsightly and damaged the fabric of the highway.

From the BVPI statistics, detritus was the most frequent cause of failure. However, litter was a significant problem within the urban core. In the report to the Committee on operational efficiencies, the independent consultant drew attention to the comparative low cost of the street cleaning service in South Derbyshire. Unsuccessful Service Development Proposals had been submitted in the last two years, which were aimed at improving the Council’s performance relative to BVPI 199.

The report then focused on possible improvements to impact positively on this BVPI, whilst maintaining emphasis on the removal of litter. It was proposed to engage the street cleaners and draw on their expertise in a review of the Service. The report set out current plans and options for further improvement. To achieve cleaner streets, it would be vital to prevent as well as cure litter problems and a number of measures were proposed to educate and engage the community, as well as introducing effective enforcement.

The Chair was pleased at the detail of this report, the actions being undertaken already and the options for further improvement. In response to questions from Councillor Carroll, there was a discussion on the classification of rural areas and the removal of detritus from the centre of the

carriageway, together with the difficulties caused by parked vehicles. Councillor Ford explained the problems experienced in rural areas with litter from fast food retailers' packaging. It was intended to seek funding for additional litter bins from such retailers. However, enforcement was the only effective deterrent and the Officer explained a potential scheme involving the service of Fixed Penalty Notices. In response to a further suggestion from Councillor Ford, the Officer agreed to discuss with him the problems caused by cut grass being strewn across highways. The Chair emphasised that the Council was taking a serious approach to enforcement against litter and fly tipping.

Councillor Atkin welcomed the proposals, supporting in particular, plans to increase funding for the Parish Lengthsman scheme and to improve the operation of the recycling centres. He sought further information about the planned purchase of improved mechanised sweeping equipment and this was duly provided. Councillor Atkin voiced his concerns about litter strewn from the A50 trunk road into surrounding areas. In such cases, the respective landowner became responsible for clearing the litter, but it was again felt that enforcement action was the key.

Councillor Stone pursued the issue of enforcement action to combat fly tipping and he commented on improving road design to reduce the problems of detritus. The Leader of the Council noted that Members' instructions were sought on the relative priority of proposals. For many of the projects, funding was already in place, whilst others required additional resources. He reminded of the approach to use the Service and Financial Planning Working Panel to prioritise the use of resources and the Chair endorsed this view.

Councillor Mrs. Walton enquired whether improved channel sweeping might reduce the number of blocked drains, thus saving resources elsewhere. She also pursued the issue of fast food retailers being required to fund additional litter bins. In some cases, it was probable that the food had been purchased in the City of Derby and the litter was subsequently dropped within South Derbyshire. In such cases, she questioned whether this Council could require retailers in a neighbouring authority's area to contribute to the scheme.

Councillor Shepherd proposed as priorities to increase the channel sweeping frequency to four times per year, to increase the number of litter bins in areas of low provision and to increase current weed control treatments from twice to three times each year. He commented on litter education and with regard to mechanical sweeping schedules, he suggested publicity to seek residents' help, to make this more effective.

RESOLVED:-

That Members' views be taken on board regarding the priority of options to be pursued for the delivery of the Cleaner Streets Action Plan.

EDS/5. **2004/07 SERVICE PLANS – YEAR END REPORTS**

The Committee received the Year End Service Plan Monitoring Reports for the Planning Services and Economic Development Divisions. It was noted that the Technical Services and Environmental Health Service Plans would be

submitted to a future meeting of the Committee. Members were reminded that Service Plans were an important part of the Council's Performance Management Framework. The Service Plans submitted were intended to provide a detailed basis for service delivery during 2004/05 and a framework for the following two years. Members were reminded of the form and content of each Service Plan.

With regard to the Economic Development Service Plan, Councillor Bell commented that the report contained outcomes rather than actions, as would have been contained in the original Service Plan document. Accordingly, Members were not able to determine whether specific actions had been addressed from this report.

RESOLVED:-

That the Year End Service Plan Monitoring Reports for Planning Services and Economic Development be received.

EDS/6. **REVISED LOCAL DEVELOPMENT SCHEME (LDS)**

Under Minute No. CL/135, the Council approved the first Local Development Scheme (LDS). This was submitted to the Secretary of State in accordance with the requirements of Regulations and it came into effect on 20th April 2005. The purpose of this LDS was to set milestones to move towards adopting a Local Development Framework (LDF). Best Value Performance Indicators and subsequent Planning Delivery Grant awards would be dependent upon meeting the milestones set out within the document.

The LDS was written on the assumption that the emerging Local Plan would proceed to adoption this year and Members were informed of the work undertaken, based on this assumption. The Local Plan was subsequently suspended due to the legal challenge and this meant that a review of the LDS was necessary, in order to progress towards the production of the new style documents as soon as possible. Production of the Statement of Community Involvement was the only activity not affected and this was submitted in a separate report to the Committee.

One of the new procedural requirements was for each document to be subjected to a Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). A new element of the work required the systematic identification and evaluation of the environmental, social and economic impacts of proposed plans and strategies. Work on the SEA/SA needed to be undertaken at the start of the preparation of each document and was an ongoing process. Some authorities not progressing through the transitional arrangements, which were therefore further advanced in the process had now issued scoping reports for the SEA/SA. These documents were considerable in terms of content. Consultees should have five weeks to respond to the scoping report at this first stage and this would add to the time taken to produce the SEA/SA and the associated documents. Existing Officers did not have the experience or time to undertake such work, so a sum was set aside within the Planning Delivery Grant for the appointment of consultants to undertake the SEA and SA. This had not been pursued for a number of reasons, which were set out within the report.

Given that the SEA/SA was an ongoing process, it would be more appropriate to appoint a Sustainability Officer, to undertake the work in house. The Officer could also work on environmental policies and other sustainability issues. A report proposing this post would be presented to a future meeting of the Finance and Management Committee.

In order to optimise the work already undertaken on Supplementary Planning Documents (SPD's) it was suggested that the following be deleted from the LDS:-

- Location of mobile phone masts
- Provision of affordable housing
- Historic South Derbyshire

The situation was slightly different regarding preparation of an SPD on the provision of outdoor playing space in new development. It was intended that the SPD be produced following completion of the PPG 17 Study and that it would replace the existing Supplementary Planning Guidance (SPG). The objectives of this study were reported. It would inform where and how developer contributions should be spent. Due to other commitments and sickness absence at the consultants, the final report of this study had been delayed and work had therefore not started on the SPD. In the meantime, it had emerged, from a theme within the Community Strategy that a much wider Open Space Strategy was now required. Given the potential delay and the inability to undertake the SEA/SA, it was felt sensible to delete this project from the LDS. In the interim, there was existing Supplementary Planning Guidance relating the adopted Local Plan that could be saved. The PPG 17 Study, once available would be useful for Development Control purposes. Formal production of an SPD could be re-introduced in the future.

The Repton and Milton Village Design Statement had unfortunately been affected by procedures that now required an SA. The Group had worked hard on this project, but the document that was materialising was much more broad ranging than would normally be the case for such a document that dealt with design. It was more akin to a Parish Plan and it was suggested that the document be not included formally within the LDS, but that the Council recognises, in some appropriate way the value of the work undertaken.

It was originally intended to work with Derby City Council to ensure that development at Highfields Farm was consistent with the City allocation at Heatherton Village Phase II. Unfortunately, there was no formal policy and this could no longer be produced as an SPD. Officers would continue to liaise with Derby City Council, with an appropriate planning condition attached to any planning permission, to serve the same purpose.

Reference was made to the Woodville – Swadlincote Area Action Plan, which would be the first of the higher order plans to be produced. Normally, such a plan had to be in conformity with the Local Plan or Core Strategy of the LDF. With the current situation, policy provision was made in Regional Spatial Strategy 8 and the Structure Plan. It was necessary to set back the dates for public consultation on this project, but it would provide time to take account of a wider employment land study, for which funding was currently being pursued. It was suggested that the date for considering options for the

redevelopment of this area be revised to June 2006, with subsequent adjustment of other milestones.

It would now be desirable to commence work on the Core Strategy document much earlier than first anticipated. However, given the need for the SEA/SA, this was unlikely to be practical, even with the creation of a new post. It was suggested that the programme be brought forward slightly, but that it shadow the review of the RSS, that would provide housing requirements post 2011. It was suggested that work commence in June 2005, with subsequent adjustment of other milestones. It was proposed to bring forward work on the suite of development control policies, to coincide with the preparation of the core strategy. Identifying allocations for residential and employment land would be dependent upon monitoring and whether the early release of sites was necessary. Ideally, allocations should follow the Review Programme for the RSS and conform to the Core Strategy. It was therefore proposed to leave this item as originally programmed with commencement post 2007.

The financial implications were reported and it was noted that funding for the specialist surveys and reports was approved as part of the implementation plan for spending the Planning Delivery Grant. Each document had to be available on the Council's website and printing costs were also recognised. It was difficult to anticipate the overall costs as much would be dependent upon the length of the independent examination. This section of the report also explained Government guidance on the tests to be applied at the examination for each document. It included details of the examinations programmed for the SCI, the Woodville – Swadlincote Area Action Plan, the Core Strategy and suite of development control policies and allocations. The report also explained the previous daily rate charged for Inspectors and the issues, which would impact on the time taken for each examination.

The Chair congratulated Mrs. Hague on her recent appointment as Head of Planning Services. Councillor Atkin asked whether the proposals for development of Highfields Farm could similarly be applied to planned developments at Boulton Moor. The Officer explained the difference in this case and the work already undertaken for the Boulton Moor site. The Leader of the Council referred to the current sensitivity surrounding planning documents. He spoke about the Planning Delivery Grant and the need to produce the required documents. The majority of costs would be incurred in 2007/08 and the need for additional staffing was also recognised.

RESOLVED:-

- (1) That Council, at its Special Meeting on 16th June 2005, agrees the revised Local Development Scheme as submitted and resolves that the scheme shall have effect from 18th July 2005, subject to any amendments directed by the Secretary of State.***
- (2) That the Finance and Management Committee be urged to approve the creation of a new post to deal with Strategic Environmental Assessment and Sustainability Appraisal.***

EDS/7. **STATEMENT OF COMMUNITY INVOLVEMENT**

(Note: At 7.35 p.m. Councillor Atkin left the Meeting).

It was reported that one of the first documents to be prepared under the new planning system was a Statement of Community Involvement (SCI). Its purpose was to inform the community of when and how it would be involved in the preparation of new planning documents and the determination of planning applications. The content of the SCI had to be subjected to formal consultation and an independent examination. Once adopted, the Council would have to demonstrate that the SCI had been complied with. To undertake an audit of previous consultation methods, response rates and asking the community at large how they would prefer to be consulted, was time consuming and it required specialist skills. Consultants were therefore engaged to undertake this work and to prepare the SCI. A workshop was held in February involving a cross section of representative groups, organisations and individuals. The feedback helped to inform the draft SCI that was submitted for the Committee's consideration. This set out the minimum requirements and additional measures that the Council would adopt when informing and consulting on planning matters.

At the workshop, the issue of public speaking at Committee was raised. This was subsequently raised again at the Parish Liaison Meeting. There were several matters that needed to be investigated properly, in order to consider fully whether or not public speaking would be appropriate. It was suggested that further work be undertaken on this aspect. Another issue was the ability to track progress on planning applications on-line. Whilst this was not possible at present, there was a gradual improvement on the information made available and the interactivity of the website, so this was an area for future development.

In terms of financial implications, the costs of consultant's work on the SCI was covered by the Planning Delivery Grant. The report identified the likely cost of securing meaningful public involvement for the Development Plan documents.

The Leader of the Council read extracts of a letter from Barrow-on-Trent Parish Council concerning public speaking at the Development Control Committee. The Parish Council considered that its members were best placed to inform the debate of local concerns. The Parish Council had undertaken research with other local authorities and its findings were reported on those councils that allowed parish councillors or the public to speak at such meetings. The Leader would pass the letter to the Head of Planning. The Officer welcomed the information and explained that there were a wide range of issues to be considered, including for example, the arrangements for un-parished areas. The issue required careful consideration and a separate report would be submitted to a future meeting of the Committee.

Councillor Carroll referred to the workshop held in February and was pleased to note that the concerns about the size of print on notices had been taken on board. Making notices accessible was a further issue. Officers explained the restrictions on affixing such notices to certain apparatus. The Vice-Chair also referred to public speaking at the Development Control Committee. He was concerned to ensure that the public were not intimidated by the formal nature of this meeting and the issue did require careful consideration.

Councillor Hall referred to the SCI document and particularly the neighbour notification policy. She suggested that mobile telephone masts be added to

the list of appropriate cases where site notices would be posted. The Leader of the Council supported this proposal and the Officer agreed to discuss it with the Development Control Team. Councillor Bale referred to the section of the SCI on involving people in planning applications and particularly the section on supporting developers. He felt that this should be widened to give support to all applicants. Councillor Bale also considered that the SCI should be considered by the Development Control Committee.

RESOLVED:-

- (1) That Members' views be taken on board and the Council be recommended to agree the Draft Statement of Community Involvement as submitted, for the purposes of pre-submission participation.***
- (2) That Officers investigate options for allowing public speaking at the Development Control Committee and that a further report be submitted to a future Meeting of this Committee in due course.***

EDS/8. **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 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 paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meeting held on 14th April 2005 were received.

REVIEW OF DERBYSHIRE COUNTY COUNCIL FOOTPATH AGENCY (Paragraph 9)

The Committee deferred consideration of this item.

S. TAYLOR

CHAIR