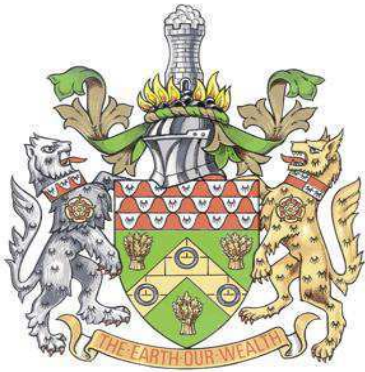




Derbyshire Constabulary



Neighbourhoods



**South
Derbyshire**
District Council

teamwork

Keeping our Community Safe

Safer South Derbyshire Partnership

DERBYSHIRE
County Council
Improving life for local people

**Safer Neighbourhood
Area 2 - Mercia
(6.15pm - 7.15pm)**

**Interval with light
refreshments 7.15 - 7.30pm**

and

**Repton Area Forum
(7.30pm - 8.30pm)**

**Tuesday, October 10th,
2017**

**Stenson Fields Primary School,
Goathland Road,
Derby
DE24 3BW**

South Derbyshire changing for the better

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ये जानकारी माँग करने पर बड़े अक्षरों, ब्रेअल या आडिओ के रूप में भी उपलब्ध की जा सकती है।

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ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਦਸਤਾਵੇਜ਼ ਕਿਸੇ ਦੂਸਰੀ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਕਿਸੇ ਦੁਭਾਸ਼ੀਏ
ਦੀਆਂ ਸੇਵਾਵਾਂ ਦੀ ਲੋੜ ਹੈ ਤਾਂ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰਨ ਦੀ ਕ੍ਰਿਪਾ ਕਰੋ ਜੀ

ਇਹ ਜਾਣਕਾਰੀ ਮੰਗ ਕਰਨ ਤੇ ਵੱਡੇ ਅੱਖਰਾਂ, ਬ੍ਰੇਅਲ ਜਾਂ ਆਡਿਉ ਦੇ ਰੂਪ ਵਿਚ ਵੀ
ਉਪਲੱਬਧ ਕਰਵਾਈ ਜਾ ਸਕਦੀ ਹੈ।

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ہوں، تو براہ کرم ہم سے رابطہ کریں۔
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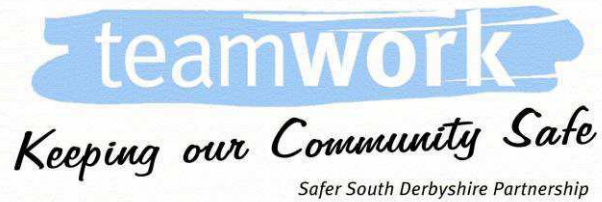
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SOUTH DERBYSHIRE DISTRICT COUNCIL
COMMITTEE AND COUNCIL MEETINGS – OCT 2017 TO MAY 2018

<u>Committee</u>	<u>Day</u>	<u>Date</u>
<u>OCTOBER 2017</u>		
Housing & Community Services	Thu	05.10.17
Finance & Management	Thu	12.10.17
Planning	Tue	17.10.17
Overview & Scrutiny	Wed	18.10.17
Employee Health & Safety Committee	Wed	25.10.17
<u>NOVEMBER 2017</u>		
COUNCIL	Thu	02.11.17
Planning	Tue	07.11.17
Environmental & Development Services	Thu	16.11.17
Housing & Community Services	Thu	23.11.17
Planning	Tue	28.11.17
Overview & Scrutiny	Wed	29.11.17
Finance & Management	Thu	30.11.17
<u>DECEMBER 2017</u>		
Audit Sub	Wed	13.12.17
Planning	Tue	19.12.17
<u>JANUARY 2018</u>		
Environmental & Dev (Special-Budget)	Thu	04.01.18
Housing & Com Services (Special-Budget)	Tue	09.01.18
Etwall JMC	Wed	10.01.18
Finance & Management (Special-Budget)	Thu	11.01.18
Planning	Tue	16.01.18
Overview & Scrutiny	Wed	17.01.18
COUNCIL	Thu	18.01.18
Employee H & S Committee	Wed	24.01.18
Environmental & Development Services	Thu	25.01.18
Overview & Scrutiny	Wed	31.01.18
<u>FEBRUARY 2018</u>		
Housing & Community Services	Thu	01.02.18
Planning	Tue	06.02.18
Audit Sub	Wed	14.02.18
Finance & Management	Thu	15.02.18
COUNCIL	Mon	26.02.18
Planning	Tue	27.02.18
<u>MARCH 2018</u>		
Environmental & Development Services	Thu	01.03.18
Housing & Community Services	Thu	08.03.18
Finance & Management	Thu	15.03.18
Planning	Tue	20.03.18
Audit Sub	Wed	21.03.18
Overview & Scrutiny	Wed	21.03.18
<u>APRIL 2018</u>		
Planning	Tue	10.04.18
Etwall JMC	Wed	11.04.18
COUNCIL	Thu	12.04.18
Environmental & Development Services	Thu	19.04.18
Employee Health & Safety Committee	Wed	25.04.18
Housing & Community Services	Thu	26.04.18

MAY 2018		
Planning	Tue	01.05.18
Finance & Management	Thu	03.05.18
ANNUAL COUNCIL	Thu	17.05.18
CIVIC COUNCIL	Thu	24.05.18



AGENDA

SAFER NEIGHBOURHOOD GROUP - AREA 2

Tuesday, October 10, 2017 at 6.15pm
at Stenson Fields Primary School

(Light refreshments will be served between 7.15 and 7.30pm)

1. Chair's introduction. Apologies
2. Minutes of last meeting (to be agreed) and update on actions
3. Safer Neighbourhoods Sergeant's Overview /Priorities Update
4. Partnership Update / Funding / New project ideas
5. Local issues – open forum (20 minutes)
6. Agreed priorities
7. Date of next meeting

Meeting close (7.15pm)

AREA 2 – MERCIA SAFER NEIGHBOURHOOD GROUP

Present	Date of Meeting	Venue
<p>Councillor Andy MacPherson (Chairman), Hardyal Dhindsa (Police & Crime Commissioner), Ian Hey (Safer South Derbyshire Community Safety Projects Officer), PC Paul Russell, PCSO Kerry Wallington-Waite.</p> <p>Councillor Neil Atkin, David Barker, Councillor Linda Chilton, Jackie Fitch, Jude Fitch, Mary Goodall, Heather Hall, A Lomas, Rosemary Rose, Frances Sheldon, Councillor David Shepherd, Councillor Peter Smith, Phil Smith, Councillor Michael Stanton, Steve Toone, Sam Watters.</p> <p>Also present: Tom Sloan (clerk).</p>	<p>Monday, June 26, 2017</p>	<p>Milton Village Hall</p>

1	Chair's Introduction. Apologies	Action
	Apologies were received from Fred Hill, Councillor Martyn Ford and Lynette Nash.	
2	Minutes of last meeting (to be agreed) and update on actions	
	The minutes were agreed as a true and accurate record of the meeting.	
3	Safer Neighbourhoods Sergeant's Overview / Priorities Update	
	<p>PCSO Kerry Wallington-Waite said there wasn't a lot for the police to report. Crime statistics were available on the police.uk website. PC Oliver Priddle had been replaced in the area by PC Paul Russell.</p> <p>PC Russell introduced himself to the meeting as an experienced PC who had started his career at Pear Tree Station in Derby before spending much of his career in intelligence. He was getting to know the area with the help of PCSO Wallington-Waite and PCSO Emma Guest.</p> <p>PCSO Wallington-Waite reported that she could take concerns over an area to Derbyshire's speed camera team (CREST) and ask them to visit a location and see if it warranted further investigation.</p> <p>A resident asked for an update on vehicle crime the area had experienced in recent months. PC Russell replied that it wasn't a particular issue at present in South Derbyshire. Nationally, there had been an increase in vehicle crime.</p> <p>Councillor Andy MacPherson said he was glad to see a police presence at the recent Willington Raft Race after some issues in recent years. PCSO Wallington-Waite confirmed only one person was dispersed from the scene.</p> <p>Hardyal Dhindsa reported that he was at the meeting because of road signs and crossings. He wanted to hear people's views on community safety and policing in the area and represented people from every corner of Derbyshire.</p>	

<p>4</p>	<p>Partnership update / funding / new project ideas</p> <p>Ian Hey updated the meeting on the following items:</p> <ul style="list-style-type: none"> • Liberation Day, an annual event targeted at older people in the district, had taken place. It allowed the over-60s access to information and services aimed at letting them live their life more safely. The information was packaged in a fun event at Gresley Old Hall with more than 300 people attending. • A new partnership strategy had been compiled by the Safer South Derbyshire Partnership. It set out the partnership's aims for the next three years to 2020. • Funding was available for projects impacting upon crime, disorder and anti-social behaviour. Councillor MacPherson asked if an individual could be awarded funding or if it had to be a group. Mr Hey replied that it was constituted groups. 	
<p>5</p>	<p>Local issues – open forum (20 minutes)</p> <p>Pedestrian crossing / 30mph limit in Stenson Road, Stenson Fields</p> <p>Councillor David Shepherd raised the issue of a lack of a pedestrian crossing in Stenson Road. He had asked for an officer from Derbyshire County Council to attend the area forum in light of an incident in March. Councillor Shepherd had engaged in a long email conversation with DCC over the issue but on this occasion the authority had declined to send an officer to the meeting following extensive discussions of it in the past. Councillor Shepherd stated that Stenson Fields was a growing area and 500 houses were being built the opposite side of a 40mph road from vital shops and services. DCC had undertaken studies and the figures they got didn't take into account the busiest times in the area.</p> <p>In March a young girl had suffered a broken leg and lost teeth in an accident. Councillor Shepherd had campaigned for a refuge as well as a crossing and this had also been unsuccessful. A fatality would eventually result if nothing was done. He was unsure why the road could not be made a 30mph area with pedestrian crossings. A resident backed up what Councillor Shepherd had said and added that her daughter, who had learning difficulties, was suffering as a result of the situation as she couldn't cross the road safely.</p> <p>Councillor Neil Atkin gave his support to Councillor Shepherd and stated that he was also at the meeting on behalf of Stenson Fields Parish Council, who had specifically asked for a pelican crossing. He had written to Highways and been given a reference number. He was awaiting a response.</p> <p>Mr Dhindsa said he would be more than happy to try to help with the issue. Councillor Atkin asked how accident reports at localities were passed onto DCC and whether the police could insist on something being done. Mr Dhindsa replied that he had no direct powers and couldn't force any organisation to do anything. All he could do was shine a spotlight and ask questions.</p> <p>Councillor MacPherson asked if Community Speed Watch could only be used in a 30mph limit area. Councillor Peter Smith replied that it was a Derbyshire policy but wasn't the case in other counties. Mr Dhindsa added that he was unaware of the policy but would investigate it. He was also in support of cutting the speed limit in Stenson Road. Councillor Shepherd summed up by saying when the limit was 40mph it was understandable, but the area had changed from semi-rural to built-up.</p> <p>White lines in Knights Lane, Bretby</p>	

	<p>Councillor Linda Chilton reported that she had again asked for white lines in Knights Lane, Bretby, following a spate of accidents. PCSO Wallington-Waite replied that the accidents had taken place on a straight stretch of road and were attributable to driver error rather than a problem with the road.</p> <p>Weak bridge at Findern</p> <p>A resident asked for greater awareness of a weak bridge at Heath Lane, Findern. In the previous 24 hours a 44 tonne truck and two 33 tonne trucks had passed over it. Councillor Chilton replied that herself, Councillor Atkin and Councillor Ford were getting together with officers at DCC to discuss such issues. PCSO Wallington-Waite asked for the number plate of any offending vehicles and she would report them.</p> <p>Lorries in Ingleby village</p> <p>Councillor Michael Stanton raised the issue of lorries coming through Ingleby instead of using Swarkestone Causeway. The issue was prevalent at night and the road was being damaged by the HGVs. Mr Dhindsa said he could help if there was nothing being done by people on the ground.</p> <p>Council-police liaison</p> <p>Councillor Chilton asked how often DCC liaised with police. PC Russell replied that meetings would take place, but not involving him at a local level.</p> <p>Police numbers</p> <p>A resident said people were aware that the “thin blue line” had got thinner – but could Mr Dhindsa provide reassurance that it would not get thinner still? Mr Dhindsa replied that he couldn’t guarantee anything, as 60% of funding came from Central Government and he couldn’t balance that with the 40% levied locally. Until two weeks before the General Election, policing wasn’t an issue but as a result of terrorism in Manchester and London people’s minds were focused on it. There were 411 fewer officers in Derbyshire than nine years previously. Officers were doing a great job and papering over the cracks which were left. Government was talking about boosting Special Branch and counter-terrorism but there was no talk about where that money was coming from. Many Police and Crime Commissioners were writing to Government to argue that the increase in Special Branch and counter-terrorism shouldn’t come at the cost of general policing. As hard targets were protected, so softer targets would then be threatened. Derbyshire was one of the safest counties in the country, but that shouldn’t mean it got ignored.</p>	
6	Agreed priorities	
	No priorities were agreed.	
7	Date of next meeting	
	The date and time of the next meeting would be advised in due course.	

SAFER NEIGHBOURHOOD – MERCIA AREA 2 - Useful Contacts

Safer Communities Manager

Chris Smith 01283 595787 chris.smith@south-derbys.gov.uk

Chair of Safer Neighbourhood Group

Cllr Andrew MacPherson (Willington & Findern) 01283 701037 andrew.macpherson@south-derbys.gov.uk

Vice-chair of Safer Neighbourhood Group

Cllr Michael Stanton (Repton) 01332 862044 michael.stanton@south-derbys.gov.uk

District Council

South Derbyshire District Council 01283 221000 www.south-derbys.gov.uk
Clean Team 0800 587 2349
ASB Hotline 01283 595795

District Councillors

Cllr Martyn Ford (Willington & Findern) 01283 701627 martyn.ford@south-derbys.gov.uk
Cllr Andrew MacPherson (Willington & Findern) 01283 701037 andrew.macpherson@south-derbys.gov.uk
Cllr Michael Stanton (Repton) 01332 862044 michael.stanton@south-derbys.gov.uk
Cllr Peter Smith (Repton) 07894 338129 peter.smith@south-derbys.gov.uk
Cllr David Shepherd (Stenson) 01332 864788 david.shepherd@south-derbys.gov.uk
Cllr Manjit Chahal (Stenson) 01332 600668 manjit.chahal@south-derbys.gov.uk

County Councillor

Cllr Martyn Ford (Repton, Willington & Findern) 01283 701627 martyn.ford@derbyshire.gov.uk
Cllr Neil Atkin (Stenson Fields) neil.atkin@derbyshire.gov.uk
Linda Chilton (Ticknall, Bretby, Newton Solney & Smisby) 01332 695112 linda.chilton@derbyshire.gov.uk

County Council parking enforcement

parking@derbyshire.gov.uk

Safer Neighbourhood Wardens

Dennis Bateman: 01283 595968 neighbourhood.wardens@south-derbys.gov.uk

Police

Inspector Kate Bateman south.neighbourhoods@derbyshire.pnn.police.uk
Sgt Graham Summers graham.summers.735@Derbyshire.PNN.Police.UK
PC Paul Russell paul.russell.23@Derbyshire.PNN.Police.UK
PCSO Kerry Wallington-Waite kerry.waite.4469@derbyshire.pnn.police.uk

Non-emergency: 101
Crimestoppers: 0800 555 111
Emergency: 999

Websites/Social Media

Derbyshire Police www.derbyshire.police.uk
Police Area 2 SNT Twitter www.twitter.com/MerciaSNT
Crime Statistics for your area www.police.uk
Safer South Derbyshire Partnership www.south-derbys.gov.uk/ssdp
Safer SDP Facebook Page www.facebook.com search - Safer South Derbyshire Partnership
SDDC Environmental Health Facebook www.facebook.com/southderbys

SOUTH DERBYSHIRE DISTRICT COUNCIL

SOUTH DERBYSHIRE AREA FORUM REPTON

(Covering Bretby, Calke, Findern, Foremark, Ingleby, Milton, Newton Solney, Repton, Smisby, Stenson Fields, Ticknall, Twyford & Stenson and Willington).

Meeting to be held at:

**Stenson Fields Primary School,
Goathland Road,
Derby.
DE24 3BW**

**on Tuesday, October 10,
2017 at 7.30pm**

Members:

District Councillors: Councillor Peter Smith (Chair) and Councillors Manjit Chahal, Martyn Ford, Andrew MacPherson, David Shepherd and Michael Stanton.

County Councillors: Councillors Neil Atkin, Mrs Linda Chilton and Martyn Ford.

South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire DE11 0AH
Minicom: (01283) 228149, DX 23912 Swadlincote.
Tom Sloan - Tel: (01283) 595858
email: tom.sloan@south-derbys.gov.uk

AGENDA

1. Apologies for absence.
2. Declarations of interest.
3. Chairman's announcements.
4. To note the minutes of the meeting held on June 26th, 2017 (copy attached).
5. Report back on issues raised at the last meeting.
6. Public questions on issues raised by residents.
7. County council issues.
8. District council issues.
9. Date of next meeting (TBA).

SOUTH DERBYSHIRE AREA FORUM

REPTON

June 26, 2017 at Milton Village Hall

PRESENT:-

District Council representatives

Councillor Peter Smith (Chair), Councillor Andy MacPherson, Councillor David Shepherd, Councillor Michael Stanton.

Stuart Batchelor (Director of Community and Planning Services), Tom Sloan (Clerk).

Derbyshire County Council representatives

Councillor Neil Atkin, Councillor Mrs Linda Chilton.

Parish Council / Meeting representatives

Mary Goodall (Findern Parish Council), Rosemary Rose (Findern Parish Council), Trevor Skeith (Repton Parish Council), Steve Toone (Bretby Parish Council).

Members of the public

Polly Faulkner, Jade Fitch, Julie Fitch, Heather Hall, Parmjit Maskian, Sam Watters.

RA/1 **Apologies for absence**

Councillor Martyn Ford, Fred Hill, Lynette Nash, Anne Yates.

RA/2 **Declarations of interest**

None.

RA/3 **Chairman's announcements**

Stuart Batchelor reported that Local Plan Part II had been through the examination in public stage and it went very well. A list of modifications had been made ahead of a proposed adoption in September and they were currently out for consultation. One of the documents being consulted upon related to design and was interesting as it would affect the way developments

in South Derbyshire looked. An event at Repton Village Hall on July 5 between 2.30pm and 6pm would allow residents a chance to meet with officers and put across their thoughts.

Councillor Peter Smith reported that the new Physical Activity, Sport and Recreation Strategy had been adopted by South Derbyshire District Council. He was very passionate about exercise and the strategy was important to the community as it would promote the use of the whole district to improve people's health. The more people got involved, the better.

Mr Batchelor announced that plans were being made to possibly combine Area Forums with Safer Neighbourhood Meetings to make one meeting. There would possibly be an update in time for the next meeting in the autumn. If time was used better, there was a possibility that Derbyshire County Council would send an officer.

RA/4 **The minutes of the meeting held on January 31, 2017**

Councillor Michael Stanton raised the issue of Area Forum Liaison Officer Paul Jameson no longer holding the position and there being no replacement at DCC. It looked pointless sending any issues to County until that changed. Could the forum have an update as to what was going happen? Councillor Mrs Linda Chilton replied that issues would go into the Highways Hub. She had asked whether the situation could be reversed and an officer provided for Area Forums. DCC's Local Area Committees had ceased, so savings there could allow the Area Forum service to start again. Councillor Smith said that since Mr Jameson had departed there was a void and all the Area Forums could do would be the same as a member of the public, making the process longer. Was the forum seeking to get Mr Jameson's position reinstated?

ACTION: Councillor Mrs Chilton to raise the issue at a Derbyshire County Council group meeting

Drainage in Bretby Lane

No update was available from DCC at the previous meeting and therefore no minute could be taken. A resident said that the item had been on the agenda for years and all it needed was for DCC to contact Severn Trent and check that work promised had been carried out. Mr Batchelor replied that SDDC's annual Flood Liaison meeting had been held the previous week and the issue would appear in the minutes. Councillor Mrs Chilton added that to her knowledge work had been completed in Bretby Lane by Severn Trent.

The minutes were proposed by Councillor Andy MacPherson and seconded by Councillor Stanton.

RA/5 **Report back on issues raised at the last meeting**

Street lights being turned off at night in Willington

Councillor Neil Atkin reported that the previous administration at DCC didn't have streetlight repair backup. The job had now gone out to tender and the issue should be resolved very quickly in the short-term.

Car damaged opposite the Bonnie Prince due to incomplete road works

Councillor David Shepherd had reported DCC's response (that the issue needed to be taken up with a contractor) to the resident whose car was damaged. The resident considered himself beaten by it. Councillor MacPherson asked for the issue to be reported to SDDC Planning Enforcement as it regarded developers not finishing works before occupation.

ACTION: Tom Sloan to report issue to SDDC Planning Enforcement

RA/6

Public questions on issues raised by residents

A resident reported that a large wall had been built at Church Side, Willington, and had been joined onto the wall of St Michael's Church. It was an eye sore. Did the resident have planning permission for it? Councillor MacPherson confirmed that the wall was being investigated by SDDC Planning Enforcement to establish whether or not there was a breach. Mr Batchelor added that the issue was whether the wall was built under permitted development rights or not.

ACTION: Tom Sloan to ask for a report back from SDDC Planning Enforcement

A member of the public asked whether a flooding issue in Findern Road had been aired at the Flood Liaison meeting.

ACTION: Tom Sloan to produce Flood Liaison minutes as quickly as possible and circulate

A Milton resident living opposite an entrance to Foremark Reservoir complained about abusive drivers parking there at night and causing a nuisance through loud music, littering and general anti-social behaviour.

ACTION: Stuart Batchelor to liaise with the Safer South Derbyshire Partnership Anti-Social Behaviour Officer and if necessary write to Severn Trent Water

A Repton resident asked what action was appropriate with Japanese Knotweed. Councillor Smith replied that he had raised the invasive species at the Flood Liaison meeting. Experts there said it was a difficult issue to enforce but he had been told the weed had been cut back and treated. Councillor MacPherson added that cutting could be counterproductive.

ACTION: Tom Sloan to get feedback to the area forum on Japanese Knotweed from South Derbyshire District Council Environmental Health

A resident reported that shrubs were overhanging a road in Repton. Councillor Smith replied that SDDC was behind on cuts but a new piece of equipment was on the way which would help.

A member of the public asked if highways were considered during development. Mr Batchelor confirmed that they were – and expert advice was taken before permission was given. DCC gave the advice and an officer would go out and look in detail at the situation. Councillor MacPherson asked how much strength a Village Plan or a Neighbourhood Plan would have. Mr Batchelor replied that a Village Plan would form part of planning policy. A Parish Plan held no weight in the planning process.

A resident asked how many houses in total were planned on the old Calder Aluminium site in Repton Road, Willington. Traffic already queued from Willington to Repton and vice-versa. Mr Batchelor replied that he was unsure of the total but traffic issues would have been addressed by DCC. All information was available in the public domain.

RA/7 **County Council issues**

Councillor Linda Chilton reported that changes were taking place at County after the new administration took over.

RA/8 **District Council issues**

Mr Batchelor reported that a lot of work relevant to the area was going on at SDDC. An enforcement briefing would go out with the minutes, showing how SDDC was clamping down on issues including fly tipping, littering and dog fouling. Consideration was also being given to publicising poor hygiene ratings at eateries, as well as good ones. Councillor Smith added that SDDC could now levy £1,000 fines for people not clearing up after their dog.

Councillor Mrs Chilton said that Area Forums needed better advertising. Mr Batchelor replied that it was part of a review into the forums.

RA/9 **Date of next meeting**

To be announced in due course.

Councillor Peter Smith
CHAIR

The meeting terminated at 8.30pm.

SOUTH DERBYSHIRE DISTRICT COUNCIL

REPTON AREA FORUM

(Covering Bretby, Calke, Findern, Foremark, Ingleby, Milton, Newton Solney, Repton, Smisby, Stenson Fields, Ticknall, Twyford & Stenson and Willington)

Tuesday, October 10, 2017

REPORT BACK ON ISSUES RAISED AT THE LAST MEETING

At the last Repton Area Forum held on Monday, June 26, 2017, at Milton Village Hall, the following issues were raised and a progress report is provided.

Derbyshire County Council issues:

1. Car damaged opposite the Bonnie Prince due to incomplete road works

Councillor David Shepherd had reported DCC's response (that the issue needed to be taken up with a contractor) to the resident whose car was damaged. The resident considered himself beaten by it. Councillor Andy MacPherson asked for the issue to be reported to SDDC Planning Enforcement as it regarded developers not finishing works before occupation.

ACTION: Tom Sloan to report issue to SDDC Planning Enforcement

Issue reported to Planning Enforcement as an example of developers not completing works before occupation.

Tom Sloan
Service Assistant
South Derbyshire District Council

South Derbyshire District Council issues:

1. Wall at Church Side, Willington

A resident reported that a large wall had been built at Church Side, Willington, and had been joined onto the wall of St Michael's Church. It was an eye sore. Did the resident have planning permission for it? Councillor MacPherson confirmed that the wall was being investigated by SDDC Planning Enforcement to establish whether or not there was a breach. Mr Batchelor added that the issue was whether the wall was

built under permitted development rights or not.

ACTION: Tom Sloan to ask for a report back from SDDC Planning Enforcement

The wall in question has got planning approval from South Derbyshire District Council, reference no: 9/2015/1106 (to reposition a garden brick wall closer to property boundary).

Tom Sloan
Service Assistant
South Derbyshire District Council

2. Flood Liaison Meeting minutes

A member of the public asked whether a flooding issue in Findern Road had been aired at the Flood Liaison meeting.

ACTION: Tom Sloan to produce Flood Liaison minutes as quickly as possible and circulate

After the meeting was held on June 22, the minutes were circulated on July 3. Flooding issues in Findern were raised relating to Doles Brook, Doles Lane and Bakeacre Lane, but not Findern Road.

Tom Sloan
Service Assistant
South Derbyshire District Council

3. Anti-social behaviour at Foremark Reservoir

A Milton resident living opposite an entrance to Foremark Reservoir complained about abusive drivers parking there at night and causing a nuisance through loud music, littering and general anti-social behaviour.

ACTION: Stuart Batchelor to liaise with the Safer South Derbyshire Partnership Anti-Social Behaviour Officer and if necessary write to Severn Trent Water

We have met with Severn Trent Water and the police and put a number of actions in place to reduce issues at the location. CCTV has been put in at the entrance to the reservoir to get details of nuisance vehicles gathering. Advisory parking signage has been put up along with CCTV and littering signage. We are also starting to have regular meetings with Severn Trent staff to monitor the site. Finally, letters have been sent out to the owners of vehicles parked in inappropriate places.

Claire Rawlins
Anti-Social Behaviour Officer
South Derbyshire District Council

4. Japanese Knotweed in Repton

A Repton resident asked what action was appropriate with Japanese Knotweed. Councillor Smith replied that he had raised the invasive species at the Flood Liaison meeting. Experts there said it was a difficult issue to enforce but he had been told the weed had been cut back and treated. Councillor MacPherson added that cutting could be counterproductive.

ACTION: Tom Sloan to get feedback to the area forum on Japanese Knotweed from South Derbyshire District Council Environmental Health

Please see attached advisory note from South Derbyshire District Council Environmental Health.

Matt Holford

Environmental Health Manager
South Derbyshire District Council

Japanese Knotweed & Invasive Weeds – Advisory Note to DHES

Section 1. The Law

1.1 Invasive Weeds Law.

Section 14(2) of the Wildlife and Countryside Act states that *“Subject to the provisions of this Part, if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence.”*

Part II of Schedule 9 of the Act includes Japanese Knotweed (*polygonum cuspidatum*)

It is a defence against any proceedings under Section 14 to demonstrate that *“the accused took all reasonable steps and exercised all due diligence to avoid committing the offence”*.

In 2010 DEFRA issued ‘Guidance on Section 14 of the Wildlife and Countryside Act’ in order to offer its opinion on the application of the statute. The guidance tackles a number of issues, which had previously caused confusion in the application of the Act. In particular, it considers the interpretation of ‘causes to grow in the wild’ and it offers the following opinion;

“It would follow that planting in private gardens would not be considered planting in the wild and, in general, this is also likely to apply to larger scale gardens, estates and amenity planting. Conversely, where the plant is inadequately managed or contained and is likely to have an adverse effect on habitats and their native biodiversity, it is more likely that the offence will have been committed. Therefore, whether or not planting is an offence should be judged on a case-by-case basis”.

it may be possible to argue that a landowner who knowingly allows a Schedule 9 species that he did not introduce, to accumulate on his land and create a problem as it spreads to other areas of the wild, and who makes a conscious decision to do nothing about it, is ‘causing it to grow’. However, this interpretation has not been tested, and whether the offence could apply in these circumstances would have to be established in the courts.”

The penalty for a breach of Section 14 on summary conviction is imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both,

1.2 Nuisance Law

Section 79(1)(a) of the Environmental Protection Act states that *“any premises in such a state as to be prejudicial to health or a nuisance”* can be deemed to be a statutory nuisance. The definition as to what constitutes a nuisance has developed over more than 100 years of case law and it is continually evolving and changing as new cases go through the courts. The general interpretation is that a statutory nuisance exists where the nature, frequency and duration of the nuisance causes a material interference with the use or enjoyment of neighbouring land.

Where a statutory nuisance is considered to exist then the local authority can serve an Abatement Notice on the person having control of the nuisance. Alternatively the aggrieved person can apply to court to get an Abatement Order issued on the person responsible. Failure to comply with the requirements of an abatement notice is a criminal offence. However, I can find no examples in case

law where this has been used to address Japanese Knotweed, although it remains a theoretical possibility.

Similar cases to this exist in civil law where aggrieved plaintiffs have taken action using private nuisance proceedings to protect their interest in land. For example, there are a number of historical cases relating to actions for nuisance due to damage from tree roots (e.g. Davey v Harrow Corporation 1958) where the main determinant of culpability appears to be based on the evidence of actual damage caused plus the reasonable foreseeability of the damage.

1.3 Planning Law

Section 215 of the Town and Country Planning Act 1990 provides local authorities with a discretionary power to require landowners to clean up 'land adversely affecting the amenity of the neighbourhood'. Generally this is interpreted as being where land is visible from the street and where the visual condition is such that it is deemed to be adverse to the local amenity. It is highly unlikely that Knotweed growth would be held to be causing a visual detriment to local amenity.

1.4 Anti-Social Behaviour Law

Section 43 of the Anti-Social Behaviour Crime and Policing Act 2014 enables local authorities and the police to issue a Community Protection Notice (CPN) on any individual or body if it is satisfied that their conduct is;

- having a detrimental effect on the quality of life of those in the locality, and;
- the conduct is of a persistent or continuing nature, and
- the conduct is unreasonable.

The application of this new law is potentially very wide. Generally it takes a number of years for the detailed interpretation of such a broad piece of law to be formed through court decisions. So far there have been no court cases which have set any legal precedent and therefore all regulators are still testing the way with this law to establish where it's use is considered to be proportionate and reasonable.

Section 2 Enforcement of the Relevant Legislation

2.1 Invasive Weeds

Section 19 of the Wildlife and Countryside Act 1981 discusses the enforcement powers of constables, which seems to suggest that the Act is primarily enforced by the Police. However, Section 18 also discusses 'Wildlife Inspectors' who must be authorised in writing by the Secretary of State and who I believe are employed either by the Police or Natural England.

Section 25 of the Act states that "A local authority in England and Wales may institute proceedings for any offence under this Part (which includes section 14)".

I've spoken to Natural England who confirm that they provide an advisory role, but no formal enforcement involvement. Their view is that generally it will be a civil matter between the two respective land-owners but that in very serious cases either the Police or (where authorised) the local authority may also get involved in a criminal law capacity.

I am aware that Derbyshire Constabulary have, on occasions, become involved with possible offences under the Wildlife and Countryside Act. However, whilst a few forces across the UK have dedicated wildlife enforcement units I do not believe that this is the case in Derbyshire and therefore I suspect that it will be down to the discretion of the local operational units as to whether they consider it an appropriate use of their resources to investigate.

I've reviewed South Derbyshire's constitution and there is no reference within it to any Director being given authorisation to act on behalf of the Council in regards to wildlife and countryside law. The nearest equivalents are 'public nuisance' (DHES), 'anti-social behaviour' (DCPS) or 'public parks and open spaces' (DCPS). I suspect that we therefore do not have any existing power to instigate action under section 14.

2.2 Nuisance

Environmental Health enforces statutory nuisance powers.

Private nuisance is a civil proceeding between the two landowners.

2.3 Planning

Planning law is enforced by the District Councils Planning Enforcement team

2.4 Anti-Social Behaviour

South Derbyshire DC currently authorises a number of officers in the Environmental Health and Housing services to issue CPNs. SDDC has a local agreement with the Police to issue CPNs on their behalf as part of a joint working relationship.

Section 3 Conclusions

The views of both Natural England and the Environment Agency are that Knotweed spreading from one location to another is a civil matter between the two respective landowners.

SDDC could investigate the case as a possible statutory nuisance or community protection matter, but if we were to take formal action it would be stepping into largely uncharted legal territory with all of the challenges that this presents.

Never the less, if the neglect of a landowner is compromising a wider resource which is benefitting residents of South Derbyshire, we have previously taken the view that we have a moral obligation to provide what support we can in protecting the public asset. We have in such instances previously acted informally on behalf of partner agencies by confirming that the invasive species is Japanese knotweed, confirming the extent of the growth and, where appropriate identifying the landowner and writing to them to advise them of their legal duties as set out above.

Latest Version of this Note: 3rd July 2017