

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

27th January 2005

**PRESENT:-**

**Labour Group**

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

**Conservative Group**

Councillors Atkin, Bladen, Ford and Mrs. Hall.

**APOLOGY**

An apology for absence from the Meeting was received from Councillor Mrs. Walton (Independent Member).

EDS/53. **MINUTES**

The Open Minutes of the Meeting held on 11th November 2004 were taken as read, approved as a true record and signed by the Chair.

EDS/54. **MEMBERS' QUESTIONS AND REPORTS - DERBY AND SANDIACRE CANAL TRUST**

Councillor Bladen submitted a report following a Meeting of the Trust on 19th January 2005. He explained a proposal to work in partnership with private consultants to procure funding for the canal restoration. There would be no financial responsibility for the Trust or the associated local authorities. Essentially, the scheme sought to attract development or attractions along the bank of the proposed canal with funding through Section 106 Agreements. The consultants, George Tansley and Vicky Radley were prepared "pump prime" this initiative and Councillor Bladen explained that in total some £85 million of funding was required, which could not be afforded from public sources alone. The Canal Society had been successful in a bid to the Heritage Lottery Fund, resulting in a grant of £28,000. The planned first phase of restoration works were in South Derbyshire, near to Swarkestone. He also advised that the wife of former Councillor Brooks (who served on the Trust) had been seriously ill and it was agreed to send a letter wishing her a speedy recovery.

The Chair commented on the encouragement of developments adjacent to canals. The Leader explained that Mr. Tansley had attended the South Derbyshire Local Strategic Partnership Forum earlier in the day and had discussed this proposal with him. Mr. Tansley was confident that the project would proceed and concerned that South Derbyshire exploited this opportunity adequately. The Leader considered that this could be a very exciting development for the District and he suggested a Meeting with the Chief Executive and the Deputy Chief Executive, Mr. Tansley and himself to pursue this.

**MATTERS DELEGATED TO COMMITTEE****EDS/55. COMPOST SCHEME – POLICY REVIEW**

Members were reminded of the changes to the Composting Scheme required by the Animal By-Products regulations. Waste had to be processed using an “in vessel” system instead of the current “open windrow” system. Plans had been approved to expand the Compost Scheme to the north east of the District in the next financial year, making use of the new system. The new facility was now scheduled to be open in June 2005.

One of the consequences of the new system was a significant increase in the range of materials that could be recycled. At the same time, there would be more rigorous monitoring of the compost process using the “open windrow” system, with increasing pressure to transfer to “in vessel” systems. Publicity material issued to residents on the existing scheme would reflect this. Details were provided of the additional materials which could be placed in the “Brown Bin” and this would help to increase the amount recycled.

In view of these changes, the Committee was asked to review current policies with regard to the extension of the Compost Scheme. There had been some exceptions to normal policy, to help householders meet the demands of the alternate weekly collection system. A table was submitted showing the normal policy regarding the issue of larger bins, the collection of side refuse and the service provided. The same table detailed current policy for those participating in the Compost Scheme and suggestions for the operation of this new scheme.

An analysis of waste indicated that around 70% of normal waste could be recycled through the Council’s Recycling Scheme. A withdrawal of policy exceptions in the new area would save costs due to purchasing fewer large bins and it would contribute towards the waste minimisation efforts. Decisions were sought regarding the policy changes, so that information could be included in the publicity material for the new scheme. It was considered sensible to proceed on a trial basis and to consult fully with householders throughout the year to ensure the scheme’s success.

Councillor Shepherd was concerned over the revised policy arrangements, explaining the nature of his Stenson Ward, which was being added to the Compost Scheme this time. With regard to the suggestions for a trial period, he proposed twelve months to enable the revised policies to be evaluated fully. He agreed that education was a key issue and in addition to leaflets he suggested that the Council consider road shows or a specific Area Meeting for this purpose. He also sought an update with regard to access to the Raynesway Civic Amenity facility, which was provided. The Direct Services Manager explained the publicity arrangements to launch the Compost Scheme in new areas. This included leaflets, road shows and attending local parish council meetings. He noted the suggestion about using Area Meetings.

Councillor Shepherd asked about the current arrangements for the collection of side refuse after Bank Holidays. This was not reflected within the report, but Officers initial view was that this current

arrangements could be retained. In response to questions from the Chair and Councillor Bladen, Officers confirmed that the revised policy regarding the provision of larger bins would only be applied to properties on the Compost Scheme extension, at this stage.

Councillor Ford voiced his thanks for the scheme's extension into the Willington and Findern Ward. Councillor Stone asked whether including food leftovers within the recyclable materials would increase smell problems and he asked if it could be wrapped in newspaper to minimise this. The Direct Services Manager confirmed this was an option and other options included the use of biodegradable bags. In response to a question from Councillor Atkin, it was confirmed that residents could request more than one composting bin and tree branches could be placed within the bins. Councillor Taylor proposed adoption of the revised policy on a trial basis and looked forward to increasing the Council's already excellent recycling rate. He noted that there were education issues and probable teething troubles, but was sure that these could be resolved. Councillor Whyman, M.B.E. welcomed the proposals and the opportunity to recycle 70% of the content of domestic refuse bins.

**RESOLVED:-**

***That the Council implements the review of policies for the operation of the Compost Scheme on a trial basis for 12 months with periodic reports submitted to the Committee.***

EDS/56. **AUTHORISATION FOR OFFICERS TO ENTER LAND PURSUANT TO THE TOWN AND COUNTRY PLANNING ACT 1990 AND OTHER RELEVANT LEGISLATION**

The Committee was asked to authorise nominated Officers to have the right to enter land in performance of their duties under the Town and Country Planning Act 1990, together with other and subordinate legislation. The principal rights were set out within Section 324 of the Town and Country Planning Act 1990. The report explained the other sections of the 1990 Act that were applicable. Provisions were also contained within the Planning (Consequential Provisions) Act 1990, the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and the Hedgerow Regulations 1997. The nominated Officers were:-

J. Birkett, A. Sylvester, A. Burdett, T. Denning, A. Young, A. Briggs, N. Toon, K. Parkes, G. Hague, M. Hallard, P. Heath, I. Bowen, R. Groves, I. Taylor, R. Shirley, L. Thornewell, T. Turner, C. Payne, A. Spencer and P. Wood (as consultants operating on behalf of the Council).

It was noted that the delegation had to be made to specific Officers.

**RESOLVED:-**

***That the Committee approves the Scheme of Delegation to grant the Head of Planning powers to authorise nominated Officers to enter land, as set out in the report.***

**EDS/57. TELECOMMUNICATIONS BASE STATION DEVELOPMENT  
(SUPPLEMENTARY PLANNING DOCUMENT)**

The Committee received a report which sought approval to consult on a draft supplementary planning document, relating to the installation of telecommunication base station development.

In presenting the report, the Head of Planning Services read an extract from Government Office guidance stemming from the Stewart Report into telecommunications development. He explained how this guidance had been taken on board in producing the proposed policy. There was a need for the Government Office to ratify such guidance and implications under the new Local Development Scheme framework.

The Council had held a constructive meeting with three telecommunication operators and there was an intention to hold further meetings at least annually. The Operators had agreed that once their plans had been published they would meet with each other and the local authority. The Council would have the opportunity to guide and persuade on the location of future masts.

The Leader of the Council acknowledged the work undertaken in preparing the draft Supplementary Planning Document. He spoke about the restrictions faced by the Council as a planning authority when dealing with such development. The Council could not adopt an enforcement approach, but he hoped it could give positive encouragement, so that developers could address known concerns. He felt that the draft document was too cautious and unclear. He felt strongly about this issue and was prepared to test the robustness of Government Office guidance, to see if the Supplementary Planning Document was rejected. Through the Development Control Committee, Members saw the frustration and concerns of residents who were worried whether children or elderly people would be affected by the proximity of masts. Members had a duty to recognise this and a need to demonstrate that they wished to inform opinion. He used a number of examples to illustrate where he considered the proposed document fell short and there was still a presumption of approval. There was a need to spell out in clear terms a hierarchy approach to avoid locations close to schools and premises occupied by elderly residents. He suggested that this matter be deferred and a working group formed to look at it in greater detail. The Chair also considered that the draft guidance did not go far enough and there was a need to “test the water” with the Government Office, providing a statement of intent. Further support was voiced by Councillors Ford and Carroll on this important issue.

**RESOLVED:-**

***That a Working Panel comprising four Members (two Labour Group and two Conservative Group representatives) be appointed to consider this matter in detail and to submit a report on its findings to a future Meeting of the Committee.***

**EDS/58. LOCAL DEVELOPMENT SCHEME**

At its Meeting on 11th November 2004, the Committee was informed of changes introduced by the Planning and Compulsory Purchase Act 2004.

The Local Development Scheme (LDS) was a public statement which identified the documents to be produced. The first LDS should focus on what would be produced during the first three years from the commencement of the Act and indicate in general terms the future work proposed. It should identify key milestones and the resources required to prepare the various documents.

The LDS had to be submitted to the Secretary of State for approval and would be assessed by the Government Office for the East Midlands (GOEM). Amongst other things, it would assess the document's fitness for purpose. It would need to have a robust approach, be deliverable and realistic in terms of timetable and be easy to understand. The LDS did not need to be subjected to independent examination. It would come into effect four weeks after being submitted to GOEM unless the Secretary of State intervened or requested more information.

The emerging Local Plan could be saved from the date of its adoption. It was prepared in accordance with current Government guidance and was anticipated that the policies it contained could be saved for longer. However, this would be subject to approval by the Secretary of State and would require evidence that the policies remained up to date.

The documents proposed in the LDS for preparation for the period to September 2007 were largely those where the emerging Local Plan had set out a commitment to provide additional detailed guidance on specific policies. The first of the new type documents to be prepared was the Statement of Community Involvement (SCI). Consultants were engaged to produce a draft SCI, which should be submitted to Committee in June 2005. A formal six weeks' consultation period would then be required. Following amendments, the final document had to be submitted to the Secretary of State, with a further six week consultation period thereafter. An independent examination would then be carried out and the Inspector would produce a report with recommendations that would be binding on the Authority.

Another new type document proposed was an Action Area Plan for the land between Woodville and Swadlincote Town Centre, to either side of the proposed Swadlincote Regeneration Route. This type of document might also require a Strategic Environmental Assessment and a Sustainability Appraisal.

The report explained the previous system for assessing housing requirements. In future District housing requirements would be set out in the Regional Spatial Strategy, the document to replace the Regional Planning Guidance (RPG). The current RPG ran until 2021, but a review was to commence in 2005, with anticipated adoption by 2008. The new document would contain District targets and was likely to cover the period up to 2026. It was therefore proposed to start a review of the housing section of the Local Plan in 2007 when initial estimates and future requirements beyond 2011 should be known.

The Local Plans Manager explained that further guidance was still being received and if appropriate, the draft document submitted to the Council could be amended to take account of the latest guidance. Councillor Taylor welcomed the report and particularly proposals for the Woodville Action Area Plan. Clearly this supplemented other work for the Regeneration Route.



Highways were a consistent cause of complaints in the Woodville area and through this initiative there was an opportunity to address traffic concerns. The Leader thanked Officers for the report and proposed its recommendation to Council, whilst giving Officers authority to amend the document in accordance with latest guidance.

Councillor Ford questioned why there was a South Derbyshire Cycling Strategy, but the Walking Strategy was focussed only on Swadlincote. Officers advised that there were insufficient resources to extend the Walking Strategy to the rural areas at this time. In response to questions from Councillor Atkin, information was provided on the consultations with Government agencies and the reasons why the flood plain had not been included within the Local Plan. Officers were also unaware of proposals for a Cycle Theme Park in the area.

Councillor Taylor referred to the Nottingham declaration on climate change, which the Council had adopted at its Meeting on 20th January 2005. He asked whether the Local Development Scheme took on-board such issues as innovations in building design and insulation, or whether it needed to be mentioned specifically within the document. Officers confirmed that there was presently no expertise within the Council on such issues. Guidance would have to be procured or sought from other authorities that had already addressed this issue. The Vice-Chair felt that developers should be encouraged to take account of the Nottingham Declaration.

**RESOLVED:-**

- (1) That the Council be recommended to approve the Local Development Scheme for submission to the Secretary of State.***
- (2) That the Head of Planning be authorised to make any necessary minor amendments to the Draft Local Development Scheme prior to its submission to Council, taking on board any further guidance received.***

EDS/59. **DERBYSHIRE CHURCH TOURISM PROJECT**

Members were reminded of the joint working through the Derbyshire Tourism Officers Group. In early 2004, it was decided to investigate a Church Tourism Initiative. It was felt that a project could be developed at relatively low cost and the reasons for this initiative were explained. A presentation was received by local authority tourism officers and the Church of England tourism development officers for Derbyshire. The County had a strong product with buildings of architectural, historical and social importance that happened to be religious buildings. It was agreed to investigate the feasibility of a project for Derbyshire and as a first step tourism officers were asked to identify major church buildings meeting the following criteria:-

- ❑ Be of architectural, historical and social importance/interest such that visitors would feel the journey to make a visit had been worthwhile.
- ❑ Open daily, easily accessible, and providing appropriate signing, interpretative material etc.
- ❑ Providing or having nearby, local visitor facilities such as parking, toilets, places to eat and drink and associated places of interest to visit.

About twenty churches were identified initially and visits took place to each building by the local tourism officer and Church of England tourism development staff. As a result ten churches were identified including those in Melbourne and Repton, within South Derbyshire.

The project would include production of a leaflet and details were given of proposed content. The leaflets would be displayed in Tourism Information Centres and at participating churches. To produce 100,000 copies of the leaflet and displays for each of the churches would cost about £3,500 and this Council's contribution would be £700, which could be met from existing budgets. A second phase of the project would identify other places of worship, typically clustered around the ten main churches. It was envisaged that this project would spread tourism benefits to rural areas. South Derbyshire had a potentially strong offer, which could include Dalbury, Marston-on-Dove and Foremark churches. The aim would be to implement this phase, consisting of a leaflet for each cluster during 2006.

In accordance with the Council's equal opportunity and diversity policies, the project had been discussed with the values and attitudes champion, Councillor Isham. Two concerns were raised regarding the promotion of a single religion and whether the use of a proposed logo, featuring a cross could be offensive to those of other faiths. These issues had been investigated further, including seeking the views of partner local authorities, the ethnic minority office of the Church of England and a representative of the Sikh community in Derby. No other concerns had been raised. The other partners in the project were prepared to accept modifications to the logo. The only reason that other faith group buildings had not been included in the project was that they did not fulfil the criteria outlined above. Indeed, as long as it could be opened daily to the public, the proposed Buddhist Temple at the Tara Centre would qualify for inclusion in the project as it was probably the largest and most important non-Christian religious building in the County.

Councillor Isham explained her concerns over the use of a cross as the proposed logo for the literature, that it might exclude other religions and symbolised only Christianity. This was a tourism project promoting buildings that happened to be religious venues. There was less comfort when moving into religious aspects. The Council was being asked to fund this project and yet some people of other faiths or those without a faith might object to this proposal. In response to a question from the Chair, it was confirmed that the Church had tourism development officers. Officers reiterated the key criteria used in selecting buildings for the project. The Vice-Chair questioned whether social history links were taken into account and this was confirmed. Councillor Ford questioned whether the project could refer to "places of worship" rather than "Church". The Chair explained that the literature was being revised. Councillor Carroll was concerned at the use of a cross as a logo on the literature. The Officer explained that other faith groups had been consulted with no adverse feedback. Councillor Isham also felt there was no need for a religious symbol on the literature. The Chair asked about the future financial commitment and at this stage the Council's contribution was £700.

**RESOLVED:-**

***That the Council participates in and contributes towards the funding of the Derbyshire Church tourism initiative following discussions with partners regarding the views expressed by Members about the title of the project and the logos used.***

EDS/60. **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 11th November 2004 were received.***

T. SOUTHERD

CHAIR