

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

3rd March 2005

PRESENT:-

Labour Group

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

Conservative Group

Councillors Atkin, Bladen, Ford and Mrs. Hall.

Independent Member

Councillor Mrs. Walton.

APOLOGY

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

EDS/62. **MINUTES**

The Open Minutes of the Special Meeting held on 4th January 2005 and the Minutes of the Meeting held on 27th January 2005 were submitted. Under Minute No. EDS/51 (4) a correction was made to the Schedule of Fees and Charges approved as part of the budget report, relating to the annual licence fee for the breeding of dogs, which should have read £81. The Chair explained amendments to Minute No. EDS/59, the Derbyshire Church Tourism Project, regarding discussions with the Council's Equality and Diversity Champion on the inclusiveness of the project. Subject to these amendments, the Minutes were approved as a true record and signed by the Chair.

EDS/63. **MEMBERS' QUESTIONS AND REPORTS – LITTER AND FLY-TIPPING**

Councillor Bell reported on the problem of litter in countryside verges and there was currently no mechanism for its removal. He sought the Committee's consideration of how this issue could be addressed to improve the environment in South Derbyshire.

Coincidentally, Councillor Taylor had attended a seminar the previous day about fly-tipping. He spoke particularly about the Council's enforcement responsibilities and ideas that had been suggested by other local authorities. The Head of Environmental Services would be reporting on options to a future meeting of the Committee. There was a need for publicity and the Council had a duty to inform residents of disposal points, but also to enforce its legislative powers.

The Chair commented that the Work Programme approach would enable the Committee to discuss such topics at future meetings. The Leader of the Council recognised the scale of this national problem and the

difficulties of enforcement. He had pursued this issue with the Member of Parliament. Councillor Carroll commented on previous litter campaigns and there now seemed less publicity about this issue. The District Council had a role in addressing litter concerns within its area and it should work with other agencies. The Chair referred to improvements to Town Centre cleaning. Councillor Mrs. Walton suggested improved publicity for civic amenity sites. Councillor Atkin referred to litter on public footpaths and the further issue of litter and debris associated with river flooding. Reference was made to the effective service delivered by the Clean Team and the need for a partnership approach with the Police regarding fly tipping. Councillor Taylor concluded this item, referring to the national framework and the need for people to be informed of fines that could result from a prosecution. He used the example of the Community Warden Scheme to demonstrate how enforcement could take place, whilst recognising the need for legal support and support from Members.

MATTERS DELEGATED TO COMMITTEE

EDS/64. LAND CHARGES FEES 2005/06

The Committee was asked to set the fee for the Land Charges Service for 2005/06. The report explained the current establishment of this section and its statutory duty to process Local Authority Searches. The current fee was £102. When setting a fee, consideration had to be given to the Service Level Agreement with Derbyshire County Council, which was one of the parties involved in completing the search process.

The report set out a number of marketing considerations. Between 1998 and 2003, there was approximately a 10% increase per year in the number of Full Search applications received by the Section. In the last two years there had been a reduction in the number of Searches submitted and this was due to an increased number of personal searches being undertaken. It was predicted that this trend would continue into 2005/06. The Council was under a statutory duty to make information available, so that personal searches could be carried out. A mandatory fee of £11 was prescribed for providing this information, which was significantly lower than the full Search fee. The increase in the number of personal search applications had meant that a number of local authorities had reduced their Land Charges fee, in order to become more competitive. A Schedule of the Full Search fees charged by neighbouring local authorities was appended to the report. It showed that an increase in line with inflation to £104 was comparable to the rates charged by those authorities.

E-Government considerations were also reported. The computerised system had reduced the time taken to complete the search process. As a result of an E-Government initiative, the Section had committed to the National Land Information Service (NLIS) and the report explained the benefits of this approach. During the current financial year, the computer software had been upgraded, together with that used in the Planning and Building Control Sections. This had assisted in achieving the next level of the NLIS, with other reported benefits. It was envisaged that by April 2005, all searches received via the NLIS central hub would

be returned electronically, ensuring compliance with E-Government targets.

In response to a question from Councillor Mrs. Walton, the Head of Legal and Democratic Services explained the role of Personal Search Companies and the increase in the number of personal search applications. Unlike some authorities, the Council had not been inundated with such applications and there had not been a need to reduce the full Land Charge Service fee. Councillor Atkin questioned whether the Personal Search fee could be increased to the same level as that for a Full Search, but it was noted that the level of Personal Search Fee was prescribed.

RESOLVED:-

That the Land Charges Fee be increased in line with inflation to £104 from 1st April 2005.

EDS/65. **CONSULTATION PAPER ON PLANNING FOR GYPSY AND TRAVELLER SITES**

The Committee's views were sought on a draft Circular from the Office of the Deputy Prime Minister on "Planning for Gypsy and Traveller Sites". In line with the current Circular (1/94) the draft gave advice on procedures to be followed to ensure that the planning system recognised, protected and facilitated the traditional lifestyle of gypsies and travellers. The Government considered that a new circular was necessary in the light of evidence that the system had failed to deliver adequate sites in many areas of England, over the last ten years. The number of planning applications for private sites had increased, but the majority of these had been refused. The overall objectives sought to increase significantly the number of gypsy and traveller sites, reducing the number of unauthorised encampments and making enforcement more effective. The key changes were:-

- ❑ A change in definition to recognise that gypsies might stop travelling, either permanently or temporarily, for health or educational reasons or because of caring responsibilities.
- ❑ A requirement that local authorities identified suitable sites for gypsies and travellers in development plan documents, rather than relying on general locational criteria.
- ❑ Updated guidance on criteria for inclusion in development plans against which to test planning applications on sites not allocated in the plan (i.e. windfall sites).
- ❑ Introduction of a 'rural exceptions' policy into development plans to address shortages of a supply of affordable land to meet local gypsy and traveller needs.
- ❑ A requirement to produce local housing assessments together with an explanation of how these would assist local authorities to quantify the level of need for gypsy accommodation.

The changes were being made to coincide with radical reforms to the planning system and the Housing Act 2004.

The report included Officer comments, which led to the recommendations on making a response to this consultation. The overall aims of the Circular could be welcomed. However, the draft Circular did not adequately recognise that there would be a significant delay in achieving the stated objectives. Planning authorities would be unable to make a fully informed provision to meet gypsy and travellers' needs in the short term. Specific reference was made to paragraphs 24 and 25 of the Draft Circular, which described the approach that local authorities should take in assessing planning applications from gypsies and travellers. Officers considered that the paragraphs required qualification. Other detailed comments were submitted with regard to paragraph 32 of the draft Circular. This advised on sites in rural areas and the countryside and there had been a considerable shift in emphasis compared to the current Circular. Officers were concerned that the draft Circular appeared to contradict established national planning policies for the protection of the countryside and reduction in the need to travel. It was considered that this paragraph should be deleted. Paragraphs 52 and 53 advised that Planning Inspectors would consider the availability and currency of needs data in determining planning appeals. Local authorities should have regard to whether the absence of existing provision might prejudice enforcement action, or give rise to grounds for an appeal against refusal for a new site. It was considered that the advice in this section of the draft Circular should be qualified.

The Chair referred to the informal discussions that had taken place within the County, involving Officers and representatives of the gypsy community. He questioned whether this would give some protection for the development control process during the interim period. Officers did not consider that these informal discussions would give any added protection. It was not clear that all local authorities would respond to this consultation, but no formal survey had been undertaken.

Councillor Atkin made reference to the proposed cautious approach to the release of new sites. He noted that some neighbouring local authorities made no site provision for travellers. He suggested a working panel approach with neighbouring local authorities to agree site provision. The Chair clarified that the intention was for all local authorities to make adequate site provision. He also noted a recent increase in planning applications for private sites. Councillor Atkin asked whether there was any indication of how many additional sites would be needed within the District and this would come from the assessment.

Councillor Mrs. Hall enquired whether travellers were required to pay Council Tax on established sites. Officers understood that the site rental charges included an element towards the cost of business rates for each site. Councillor Whyman M.B.E. commented on a number of sections of the report. He was not sure that providing sites for portable homes was in accordance with the traditional lifestyle of gypsies and travellers. He spoke of the need for partnership working and the need to take action against travellers that were camped illegally. He recognised the need for other local authorities to provide adequate sites and endorsed the

comments made within the report. In particular, he agreed that the need for sites should not be seen to overrule the normal presumption that the countryside should be protected for the benefit of all. Local authorities had to be even handed and could not be seen to favour any individual sector. He welcomed the report and its recommendations.

Councillor Shepherd referred to site provision in rural areas and the need to protect the green belt. He sought confirmation that issues regarding intrusion into the countryside would be covered in the consultation response. Officers explained that the full report would be submitted in response to this consultation. The Chair felt there was a need for equity and travellers might be considered a favoured minority, which might not necessarily be an advantage for this sector.

Note: At 6.45 p.m. Councillor Whyman M.B.E. left the Meeting.

Councillor Bladen discussed the potential system for site allocations. Site provision could result from farming diversification or where travellers invested in land. Currently, travellers were not able to make approaches for site provision within the Local Plan process. Councillor Mrs. Walton was concerned at the potential adverse reaction by communities and she spoke of the need for the Council to take a fair view with regard to traveller issues. The Deputy Chief Executive referred to established travelling patterns within the District and the region. The Council would need to agree how it worked with other local authorities on traveller issues.

RESOLVED:-

That the contents of the draft Circular be noted and that a response be issued to the Office of the Deputy Prime Minister as set out within the report and in particular:-

- ❑ ***The Council welcomes the recognition that the lack of information on needs is a failing of the current system.***
- ❑ ***The draft Circular does not appear to adequately recognise that there will be a significant delay in achieving the stated objectives.***
- ❑ ***The draft Circular promises the publication of separate guidance on undertaking assessments of need but this has not been forthcoming. The draft Circular is less than clear over the mechanism for achieving co-ordination with Regional Strategies and assessment at a wider level than individual districts.***
- ❑ ***The draft Circular leaves Local Planning Authorities in a vacuum in the interim period of not less than two years, effectively whilst the assessment is carried out with expectations on it that cannot be delivered.***
- ❑ ***The Circular should advise a cautious approach to the release of new sites by local planning authorities and planning inspectors at appeal in circumstances where there are genuine planning objections to a proposal and where the local authority can***

demonstrate that a needs assessment under the terms of the Circular is underway or is programmed to get underway.

- ***In particular, the need for gypsy sites should not be seen to overrule the normal presumption that the countryside should be protected for the benefit of all so enabling it to remain an important natural resource, contributing to national and regional prosperity to be enjoyed by all.***

Note: At 6.50 p.m. Councillor Lane left the Meeting.

EDS/66. **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 27th January 2005 were received.

TENDERS FOR THE SUPPLY OF A REFUSE FREIGHTER (Paragraph 10)

The Committee accepted a tender for the supply of a new refuse freighter.

T. SOUTHERD

CHAIR