



This information is available free of charge in electronic, audio, Braille and large print versions on request.

For assistance in understanding or reading this document or specific information about these Minutes please call Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk

COMMUNITY AND ENVIRONMENT COMMITTEE

Minutes of a Virtual Community and Environment Committee Meeting held at 6.00 pm on Wednesday 10 February 2021.

Under Regulations made under the Coronavirus Act 2020, the meeting was held virtually. Members of the public were able to view the virtual meeting via the District Council's website at www.derbyshiredales.gov.uk or via our YouTube channel.

PRESENT

Councillor Chris Furness - In the Chair

Councillors Matthew Buckler, Sue Bull, Martin Burfoot, Clare Gamble, Tom Donnelly, Helen Froggatt, Susan Hobson, David Hughes, Tony Morley, Peter O'Brien, , Garry Purdy, Mike Ratcliffe, Peter Slack, Andrew Statham, Alasdair Sutton, Steve Wain and Mark Wakeman.

Paul Wilson, (Chief Executive), Tim Braund, (Director of Regulatory Services), James McLaughlin (Director of Corporate and Customer Services), Ashley Watts (Director of Community and Environmental Services), Mike Hase (Policy Manager), Dave Turvey (Events Manager) Jim Fearn (Communications & Marketing Manager) and Angela Gratton (Democratic Services Officer).

APOLOGIES

Councillor Joyce Pawley substitute Councillor Peter Slack

252/20 – MINUTES

It was moved by Councillor Gary Purdy seconded by Councillor Tony Morley and

RESOLVED (unanimously)

That the minutes of the meeting of the Community & Environment Committee held on 16 December 2020 be approved as a correct record.

253/20 – PUBLIC PARTICIPATION

The following questions were submitted in writing and were shown on screen at the virtual meeting:

QUESTIONS from Mr Peter Dobbs, a resident of Ashbourne, in relation to the District Council's approach to air pollution monitoring.

Q1:

I believe that the current approach to air pollution monitoring in Derbyshire Dales, in particular the communication of information to Cllrs and the public, leaves room for improvement.

Is Council aware that the NOx levels data used in the recent DCC Aecom Ashbourne Traffic Options report was two years out of date (2018 data in the Environmental Constraints reports dated October 2020)?

Response:

Derbyshire Dales District Council was not aware that 2018 data was being used in the Ashbourne Traffic Options report.

Q2

It would appear that DCC (or at least their contractors) are at present less well informed about NOx levels in Ashbourne than ward members and Ashbourne Town Council.

Are DCC directly updated about NOx levels and if so when was the last data set provided to DCC?

Response:

Derbyshire County Council and Derbyshire Dales District Council are both members of the Derbyshire Air Quality Network and attend quarterly meetings. Local air quality reports are given at each meeting and Derbyshire County Council have been regularly updated about issues in Ashbourne.

Our officers are currently working with Derbyshire County Council on the Detailed Assessment for Buxton Road and will be working with them to devise an Action Plan, if an Air Quality Management Area is declared.

Countywide air quality information is shared with Derbyshire County Council's Health Protection Board on an annual basis, including the information gathered by Derbyshire Dales District Council. This information was last submitted for the Health Protection Board meeting that was due in January 2021, but that meeting was subsequently postponed.

Q3:

Communicating air pollution information solely via the Annual Status Report (ASR) means that by default some information is always at least 18 months out of date and can give rise to misleading conclusions as we have seen in the Aecom report.

I welcome the new locations of some of Ashbourne's NOx sample tubes, however using the present reporting protocol it will be not until at least June 2022 that this data will be released in an ASR.

Would it be possible to make air pollution data (that the public have paid for) available to the public in a more timely manner, perhaps by publishing the raw data on the DDDC website as it is collected?

Air quality data is currently available on request at any time. In addition, data is provided to a range of interested parties in Ashbourne on a monthly basis. We are working to develop a webpage on which monthly figures can be published and have obtained advice from the Local Air Quality Management helpdesk on how this should be undertaken, bearing in mind that raw data is uncorrected and may differ from that later published in the annual reports.

Q4

In this way those who care about the consequences of air pollution on health can make informed choices.

It will require significant co-operation between DCC and DDC as well as other stakeholders in order to address the problems described in the resolution passed at the last C&E meeting “That the District Council advises Derbyshire County Council that it considers that, in order to improve both traffic and environmental conditions within Ashbourne town centre in the short to medium term, mitigation measures should be implemented immediately, especially to address Heavy Goods Vehicles”

What steps have been taken by the Council to set up meetings for such a group of stakeholders, to enable such co-operation?

Response:

In terms of air quality our officers are already working with Derbyshire County Council as part of the Detailed Assessment and will work with them on an Action Plan, should an Air Quality Management Area be declared. We have also offered to work with Ashbourne Town Team to inform any Action Plan that might need to be developed.

Q5:

I note that the workshop on this Council’s approach to Air Pollution Monitoring, requested by seven Cllrs in August last year, has still not taken place.

When will it take place?

Response:

Officers believe that it would be most timely and appropriate to hold the workshop once the outcomes from the Detailed Assessment become clear. At the moment our consultants are working with Derbyshire County Council on obtaining updated traffic figures, so that the Detailed Assessment is as accurate as possible, but we are expecting this work to be completed in the next few weeks.

254/20 – INTERESTS

None

255/20 - QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

Question from Councillor Peter O’Brien to Councillor Chris Furness, Chairman of the Community & Environment Committee:

“At the Council meeting on 3 September 2020, it was agreed that consideration would be given by the Director of Community and Environmental Services to a Public Spaces Protection Order preventing the use of portable and disposable BBQ’s in certain vulnerable areas of the District; it was also agreed that a public consultation exercise would be undertaken.

In the light of the concern expressed by Hathersage Parish Council, the views of many Members of this Council, and the fact that neighbouring High Peak Borough Council are proposing the introduction of an Order covering their part of the National Park, can you confirm that the public consultation exercise to be undertaken by this Council will include the option of an appropriate PSPO to cover vulnerable moorland and other areas?”

Councillor Furness provided a verbal response.

Response:

As Members are aware, the District Council is currently reviewing the current Public Spaces Protection Orders (PSPO) as they are due to expire on the 31st October 2021. Before the Council consider the introduction of a PSPO they need to obtain evidence of an issue, before progressing to the consultation stage of the process. As agreed at the Extraordinary Council meeting held on the 3rd September 2020, Officers from the District Council, Derbyshire Constabulary and the Derbyshire Fire and Rescue Service, have reviewed the data in recent years relating to all of the offences covered by the current PSPO, including the prohibition of fires and BBQs.

On the 26th January 2021 Officers from the District Council, Derbyshire Constabulary (Inspector Troup) and Derbyshire Fire and Rescue Service (Josh Charlesworth from the Risk Reduction Team) met with Members to provide information on the findings of the review. Members were advised by both the Derbyshire Constabulary and the Derbyshire Fire and Rescue Service that there was no clear evidence at this time, to justify a PSPO to prohibit fires and BBQs.

Derbyshire Dales had a very low number of reports of deliberate and/or accidental fires, with seven reports received in the last five years in Peak District National Park land, specifically Stanton Moor. When the crew arrived to three of those reports, they were unable to locate a fire. This is different scenario to the one in High Peak, where Derbyshire Constabulary had received reports of 95 incidents involving barbecues from across the High Peak between 1 April 2020 and 4 September 2020. At least 10 incidents involved the use of disposal barbecues. Figures provided by Derbyshire Fire and Rescue Service show that they attended 25 heathland/moorland fires in the High Peak between 21 March and 23 August 2020.

Whilst public consultation on the PSPOs will take place, Members should be reminded that any introduction of such inclusions must be evidence based.

Supplementary question by Councillor O'Brien :

'Will the public consultation not include a PSPO'?

Councillor Furness informed Councillor O'Brien he would give a written response

256/20 – DERBYSHIRE DALES DISTRICT COUNCIL – LOCAL PLANNING AUTHORITY MONITORING REPORT 2019/2020

The Committee considered a report requesting approval to publish the contents of the District Council's Local Authority Monitoring Report (AMR) as detailed in Appendix 1,. The AMR was issued as required under Section 35 of the Planning and Compulsory Purchase Act 2004

The Policy Manager gave a brief introduction and made Members aware the final sentence of point 5.51 in the Appendix was factually incorrect and would be removed before publishing.

The Authority Monitoring Report (AMR) set out the extent to which the District Council was meeting the milestones for Local Plan documents as set out in the Local Development Scheme (LDS) and the extent to which the District Council was monitoring the effectiveness of Local Plan policies, in particular those relating to housing and economic development. The Local Planning

Authority Monitoring Report covered the period 1st April 2019 to 31st March 2020 and demonstrated that good progress was being made.

Section 1 set out the context for the preparation of the AMR and the legislative requirements.

Section 2 outlined progress against key Local Plan milestones included in the Council's Local Development Scheme (LDS) 2020-2023. Section 2 also reported on new Supplementary Planning Documents which had been adopted over the monitoring period or were currently being prepared; and also identified progress on the Neighbourhood Plans being prepared across the District.

Sections 3 – 10 of the AMR reported on the implementation of planning policies contained within the Adopted Derbyshire Dales Local Plan (2017). From the date of Adoption the District Council had formally monitored the effectiveness of policies in the Local Plan against the indicators and targets set out within Chapter 9. The AMR set out under key themes how effectively the policies have been used in the determination of planning applications across the local planning authority area.

It was moved by Councillor Garry Purdy, seconded by Councillor Tony Morley and

RESOLVED That the contents of the Authority Monitoring Report as set out in
(unanimously) Appendix 1 be approved for publication with removal of the final sentence in Appendix 1 - 5.51.

257/20 – DRAFT CLIMATE CHANGE SUPPLEMENTARY PLANNING DOCUMENT

The Committee received a report on the draft Climate Change Supplementary Planning Document and were asked to approve a six week public consultation on the contents of the document.. It was noted that; if any substantive representations, on the contents of the document, were received during the period of consultation a further report would be presented to this Committee. Furthermore, should no substantive representations be received, for the Committee were asked to delegate authority to the Director of Regeneration and Policy and Director of Regulatory Services to adopt the Climate Change Supplementary Planning Document following consultation with the Chair and Vice Chair of this Committee.

The Policy Manager introduced the report confirming that the development of the Climate Change Supplementary Planning Document would support the delivery of the adopted Derbyshire Dales Local Plan and assist with the delivery the Council's key priority of addressing Climate Change in the Corporate Plan 2020-2024.

IT was noted that the contents of the draft Climate Change Supplementary Planning Document had been subject to discussion between the Consultants, Officers and the Climate Change Working Party. As a result of these discussions the structure and content of the draft Climate Supplementary Planning Document had been amended to ensure that it met the requirements of National Planning Practice Guidance and Case Law. This would mean that it would provide sufficient detailed guidance for developers to follow in bringing forward proposals, and be used by the Council in determination of planning applications.

It was noted that to enable the Draft Climate Change Supplementary Planning Document to have statutory weight and accord with the District Councils Statement of Community Involvement (SCI), it was necessary for it to be subject to a minimum period of four weeks public consultation and had to be accompanied by a consultation statement that set out the persons consulted, the time period of the consultation, where the documents can be seen and the details of where to send comments. A copy of the draft consultation statement was set out in Appendix 2. The consultation period had been set at 6 weeks to make sure that Covid-19 restrictions did not disenfranchise anyone from participating. In accordance with the Council's emerging Statement of Community Involvement and Government best practice this consultation will be 'digital by default' (although hard copies will be available on request). Targeted contacts on the Local Plan consultation database would be informed by email and comments invited via an online survey with all relevant documents made available on the Council's website.

Councillor Ratcliffe thanked the Policy Manager for a good Supplementary Policy document and said he had faith in his strategic plan and

It was moved by Councillor Mike Ratcliffe, seconded by Councillor Sue Bull and

RESOLVED
(unanimously)

1. That the draft Climate Change Supplementary Planning Document set out in Appendix 1 to this report be approved for a period of six weeks public consultation.
2. That in the event of the receipt of any substantive representations during the six week period of public consultation on the contents of the draft Climate Change Supplementary Planning Document that a further report be presented to this Committee.
3. That in the event that no substantive representations are received during the six week period of public consultation on the contents of the draft Climate Change Supplementary Planning Document that delegated authority be given to the Director of Regeneration and Policy and Director of Regulatory Services to adopt the Climate Change Supplementary Planning Document following consultation with the Chair and Vice Chair of this Committee.

Councillor Sutton left the meeting 7.30pm

Following consideration of this item the meeting was adjourned from 7.30pm to 7.45pm

258/20 – DERBYSHIRE DALES STATEMENT OF COMMUNITY INVOLVEMENT 2021

The Committee considered a report outlining representations received during public consultation in respect of the Derbyshire Dales Statement of Community Involvement (SCI) and requesting approval of the recommended revisions to the content of the SCI and for its adoption with immediate effect.

The Policy Manager gave an introduction to the report highlighting that over the seven week public consultation period 19 representations had been received from members of the public and organisations including the Environment Agency, Natural England, Highways England,

Derby and Derbyshire Clinical Commissioning Group, Derbyshire County Council, Matlock Town Council and Ashbourne Town Council.

The statutory consultees and organisations who had responded generally welcomed the document and suggested some minor changes which had been highlighted in the report.

The Committee were also asked to approve the revised Statement of Community Involvement as set out in Appendix 2, and for the SCI to be brought into immediate effect and published on the District Councils website as soon as practically possible.

It was moved by Councillor Sue Hobson, seconded by Councillor Susan Bull and

- RESOLVED**
(unanimously)
1. That the representations received during the public consultation on the Statement of Community Involvement (SCI) as set out Appendix 1 be noted.
 2. That the revised Statement of Community Involvement (SCI) 2021 as set out in Appendix 2 be adopted with immediate effect.
 3. That delegated authority be given to the Director of Regeneration and Policy to undertake the necessary requirements for the adoption of the Statement of Community Involvement (SCI).

259/20 – INSTALLATION OF ELECTRIC POINTS FOR ICE-CREAM VENDORS ON DERBYSHIRE DALES DISTRICT COUNCIL'S LAND

The Committee considered a report seeking approval for an increase of £35,000 to the Revenue Budget, over the financial years 2021/22 and 2022/23 as detailed in the report, for the installation of electric charge points on District Council land.

This proposals in the report aimed to reduce carbon emissions by only permitting environmental friendly ice cream vans to operate on Derbyshire Dales District Council owned land as part of the Councils Climate Change agenda and our ambition to become carbon neutral by 2030. If approved the arrangements would place a contractual requirement that ice cream vendors had to operate in a climate friendly way. To help achieve this the committee were asked to increase the revenue budget by £35,000 over two financial years to meet the cost of installing electric points at the locations identified in the report

It was moved by Councillor David Hughes, seconded by Councillor Peter Slack and

- RESOLVED**
(unanimously)
1. That £21,500 be incorporated into the 2021/22 revenue budget for work to be undertaken to install electric facilities for ice cream vendors to use at the following locations – Matlock Bath Station Car Park, Hall Ley's Park (Park Head), Hall Ley's Park (Boating Lake), Granby Road Bakewell and Bakewell Recreation Ground.
 2. That £13,500 be incorporated into the 2022/23 revenue budget for work to be undertaken to install electric facilities for ice cream vendors to use at the following locations once a contract has been awarded to a successful tender return – Monsal Head

(long stay car park), Derwent Garden's (Matlock Bath), Shawcroft Car Park and Artist Corner.

3. That for the 2021/22 season Ice Cream Vendors would be managed on an event licence for each position across the District, to be administered by the events team.
4. That the schedule under paragraph 2.5 of the report which aims to have all Ice Cream Vendors operating in a more environmentally friendly way by 31 August 2023 be noted.

260/20- MOVE TO CONTINUE

It was moved by Councillor Chris Furness, seconded by Councillor Peter Slack

RESOLVED That in accordance with Procedure Rule 13, the meeting continue
(unanimously) beyond 2½ hours to enable the business on the agenda to be concluded.

261/20 – LOCAL GOVERNMENT OMBUDSMAN REPORT

The Committee considered a report setting out the findings of a Local Government Ombudsman report which found fault about the manner in which the Council had failed to respond to the complainant's concerns regarding planning enforcement.

The Director of Corporate and Customer Services introduced the report stating he had been in contact with the complainant and they were satisfied with the action recommended by the Ombudsman.

The Local Government Ombudsman has made the following recommendations after finding the Council to be at fault:-

- a) apologise to the complainant for its failure to act without undue delay;
- b) pay the complainant £250 for the disappointment, frustration and inconvenience caused by the delay;
- c) pay the complainant £150 for his time and trouble in bringing his complaint to the Ombudsman's attention;
- d) make a decision on what planning enforcement action if any was now justified and to take any action it decides is necessary without further undue delay; and
- e) keep the complainant informed of its progress in line with its published planning enforcement charter and service standards.

He informed Members the essence of the complaint arose from the absence of pace in dealing with the concerns raised by the complainant, which has prompted the referral to the Local Government Ombudsman. There has been a recognition from the services concerned that they had been slow to respond to issues and the provisions of the planning enforcement procedure and in response service standards had been reinforced with the relevant teams and officers.

Officers have accepted the findings of the Local Government Ombudsman and it is proposed that the Committee approve the recommendations.

It was moved by Councillor Gary Purdy seconded by Councillor Sue Bull and

RESOLVED
(Unanimously)

1. That the report be noted.
2. That the recommendations of the Local Government Ombudsman be endorsed with the Council agreeing to:-
 - a) apologise to the complainant for its failure to act without undue delay;
 - b) pay the complainant £250 for the disappointment, frustration and inconvenience caused by the delay;
 - c) pay the complainant £150 for his time and trouble in bringing his complaint to the Ombudsman's attention;
 - d) make a decision on what planning enforcement action if any is now justified and to take any action it decides is necessary without further undue delay; and
 - e) keep the complainant informed of its progress in line with its published planning enforcement charter and service standards.

MEETING CLOSED 20:47PM

CHAIRMAN

