



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 16 December 2020.

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, Susan Hobson, David Hughes, Tony Morley, Peter O'Brien, Joyce Pawley, Garry Purdy, Mike Ratcliffe, Andrew Statham, Alasdair Sutton, Steve Wain and Mark Wakeman.

APOLOGIES

Councillor Helen Froggatt

188/20 – MINUTES

It was moved by Councillor Tony Morley seconded by Councillor Mike Ratcliffe and

RESOLVED (unanimously)

That the minutes of the meeting of the Community & Environment Committee held on 14 October 2020 and 02 November 2020 be approved as a correct record.

189/20 – PUBLIC PARTICIPATION

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

STATEMENT from Mark Williamson, on Item 6; Ashbourne by Pass – Consultation by Derbyshire County Council.

I have today read the agenda and accompanying documentation that will form the basis of the planned Community and Environment Committee on Wednesday 16th December 2020 at 6.00pm.

I would like to raise to the attendees attention, that some of the information contained relating to the Ashbourne Bypass Consultation, appears to include some significant inaccuracies and potentially misleading representations. It is my intension to write further to you, and in more detail at a later point.

In addition, the information provided for the meeting, does not appear to include any factual data relating to traffic flows and any calculated pre-estimates of improvement that any new road scheme would bring, to allow for informed discussion and debate. The information provided for your consideration, relating to the Ashbourne Bypass, seems to be largely opinion based rather than factual.

All traffic flow information is available in the consultation data provided by Aecom.

Surely, discussing the merits of and influencing preferential views and opinion on such a subject matter, whilst a public consultation is still ongoing, must surely defeat the object

RESPONSE

The Officer report has sought to summarise the traffic data presented by Aecom as part of the consultation process. This is a standard approach in presenting reports to Committee. This allows Members of the District Council to understand the key issues and to assist them in coming to view on the recommendations being made. It does not, however stop any Member of the Council, if they wish to see the more detailed data and use that to aid their understanding and considerations on the options available.

Derbyshire County Council have invited the District Council to comment upon the options they are consulting on for potential options for resolving the traffic problems in Ashbourne Town Centre. The report allows Members of the District Council to have their say on the options being put forward. Any comments made by the District Council will be taken into account by the County Council in assessing how to take this matter forward. The District Council is not making any decisions on the potential options. That will be undertaken by Derbyshire County Council following the completion of this consultation exercise. It is wholly appropriate that this important issue is debated in public by the District Council.

STATEMENT given by David Osborne, a resident of Ashbourne on Item 6; Ashbourne by Pass – Consultation by Derbyshire County Council.

I would like to ask the committee to further investigate the option of an Eastern Bypass as I feel a number of key issues have been overlooked, including alternative Eastern routes (as there are with the Western option). In particular, I believe more work should be done to look at the traffic flows in relation to modelling based on the potential for the housing development on the Airfield site. It would seem logical that a significant amount of additional traffic would emanate from this area meaning that an Eastern route would be more effective in diverting traffic away from the town. Although longer, the cost difference should be further investigated as length of road is not the only factor driving cost and the topology and geology of the Western route could prove problematic and costly to navigate.

The basis of current recommendations is based on very basic investigation and also overlooks a number of issues with the Western option, some of which relate to government guidance. A bypass affects the long term future of Ashbourne and deserves more thorough investigation before decisions are made.

RESPONSE

The decisions about which route to be taken will be one for Derbyshire County following the completion of this current public consultation exercise. If Mr Osbourne feels that further work should be undertaken on traffic flows he should direct them to the County Council as part of the consultation process.

QUESTIONS from Darren Archer, a resident of Ashbourne on Item 6; Ashbourne by Pass – Consultation by Derbyshire County Council.

1. *In his report in para 3.3 the Chief Executive states that the western by-pass will remove the "most traffic from the town centre". On what basis is this statement made? The eastern by-pass will clearly remove as much south bound traffic as a western route. While in addition, as shown in the consultation documents, it will remove additional traffic from surrounding roads such as the A517 to Hulland, the B5035 to Kniveton, the A52 to Derby which the Western route will not. So actually the evidence shows that the Eastern route will remove significantly more traffic from the town centre.*

ANSWER – It is acknowledged that an eastern bypass will remove traffic from the town centre. However the evidence on Page 6 of the Appendix to this report indicates that within the town centre there is greater relief from the town centre by virtue of a western bypass than an eastern bypass. If Mr Archer has an alternative view he has the opportunity to make his comments directly to Derbyshire Council.

2. *In his report, para 3.4, the chief executive states that the Eastern by-pass will be the "significantly more expensive" than the Western route. As the consultation provides no financial or budget cost analysis what evidence is this statement based on? other than the rather simplistic fact that the eastern route is longer. Does this statement take into account the fact that the majority of either of the western routes proposed will be located in or adjacent to a wildlife and bird sanctuary and on land designated as the highest risk flood zone and as such will face considerable costs to ensure it is actually usable 12 months of the year.*

ANSWER – It is accepted that the topography of a western route may have an impact upon cost. However from experience it is considered that, even taking such factors into account, the additional length of the eastern route would result in it being more costly.

3. *In his report, para 3.4, the chief exec states that "it is understood the new roundabout and future link road currently being constructed may not be capable of handling additional traffic" this information is not provided as part of the consultation. Can the chief executive confirm on what basis this statement is made? Also can he confirm that the existing roundabout on the A52 adjacent to Ashbourne cemetery will be capable of handling the additional traffic without any alteration work?*

ANSWER – This information is derived from discussions with the County Council, and is a statement of understanding rather than based on detailed assessment. I cannot advise whether the existing roundabout to which Mr Archer refers is capable of handling the additional traffic.

4. *In para 3.8 the chief exec raises a concern with regards the current draft alignment of the eastern by-pass and the potential impact on the Airfield Development site. To date no masterplan has been provided for the airfield site, while the current application drawings are not available online on your planning website, which is crucial for its future development. However in the original outline application submitted and approved in 2014 the masterplan provided, showed a link road running along the northern boundary of the development site acting as a break between the housing site and the Industrial estate in particular the back of the Vital Earth site. The road being further separated from the housing site via landscaping, playing fields and sports pitches. Is the chief exec therefore stating this layout is either not achievable now or that it could not be suitable to access a proposed eastern by-pass route? Furthermore does the council not agree that rather than hinder the development of the airfield. A properly planned Eastern by-pass would eliminate the risk of traffic from the 1500+ houses on the airfield site having to travel through town to access the north and east of the county. So in effect providing the site with excellent road links to not only the south and west of Ashbourne but also the North and East as well. Something a western by-pass would not do.*

ANSWER – As Mr Archer will be aware there is no detailed plan for a bypass route around Ashbourne. The report seeks to set out concerns about the impact of any eastern route on the deliverability of the whole of the allocation in the adopted Derbyshire Dales Local Plan, on the basis of the indicative position of the link through the site. It does not mean that any final eastern route would definitely prejudice the development of the allocation in the adopted Derbyshire Dales Local Plan, but it could certainly cause uncertainty and delay.

5. *The chief exec in his report raises concerns about the capability of the roundabout under construction to cope with the increase in traffic as noted above. Can the chief exec explain his failure to comment on what impact the additional traffic will have on roads adjacent to the Western by-pass routes. I have already mentioned the existing roundabout on A52 which is clearly not sufficient. However a bigger concern would be the increase of traffic using Windmill Lane and a western by-pass as a cut through from Kniveton, Cromford and beyond to and from the A52 and A50. This is already an issue for residents and a western by-pass will only make this problem worse. While Windmill Lane and Buxton Hill is an appalling junction so any potential increase of traffic using it needs to be avoided at all costs.*

ANSWER – The evidence about the extent to which traffic using Windmill Lane as presented on Page 6 of Appendix 1 would have greater relief by an Eastern Bypass than compared to a Western Bypass was taken into account during the preparation of the report. The impact on residents of any such changes is a detailed matter that will need to be addressed as part of the submission of evidence to accompany the planning application.

STATEMENT from Robert Donnelly, a resident of Ashbourne on Item 6; Ashbourne by Pass – Consultation by Derbyshire County Council.

I am in receipt of the agenda and supporting documentation circulated in advance of the Community and Environment Committee scheduled for Wednesday 16th December (copy attached for ease of reference).

I believe it is most important that, in advance of the meeting, members of the Committee are given the opportunity to consider the content of a letter that I have written and sent (addressed to Jim Seymour the AECOM project lead and copied to members of Derbyshire County Council) dated 26th November 2020 (copy also attached herewith), so as to be in an appropriately informed position before commenting or voting on related matters.

In the interests of brevity I will refrain from repeating all the points raised in my letter here.

However, it is clear that the consultation process itself AND several of the statements and conclusions drawn by the consultations (AECOM) might be considered mis-leading.

The supporting papers provided to the Derbyshire Dales District Councillors via the correspondence available at the link above refer to the consultation findings and draw conclusions that may be seen as containing inaccuracies, misinterpretations, oversimplifications and including important omissions.

A particularly interesting point (example) here would perhaps be the ‘red flag’ applied by AECOM to the eastern route – see sections 2.8 and 2.9 of your supporting papers and section 4e of my letter – because there is “land which is allocated for housing and development within the current Derbyshire Dales District Council Local Plan and which has planning permission for housing and employment land uses”.

I could of course go on ... but it’s all in my letter.

So, in the interests of balance, please do share this information and correspondence with those charged with making important decisions.

RESPONSE

Mr Donnelly’s comments are noted – it will be for Members to come a view based upon the contents of the report and their own consideration of the evidence as to whether the report is misleading, and whether an alternative response should be given.

QUESTIONS from Peter Dobbs, a resident of Ashbourne on Item 6; Ashbourne by Pass – Consultation by Derbyshire County Council.

I note in the officer comments (section 3.5) of the report on the Ashbourne Bypass Consultation it says;

Members will be aware of existing air quality issues in the area of Buxton Road, Ashbourne.’

My first question is

Q. How does the council believe it has ‘made members aware’ of the problem?

I have already suggested that the Air Quality Annual Status Report be presented to this Committee to allow discussion and Liberal Democrat Councillors requested in an open letter sent in August that all Councillors be briefed by Officers on the Council’s current strategy for monitoring air quality in the Dales.

Neither of these things has happened.

So my second question is this;

Q. How does the Council intend to 'make members aware' of the problem of air pollution in the future?

The Council have known from data trends that there has been a problem with NOx pollution on Buxton Rd Ashbourne for at least 3 years. However they have chosen not to declare an AQMA by the Option 1 method (Fast track) and have still not declared an AQMA using Option 2.

So my third question relates to this slow response and the current inquest looking at the death of Ella Kissi-Debrah in Lewisham who died in Feb 2013. Lewisham Council are accused of being 'glacially slow' on addressing the problem of air pollution and its impact on health. The 2012 average annual NOx reading at New Cross monitoring station in Lewisham was 59ugm-3. The current equivalent value for one of the monitoring locations on Buxton Road is higher than this with a peak value of over 70ugm-3. The Air Quality Objective is 40ugm-3

So my third question is,

Q. What is the Council's assessment of the legal and financial risk of continuing to be 'glacially slow' in addressing air pollution in the Dales and in particular risking the health of residents?

ANSWERS

Thank you for your questions, Mr Dobbs.

Members are aware of the issue of air quality through the inclusion of an item in the Environmental Health service plan, which is approved by Members, the inclusion of an action in the Corporate Plan, which is approved by Members and the annual publication of an air quality report which is available for all to view on the Council's website. Ashbourne Members receive reports every month updating them as to the results obtained from the diffusion tubes sited within the town. Members will also be aware of the questions submitted by you and others and the replies offered in response.

In future Members will be presented with a report that details the issue of air quality in Ashbourne, including the Detailed Assessment that has now been procured. The declaration of Air Quality Management Areas is a responsibility that is reserved to Committee and Members will be asked to make a decision as to whether or not an Air Quality Management Area should be declared, once all the necessary information is collected. I have also asked Officers to arrange a workshop session for Members, so that they can better understand the Council's role in this area of work.

I am aware of the tragic death of Ella Kissi-Debrah and of the ongoing inquest. Whilst the issue of air quality in Ashbourne is of importance, I believe that it is reasonable to state that the general air quality in our area is likely to be significantly better than the average in Lewisham. I understand that our officers have been taking advice on the matter directly from the Defra Air Quality Helpdesk and I do not accept that our progress has been 'glacially slow'.

190/20 – INTERESTS

Councillor Mark Wakeman declared a personal interest in item 10 on the Derbyshire Clause Procedure – as he owned a property covered by the Clause.

Councillors Steve Wain, David Hughes and Matthew Buckler declared a personal interest in item 8 as members of Matlock Town Council.

191/20 - QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

There were no Member Questions

192/20 – ASHBOURNE BY PASS – CONSULTATION BY DERBYSHIRE COUNTY COUNCIL

The Committee considered a report advising Members of public consultation being undertaken by Derbyshire County Council on options for a potential Ashbourne Bypass. The report allowed Members to consider the submission of comments, on behalf of the District Council to Derbyshire County Council on the options being consulted upon by the deadline of 18th December 2020. It was recommended that Derbyshire County Council be advised that the District Council supported the provision a western bypass for Ashbourne and that, on the basis of the alignment shown, it did not support the provision of an eastern bypass for Ashbourne and considered 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 as soon as feasibly possible.

Councillor Purdy moved the recommendation as set out in the report but amended to replace ‘as soon as feasibly possible’ replaced with ‘*immediately, especially to address Heavy Goods vehicles*’

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

RESOLVED

1. That Derbyshire County Council be advised that the District Council supports the provision a western bypass (Option 3) for Ashbourne.
2. That the District Council advises Derbyshire County Council that, on the basis of the alignment shown, it does not support the provision of an eastern bypass (Option 4) for Ashbourne.
3. 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.

Voting:	For	15
	Against	4
	Abstention	2

193/20 – BRAILSFORD NEIGHBOURHOOD PLAN

The Committee considered a report setting out draft comments in respect of the Brailsford Neighbourhood Plan, and its general conformity to the District Council's strategic policies within the adopted Derbyshire Dales Local Plan. The report also outlines the next steps with regard to consultation and examination of the Brailsford Neighbourhood Plan.

It was moved by Councillor Mike Ratcliffe, seconded by Councillor Tony Morley and

RESOLVED
(unanimously)

1. That the draft comments made in respect of the policies and proposals contained within the Brailsford Neighbourhood Plan as set out in Appendix 1 are approved and submitted to the examiner appointed to undertake the Examination of the Brailsford Neighbourhood Plan.
2. That a further report be presented to this Committee that sets out the Examiner's Report findings and any recommended modifications to the Brailsford Neighbourhood Plan.

194/20 – COMMUNITY ASSET TRANSFER OF DENEFIELDS, MATLOCK

The Committee considered a report for the disposal a Community Asset by way of a 20 year lease of the area known as Denefields, Matlock to Matlock Town Council (MTC) following their request. To note that the disposal above comprises an undervalue transaction permitted under the General Disposal Consent 2003.

A motion was moved by Councillor Joyce Pawley, seconded by Councillor Andrew Statham proposing that consideration of this item be deferred to allow further investigation into whether the site would be suitable for housing. Following debate on the mover and seconder withdrew the motion.

It was moved by Councillor Sue Hobson, seconded by Councillor Martin Burfoot and

RESOLVED
(unanimously)

1. That the terms outlined in paragraph 3 of this report for a Community Asset Transfer by way of a 20 year lease of the area of land known as Denefields as shown edged red on the plan at Appendix 1 to Matlock Town Council (subject to public open space consultation) are agreed.
2. That it is noted that the disposal in 1. above comprises an undervalue transaction permitted under the General Disposal Consent 2003.
3. That each party meets their own legal costs.
4. That DDDC undertake and pay for public open space consultation

The meeting was adjourned for 10 minutes following consideration of this item.

195/20 – COMMUNITY ASSET TRANSFER OF HEATHY LEA RECREATION GROUND, TANSLEY

The Committee considered a report for the freehold transfer of Heathy Lea Recreation Ground, Tansley terms as outlined in paragraph 3 of the report as a Community Asset Transfer to Tansley Parish Council following their request. It was noted that although the disposal would be an undervalue transaction it was permitted under the General Disposal Consent Regulations 2003.

It was moved by Councillor David Hughes, seconded by Councillor Martin Burfoot and

RESOLVED (unanimously)

1. That the terms outlined in paragraph 3 of this report for a freehold Community Asset Transfer of the recreation ground as shown edged red on the plan at Appendix 1 to Tansley Parish Council (subject to public open space consultation) are agreed.
2. That it is noted that the disposal in 1. above comprises an undervalue transaction permitted under the General Disposal Consent 2003.
3. That each party meets their own legal costs.
4. That DDDC undertake and pay for public open space consultation.

196/20 – DERBYSHIRE CLAUSE PROCEDURE

The Committee considered a report setting out the proposed introduction of a policy and amendments to procedures to streamline the administration and decision making processes associated with Derbyshire Clause dispensations.

Recommendation 7 in the report was withdrawn prior to discussion.

Councillor Claire Gamble proposed an amendment to recommendation 2 to change the wording to say 'together with consultation with Ward Member'.

It was moved by Councillor Gary Purdy seconded by Councillor Susan Hobson and

RESOLVED

1. To authorise the Director of Corporate and Customer Services to consult on the adoption of the new policy for Derbyshire Clauses as attached at Annex 1 and, following consultation, refer the policy to Council for approval.
2. Subject to Council approving the proposed policy, to recommend that Council delegate authority for decision making according to the policy for Derbyshire Clauses to the Director of Corporate and Customer Services, Legal Services Manager,

Principal Solicitor or Solicitor together with consultation with Ward Member.

3. To recommend to Council that authority be delegated to the Licensing and Appeals Committee to consider appeals against such decisions.
4. To recommend to Council to approve charging a fee for Derbyshire Clause dispensations, set at £465.
5. To remove the existing delegation relating to companies where at least one of the directors satisfies the qualifying conditions.
6. To amend the delegation relating to returning to the area to provide care to include those that wish to move to the area to be care for rather than just to provide care.

Voting:	For	14
	Against	0
	Abstention	2

197/20 – MOTION TO CONTINUE

It was moved by Councillor Tom Morley, seconded by Councillor Sue Hobson and

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

198/20 DERBYSHIRE CLAUSES APPLICATION - ANNEXES to report Exempt

The Committee considered whether to grant a dispensation and wave the Derbyshire Clause restriction to allow the sale of the three properties detailed in the report for one transaction.

The Legal Services Manager clarified that any relief granted from the Derbyshire Clause was for just one transaction and any future sales or lettings would have to meet the Derbyshire Clause criteria

Because the Committee needed to consider exempt information relating to the dispensation requests the livestream of the meeting ended during this item. A summary of the decisions are set out below:

- RESOLVED**
1. That the application for relief from the Derbyshire Clause for one transaction in respect of the property in Parwich be refused.
 2. That the application for relief from the Derbyshire Clause for one transaction in respect of the property in Elton be approved.

3. That the application for relief from the Derbyshire Clause for one transaction in respect of the property in Fenny Bentley be refused.

Councillor Colin Swindell was present during this item to make representations relating to the property in Elton.

199/20 – EXCLUSION OF THE PUBLIC AND PRESS

It was moved by Councillor Susan Bull, seconded by Councillor Joyce Pawley and

RESOLVED That in accordance with Section 100(a) of the Local Government Act
(Unanimously) 1972 the public and press be excluded because it is likely that the nature of the business to be transacted would result in exempt information being disclosed.

At this point the Committee excluded the public and press because in considering the dispensations, Members would need to consider personal information relating to the purchaser and the seller.

MEETING CLOSED 21:40PM

CHAIRMAN