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COMMUNITY AND ENVIRONMENT COMMITTEE

Minutes of a Community and Environment Committee Meeting held at 6.00 pm on Monday 5 July 2021 in the Members Room at County Hall, Matlock.

PRESENT

Councillor Chris Furness - In the Chair

Councillors: Matthew Buckler, Sue Bull, Martin Burfoot, Neil Buttle, Helen Froggatt, David Hughes, Tony Morley, Dermot Murphy, Peter O'Brien, Garry Purdy, , Lewis Rose, Andrew Statham, Alasdair Sutton, Steve Wain and Mark Wakeman.

Tim Braund, (Director of Regulatory Services), James McLaughlin (Director of Corporate and Customer Services), Ashley Watts (Director of Community and Environmental Services), Rob Cogings (Director of Housing), Mike Hase (Policy Manager), Giles Dann (Economic Development Manager), Vikki Hatfield (Neighbourhoods Manager), Ros Hession (Neighbourhoods Liaison Officer), Jim Fearn (Communications & Marketing Manager), Jason Spencer (Democratic Services Officer), and Tommy Shaw (Democratic Services Assistant).

APOLOGIES

An apology for absence was received from Councillor Mike Ratcliffe. Councillor Peter Slack attended as a substitute.

55/21 – MINUTES

It was moved by Councillor Garry Purdy seconded by Councillor Helen Froggatt and

RESOLVED

(unanimously)

That the minutes of the meeting of the Community & Environment Committee held on 7th April 2021 be approved as a correct record.

56/21 – PUBLIC PARTICIPATION

The following statements and questions were submitted in writing:

QUESTIONS and STATEMENT from Mr Ian Dare, a resident of Wirksworth, with regards to street cleaning in Wirksworth

Whilst it is acknowledged that mechanical road sweeping is not possible where vehicles are parked at the side of the road, often this results in litter and detritus be left behind. It is understood that such incidences are noted so that a hand crew can return to complete the task. In my experience this never happens.

Qn Please can this commence in future?

RESPONSE to Question

The Clean and Green Manager acknowledges the issue raised, however the sweeping teams do not have the capacity to return to an area if cars are parked on the day of the visit. It is recommended that any requests for service are put through our online portal or by calling the Town Hall. That way, we can get the relevant team out to address the issue and problem areas are recorded.

Qn The street cleaning schedule has been severely constrained by a lack of finance but this has led to an inadequate service for a town such as Wirksworth. When can our residents expect an improvement?

RESPONSE to Question

We are in the process of a Clean and Green Review to improve the services that we provide so our sweeping schedules will no doubt be looked at for improvement.

QUESTIONS and STATEMENT from Mr Peter Dobbs, a resident of Ashbourne, with regards to Item 8 the updated report on Air Quality Management Area in Ashbourne.

(Please note that with current Covid constraints, I do not wish to ask my questions in person).

I welcome the inclusion of this updating report (as agreed in April 2021).

However it has not provided the answers to the following questions and I would be grateful if answers could be provided.

- 1. Qn. Has an ‘apportionment exercise’ been carried out or scheduled in order to produce a ‘quantification of source contributions’ to the NOx levels on Buxton Road and St John’s Street Ashbourne? It seems logical that you need to have evidence of where the NOx is coming from before you seek a way of reducing those levels. This would appear to be a key step in the approach recommended by the Environment Agency in TG16.*

RESPONSE to Question

A formal apportionment exercise has not been carried out. However, oxides of nitrogen are released into the atmosphere when fuels are burned. The major source of oxides of nitrogen in the UK is road vehicles, followed by the energy industries, manufacturing industries and construction, and non-road transport. Given the nature of this site and the absence of the other major sources of oxides of nitrogen, it is the view of all parties that road transport is the overwhelming cause of the exceedance of the air quality objective.

2. *Qn. What other models of approach to the creation of an Action Plan were discussed at the 13th May meeting before the adoption of the 'Derbyshire' model?*

RESPONSE to Question

The general approach to the development of an air quality action plan is set out in Chapter 2 of the Local Air Quality Management Technical Guidance document TG16. The approach previously used in Derbyshire follows the approach set out in TG16 and is therefore the standard model in use across the country.

3. *Qn. Have the residents in the AQMA area of Buxton Road and St John's Street been contacted, particularly those who were identified in the 'Detailed Assessment' as being located at houses where the NOx level was over the Air Quality Objective? I am sure that they, as well as Councillors, need to be kept informed about what is being done on their behalf.*

RESPONSE to Question

Yes, a letter has been provided to the residents most affected and further information is being provided over a wider area.

4. *Qn. If HGVs are identified as a significant contributor in the apportionment exercise, will the 'Derbyshire Highways' approach allow involvement of Hauliers etc as part of the Steering Group?*

RESPONSE to Question

The need to involve hauliers and other potential stakeholders will become clear as the action planning process develops.

5. *Qn. When do you foresee the start of 'mitigation measures', as originally promised in the Corporate Plan for March this year?*

RESPONSE to Question

The purpose of the action planning process is to determine the type of mitigation measures that will be effective in Ashbourne and the timescale over which they might be introduced. Until that process is more advanced it is not possible to say what those measures might be or when they will be introduced.

6. *Qn. Will the Steering Group be recommending a supplementary Planning Paper so that the impact on the AQMA of additional traffic from new developments can be taken in to consideration?*

RESPONSE to Question

Until the action planning process is more advanced it is not possible to say what measures might be included in the action plan itself.

57/21 – INTERESTS

Item 7 - Cllr Martin Burfoot declared a personal interest in this item as he was a member of Matlock Community Vision Steering Group.

58/21 – QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

QUESTION A

Question from Councillor Mike Ratcliffe, Wirksworth Ward to Councillor Chris Furness, Chairman of the Community & Environment Committee:

“Following the adoption of recommendations from the Final Report to Council on 8th March 2018 on Public Toilets in Derbyshire Dales, can the chair confirm whether or not contactless payments for disabled and parent/child facilities in our public toilets are in place or being installed, and if not would he agree that this is clearly discriminatory and explain how this meets equality standards?”

RESPONSE to Question

It can be confirmed that the Council has every intention of completing the contactless payment installation; this includes the disabled and parent/child facilities. The Clean and Green Manager is in discussion with the contractor to confirm the options available, as these facilities have different locking mechanism to the male and female facilities.

QUESTION B

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

“You will be aware, not least from the residents of Bradwell, that the current standard of the refuse collection service across the District is unacceptable, notwithstanding the fact that an additional £350,000 of support was offered to Serco by the Council in 2020/21. In these circumstances, and given that residents pay their Council Tax to the Council not Serco, do you agree that an independent investigation into all aspects of the current unacceptable situation should be undertaken urgently, including the nature of the contractual arrangements between the parties?”

RESPONSE to Question

Whilst some areas of the Dales are experiencing disruption in their waste and recycling collections, and we apologise to those resident who are affected, the service is not in meltdown as suggested and we are doing all we can to address this situation.

The Council and its Elected Members are fully aware of what the issues are and an independent enquiry is not going to change the situation. This issue is not specific to Serco or the Derbyshire Dales and we are aware many other Local Authorities who are experiencing the same difficulties. The disruption to the waste collection service is direct result of the national shortage of HGV drivers, which has been widely covered in both industry and national press.

We are working closely with Serco’s senior managers to come up with a solution and a number of steps have already been taken including increasing the rates of pay for drivers, trying to source HGV drivers from other contracts and Councils and the upskilling of staff. Whilst progress is being made, at this stage there is no quick fix but please be assured we will continue to work hard to resolve this until we return to a normalised standard of service.

Supplementary Question from Cllr O'Brien

Do you consider that the Council should give consideration to some form of reimbursement to residents who are affected by the inadequate refuse collection service over the past three months?

Response from the Chair of Community and Environmental Committee

A written response will be provided.

59/21- AFFORDABLE HOUSING DEVELOPMENT PROGRAMME

The Director of Housing introduced a report setting out details of progress made on delivering the Council's affordable housing programme during 2020/21. It incorporated progress on current schemes, those recently completed and those in the 'pipeline'. A comparison with completions during 2019/20 showed the impact of Covid-19 restrictions on the programme.

It was moved by Councillor David Hughes, seconded by Councillor Mark Wakeman and

- RESOLVED** (unanimously)
1. Members to note the outturn for 2020/21.
 2. Members to note the project completions for 2021/22.

The Chairman declared the motion carried

60/21 – PUBLIC SPACE PROTECTION ORDERS 2021 - CONSULTATION

The Director of Community and Environmental Services introduced a report setting out proposals to commence consultation on the Council's Public Space Protection Order, noting that the current order was due to expire on 31st October 2021. The report included evidence to support, or otherwise, the Public Space Protection Order (PSPO), identified progress so far, and set out the options for consultation.

The following motion was moved by Councillor Peter O'Brien, seconded by Councillor Neil Buttle:

1. That a six week period of public consultation on the Draft Public Space Protection Order be undertaken from 28th June – 8th August 2021.
2. That the proposals for Dog Control Orders outlined at paragraph 4.6 be approved for inclusion in the Draft Public Space Protection Order.
3. That the proposals for Alcohol restrictions outlined at paragraph 4.7 be approved for inclusion in the Draft Public Space Protection Order.
4. That the proposals for No Parking restrictions outlined at paragraph 4.8 be approved for exclusion in the Draft Public Space Protection Order.
5. That the consultation proposals include for BBQ's, open fires, and other related activities to be prohibited under the Council's Public Space Protection Order within that part of the District within the Peak District National Park and in other areas and

locations in the District considered to be vulnerable the environmentally damaging effects of BBQs and wild fires.

6. That a further report be presented to a future meeting of the Community & Environment Committee with the results of the consultation exercise, which will include options on how to proceed with a view to commence the new Public Space Protection Order from the 1st November 2021.

The motion was put to the vote and lost with 7 votes for and 9 against.

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

RESOLVED That consideration of this item be deferred until the next meeting of the Committee to seek clarification on the views of statutory consultees on introducing a Public Space Protection Order for BBQs and open fires.

Voting

In favour	13
Against	2
Abstain	1

The Chairman declared the motion CARRIED

Councillor Lewis Rose left the meeting at 7pm during consideration of this item. Councillor Andrew Statham left at 7.20pm following consideration of this item.

61/21 – LAND AT BAKEWELL ROAD, MATLOCK: PROPOSED CONVERSION OF MATLOCK MARKET HALL – UPDATE AND APPROACH TO PROGRESSING THE SCHEME

The Economic Development Manager provided an update on the proposed conversion of Matlock Market Hall to support the regeneration of the town centre. The report identified the changes required to progress the scheme to the next stage. This included a request to waive the Council's contract standing orders to appoint architects to carry out the technical design and CDM Principle Designer role. It was noted that this approach would mean that the Council would be responsible for the procurement and management of building elements of the scheme and the proposed tenant responsible for fitting out the building. The report also asked that delegated authority be given to the Director of Regeneration and fund preparation of revised Heads of Terms.

It was moved by Councillor Garry Purdy, seconded by Councillor Helen Froggatt and

RESOLVED Members to note the progress in moving the scheme forward.

Voting

In favour	14
Against	0
Abstain	1

The Chairman declared the motion CARRIED

62/21- AIR QUALITY MANAGEMENT AREA, ASHBOURNE – UPDATING REPORT

Following the decision made at the meeting of the Community and Environment Committee held on 7 April 2021 the Derbyshire Dales District Council Air Quality Management Area (No 2; NO2) Order 2021 had come into effect on 5 May 2021 covering parts of Ashbourne Town Centre including Buxton Road from the junction with Windmill Lane and North Avenue, to the junction with St John's Street and St John's Street from number 22 St John's Street to the junction with Cokayne Avenue and Park Road.

In approving the Air Quality Management Area it had been agreed that the Committee would receive a quarterly update on progress.

The Director of Regulatory Services introduced the first quarterly report which set out details of the development of an action plan and initial work carried out with partners including Derbyshire County Council, Ashbourne Town Council and the Ashbourne Town Team.

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

RESOLVED That the actions taken in progressing the action plan be noted.
(unanimously)

The Chairman declared the motion carried

Councillor David Hughes left at 7.55pm and Councillor Steve Wain left at 8pm during consideration of this item.

63/21- SUPPLEMENTARY PLANNING DOCUMENT: CLIMATE CHANGE

The Policy Manager presented a report providing details of representations received during a six week public consultation on the draft Climate Change Supplementary Planning Document.

In light of the feedback the Committees were asked to adopt the supplementary planning document subject to a number of minor modifications to address issues identified during the consultation. The main issues raised during the public consultation that have resulted in suggested amendments to the Draft SPD were:

- Addition of PD3: Biodiversity and the Natural Environment to the introduction of the SPD. This is to provide consistency with the subsequent sections.
- Amended graphic on page 6 in order clarify meaning of "climate systems" and alternative wording for "improved house prices."
- Acknowledgement of the World Heritage Site in section 2. in response to Historic England comments.
- Inclusion of Natural Flood Management in Section 3. in response to the Environment Agency representation.
- Reordering of text in section 4. To give more prominence to nonresidential schemes.
- Addition of Historic England footnotes, section 4. regarding the potential impact of biomass crops on archaeology.
- Addition of mandatory water standard of 110litres/day/person to reflect current building regulations in section 6 in response to Severn Trent and the Environment Agency.

- Inclusion of swift bricks in the checklist of measures to increase biodiversity in development schemes.
- Insertion of missing footnote page 52 re; growing space standards

The following motion was moved by Councillor Garry Purdy, seconded by Councillor Dermot Murphy:

1. To note the representations received, and officer recommendations during the public consultation.
2. To adopt the revised Climate Change Supplementary Planning Document (SPD).

An amendment was moved by Councillor Peter O'Brien and seconded by Councillor Neil Buttle supporting the proposal by the Derbyshire Climate Coalition that the relevant part of the SPD is amended to replace the reference to the code for sustainable housing level 4 with code level 5. The amendment was put to the vote and LOST with 5 votes for and 8 against.

The original motion was put to the vote and

- RESOLVED**
(unanimously)
1. To note the representations received, and officer recommendations during the public consultation.
 2. To adopt the revised Climate Change Supplementary Planning Document (SPD).

The Chairman declared the motion carried

64/21- FIRST HOMES

The Policy Manager introduced a report which updated the Committee on the introduction by the Government of a new tenure of affordable housing – First Homes. The report also identified the national policy changes being brought into effect in relation to First Homes from 28th June 2021, as well as a recommended approach to address the issues that the introduction has for the District Council, as local planning authority.

It was moved by Councillor Garry Purdy, seconded by Councillor Mark Wakeman and

- RESOLVED**
1. Members to note the introduction of First Homes by the Government.
 2. Members to note the additional research on the delivery of First Homes in Derbyshire Dales, and that further reports be presented in due course.
 3. A further report is to be presented to this committee or council in respect of the potential for designation of areas of the local planning authority area as a Rural Area under s157 of the Housing Act 1985.

Voting

In favour	12
Against	0

Abstain

1

The Chairman declared the motion CARRIED

MEETING CLOSED 8:27PM

CHAIRMAN