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4 July 2018

To: All Councillors

As a Member or Substitute of the **Community & Environment Committee**, please treat this as your summons to attend a meeting on **Thursday 12 July 2018 at 6.00pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely



Sandra Lamb  
Head of Corporate Services

## **AGENDA**

### **1. APOLOGIES/SUBSTITUTES**

Please advise Democratic Services on 01629 761133 or e-mail [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence and substitute arrangements.

### **2. APPROVAL OF MINUTES OF PREVIOUS MEETING**

7 June 2018

### **3. PUBLIC PARTICIPATION**

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING.**

### **4. INTERESTS**

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

## 5. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

To answer questions from Members who have given the appropriate notice.

Page No.

## 6. AFFORDABLE HOUSING DEVELOPMENT PROGRAMME

4 - 9

To consider approval of the affordable housing programme for 2018/19 and note the outturn for 2017/18.

## 7. WASTE AND RECYCLING CONTRACT PROCUREMENT

10 - 19

To consider approval of the process for the procurement of the Waste Management Contract outlined in the report and to note the key milestones to be achieved and the arrangements for managing risk throughout the project.

## 8. PUBLIC CONVENIENCES - UPDATE

20 - 22

To receive an update on the position regarding the public conveniences at Bonsall and Bradwell and the attempts to secure Community Asset Transfers to mitigate the risk of closure.

## 9. DERBYSHIRE DALES ECONOMY

23 - 29

To note the progress to date in delivering the Derbyshire Dales Economic Plan 2014-2019 and consider approval of the revised expenditure programme of £220,431 financed from the Economic Development Reserve.

## 10. CAR PARK MANAGEMENT – REVIEW OF CHARGES

30 - 35

To consider adoption of the levels of parking charges on the Council's pay and display car parks as detailed in Appendix 1 to the report and approval for the publication of a notice of intent to vary charges in accordance with 35C of the Road Traffic Regulation Act 1984 and Part V of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

## 11. GYPSIES AND TRAVELLERS – UPDATE

36 - 55

To receive a report on the current position regarding the provision of a permanent Gypsy and Traveller site in the District.

## 12. EXCLUSION OF PUBLIC AND PRESS

At this point the Committee will consider excluding the public and press from the meeting for the remaining items of business for the reasons shown in italics. The Chairman will adjourn the meeting briefly to enable members of the public to speak to Councillors.

## 13. REQUEST TO WAIVE OCCUPANCY CONDITION UNDER SECTION 157 OF THE HOUSING ACT 1985 – PROPERTY AT 4 SMITHY KNOLL ROAD, CALVER

To consider a request to waive a restrictive occupancy clause on a property in Calver, by a person not meeting the qualifying criteria.

*(The report is exempt as it contains personal data relating to named individuals which is covered by the General Data Protection Regulations. Release of the information is not in the public interest.)*

Members of the Committee - Councillors Jason Atkin, Richard Bright, Sue Bull, Martin Burfoot, Albert Catt, Ann Elliott, Chris Furness, Susan Hobson (Vice Chairman), Vicky Massey-Bloodworth, Tony Morley, Dermot Murphy, Joyce Pawley, Mike Ratcliffe, Lewis Rose OBE, Andrew Statham, Colin Swindell, Jo Wild (Chairman)

Substitutes - Councillors Deborah Botham, Jennifer Bower, David Chapman, Tom Donnelly, Richard FitzHerbert, Steve Flitter, Alyson Hill, Angus Jenkins, Tony Millward BEM, Jean Monks, Garry Purdy, Irene Ratcliffe, Mark Salt, Jacquie Stevens, John Tibenham, Philippa Tilbrook

COMMUNITY AND ENVIRONMENT COMMITTEE  
12 JULY 2018

Report of the Head of Housing

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## **AFFORDABLE HOUSING DEVELOPMENT PROGRAMME**

### **PURPOSE OF REPORT**

This report sets out the details of the proposed affordable housing programme up to 2021.

### **RECOMMENDATION**

1. That the outturn for 2017/18 be noted
2. The affordable housing programme for 2018/19 is approved

### **WARDS AFFECTED**

All wards

### **STRATEGIC LINK**

Enabling the development of affordable housing supports the District Council's priority of providing housing which meets local needs.

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## **1 SUMMARY**

- 1.1. As previously reported to the Committee, there has been a rapid acceleration of private developer led sites in the Derbyshire Dales where the Council has successfully negotiated the provision of on-site affordable homes. Some of these sites also provide an off-site financial contribution in the form of payments to the Council which are then used to support our wider housing enabling activity.
- 1.2. Previous government policy towards housing associations has for many, forced them to revise their business plans and crucially reduce their exposure to loans which they use to fund their development programme. Although the government now has a stronger housing development programme, housing associations are still feeling the negative impact from Rent reductions, Right to Buy and a reduction in support services for vulnerable tenants. The result is that housing associations continue to be limited in the number of affordable housing units they can purchase from a private developer led site, without additional funds. Developers remain very concerned by the apparent lack of interest by housing associations across the region in purchasing on site units.

- 1.3. However, the Dales continues to buck the trend with 112 units in development subject to agreements between private developers and associations. This is in addition to completed units which have already transferred to housing associations. The Housing Team has been working with Waterloo Housing Group, Nottingham Community Housing Association (NCHA), Peak District Rural Housing Association (PDRHA) and private developers to ensure on site homes can be bought by the 3 associations. The District Council's funding has given NCHA, PDRHA and Waterloo Housing Group the confidence to invest more of their resources here rather than elsewhere.
- 1.4. This report sets out the affordable housing completions for 2017/18, the projected completions for 2018/19 and the delivery programme of affordable housing for 2019-21.

## 2 REPORT

- 2.1. The completion target for 2017/18 of 63 affordable homes, has been exceeded with 76 affordable homes completing.

**Table 1: Affordable Housing Completions 2017/18**

Scheme	Village/Town	S106 site	Registered Provider (Housing Association)	Units
Former Dales Garage sites	Various	x	Waterloo Housing Group	13
Moorcroft, Matlock	Matlock	v	Waterloo Housing Group	6
Derby Road, Wirksworth	Wirksworth	x	Westleigh & Nottingham Community HA	33
Hulland Ward (bungalow Blueline Homes)	Hulland Ward	v	Peak District Rural HA	1
Hillside Farm, Ashbourne	Ashbourne	v	Waterloo Housing Group	8
Chesterfield Road, Golf Club site, Matlock	Matlock	x	Westleigh & Waterloo Housing Group	8
Bentley Bridge, Matlock (Harron Homes)	Matlock	v	Nottingham Community HA	7
<b>Total</b>				<b>76</b>

- 2.2. The completion target for 2018/19 is 105 affordable homes. Current projections are that 110 affordable homes will complete this financial year. The table includes information on the Registered Provider (housing association) who will be taking on the units, Waterloo Housing Group, Nottingham Community Housing Association (NCHA) or Peak District Rural Housing Association (PDRHA) and a new Registered Provider to our area, Heylo Housing.

**Table 2: Projected Affordable Housing Completions 2018/19**

Scheme	Village/Town	s106 site	Registered Provider	Comments	Status	Units
Dimple Road	Matlock	x	Westleigh Waterloo		On site	12
Broomy Drive	Brailsford	v	NCHA	Millers Phase 2	On site	11
Townend	Taddington	Exception site	PDRHA		Has planning	4
Off Florence Gladwyn Close	Winster	Exception site	PDRHA		Has planning	4
Bentley Bridge-Harron Homes	Matlock	v	NCHA	7 of the total 20 delivered in 17/18.	On site	13
Golf Club site	Matlock	x	Westleigh Waterloo	8 of the total 58 delivered in 17/18	On site	50
3 Temporary Units	Matlock	x	NCHA		On site	3
Coneygrieve	Wirksworth	v	Heylo Housing		On site	7
Old Derby Road	Ashbourne	v	Waterloo	total of 45 units phased over 5 yrs.	On site	6
<b>Total</b>						<b>110</b>

- 2.3. The programme of housing association and community led schemes for 2019-21 is taking shape with a mixture of schemes with funding, planning, or waiting for planning applications to be determined (see **Table 3** below). The Hartington and Bradwell schemes, which are s106 sites in the Peak District, are included in this table because of the significant input from the District Council's Housing Officers and partners including Bradwell Community Land Trust and Peak District Rural Housing Association. The affordable homes coming forward through developer led sites in Derbyshire Dales are set out in **Table 4**.

**Table 3: Affordable housing programme for 2018-21**

Scheme	Village/Town	S106 site	Status	Registered Provider	No. of units
Lady Manners School	Bakewell	Exception site	Planning approved	Westleigh & Waterloo	30
Newburgh Engineering	Bradwell	v	Planning approved	Bradwell Community Land Trust	12
Former Creamery	Hartington	v	Planning approved	PDRHA	4
Tideswell	Tideswell	Exception site	Pre-application	NCHA	22
Monyash	Monyash	Exception site	Pre-application	PDRHA	6
Bakewell Road	Darley Dale	x	Pre-application	Westleigh	66
<b>Total</b>					<b>140</b>

- 2.4. As mentioned above, there has been a rapid acceleration of private developer led sites in Derbyshire Dales. In April 2015, when a report on the Affordable Housing Programme was presented to the Community Committee, 88 affordable homes had outline or detailed planning permission on developer led sites in Derbyshire Dales. By June 2017, this figure had increased to 373.
- 2.5. There are currently 37 affordable homes completing this financial year on private developer led sites and a further 297 with outline or detailed planning permission (**Table 4** below), totalling **334** affordable homes over more than 25 sites. This does not include sites where we have taken an off-site financial contribution in lieu of on-site affordable housing provision. These figures are a snap shot in time and may increase or decrease over time and are subject to varying conditions that influence when a private developer begins a development, sells a site or waits for market conditions to improve.
- 2.6. Derbyshire Dales District Council's funding has enabled housing associations to purchase a greater number of s106 units than their programme allows and has given housing associations the confidence to invest in Derbyshire Dales rather than other areas.
- 2.7. If we combine completions due this year, schemes coming through from housing associations, and private developer led schemes with outline or full planning permission (i.e. Tables 2-4), there are a total of **547** affordable homes in the development pipeline. This is a significant development programme which is only possible through the joint funding of housing association schemes and a corporate approach to housing delivery.

**Table 4: Number of Affordable Housing units on Developer Led sites with outline or detailed planning permission due to complete from 2019/2020 onwards**

<b>Scheme</b>	<b>No. of Affordable</b>	<b>Planning Ref.</b>
Ashbourne Airfield	39	14/00074/OUT
Ashbourne, land adjacent Hill Top, Derby Road	8	16/0711/OUT
Ashbourne, Land south of Derby Road (48 affordable in total, 6 completing in 2018)	42	16/00450/REM
Ashbourne, Wyaston Road, Leys Farm	28	17/00250/REM
Ashbourne, Mayfield Road (former Dove Garage)	13	16/00700/OUT
Brailsford, land off Luke Lane/Mercaston Lane	11	16/00436/OUT
Brailsford, Main Road	4	16/00567/OUT
Darley Dale, Bakewell Road (also a Westleigh pipeline scheme of 66 units)	17	15/00814/OUT
Darley Dale, Dale Road South (Persimmon)	20	17/01243/FUL
Doveridge, Cavendish Cottage & Derby Road	8	15/00570/OUT
Doveridge, Derby Road East of Baker's Lane	11	15/00389/OUT
Hulland Ward, Wheeldon Way	8	14/00698/OUT
Hulland Ward, Biggin View	8	15/00313/OUT
Hulland Ward, East of Les Ardennes	6	16/00872/OUT
Marston Montgomery, Old Hall Farm, Barway	5	17/00498/REM
Matlock, Asker Lane	21	14/00089/OUT & RM
Matlock, Harveydale Quarry	9	15/00305/OUT
Tansley House Gardens	15	16/00397/FUL
Tansley, Thatcher's Croft	8	16/00134/OUT
Tansley, Whitelea Nursery	8	17/00850/FUL
Two Dales, Ladygrove Mill	8	11/00545/EXF(1)
<b>Total</b>	<b>297</b>	



### 3 RISK ASSESSMENT

#### 3.1. Legal

The District Council acts as the strategic housing authority to enable the provision of affordable homes. The initiative is one of the Council's key priorities and monies accrued through Section 106 Obligations are in accordance with the Development Plan. The legal risk is therefore assessed as low.

#### 3.2. Financial

Where sites are dependent on funding from Derbyshire Dales District Council, these are generally funded from capital receipts or developer contributions (section 106 agreements). The current capital programme includes £3.1m for affordable housing projects. Given the limited resources available for future capital projects, the financial risk is assessed as high.

### 4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

### 5 CONTACT INFORMATION

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### 6 BACKGROUND PAPERS

Date	Description	Location
2017	Community and Environment Committee 15 June 2017, Affordable Housing Development Programme	Head of Housing
2015	Community Committee 9 April 2015, Affordable Housing Development Programme	Head of Housing

**BACK TO AGENDA**

COMMUNITY & ENVIRONMENT COMMITTEE  
12 JULY 2018

Report of the Head of Community & Environmental Services

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## **WASTE AND RECYCLING CONTRACT PROCUREMENT**

### **PURPOSE OF REPORT**

This report updates the Committee on the appointment of a Waste Management Consultant, external legal support and an internal Waste Procurement Group. It outlines the process for the procurement of the Waste Management Contract and provides details of key milestones to be achieved. The report also gives details of the ongoing governance arrangements for the project.

### **RECOMMENDATION**

1. That committee approves the process outlined in the report and the dates highlighted in section 2.11, including Member involvement during September and October 2018
2. That the risk register (Appendix One) is approved and that arrangements for managing risk throughout the project are noted

### **WARDS AFFECTED**

All wards

### **STRATEGIC LINK**

The new Waste Management contract will help meet the District Council's priority of a clean and safe district. It must also balance affordability with quality in reflecting the District Council's Financial Strategy

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## **1. BACKGROUND**

- 1.1 Derbyshire Dales District Council covers approximately 800 kms<sup>2</sup> (about a third of Derbyshire) and provides services to approximately 71,000 people living in approximately 34,000 households.
- 1.2 There are five small towns within the district: Matlock, Ashbourne, Wirksworth, Bakewell and Darley Dale, each serving large rural catchments. There are also over 100 villages. Almost half of the population lives in outlying villages.
- 1.3 Through its contractor, Serco, the District Council currently provides a weekly collection of food waste, and alternate weekly collections of (i) residual waste, and (ii) garden waste and recycling. Currently 57% of waste collected is recycled or composted.

- 1.4 Collections of bulky household waste are charged for and generate an annual income of approximately £25,000. Trade waste income is currently in the region of £500,000 per year, providing services to around 800 customers.
- 1.5 The current waste contract provided by Serco Limited was awarded in 2012 and expires in August 2020.
- 1.6 In addition, the service also offers:
- Bulky household waste collections
  - Collection of white goods and fridge freezers
  - Delivery of sacks to residents on bag collection
  - Assisted collections
  - Collection of televisions and monitors
  - Trade waste collections
  - Clinic waste collections
- 1.7 The service is one of the most fundamental statutory services performed by the Council and is perhaps, the most high profile service received by the public. It therefore needs to meet the demands of the public whilst recognising recent changes in the waste management industry.
- 1.8 The current cost of the contract is approximately £1.9m per year. However this was tendered at a time when the market was much more buoyant than it is currently. Recent indications suggest there has been an increase not only in the cost of service provision but also in the level of liability contractors seek to share. Therefore, options for future models of delivery may be limited by the cost of the contract.

## **2 REPORT**

- 2.1 In April this year, a Waste Procurement Group was formed, including officers from across the organisation, to conduct a review of the current service, consider the options available for the new contract and steer the project through to implementation in August 2020. The group consists of:
- Steve Capes, Head of Regeneration & Policy (Chair)  
Ashley Watts, Head of Community & Environmental Services (Project Lead)  
Sandra Lamb, Head of Corporate Services  
Karen Henriksen, Head of Resources  
Sally Rose, Environmental Services Manager  
Claire Orford, Waste & Recycling Officer  
Chloe Lewis, Recycling Advisor  
Mark Nash, Financial Services Manager  
Carolyne Knott, Senior Procurement Officer (Derbyshire County Council)
- 2.2 All members of the group are meeting regularly, are fully engaged in the process and actively working together to achieve the objectives to ensure that the procurement is a success.
- 2.3 In order to get the most of out the contract and the procurement process, expert legal advice is required. A specification for legal advice is being drawn up by the Council's Solicitor, and will be tendered in due course.

- 2.4 In addition to external procurement and legal support, technical and market expertise have also been sourced to support the project, as approved by Council on 12 April this year.
- 2.5 Following advertisement, submission of tenders and a period of evaluation, Eunomia Research & Consulting Limited have been awarded the contract.
- 2.6 Eunomia will be required to:
- (a) Produce a detailed project plan that identifies key stages of the project and key decision milestones, track and report progress against the project plan, and ensure the project is kept to specified timescales;
  - (b) Use existing modelling information to review the cost and performance implications of additional service delivery models, provide an analysis and options appraisal of the waste and recycling services to be commissioned by the Council;
  - (c) Facilitate consultation and communication, including information workshops and focus groups, with elected Members, Council Officers, members of the public and other stakeholders at key stages throughout the project;
  - (d) Assist the Council to compile and maintain an effective risk register of the project;
  - (e) Provide technical support to the Council throughout the procurement of the waste and recycling contract, including all of the PQQ, ITT, evaluation, negotiation, and award and debrief stages.
- 2.7 Consultation with key stakeholders and Members is essential in developing a suitable specification for tender. Key dates for consultation are as follows:
- Food Caddy telephone survey – Monday 10 June 2018 – Tuesday 3 July
  - Website questionnaire – Tuesday 12 June 2018 – Tuesday 3 July
  - Public Consultation – July 2018 (dates to be confirmed)
  - Members Workshop – Thursday 27 September 2018 (16:00)
  - Members Workshop – Thursday 18 October 2018 (18:00)
  - Members Briefing – Thursday 29<sup>th</sup> November 2018 (16:00)
- 2.8 The first internal newsletter informing staff of the progress was issued in May 2018 and the second edition is due in July 2018. These have been produced by members of the Waste Procurement Group, supported and distributed by the Communications & Marketing Manager, whose role in the process will increase as the project progresses.
- 2.9 The value of the contract requires that it must be advertised in the Official Journal of the European Union to ensure that the legislative requirements have been met and that competitive tendering has been allowed. This requires a greater lead-in time than contracts of a lesser value. In order to ensure a contract is awarded in time for the expiry of the current contract, a decision on preferred service options must be reached by the end of November this year.
- 2.10 The procurement milestones are set out below:
- Public consultation to help inform service options, July 2018;

- Member involvement on potential option, early Autumn 2018 (as set out in paragraph 2.8 above);
- Draft report to Members recommending a preferred option to be agreed with the project team by 1 November 2018;
- Council meeting where the preferred option will be decided 29 November 2018;
- Tender development November 2019 – May 2019
- Tender published June 2019
- Contract award no later than February 2020
- Mobilisation February 2020 – August 2020 (minimum six month period)
- Contract start date 5 August 2020

### **3 RISK ASSESSMENT**

#### **3.1 Legal**

The tender of the waste contract is subject to compliance with the applicable EU legislation together with the Public Contract Regulations 2015, the Council's Contract Standing Orders and Financial Regulations.

This report confirms that the requisite expertise is being sourced and seeks approval of the timescales and process to ensure that the service is procured for the Contract start date. The legal risk of this report is assessed as low.

The legal risk of the future delivery models will be assessed in due course.

#### **3.2 Financial**

As stated in paragraph 1.8, the current cost of the contract is around £1.9m per year but the market is much less buoyant now than when the service was last tendered. This means that options for future models of delivery may be limited by the cost of the contract. The financial risks of such options will be assessed in due course.

This report seeks approval for the process and dates highlighted in the report, as well as the risk register. The financial risk of this report is assessed as low.

### **4 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

### **5 CONTACT INFORMATION**

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**6 BACKGROUND PAPERS**

None

**7 ATTACHMENT**

Appendix 1: Waste Risk Register

Project Name		DDDC Waste Procurement													
Project Manager		Heidi Finlay													
Risk Register Version		1													
Project End Date		Aug-12													
		Scoring: Risk: Highly Likely=5, Likely=4, Foreseeable=3, Unlikely Incident=2, Rare Occurrence=1 Impact: Catastrophic=5, Severe=4, Moderate=3, Minor=2, Negligible=1													
Risk ID	Risk	Date Identified	Likelihood (L)	Impact (I)	Pre Mitigation Score L x I	Mitigating Actions	Likelihood (L)	Impact (I)	Residual Score L x I	Type	Owner	Date Reviewed	Escalate	Status	Comment
<b>Process Risks</b>															
P1	Project team lacks specialist expertise to procure the contract	03/09/2010	2	5	10	Appoint accredited consultant	2	4	8	fin	Peter Foley	25-Mar-11	No	Closed	Eunomia appointed August 2010
P2	Procurement route fails to comply with Contract SO's and Procurement Strategy	03/09/2010	2	3	6	Enlist CIA's advise on established compliance guidance	1	3	3	fin	Heidi McDougall	25-Mar-11	No	Closed	PQQ stage satisfied
P3	Consultants funding withdrawn by Central Government	03/09/2010	4	5	20	Ensure supplementary budget to address consultants fees	1	4	4	op	Heidi McDougall	25-Mar-11	No	closed	Funding satisfied. WRAP funding confirmed
P4	Specification does not reflect outcomes from public consultation	03/09/2010	4	3	12	Manage focus groups and inform public by regular press releases.	2	3	6	op, rep	Heidi McDougall	25-Mar-11	No	closed	Consultation completed. Specification reflects feedback.
P5	Procurement outcomes not the preferred approach of Members and Officers	03/09/2010	2	2	4	Provide Members with definitive advise re service outputs, funding restrictions	1	2	2	op, fin	Heidi McDougall	25-Mar-11	No	Closed	Continue to report and seek Cabinets approval. Council decision 27/10/11.
P6	Members decisions take longer than planned	03/09/2010	4	5	20	Enlist Cabinet support to ensure Members understand the time bound deadlines	2	5	10	op, fin	Heidi McDougall	25-Mar-11	No	Closed	Council decision 27/10/11
P7	Members decisions change contract specification, delay process	03/09/2010	4	5	20	Seek Cabinet support to ensure Members understand the procurement time table	2	5	10	fin, op	Heidi McDougall	25-Mar-11	No	Closed	
P8	Increased cost of procurement ( legal) greater than initial budget	03/09/2010	3	3	9	Seek supplementary budget	2	3	6	fin, op	Heidi McDougall	25-Mar-11	No	closed	Sufficient funding secured
P9	Non availability of key officers at key points in procurement	03/09/2010	2	3	6	Plan annual leave into project plan. Have contingency arrangements in place for sign off	1	3	3	op	Heidi McDougall	25-Mar-11	No	Closed	
P10	OJEU not satisfied	03/09/2010	1	5	5	Careful design of and adherence to procurement process. Careful auditing of process throughout. Liason with legal as required to ensure compliance where uncertain.	1	4	4	op, fin, rep	Heidi McDougall/Bill Beckett /Sandr a Lamb	25-Mar-11	No	closed	completed

Project Name		DDDC Waste Procurement																
Project Manager		Heidi Finlay																
Risk Register Version		1																
Project End Date		Aug-12																
											Scoring: Risk: Highly Likely=5, Likely=4, Foreseeable=3, Unlikely Incident=2, Rare Occurrence=1 Impact: Catastrophic=5, Severe=4, Moderate=3, Minor=2, Negligible=1							
Risk ID	Risk	Date Identified	Likelihood (L)	Impact (I)	Pre Mitigation Score L x I	Mitigating Actions	Likelihood (L)	Impact (I)	Residual Score L x I	Type	Owner	Date Reviewed	Escalate	Status	Comment			
P11	Lack of clear agreement between officers	03/09/2010	1	3	3	Clear, open and transparent communication throughout process.	1	2	2	op	Heidi McDougall	25-Mar-11	No	Open	Continuing - Communication plan developed with Head of Organisational Development			
P12	Lack of decision making on specification leading to delays	03/09/2010	4	4	16	Clear and early discussion of issues to be addressed with officers and Members.	2	4	8	op	Heidi McDougall	25-Mar-11	No	closed	Agreement reached and final specification			
P13	WRAP casualty of CSR	20-Sep-10	4	5	20	Committee Approval for budget	2	4	8	fin	Heidi McDougall	25-Mar-11	No	closed	WRAP support satisfied			
P14	Specification fails to meet brief within budget	20-Sep-10	4	4	16	Inclusion of options in brief and innovation.	2	4	8	fin, op	Peter Foley	25-Mar-11	No	Closed				
P15	CSR outcomes require major specification changes	20-Sep-10	4	5	20	Include in gantt chart workday reserve	2	5	10	fin, op	Heidi McDougall	25-Mar-11	No	Closed				
P16	Absence of performance incentive affects continuity of contract	20-Sep-10	2	3	6	Rely on consultant appreciating DDDC working in partnership with contractor	1	3	3	op	Heidi McDougall	25-Mar-11	No	Closed				
P17	Member buy-in, reluctance to approve specification. Pre/post decisions made prior to election	20-Sep-10	4	5	20	Discussed with members in advance to gain support. Spec produced prior to May 2011.	2	4	8	op, rep	Heidi McDougall	25-Mar-11	No	Closed				
P18	Outcome from waste policy changes not factored sufficiently into changes in legislation	20-Sep-10	3	3	9	Build it into documentation, pricing schedule.	1	2	2	fin, op	Heidi McDougall	25-Mar-11	No	Closed				
P19	Consultant lead changes.	20-Sep-10	2	4	8	Cover incase someone leaves. Adequate people on the team.	1	3	3	op	Heidi McDougall	25-Mar-11	No	Open	continuing - contingency provisions currently being considered by Director and CEO			
P20	Key officers leave.	20-Sep-10	2	4	8	Provide continuity within team	1	3	3	op	Heidi McDougall	25-Mar-11	No	Open	continuing - contingency provisions currently being considered by Director and CEO			
P21	Consultants commission not fully described in contract	20-Sep-10	1	2	2	Ensure legal brief fully describes financial and performance provisions	1	2	2	fin, op	Peter Foley	25-Mar-11	No	closed				
P22	Inadequate working of procurement team	20-Sep-10	1	2	2	Consultant appointed to lead process.	1	2	2	op	Heidi McDougall	25-Mar-11	No	Closed				
P23	Summary specification in advert fails to generate interest	20-Sep-10	1	3	2	Enlist consultants advice on wording	1	3	3	fin, op	Heidi McDougall	25-Mar-11	No	closed	satisfied			
P24	PQQ design fails to capture contractors details to allow shortlisting	20-Sep-10	2	5	10	Legal Rep. appointed / Legal advice sought.	1	4	4	fin, op	Heidi McDougall/Sandra	25-Mar-11	No	closed				



Project Name		DDDC Waste Procurement														
Project Manager		Heidi Finlay														
Risk Register Version		1														
Project End Date		Aug-12														
												Scoring: Risk: Highly Likely=5, Likely=4, Foreseeable=3, Unlikely Incident=2, Rare Occurrence=1 Impact: Catastrophic=5, Severe=4, Moderate=3, Minor=2, Negligible=1				
Risk ID	Risk	Date Identified	Likelihood (L)	Impact (I)	Pre Mitigation Score L x I	Mitigating Actions	Likelihood (L)	Impact (I)	Residual Score L x I	Type	Owner	Date Reviewed	Escalate	Status	Comment	
P25	Challenge by unsuccessful contractor at selection stage	20-Sep-10	3	3	9	Ensure selection criteria is sound and has been included in PQQ	1	3	3	fin, op	Heidi McDougall	25-Mar-11	No	Closed		
P26	Insufficient officer resources applied to satisfy PQQ stage	20-Sep-10	1	3	2	Sufficient time to undertake legal / finance checks. Allow sufficient time in Project plan.	1	3	3	op	Heidi McDougall	25-Mar-11	No	Closed		
P27	ITT issued before full contract documents have been designed and signed off	20-Sep-10	2	5	10	Comply with project plan and evaluation criteria. Members decision on challenge.	1	5	5	op	Heidi McDougall	25-Mar-11	No	Closed		
P28	Lack of interest from bidders at EOI stage	20-Sep-10	1	5	5	Adequate marketing / approaches to specialist firms.	1	4	4	op	Heidi McDougall	25-Mar-11	No	closed		
P29	Failure to comply with statutory time period for tender process	20-Sep-10	1	5	5	Sufficient time built into Project Plan.	1	4	4	op	Heidi McDougall	25-Mar-11	No	Closed		
P30	Tender evaluation team has insufficient experience to evaluate tenders.	20-Sep-10	2	5	10	Team with specialist attributes. Input from consultants.	1	5	5	op	Heidi McDougall	25-Mar-11	No	Closed		
P31	Poor value for money tenders.	20-Sep-10	3	4	12	Valuing against budget, specification, sound and excepted evaluation criteria.	1	3	3	fin	Heidi McDougall	25-Mar-11	No	Closed		
P32	Tender price exceeds budget.	20-Sep-10	3	4	12	MEAT. Secure supplementary budget.	1	4	4	fin	Heidi McDougall	25-Mar-11	No	Closed		
P33	Inadequate inflation allowance.	20-Sep-10	3	4	12	Included with spec, pricing schedule.	1	3	3	fin	Heidi McDougall	25-Mar-11	No	Closed		
P34	Challenge after award is announced.	20-Sep-10	3	3	9	Ensure award criteria is sound and is published in tender documents	2	3	6	fin, op	Heidi McDougall	25-Mar-11	No	Closed		
P35	Failure to satisfy challenge.	20-Sep-10	1	5	5	Comply with project plan and evaluation criteria. Members decision on challenge.	1	5	5	fin, op	Heidi McDougall	25-Mar-11	No	Closed		
P36	New depot proposals delayed due to Planning/Building Consent approvals	20-Sep-10	2	4	8	Obtain supplementary money from Committee. Adequate performance bond. Work in partnership with contractor.	1	4	4	op	Heidi McDougall	25-Mar-11	No	Closed		
P37	Failure to procure containers before commencement of contract.	20-Sep-10	2	5	10	Size and type agreed in spec. Appointment of contractor, orders materials.	1	5	5	op	Heidi McDougall	25-Mar-11	No	Closed		
P38	Insufficient plans to dispose of bins.	20-Sep-10	2	4	8	Procure disposal agent.	1	3	3	op, rep	Heidi McDougall	25-Mar-11	No	Closed		

Project Name		DDDC Waste Procurement													
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Scoring: Risk: Highly Likely=5, Likely=4, Foreseeable=3, Unlikely Incident=2, Rare Occurrence=1 Impact: Catastrophic=5, Severe=4, Moderate=3, Minor=2, Negligible=1															
Risk ID	Risk	Date Identified	Likelihood (L)	Impact (I)	Pre Mitigation Score L x I	Mitigating Actions	Likelihood (L)	Impact (I)	Residual Score L x I	Type	Owner	Date Reviewed	Escalate	Status	Comment
P39	Failure to hand over bins to enable collections.	20-Sep-10	2	4	8	Aquate lead in times	1	4	4	op	Heidi McDougall	25-Mar-11	No	Open	continuing - roll out programme agreed over 3 months from start of contract
P40	Appointed Contractor files for insolvency before contract commencement date	20-Sep-10	1	5	5	Default provisions insufficient to allow re tendering. Identify and manage early issues to prevent insolvency	1	5	5	fin, op	Heidi McDougall	25-Mar-11	No	Open	continuing
P41	Key officers leave.	20-Sep-10	2	4	8	Provide officer continuity	1	3	3	op	Heidi McDougall	25-Mar-11	No	Open	continuing - contingency provisions currently being considered by Director and CEO
P42	No change order controls built into contract management provisions	20-Sep-10	1	4	4	Ensure variation/change control mechanisms in contract docs	1	4	4	fin, op	Heidi McDougall	25-Mar-11	No	Open	continuing - change orders/variation order procedure in place
P43	Delay in obtaining TUPE information	20-Sep-10	1	5	5	Seek from HR early advice	1	4	4	op	Heidi McDougall/Steve	25-Mar-11	No	Closed	
P44	Inadequate inflation provision percentage built into contract	20-Sep-10	2	4	8	Employ industry forecasts	1	4	4	fin	Heidi McDougall	25-Mar-11	No	Closed	
P45	Bad press coverage due to lack of liaison with local press media	20-Sep-10	4	4	16	Design a press liaison strategy with assistance of press officer	2	4	8	rep	Heidi McDougall/Steve	25-Mar-11	No	Open	continuing - working with communications team
P46	Contractors cost plan fails after award and before service commissioned	20-Sep-10	1	4	4	At award stage challenge tender prices to ensure realistic costings	2	4	8	fin	Heidi McDougall	25-Mar-11	No	Open	continuing
P47	Officers and Member not available to make decision on contractual claim	20-Sep-10	1	3	3	Build into gantt chart opportunity for appropriate responses to challenge	1	3	3	fin, op, rep	Heidi McDougall	25-Mar-11	No	Closed	
P48	Performance/Indemnity Bonding not complete before contract start	20-Sep-10	1	4	4	Require satisfactory proof of bond sealed before contract commissioned	1	4	4	fin	Heidi McDougall/Bill Beckett	25-Mar-11	No	Closed	
Risk ID	Risk	Date Identified	Likelihood (L)	Impact (I)	Pre Mitigation Score L x I	Mitigating Actions	Likelihood (L)	Impact (I)	Residual Score L x I	Type	Owner	Date Reviewed	Escalate	Status	Comment
<b>Operational Risks</b>															
O1	Reduced service levels to DDDC	03/09/2010	4	4	16	Make requirements clear in contract	1	3	3	rep	Heidi McDougall	25-Mar-11	No	Closed	
O2	Households not satisfied with new service	03/09/2010	4	4	16	Careful planning of procurement process linked with promotion campaign for any service changes	2	3	6	rep	Heidi McDougall	25-Mar-11	No	Open	continuing
O3	Roll out of service poorly executed	03/09/2010	4	4	16	Include a method statement for roll out proposals of bidders. Evaluation criteria emphasis on quality.	2	4	8	rep, op	Heidi McDougall	25-Mar-11	No	Open	continuing

Project Name		DDDC Waste Procurement													
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O4	Service poorly delivered due to under-bidding	03/09/2010	3	4	12	Ensure cost:quality appropriately defined. Provide clear and enforceable contractual obligations.	2	3	6	rep, op	Heidi McDougall	25-Mar-11	No	Open	continuing
O5	Bidders depot provision less than robust	03/09/2010	2	4	8	DDDC try to develop plausible options in advance of procurement.	2	3	6	op	Heidi McDougall	25-Mar-11	No	Open	continuing
O6	Insufficient back office resources to handle enquiries and complaints	20-Sep-10	3	5	15	Create staff reserve for peak referral times	1	4	4	op	Heidi McDougall	25-Mar-11	No	Open	continuing - extra resources for Customer Contact Team
O7	No control mechanism to agree contract variation costs	20-Sep-10	1	3	3	Embed controls into contract spec and method statement	1	3	3	fin	Heidi McDougall	25-Mar-11	No	Open	continuing - change orders/variation order procedure in place
O8	Key officers leave.	20-Sep-10	2	4	8	Provide continuity within team	1	4	4	op	Heidi McDougall	25-Mar-11	No	Open	continuing - contingency provisions currently being considered by Director and CEO

BACK TO AGENDA

COMMUNITY AND ENVIRONMENT COMMITTEE  
12 JULY 2018

Report of the Head of Corporate Services

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## **PUBLIC CONVENIENCES - UPDATE**

### **PURPOSE OF REPORT**

This report updates the Committee on the position regarding the public conveniences at Bonsall, and Bradwell and attempts to secure Community Asset Transfers to mitigate the risk of closure.

### **RECOMMENDATION**

1. That agreement on heads of terms to enable a Community Asset Transfer of the public conveniences at Bradwell to Bradwell Parish Council is noted including both parties entering into a tenancy at will to transfer all liability to the Parish Council by 31 July 2018.
2. That progress with regard to transferring the public conveniences at Bonsall to the parish council is noted.
3. That delegated authority to agree Community Asset Transfers to the Head of Corporate Services be extended to expire at the end of August 2018 to enable completion of transactions without the need for a further report to the Committee.

### **WARDS AFFECTED**

Masson and Bradwell

### **STRATEGIC LINK**

The use of Council property for the benefit of the Communities that we serve assists in ensuring that the Council Leads the Communities of the Dales, improves quality of life for residents and, with partners, ensures the continued provision of excellent services.

## **1 BACKGROUND**

- 1.1 At its meeting held on 30 April, Council considered an update on the potential to successfully negotiate Community Assets Transfers of the toilet facilities at Bonsall and Bradwell to the respective parish councils. Whilst both parish councils had indicated a willingness to take over responsibility for the conveniences, and accepted the financial incentive to transfer, there were unresolved issues regarding proper title. Council therefore decided:

*“That progress on determining legal title to the facilities at Bonsall and Bradwell is noted and that best endeavours continue with a view to concluding the matter by way of a report to the July meeting of the Community and Environment Committee.”*

## **2 CURRENT SITUATION**

### **2.1 Bonsall**

The Land Registry records ownership of the site at Bonsall to be partially unregistered, with a private party being recorded as having ownership of the remaining portion. The District Council can however prove ownership of the unregistered portion and has maintained the whole site for a number of years. The issue has become intractable by negotiation with the Land Registry in time for this meeting of the Committee. The private owner has tried to broker a solution by offering to rent his land to the parish council to enable the conveniences to move to the parish council and remain open. The solution although seemingly simple, does not protect the interests of the District Council in securing appropriate safeguards for the continuance of a community facility. An alternative has therefore been sought.

The Parish Council has agreed to take on responsibility for running and maintaining the conveniences in return the parish council will receive one off financial support. Discussions are ongoing between the District Council, Parish Council and registered owner to correct the title and transfer ownership to the Parish Council.

### **2.2 Bradwell**

The conveniences at Bradwell sit on un-registered land that is owned by the Parish Council. Efforts are therefore in hand to support the parish council in registering the land with the Land Registry. The Parish Council has agreed to take on responsibility for running and maintaining the conveniences in return the parish council will receive one off financial support.

A discussion has also been facilitated between Severn Trent Water Plc and the Parish Council to document the current arrangement for the underground tank and control room which forms part of STW's infrastructure on Parish Council land.

The District Council does however own the open space and disabled ramp to the front of the public conveniences. The Parish council have agreed to enter into a tenancy at will of this area of land until the land is formally transferred to them.

### **2.3 The above agreements are geared to take effect by the end of July 2018 which is on target to achieve the predicted savings considered by Council on 30 April 2018.**

### **2.4 Matlock, Hall Leys Park**

A meeting has been held with representatives of Matlock Town Council to discuss the toilet facilities in Hall Leys Park, including the closed facility near to the children's play area. Discussions will reconvene following the outcome of the Commercial Board's discussions at its meeting on 18 July when it meets to scope commercial opportunities to potentially reintroduce a facility at Knowlestone Place.

### **3 RISK ASSESSMENT**

#### **3.1 Legal**

The Community Asset Transfers have been agreed within the scope of the delegated authority given to the Head of Corporate Services and on terms agreed by the Council. The legal risk is therefore low. Whilst all risk cannot be mitigated whilst the re-registering of land takes place, the risk is assessed to be low given that all parties have a vested interest in a successful outcome.

#### **3.2 Financial**

The proposals in this report should ensure that the predicted savings will be achieved. The one-off financial support for Bradwell Parish Council can be accommodated from existing budgets. The financial risk is assessed as low.

### **4 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

### **5 CONTACT INFORMATION**

Sandra Lamb, Head of Corporate Services. Email [sandra.lamb@derbyshiredales.gov.uk](mailto:sandra.lamb@derbyshiredales.gov.uk) or Tel. 01629 761282

### **6 BACKGROUND PAPERS**

None

**BACK TO AGENDA**

COMMUNITY AND ENVIRONMENT COMMITTEE  
12 JULY 2018

Report of the Head of Regeneration and Policy

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## **DERBYSHIRE DALES ECONOMY**

### **PURPOSE OF REPORT**

To report further progress on the Derbyshire Dales Economic Plan, originally adopted in September 2014, to take forward Members' economic development priority.

### **RECOMMENDATIONS**

1. Progress to date in delivering the Derbyshire Dales Economic Plan 2014-2019 is approved.
2. Council be recommended to approve the revised expenditure programme of £220,431, as set out in paragraph 4.2 of the report and the accompanying table, and its financing from the Economic Development Reserve.

### **WARDS AFFECTED**

All

### **STRATEGIC LINK**

Economic development is highlighted in the Corporate Plan 2015-2019 as the District Council's highest priority. *Business growth and job creation* is the top priority, following extensive public consultation confirming that a thriving district is residents' overriding wish. The District Council's vision is for a Derbyshire Dales with high-wage, high-skill jobs.

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## **1 BACKGROUND**

- 1.1 The Derbyshire Dales Economic Plan was adopted by the District Council in September 2014. The Plan resulted from a workshop held with district councillors in June 2014. A progress report was considered by the Community and Environment Committee on 29 October 2015, and a full update report was considered on 27 October 2016. Subsequently, further reports on business aspirations and employment site availability were considered on 12 January 2017; and Council on 22 June 2017 approved a more proactive approach to regenerating employment sites in the Derbyshire Dales. Reports to the Community and Environment Committee on 22 February 2018 updated Members on progress with the Council's business support initiatives and actions to help grow the visitor economy.

- 1.2 The present report updates Members on subsequent progress and seeks approval for the revised expenditure programme.

## **2 DERBYSHIRE DALES ECONOMIC PLAN 2014-2019**

- 2.1 Evidence indicates a pressing need to provide new light industrial work space within the Derbyshire Dales. Previous reports to Members have shown that:

- manufacturing firms employ twice as many people than the tourism sector in the district, and tend to pay higher wages
- 43% of Derbyshire Dales businesses surveyed have plans to expand, of which many require new premises and/or additional land
- only an estimated 1.5 years supply of industrial accommodation and 2.2 years supply of office accommodation is available at current take up rates
- bringing forward new employment sites is of high importance to the economy of the Derbyshire Dales
- unless employment site delivery accelerates, there is a significant risk that more firms will choose to re-locate out of the district.

- 2.2 The Derbyshire Dales Economic Plan 2014-2019 aims to enhance economic growth and job creation, with a particular focus on the creation of higher value jobs (to replace lower-skilled, lower-paid roles). This reflects the fact that jobs in the Derbyshire Dales suffer from some of the lowest pay in England.

- 2.3 The Economic Plan recognises the requirement to bring forward sites to provide quality employment accommodation. The following priority sites are identified, all of which are in private ownership and subject to mixed use proposals to overcome viability issues:

- Ashbourne Airfield Industrial Estate extension (Ashbourne Business Park)
- Cawdor Quarry, Matlock
- Riverside Business Park, Bakewell
- Halldale Quarry, Matlock
- Middleton Road quarry, Wirksworth

- 2.4 The Economic Development and Tourism service has 2.7 FTE permanent employees and a 1.0 FTE temporary employee (to March 2019), plus support from the Head of Regeneration and Policy. Corporate coordination is provided by the Place Shaping Hub, which reports quarterly to the Corporate Leadership Team. The Member Representative on the Place Shaping Hub is Councillor Tony Morley.

- 2.5 The Place Shaping Hub focuses on unlocking priority employment sites in order to grow small-to-medium sized firms. The reasons for this focus are to:

- (i) support business growth and job creation, without which our ageing population and youth exodus (to areas with better-paid jobs and homes they can afford) threatens the viability of the Derbyshire Dales;
- (ii) increase Business Rates and income from the council's own assets, in order that the District Council can afford to fund its frontline services.



2.6 The activity undertaken under the Economic Plan has focused on the following priority themes. Each is updated below, with progress in the past year highlighted and next steps proposed. Broadly speaking, progress on theme 1 (employment sites) has been challenging, but good progress has been made on the other four themes.

1. **Employment sites**
2. **Business engagement**
3. **Derbyshire Dales Business Advice**
4. **Enterprise Peak District partnership projects**
5. **Visitor Economy**

### 3 **PROGRESS WITH THE ECONOMIC PLAN**

3.1 **Employment sites:** the Ashbourne Airfield Industrial Estate is the largest employment location in the Derbyshire Dales and the focus of the district's manufacturing economy. The 35ha site is full, hosting more than 70 businesses employing 2,000+ people, including four of the top-ten contributors of private sector jobs in the Derbyshire Dales. Accelerating the construction of a new access and link road is urgently required to unlock significant new employment – Ashbourne Business Park – and housing development.

Work during 2017/18 progressed well, to the point where a construction contract was ready to be let in January. The opportunity arose to consider altering the access from a signalised junction (which already has planning permission) to a roundabout capable of serving all future phases of development at the airfield. Work is currently being undertaken by public and private sector partners to investigate this possibility. The County Council remains the scheme promoter and expects to re-tender the scheme this year.

Other employment sites are also being progressed, with expert help being agreed by Council in June 2017. After three attempts it proved impossible to recruit to a temporary post. Instead a commercial sites advisor has been appointed on a consultancy basis, initially from 1 June 2018 to March 2019, to take a proactive approach to landowners and agents in helping bring forward industrial development.

The District Council continues to develop potential changes to discretionary rate relief to fund business growth and job creation, without affecting smaller voluntary and community organisations.

3.2 **Business engagement:** good progress continues on this theme. The District Council now regularly publishes an e-newsletter for businesses, and organises business events both alone and with partners. On 19 July, an event specifically aimed at larger Derbyshire Dales businesses (those with 100+ employees) will take place. Targeted at CEOs/Directors, this is an opportunity for them meet the Chief Executives of the District Council and National Park, a Strategic Director from the County Council, and the Derbyshire Dales Member of Parliament. A survey of Dales businesses is to be conducted later this year to cover workspace needs, broadband and Brexit.

- 3.3 **Derbyshire Dales Business Advice:** good progress continues on this theme. One-to-one assistance has resulted in many grants being obtained for Derbyshire Dales businesses - £275,000 in 2017/18 alone, which is expected to create at least 24 new jobs. This service is funded by the District Council and the EU via the D2N2 Growth Hub. Business start-up advice is also provided, using District Council and EU funding via Sheffield City Region, through Growing Rural Enterprise Ltd. Press releases showcasing local firms supported by the District Council's business advice service are regularly produced and picked up in the local and regional press.

As reported to the Committee in February, District Council officers inputted to an EU funding bid to extend the Derbyshire Dales Business Advice service for a further three years, as part of the D2N2 Growth Hub. The Expression of Interest was successful, and a full application has now been submitted. The total cost of delivering the local service (including indirect costs) is estimated at £148,409 with 50% sought from the EU. The cash contribution required from the Council is therefore estimated at £64,850, and this is included in the proposed Economic Development Reserve expenditure programme.

- 3.4 **Enterprise Peak District partnership projects:** this theme has again seen good progress. The 'Inspired by the Peak District' branding initiative now has 537 businesses signed up (46% from the Derbyshire Dales), and a toolkit was launched this year to help businesses develop a marketing edge from their connection to the area. Officers have maintained dialogue with Digital Derbyshire to encourage them to understand the gaps in superfast broadband coverage in the district and then act to fill those gaps. Further fibre cabinets in the district have 'gone live' this year. There has also been good take up of vouchers to subsidise wireless or satellite broadband in parts of the Dales that fibre does not reach.
- 3.5 **Visitor economy:** visitor economy work continues well. A new Limestone Way walk guide has been published and publicity undertaken, with sales going well. The Pedal Peak project to help businesses benefit from cycle tourism is benefitting Dales firms (again, a toolkit has been produced), and a short breaks campaign is planned for the coming year. Unfortunately, a scheme to signpost a 100 mile cycle route aimed at attracting visitors to stay longer in the Dales had to be shelved due to the inability of partners to commit sufficient resources.

## 4 ECONOMIC DEVELOPMENT RESERVE

- 4.1 A plan for expenditure of the Economic Development Reserve was agreed by Council on 22 June 2017. The Reserve had £220,431 remaining at 31 March 2018. However, of this, £80,763 is committed and a further £109,650 will be committed subject to potential extension of the Commercial Development Advisory services contract and a successful D2N2 Growth Hub 2 bid for Derbyshire Dales Business Advice.

4.2 The expenditure programme in the following table has been updated to summarise committed and proposed expenditure from the Economic Development Reserve up to 31 March 2019 with further expenditure proposed to 31 March 2022 (subject to the above). The remaining circa £30,000 is proposed for:

- supporting employment sites work
- a potential contribution towards supporting pre-start businesses post March 2019
- a potential contribution to an Enterprise Adviser Network for 2018/19 and 2019/20.

It is recommended that the expenditure programme be referred to Council for approval.

## ECONOMIC DEVELOPMENT RESERVE EXPENDITURE PROGRAMME

Priority	Work Area	Activities	Committed expenditure	Proposed expenditure	Year
<b>Employment Sites</b>	Site Delivery	Commercial Development Advisory Services  Ashbourne Airfield Business case	£21,000  £4,148	£37,500 (extension option to 30.09.20)  (Blenheim Road imp works allocated in Capital Programme)	2018/19 to 2020/21
<b>Business Engagement</b>	2018 Derbyshire Dales Business Survey, Business Forums/Events, Inward Investment promotion	Independent business survey, events budget, promotional materials	£200	£7,300	2018/19
<b>Business Advice</b>	Full time Derbyshire Dales Business Advice service*, Launchpad Start-up service**	One to one business advice, one to many events, Enhanced Local Growth Hub services	DDBA £20,700 (ends 31.03.19)  Launchpad £11,639 (ends 31.03.19)	£64,850 (proposed extension to 31.03.22)  Pre-start support (TBC)	2018/19 (with poss extn to 2022)
<b>Enterprise Peak District Package</b>	Inspired by the Peak District*	Marketing materials, brand development and events to increase take-up / usage	£4,873	£0	2018/19
<b>Visitor Economy</b>	Pedal Peak Business Initiative*	Contribution to establish cycle friendly business clusters plus route development	£18,203	£0	2018/19
		<b>Totals</b>	<b>£80,763</b>	<b>£109,650</b>	

\* ERDF (European Regional Development Fund) funded project via D2N2 allocation

\*\* ERDF (European Regional Development Fund) funded project via SCR allocation

- 4.3 It should be noted that the proposed expenditure is programmed to reduce the Economic Development Reserve to zero, should the recommendations in this report be approved.

## **5 MEMBER REPRESENTATIVES' COMMENTS**

### **5.1 Place Shaping – Councillor Tony Morley**

Since the Derbyshire Dales Economic Plan was adopted in September 2014, we have come a remarkably long way in a relatively short time. This is due to the commitment from Members and Officers at all levels. Any major decisions in a publicly accountable body, quite properly, need to go through a democratic process. This might prove to be a stumbling block and I am pleased to report that this has not been the case.

Members may be surprised to learn that this regeneration journey has been achieved with only 2.7 permanent full-time equivalent officers. This fact highlights two issues. Firstly, the need to have the ability to buy in expertise for specific projects going forward. Secondly, it is a tribute to the effective support of the Place Shaping Hub where senior officers from different areas within the Council provide support and synergy without which the Regeneration Project would be either slower or less effective.

This report highlights the impact of regeneration projects in measurable areas such as financial leverage, where the expertise deployed in-house has resulted in a leverage ratio of more than 50 to 1 in grant support and an auditable number of business assisted. Money and expertise is now finding its way to the frontline in order to create better paying jobs for the residents of the Derbyshire Dales who have both entrepreneurial instincts and abilities and an enviable work ethic. Many companies operating in the commercial sector would be envious of the achievement the District Council so far.

In conclusion, I would like to offer my personal thanks to all Members who, irrespective of political opinions, have unhesitatingly got behind regeneration projects. Without your help and support, we could have not come so far so quickly

## **6 RISK ASSESSMENT**

### **6.1 Legal**

There are no legal risks arising from the report at this stage.

### **6.2 Financial**

As funding for the proposed schemes is available from the Economic Development Reserve (subject to Council approval), the financial risk at this stage is assessed as low. However, the potential resource implications of infrastructure and workspace development will need to be considered and the financial risk may change at that time.

### **6.3 Corporate**

The risk of progressing the options identified will need to be managed. Overall, the corporate risk is assessed as Medium at present.

## **7 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

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C&E ED Plan july18 FINAL.docx

### **CONTACT INFORMATION**

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01629 761371, email [steve.capes@derbyshiredales.gov.uk](mailto:steve.capes@derbyshiredales.gov.uk)

### **BACKGROUND PAPERS**

- Derbyshire Dales Economic Plan, September 2014

### **ATTACHMENTS**

None

**BACK TO AGENDA**

COMMUNITY AND ENVIRONMENT  
12 JULY 2018

Report of the Head of Community and Environmental Services

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## **CAR PARK MANAGEMENT – REVIEW OF CHARGES**

### **PURPOSE OF REPORT**

This report reviews the level of charges on the Council's pay and display car parks.

### **RECOMMENDATION**

1. That the suggested levels of parking charges referred to in the body of this report and detailed in appendix 1, be adopted.
2. That a notice of intent to vary charges, in accordance with section 35C of the Road Traffic Regulation Act 1984 and Part V of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, is published.

### **WARDS AFFECTED**

All

### **STRATEGIC LINK**

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## **1 Background**

1.1 An extensive review of the Council's car parking policy was undertaken in 2013, resulting in a wide range of recommendations being implemented from January 2014. Within that review, a variation to the scale of charges was put forward and similarly implemented in January 2014. Since that time, the scale of charges has remained unchanged.

## **2 Report**

2.1 Revenue generated from Pay and Display parking is used to support a wide range of range of local services expected of a popular tourist destination, including the provision and upkeep of ornamental parks and gardens, public open spaces and play facilities, as well as contributing to maintaining a high standard of cleanliness and mowing throughout the district's many market towns and villages..

2.2 Whilst revenue from car parking can be seen to be an important source of funding, the District Council recognises the need to provide subsidised parking for local communities and has continued to provide free parking for residents in the form of the popular Annual Residents Free Parking Concession Badge Scheme. With almost 34,000 badges in circulation, being used around 2.5 million times each year, the scheme allows residents to use pay and display car parks without charge for up to 19 hours each day and, based on estimated current uptake from recent surveys, provides an annual value to residents of more than £3.7m. In addition, the Council has

remained committed to providing free parking for all motorists from 2pm daily throughout December each year, to support local trade in the lead up to Christmas.

- 2.3 Parking charges have traditionally been excluded from the annual review of general fees and charges and have instead been subject of a separate review on a 4-5 year cycle. The principle reasons have been the costs associated with implementing such variations: the renewal of on-site signage; recalibration of Pay and Display machines and; the enactment of variations to the Schedule of Charges in the Off-Street Parking Places Order.
- 2.4 Since the last variation in parking charges in January 2014 the Retail Price Index will have risen, in real terms, by 15.7% by January 2019.
- 2.5 In addition to the loss of potential revenue through freezing parking fees over the past 4 years, the Council has, since January 2018, been required to absorb costs relating to the increasing use of debit and credit cards as a means of payment. Most of the Council's car parks now accept such methods of payment, with transactions amounting to more than £230k over the last 12 months, with associated merchant banking costs in the region of £13k. It is expected that this will increase further with the growing dependence on contactless card payments.
- 2.6 It is suggested that parking charges now be revised to broadly reflect those previous increases in RPI, together with the forecast increase in RPI for 2019. Both the current and proposed pay and display parking charges are shown in appendix 1 to this report.
- 2.7 In considering the proposed increase, which equate to a little over 13%, officers have undertaken a study of parking charges levied by other councils. Appendix 2 provides a broad summary of tariffs charged by authorities within our peer review family group, together with neighbouring authorities and other popular visitor destinations. Both the Council's current and proposed charges have been included in that table, which serves to demonstrate that the proposed tariffs remain commensurate with those of similar authorities.
- 2.8 The suggested increase in the charge for coach parking remains well below the increase in RPI, which serves to support the tourist economy and follows on from the introduction, in the last review, of a period of stay for coaches of 3hours (formerly 2 hours).
- 2.9 Whilst the proposed increase in charges equates to approximately 13.4%. which is more than 2% below RPI, the increased amount that the District Council can expect to receive in annual revenue will be less, due to the following factors:
  - Implementation costs – advertising, legal costs, alterations to tariff boards and recalibration of pay and display machines (one-off estimate £10k)
  - Additional rent payments - based on potential income from leased land (annual estimate £6k)
  - Increases in merchant bank costs through increased use of cashless payments (annual estimate £12k)
  - Customer resistance (estimated 2% of income through migration to other tariff bands, greater uptake of discounted season tickets and increased dependence on the Residents Free Parking Concession Scheme).
- 2.10 The above proposals to revise the Council's fees and charges for parking will not affect the Council's delivery of the Annual Residents Free Parking Concession Scheme, the benefits of which have been outlined earlier in this report.

### **3 Procedure for making a variation to the Schedule of Charges**

- 3.1 The Council may vary the charges to be paid in connection with the use of off-street parking places under the provisions of section 35C of the Road Traffic regulation Act 1984. The statutory procedure for variation of charges at off-street parking places is set out in Part V of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("the 1996 Regulations").

Section 25 of Part V of the 1996 Regulations provides that the Council must publish a notice in a local newspaper at least 21 days before changes are to come into force. The notice must contain the following information:-

- The date the variation is to come into force
- The identity of every parking place to which the notice relates
- The charges payable at the date the notice is given and the charges that will be payable when the notice comes into force.

A copy of the notice must also be displayed in each of the parking places to which the notice relates.

- 3.3 Whilst the statutory procedure for the variation of charges alone does not require the Council to consult with the Police, Highway Authority and others, it is our intention to notify all relevant parties as part of the process described above. It is therefore intended that an initial 21 day notice, advising of the Council's intention to implement a variation in charges and inviting comment, be published and any comments received may then be brought back to members for consideration, before a formal notice of variation is prepared and published in accordance with the 1996 Regulations.

### **4 RISK ASSESSMENT**

#### **4.1 Legal**

The power for the Council to vary charges is contained in section 35C of the Road Traffic Act 1984 (as amended). By following the procedures identified in the body of the report, there is a low level of legal risk attached to implementing the recommendations proposed in this report.

#### **4.2 Financial**

The proposed levels of parking charges will increase fees in line with the increase in the retail price index.. Income received will be used to fund expenditure on car parking as well as the increasing costs of local environmental improvements such as street cleaning, verge mowing and the provision of parks and public open spaces. The financial risk arising from this report is assessed as high.



## **5. OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## **6. CONTACT INFORMATION**

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## **7. BACKGROUND PAPERS**

None

## **8. ATTACHMENTS**

Appendix 1 – Table of Current and Proposed Charges

Appendix 2 – Summary of Parking Charges: Other Local Authorities

### PROPOSED INCREASE IN PARKING CHARGES FROM JANUARY 2019

Tariff	Current Charge	Tariff	Proposed Charge	% Increase
Overnight	£1.00	Overnight	£1.00	0.0%
1 Hour	£1.30	1 Hour	£1.50	15.4%
2 Hours	£2.20	2 Hours	£2.50	13.6%
3 Hours	£3.30	3 Hours	£3.80	15.1%
4 Hours	£4.40	4 Hours	£5.00	13.6%
DAY	£5.50	DAY	£6.00	9.1%
COACH (per 3 hrs)	£5.00	COACH (per 3 hrs)	£5.50	10.0%

#### *Parking Charges at Rural locations with Public Convenience levy (from August 2018)*

Tariff	Current Charge	Tariff	Proposed Charge	% Increase
Overnight	£1.20	Overnight	£1.20	0.0%
1 Hour	£1.50	1 Hour	£1.70	13.3%
2 Hours	£2.40	2 Hours	£2.70	12.5%
3 Hours	£3.50	3 Hours	£4.00	14.3%
4 Hours	£4.60	4 Hours	£5.20	13.0%
DAY	£5.70	DAY	£6.20	8.8%
COACH (per 3 hrs)	£6.00	COACH (per 3 hrs)	£6.50	8.3%

Estimated overall percentage increase based on Tariff Transactions in 2017/18: 13.43%

Authority	Tariff					Coach per hour
	1	2*	3	4	All Day	
Brighton & Hove	£4.00	£8.00	£4.00	£15.00	£25.00	-
Bournemouth	£2.50	£5.00	£7.50	£10.00	£18.00	£1.00
Christchurch	£2.40	£4.80	£7.20	£10.20	£18.00	-
Cheshire West & Chester	£3.00	£4.50	£3.50	£6.00	£10.00	-
Great Yarmouth	£2.20	£4.40	£1.00	£10.00	£25.00	£1.73
Allerdale	£1.60	£3.70	£5.30	£3.70	£9.50	-
Rother	£1.50	£3.50	£5.00	£7.00	£12.00	£3.50
Harrogate	£1.60	£3.20	£4.80	£6.40	£11.00	-
Bath & N.E.Somerset	£1.60	£3.10	£4.30	£5.40	£12.50	-
Blackpool	£1.20	£3.00	£5.00	£5.50	£14.00	£1.50
Cornwall	£1.80	£3.00	£4.50	£6.00	£10.00	£1.00
East Riding	£1.40	£3.00	£4.60	£5.40	£7.50	-
North Norfolk	£1.50	£3.00	£4.50	£6.00	£7.00	-
Scarborough	£2.00	£3.00	£4.00	£5.00	£9.00	£2.00
South Lakeland	£1.50	£3.00	£4.00	£5.00	£5.00	-
Taunton & Deane	£1.60	£3.00	£3.60	£4.80	£9.60	-
West Somerset	£1.50	£3.00	-	£4.50	£6.00	£0.00
Weymouth & Portland	£2.00	£3.00	£4.00	£5.00	£8.00	£1.50
Chesterfield	£1.40	£2.70	£3.00	£4.40	£5.00	-
Fylde	£1.40	£2.50	£2.90	£3.40	£4.50	£0.00
Lancaster City	£1.50	£2.50	£3.00	£3.80	£11.00	£0.13
South Hams	£1.30	£2.50	£3.70	£4.90	£7.50	£1.60
Torbay	£1.50	£2.50	£4.00	£4.50	£10.00	-
DDDC (Proposed)	£1.50	£2.50	£3.80	£5.00	£6.00	£1.83
Mendip	£1.20	£2.40	£3.40	£4.50	£6.70	-
Craven	£1.20	£2.30	£3.50	£4.50	£8.00	£2.50
Ryedale	£1.40	£2.30	£2.70	£4.00	£5.50	-
DDDC (Current)	£1.30	£2.20	£3.30	£4.40	£5.50	£1.67
Eden	£1.40	£2.10	-	£3.30	£4.80	-
East Devon	£1.00	£2.00	£3.00	£4.00	£12.00	-
High Peak	£1.40	£2.00	-	£3.40	£6.20	£1.30
Lewes	£0.80	£1.80	£2.60	£3.50	£2.20	-
Mid Devon	£1.10	£1.80	£2.10	£2.40	£3.60	-
Derbyshire County	-	£1.60	-	£3.00	£4.80	-
East Lindsey	£1.00	£1.50	-	£3.00	£8.00	-
Staffordshire Moorlands	£1.00	£1.50	£1.90	£2.40	£2.40	-
Wyre	-	£1.50	-	£2.40	£6.00	-
Malvern Hills	£0.50	£1.40	-	£2.00	£3.00	-
East Dorset	£0.60	£1.00	£2.00	£3.00	£9.00	-
Amber Valley	£0.60	£0.90	-	£2.70	£5.20	-
York	£0.40	£0.80	£1.50	£5.20	£13.00	-
PDNPA	£1.50	-	-	£3.50	£4.50	£2.00

\* The above table has been ranked using the most popular 2 hour period of stay.

**BACK TO AGENDA**

COMMUNITY AND ENVIRONMENT COMMITTEE  
12 JULY 2018

Report of the Chief Executive

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## **GYPSIES AND TRAVELLERS - UPDATE**

### **PURPOSE OF REPORT**

To update the Committee on the current position regarding the provision of a permanent Gypsy and Traveller site in the District.

### **RECOMMENDATION**

1. That the updated position in regard to the provision of a Gypsy and Traveller site on land at Watery Lane, Ashbourne is noted.
2. That Officers undertake a comprehensive site identification and evaluation exercise to identify the potential for an alternative Gypsy and Traveller site within the Derbyshire Dales (outside the Peak District National Park).
3. That a further report be presented to Committee at the earliest opportunity reporting on the outcome of the above.

### **WARDS AFFECTED**

All Wards

### **STRATEGIC LINK**

The District Council's duties under Planning and Housing legislation, underpins its corporate objectives in relation to the whole of the District.

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## **1. BACKGROUND**

- 1.1 At the meeting of Council held on 29<sup>th</sup> September 2016, Council accepted its duties and responsibilities towards Gypsies and Travellers under housing and planning legislation and endorsed the principle of development of the site at Watery Lane, Ashbourne as a permanent Gypsy and Traveller site. A copy of this report is attached at Appendix 1.
- 1.2 At the meeting of Council held on 26<sup>th</sup> January 2017, Council resolved (minute 346/16) that:
  - A sum of £10,000 be made available from the Capital Programme to commission consultants to draw up a design specification for a Gypsy and Traveller site at Watery Lane, Ashbourne;
  - The specification is used to invite tenders for the execution of works to develop the site at Watery Lane, Ashbourne site for 6 pitches and that the outcome of the tender is reported back to Council prior to any final decision being taken.

- All opportunities for external funding to assist with the potential development costs, be explored by the Head of Housing and a report be presented to the Council in the Spring of 2017.
- Authority is delegated to the Corporate Director to agree appropriate heads of terms for the Council to become the leaseholder of the site at Watery Lane site, Ashbourne for a period of 25 years.

## **2. LEASE OF LAND AT WATERY LANE, ASHBOURNE**

- 2.1 On 24th June 2015, the District Council granted planning permission for the change of use of land at Watery Lane, Ashbourne to Traveller Site with 4 no. family pitches (Application 15/00181/FUL). This is land which is in the ownership of Derbyshire County Council.
- 2.2 In accordance with the resolution of Council on 29<sup>th</sup> September 2016, the Corporate Director initiated discussions with representatives of the County Council in regard to the formulation of heads of terms for a lease agreement for a period of 25 years. These discussions resulted in broad agreement being reached on the principle of a 25 year lease subject to the safeguarding of the County Council's position in the event that an A515 by-pass for Ashbourne was to be progressed or that the adjacent waste and recycling centre was to be expanded. Prior to any lease agreement, the County Council requested that the District Council prepare a detailed management and Maintenance Agreement setting out how the site would be operated and maintained. The County Council also sought assurances that funding and planning permission would be in place before a lease agreement was finalised.
- 2.3 At the Cabinet Member Meeting for Council Services on 31<sup>st</sup> October 2016, Derbyshire County Council formally agreed to the allocation of 0.3ha of land at Watery Lane Ashbourne as a Gypsy and Traveller site in the Derbyshire Dales Local Plan.
- 2.4 Officers from the District Council were progressing the above matters in the period up to the County Council elections in May 2017. However, following the change in political control and leadership, the new administration indicated that it wished to review the County Council's possible use of this land and its previous agreement to use the site for a Gypsy and Traveller site in light of its desire to promote a much needed A515 by-pass for Ashbourne.
- 2.5 At its meeting of 29<sup>th</sup> June 2017, the County Council's Cabinet agreed for detailed investigations, surveys and preparatory work to be undertaken to explore and develop strategic solutions to the range of traffic issues being experienced within Ashbourne. This particularly related to north-south movements along the A515 which connects the Peak District National Park to the national strategic road network (via the A50 trunk road) and passes through Ashbourne town centre. The work included procuring consultants to carry out Stage 1 activity (detailed surveys, site analysis and the development of strategic options) and to initiate a programme of local stakeholder engagement, including local businesses, residents and Members of Parliament.
- 2.6 Following receipt and consideration of the findings of Stage 1, the County Council's Cabinet has agreed a further Stage 2 report constituting further appraisal of options in line with Government guidance on the preparation of major transport projects.
- 2.7 A number of route options have been considered in the past but none are currently protected against competing land-uses. The position taken by the County Council some

considerable time ago was that a preferred route alignment would connect the A52 west of the town to the A515 in the north; in other words, bypassing the town on its western side. During preparation of the Derbyshire Dales Local Plan, the District Council emphasised that it was supportive of the principal of an A515 by-pass for Ashbourne to connect the A52 west of the town with the A515. This commitment has since been reaffirmed in paragraph 4.67 and in Policy S8 of the Adopted Derbyshire Dales Local Plan (2017).

- 2.8 In light of the above, the County Council have indicted (Cabinet Report 26<sup>th</sup> April 2018) that since any option for the delivery of a suitable solution to traffic problems in Ashbourne is likely to involve land acquisition (the nature and extent of which will only be determined in future stages of development), any considerations relating to County Council acquisition or disposal of property should be suspended.
- 2.9 The impact of this ongoing work is that despite securing an allocation of land at Watery Lane, Ashbourne for the provision of a Gypsy and Traveller site in the Adopted Derbyshire Dales Local Plan (Policy HC6), this allocation cannot be implemented until the County Council has concluded its deliberations on the A515 by-pass. In the meantime, the District Council is failing to deliver against its requirement to provide 6 Gypsy and Traveller pitches by 2019 and continues to experience unauthorised encampments in Bakewell, Matlock Bath and Doveridge.
- 2.10 The planning permission for land at Watery Lane expired on 24<sup>th</sup> June 2018. A new planning application would therefore be required in order to implement the Local Plan allocation.

### **3. UNAUTHORISED ENCAMPMENTS**

- 3.1 As Members are aware, there is a specific family group of Travellers who have moved around the District on a series of unauthorised encampments for a significant number of years. This family group, consisting of a core group of 4 caravans, claims a local connection with the area.
- 3.2 There is increasing concern regarding the welfare of the Traveller family and the lack of a permanent site in the Derbyshire Dales is resulting in prolonged stays on unauthorised encampments. The most recent encampment being the Agricultural Business Centre, Bakewell where the traveller family have been in situ since 26<sup>th</sup> March 2018 and are still in situ at the time of writing. The presence of the Traveller family has also attracted other unrelated families joining them. Despite the fact that their presence at the ABC has been tolerated by the District Council and the Bakewell Agricultural and Horticultural Society (BAHS), there have been occasions in recent weeks when there have been as many as 14 caravans present on the site which has a significant adverse impact upon the operation of the car parking provision for the Agricultural Livestock Market. As such, the presence of travellers at the ABC cannot be tolerated any longer.
- 3.3 In addition, Bakewell Agricultural and Horticultural Society have written to the District Council advising that in their opinion, the presence of travellers on land at the ABC is a violation of the terms of the lease which exists between BAHS and the District Council. The District Council must take such matters seriously and has therefore, taken the initiative to secure an Order from the Court which prevents persons other than the known Traveller family, from residing at the ABC for a period of 12 months. 3.4 However, the fact remains that whilst ever the District Council is unable to meet its obligations in regard to the provision of pitches for Gypsies and Travellers, we will continue to experience unauthorised encampments across the district. There is

therefore a pressing urgency to address this matter in the interests of the traveller family concerned and also in the interests of residents who are affected by unauthorised encampments.

#### **4. ALTERNATIVE SITE IDENTIFICATION**

4.1 The identification of a suitable site for Gypsies and Travellers has challenged the District Council for at least the last 8 years. In 2012, the Environment Committee resolved (minute 248/12) that a planning application be submitted to accommodate the traveller family on a temporary site at Rowsley for a period of up to 9 months. In July 2013, the site at Rowsley was brought into use however following the expiry of the temporary planning permission, unauthorised traveller encampments have been experienced throughout the district with frequent encampments in Doveridge, Matlock Bath and Bakewell.

4.2 There is, therefore, a pressing urgency to identify and deliver a traveller site, particularly in the context of the 2015 Gypsy and Traveller Accommodation Assessment which requires the provision of 6 pitches by 2019 and a further 3 pitches by 2034 within the Derbyshire Dales (outside the Peak District National Park).

4.3 It is, therefore, proposed that in partnership with Derbyshire Gypsy Liaison Group, a further, comprehensive site identification and evaluation exercise is undertaken which will consider:

- ◇ Land in District Council ownership
- ◇ Land in the ownership of Derbyshire County Council
- ◇ Private land offered for sale on the open market or identified in the register of unused or underused land

4.5 The objective of the exercise will be to identify all potential opportunities and evaluate them against the criteria established in Policy HC6 of the Adopted Derbyshire Dales Local Plan. Upon completion of this exercise, a further report will be presented to Committee outlining the options to be considered.

#### **5. RISK ASSESSMENT**

##### **5.1 Legal**

The District Council is seeking to address the lack of authorised Gypsy and Traveller Sites within the District to meet its duties under the Planning Policy for Traveller Sites 2015. The legal risk is assessed as medium to high.

##### **5.2 Financial**

The cost of officer time to be spent on undertaking a comprehensive site identification and evaluation exercise to identify the potential for an alternative Gypsy and Traveller site can be met from existing budgets. The further report will assess the financial risks of sites identified as having the potential to be an alternative Gypsy and Traveller site. The financial risk of this report is assessed as low.

## **6. OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## **7. CONTACT INFORMATION**

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## **8. BACKGROUND PAPERS**

None

## **9. ATTACHMENTS**

Appendix 1: Report to Council 29<sup>th</sup> September 2016



**NOT CONFIDENTIAL – For Public Release**

**COUNCIL**

29 SEPTEMBER 2016

Report of the Chief Executive

**GYPSIES AND TRAVELLERS**

**PURPOSE OF REPORT**

To inform Members of the Council's duties and responsibilities in regard to Gypsies and Travellers; to outline the issues that have arisen in the Derbyshire Dales during the preceding 2 years; and to facilitate Member discussion of the issues.

To seek endorsement, in principle, for the provision of a permanent Gypsy and Traveller site on land at Watery Lane, Ashbourne and to agree to enter into discussions with Derbyshire County Council and Derbyshire Gypsy Liaison Group.

**RECOMMENDATION**

1. That Council acknowledges and accepts its duties and responsibilities to Gypsies and Travellers under the Planning and Housing legislation.
2. That subject to the consideration of representations received in respect of the Pre-Submission Draft Derbyshire Dales Local Plan, Council endorses the principle of development of the site at Watery Lane, Ashbourne as a permanent Gypsy and Traveller site.
3. That subject to (2) above, Officers investigate the development costs and explore opportunities for external funding for the construction of a Gypsy and Traveller site at Watery Lane, Ashbourne.
4. That subject to (2) above, Officers engage in discussions with Derbyshire County Council and Derbyshire Gypsy Liaison Group in order to agree the heads of terms and define the lessee for the land at Watery Lane, Ashbourne.
5. That subject to the findings of the Ecological Survey, application be made to Natural England, as necessary, to secure a Development Licence Agreement for land at Watery Lane, Ashbourne.
6. That a further report be presented to Council in Spring 2017 reporting on the outcome of the above.
7. That the options for introducing physical barrier systems on the Council's existing car parks be noted as inappropriate for the prevention or deterrence of unauthorised encampments.

**WARDS AFFECTED**

All Wards

## STRATEGIC LINK

The District Council's duties under Planning and Housing legislation, underpins its corporate objectives in relation to the whole of the District.

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### 1 BACKGROUND

- 1.1 'Traveller' is a generic term used to describe groups of people whose lifestyle or culture is rooted in a nomadic way of life.
- 1.2 Gypsies and Travellers are a part of British life and have been so for many centuries. They make up a very small minority in the wider population. Some Gypsies and Travellers live in caravans or other vehicles and follow a lifestyle that is nomadic, or semi-nomadic, in that it involves travel for at least part of the year.
- 1.3 Gypsies of Romany origin (English, Welsh, Scottish and European Travellers) and Irish Travellers live in Derbyshire or use many parts of Derbyshire as a traditional stopping place and have done so for hundreds of years. Other Travellers are also found within the County.
- 1.4 Romany Gypsy people are an indigenous ethnic minority group which is thought to have originated in India. Their language is Romanes. Irish Travellers are an indigenous, nomadic ethnic minority group found in Ireland and Britain. Their language is Cant or Gammon although they predominantly speak English.
- 1.5 New Travellers are generally former house-dwellers who now travel. They are not a recognised ethnic group. Many New Travellers have been travelling for a number of years and some have children that have only ever known a travelling lifestyle.
- 1.6 Travelling Show People are people who organise and run fairgrounds. A Show Person will often refer to him / herself as a Traveller, however, the term Show People is used to differentiate people who organise fairgrounds from other travelling communities.
- 1.7 The work of Derbyshire Authorities with the various travelling communities is co-ordinated through the long-established Derbyshire Traveller Issues Working Group (TIWG). This is an Officer Group that brings together all of the Derbyshire District and Borough Councils, Derby City Council, Derbyshire County Council, Derbyshire Constabulary, the Health community, the Environment Agency and Derbyshire Gypsy Liaison Group.
- 1.8 TIWG has produced a guidance document that sets out the commitments of the various partner agencies. In relation to the District and Borough Councils these relate to statutory functions such as dealing with planning enquires, receiving homelessness applications and managing both authorised and unauthorised Traveller encampments.
- 1.9 The document recognises that providing these services often involves making difficult decisions but commits members to treating all sections of the community fairly.
- 1.10 The most recent significant work co-ordinated through TIWG has been the Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment undertaken in 2014 / 2015. This work is explained in more detail in the section relating to the Local Plan below.

- 1.11 The Derbyshire Dales District Council area does not currently contain an authorised Traveller site. However, from time to time, unauthorised sites appear in the District. Sometimes these sites are established on land that is owned or administered by the District Council and it is these sites that the District Council has a duty to manage. Sites established on the public highway are managed by the Highway Authority which, in our case, is usually Derbyshire County Council.
- 1.12 In addition to the temporary encampments of Travellers who are passing through the District, the District Council is also aware of one family group of Travellers with an accepted local connection to the area. The particular circumstances of this family are such that they wish to access a permanent site within the District on which to live. At the present time no such site is available and, as a consequence, they also travel around the District, moving from site to site. Because of their circumstances the encampments of this family are often lengthier than those of Travellers who are 'passing through' and they often occur on land that is administered by the District Council.
- 1.13 In dealing with these different forms of Traveller encampments the District Council must have regard to a number of legal duties and these are set out in the following sections of the report.

## **2 REPORT**

### ***National Planning Policy***

- 2.1 The National Planning Policy Framework (NPPF) establishes that Local Planning Authorities, through their Local Plans, should identify and meet objectively assessed housing needs based upon adequate, up-to-date and relevant evidence. Furthermore, there is a requirement for Local Planning Authorities to have a clear understanding of housing needs in their area and to address the need for all types of housing (including Travellers housing needs).
- 2.2 In August 2015, the Department for Communities and Local Government (DCLG) revised the '*Planning Policy for Traveller Sites (PPTS)*'. For the purposes of this planning policy, 'Gypsies and Travellers' means:
- 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such'.*
- 2.3 The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
- 2.4 To help achieve this, Government's aim in respect of traveller sites are:-
- That Local Planning Authorities make their own assessment of need.
  - That Local Planning Authorities working collaboratively, develop fair and effective strategies to meet need through the identification of land and sites.
  - That Local Planning Authorities plan for sites over a reasonable timescale.
  - To promote more private traveller site provision.

- That plan making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.
- For Local Planning Authorities to ensure that their Local Plans include fair, realistic and inclusive policies.
- To increase the number of traveller sites in appropriate locations, to address under provision and maintain an appropriate level of supply.
- To reduce tensions between settled and Traveller communities in plan making and planning decisions.
- To enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure.
- For Local Planning Authorities to have due regard to the protection of local amenity and the local environment.

### ***Local Plans and Plan Making***

- 2.5 Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end they should be consistent with the policies in the National Planning Policy Framework, including the presumption in favour of sustainable development and the application of specific policies in the Framework, and with published planning policy for Traveller Sites (PPTS).
- 2.6 Local Planning Authorities are required to set pitch targets for Gypsies and Travellers and plot targets for travelling show people which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring Local Planning Authorities.
- 2.7 In producing its Local Plan, a Local Planning Authority should:-
- Identify and annually update a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets.
  - Identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and where possible for years 11 to 15.
  - Consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area.
  - Relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density.
  - Protect local amenity and environment.
- 2.8 The Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment (GTAA) undertaken in 2014 / 2015 indicated that 9 pitches were required in Derbyshire Dales in order to meet the needs of the Gypsy and Traveller community over the Derbyshire Dales Plan period. This requirement is broken down such that 6 pitches are required to be provided within the first 5 years and then 1 pitch every 5 years thereafter.

- 2.9 Therefore, in order to comply with the requirements of Planning Policy for Travellers Sites (PPTS) the Derbyshire Dales Local Plan should, as a minimum, make provision for 6 pitches over the first 5 years of the plan period, as well as identifying the approach to addressing the needs beyond that 5 year period.
- 2.10 To put these requirements into context, Table 1 below outlines the pitch requirements for Derbyshire and Staffordshire Authorities in the period 2014-2034 as contained in the 2014 GTAA:-

<b>Twenty Year Gypsy and Traveller Pitch Needs Summary 2014 - 2034</b>			
	<b>Existing Provision 2014</b>	<b>Additional Provision 2014 – 2034</b>	<b>Provision Required at 2024</b>
Amber Valley	0	10	10
Bolsover	17	17	34
Chesterfield	2	2	4
Derby City	17	31	48
Derbyshire Dales	0	9	9
East Staffordshire	13	11	24
Erewash	0	1	1
High Peak	0	0	0
North East Derbyshire	23	15	38
Peak District National Park	0	0	0
South Derbyshire	63	38	101
<b>Total</b>	<b>135</b>	<b>134</b>	<b>269</b>

Table 1 : Gypsy and Traveller Pitch Requirements 2014 - 2034

- 2.11 In June 2015, planning permission was granted for the change of use of land to Traveller site with 4 no. family pitches at Watery Lane, Ashbourne (application 15/00181/FUL). Policy HC6 of the Pre-Submission Draft Derbyshire Dales Local Plan reflects this permission and safeguards this site for Gypsies and Travellers. A Plan of the site is attached at Appendix 1.
- 2.12 Following the grant of planning permission, the District Council were made aware of the possibility of ecological interests being present on the site, the nature and extent of which would need to be established prior to any development taking place. Whilst general ecological walk-over surveys can be undertaken at any time of year, specialist bait-marking surveys can only be undertaken either between February and late April or between early September and mid-October. In view of the requirement to progress the Gypsy and Traveller issue in the context of the Derbyshire Dales Local Plan, it was incumbent upon the District Council being able to demonstrate that appropriate provision had been made in the Local Plan as required by National Planning Policy. In order to do this, it was necessary to commission an ecological survey of the site, the nature of which was time constrained. The District Council, therefore, took the initiative and invited a number of ecological consultants to submit fee proposals. These fee proposals were evaluated and consultants were appointed under delegated

authority following consultations with the Leader and Deputy Leader of the Council. The cost of the Ecological Survey was £5,869 which has been met in full, by the District Council. At the time of writing, the findings of the Ecological Survey are awaited.

- 2.13 In order to meet the requirements of the PPTS to provide a 5 years supply of sites for Gypsies and Travellers, there is a need to accommodate a total of 6 pitches in the Derbyshire Dales in the period 2014-2019. In this regard, land at Watery Lane is of sufficient size to accommodate this requirement. Policy HC6 of the Pre-Submission Derbyshire Dales Local Plan reflects this position.

### ***Homelessness***

- 2.14 In addition to its responsibilities in relation to the Local Plan, a Local Authority also has a duty to act in relation to homelessness. A Gypsy or Traveller can ask the Local Authority for help with housing if they live in a caravan or mobile home and there is nowhere they are legally allowed to park it.

- 2.15 As with any resident, when Gypsies or Travellers approach the Council to make a homelessness application, there are 5 legal tests. These tests are:-

- *Homeless* - a person will be considered legally homeless if he / she has no accommodation which is available and reasonable for him / her to live in or, for example, nowhere legal to park a caravan.
- *Eligibility* - certain people who arrive in this Country or who are returning from a period living abroad do not qualify for housing under homelessness law.
- *Priority Need* - homeless applicants are only entitled to housing assistance if they are in priority need. To be in priority need, an applicant will need to show (for example) that he / she is living with a dependent child or vulnerable due to age, physical or mental illness or disability.
- *Intentionality* - an applicant may be considered 'intentionally homeless' if he / she has deliberately done something which has resulted in the loss of their home. The definition of 'intentionally homeless' is complex and the Local Authority must look at each case individually, taking all circumstances into account.
- *Local Connection* - an applicant would usually be expected to have lived in the area for at least 6 months during the previous year, or for not less than 3 years during the previous 5 year period, work or have family links to have a local connection. If an applicant has no local connection to any area the duty to help secure accommodation lies with the housing authority that received the application.

- 2.16 If Gypsies or Travellers are legally homeless the Local Authority must offer them suitable accommodation. Suitable means suitable accommodation for the person to whom that duty is owed. Local Authorities must consider that there are cultural aversions to conventional bricks and mortar housing and that there is a positive obligation to act so as to facilitate the Gypsy and Traveller way of life, without being under a duty to guarantee it in any particular case. If a Gypsy or Traveller was offered conventional housing rather than a pitch or was offered a pitch when conventional housing was required he or she could seek to challenge this offer under homelessness law.

### ***Managing Unauthorised Encampments***

- 2.17 As stated earlier, some Travellers follow a nomadic or semi-nomadic way of life, travelling around the country and living in caravans or other vehicles. Often they travel in order to obtain work. At present there are more Traveller caravans in circulation than there are legally authorised places on which they can stop. At any one time there are estimated to be in the region of 3,500 Traveller caravans on unauthorised sites in England. Hardly any of these could be accommodated on existing authorised sites specifically provided for Gypsies and Travellers.
- 2.18 Unauthorised encampments vary significantly. In terms of size they can vary from a few vehicles to groups with over 100 caravans; from locations that are hidden away and unobtrusive to neighbours, to sites that are highly visible and intrusive; from those where no-one on the site causes any nuisance to those where many cause nuisance, crime and anti-social behaviour; and from groups that leave an area cleaner than they found it to those who leave the land damaged, with large amounts of fly tipping and domestic waste.
- 2.19 In order to estimate the scale of the issue Local Authorities carry out a twice yearly count of Traveller caravans. This exercise records the number of caravans found on both authorised and unauthorised sites on set dates in January and July. Whilst these counts will not be completely accurate they provide useful information at both the local and the national level.
- 2.20 The count has been carried out for over 30 years. The most recent count for which figures are available was carried out in January 2016. This indicated that there were approximately 21,306 Traveller caravans on sites in England in total. Of these 7,046 were on socially rented, authorised sites, 11,454 were on privately owned, authorised sites, 2,130 were on unauthorised developments on land owned by Travellers and 676 were on unauthorised encampments on land not owned by Travellers.
- 2.21 These numbers vary seasonally as some Travellers will leave their winter sites in order to travel during the summer months. In July 2015 for example, the number of caravans on unauthorised sites on land not owned by Travellers was 1,201, roughly double the numbers in January 2016.
- 2.22 Geographically the counts consistently show the highest numbers of Traveller caravans on unauthorised sites in the Eastern, Southeast and Southwest regions. Very generally the patterns reflect traditional areas of resort for Gypsies and Travellers and work opportunities in various contracting (e.g. aspects of the building trade, garden and tree work), trading (e.g. carpets and furniture) and seasonal agricultural work.
- 2.23 Within the Derbyshire Dales the number of encampments is generally low. The last 5 counts are summarised in the table below:

<b>Date</b>	<b>Number of Encampments</b>	<b>Number of Caravans</b>
January 2016	1	5
July 2015	2	10
January 2015	1	4
July 2014	1	6
January 2014	0	0

**Table 2 : Derbyshire Dales Traveller Counts**

- 2.24 However, it should be noted that these figures represent the numbers of encampments and caravans on 2 specified dates during each of these years only.
- 2.25 Unauthorised encampments in the Derbyshire Dales at other times of year are recorded by the District Council's Environmental Health Team. The District Council operates a reactive service, so records are only made when reports are received, but this represents the best monitoring of unauthorised encampments throughout the District.
- 2.26 The lead role in managing an unauthorised encampment is usually taken by the owner of the land on which the encampment is sited. So, on land owned by the District Council, the lead is taken by Council Officers. On highway land the lead role is taken by the Highways Authority, usually Derbyshire County Council and on private land the lead would be taken by the private land owner. The objectives of managing an unauthorised encampment are to balance the needs of the Travellers with those of the settled community whilst the encampment is active, to keep the site clean, to consider the welfare needs of the Travellers and ultimately to recover possession of the land.
- 2.27 Unauthorised encampments in the Derbyshire Dales largely fall into 2 categories: those involving the one local family group and those involving groups who are travelling through the District. Those involving the family group tend to occur at a few locations, either on car parks or roadside locations. Those involving other groups are less predictable but do tend to occur on car parks. In this way it can be seen that the majority of unauthorised encampments do require intervention from the District Council.
- 2.28 In order to give some context the table below shows the number of reported encampments over the last 5 years:

<b>Year</b>	<b>Family Encampments</b>	<b>Other Encampments</b>	<b>Total Encampments</b>
2015/16	14	1	15
2014/15	5	4	9
2013/14	7	3	10
2012/13	8	4	12
2011/12	5	1	6

**Table 3 : Derbyshire Dales Encampments**

- 2.29 At the time of writing, there have been 12 encampments reported during 2016 / 2017, 7 of these involved the family group and 5 consisted of other encampments.
- 2.30 A number of legal powers are available to address unauthorised encampments. The power that is most used by the District Council in order to gain possession of land is Part 55 of the Civil Procedure Rules. This procedure allows a land owner to obtain a Possession Order from the County Court where it requires the removal of trespassers from property. In the main this procedure has proved effective for the District Council, particularly where an Order has been obtained that has prohibited named Travellers from returning to a particular site for a period of time when that site is most needed.



- 2.31 Local Authorities also have powers under section 77 of the Criminal Justice and Public Order Act 1994. These powers were introduced in response to the then current phenomenon of New Travellers and the dance music scene and were intended to deal with large scale open air raves. The Act gives Local Authorities the power to direct those living in vehicles to leave the land on which they are sited. It is an offence not to comply with a direction and the Local Authority can apply to a Magistrates' Court for an Order requiring the removal of vehicles and any occupants from the land if the direction is not complied with. Many traditional Travellers do not like this power as they consider that it criminalises their way of life.
- 2.32 Injunction powers have not yet been used by the District Council. However, if a site is particularly vulnerable and intelligence suggests it is likely to be targeted for unauthorised camping, causing disruption to others going about their day-to-day lives, Local Authorities could consider applying to the Courts for a pre-emptive injunction preventing unauthorised camping in a defined geographical area. The benefit of an injunction is that it would enable the Court to take punitive action upon breach. These powers include imprisonment and financial penalties and in most cases this in itself acts as a deterrent. In exercising such powers the Court would consider the actions of the family, their circumstances and financial means. In addition to Contempt Proceedings for any breach of an Injunction the District Council may still need to use resources to employ bailiffs to secure possession of the land if the occupants fail to vacate the site.
- 2.33 Legal advice has been sought on the potential of using these powers in relation to the 2 distinct situations that occur in Derbyshire Dales. In considering the grant of an Injunction, the Courts would consider; whether there is a real risk of an unlawful encampment on the area of land subject to the application, the proportionality of the Injunction on those affected; the availability of alternative sites and efforts by the LPA to comply with its duty under the Planning Policy for Travellers Sites.
- 2.34 In relation to the known Traveller family the advice is that the Courts might have sympathy with the situation that the family finds itself in as there are no pitches available within the District and that even if an Injunction were granted by the Courts the deterrent effect may be low or would lead to further unauthorised encampments elsewhere in the District. Overall the advice is that the possession powers that are currently being used under the Civil Procedure Rules are likely to present a lower risk to the District Council than the use of pre-emptive injunctions.
- 2.35 In relation to other forms of encampment, Legal advice is that seeking a District wide pre-emptive injunction is unlikely to be considered proportionate by the Courts due to the relatively low number of encampments experienced throughout the District. Seeking injunctions for a smaller number of specified sites would have a knock on effect on the family group and would again be considered a higher risk option than the continued use of Possession Proceedings.
- 2.36 A relatively new power introduced through the Anti-social Behaviour, Crime and Policing Act 2014 is the Public Space Protection Order (PSPO). The PSPO power is designed to deal with a particular problem or nuisance within an area. The behaviour giving rise to this problem must be having a detrimental effect on the quality of life of those in the community, it must be persistent or continuing and it must be unreasonable. A PSPO can impose restrictions on the use of that area which apply to everyone who is carrying out that activity.

- 2.37 Whilst PSPOs have been made in relation to Traveller activities in a small number of other Districts, advice here is that such an Order would disproportionately criminalise one family who has an unmet identified local need and, in the absence of an authorised site to which Travellers can be directed, this would be a high risk option as compared to the existing procedures under the Civil Procedure Rules.

### ***Options for the Traveller Family Group***

- 2.38 Throughout this report there has been frequent reference to a specific family group of Travellers who have moved around the District on a series of unauthorised encampments for a significant number of years. This family group, consisting of a core group of 4 caravans, claims a local connection with the area and has previously presented as homeless.
- 2.39 From interviews with this family and with their representatives, the Derbyshire Gypsy Liaison Group, Officers believe that they would like to settle onto a permanent site within the Derbyshire Dales. It is understood that their intention is to look after a disabled member of their family group on this site. However, it is believed that they lack the finances to buy a site and develop it themselves.
- 2.40 Within the Derbyshire Dales area there are currently 2 sites with permission to be developed as Traveller sites. They are situated at Watery Lane in Ashbourne and The Woodyard at Homesford. As outlined above, the site at Watery Lane has a full, permanent planning permission and The Woodyard has a 3-year temporary permission. Neither of the sites is specifically tied to this family in terms of their planning permissions, but Officers are informed by both the family and by Derbyshire Gypsy Liaison Group that they see the Watery Lane site as by far the best option for their particular needs.
- 2.41 Whilst Derbyshire County Council has confirmed that they are agreeable to the land at Watery Lane being allocated for Gypsy and Traveller use within the Derbyshire Dales Local Plan, they are not in a position to finance the costs of site construction and have no legal responsibilities to do so. The County Council is, however, prepared to let the site to another agency and to allow it to be developed as a Traveller site. It will, therefore, be necessary for discussions to take place between Derbyshire County Council (as landowner), the District Council (as Local Planning and Housing Authority) and Derbyshire Gypsy Liaison Group in order to draft heads of terms for a lease agreement and to agree who is the most appropriate body to enter into such a lease.
- 2.42 The funding of Gypsy and Traveller sites is also an important consideration. Previously, Central Government has provided and administered a Traveller Pitch Funding grant for Local Authorities to bid into. However, this fund has now been absorbed into the Affordable Housing Programme. The emphasis of this Programme has moved from the social rent model towards supporting a home ownership model. On the basis of the Programme Prospectus issued, there is no dedicated funding available for Traveller sites. The Chief Executive has, therefore, sent a letter to the Rt. Hon. Sir Patrick McLoughlin, MP asking for assistance in lobbying the new Housing Minister concerning the reinstatement of a dedicated funding source for Traveller sites. A response to this request is awaited.
- 2.43 Although no formal estimates have been sought, initial indications based upon information provided by the Homes and Communities Agency indicates that for the 2011-2015 Traveller Site Programme, the median cost of developing a new Traveller pitch in the Midlands was £112,128. In order to progress the permanent provision of a

site for Gypsies and Travellers, further detailed work is required in order to ascertain precise cost estimates for further consideration and discussion with DGLG.

- 2.44 Whilst ever no permanent site is available for the current Traveller family it is clear that they will continue to camp at unauthorised locations and will continue to require some form of intervention from the District Council.

**Options for Public Land**

- 2.45 Over the previous 5 years the District Council has received a total of 52 reports of unauthorised encampments. Of these, 25 were on land owned by the District Council and a further 8 on land for which the District Council can control access. The sites and the number of encampments are shown below:-

Site	Number of Encampments
Temple Walk Car Park, Matlock Bath	11
Station Car Park, Matlock Bath	10
Clifton Road Coach and Car Park, Ashbourne	1
Burial Ground, Doveridge	1
Fishpond Meadow Car Overspill Car Park, Ashbourne	1
Hall Leys Park, Matlock	1
Agricultural Business Centre, Bakewell	8

Table 4 : Encampments on Derbyshire Dales Controlled Land

- 2.46 During 2016 / 2017 there have been a further 12 encampments reported to Environmental Health, of which 7 were on District Council land and 2 at the Agricultural Business Centre. Of those on District Council land 3 were at Matlock Bath Station Car Park, 2 were at Temple Walk Car Park, 1 was at Ashbourne Leisure Centre and 1 was at Shawcroft Car Park in Ashbourne.
- 2.47 At the present time, the District Council's response to these encampments is to manage them whilst in situ and to pursue possession proceedings. These actions involve the Environmental Health and Legal Teams in significant amounts of work. The Clean and Green Team are also heavily involved in cleansing sites once the encampment has left. In some cases this can be a simple task and in others it can be a time consuming and unpleasant task, leading to significant costs and potential exposure to public health hazards.
- 2.48 Where Officers are aware of the imminent arrival or movement of an encampment, steps are taken to safeguard vulnerable locations. For example, when setting dates for possession of Matlock Bath Station Car Park security guards have been hired to prevent access onto Temple Walk Car Park. However, it is not possible to maintain this type of protection indefinitely.
- 2.49 Officers have been asked to consider defensive measures that might be taken in relation to vulnerable locations. Table 4 above indicates that, in regard to publicly owned sites, those that are currently most likely to be camped upon are Temple Walk Car Park Matlock Bath, Station Car Park Matlock Bath and the Agricultural Business Centre, Bakewell. Other publicly owned sites appear to be less vulnerable although it should be noted that efforts to make these locations more secure may result in encampments being established in other locations.

- 2.50 Measures that might be taken to protect these areas include: gated and lockable access points; low level entry / exit barriers; and height restriction barriers.
- 2.51 The first option (gated and lockable access points) is the cheapest option and ideal for locations which require limited access by authorised vehicles, but which are kept locked at all other times. Keys (or combination codes) are held by those with authority to enter. This option is impractical for use on publicly accessible car parks where vehicles are constantly coming in and out, but is currently used to good effect at High Tor Pleasure Grounds where access needs to be restricted. Whilst this option would prevent access to the site, it would greatly affect the availability of parking for residents and visitors and the District Council's car parking income.
- 2.52 The second option (low level entry / exit barriers) is the most expensive option and is designed to allow entry to a car park, but restrict subsequent departure unless a parking fee is paid or authorised pass presented. This system would not prevent unauthorised encampments, but might serve to limit the movement of those vehicles associated with them, once inside. It would be expensive to install and manage, requiring initial investment in securing all boundaries, providing ticket operated barriers at entry/exit points, installing enhanced secure payment points and providing access to 24 hour customer communications and callout services. Initial capital investment would likely be in the region of £200,000 per site, with ongoing revenue costs in the region of £20,000 per annum neither of which is currently budgeted for. Operational costs increase further (through the use of additional smart cards and tokens) where there is a need to allow free passage by other parties who share access rights. In the case of Matlock Bath Station, it would include Network Rail, East Midlands Trains, Severn Trent Water, Derbyshire Wildlife Trust, Matlock Rifle Club and some private householders, whilst Temple car park and the Agricultural Centre would be equally problematic, with Holy Trinity Church, Vicarage and school sharing access rights over the former, and Bakewell Show and Bagshaws the latter.
- 2.53 The third option (height barriers) is the most effective control measure for public car parks and is widely used by Local Authorities throughout the Country. Initial installation costs may be as low as £3,000 per entrance, with relatively low ongoing revenue maintenance costs. Height barriers do, however, prevent access by coaches, mini buses and other high sided vehicles, other than by special arrangement, and any area unprotected which is subsequently set aside for coaches would remain at risk of occupation by unauthorised encampments. Height barriers would prove problematic at both the Station car park and Agricultural Business Centre, again because of shared access rights and the high volume of coaches and other vehicles received at each site, though it would be feasible to consider such measures for the Temple car park, with the support of the Parochial Church Council and school. There would need to be special arrangements put in place with organisations such as the Outward Bound Trust, DCC Outdoor Education Services and others, who arrange for visits by minibus to the adjoining Derbyshire lead mine, in much the same way as local canoe clubs currently gain access to the waterside at Artist Corner car park. It should be noted, however, that dealing with access restrictions at Temple car park in isolation will have an adverse effect on deterring unauthorised encampments at other remaining unrestricted sites. Whilst the unauthorised use of publicly owned land by Gypsies and Travellers is clearly a cause for concern, on balance it is considered that the disadvantages of introducing a height barrier on Temple car park outweigh the advantages. It is, therefore, recommended that none of the options considered above be implemented.

- 2.54 The District Council has in the past, been criticised for failing to use Civil Parking Enforcement (CPE) powers when dealing with unauthorised encampments on public car parks. Those powers are limited to dictating how a public car park may be used by visiting motorists and allow for a financial penalty to be imposed for minor contraventions, which may be subsequently challenged or appealed. CPE powers adopted by Derbyshire authorities do not allow for the removal of vehicles from a car park and is considered, therefore, to be a counterproductive measure in seeking the removal of unauthorised encampments.

### **3 RISK ASSESSMENT**

#### **Legal**

- 3.1 The District Council is seeking to address the lack of authorised Gypsy and Traveller Sites within the District to meet its duties under the Planning Policy for Traveller Sites 2015.
- 3.2 The Report seeks to reduce the number of unauthorised encampments within the District by endorsing the principle of a Gypsy and Traveller Site at Watery Lane, Ashbourne to meet an identified local need for a permanent authorised site. Subject to consideration of any representations received in respect of the Pre-Submission Draft Local Plan the District Council will assist in securing the site by exploring funding options and engaging with the County Council and DCLG. The legal risk is, therefore, considered low.

#### **Financial**

- 3.3 As indicated in the report, the median cost of developing a new Traveller pitch in the Midlands was £112,128. In order to progress the permanent provision of a site for Gypsies and Travellers, further detailed work is required in order to ascertain precise cost estimates for further consideration and discussion with DGLG regarding the possibility of grant funding.
- 3.4 Should Members approve the recommendations of this report, a further report will be presented to Council in Spring 2017 reporting on the outcome of the above.

The financial risk arising directly from this report is, therefore, assessed as low.

### **4 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

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**6 BACKGROUND PAPERS**

Letter from the Chief Executive to the Rt. Hon. Sir Patrick McLoughlin, MP regarding Gypsy and Traveller Site Funding	September 2016
Derbyshire Dales Pre-Submission Draft Local Plan	August 2016
Department for Communities and Local Government - Planning Policy for Traveller Sites	August 2015
Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment	June 2015
Planning Application 15/00181/FUL – Land at Watery Lane, Ashbourne	June 2015
National Planning Policy Framework	March 2012

**7 ATTACHMENTS**

Appendix 1 : Site Location Plan

# Appendix 1 : Land at Watery Lane, Ashbourne

