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06 January 2016

To: All Councillors

As a Member or Substitute of the **Community & Environment Committee**, please treat this as your summons to attend the meeting on **Thursday 14 January 2016 at 6.00pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to be "Sandra Lamb". The signature is fluid and cursive, with a large loop at the end.

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

Community and Environment Committee 29 October 2015

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. REVIEW OF BRING SITES

3 - 12

To consider approval of actions resulting from a review of bring site recycling centres undertaken as part of the review of the Waste and Recycling Collection Services Contract, Lot 2 delivered by H W Martin.

7. PRIMARY AUTHORITY PARTNERSHIP WITH YOUTH HOSTEL ASSOCIATION

13 - 19

To consider a report that provides both an overview of the Primary Authority Scheme and the partnership proposal with the Youth Hostel Association (YHA), including delegation of the necessary authority enabling formal 'nomination' to the Better Regulation Delivery Office (BRDO) and agreement to appropriate arrangements for cost recovery with partner business.

8. DCLG CONSULTATION ON PROPOSED CHANGES TO NATIONAL PLANNING POLICY

20- 30

To consider a Consultation paper on proposed changes to national planning policy, and seek endorsement of a response to be forwarded to the Department for Communities and Local Government (DCLG) by the statutory deadline of 22nd February 2016.

9. EROICA BRITANNIA

31 - 37

To consider the benefits and costs associated with Eroica Britannia 2015 and the District Council's involvement and contribution to Eroica Britannia 2016.

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

Substitutes - Councillors Deborah Botham, Phil Chell, David Chapman, Tom Donnelly, Richard FitzHerbert, Steve Flitter, Alyson Hill, Neil Horton, Angus Jenkins, Tony Millward, BEM, Jean Monks, Garry Purdy, Irene Ratcliffe, Mark Salt, Jacque Stevens, John Tibenham

COMMUNITY AND ENVIRONMENT COMMITTEE
14TH JANUARY 2016

Report of the Head of Environmental Services

REVIEW OF BRING SITES

SUMMARY

The report provides an update on the review of bring site recycling centres undertaken as part of the review of the Waste and Recycling Collection Services Contract, Lot 2 delivered by H W Martin.

RECOMMENDATION

- 1) That the contract is terminated in February 2016 and the compensation of £20,000 offered by H W Martin is accepted.
- 2) That all remaining Bring Sites across the District are removed by the end of February 2016.
- 3) That all sites are left clean and tidy and any screening be removed as soon as possible.
- 4) That the Shawcroft Car Park site be removed earlier than the other sites, in January, to enable the redesign scheme to commence.

WARDS AFFECTED

All

STRATEGIC LINK

Ensuring that waste is collected and recycled effectively helps to protect and enhance the environment, and to improve the quality of life of local people. Improvement's to the District Council's service facilitates the provision of excellent services.

1 BACKGROUND

- 1.1 Following fundamental changes to the waste and recycling service in 2012, HW Martin in 2013, advised the Council that the current bring site contract was no longer financially viable due to the diversion of waste to the kerbside collections and the loss of the two Sainsbury's sites to a private provider. (Please see original report from 28th November 2013).
- 1.2 It was approved by the Community and Environment Committee in November 2013 that the most appropriate action for all parties was to reduce the number of sites from 98 to 33 and the contract was varied accordingly.

1.3 Since this was agreed and the number of sites reduced the Council has lost a further 10 sites. This has been due to landowner's reluctance to keep the sites due to the high incidence of fly-tipping of general waste and trade waste at the sites.

2 BRING SITES PERFORMANCE

2.1 There are currently 23 bring sites across the District, listed in appendix 1. These sites are currently serviced by the Council's contractor, HW Martin who was appointed following a detailed tender process in 2011. The contractor is responsible for servicing the sites free of charge until August 2020 with the value of material covering the costs of collection. There is currently 4.5 years left on the contract as of January 2016.

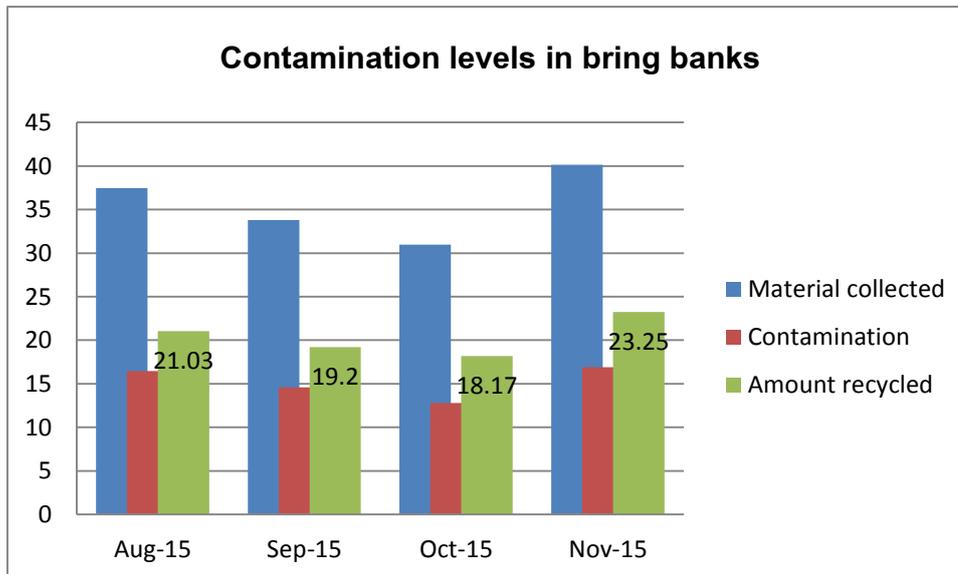
2.2 HW Martin service these sites under contract by collecting dry recyclable materials (paper, cardboard, glass, cans, beverage cartons and plastic) on a weekly/fortnightly basis. They are not responsible for the charity banks for clothes, books and shoes. These containers are all under separate agreements with the relevant charities and outside the scope for this review and contract. These containers will remain in place until such a time that a request is received from the landowner or charities to remove them.

2.3 The sites provide for the disposal of dry recyclable materials such as paper, cardboard, glass, cans, beverage cartons and plastic. These same materials can be recycled at home using the kerbside collection service. These sites were traditionally provided to collect material not offered at kerbside. Significant changes made to the household service in 2012, mean a comparable service is now provided which is accessible to all households.

2.4 In 2014/15 the bring sites generated 443.30 tonnes of material and provided the Council with a recycling credit income from Derbyshire County Council of £22,289. In comparison 530 tonnes of material are collected from kerbside every month confirming that only a small percentage of the population use these sites.

2.5 Recently HW Martin has been providing the Council with a breakdown of the materials collected in the containers. The information provided shows the current contamination levels (see graph below). The current contamination rate at the bring sites is 43%. This material is made up of non-recyclable materials that are disposed of at landfill and incurs disposal costs. These figures do not include the waste deposited at the sites that is not contained in the bins and removed by the Clean and Green Team. This service currently costs approximately £16,000.

2.6 If HW Martin had deducted the contamination tonnage from the overall material collected the recycling credit received would have fallen to £13,130. HW Martin is now at a point where it is not economically feasible for them to continue to include the contamination within the main tonnage and dispose of it without charge to the council.



- 2.7 Appendix 2 shows the changes in tonnage collected over the last four financial years, between April and March, both before and after the implementation of the new waste and recycling services in August 2012.
- 2.8 There has been a 75% decrease in tonnage collected at bring sites from 1700 tonnes in 2011/12 to 440 in 2014/15. The tonnage collected by the kerbside collection service has doubled from 3300 tonnes during 2011/12 to 6600 tonnes in 2014/15 a proportion of this tonnage will have transferred from bring sites.
- 2.9 With this in mind, HW Martin advised the Council in 2015 that due to the reducing tonnages and high levels of contamination the current contract is no longer financially sustainable. Along with this the Council continues to receive complaints regarding the high incidence of fly-tipping, lack of maintenance and as a result has lost a further 10 sites.
- 2.10 A number of meetings have been held with HW Martin. Currently there are three options available:
- That the Council reduce the number of sites to 19 as outlined in 3.10 to 3.12 and continues with the contract currently in place. The contract allows us to reduce the number of sites by 15% of the original number (98). The loss of further sites could potentially result in a legal challenge by the contractor which would incur significant costs. The loss of four further sites, particularly Shawcroft reduces the available tonnage and income generated to off-set the cost of the contract.
 - That the Council pays the cost of disposal of the contaminated waste either by disposing of the waste through the County Council or through HW Martin although this would require a variation to the contract. HW Martin has indicated that as of the 1st April 2016 it will cost £115 per tonne to dispose of the non-recyclable waste along with a transport cost of £18.75. Based on 43% of the overall tonnage this would cost a total of £22,710 per year. This amount is not covered by the revenue budget or the recycling credit income and would therefore increase the cost of the service. Further discussions regarding costs would need to take place with the County Council but it is envisaged that rates would be similar because of landfill tax charges and this would be deducted from the recycling credit received.

- That the Council terminate the contract and HW Martin pay the council £20,000 towards the loss of recycling credit that may have been generated over the remaining life of the contract.

2.11 A reduction in tonnage at bring sites following improvements to the kerbside recycling service is not uncommon and has been experienced by several neighbouring authorities, such as Amber Valley, Chesterfield, North East Derbyshire, Bolsover and Derby City. Many of the authorities have carried out a rationalisation programme but in some instances bring sites have been removed altogether.

3 CONSULTATION

3.1 An online public consultation on the usage of bring sites was undertaken, see appendix 3. The consultation was also circulated to Parish and Town Councils, to anyone who subscribes to the e-newsletter and at the Area Forums in October/November 2015. Serco has also undertaken customer satisfaction surveys relating to the waste and recycling service in November 2014 and May 2015.

3.2 In the customer satisfaction survey undertaken by Serco in November 2014, 91% of customers said that they participated in the kerbside recycling service.

3.3 The on-line bring site consultation ran from 16th October – 13th November 2015 and 525 responses were received along with a petition from Youlgreave Parish Council containing 428 signatories, requesting that the site be retained.

3.4 The consultation results show that 78% of residents who responded used the bring sites for excess recycling waste. This is thought to be due to a lack of awareness across the District that excess recycling material, if contained and visible can be placed at the side of the bin. This is a positive result and the Council needs to ensure that this message is effectively communicated and that these households have adequate containers to recycle all their waste through the kerbside collections rather than using the bring sites.

3.5 The consultation results showed that approximately 90% of residents responding to the consultation use the kerbside collection service provided by Serco. This high participation rate corresponds with the large drop in materials collected through the bring sites.

3.6 When asked where they would take their recyclables should the bring site be removed approximately 52% said they would take it to the Household Waste Recycling Centres (HWRC). Some of this material could be diverted back to the kerbside collections by ensuring residents have enough capacity for all their recycling. Only 26% of residents said they would divert their recyclables to another bring site. Again, these results show that there is a lack of awareness amongst residents that you can present excess recycling material at the side of the bin and that additional containers can be requested where more capacity is required.

3.7 Although, the removal of the bring sites may impact on a number of communities, residents will be able to access the HWRCs and the private bring sites provided by supermarkets. They are also able to access exactly the same recycling service at kerbside, where assistance is available if necessary making it much easier.

- 3.8 Where residents struggle to store bins or there are difficulties with vehicles accessing a property, alternative containers can be provided and assistance can be provided in emptying containers to residents who meet the specified criteria. Any households producing extra recycling waste on a regular basis can be provided with additional recycling containers. All households have access to a full range of recycling at kerbside so we are effectively providing the same service twice.
- 3.9 The survey identified that residents who work away most of the time may struggle to access the kerbside service. It is considered that these residents will only generate a small amount of recycling and should be advised to use the household recycling centres at Darley Dale, Ashbourne, Chesterfield or Waterswallows, Buxton or alternative private bring sites at supermarkets.
- 3.10 During the consultation period feedback was received from Bradley Parish Council who agreed that the site should be removed. Representation has also been received from the Co-op store at Bradwell requesting the site be removed if weekly collections can't be sustained.
- 3.11 As part of the work being undertaken around car parking machine replacements Hathersage Transport Sub-Committee have requested additional parking on the village car park. The only way of achieving this on the existing site is to either block up one of the entrances to gain 3 additional spaces at a substantial cost, estimated to be in the region of £25,000 or alternatively remove the bring site and redesign this area to achieve an increase of 5 spaces at little cost. The sub-committee have stated that their preference for the village is to have additional parking spaces.
- 3.12 If these sites were removed along with the Shawcroft site following the redesign of the car park this would further reduce the sites to 19 and subsequently reduce the tonnage and recycling credit.
- 3.13 There are ten bring sites situated on council owned car parks, the containers at four of these sites take up valuable parking spaces. With these sites removed extra parking spaces will be available for use by the public and there should be a slight increase in revenue; approximately £4,822 because of the extra spaces.
- 3.14 Once the sites are removed and taking into account the contamination it is estimated that 178 tonnes of bring site waste would divert to the kerbside collections. This would generate approximately £1034.67 in recycling credits (once Serco had been paid their share). The loss of tonnage through contamination and other sources reduces the overall level of recycling and composting by approximately 0.42%.
- 3.15 Based on the findings and the proposed costs it is recommended that all bring sites be removed by the end of February 2016. It is also recommended that Shawcroft car park bring site be removed in January in advance of the other sites to enable works to start on the redesign scheme.
- 3.16 Additional work will also be undertaken to raise resident's awareness on the use of the kerbside service and availability of additional containers.

4 RATIONALISATION PROGRAMME

- 4.1 This work will be led jointly by the Waste and Recycling team and the Communications and Marketing team.

- 4.2 Leading up to the cessation of the service, notices will be placed at the bring sites to notify users of the removal date. Details will be provided on how residents can request recycling containers if they do not currently have any or require additional containers.
- 4.3 Sites will be withdrawn from 15th February 2015, except Shawcroft car park site that will be removed week commencing 18th January 2016. This will allow for signage to be placed at the sites for a few weeks to give residents an opportunity to request and receive containers before the sites close.
- 4.4 The sites, (as shown in Appendix 1) will be withdrawn over a period of two weeks from 15th February. All bring sites removed will be left clean and tidy and any screening will be removed by the council as soon as possible. The sites will be monitored for a month to deal with any fly tipping problems that may arise.
- 4.5 Any charity banks provided for textiles, books and shoes will remain in place until such time that the relevant charity decides to remove it or the land owner requests that they be removed.
- 4.6 In addition to placing signs at the relevant sites, the Parish or Town Council will be notified along with the landowner. The website will also be updated to provide relevant information. Residents will be notified through press publications and the council's e-newsletter.

5 RISK ASSESSMENT

5.1 Legal

The contract for the Provision of Waste and Recycling Collection Services between Derbyshire Dales District Council and H W Martin Waste Limited can be terminated by agreement of the parties through a deed of termination of contract. The legal risk is low.

5.2 Financial

The District Council has already lost almost £37,000 per year in recycling credits following the reduction in tonnages taken to bring sites and the withdrawal of the Sainsbury's sites in 2012.

Since then the bring site tonnages have decreased further therefore reducing the recycling credits from Derbyshire County Council. Once the contamination levels are deducted from the weight data used to claim the recycling credit, income would drop further. The financial risk is, therefore, high. However, the suggested course of action is considered to be the best available to partly mitigate the losses by generating approximately an extra £4,822 through freed up parking spaces, £1,034 in recycling credits and through the acceptance of the £20,000 offered by HW Martin.

5.3 Corporate Risk

The contract relates to one of the most visible public services delivered by the Council which has the potential to impact positively and negatively on the Council's

reputation and customer satisfaction ratings. Although, there are some residents using the sites this is mainly due to a lack of understanding about the kerbside service offered by Serco or lifestyle choices. The same materials collected at bring sites can be recycled at home and every household can access this service. The Corporate risk is therefore low.

Equalities

An Equalities Impact Assessment has been completed and no equalities issues have been identified. The service provided at kerbside is identical, easier, available to every household and where assistance is required it can be provided.

6 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors have also been considered prevention of crime and disorder, equality of opportunity, environmental health, and human rights, financial personal and property considerations.

7 CONTACT INFORMATION

Heidi McDougall, Head of Environmental Services
Tel: 01629 761372 E-mail: heidi.mcdougall@derbyshiredales.gov.uk

8 BACKGROUND PAPERS

Description	Date	File
Consultation Survey	November 2014 and May 2015	
Equalities Impact Assessment	December 2015	

Appendix One – Bring site locations

	TOWN/VILLAGE	LOCATION
1	ASHBOURNE	SHAWCROFT CAR PARK, ASHBOURNE, DE6 1GD
2	ASHFORD IN THE WATER	CAR PARK, ASHFORD IN THE WATER, DE45 1QB
3	BAKEWELL	GRANBY ROAD CAR PARK, BAKEWELL, DE45 1ES
4	BASLOW	NETHER END CAR PARK, BASLOW, DE45 1SR
5	BRADLEY	YEW TREE LANE, BRADLEY, DE6 1PG
6	BRADWELL	CO-OP CAR PARK, BRADWELL, S33 9HJ
7	CROMFORD	LIME YARD, CROMFORD, DE4 3QF
8	CURBAR	NEAR SCHOOL, CURBAR, S32 3XA
9	DOVERIDGE	VILLAGE CLUB, DOVERIDGE, DE6 5JQ
10	EYAM	HAWKHILL ROAD CAR PARK, EYAM, S32 5QP
11	FLAGG	MYCOCK LANE, FLAGG, SK17 9QR
12	HARTINGTON	PARSONS CROFT, HARTINGTON, SK17 0AT
13	HATHERSAGE	ODDFELLOWS ROAD CAR PARK, HATHERSAGE, S32 1BN
14	HULLAND WARD	VILLAGE STORES, HULLAND WARD, DE6 3EE
15	MARSTON MONGOMERY	VILLAGE HALL, MARSTON MONGOMERY, DE6 2FF
16	MATLOCK	ARTISTS CORNER, MATLOCK, DE4 3LU
17	MATLOCK	DIMPLE DEPOT, MATLOCK, DE4 3JX
18	MATLOCK	HIGHFIELDS SCHOOL, LUMSDALE, MATLOCK, DE4 5NA
19	MATLOCK BATH	TEMPLE ROAD CAR PARK, MATLOCK BATH, DE4 3PG
20	MONSAL HEAD	PUBLIC CAR PARK, MONSAL HEAD, DE45 1NL
21	SUDBURY	GIBB LANE, SUDBURY, DE6 5HY
22	TIDESWELL	COMMUNITY CENTRE, TIDESWELL, SK17 8NE
23	WIRKSWORTH	CANTERBURY ROAD, WIRKSWORTH, DE4 4DX
25	YOULGREAVE	ALLOTMENTS CAR PARK, YOULGREAVE, DE45 1UW

Appendix 2 – Tonnages collected from Bring Sites 2012 - 2015

2012	April	May	June	July	August	September	October	November	December	January	February	March	Total
Total Paper Banks	49.00	47.60	31.57	34.90	36.98	31.20	30.34	21.82	11.84	11.82	17.86	6.10	331.03
Total Mixed Dry Banks	80.44	104.67	90.04	109.94	109.96	96.92	79.10	48.82	44.52	69.46	50.36	44.36	928.60
Overall Total	129.44	152.27	121.61	144.84	146.94	128.12	109.44	70.64	56.36	81.28	68.22	50.46	1259.62
2013	April	May	June	July	August	September	October	November	December	January	February	March	Total
Total Paper Banks	13.14	15.80	18.20	13.20	11.86	7.84	12.86	4.50	0.00	0.64	2.60	2.86	103.50
Total Mixed Dry Banks	67.18	55.92	42.10	67.86	69.10	52.62	39.12	35.70	49.30	53.20	28.18	38.40	598.68
Overall Total	80.32	71.72	60.30	81.06	80.96	60.46	51.98	40.20	49.30	53.84	30.78	41.26	702.18
2014	April	May	June	July	August	September	October	November	December	January	February	March	Total
Total Paper Banks	0.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.52	5.14	6.02
Total Mixed Dry Banks	40.98	36.42	32.68	34.22	37.46	37.96	25.42	28.46	28.32	55.30	37.16	42.90	437.28
Overall Total	41.34	36.42	32.68	34.22	37.46	37.96	25.42	28.46	28.32	55.30	37.68	48.04	443.30
2015	April	May	June	July	August	September	October	November	December	January	February	March	Total
Total Paper Banks	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Mixed Dry Banks	42.90	35.96	45.60	38.34	34.48	33.80	30.96	35.00	35.00	35.00	35.00	35.00	437.04
Overall Total	42.90	35.96	45.60	38.34	34.48	33.80	30.96	35.00	35.00	35.00	35.00	35.00	437.04
% Decrease from 2012 to 2015	April	May	June	July	August	September	October	November	December	January	February	March	Total
Total Paper Banks	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Total Mixed Dry Banks	46.67	65.64	49.36	65.13	68.64	65.13	60.86	28.31	21.38	49.61	30.50	21.10	52.94
Overall Total	66.86	76.38	62.50	73.53	76.53	73.62	71.71	50.45	37.90	56.94	48.70	30.64	65.30

Appendix 3 – Consultation results

Question 1

Why do you use the local recycling site(s)? Please choose all that apply		
Answer Options	Response Percent	Response Count
I don't have any containers for kerbside collections	5.8%	24
I don't know how the kerbside collection service works	1.5%	6
I have always used recycling banks	30.4%	125
I find recycling banks more convenient when I visit the	23.4%	96
I am not able to present a bin due to health/disability	2.2%	9
Kerbside collection service is poor	7.1%	29
Lack of space to store containers at home	28.7%	118
To recycle excess materials	78.1%	321
<i>answered question</i>		411
<i>skipped question</i>		114

Question 2

Do you use your kerbside recycling facilities at home? Please choose one answer only		
Answer Options	Response Percent	Response Count
Yes	89.5%	461
No	10.5%	54
<i>answered question</i>		515
<i>skipped question</i>		10

Question 3

If your local recycling site was to be removed how would you recycle? Please choose all that apply		
Answer Options	Response Percent	Response Count
Use the kerbside recycling collection	42.9%	158
Travel to the next nearest bring site	26.4%	97
Travel to a household recycling centre	51.9%	191
Take textiles, shoes and books to a charity shop	31.3%	115
Other (please specify)		129
<i>answered question</i>		368
<i>skipped question</i>		157

Report of the Head of Regulatory Services

PRIMARY AUTHORITY PARTNERSHIP WITH YOUTH HOSTEL ASSOCIATION

SUMMARY

This report provides both an overview of the Primary Authority Scheme and the partnership proposal with the Youth Hostel Association (YHA).

RECOMMENDATION

- 1) To delegate the necessary authority enabling formal 'nomination' to the Better Regulation Delivery Office (BRDO).
- 2) The delegation of authority to agree appropriate arrangements for cost recovery with partner business.

WARDS AFFECTED

All

STRATEGIC LINK

The development of a Primary Authority Partnership enables the Council to further deliver on its commitment to supporting established locally based businesses, whilst also helping to retain and create job opportunities both within the Derbyshire Dales geographical boundary and beyond.

BACKGROUND

- 1.1 Primary Authority is a statutory scheme, established by the Regulatory Enforcement and Sanctions Act 2008, which allows businesses to form partnerships on a statutory basis with a single local authority. The scheme allows businesses to access assured advice on compliance that must be respected by local authorities, thus addressing business concerns about consistency and giving them confidence. It also allows for the co-ordination of proactive inspection activities, thereby improving the effectiveness of local activities and reducing duplication of effort. The scheme supports local authorities in delivering protection for their citizens, workers and the environment.
- 1.2 Primary Authority is a key element of the Government's commitment to improve the delivery of regulation in line with the statutory principles of good regulation. These principles are that regulation should be transparent, accountable, proportionate, consistent, and targeted.
- 1.3 Primary Authority is the responsibility of the Secretary of State for Business, Innovation and Skills, with the Better Regulation Delivery Office (BRDO) operating the scheme on behalf of the Secretary of State. A partnership between a local authority and a business, once it has been nominated by the Secretary of State, has a statutory basis.

- 1.4 The Government has recently demonstrated its commitment to Primary Authority by extending the scheme to new areas of regulation, and enabling more businesses to participate.
- 1.5 A local authority that offers primary authority to businesses is demonstrating its willingness to work constructively with business to improve compliance, and is taking on responsibility for leading and shaping the regulation of a single business or a group of businesses. It does this by providing tailored, assured regulatory advice and by guiding the way that other local authorities regulate the business or businesses so that it is both effective and efficient, including through the sharing of compliance information.
- 1.6 Primary Authority represents an important support service to locally based business and further complements the less formal 'link officer' role into the Council currently undertaken by CLT members and target businesses.
- 1.7 The District Council has an obligation under the Regulators Compliance Code to provide businesses with advice and guidance about their legal obligations in respect of Environmental Health and Licensing legislation for example. Where businesses require additional advice and support services under Primary Authority the Act enables the Council to recover the costs associated in providing these services from the business. This will allow greater impact to be achieved from the existing resources deployed in providing support to business on regulatory issues.

REPORT

- 2.1 Since July 2014 representatives from Environmental Health have been in discussions with the YHA as regards the refocusing of their operations and more specifically the review of their Food Safety Management approach. As matters have progressed the benefits of a Primary Authority Partnership have been explored by both parties as a vehicle for better regulation.
- 2.2 The last 15 months have enabled Environmental Health staff to undertake a site visit outside of our geographical boundary to further understand the dynamics of the business, to meet and build relationships with key members of YHA staff who are responsible for Food Safety Management delivery and latterly, to undertake a thorough audit of the YHA Food Safety Management approach and associated support systems.
- 2.3 Discussions have now reached a natural pause whereby both parties wish to progress the Primary Authority Partnership through to the formal nomination stage with BRDO. In order to do so the Local Authority must trigger the nomination of the 'Direct Partnership'; once the on-line submission is made to BRDO (under the necessary delegated authority); the YHA will then be requested to complete the other half of the submission. By completing the nomination both parties are signing up to the terms and conditions of the scheme and associated guidance (see Attachment 1). Once completed the eligibility of both the business and suitability of the Local Authority to provide such a service is assessed based on the information provided. Details of the submission are also sent to any relevant national regulators i.e. The Food Standards Agency.
- 2.4 It is anticipated that the Secretary of State's decision as to whether the nomination is successful or not should be turned around within a 3 week period, with both parties

being formally notified accordingly.

- 2.5 Once established it is anticipated such a partnership should be periodically reviewed to ensure it is 'delivering' for both parties accordingly.
- 2.6 If it is the case that at some point in the future either or both parties wish to terminate the partnership, this can be realised through an on-line revocation submission to the Secretary of State, together with a transitional time period whereby any outstanding operational matters can be brought to a satisfactory close.

3 RISK ASSESSMENT

3.1 Legal

Primary Authority is administered by BRDO. Standard terms and conditions for partnerships, made available by BRDO, mitigate the risks for participating local authorities to the minimum allowable in law (see Attachment 1).

3.2 Financial

The Primary Authority Partnership will be resourced using existing staff from the Commercial Team within Environmental Health and operate on a cost recovery basis, whereby the YHA will be invoiced on a 6 monthly basis (as a minimum), for documented officer hours spent on partnership activities. On site discussions, pre-partnership audit of food safety systems, plus high levels of investment across the property portfolio by the YHA have resulted in a high level of legal compliance across the organisation, therefore the partnership is considered neither onerous nor detrimental to other service demands. It is also anticipated the on-going review of Environmental Health and the necessary refocusing of food safety regulatory effort should further enhance opportunities for partnership working. Hence the financial risk is 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

Amanda Goodwill (Principal Officer – Environmental Health), Tel: 01629 761316,
Email: amanda.goodwill@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

None

7 ATTACHMENTS

Attachment 1 - Primary Authority Terms and Conditions
Attachment 2 – YHA business profile

Primary Authority Terms and Conditions

Statutory Guidance

By making an application for nomination you agree to have regard to any guidance issued by the Secretary of State under sections 22(3) and 33 of the Regulatory Enforcement and Sanctions Act 2008.

Liability

The local authority's liability arising from their involvement in a Primary Authority partnership shall be limited in any year to the amount paid in that year for services under the partnership.

The local authority will not be liable for any unforeseeable loss which arises as a consequence of their involvement in the partnership.

Confidentiality

BRDO and the primary authority will treat all confidential information as confidential and will safeguard it accordingly. BRDO and the primary authority may need to disclose confidential information to other government departments and local authorities. This information will only be disclosed for the purposes of facilitating the operation of Primary Authority. BRDO and the primary authority may also need to disclose confidential information if legally obliged to do so, for example, by court order or in accordance with the Freedom of Information Act 2000 and/or the Freedom of Information (Scotland) Act 2002.

Freedom of Information

BRDO and local authorities are subject to the Freedom of Information Act 2000 and/or the Freedom of Information (Scotland) Act 2002. It is a condition of Primary Authority that the regulated person agrees to respond to any requests for assistance, at their expense, to enable compliance with any relevant disclosure requests within the relevant time limits for compliance.

Although BRDO and local authorities will take into account any representations that are made about the disclosure of information which concerns the regulated person, BRDO and local authorities are responsible for determining whether any information is exempt from disclosure in accordance with their Freedom of Information obligations.

Maintaining Details – regulated person

If your contact details, trading name(s) or premises details change you should update these as soon as reasonably practicable. You can change your contact details by accessing the Primary Authority Register or requesting your primary authority to do this for you (for direct partnerships) or requesting your co-ordinator to do this for you (for co-ordinated partnerships).

Maintaining Details – primary authority

If any contact details change, you should update the Primary Authority Register as soon as reasonably practicable.

Primary Authority Terms and Conditions

Personal Information

Personal information which is supplied to BRDO, including through the Primary Authority Register, will be shared with local authorities to facilitate the operation of Primary Authority.

BRDO may also share information with other public sector organisations, such as Government Departments or regulators.

The BIS Personal Information Charter sets out further information about how this information is used, how we maintain the security of this information, and rights to access the personal information we hold. This can be accessed at <https://www.gov.uk/government/organisations/department-for-business-innovation-skills/about/personal-information-charter>

Changes to these Terms and Conditions

BRDO reserves the right to vary these terms and conditions. BRDO will contact you if any variation is to take place and will provide at least 30 days notice before any changes come into effect.

Email updates

By making an application for nomination you will be indicating your consent to receiving email newsletters and other updates about Primary Authority and BRDO. If you later decide that you do not want to receive this correspondence you will be able to unsubscribe.

Entire agreement

Nothing contained in any prior or subsequent agreements between the primary authority and the regulated person, including in Memoranda of Understanding, Service Level Agreements or Summaries of Partnership Arrangements, shall override, modify or affect the application or interpretation of these terms and conditions.

Revocation

Your Primary Authority partnership will continue unless it is revoked by the Secretary of State in accordance with the Regulatory Enforcement and Sanctions Act 2008 section 26(5).

YHA business profile

From their beginning in 1930 YHA has grown to be one of the top 50 charities with a diverse network of hostels, often in exceptional places, open to everyone and especially young people.

Mission: To inspire all, especially young people, to broaden their horizons, gaining knowledge and independence through new experiences of adventure and discovery.

Vision: Reaching out and enhancing the lives of all young people. YHA provides more than just accommodation; we aim to create safe, healthy, fun and active experiences, for mainly young people, leading to:

- Engagement with diverse people and communities
- Exploration of wider horizons of culture and location
- Growth in skills, confidence, self-reliance and well being

This essence is the core of what is often described as the YHA experience; an experience that sets YHA apart from other organisations and, accommodation and activity providers.

How the YHA works

YHA is a charity. The Board of Trustees ensures the YHA is run in line with the charitable object. YHA has 12 Trustees and three Officers; a Chairman, Vice Chairman, and Treasurer.

Trustees are YHA members, elected by representatives of YHA's members through councils in the three English regions and in Wales for three year terms at the Annual General Meeting held every year in July.

The Board monitors the performance of YHA and makes decisions on policies.

Trustees appoint a Chief Executive who is responsible for carrying out policy on their behalf.

The organisation has set out four strategic themes to help achieve their vision over the next three years and these are:

- Developing talented people and teams
- Putting the customer first in everything they do
- Reaching more people through experiences and partnerships
- Achieving a financially sustainable network.

Governance

YHA's governance starts at grass roots level with their members. The democratic structure means members can influence and help develop policy through joining one of the four Councils covering Northern, Central and Southern England and Wales. The Councils nominate delegates to attend and vote at the AGM, where Board members are elected and motions debated.

YHA today

- Welcomes all - individual travellers, families, school and youth groups, recording around two million overnight stays each year
- Helps provide learning opportunities for 8,000 school, college and youth groups to meet the requirements of the National Curriculum and other educational needs
- Gives thousands of disadvantaged young people each year a trip part-funded by YHA's Breaks for Kids scheme
- Accommodates 750,000 overnight stays by young people under the age of 18 each year, travelling independently, with families or as part of an organised group
- Runs a network of 200 Youth Hostels, bunkhouses and camping barns, in stunning rural, coastal and city locations throughout England and Wales
- Has over 200,000 members
- Is supported by more than 700 active volunteers
- Employs more than 1,200 staff including 600 seasonal staff
- Has an annual turnover of £50 million
- Is number 69 in the Times Top 100 not-for-profit organisations, an Investor in People and Volunteers and has won multiple industry awards for marketing campaigns
- Welcomes visitors from 80 different nations each year, accounting for 500,000 overnight stays
- Has invested over £22 million in their network since 2011 and is continuing to do so to update hostels and create new ones, meeting the needs and expectations of customers.
- Is an active member of Hostelling International (HI) which embraces 60 countries, with 4,000 Youth Hostels and 3.2 million members worldwide. HI is the largest budget accommodation network in the world

End

COMMUNITY AND ENVIRONMENT COMMITTEE
14 JANUARY 2016

Report of the Corporate Director

DCLG CONSULTATION ON PROPOSED CHANGES TO NATIONAL PLANNING POLICY

SUMMARY

This report informs the Committee of the recent Consultation paper on proposed changes to national planning policy, and seeks endorsement of a response to be forwarded to the Department for Communities and Local Government (DCLG) by the statutory deadline of 22nd February 2016.

RECOMMENDATION

That the Committee endorse the Officer comments contained within Section 3 of this report as the District Council's formal response to the Department for Communities and Local Government (DCLG) consultation on proposed changes to national planning policy.

WARDS AFFECTED

All Wards

STRATEGIC LINK

This consultation sets out proposals to amend national planning policy in a number of key areas including the provision of affordable housing which, if introduced, will have a material impact upon the District Council's policies for the delivery of affordable housing in the future. Affordable housing is one of the Council's priorities in the Corporate Plan 2011-2015.

1 BACKGROUND

1.1 On 7th December 2015, the Department for Communities and Local Government published a consultation paper which seeks views on the introduction of changes to national planning policy in the following areas:-

- broadening the definition of affordable housing, to expand the range of low cost housing opportunities for those aspiring to own their new home;
- increasing the density of development around commuter hubs to make more efficient use of land in suitable locations;
- supporting sustainable new settlements, development on brownfield land and small sites, and delivery of housing allocated in plans; and
- supporting the delivery of starter homes.

1.2 The consultation has been published for a period of 12 weeks with a deadline for responses of 22nd February 2016.

1.3 The consultation document can be viewed in full at:

<https://www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes>

2.0 PROPOSALS FOR CHANGE

Affordable Housing

- 2.1 National planning policy requires Local Planning Authorities to plan proactively to meet all housing needs in their area, including market and affordable housing. The current definition of affordable housing, as set out in the National Planning Policy Framework, includes social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.
- 2.2 The Government considers that it is important that the definition of affordable housing for planning purposes supports present and future innovation by housing providers in meeting the needs of a wide range of households who are unable to access market housing. In this regard, the Government consider that the provision of affordable housing is about supporting households to access home ownership, where that is their aspiration, as well as delivering homes for rent.
- 2.3 The current affordable housing definition includes some low cost home ownership models such as shared ownership and shared equity, provided that they are subject to 'in perpetuity' restrictions or the subsidy is recycled for alternative affordable housing provision. This limits the current availability of home ownership options for households whose needs are not met by the market.
- 2.4 The Government propose to amend the national planning policy definition of affordable housing so that it encompasses a fuller range of products that can support people to access home ownership. They propose that the definition will continue to include a range of affordable products for rent and for ownership for households whose needs are not met by the market, but without being unnecessarily constrained by the parameters of products that have been used in the past which risk stifling innovation. This would include products that are analogous to low cost market housing or intermediate rent, such as discount market sales or innovative rent to buy housing. Some of these products may not be subject to 'in perpetuity' restrictions or have recycled subsidy. The Government also propose to make clearer in policy the requirement to plan for the housing needs of those who aspire to home ownership alongside those whose needs are best met through rented homes, subject as now to the overall viability of individual sites.
- 2.5 By adopting the approach proposed, the Government are broadening the range of housing types that are taken into account by Local Authorities in addressing local housing needs to increase affordable home ownership opportunities. This includes allowing Local Planning Authorities to secure starter homes as part of their negotiations on sites.
- 2.6 In parallel, the Housing and Planning Bill is introducing a statutory duty on Local Authorities to promote the delivery of starter homes and a requirement for a proportion of starter homes to be delivered on all suitable reasonably-sized housing developments. Whilst the Government intends to consult separately on the level at which this requirement should be set, the Bill defines starter homes as new dwellings for first time buyers under 40, sold at a discount of at least 20% of market value and at less than the price cap of £250,000 (or £450,000 in London).

Increasing Residential Density Around Commuter Hubs

- 2.7 Paragraph 47 of the National Planning Policy Framework enables Local Planning Authorities to set appropriate density levels for new housing development to reflect their local circumstances. Local Planning Authorities have a number of different approaches to setting policy on density. Some Local Plans continue to set overall density targets, other plans set out proposed density levels on specific sites, while some plans do not set any targets and determine density levels on a site-by-site basis to ensure that development is sensitive to the local context.
- 2.8 There are significant benefits to encouraging development around new and existing commuter hubs - reducing travel distances by private transport, making effective use of private and public sector land in sustainable locations, and helping to secure the wider regeneration and growth of the local area. In this context, the Government is keen to support higher density housing development around commuter hubs to help meet a range of housing needs including those of young first-time buyers.
- 2.9 The Government are, therefore, proposing a change to national planning policy that would expect Local Planning Authorities, in both plan-making and in taking planning decisions, to require higher density development around commuter hubs wherever feasible. A commuter hub would be defined as:-
- a) a public transport interchange (rail, tube or tram) where people can board or alight to continue their journey by other public transport (including buses), walking or cycling; and
 - b) a place that has, or could have in the future, a frequent service to that stop. A frequent service would be defined as running at least every 15 minutes during normal commuting hours.

Supporting New Settlements

- 2.10 Paragraph 52 of the National Planning Policy Framework recognises that Local Planning Authorities may plan for the supply of new homes through larger scale developments such as new settlements or urban extensions. In doing so, they should consider whether this is the best way of achieving sustainable development and consider, where appropriate, whether to establish Green Belt around or adjoining such settlements.
- 2.11 The Government propose to strengthen national planning policy to provide a more supportive approach for new settlements within locally led plans. They consider that Local Planning Authorities should take a proactive approach to planning for new settlements where they can meet the sustainable development objectives of national policy, including taking account of the need to provide an adequate supply of new homes. In doing so, Local Planning Authorities will be encouraged to work proactively with developers coming forward with proposals for new settlements in their area.

Supporting Housing Development on Brownfield Land and Small Sites

- 2.12 The National Planning Policy Framework states that planning should encourage the effective use of land by re-using brownfield sites provided they are not of high environmental value, and that local Councils can set locally appropriate targets for using brownfield land. In the Housing and Planning Bill, the Government has set out their intention to require Local Planning Authorities to publish and maintain up-to-date registers of brownfield sites suitable for housing. It is the Government's intention that

brownfield registers will be a vehicle for granting permission in principle for new homes on suitable brownfield sites with the ambition being that 90% of brownfield land suitable for housing is to have planning permission by 2020.

- 2.13 To ensure that all possible opportunities for brownfield development are pursued, the Government propose to make clearer in national policy that substantial weight should be given to the benefits of using brownfield land for housing (in effect, a form of 'presumption' in favour of brownfield land). They propose to make it clear that development proposals for housing on brownfield sites should be supported, unless overriding conflicts with the Local Plan or the National Planning Policy Framework can be demonstrated and cannot be mitigated.
- 2.14 Small sites of less than 10 units play an important role in helping to meet local housing need, and the majority of these sites are on brownfield land. Building new homes on small sites, whether in rural or urban locations, can deliver a range of economic and social benefits, including:-
- providing opportunities for small and medium-sized companies to enter the development market, helping to promote competition and quality in the house-building market;
 - increasing build out rates in local areas;
 - creating local jobs and sustaining local growth, particularly in rural areas; and
 - making effective use of developable land.
- 2.15 The Government wish to ensure that all proposals for sustainable development on small sites of less than 10 units are strongly supported by national policy. This will complement the measures in the Housing and Planning Bill to make it easier for applicants to secure permission, in principle, for development on small sites. Most Local Plans include clear policies supporting small windfall sites but there continue to be concerns about the challenges and uncertainty associated with identifying small sites. The Government propose to apply the approach described above for brownfield land to other small sites, provided they are within existing settlement boundaries and well-designed to promote or reinforce local distinctiveness. In doing so, they will retain protection against unwanted development of back gardens. The Government also intends to make clear that proposals for development on small sites immediately adjacent to settlement boundaries should be carefully considered and supported if they are sustainable.

Ensuring Housing is delivered on Land Allocated in Plans

- 2.16 The Government acknowledge that there are many reasons why homes cannot be built out at the anticipated rate of delivery, and consider that it is important that there are sufficient incentives and tools in place to support the timely build out of consented development.
- 2.17 Driving up delivery rates depends on all partners playing their part. Local Planning Authorities can help to ensure that homes delivered match local requirements in a number of ways, including:-
- allocating a good mix of sites in their Local Plans;
 - the efficient discharge of planning conditions;
 - helping to resolve other blockages to development (such as other consents required);
 - shortening the timescale by which development must begin;
 - and ensuring a sufficient pipeline of deliverable planning permissions.

Developers can also play their part to drive faster build-out.

- 2.18 One approach the Government is looking to take forward is to amend national planning policy to ensure that action is taken where there is a significant shortfall between the homes provided for in Local Plans and the houses being built. The Government's proposal is to introduce a housing delivery test which will compare the number of homes that Local Planning Authorities set out to deliver in their Local Plan against the net additions in housing supply in a Local Planning Authority area.
- 2.19 To strengthen the incentive for delivery on consented sites, the Government propose to amend planning policy to make clear that where significant under-delivery is identified over a sustained period, action needs to be taken to address this.
- 2.20 One approach suggested is that additional sustainable sites could be identified where existing sites are failing to deliver. These would need to be in sustainable locations, well served by infrastructure, and with clear prospects for delivery which could be specifically set out as part of any future planning consent. A range of sites may be appropriate, which could include new settlements. In such instances, Local Planning Authorities may need to consider whether a review or partial review of their plans are needed, or whether such settlements can be delivered through additional development plan documents – such as Area Action Plans. Such an approach would present an opportunity for Local Planning Authorities, working with developers and their local communities, to undertake rapid and targeted policy reviews, including appropriate consultation, so that additional land in sustainable locations can come forward.

Supporting Delivery of Starter Homes

- 2.21 National planning policy contains an exception site planning policy to release land specifically for starter homes. This allows applicants to bring forward proposals on unviable or underused commercial or industrial brownfield land not currently identified in the Local Plan for housing.
- 2.22 However, in order to maximise the delivery of housing, the Government are consulting on a series of measures which would release further land for development. Such measures include:-
- the release of unviable or underused commercial and employment land;
 - a widening of the scope of the current exception site policy to include land which was previously in use for retail, leisure and non-residential institutional uses (e.g. health and education sites);
 - amending the exception site policies to make it clearer that planning applications can only be rejected if there are overriding design, infrastructure and local environmental considerations that cannot be mitigated;
 - encouraging a greater proportion of housing in general and starter homes in particular within mixed use commercial developments (including town centres) in order to increase town centre footfall and aid regeneration;
 - the conversion of unlet commercial units to housing including starter homes.

Encouraging starter Homes in Rural Areas

- 2.23 The Government's Rural Productivity Plan (August 2015) set out priorities for growing the rural economy and the need to increase the availability of housing in rural towns and villages to enable them to thrive. The use of rural exception sites is an established means for supporting sensitive housing growth where it is locally supported and meeting local needs.
- 2.24 Starter homes can provide a valuable source of housing for rural areas and, if classified as affordable housing, then it should be possible to deliver starter homes through the existing rural exception site policy. Rural exception sites are a useful tool for Local Planning Authorities in rural areas to help meet a local community need.
- 2.25 The Government propose that starter homes on rural exception sites should be subject to the same minimum time limits on resale (5 years) as other starter homes to ensure local people are able to maximise the value of the home and secure a long term place in the local housing market. However, they also propose that Local Planning Authorities would, exceptionally, have the flexibility to require a local connection test. This would reflect the particular needs of some rural areas where local connections are important and access to the housing market for working people can be difficult and would be consistent with existing policy on rural exception sites.

3.0 OFFICER COMMENTS

- 3.1 The Consultation Document sets out a series of key questions related to the proposals. The most pertinent questions insofar as they affect the Derbyshire Dales are set out below with a suggested Officer Comment:

a) Affordable Housing

Question 1. *Do you have any comments or suggestions about the proposal to amend the definition of affordable housing in national planning policy to include a wider range of low cost home ownership options?*

- 3.2 Response: The entry level costs to buy a property in the Derbyshire Dales ranges from £123,000 for a flat to £243,000 for a detached home. The lower quartile price across all dwelling types is £155,000. In order to purchase/rent a property without subsidy in the Derbyshire Dales, an income of £44,290 is required for purchase, £21,000 for private rent, £16,800 for affordable rent and £14,680 for social rent.
- 3.3 However, just over a third of households (34%) have an income below £20,000 with a further third in the range of £20,000 to £40,000. The overall mean average income of employees in the Derbyshire Dales is stated by the Office for National Statistics to be around £20,613, which is the second lowest in Derbyshire and some 26% below the England average of £27,891. The overall average (median) income of all households in the district is estimated to be around £28,100 with a mean average income of £36,900.
- 3.4 Across the Derbyshire Dales, the mean house price is £255,500. On average, prices in Derbyshire Dales are considerably higher than across comparator areas. Affordability ratios across the district are therefore high and are above the national and county averages. Median house prices in the Derbyshire Dales are 8.6 times the median earnings in the district, compared to a national rate of 6.5 and a county rate of 5.5

3.5 Whilst the District Council acknowledges the need to provide for the a range of affordable housing products for rent and ownership for households whose needs are not met by the market, significant concerns exist in regard to the ability of the market to deliver housing at prices which households in the Derbyshire Dales can afford. The provision of starter homes for first time buyers under 40, to be sold at a discount of 20% of market value will not address the affordable housing needs of the Derbyshire Dales. On the contrary, the provision of discounted market sale properties whose 'affordability' benefits cannot be secured in perpetuity will only provide an incentive for a proportion of households whose income exceeds £40,000. The proposals will therefore, do very little to address affordability issues in the district.

3.6 In an area such as the Derbyshire Dales with high house prices and low average household incomes, it is important that too much emphasis is not placed upon low cost starter homes and home ownership as a solution to meeting affordable housing needs. Other forms of tenure will inevitably continue to be needed in order to provide an appropriate mix of affordable housing and appropriate flexibility should be given in national planning policy to allow this to happen.

b) Increasing Residential Density Around Commuter Hubs

Question 3. *Do you agree with the Government's definition of commuter hub? If not, what changes do you consider are required?*

3.7 Response: Yes. This is a pragmatic definition.

Question 5. *Do you agree that the Government should not introduce a minimum level of residential densities in national policy for areas around commuter hubs? If not, why not?*

3.8 Response: In order to deliver sustainable development, the District Council supports the concept of increasing densities around commuter hubs within larger urban areas. However, due regard should still be given to the sensitivities of smaller rural towns such as Matlock where transport interchanges exist but the ability to deliver high density development is extremely limited and may have an adverse impact upon townscape character and appearance.

3.9 Minimum residential densities should not therefore be set in national planning policy as it is important for density ranges to be decided locally in response to local needs and circumstances. Setting a minimum density would be unnecessarily prescriptive and could result in lower quality development.

c) Supporting New Settlements / Brownfield Land / Small Sites Delivery

Question 6. *Do you consider that national planning policy should provide greater policy support for new settlements in meeting development needs? If not, why not?*

3.10 Response: Whilst the District Council does not oppose the strengthening of national policy insofar as it relates to new settlements, any policy that is to be introduced needs to be supported by clear policy guidance particularly in regard to locational factors, viability and minimum scale of development, climate change and sustainable transport considerations. In the absence of any form of regional planning, the ability to plan for a wholly new settlement within a rural area through a Local Plan is

extremely complex, time consuming and prone to significant delays in the overall plan preparation timescale due to the complexity of issues that would need to be addressed. In the absence of developers proactively coming forward with new proposals for settlements, it is considered unlikely that local planning authorities would embark upon such an initiative through a Local Plan.

Question 7. *Do you consider that it would be beneficial to strengthen policy on development of brownfield land for housing? If not, why not and are there any unintended impacts that we should take into account?*

- 3.11 Response: The Council supports the emphasis given to developing brownfield sites, however there should be a presumption in favour of development only where it is considered in the first instance that the site is considered suitable for residential development.
- 3.12 A key issue in enabling proper planning of the country is that sites should be in sustainable locations, and when developed, have good access by public transport to a range of facilities and services and places of employment. Many brownfield sites, particularly in rural areas, are so poorly located that their development would be unsustainable, generating high volumes of car traffic and long distance commutes. Consideration therefore needs to be given to the locational and physical characteristics of brownfield sites rather than the imposition of a blanket presumption in favour for all brownfield sites.

Question 8. *Do you consider that it would be beneficial to strengthen policy on development of small sites for housing? If not, why not? How could the change impact on the calculation of the local planning authorities' five-year land supply?*

- 3.13 Response: Yes – the District Council supports this proposal which will introduce a presumption in favour of brownfield site development in sustainable locations which will assist the delivery of much needed housing and will assist with housing land supply. However, there must be an acknowledgement that not all settlements are capable of accommodating new development without detriment to the principles of sustainable development.
- 3.14 In addition, consideration needs to be given to the importance of small sites in the delivery of affordable housing, either through on-site provision or off-site contributions. In the Derbyshire Dales, effective Local Plan policies have ensured that in the past 10 years, financial contributions in excess of £1.2million have been secured through small scale developments of less than 5 units. This money has then been invested with our partner housing associations and used to provide in excess of 1000 affordable homes within the Derbyshire Dales. Without the additional financial support provided by the District Council through Section 106 contributions, many of the affordable homes that have been built within the Derbyshire Dales during the last 10 years would simply not exist. This approach has recently been endorsed by the High Court in the case of West Berkshire District Council and DCLG and should not be subverted by the proposed amendments to national planning policy.

Question 9. *Do you agree with the Government proposal to define a small site as a site of less than 10 units? If not, what other definition do you consider is appropriate, and why?*

3.15 Response: Yes. This is a pragmatic and justified proposal which will increase transparency and provide greater certainty for developers on which sites may come forward for development.

Question 10. *Do you consider that national planning policy should set out that local planning authorities should put in place a specific positive local policy for assessing applications for development on small sites not allocated in the Local Plan?*

3.16 Response: Yes. This is a pragmatic and justified proposal.

Question 11. *We would welcome your views on how best to implement the housing delivery test.*

3.17 Response: The Government's proposals imply that the reason why there is a significant shortfall between the number of homes that we need to provide for and net additions to the housing stock is directly attributable to the failure of local planning authorities to plan effectively in their areas. Whilst it is acknowledged that local planning authorities have a significant role to play in the delivery of new housing through the local plan process, the Government also needs to tackle the blockage in the development industry where developers who have longstanding planning permissions, fail to build out their schemes. One planning permission is granted and lawfully implemented, local planning authorities are powerless to secure the full implementation of the approved scheme. As a consequence, this introduces uncertainty in the delivery of housing and increases pressure to release other, possibly less desirable sites for development.

3.18 Government should therefore be seeking to address the shortcomings of the local planning process whilst also tackling the failure of the development industry to complete permitted schemes.

d) Supporting Delivery of Starter Homes

Question 13. *What evidence would you suggest could be used to justify retention of land for commercial or similar use? Should there be a fixed time limit on land retention for commercial use?*

3.19 Response: The District Council acknowledge that it is undesirable to protect sites allocated for employment use where there is no prospect of a site being used for that purpose. However, unless there is clear policy guidance published on what constitutes 'unviable' or 'underused', there is a significant risk that owners of employment sites will simply stall the development of sites in anticipation that upon the expiry of a set period of time, they will be able to realise significantly enhanced value in their site for residential use. In rural areas such as the Derbyshire Dales, quality employment sites are in very short supply. There is therefore, a need to ensure that the few employment sites that do exist are not lost to other uses without clear and convincing evidence to demonstrate that they are not, and never will be viable for employment use. Such evidence should be based upon the Royal Institute of Chartered Surveyors Guidance Note entitled 'Financial Viability in Planning' which would include an assessment of acquisition costs, site value, development costs, profit margins, fees and finance costs etc. for both employment use and residential use. The emphasis should be placed on the developer to demonstrate through an appropriate viability assessment that a scheme is unviable as opposed to the burden

of proof residing with the local planning authority. Only if the employment use was deemed unviable should residential re-use be permitted.

Question 14. *Do you consider that the starter homes exception site policy should be extended to unviable or underused retail, leisure and non-residential institutional brownfield land?*

3.20 Response: The exception site policy for starter homes applies to land that has been in commercial or industrial use, and which has not currently been identified for residential development. Suitable sites are likely to be under-used or no longer viable for commercial or industrial purposes, but with remediation and infrastructure costs that are not too great so as to render starter homes financially unviable.

3.21 Whilst the District Council does not object to the extension of the policy to unviable or underused retail, leisure and non-residential institutions, the focus of providing more affordable housing should not be limited to discounted market sale starter homes. Offering a 20% discount below open market price will not in itself address the affordable housing problems in the Derbyshire Dales or other rural areas. Other forms of tenure will inevitably continue to be needed in order to provide an appropriate mix of affordable housing and appropriate flexibility should be given in national planning policy to allow this to happen.

Question 15. *Do you support the proposal to strengthen the starter homes exception site policy? If not, why not?*

3.22 Response: Yes. This is a pragmatic and justified proposal.

Question 16. *Should starter homes form a significant element of any housing component within mixed use developments and converted unlet commercial units?*

3.23 Response: There are positive benefits to be realised by increasing housing provision within town centres. However, as with underused or unviable employment land, there is a need to ensure that mixed use commercial developments are not lost to housing use without clear and convincing evidence to demonstrate that the commercial use is unviable. Town centres in both urban and rural areas are facing significant challenges due to changes in shopping patterns and behaviour. There is therefore, a need to maintain vibrant town centres and retail / commercial uses must be protected in order to safeguard the future health and viability of the town centre. Whilst the District Council would support the provision of starter homes as part of a housing component within a new build mixed use development, it would not support the conversion of unlet commercial units in town centres.

Question 17. *Should rural exception sites be used to deliver starter homes in rural areas? If so, should local planning authorities have the flexibility to require local connection tests?*

3.24 Response: The provision of starter homes in the Derbyshire Dales which are capped at £250,000 (£200,000 with 20% discount) will not be affordable to those persons who are in greatest affordable housing need. Rural exception sites are in short supply, therefore if such sites are to be utilised for the provision of starter homes which will only benefit a small percentage of the population, there is a significant risk that such an initiative will exacerbate the problem of affordable housing.

3.25 Rural exception sites should be limited to those forms of affordable housing which provide long term, sustainable benefits for the local population and the community. The provision of starter homes where the affordability benefits are only safeguarded for a period of 5 years, will not meet either the long term needs of those persons who are in greatest need or sustain rural communities.

3.26 The District Council would not be supportive of this proposal.

Question 18. *Are there any other policy approaches to delivering starter homes in rural areas that you would support?*

3.27 Response: The provision of starter homes is not the panacea for rural affordable housing problems. Whilst there is clearly a percentage of the population who have ambitious to own their own home, for a significant majority of those who are in greatest housing need, this is simply unachievable. Government should therefore ensure that there are a wide range of policy initiatives available to local authorities that can be used as appropriate to meet local needs and circumstances. Focussing exclusively on one specific area of housing provision could have unintended consequences and will actually exacerbate the problems of affordable housing particularly in rural areas. A balanced approach is required.

4 RISK ASSESSMENT

Legal

As the proposals form part of a consultation documents, the legal risk at present is low.

Financial

As the proposals are for consultation purposes only there are no financial risks at the present time.

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

Paul Wilson, Corporate Director

Tel: 01629 761325 E-mail: paul.wilson@derbyshiredales.gov.uk

7 BACKGROUND PAPERS

Consultation on 'Proposed Changes to National Planning Policy' DCLG December 2015

COMMUNITY AND ENVIRONMENT COMMITTEE
14 JANUARY 2016

Report of the Head of Regeneration and Policy

EROICA BRITANNIA

SUMMARY

The report updates Members on Eroica Britannia 2015, including the significant estimated benefits as well as costs to the public purse. With regard to plans for the June 2016 Eroica event, the report considers the District Council's role and contribution in such a way that seeks to retain and grow the event in the Derbyshire Dales whilst managing cost and environmental issues appropriately.

RECOMMENDATION

1. The estimated impact of the Eroica Britannia event in 2015 is noted.
2. The District Council continues to support the Eroica Britannia in 2016 and beyond due to the positive economic impact arising, especially from overseas visitors, whilst managing cost and environmental issues appropriately.
3. The objectives set out in section 3.3 are endorsed.
4. The costs to the District Council arising from the Eroica Britannia in 2015 are noted, along with officer support provided to the event organisers.
5. Coordination of the District Council's input to the event via the cross-departmental group is noted.
6. The approach to recharging the District Council's costs in connection with the Eroica Britannia is approved as set out in section 4 of the report.
7. The bid to Peak LEADER for funding towards signposting and marketing a cycle tour route is supported.

WARDS AFFECTED

All

STRATEGIC LINK

The District Council's top priority is highlighted in the Corporate Plan as *business growth and job creation*. The Peak District Partnership envisages in its Statement of Priorities that the Peak District will have high-wage, high-skill jobs. The District Council adopted its Economic Plan in September 2014 and its Visitor Economy plan in April 2015.

1 BACKGROUND

- 1.1 The Eroica Britannia has been held twice in Bakewell, in June 2014 and June 2015. The event is run by a business that has made a commercial success of

bringing to the Peak District a vintage cycling event which has run in Tuscany for some years. It combines cycle rides (starting and finishing in Bakewell and ridden on pre-1987 bicycles) with a 'vintage' summer festival (held on the Bakewell showground over three days) celebrating fine food and drink, British heritage and culture. The cycle ride routes are largely within the Derbyshire Dales, with some rides also entering the High Peak and Staffordshire Moorlands. The company running the event has the rights to hold the event for a further eight years.

- 1.2 The first event was considered by Members of the former Corporate Committee on 20 March 2014, and the second event was considered by Members at the former Environment Committee on 16 April 2015. The reports noted that support for the Eroica Britannia was provided by District Council officers. Services provided, free of charge, included waste collection, litter picking, land, storage, longer opening hours, and road closure orders. The company running Eroica Britannia has also received public sector support in the form of grants from Derbyshire County Council and the National Park Authority.
- 1.3 A public sector stakeholder group is working to coordinate support offered by the District Council, County Council, National Park Authority, and Visit Peak District and Derbyshire.
- 1.4 In 2014 cyclists paid to enter the rides (and had free camping and car parking), and entry to the festival ground for spectators was free. In 2015 a £5 entry fee to the showground was introduced, and camping and car parking were chargeable also. The 2015 pricing structure is being repeated for 2016; however the on-the-day entry fee to the festival showground is not yet available. Trade stands and sponsorship deals were significant income streams for the organising company in 2015 and will no doubt continue to be so.
- 1.5 The organising company apparently made a significant loss in 2014 (the first year), recouped their losses in 2015 and are hoping to be in profit for 2016 and beyond. No detailed figures have been made available. Advance tickets for the 2016 Eroica Britannia rides, festival, camping, car parking and merchandise have been on sale since October 2015.

2 ECONOMIC AND OTHER IMPACTS

- 2.1 The 2014 event was well-attended, with some highlights as follows:
 - The estimated overall economic impact of the event was £1m – based on the number of festival attendees at Bakewell (PDNPA estimate)
 - There were cyclists from 45 countries worldwide (including Thailand, Australia, Canada, Brazil, China, USA and Europe) many with friends/relatives as spectators
 - Prime-time TV coverage of the Eroica included BBC, ITV and Sky, with press coverage in national and local media.

- 2.2 The estimated economic impact of the 2015 Eroica Britannia, according to figures provided by the organisers (and by Visit Peak District and Derbyshire), is as follows:
- 3,600 riders took part, with a geographic origin spread: 60% South, 25% North, 15% International
 - 50,000 people attended the festival, at which 200 vendors had stalls (many national and international brands)
 - £3.2m overall economic impact, of which £2.7m was within the festival and £480,000 was to the wider Peak District economy
 - Press coverage worth £1.5m was achieved
 - 58% of those purchasing advance tickets for the rides or festival were encouraged to stay in the area for longer because of Eroica
 - 27% of those staying in the area stayed in paid-for accommodation
 - 48% of visitor-economy based businesses in Bakewell were busier than usual for a June weekend and 44% experienced an increase in sales. 93% agree the event has raised the profile of the area for cycling.
- 2.3 The international nature of the Eroica brand is a very strong factor in its favour, as overseas visitors are the highest spending category of visitor and therefore welcomed by tourism destinations. They are traditionally a very small percentage of visitors to the Peak District.
- 2.4 The event is regarded as successful in terms of the ride and festival, profile raising of the area as a cycling destination and benefit to the local economy. The organisers have indicated a desire to retain Bakewell as the venue for Eroica Britannia and the event now has permanent events licence.
- 2.5 Other destinations would like to ‘poach’ the event as it promotes sustainable travel; a vintage heritage theme; showcasing of local communities; and high spending overseas visitors. Yorkshire, in particular, are putting considerable effort into grow cycle tourism on the back of ‘Le Tour’.
- 2.6 Cycling features in the District Council’s Visitor Economy Plan (Council, April 2015), where the Eroica Britannia is highlighted as a key opportunity for local businesses to benefit from. In particular, signposting and marketing the route as a year-round attraction is priority objective. Additional cycle-related activities in which the District Council is involved include:
- The ‘White Peak Loop’ extension of the Monsal Trail cycle trail from Bakewell to Matlock, and the possible Derwent Valley Cycleway south of Matlock
 - Led Cycle Rides - the District Council’s Community Development department provides led cycle rides to introduce people to cycling as a healthy activity with both physical and mental health benefits, including some women-only rides.
- 2.7 Cycling may be regarded as of benefit to the Derbyshire Dales for a number of reasons:
- Economic impact: cycle tourists are thought to spend on average three times as much per day than tourists travelling by car

- More repeat visits: improved facilities for cycling offer more reasons for repeat visits and short breaks by visitors
- Promoting a healthier lifestyle: an increase in cycling has a positive impact on public health for both residents and visitors
- Benefiting the environment: cycling can reduce congestion and pollution.

- 2.8 With this in mind, the District Council is leading a funding bid to Peak LEADER towards the cost of signposting and marketing a 100 mile Peak District cycle tour route, based on the Eroica Britannia long route. An outline application is being prepared for submission in January. The new cycle route would fill a gap in the Peak District's cycle tourism offer, enabling cyclists to complete the tour in 2 – 4 days, staying in local accommodation. It would link to local businesses and enhance the area's short break holiday offer. The route, half of which is in the Derbyshire Dales, showcases our landscapes, heritage assets and communities.
- 2.9 The LEADER bid therefore aims to increase the number of cycle tourists, visitor spend and overnight stays in the area. It takes forward a visitor economy initiative highlighted in the Economic Development Reserve programme approved by the Community and Environment Committee on 29 October 2015.

3 EROICA BRITANNIA 2016

- 3.1 The Eroica Britannia will take place in Bakewell from Friday 17 June to Sunday 19 June 2016. The cycle rides will take place on the Sunday, with a target number of riders of 5,000 (an increase from the 3,600 taking part in 2015).



- 3.2 There will again be three routes (short 30 miles, medium 55 miles, and long 100 miles) although there have been some changes made to the routes to improve the safety of riders and other users of the trails due to the increase in riders. Food stops along the routes within the Derbyshire Dales will be at Tideswell, Eyam, Biggin, High Peak junction, Thornbridge Hall and Chatsworth.
- 3.3 The economic impact of the Eroica Britannia in the Derbyshire Dales is clearly positive. It is therefore recommended that the Eroica Britannia continues to

be supported by the District Council in 2016 and beyond. The objectives of such support would include:

- A safe and successful event
- Extend the stay of overnight visitors in local accommodation
- Increase involvement of (and benefit to) of local businesses
- Develop and market the routes as a year-round cycle attraction
- Recover additional costs incurred by the District Council arising directly from the event (as desired by Members of the Environment Committee in April 2015)
- Adopt and promote the *Inspired by the Peak District* brand
- Keep Bakewell 'open' during the festival weekend, i.e. maintain traffic flow and parking for the general public and casual visitors to the town
- Recognition as a sponsor due to the District Council's long-standing financial and non-financial contributions to Eroica Britannia.

3.4 There are a number of environmental and cost issues that arise from the event in which the District Council has a role, either as the relevant statutory authority or as landowner. To this end, a cross-departmental officer group coordinates input and action on the Eroica Britannia. The group has analysed the issues and options, presented to Members below together with a recommended approach.

4 DISTRICT COUNCIL ISSUES

4.1 Hosting the Eroica cycle rides and festival was not without challenges in 2014 and 2015. These included dealing with licensing, and costs to the District Council of dealing with parking, waste collection and cleansing.

4.2 Costs incurred by the District Council in connection with the 2015 Eroica Britannia are estimated as follows:

ITEM	EST. COST 2015
<u>Public conveniences - additional opening hours, supplies and cleaning</u>	£650
<u>Waste and recycling collection and disposal including hire of large bins</u> (at Bakewell and food stops)	£2,800
<u>Agricultural Business Centre - room hire and additional opening hours staffing</u> (Eroica have indicated they will not require this in 2016 although it was used for set up and storage in 2015, and they have queried alternative uses)	£2,700
<u>Family Sports Day</u> (Eroica have indicated they will not require this in 2016 although it was successful in 2015 and features in Eroica video)	£250
<u>Street cleansing and litter collection - additional hours</u> (no extra cleansing needed 2015 either before or after the event)	£0
<u>Cone hire</u> (not requested 2015 – Eroica sourced elsewhere – but would charge if asked to supply)	£0

Car parking – income foregone from spaces provided to Eroica to set up and stage Festival	£3,335
Temporary Road Closure Order – statutory requirement	£50
Statutory regulatory monitoring role (Environmental Health Officer time)	£1,489
Advising on route, community liaison, arranging food stops (Economic Development and Tourism Officer time – since 2012)	£not estimated
Coordinating District Council input and ensuring balanced approach to economic impact vs cost to taxpayers (Head of Regeneration time – since 2014)	£not estimated
Publicising event (pre- and post-) on District Council website, in dalesMATTERS and via press releases to local media (Communications Officer time – since 2015)	£not estimated
Selling Festival tickets (Leisure Centre reception staff time – since 2015)	£not estimated
Responding to Eroica team requests (Community Events Officer Time – since 2014)	£not estimated
Licence to use District Council land – for use of car parking spaces: currently no charge	£0
Temporary Event Notice or Premises Licence – statutory process to ensure the event is safe and causes minimal disruption whilst still being successful	£not estimated

4.3 It has been indicated to the Eroica Britannia organising company that the items shown in bold and underlined in the above table will be charged for if required in 2016 (i.e. recovery of additional costs to the public purse but not charging for ongoing officer support or statutory roles), and it is recommended this approach be adopted.

4.4 It is considered that this puts into effect strong support for the event whilst passing on additional costs where necessary. Detailed background information on parking, noise, licensing, ABC hire, toilets, waste, recycling and litter is contained in the report to Members of April 2015.

5 RISK ASSESSMENT

5.1 Legal.

Street trading, road closures and licensed activities are regulated by the District Council to mitigate risk. The overall risk assessment is therefore low.

5.2 Financial.

The report sets out the costs of District Council support for the Eroica Britannia and recommends that a proportion be recovered. The financial risk is therefore assessed as low.

5.3 Corporate.

The report recommends an approach which balances the risk of negative economic impact and publicity that might arise from impeding Eroica against

the costs and concerns associated with supporting Eroica. Overall, the corporate risk is assessed as low at present.

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.

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CONTACT INFORMATION

Steve Capes, Head of Regeneration and Policy
01629 761371, email steve.capes@derbyshiredales.gov.uk

BACKGROUND PAPERS

Report to Corporate Committee, 20 March 2014
Report to Environment Committee, 16 April 2015
Report to Community and Environment Committee, 29 October 2015

ATTACHMENTS

None