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COMMUNITY AND ENVIRONMENT COMMITTEE

Minutes of a Meeting held on Wednesday 30 October 2019 in the Council Chamber, Town Hall, Matlock at 6.00 pm.

PRESENT

Councillor Chris Furness - In the Chair

Councillors Sue Bull, Martin Burfoot, Neil Buttle, Helen Froggatt, Clare Gamble, Susan Hobson, Tony Morley, Peter O'Brien, Joyce Pawley, Garry Purdy, Mike Ratcliffe, Andrew Statham, Alasdair Sutton, Colin Swindell, Steve Wain and Mark Wakeman.

Paul Wilson (Chief Executive), Lee Gardner (Legal Services Manager), Tim Braund (Head of Regulatory Services), Mike Hase (Planning Policy Manager), Ashley Watts (Head of Community & Environmental Services), Rob Cogings (Head of Housing), Mike Galsworthy (Estates and Facilities Manager), Simon Beynon (Housing Strategy Officer), Dave Turvey (Events Manager) Isabel Cogings (Rural Housing Enabler) and Jackie Cullen (Committee Assistant).

Cllr Matthew Buckler attended as an observer.

7 members of the public. 1 member of the Press.

APOLOGIES

There were no apologies.

179/19 - MINUTES

It was moved by Councillor Garry Purdy, seconded by Councillor Mike Ratcliffe and

RESOLVED (unanimously)

That the minutes of the meeting of the Community & Environment Committee held on 21 August 2019 be approved as a correct record.

The Minutes were signed by the Chairman.

180/19 - PUBLIC PARTICIPATION

In accordance with the procedure for public participation, Ms Victoria Friend (Rowsley Parish Council) commented on the progress to identify potentially suitable permanent sites in relation to Agenda Item 6: GYPSIES AND TRAVELLERS – UPDATE and asked why temporary planning permission was needed for the occupation of the site in 2012 but was deemed unnecessary in 2019? Mr Richard Bean (local resident & business owner) also commented on the progress to identify potentially suitable permanent sites in relation to Agenda Item 6: GYPSIES AND TRAVELLERS – UPDATE.

181/19 - INTERESTS

Cllr Chris Furness declared a pecuniary interest in relation to Agenda Item 7 – AFFORDABLE HOUSING DEVELOPMENT PROGRAMME, primarily as a shareholder in Persimmon and also because he was a Director of the Bradwell Community Land Trust. Cllr Furness was not present during discussion of and voting on this item.

Cllr Mike Ratcliffe requested it be noted that he had a personal interest in relation to funding requests for a project at Wirksworth under Agenda Item 7 – AFFORDABLE HOUSING DEVELOPMENT PROGRAMME as he was a Trustee of the Wirksworth Community Land Trust.

182/19 - GYPSIES AND TRAVELLERS - UPDATE

The Committee considered an updating report in respect of a Gypsy and Traveller family who had presented themselves as homeless and the work that had been undertaken to identify potentially suitable permanent sites. It also provided information to Members on a potential solution to the issue of unauthorised encampments at one of the most commonly used sites occupied by the District Council.

A summary of the situation thus far in respect of the District Council's search for a suitable permanent site was set out in Section 1 of the report. The Traveller family had recently submitted a homelessness application under The Homelessness Reduction Act 2017 which had been accepted by the Council. This placed a duty on the Council to provide a series of temporary tolerated sites for the family whilst the search for a permanent site continued, as well as support and advice, as set out in Section 2 of the report.

In accordance with the 2015 Gypsy and Traveller Accommodation Assessment, the District Council was required to provide 6 pitches by 2019 and a further 3 pitches by 2034 within the Derbyshire Dales (outside the Peak District National Park). At the present time, there was no pitch provision in the Derbyshire Dales outside the Peak District National Park. The Council was, therefore, not in a position to discharge its statutory duties under the Homelessness Reduction Act 2017 by directing Gypsy and Traveller families to a designated site (temporary or otherwise).

At the present time, following the resolution of this Committee on 10th December 2018, as confirmed at the Committee meeting on 26 June 2019, the Traveller family was located on the car park at Old Station Close, Rowsley. A plan of the Rowsley site was attached as Appendix 1 to the report. The family's previous encampments were set out in paragraph 3.1 of the report, including the coach park at Matlock Bath Station Car Park, Fishpond Meadows car park, Ashbourne and Ashbourne Leisure Centre car park. The family had been visited on site at Rowsley by officers, who agreed that the site provided reasonable temporary

accommodation, as set out in the report, and that it was suitable for continued temporary occupation in line with its current use.

However, it was reported that since the family had occupied the site there had been occasions when other members of the Travelling community had also occupied the site, using the area at the front of the car park, outside of the fencing provided for the family. These encampments had not been authorised by the Council and action had been taken to remove them. The site had also been subject to tipping of green waste, which had been removed periodically and which was now subject to formal investigation. This problem had diminished significantly since the eviction of the unauthorised Travellers.

The Rowsley site had not previously been considered to be suitable as a permanent site, for reasons set out in the report, and so there remained a need to find a suitable permanent site.

In accordance with the Committee resolution on 15 November 2018, consultants were appointed to undertake a search of open market / privately owned land holdings across the district (outside the Peak District National Park) to determine a suitable site. The consultant's formal report was received in February 2019 and identified 7 sites that were on the market at the time of the research, as follows:

- Meadow land at Winster,
- The Woodyard at Homesford,
- Mayfield Road Service Station at Ashbourne,
- Thatch Meadow Barn at Brassington,
- land at Smith Hall Lane at Hulland Ward,
- land at Fenny Bentley
- land at Leys Farm, Ashbourne.

Each of these sites had been evaluated against the criteria contained in Policy HC6 of the adopted Derbyshire Dales Local Plan and all other practical considerations, and had been discounted for the reasons set out in paragraph 4.1 of the report. In addition, a public 'call for sites' was also put out through the District Council's media network in March 2019 and this remained 'live' on the District Council's website. This resulted in one site at Derby Road, Ashbourne being put forward and another in Swadlincote. However, neither site was considered to be suitable for development as a permanent Traveller site, for reasons set out in the report.

Discussions had also been undertaken with representatives at Derbyshire County Council in respect of the previously identified site at Watery Lane, Ashbourne. Derbyshire County Council had reiterated their stance that the site at Watery Lane was currently not available due to the potential impact of work currently being undertaken in regard to the feasibility of the A515 bypass, as confirmed at a meeting with the Leader of the County Council on 22 July 2019.

Given the limitations of the land known to be on the market, additional work was commissioned from a second firm of experienced consultants who had detailed knowledge of the Derbyshire Dales, using slightly different methodology. This work started from the principle of identifying suitable sites, whether they were on the market or not, and then approaching the land owners in order to identify if any would be willing to work with the District Council to develop the site, or to sell the site to the District Council for development. The recommended methodology for this approach was set out in paragraph 4.5 of the report; however the Council's enquiries into the availability of land from public sector bodies were unsuccessful.

The consultants had also produced a long list of sites that they considered might be suitable from the point of view of the Travellers concerned which, having been informally evaluated by the Council's Development Management Team, was reduced to 5 sites, including those in public sector ownership, that were thought to have the potential to be supported in Planning terms. Each of the landowners was approached, but only one was prepared to work further with the Council on this issue. Discussions were continuing with this landowner and were currently at a delicate stage and officers were honouring the landowner's request that neither his details nor those of the site be discussed publically at this stage. If discussions over the site were successful then the matter would become one of public knowledge as it would be necessary to apply for planning permission.

All the work outlined in the report had enabled the Council to identify 3 sites that might be considered suitable for development as a permanent Traveller site, as follows:

- Old Station Close car park, Rowsley;
- Land at Middleton Road, Wirksworth;
- Land identified through consultants.

Each site was discussed in more detail in Section 5 of the report and it was felt that there were currently no other feasible options for the development of a permanent Traveller site on the table. It was the view of officers that of the three site described in the report, the site identified by the Council's consultants most closely met the Local Plan policies and the needs of the Traveller family. Therefore it was recommended that authority be delegated to the Head of Regulatory Services to negotiate Heads of Terms to either purchase or lease this site for development as a permanent Traveller site, with the outcome of these negotiations to be reported back to Committee at the earliest possible opportunity.

In addressing one of the speaker's concerns, the Head of Regulatory Services confirmed that should the Traveller family remain at Rowsley after February 2020, the planning status of the site would need to be reviewed; however it was hoped that should the aforementioned negotiations be successful an early transfer to the new site may be possible. He also confirmed that the site under negotiation was sufficient to meet the total requirement of the Local Plan. A budget setting out purchase costs, development costs, associated infrastructure and clean-up of the Rowsley site would be presented in due course.

At the Council meeting on 26 June 2019 officers provided an update in relation to numbers of unauthorised encampments on District Council owned land, which showed that the most camped locations were the two Matlock Bath car parks, the Matlock Station car park and the ABC at Bakewell. Since that report, officers had been involved in discussions with Bakewell Agricultural and Horticultural Society (BAHS) and it was proposed that a joint solution be pursued to provide added security to the ABC in order to restrict the ability for unauthorised encampments to occur. The BAHs had agreed to lead on this work and further details of their proposals were awaited. The Head of Community & Environmental Services informed the Committee that investigations were ongoing into car park barriers for all appropriate sites, and a report would be presented in due course.

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

RESOLVED (unanimously)

- That the Committee acknowledges and accepts its duties and responsibilities to Gypsies and Travellers under the Homelessness Reduction Act 2017.
- 2. That in response to the Council's duties and responsibilities to Gypsies and Travellers under the Homelessness Reduction Act 2017, the Committee agrees to the continued provision of a temporary tolerated site on land at Old Coach Road Car Park, Rowsley pending the progression of negotiations to bring forward a potential permanent Traveller site, subject to a further review in February 2020.
- 3. That the Committee notes the results of the search for a suitable permanent site.
- 4. That the Head of Regulatory Services continues to negotiate the provision of a permanent Traveller site and reports the outcome of the negotiations on Heads of Terms back to Committee at the earliest opportunity.
- That the District Council continues discussions with the Bakewell Agricultural and Horticultural Society to evaluate a proposed solution to the issue of unauthorised encampments at the Agricultural business Centre, Bakewell.

183/19 - AFFORDABLE HOUSING DEVELOPMENT PROGRAMME

Councillor Helen Froggatt, Vice Chairman, took the Chair for this item.

The Committee considered a report that set out the details of the proposed affordable housing programme which required Capital Funding support, as illustrated in Table 2.1 in the report, and reproduced below, to meet the following objectives:

- o To secure on site provision of affordable homes on 1 s106 site
- o To provide grant support to housing association developments on 3 sites
- o To support Community Land Trusts and Almshouses on 2 sites
- To set aside funding to develop Council land

					Year
			No. of		funding
Village/Town	Proposal	Provider	Homes	Funding	required
	12 bungalows with additional				
	'green' features £250,000 plus			£250,000 +	
Ashbourne	£150,000	NCHA	12	£150,000	2020/21
	Additional support for the delivery				
	of 30 affordable homes which are				
Bakewell	on site	Platform	30	£80,000	2020/21
	To support the purchase of	Bakewell			
	existing homes or new build in	Almshouse			
Bakewell	Bakewell for affordable rent	Trust	1	£35,000	2020/21

	60 new supported homes plus	YMCA with			
	additional general needs	NCHA as			
Matlock	accommodation	agent	60+	£500,000	2021/22
	To deliver passivhaus/highly				
	energy efficient homes on a site				
	owned by Waterloo or purchase				
	and retrofit of former Right To Buy	Wirksworth			2019/20 or
Wirksworth	homes or empty properties	CLT	2	£350,000	2020/21
Total			105	£1,365,000	

The Capital Grant support required for Phase 1 of a proposal to develop Council owned land set out in Table 2.1 in the report and the Capital Programme scoring matrix for this programme was attached at Appendix 1 to the report.

It was reported that unallocated funding in the Capital Programme stood at over £3,000,000 with more contributions continuing to be negotiated. The total proposed programme represented 127 homes funded by £2,215,000, together with a transfer of an existing allocation of £157,500 to Nottingham Community Housing Association in respect of a scheme at Dove Garage, Mayfield Road, Ashbourne which was no longer proceeding as the landowner had sold the site to another developer. NCHA had another scheme in Darley Dale which had a similar subsidy requirement and it was proposed to switch this allocation to the new scheme. This would enable NCHA to buy 15 s106 homes, for rental, on the Persimmon site.

The Rural Housing Enabler reported that since writing the report, Peak District Rural Housing Association had been working with Bradwell Community Trust and had managed to secure funding of £270,000 from Sheffield City Region, which would allow the purchase of 12 tenanted properties in Bradwell.

It was moved by Councillor Susan Hobson, seconded by Councillor Mike Ratcliffe and

RESOLVED (unanimously)

That the Capital Funding requirements outlined in the report for the affordable housing programme be approved and referred to Council for inclusion in the capital programme.

184/19 - DARLEY DALE NEIGHBOURHOOD PLAN

The Committee considered a report on the key recommendations of the Examiner's report into the Darley Dale Neighbourhood Plan. Subject to the amendments, and Members' approval, the Darley Dale Neighbourhood Plan was considered to have met the basic conditions and could proceed to a referendum.

In accordance with the Resolution of this Committee at its meeting on 26th June 2019 (Minute 45/19), an independent Examiner, Andrew Matheson MSc MPA DipTP MRTPI FCIH, was appointed by the District Council with the agreement of Darley Dale Town Council. The Examination in Public was undertaken by written representation during August/September 2019, and the Examiner's report was submitted to the District Council on 26 September 2019.

The Independent Examiner's role was to ensure that the Neighbourhood Plan met the legislative and procedural requirements, as well as to consider whether it met the "Basic Conditions", as set out in the relevant legislation and listed in the report.

A copy of the Examiner's report was attached as Appendix 1 to the report. The Examiner had suggested a number of modifications to the draft Darley Dale Neighbourhood Plan for the purpose of improving clarity in the plan and confidence that it would be applied through the determination of planning applications. Such modifications would, however, subject to the outcome of any referendum, need to be incorporated into the final version of the Darley Dale Neighbourhood Plan.

A number of the key issues were raised by the District Council during the formal Regulation 16 public consultation (Community & Environment Committee 26th June 2019). A summary of the main comments made by the District Council together with a summary of the Examiner's response and recommendations to those points raised were tabled in paragraph 2.9 of the report. The Examiner's full schedule of modifications and the District Council's response was set out in Appendix 2 to the report.

Subject to the recommended modifications set out in his Report, the Examiner had concluded that the Darley Dale Neighbourhood Development Plan met all the necessary legal requirements and should proceed to referendum. Should the recommendation be accepted, the District Council was required to issue a decision statement to the Qualifying Body, Darley Dale Town Council, and anyone who requested to be notified in accordance with the 1990 Act Schedule 4B Para 12, as set out in the report, and the following question defined in the Neighbourhood Planning (Referendums) Regulations 2012, Schedule 1 would be asked:

Do you want Derbyshire Dales District Council to use the neighbourhood plan for Darley Dale to help it decide planning applications in the neighbourhood area?

A simple majority of all votes cast was sufficient for the Darley Dale Neighbourhood Plan to have a mandate to be taken forward into the Development Plan for Derbyshire Dales.

A further report would be presented to Members once the outcome of the referendum was known.

It was moved by Councillor Andrew Statham, seconded by Councillor Helen Froggatt and

RESOLVED (unanimously)

- 1. That the report of the examiner appointed to undertake the Examination of the Darley Dale Neighbourhood Plan be noted.
- 2. That subject to the recommended modifications set out in Appendix 2 to the report that the District Council be satisfied that the basic conditions as required by Paragraph 8(1)(a) of Schedule 4B to the Town and Country Planning Act 1990 have been met.
- That the Darley Dale Neighbourhood Plan as modified be submitted to a referendum in the Parish of Darley Dale and that it is held on Tuesday 21 January 2020.
- 4. That a further report be presented to this Committee/Council following the holding of the referendum.

185/19 - THE HOMELESSNESS REDUCTION ACT ONE YEAR ON

The Committee considered a report that set out the progress in working with the changes to the homelessness legislation one year on, the funding the Council received to implement the HRA and the impact one year into the new legislation. In addition, following new government guidance, some technical changes had been required to the Homelessness Prevention Strategy.

The Homelessness Reduction Act 2017 (HRA), introduced on the 3rd April 2018, effectively added two new duties to the original statutory rehousing duty:

- Duty to prevent homelessness
- Duty to relieve homelessness

Appendix 1 to the report set out the homelessness process prior to the HRA and Appendix 2 to the report showed the process LAs were required to follow under the new legislation.

The HRA placed renewed emphasis on prevention of homelessness, as set out in Section 2 of the report. As a result of the changes, the structure and job roles within the Housing Team were reviewed and the current structure of the Home-Options Team was set out in the report.

The funding sources provided by the government to local authorities to either fully or partly assist in delivering homelessness and homelessness prevention services were listed in paragraph 2.7 of the report, including 'New Burdens Funding' which recognised the new burden the HRA placed on local authorities, as illustrated in Table 1 in the report.

A comparison of those approaching as homeless in the first full year of the HRA (2018/19) against the numbers that approached in the last full year under the old legislation demonstrated a 213% increase in the area. The main reasons people approached the Council as homeless or threatened with homelessness were illustrated in Table 2 in the report, showing the number one reason being issues with private landlords.

Councils had been requested by the Ministry of Housing, Communities and Local Government (MHCLG) to review their Homelessness Strategies in line with the changes to the legislation. Derbyshire Dales District Council had received a visit from a Homelessness Adviser for MHCLG on the 6th September 2019 where it was observed that Derbyshire Dales DC had a current strategy in place which should be renamed "Homelessness and Rough Sleeper Strategy", in line with The National Rough Sleeper Strategy, published in October 2017, by no later than 31 December 2019. The current Derbyshire Dales Homelessness Strategy covered 2017-2022. Some of the data used in the strategy required updating as well as some minor amendments to the action plan. The revised strategy was available on the Members' Portal.

It was reported that the Council's outturn data benchmarked very well against national statistics, with the District Council's Housing Team performing in the top quartile in all major areas. In addition, of the 30 authorities visited, Derbyshire Dales was in the top 2 performing authorities.

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

RESOLVED (unanimously)

- 1. The Committee adopts the revised Homelessness & Rough Sleeper Strategy.
- 2. The Committee notes the progress one year on from the introduction of the Homelessness Reduction Act.

186/19 - FOOD LAW ENFORCEMENT SERVICE BUSINESS PLAN 2019/20

Councillor Andrew Statham left the meeting at 7.36pm prior to discussion of this item.

The Committee considered a report that introduced the District Council's business plan for food law enforcement activities for 2019/20 for formal approval and adoption.

Derbyshire Dales District Council's Environmental Health team held responsibility for ensuring the safety of food in approximately 1400 food premises, and was required to produce an annual business plan that set out how it would provide its food safety enforcement service in line with guidance issued by the Food Standards Authority.

The enforcement of food safety law was aimed at protecting public health by improving the safety, standard and quality of food and food outlets. The key activities undertaken to achieve this were listed in the report, with further information on each of the key activities contained in the full Food Law Enforcement Service Business Plan itself, attached as Appendix 1 to the report.

It was moved by Councillor Garry Purdy, seconded by Councillor Martin Burfoot and

RESOLVED That the Food Law Enforcement Service Business Plan 2019/20

attached as Appendix 1 to the report is approved.

Voting:

For 15 Against 0 Abstentions 1

The Chairman declared the motion CARRIED.

187/19 - PROPOSED COMMUNITY ASSET TRANSFER - DOVERIDGE BURIAL GROUND

The Committee considered a request from Doveridge Parish Council (DPC) for the transfer of the freehold of Doveridge Burial Ground and adjoining cemetery extension land to enable their continued use as a burial ground managed and operated by DPC.

The history of the site was summarised in the report, and in March 2018 the Parish Council had contacted the District Council to ask that the site be brought into use as the village churchyard was very close to reaching capacity. In subsequent discussions with officers it was agreed that the Parish Council would not only be prepared to assume responsibility for the future administration of the site, but would also consider accepting the entire grounds under a freehold transfer. Under this proposal, DPC would have ownership and full management and maintenance responsibility for the burial ground and associated grazing land which was set aside as future burial ground extension.

It was proposed that the Burial Ground and adjoining land (as shown edged red on the plan at Appendix 1 to the report) be transferred freehold to DPC as a Community Asset Transfer (CAT) subject to the terms outlined in paragraph 3.2 of the report. It was considered by the Council's Valuer that the value of the transfer equated to £40,000 and as such, the proposed terms for the transfer of Doveridge Burial Ground and adjacent land to DPC constituted an undervalue transaction as permitted under the General Disposal Consent 2003.

Following the initial development of the site and prior to recent discussions with the Parish Council, a wide ranging review of the provision and management of Burial sites had been undertaken in 2017 which, amongst other issues, concluded that future provision for the District should be focussed at the District Council's six sites (Bakewell, Steeple Arch, Darley Dale, Middleton, Brailsford and Ashbourne) and that any future investment in Parish sites ceased.

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

RESOLVED (unanimously)

- 1. That the terms outlined in paragraph 3 of the report for transferring to DPC the freehold of the Doveridge Burial Ground and adjoining land as shown edged red on the plan at Appendix 1 to the report are agreed.
- 2. That it is noted that the disposal in (1) above comprises an undervalue transaction permitted under the General Disposal Consent 2003.
- 3. That each party meets its own legal costs.

188/19 - UPDATE ON THE REVIEW OF ASHBOURNE STALL MARKETS

The Committee considered an updating report on the review of stall markets, which recommended the closure of the Ashbourne (Saturday) market; noting the granting of a licence to occupy Shrovetide Walk and arrangements to transfer the Ashbourne (Thursday) market to a Community Interest Company.

Further to Recommendations made at the Partnership and Regeneration Committee in March 2012, the Community and Environment Committee in March 2017 and the Community and Environment Committee in November 2017, as set out in Section 1 of the report, District Council Officers had implemented a number of improvements to its markets, as listed in the report. Since that time, at the Community and Environment Committee in February 2019, a report reviewing stall markets had been presented with the following recommendations regarding Ashbourne markets:

- That a Licence to Occupy Shrovetide Walk is issued to Ashbourne Communities CIC (AshCom), to continue the Ashbourne (Thursday) market is noted.
- That Ashbourne (Saturday) market operates as a self-erect market and stall erectors receive redundancy from 23 February 2019.
- That Council is recommended to make the sum of £10,000 (£5,000 2018/19 + £5,000 2019/20) available from general reserve as a grant to Ashbourne Communities CIC to assist with the operation of the Ashbourne (Saturday) market for a minimum of 1 year.

A summary of the backgrounds of the Ashbourne Thursday market and the Saturday market was set out in Section 2 of the report.

The situation as at October 2019 was as follows:

Ashbourne Thursday Market

In December 2018 the District Council had been approached by a Community Interest Company (AshCom) with a proposal to continue the operation of the Ashbourne (Thursday) market, under

a licence to occupy on Shrovetide Walk. The final licence was agreed in October 2019 by both District Council Officers and representatives of AshCom for the market to be transferred to AshCom and remain on Shrovetide Walk from 24 October 2019. It was confirmed that no grant had been included in the transfer of the Ashbourne (Thursday) market.

Ashbourne Saturday Market

Ashbourne (Saturday) market statistics were based on 31 stalls being available and traders being charged £10.00 for standing on the market regardless of space taken. Statistics showing recent stall occupancies and car parking income were set out in the report.

At the Community and Environment Committee (February 2019) the proposal was to close the market in September 2019 should occupancy not reach 75%. Current occupancy had fallen to 10%. An extension to this deadline was given due to talks with AshCom still being ongoing. A further extension is proposed until 21 December 2019 which would allow traders time to look for alternative markets and receive the Christmas trade.

Councillor Garry Purdy, Leader of the Council, advised Members that he had met with traders and members of the public the previous evening and was encouraged to report that 85 people had attended. Cllr Purdy would present a summary of the meeting at a future Committee meeting.

It was moved by Councillor Sue Bull, seconded by Councillor Garry Purdy and

RESOLVED (unanimously)

- 1. To note the transfer of Ashbourne (Thursday) Market under a licence to occupy to commence 24 October 2019 for a 2 year period.
- 2. To close Ashbourne (Saturday) Market from 21 December 2019.

MEETING CLOSED 8.12PM

CHAIRMAN