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29 March 2022

To: All Councillors

As a Member or Substitute of the **Community & Environment Committee**, please treat this as your summons to attend a meeting on **Wednesday 06th April 2022** at **6.00pm** in the **Council Chamber, Town Hall, Matlock DE4 3NN**.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'James McLaughlin', written over a light blue circular stamp.

James McLaughlin
Director of Corporate and Customer Services

AGENDA

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

23 February 2022 & 1 March 2022

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 email) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING**. As per Procedural Rule 14.4 at any one meeting no person may submit more than 3 questions and no more than 1 such question may be asked on behalf of one organisation.

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 LANDSCAPES REVIEW NATIONAL PARK AND AONBS: CONSULTATION ON THE GOVERNMENT RESPONSE 04 - 25

The report presents Members with the details of the Government Response to the Landscapes Review, (also known as the Glover Report). It sets out a proposed set of responses to the consultation questionnaire for submission to the Secretary of State by the deadline of 9th April 2022.

7. LEVELLING UP FUND ROUND 2 BID 26 - 36

In the context of the approved Economic Recovery Plan for the Derbyshire Dales, to determine the projects for inclusion in the District Council's bid to Round 2 of the Government's *Levelling Up Fund*.

8. PRIVATE RENTED SECTOR STUDY 37 - 39

The purpose of this report is to seek Member approval to undertake a study of the private rented sector in order to support future policy approaches concerning the sector. The Housing Department in partnership with Amber Valley Borough Council (AVBC) made a successful bid for £25,000 of grant funding from the Housing Advisors Program delivered by the Local Government Association. The report seeks approval to spend the grant in 2022/23 and to appoint consultants to undertake the study on behalf of the Council.

9. PUBLIC SPACES PROTECTION ORDERS – CONSULTATION RESULTS AND PROPOSED NEW ORDERS 40 - 67

The District Council's Public Spaces Protection Order (PSPO) expired on 31st October 2021. Before introducing, extending, varying or discharging a PSPO, there are requirements under the Anti-Social Behaviour, Crime and Policing Act 2014 with regard to consultation, publicity and notification. This report presents the findings of the consultation exercise, which took place 4th October 2021 – 22nd November 2021, and seeks to propose options for consideration to be included in the new Order.

Members of the Committee - Councillors: Sue Bull, Matthew Buckler, Martin Burfoot, Neil Buttle, Helen Froggatt (Vice Chair), Chris Furness (Chair), David Hughes, Tony Morley, Dermot Murphy, Peter O'Brien, Garry Purdy, Mike Ratcliffe, Andrew Statham, Alasdair Sutton, Steve Wain and Mark Wakeman.

Substitutes – Councillors: Robert Archer, Jason Atkin, Sue Burfoot, Tom Donnelly, Richard Fitzherbert, Clare Gamble, Susan Hobson and Peter Slack.

COUNCIL
24 MARCH 2022

Report of the Director of Regeneration and Policy

LANDSCAPES REVIEW NATIONAL PARKS AND AONBS: CONSULTATION ON THE GOVERNMENT RESPONSE

SUMMARY

This report presents Members with the details of the Government Response to the Landscapes Review, (also known as the Glover Report). It sets out a proposed set of responses to the consultation questionnaire for submission to the Secretary of State by the deadline of 9th April 2022.

RECOMMENDATION

1. That the suggested responses to the questionnaire in Appendix Two are approved and forwarded to DEFRA by the 9th April deadline.

WARDS AFFECTED

All Wards within the Peak District National Park.

STRATEGIC LINK

The reorganisation of the Peak District National Park governance arrangements as a consequence of the National Landscapes Review may have a significant influence upon the delivery of the Council's Corporate Plan, particularly business growth, job creation and the delivery of affordable housing.

1. BACKGROUND

- 1.1 The [Landscapes Review](#) led by Julian Glover and panel was published in 2019. This was a comprehensive review of designated landscapes, including the National Parks, commissioned by the Government in 2018 in response to the Government's [A Green Future: Our 25 Year Plan to Improve the Environment](#). This is 25 year plan and sets out a comprehensive and long-term approach to protecting and enhancing landscapes in England for the next generation. The review focused on five specific areas:

1. Landscapes alive for nature and beauty
2. Landscapes for everyone
3. Living in landscapes
4. More special places
5. New ways of working

- 1.2** The key conclusions of the Glover Report are that even though there is merit in designated landscapes the founding mission for landscape protection has been eroded and that there hasn't been an adequate response to changes in society and culture or diversity of the natural environment. There have been changes in all aspects of society, new forms of farming, carbon emissions, the sprawl of housing, new technology and social shifts have changed the relationship between people and the countryside, and left nature and our climate in crisis. The Glover Report looked at how to protect and improve landscapes in response to these changes and what society needs from these places today.
- 1.3** The main findings of the review were that structural changes are needed in particular bringing the 10 National Parks and 34 AONBs together under one organisation, the National Landscapes Service (NLS) in order to minimise duplication of resources, enable a bigger voice, increase ambition and provide a new way of working to meet new challenges. It was proposed that National Parks maintain their current levels of funding and autonomy over planning. One recommendation of the Glover Report addresses the diversity of the National Parks governance and diversity of the Boards. It is also proposed that AONBs are renamed National Landscapes and there will be a wider range of non designated systems of landscape protection that come under the NLS. In total there were 27 wide-ranging Proposals, see Appendix One.
- 1.4** In January 2022 the Government published a [response](#) to the Glover Report and the 27 Proposals. It is inviting comment on their position and recommendations for future reform. Comments are required in the form of a questionnaire, details of which are set out in Appendix Two. The Government responses that may have implications for Derbyshire Dales are detailed in section 2.
- 1.5** Recent correspondence between Cllr Purdy and the Secretary of State for Housing RTH Christopher Pincher MP, sought to establish the current approach in terms of housing development in the National Park, see Appendix Three. This affirmed the known position of the Peak District National Park that Planning Policy relating to areas of importance, including National Parks, can be applied to restrict development. A Local Authority can alter national policy protections to accommodate development but this needs to be proven through a Local Plan Examination (the National Park Local Plan) to demonstrate that all other options have been explored.

2. Government Response

- 2.1** The [Government Response to the Landscapes Review](#) is structured along thematic lines and therefore the Glover Report Proposals are not in numeric order. This report follows this format.

Chapter 1: A More Coherent National Network

Chapter 2: Nature and Climate

Chapter 3: People and Place

Chapter 4: Supporting Local Delivery

Chapter 1: A More Coherent National Network

- 2.2** The Glover Report Proposal 25 suggested the creation of a new public body, the Government response disagrees with this approach instead suggesting a new National Landscapes Partnership to ensure that existing bodies work together more effectively. This partnership should:
- generate additional private income through green finance initiatives and joint funding bids
 - champion protected landscapes and run national campaigns, such as promoting tourism
 - develop strategic partnerships and programmes with a particular focus on commercial partners
 - create opportunities to provide training and development
 - share knowledge and expertise to build capacity across the protected landscapes family
- 2.3** The Government proposes that DEFRA will provide clearer strategic direction for protected landscapes through a new national landscape strategy. It is suggested that Natural England's role as statutory advisor on England's Landscapes be reinvigorated to support them better recover nature and provide good quality access to them.

Officer Comment

A new partnership is unlikely to have a direct impact on Derbyshire Dales. However, it is considered beneficial to have liaison with District Councils, where they are geographically part of a National Landscape, included in the terms of reference. Clarification regarding the role of the Partnership in terms of statutory consultee for planning applications would also be welcomed.

Chapter 2: Nature and Climate

- 2.4** The Glover Report concluded that despite the efforts of lead partners there has been a long term decline in nature and protected landscapes are not contributing as they could to restore nature or respond to climate change. The Government response reinforces the role of protected landscapes in terms of their potential to deliver on its environmental ambitions, including the 25 Year Environment Plan goals, Environment Act 2021 forthcoming targets, and reaching net zero.
- 2.5** Proposal 4 is a Nature Recovery Network that aims to join up and make space for nature across England, underpinned by Local Nature Recovery Strategies (LNRSs). The Government approach is set out in the Nature Recovery Green Paper with a goal to protect 30% of land for nature by 2030. The Government wants all protected landscapes to have clear visions for nature recovery but these must also collectively make a major contribution to national nature recovery outcomes.
- 2.6** The Glover Report Proposal 1 states that that the current statutory purpose to 'conserve and enhance' is not strong enough. The Government response

considers that this does not reflect that many of the existing landscapes are now badly degraded, or the urgency of the fight to tackle biodiversity loss. The Government proposes to strengthen this purpose, clearly stating the need to actively recover nature in these areas, rather than simply conserve what remains. The Government considers that this strengthened purpose for nature would also be more closely aligned with national policy objectives, increase the weight given to nature recovery by public bodies, and reinforce that these areas should contribute to our target to halt the decline in species abundance by 2030. It is proposed to support the Glover report recommended new wording of the current statutory purpose, for National Parks and AONBs so that:

- a core function of protected landscapes should be to drive nature recovery
- a revised purpose should be more specific with regards to nature outcomes and explicitly mention biodiversity
- the principle of natural capital should also be included to capture the societal value of nature in our protected landscapes and encompass a broader range of ecosystem services.

Officer Comment

The introduction of new wording into the National Park Statutory Purposes with the intention of strengthening nature recovery may have implications for residents of Derbyshire Dales District Council. One of the consequences is that it is likely to be increasingly difficult to achieve a level of affordable housing provision for people living and working in the Dales due to constraints on land supply. In addition, by strengthening this purpose it may be harder to achieve economic development in these communities. In principle the goal of nature recovery is understood and supported but should not be at the expense of the vitality of rural communities.

- 2.7** Proposal 2 & 3 are related to monitoring and reporting. They seek to regularly and robustly assess the state of natural capital and to include clear priorities and actions for natural recovery in Management Plans. This will include but not be limited to wilder areas and the response to climate change, notably tree planting and peatland restoration, with implementation backed up by a stronger status in law. It is proposed that Natural England will undertake this role. In addition the Government is developing the Natural Capital and Ecosystem Assessment (NCEA), which will provide data on habitats, natural capital, and ecosystem function.

Officer Comment

Increased data regarding the communities of the National Park is welcomed, if undertaken in an open and transparent manor this will benefit the understanding of the communities and landscapes of the Derbyshire Dales and may positively contribute the Local Plan Annual Monitoring report.

Chapter3: People and Place

- 2.8** The review suggested a number of proposals to increase engagement with all parts of society, particularly younger and more diverse audiences (Proposals 8 and 9), through expanded volunteering (Proposal 11), supported by increased rangers (Proposal 13).

Officer Comment

These are to be welcomed as it may provide valuable training opportunities for communities in the Derbyshire Dales. However, for the links to accessible, public transport must be embedded in any proposals, otherwise the anticipated increase and broadening of participation may not manifest.

2.9 Proposal 7, is supported in the Government response, that a strengthened second statutory purpose for National Park Authorities would clarify and reinvigorate our lead partners' ambition to connect all parts of society with our protected landscapes. It is proposed to amend the current statutory purpose to:

- highlight the need to improve opportunities and remove barriers to access for all parts of society
- clearly reference public health and wellbeing as an outcome
- take a more active role in supporting access than just promoting opportunities

Officer Comment

This amendment to broaden participation and recognise the public health role of the protected landscape is welcomed as it is recognised that the communities of Derbyshire Dales will benefit from this more proactive approach

2.10 Proposal 17 suggested creating a new statutory purpose to foster the economic and community vitality of their area. The Government response states that the National Park Authorities, AONB Conservation Boards and the Broads Authority already have a statutory duty that relates to the economic and social well-being of local communities. It is considered that there are risks that introducing a third purpose could dilute the importance of the existing purposes and have unintended outcomes such as impacts on future designations. The response states *"We recognise the importance of supporting rural communities and share the panel's desire to support vibrant local communities, however we do not consider that a new statutory purpose is the appropriate policy to achieve that objective. Instead, we will support our lead partners to discharge their existing duties effectively and consistently through government guidance and sharing best practice."*

Officer Comment

The Glover Report suggests the addition of a specific new purpose for the National Parks relating to economic and community vitality. The Government response is that this is not necessary as they already have a statutory duty with regards to economic development and they do not want to dilute the existing purposes. This reflects the overarching approach and indicates the direction that the Government see the protected landscapes taking in the future. Whilst delivering social and economic well-being at a local level may seem to be an appropriate response from Government given the evidence and previous experiences from the Peak District National Park (where there is not an appropriate balance given to social and economic wellbeing and too much weight given to landscape and environmental protection) it is considered that the District Council should seek to support the approach advocated in the Glover Report rather than the Government's response.

- 2.11** Regarding transport, Proposal 19, the Government response recognises that a bespoke approach is necessary in the Peak District National Park and that the South Yorkshire Combined Authority and Derbyshire County Council, are to consider new types of Demand Responsive Transport (DRT) services. It is stated that Local authorities should consider opportunities such as these as part of their wider transport plans. The Government proposals to strengthen the statutory purposes of protected landscapes and strengthen the duty of regard should increase the weight local authorities give to supporting local rural communities and the public's enjoyment of protected landscapes through their transport plans.

Officer Comment

It is considered that there are two key transport issues; one the management of visitor traffic and two access to services, including education and health for people who live in rural areas. The Government's response merges the two issues and by doing so the impact on landscapes by visitors is in danger of dominating. There is no mention of the links between public transport and employment, cultural activity, access to education, retail services etc. for people who live in the rural area or people who are being encouraged to participate in the National Park under Proposals 8,9 and 11 . Increased reliance on Demand Responsive Transport (DRT) may provide transport for those with flexibility with their travel plans but for those who need to travel to work or education it may not be the solution. This needs careful consideration by Derbyshire County Council and DDDC should have appropriate input into any proposed schemes.

- 2.12** In response to increased visitor numbers in protected landscapes the Government is considering increased enforcement powers. These include powers to:
- issue Fixed Penalty Notices for byelaw infringements
 - make Public Space Protection Orders (PSPOs). This would only be used following consultation with LAs
 - issue Traffic Regulation Orders (TROs) to control the amount and type of traffic on roads
- 2.13** In addition the Government is intending to manage visitor pressures through visitor dispersal. An objective in the government's Tourism Recovery Plan is for visitor spending to grow year on year in every nation and region of the UK, not only within but beyond the usual tourist 'hotspots' to smaller, lesser-known destinations - including the lesser-visited protected landscapes.
- 2.14** As part of the consultation the Government has indicated that it wished to explore the possibility of protecting Green Lanes from damage and disturbance, whilst at the same time maintaining most public and private rights access. It is suggested that it could be achieved by giving greater discretion for National Park Authorities and local highway authorities to use existing powers to restrict use on a case by-case basis. Alternatively, the Government could consider restricting the use of certain motor vehicles on unsealed roads through legislation, but only if this could carefully balance the needs of all users including

motorised vehicle users, horse riders, cyclists and walkers, whilst also protecting private access rights.

Officer Comment

As the main settlements of Derbyshire Dales District Council, excluding Bakewell, sit beyond the park boundary there may be implications from this approach, it could lead to an increase in visitor parking. Close liaison with the National Park will be needed as their visitor management strategies are developed to secure a positive impact on the settlements lying beyond the park boundary, in terms of impacts on: local economies, transport management and perhaps an increase in second homes/ holiday cottages in the Derbyshire Dales.

From time to time, there are incidents where damage is caused by excessive use by large numbers of off-road vehicles to the Green Lanes. The Peak District National Park has already introduced Traffic Regulation Orders on a number of locations as a means of limiting damage caused by recreational vehicles. The suggestion that additional powers be introduced to restrict usage by recreational vehicles is to be welcomed. This, however, needs to be evidence based and needs to be balanced against the needs of local communities who may use these facilities lawfully and without any causing undue damage.

- 2.15** The Government response recognises that the planning system has to balance protections with supporting local communities and economies. It states that this balancing exercise is carried out differently in protected landscapes to ensure statutory purposes and special qualities are protected. This approach is clarified in recent revisions to the [National Planning Policy Framework \(NPPF\)](#) (2021) development in the setting of protected landscapes should be sensitively located and designed to avoid or minimise adverse impacts. It states that further planning reform will follow to address “levelling up” and regeneration of left behind places. This is in addition to The Environment Act 2021 which embeds a biodiversity net gain approach into the planning system. This new requirement to offset unavoidable impacts of development will create new opportunities to conserve and enhance habitats and ecological networks, including within protected landscapes.

Officer Comment

The recognition of the need to support local communities and economies is welcomed however more detail as to how perceived adverse impacts can be minimised would be welcomed. The issue of rural deprivation and access to services is not fully recognised in the response and it is unclear how the “levelling up” agenda and associated initiatives will operate in a protected landscape setting. The decision making on planning policy and planning applications in the Peak District National Park has traditionally given significant weight to the National Park purposes. The Government should be advised that the approach to protected landscapes should ensure there is an appropriate balance achieved with sufficient weight given to support the vitality and viability of local communities in appropriate circumstances. Otherwise such communities will not survive.

In terms of achieving a net biodiversity gain there is some further investigation needed in partnership with Derbyshire Wildlife Trust as to how the DDDC will benefit from this. If all gain is directed to the National Park this would perhaps not fit with the intention of the reforms.

2.16 In respect of affordable homes the Government recognises that this can be an issue in protected landscapes, but also all rural areas. The response does not agree with Proposal 18 which suggests the establishment of a new publically funded housing association, it considers it would not be effective and may undermine existing housing associations. The alternative means it proposes are;

- Rural Exception Sites deliver affordable housing in perpetuity to meet local needs in rural areas.
- Homes England's funding prospectus for the new 2021-26 Affordable Homes Programme continues to support the delivery of rural housing

Officer Comment

It is considered that the issue of affordable housing supply in the National Park is not about the need for another housing provider, such body would be subject to the same processes that the current providers have to work through. In this respect the government response to the Glover Report is considered correct. However, what is needed is more opportunities, and more support through planning policy and decision making to facilitate the delivery of more affordable homes and a recognition by government that homes in protected landscapes cost more to build.

Chapter 4: Supporting Local Delivery

2.17 Chapter 4 of the Government's response is concerned with governance arrangements, in particular the diversity of the National Park Boards. Proposal 26 to appoint Board members nationally is dismissed in the Government response and the importance of local representation is recognised. The Government is proposing that the legislative requirements for a specific ratio between appointment types is removed. Boards would still need national, parish, and local authority members but they would have more flexibility to balance diversity and expertise with strong democratic oversight in accordance with the needs of their specific area. The Government are also considering a merit based approach. Proposal 26 recommended capping boards at 12 members this is not considered appropriate by the Government in the response the reduction in size is being considered on a case by case basis.

Officer Comment

The current Peak District National Park Board has 30 members, 14 of which are Local Authority Members, with two representatives from DDDC. This is the largest National Park Board and in part this is due to the fact that each Local Authority that has land within the PDNP has representation regardless of the size of the population. The risk with any changes to the make-up of the Board is that DDDC no longer has adequate representation. If changes were made that link representation with geographical area or population that would

still enable representation from Derbyshire Dales. In terms of appointment on merit, the benefits or disadvantages of this approach cannot be determined without knowledge of the criteria that would be applied to determine merit.

- 2.18** Regarding Management Plans, it is proposed that the National Landscapes Strategy will set the national ambition for the expected contribution of protected landscapes towards nature recovery and climate mitigation and adaptation, along with other key goals such as access and community engagement. Natural England will produce an outcomes framework, provide annual reporting to track progress against the outcomes, and advise on where further action is needed. This will be aligned with Local Nature Recovery Strategies, to facilitate delivery of priority nature recovery actions without duplication.

Officer Comment

No direct implications as Management Plans are not material considerations in the determination of a planning application. However, there may be indirect implications as the Management Plan will establish the tone and approach to development and planning policy in the National Park and therefore ultimately the decision making process. Members will have the opportunity to comment on any future National Park Management Plan.

- 2.19** The duties of Public Bodies in ensuring that the statutory purposes are fulfilled is considered in Proposal 3. The Government agrees with the Glover Report and is intending to strengthen the wording of the duties so they are given greater weight when carrying out public functions, contributing to the preparation and implementation of management plans. The Government has indicated that it will publish more guidance on this in the future..

Officer Comment

Without the detailed guidance it is difficult to establish what the impacts of this will be for the District Council, however it may be worth noting that additional duties should attract additional resources in order to prevent resources being diverted from elsewhere.

- 2.20** Proposal 27 considers the financial arrangements and that a new funding model is required. This is supported in the Government response, the target is to raise at least £500 million in private finance to support nature's recovery every year by 2027 in England, rising to more than £1 billion by 2030. It is envisaged that this is achieved through the sale or trade via environmental markets of the various benefits nature provides – from carbon sequestration to improved water quality. It is intended that the national landscapes partnership builds capacity to generate additional income through green finance initiatives and joint funding bids. The Response notes the disconnect and missed opportunity between the number of visitors and the amount of income generated for chargeable activities such as planning, parking and navigation.

Officer Comment

Whilst this approach is broadly supported there may be an unintentional impact on the Park's residents in terms of access to affordable parking. In addition the National Park needs to ensure that it maintains access for all income levels and

complements the broadening participation agenda, and not price out those with lower incomes in neighbouring settlements.

- 2.21** The Government is seeking views on the broadening of the legal competence of the National Park to make it similar to Local Authorities. It is considered that this would enable a more innovative and proactive role for the protected landscapes and reduce legal risks associated with a wider range of activities such as affordable housing, public health, and sustainable transport, or working beyond their boundaries.

Officer Comment

The broadening of legal competence is seen as a measure that will bring the National Parks in line with Local Authorities and will enable a more innovative and commercially aware approach. They are currently restricted to delivering the park purposes and delivering the management plan. It is anticipated that in the long term this will enable increased income generation. Additional detail would allow the implications for DDDC to be considered more fully.

3. Key Implications for Derbyshire Dales

- 3.1** As members will be aware the District Council is currently undertaking a review of its Local Plan, this includes a consideration of housing delivery in support of economic growth. The housing element of the Local Plan includes an assumption of the number of completions in the Derbyshire Dales area of the Peak District National Park. As such any changes to the response of the National Park Authority to housing or economic development in line with the Landscapes Review may have implications for the delivery of the Local Plan.
- 3.2** In addition, the Peak District National Park Authority is currently undertaking a review of the Local Plan. They are currently undertaking evidence gathering with the intention of holding a formal consultation on the preferred issues and options at the end of 2022. The consultation on the Draft plan is anticipated for the end of 2023. It is anticipated that the tone of the Landscapes Review will influence the strategic direction of the Peak District National Park Local Plan. It is therefore imperative that the District Council continues to engage, and challenge the National Park Authority to ensure that their approach to the delivery of housing is not diluted by the emphasis being given by the Government in their response to the Glover Report
- 3.3** The Glover Report presented an opportunity to rethink how National Parks function and what their strategic role should be going forward. The role of nature recovery is recognised by Government as key in order to achieve Climate Change targets and the management of protected landscapes is therefore critical part of this strategy. However, it is considered that the Government response has not given enough emphasis to the importance of creating and maintaining economic and socially sustainable communities within National Parks.
- 3.4** The proposed changes to the governance of National Parks may also have implications for Derbyshire Dales. The Government Response proposes changes to the National Park Board such as; reduced numbers, positions on

merit, but without the detail of how this would be implemented. Depending on the detail this is a potential area of concern.

- 3.5 In terms of affordable housing the Director of Housing is in accordance with the Government response that an additional Housing Association would not benefit communities or aid the delivery of affordable homes.
- 3.6 The proposals to broaden access and participation in the National Park are welcomed. However, this may be at odds with the proposals to manage visitor traffic through increased parking fees. The proposals for visitor management need to be considered in the context of broadening access and participation and measures put in place to ensure that an unintended consequence of the traffic management isn't that the park becomes more exclusive. This is particularly important for communities in the DDDC, near to the Peak District National Park but not necessarily within.

NEXT STEPS

- 3.1 Responses to the consultation are required by DEFRA by the 9th April 2022.
- 3.2 In order to enable the District Council to send responses to this consultation it is recommended that comments set out in Appendix Two will be forwarded to DEFRA.

4 RISK ASSESSMENT

4.1 Legal

This is a Government consultation, the legal risk at this time has been categorised as low.

4.2 Financial

Input into the Government response to the Glover Report involves officer time. Financial risk is, therefore, assessed as low.

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 CLIMATE CHANGE

- 6.1 Recommendation Two is for approval of the suggested responses to the questionnaire commenting on the Government's position and recommendations for future reform following the Landscapes Review. A full climate change impact assessment is not appropriate at this time, as the outcomes of the review have not been determined. Clearly there will be climate change and environmental impacts associated with the agreed long-term approach to protecting and enhancing landscapes, including those within the Derbyshire Dales.

- 6.2 Chapter 2: Nature and Climate of the full Landscape Review report concluded that ‘despite the efforts of lead partners there has been a long term decline in nature and protected landscapes are not contributing as they could to restore nature or respond to climate change’. Proposal 1 states that the current statutory purpose to ‘conserve and enhance’ is not strong enough and proposes to strengthen this purpose, clearly stating the need to actively recover nature in these areas, rather than simply conserve what remains.
- 6.3 As per Paragraph 2.6 above, this may have implications for the District Council in terms of the ability to achieve a level of affordable housing provision for people living and working in the Dales and making it harder to achieve economic development in these communities. The Council’s position here is that whilst the principles of nature recovery are understood and supported this should not come at the expense of the vitality of rural communities with access to affordable homes and employment opportunities.
- 6.4 In the response to Proposal 19 which relates to transport the Council has requested that any additional powers ‘need to be taken in the context of a visitor traffic management strategy’. There is no opportunity to comment on the other key transport issues of concern - access to services, including education and health for people who live in rural areas. All of which have climate change implications for the Dales. As per the Officer comment in Paragraph 2.11 ‘the Government response merges the two issues and by doing so the impact on landscapes by visitors is in danger of dominating’.

7 CONTACT INFORMATION

Mike Hase, Policy Manager

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8 BACKGROUND PAPERS

Description	Date	File
Landscapes Review National Parks and AONB Government Response		https://www.gov.uk/government/publications/landscapes-review-national-parks-and-aonbs-government-response/landscapes-review-national-parks-and-aonbs-government-response
Landscapes Review 2019		https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/833726/landscapes-review-final-report.pdf
Peak District Local Plan Review		https://www.peakdistrict.gov.uk/planning/policies-and-guides/the-local-plan

9 ATTACHMENTS

Appendix One: Glover Report Key Proposals

Appendix Two: Consultation Response

Appendix Three: Correspondence between Cllr G Purdy and Rt Hon Christopher Pincher MP

APPENDIX ONE GLOVER REPORT KEY PROPOSALS

Proposal 1:	National landscapes should have a renewed mission to recover and enhance nature, and be supported and held to account for delivery by a new National Landscapes Service
Proposal 2:	The state of nature and natural capital in our national landscapes should be regularly and robustly assessed, informing the priorities for action
Proposal 3:	Strengthened Management Plans should set clear priorities and actions for nature recovery including, but not limited to, wilder areas and the response to climate change (notably tree planting and peatland restoration). Their implementation must be backed up by stronger status in law
Proposal 4:	National landscapes should form the backbone of Nature Recovery Networks – joining things up within and beyond their boundaries
Proposal 5:	A central place for national landscapes in new Environmental Land Management Schemes
Proposal 6:	A strengthened place for national landscapes in the planning system with AONBs given statutory consultee status, encouragement to develop local plans and changes to the National Planning Policy Framework
Proposal 7:	A stronger mission to connect all people with our national landscapes, supported and held to account by the new National Landscapes Service
Proposal 8:	A night under the stars in a national landscape for every child
Proposal 9:	New long term programmes to increase the ethnic diversity of visitors
Proposal 10:	Landscapes that cater for and improve the nation's health and wellbeing
Proposal 11:	Expanding volunteering in our national landscapes
Proposal 12:	Better information and signs to guide visitors
Proposal 13:	A ranger service in all our national landscapes, part of a national family
Proposal 14:	National landscapes supported to become leaders in sustainable tourism
Proposal 15:	Joining up with others to make the most of what we have, and bringing National Trails into the national landscapes family
Proposal 16:	Consider expanding open access rights in national landscapes
Proposal 17:	National landscapes working for vibrant communities
Proposal 18:	A new National Landscapes Housing Association to build affordable homes
Proposal 19:	A new approach to coordinating public transport piloted in the Lake District, and new, more sustainable ways of accessing national landscapes
Proposal 20:	New designated landscapes and a new National Forest
Proposal 21:	Welcoming new landscape approaches in cities and the coast, and a city park competition
Proposal 22:	A better designations process
Proposal 23:	Stronger purposes in law for our national landscapes

Proposal 24:	AONBs strengthened with new purposes, powers and resources, renamed as National Landscapes
Proposal 25:	A new National Landscapes Service bringing our 44 national landscapes together to achieve more than the sum of their parts
Proposal 26:	Reformed governance to inspire and secure ambition in our national landscapes and better reflect society
Proposal 27:	A new financial model – more money, more secure, more enterprising

APPENDIX TWO: REPONSE TO DEFRA

Annex A – Consultation

Implementing some aspects of our response to the review will require changes to legislation, subject to securing parliamentary time. We are seeking public views on support for these proposed legislative changes, and their potential effects on different groups and interests. We are also interested to hear any wider views on other aspects of our response to the review.

How to respond

Please respond to this consultation using the Citizen Space consultation hub at Defra <https://www.gov.uk/government/consultations/landscapes-review-national-parks-andaonbs-implementing-the-review>

For ease of analysis, responses via the Citizen Space platform would be preferred, but alternative options are provided below if required:

By email to: Landscapesconsultation@defra.gov.uk

In writing to:

Consultation Coordinator, Defra
2nd Floor, Foss House, Kings Pool
1-2 Peasholme Green
York
YO1 7PX

Questions

1. Do you want your responses to be confidential? **No.**
2. What is your name? **Derbyshire Dales District Council**
3. What is your email address? **localplan@derbyshiredales.gov.uk**
4. Where are you located? **East Midlands**
5. Which of the following do you identify yourself as? **Local Authority**

A stronger mission for nature recovery (p10)

6. Should a strengthened first purpose of protected landscapes follow the proposals set out in Chapter 2? **The importance of nature recovery and the role that the protected landscapes play in this is recognised however DDDC would not like to see that this takes absolute precedence at the expense of maintaining sustainable communities with access to affordable homes and employment opportunities.**

7. Which other priorities should be reflected in a strengthened first purpose e.g. climate, cultural heritage? **The importance of long term environmental, social and**

economic sustainability of communities in the National Park should be recognised in the first purpose.

Agricultural transition (p12)

8. Do you support any of the following options as we develop the role of protected landscapes in the new environmental land management schemes? Tick all that apply. [No comments.](#)

- Designing the environmental land management schemes in a way that works for all farmers and land managers, including the specific circumstances for those in protected landscapes, recognising that farmers in these areas are well-placed to deliver on our environmental priorities.

- Using Local Nature Recovery Strategies to identify projects or habitats within protected landscapes.
- Monitoring the effectiveness and uptake of the new environmental land management schemes in protected landscapes. Using this to inform whether further interventions are needed to ensure we are on track for wider nature recovery ambitions.
- Creating a clear role for protected landscape organisations in the preparation of Local Nature Recovery Strategies. Our recent LNRS consultation specifically asks for views on the role of different organisations in the preparation of LNRSs, including protected landscapes.
- Building on FiPL, empowering protected landscapes to support decision-making and delivery against agreed priorities, including through dedicated project coordinators and advisers.

9. Do you have any views or supporting evidence you would like to input as we develop the role of protected landscapes in the new environmental land management schemes? [No comments.](#)

A stronger mission for connecting people and places (p14)

10. Should AONBs have a second purpose relating to connecting people and places, equivalent to that of National Parks? [No comments.](#)

11. Should a strengthened second purpose of protected landscapes follow the proposals set out in Chapter 3 to improve connections to all parts of society with our protected landscapes? [Yes, in particular the reference to health and well-being outcomes are welcomed.](#) There is also a need to recognise that the aim to include all parts of society cannot be achieved in isolation. Connections with relevant transport strategies will need to be made to ensure that they are not exclusive in terms of pricing out those with limited income in neighbouring areas.

12. Are there any other priorities that should be reflected in a strengthened second purpose? [DDDC would support the inclusion of a priority to secure social and economic wellbeing of communities in the National Park, reflect the](#)

importance of controlled development to provide employment, social or housing opportunities.

Managing visitor pressures (p16)

13. Do you support any of the following options to grant National Park Authorities and the Broads Authority greater enforcement powers to manage visitor pressures? Tick all that apply.

- Issue Fixed Penalty Notices for byelaw infringements
- Make Public Space Protection Orders (PSPOs)
- Issue Traffic Regulation Orders (TROs) to control the amount and type of traffic on roads

Any additional powers will need to be taken in the context of a visitor traffic management strategy and not on an adhoc basis, also in the context of broadening access under the proposed second purpose.

14. Should we give National Park Authorities and the Broads Authority and local highway authorities additional powers to restrict recreational motor vehicle use on unsealed routes? The District Council supports the introduction of wider powers to restrict the damage caused by recreational vehicles. However in doing so the District Council recognises that many users of Green Lanes do so lawfully and without causing any damage. As such the needs of lawful users needs to be balanced with the desire to restrict the impact on these facilities by recreational vehicles.

15. For which reasons should National Park Authorities, the Broads Authority and local authorities exercise this power? No comments.

- Environmental protection
- Prevention of damage
- Nuisance
- Amenity
- Other [PLEASE STATE]

16. Should we legislate to restrict the use of motor vehicles on unsealed unclassified roads for recreational use, subject to appropriate exemptions? No comments.

- Yes – everywhere/
- Yes – in National Parks and Areas of Outstanding Natural Beauty only
- Yes – in National Parks only
- No/Unsure

17. What exemptions do you think would be required to protect the rights and enjoyment of other users e.g., residents, businesses etc? No comments.

The role of AONB teams in planning (p18) No comments.

18. What roles should AONBs teams play in the plan-making process to achieve better outcomes? OPEN
19. Should AONB teams be made statutory consultees for development management? YES/NO/UNSURE
20. If yes, what type of planning applications should AONB teams be consulted on?
 - AONB teams should formally agree with local planning authorities which planning applications should be consulted on.
 - AONB teams should be consulted on all planning applications that require an Environmental Impact Assessment and are categorised as 'major development' as well as Nationally Significant Infrastructure Projects.
 - Other [Please state]

Local governance (p20)

- 21 Which of the following measures would you support to improve local governance?

Tick all that apply.

- Improved training and materials **yes**
- Streamlined process for removing underperforming members **yes**
- Greater use of advisory panels **yes**
- Greater flexibility over the proportion of national, parish and local appointments **yes, however not at the expense of removing representation from constituent local authorities.**
- Merit-based criteria for local authority appointments **The criteria used to determine merit would need to be open and transparent. This would not be supported where it would decrease the representation of constituent Local Authority Members**
- Reduced board size **This would not be supported where it would decrease the representation of Derbyshire Dales Members.**
- Secretary of State appointed chair **No comment**
- Other [Please state]

Approximately one third of Derbyshire Dales District Council's area lies within the Peak District National Park. Therefore it is considered that proportionate representation on the National Park Board is essential in order to provide the DDDC communities democratic representation and a voice.

A clearer role for public bodies (p22) No comments

22. Should statutory duties be strengthened so that they are given greater weight when exercising public functions?

23. Should statutory duties be made clearer with regards to the role of public bodies in preparing and implementing management plans?

General power of competence (p24)

24. Should National Parks Authorities and the Broads Authority have a general power of competence? YES/NO/UNSURE

It is considered that this would more closely align the National Park Authority with the power of competence in Local Authorities and in turn will enable a more innovation approach to income generation. DDDC would like further clarification to ensure that there is no duplication of roles with the District Council or erosion of roles with the introduction of these measures.

Overall

25. If you have any further comments on any of the proposals in this document, please include them here.

Appendix Three: Correspondence Cllr G Purdy and Rt Hon Christopher Pincher MP
Minister of State for Housing



Department for Levelling Up,
Housing & Communities

Rt Hon Christopher Pincher MP
Minister of State for Housing

Department for Levelling up, Housing and
Communities
Fry Building
2 Marsham Street
London
SW1P 4DF

Cllr Garry Purdy
Derbyshire Dales District Council
Town Hall
Bank Road
Matlock
Derbyshire
DE4 3NN

Tel: 0303 444 3430
Email: christopher.pincher@communities.gov.uk
www.gov.uk/dluhc

11/02 January 2022

Dear Cllr Purdy,

Thank you for your letter dated 18 November 2021 and your questions about why 90% of new residential development may be provided in just 50% of Derbyshire Dales and only 8% of future housing development may be required in the Peak District National Park area.

I regret that, due to my quasi-judicial role in the planning system, I am unable to comment on the specific details of Derbyshire Dales District Council's emerging housing requirements and how it is distributed. I can however offer the following general comments which I hope are helpful in setting out the Government's current planning policy position.

Background

I am aware that your Council has an up-to-date Local Plan and is clearly working on updating this. I also note that your authority has passed its Housing Delivery Test requirements every year we have published results despite the fact that the District Council has significant planning constraints (61% of its area is constrained in planning terms). In these circumstances, it would be remiss of me not to congratulate you on the progress you are clearly making in meeting housing need in Derbyshire Dales.

Planning Policy Position

This Government is clear that Councils and their communities are best placed to take decisions on planning issues affecting their local area, within the context of national planning policy. Furthermore, local decisions remain at the heart of the planning system.

We have a need for more housing in this country. Consequently, it is right that it is treated as an important planning consideration. But it is not the sole focus of national planning policy. The National Planning Policy Framework (NPPF) continues to emphasise the need to plan for a full range of local needs, as well as to protect and enhance the natural and built environment.

Currently, the standard method for assessing local housing need is the starting point within the current system. It is expected to be used by Councils as a guide when they develop their local plans, but they can use an alternative if there's a strong justification for doing so. Moreover, the housing need figure it produces is not a target because it is for Councils to decide their own housing target once they have taken account of local opportunities and constraints that might

prevent them from allocating enough sites to meet their areas housing needs. Nor does it dictate where homes should go - again it is for Councils to decide what sort of homes can be built and where.

The Government is also firmly committed to protecting and enhancing the Green Belt and National Parks, as set out in our manifesto. We have ensured strong protections for this type of land through national planning policy in order to safeguard it for future generations, and these protections remain in place as part of our commitment to restrict urban sprawl and encroachment on valued open countryside.

The NPPF also strongly encourages the reuse of suitable brownfield land - especially for development to meet housing need and regenerate our town centres. The Government is committed to making the most of brownfield land and it is putting significant investment into brownfield redevelopment.

Housing Need

It has been suggested by some that housing need trumps any protected land or vice-versa. This is not the case. Specifically, Paragraph 11 of the NPPF sets out the importance of areas providing for housing and other needs, unless the national policy protections for areas or assets of particular importance provide a strong reason for restricting development. These protections are listed in footnote 7 of the NPPF and relate to habitat sites (including those listed in para 181 and Sites of Special Scientific Interest); Green Belt; Local Green Space; Areas of Outstanding Natural Beauty; National Parks or the Broads Authority; Heritage Coast; irreplaceable habitats; designated heritage assets (including those of archaeological interest in footnote 68); and areas at risk of flooding or coastal change.

Authorities are expected to address local housing and other needs wherever possible, taking into account these constraints. Where a local authority proposes to alter national policy protections in order to accommodate development, it is be expected to show at a Local Plan examination that all other reasonable options have been explored (e.g., making use of brownfield land, optimising density, and discussing whether neighbouring authorities could take some of the development necessary). However, this process does not stop your authority building homes in the National Park. It remains the case that Council's decide their own housing target, what type of housing is required, and where it might be located, once they have taken account of local opportunities and constraints that might prevent them from allocating enough sites to meet their areas housing needs. These choices are then considered at your Local Plan inquiry before being agreed or amended in an adopted Local Plan.

I hope this information is helpful, but please let me know if I can be of any further assistance.

Your Sincerely

RT HON CHRISTOPHER PINCHER MP

COMMUNITY AND ENVIRONMENT COMMITTEE
6 APRIL 2022

Report of the Director of Regeneration and Policy

LEVELLING UP FUND ROUND 2 BID

PURPOSE OF REPORT

In the context of the approved Economic Recovery Plan for the Derbyshire Dales, to determine the projects for inclusion in the District Council's bid to Round 2 of the Government's *Levelling Up Fund*.

RECOMMENDATION

1. The *Levelling Up Fund* Round 2 prospectus and timescales are noted
2. The projects for inclusion in the District Council's bid to Round 2 of the Government's *Levelling Up Fund* are determined to be **Ashbourne**:
 - Public Realm (Market Place / Victoria Square / Millennium square)
 - Highway improvements
 - Community and cultural hub (Methodist Church).
3. Authority is delegated to the Director of Regeneration and Policy to make detailed changes to the content of these three projects
4. The District Council will develop potential core capital infrastructure projects in **Matlock** (working with key stakeholders including Matlock Community Vision), and potential Matlock flood resilience measures, with a view to creating a pipeline of projects for submission to appropriate future Government funds.

WARDS AFFECTED

All

STRATEGIC LINK

'Prosperity' is highlighted in the Corporate Plan 2020-24 as a District Council priority due to low local wages and high local house prices. With regard to the recommendations in this report, the District Council specifically aims to: *Support businesses to encourage productivity, growth, and higher wage jobs in rural and urban locations*; and to *Promote investment to stimulate the economy of our market towns*.

1 BACKGROUND

- 1.1 Council in April 2021 gave approval to prepare a District Council bid to the *Levelling Up Fund* (LUF) round 2, for a "coherent, strategic package of capital schemes to regenerate Derbyshire Dales market towns". It is recognised that LUF alone will not meet in full the aspirations of our towns to regenerate. Nevertheless, a successful LUF round 2 bid is an essential starting point.

1.2 After seeking project proposals from all market towns across the district in November 2021, the initial sift showed potential projects in Ashbourne and Matlock. Additional resources were then appointed to explore the potential of these projects. Site visits, workshop and analysis were undertaken by early February. At the end of February 2022, the Community and Environment Committee approved a recommendation to undertake further work before making a decision on which projects to select.

2 LEVELLING UP FUND ROUND 2

2.1 The Government launched round 2 of the *Levelling Up Fund* on 23 March 2022. There are now just **three months to the final date for LUF2 bid submissions on Wednesday 6 July**. It is considered likely that successful LUF bids will be announced by the Government in autumn 2022.

2.2 The LUF2 prospectus (Appendix 1) indicates that the guidance, themes and criteria for LUF2 are very similar to those for round 1. A Member Workshop on 24 March 2022 gave all Members the opportunity to discuss these in detail, and all Members were offered the opportunity to send in questions.

2.3 Although a further technical note and the final bid template are still to be published, it is already clear that, as with the first round, for LUF2:

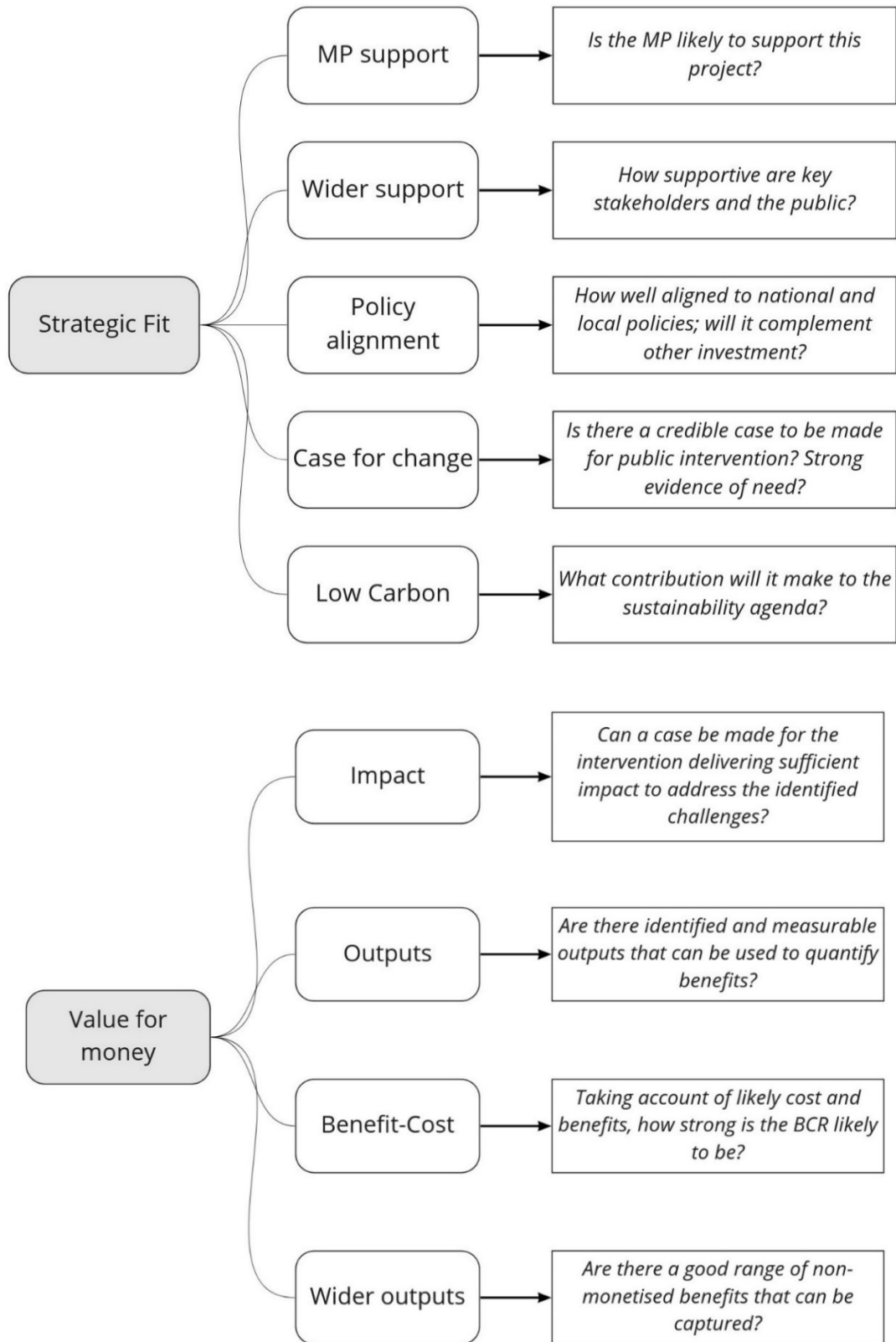
- the purpose is to fund infrastructure, at scale, that has a visible impact
- Strategic Fit, Value for Money and Deliverability remain the overarching criteria against which bids will be assessed
- Derbyshire Dales remains a Tier 1 priority area
- a bid can be a package of up to three separate projects (however, the package needs to be 'coherent' rather than disparate projects)
- the themes remain town centre/regeneration, culture and transport
- one bid only is permitted for the District, up to £20 million.

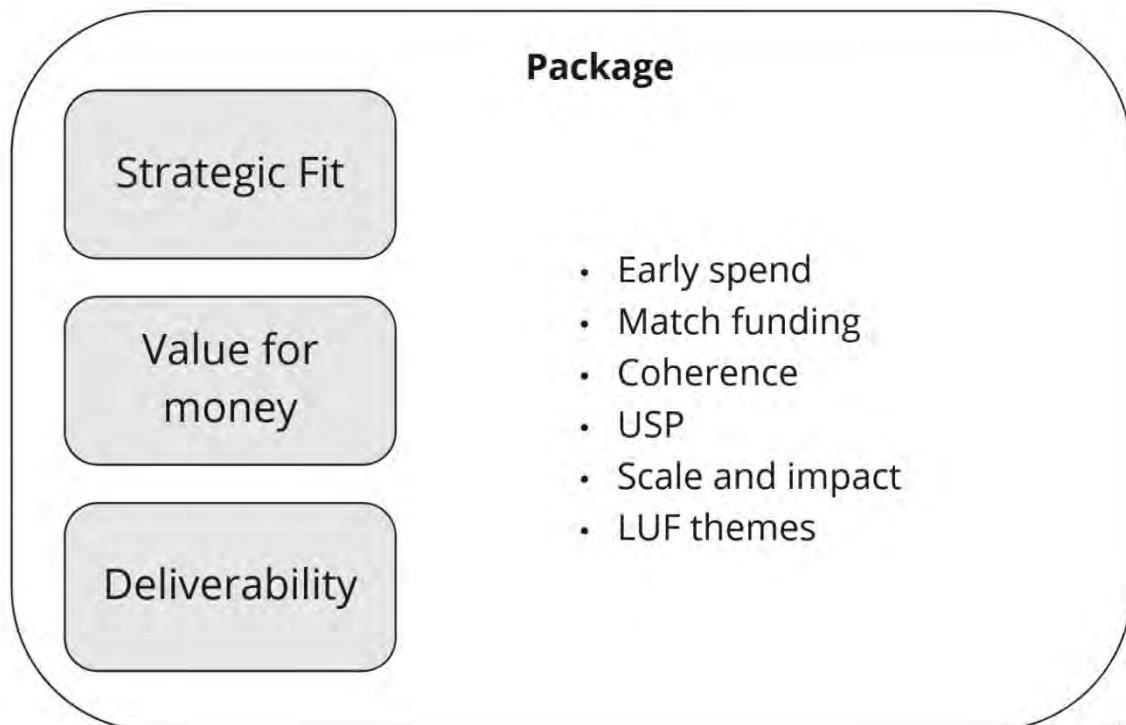
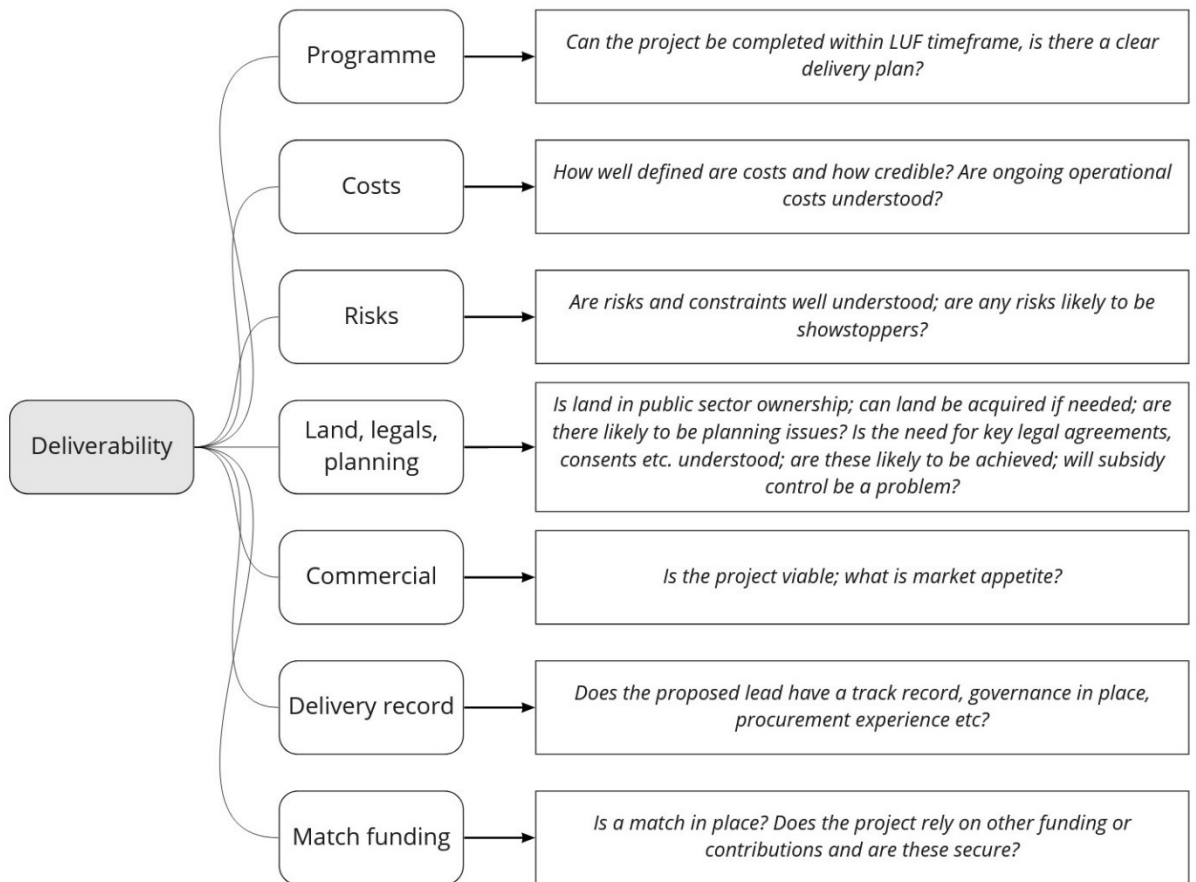
2.4 This clarification helps refine the focus of the District Council in its LUF2 bid. Our aim must be to make the **strongest possible bid** to maximise the chance of securing investment for the Derbyshire Dales. Assuming multiple projects, we must show these form **a coherent package**. We need **all the content in place to demonstrate this in the next 3 months**, making sure that each section of what is expected to be a highly prescriptive bid document is as credible as it can be. And the projects must all be shown to be **deliverable and completed in full by March 2025**.

2.5 It is on this basis that project selection must take place. To achieve the goal of the strongest possible bid, it is important that project selection takes into account:

- How will these projects fit with the funding criteria and themes? Are the ingredients in place for scoring strongly against as many assessment criteria as possible?
- If projects are not yet 'oven-ready', then what are the prospects of them being developed enough within the next 3 months?

2.6 To illustrate the complexity of the bid criteria set out by the Government – strategic fit, value for money, deliverability – the following graphics show the multiple elements which will be assessed. A poor score against any of these will pull down the bid’s chances of success.





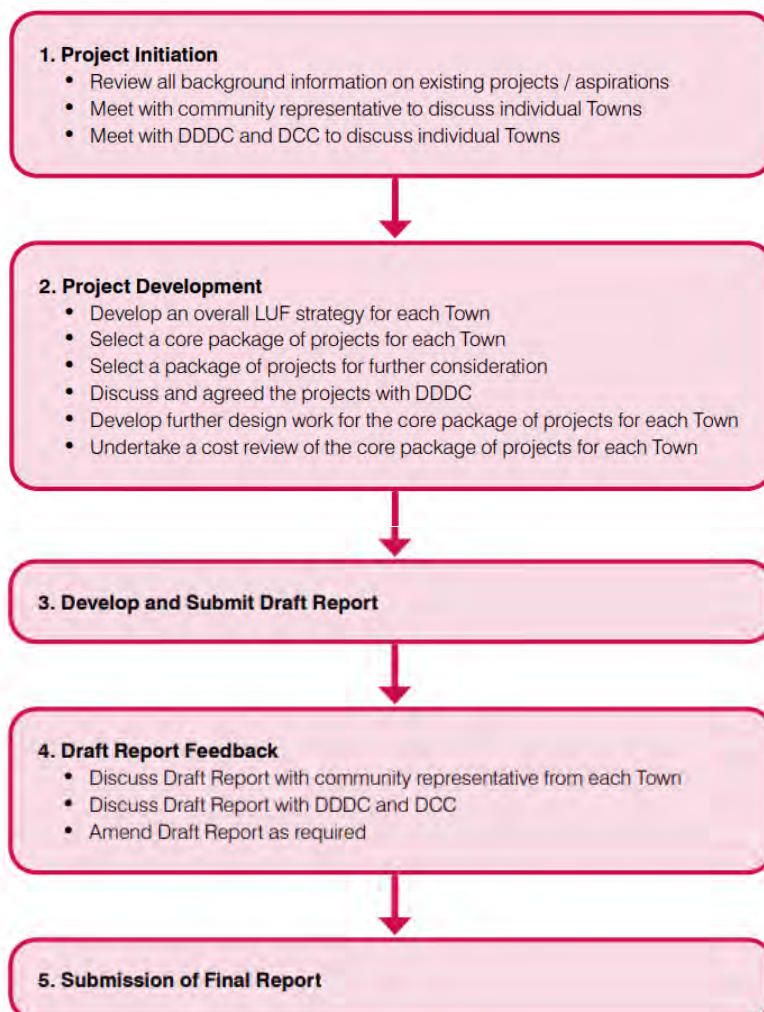
3 PROJECT DEVELOPMENT AND ANALYSIS

3.1 Having undertaken an initial analysis during early February, it was clear that to inform a project selection decision it would be necessary to:

- Gather more information about the longlist of projects
- Where necessary, develop these from concepts and ideas into early stage projects
- Assess the indicative information provided, in particular around costs and deliverability, testing each project against the LUF criteria
- Consider how projects might then form bid packages for each town
- Continue engagement with key stakeholders.

3.2 A second stage of project analysis was then commissioned and undertaken from late February to mid-March. The work was carried out by BPM & Lathams, as set out in the report to the Community and Environment Committee on 23 February.

3.3 This process was carried out systematically and on the same basis for all projects put forward in the initial stage, in both Ashbourne and Matlock. It involved



- 3.4 In each town a core package was developed and further projects for potential consideration. **At this stage, the core packages are those projects most likely to form LUF bid.** That could change during bid development.

Ashbourne potential core package (approx. £12 million)

- 1. Public Realm (Market Place / Victoria Square / Millennium square)**
- 2. Highway improvements**
- 3. Community and cultural hub (Methodist Church)**

Ashbourne potential further projects

1. Shop front improvement scheme (including first floor uses)
2. Conversion of existing uses (e.g. flexible workspace)
3. Shrovetide Walk public realm
4. Henmore Brook Walk and connectivity improvements
5. Wider connectivity

Matlock potential core package (approx. £4 million)

- 1. Community and cultural hub and enhancements at former Market Hall**
- 2. Public realm (including public art and cycle connectivity)**

Matlock potential further projects

1. Flood mitigation works
2. Lido site
3. Link to Matlock Bath
4. Community / Arts Expansion Space

- 3.5 To note with regard to potential Matlock flood mitigation works, recent meetings have been held with the Lead Local Flood Authority (Derbyshire County Council) and the Environment Agency. From these discussions, it has become clear that:
- The Environment Agency is developing plans to make emergency flood wall repairs in Matlock before winter later in 2022 (i.e. before LUF2 projects can commence)
 - Whilst modelling work is underway, longer term engineering solutions offering protection from both surface water and river flooding are likely to take 2-3 years to reach even the outline design stage (i.e. after LUF2 project must complete).

Unfortunately, whilst a priority for Matlock and a matter on which the key agencies involved continue to be pressed by the District Council, on this basis it is clear that flood infrastructure works would not fit LUF2 timescales. However, flood resilience measures (individual property protection measures, funded by a grant scheme), could potentially fit within a wider Matlock LUF package; although they cohere poorly with the other projects since they would be unique to Matlock.

- 3.6 Other partners have continued to be engaged throughout the project development and analysis phase. The process has included a series of meetings with representative from some of the community groups in both towns, including the Ashbourne Town Team (ATT) and Matlock Community Vision (MCV). Most

recently, they were contacted on 24 March to advise of the project analysis ahead of the Member Workshop.

- 3.7 Collaboration with ATT (and MCV) is undoubtedly a positive that has come from this process, and officers would like to repeat their thanks to these groups for the time and input they have given to the process. The District Council will continue this engagement regardless of which towns/projects are chosen for LUF2 submission, with a view to developing further projects for future funding bids.
- 3.8 Meetings at Chief Executive and Director level have also been held with the MP, Sarah Dines. Further meetings with both community groups and the MP are planned. In addition, both Ashbourne and Matlock Town Councils have been updated via Town Clerks with further engagement due to take place.

4 FINDINGS

- 4.1 BPM and Lathams have completed a report that summarises their work on project analysis and development (Appendix 2). The report concludes that there are two realistic outcomes available to the District Council for a LUF2 submission: **an Ashbourne bid, or a combined Ashbourne-Matlock bid.**
- 4.2 Given the lack of a critical mass of bid-ready projects in Matlock, and given that other key intervention ideas put forward are at a very early / conceptual stage, it is currently envisaged that a Matlock town bid would not score highly against key LUF-related criteria and deliver the level of transformational change which will need to be evidenced. A Matlock-only bid is not considered realistic for LUF2.
- 4.3 The report finds that it should be possible to construct a credible Ashbourne-only bid package, based on the core projects (with scope to consider variations as the bid develops), that responds well to the LUF criteria. A presentation prepared by Ashbourne Town Team visually illustrates the potential core projects (and potential further projects), and is attached for information at Appendix 3.
- 4.4 The report also finds that a combined bid including projects from both towns may also be deliverable, using thematic links between the towns to form a package of projects, but notes challenges in constructing a bid package across two towns.

5 DEVELOPING A PROJECT PIPELINE

- 5.1 Throughout the process it has been made clear to partners that a LUF bid is not the only outcome from developing and assessing projects. The BPM/Lathams report includes recommendations for developing projects that may not form part of a LUF bid. Indicative timescales and costs are also provided where possible. A successful LUF bid would not transform the Derbyshire Dales by itself. Furthermore a successful bid is not guaranteed. Therefore continuing work is required on non-bid projects, as agreed at C&E Committee in February, with a view to creating a pipeline of projects ready for future funding opportunities.

6 COMBINED TWO-TOWN BID: CONSIDERATIONS

- 6.1 The report from BPM and Lathams includes some commentary regarding the requirements for a two-town bid. It notes the need to carefully consider:
- Coherence
 - Overall VFM (one weak element pulls down the score for the bid as a whole)
 - Constraints of the bid template
 - Round one learning: most winning Round 1 bids were for single towns (i.e. most successful bids were not for a package of two or more towns)
- 6.2 It remains challenging to construct a coherent two-town package based on LUF guidance and knowing what is likely to be required within the bid template. Whilst there are strong thematic linkages, the council would still be putting together projects that span different geographies with different evidence bases, VFM and delivery challenges.

7 RECOMMENDATIONS

- 7.1 It has been important for the council to work through the potential projects to assess their respective strengths from the point of view of forming the strongest possible LUF2 bid. Having done so, it is now the right time to come to a decision. This will maximise the time available to develop the bid in the short time available until the submission deadline.
- 7.2 In coming to a recommendation as to the projects to include in the LUF2 bid, officers and their consultants have been mindful of three inviolate requirements:
- a) The Government's LUF2 bid criteria, which are strict, detailed and highly competitive; and against which any incoherent and weak elements will drag down scores
 - b) A need to complete all project spend by March 2025 (and start spend in 2022/23), meaning that project delivery timescales are inflexible
 - c) The short 3-month window to get submitted projects up to fully bid-ready status, and fully evidenced as such.
- 7.3 Having carefully considered core and potential projects in Ashbourne and Matlock against these Government requirements, it is considered that an Ashbourne-only bid has the best chance of success in LUF2. It is therefore recommended that the projects for inclusion in the District Council's bid to Round 2 of the Government's *Levelling Up Fund* are determined to be **Ashbourne**:
- Public Realm (Market Place / Victoria Square / Millennium square)
 - Highway improvements
 - Community and cultural hub (Methodist Church).
- 7.4 Whilst these are, at this stage, the projects most likely to form the LUF2 bid, that could change during bid development. Much work remains over the next three months to complete the project development stage to a point of bid-readiness. Delegated authority is sought for the Director or Regeneration and Policy to make changes to the content of these three projects prior to sign-off by committee in June 2022.

7.5 There is a clear desire to progress projects in Matlock in support of the District Council-funded Bakewell Road regeneration scheme. In particular, a need for improved public realm treatment, progressing proposals for a community and cultural room, and considering wider flood resilience measures are evident priorities for Matlock. It is therefore recommended that the District Council also develops potential core capital infrastructure projects in **Matlock** (working with key stakeholders including Matlock Community Vision), and potential Matlock flood resilience measures, with a view to creating a pipeline of projects for submission to appropriate future Government funds.

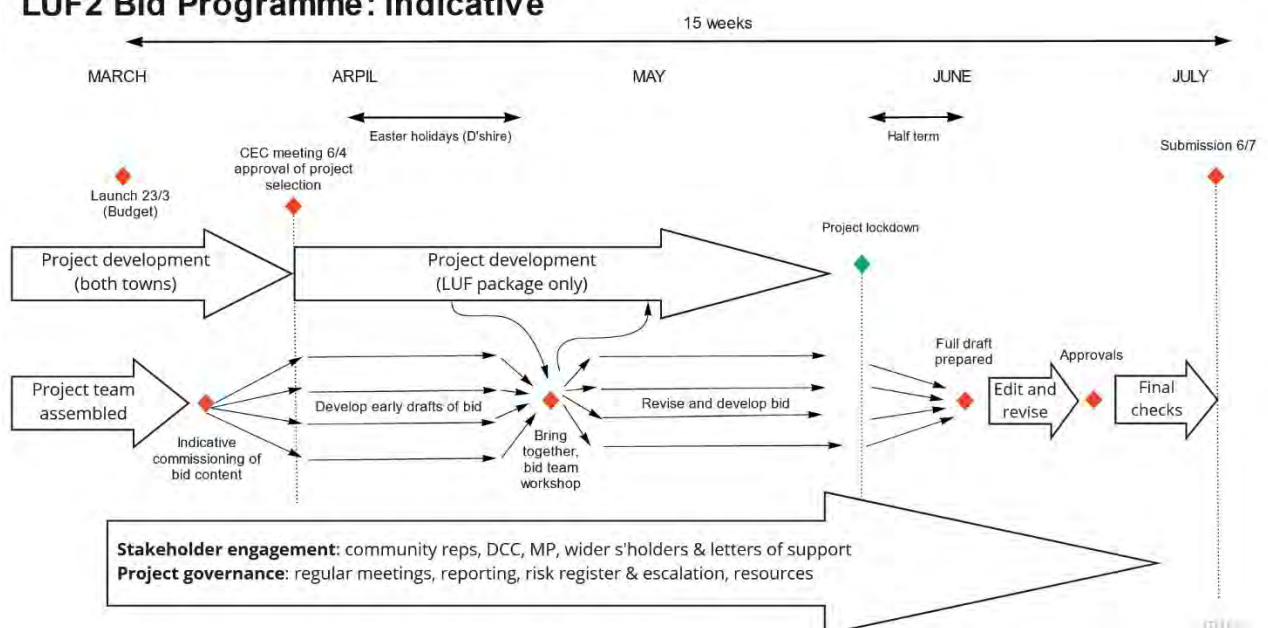
7.6 Although it is not proposed to include Matlock projects in the LUF2 bid, it is important to note that the District Council is already proposing to invest significantly in Matlock town centre. The Bakewell Road regeneration scheme itself represents a considerable investment in Matlock, more than £1.2 million of which has been agreed to be contributed by Derbyshire Dales District Council. The purpose of this major scheme is to support the economic regeneration of Matlock by bringing underutilised land back into economic use in order to diversify the town’s offer, increase footfall and boost the visitor and evening economies.

8 NEXT STEPS

8.1 The planned next steps for the LUF2 bid are summarised as follows, and illustrated in the graphic below:

- Bid development overseen by an officer LUF Bid Management Team - **April/May/June**
- Sign off final LUF2 bid - C&E Committee **June 2022** (no dates yet published)
- Submit final LUF2 bid - no later than **noon 6 July**
- Potential announcement of successful LUF2 bids – **autumn 2022**

LUF2 Bid Programme: indicative



- 8.2 For those core Matlock projects not forming part of the LUF2 bid, further work is needed to scope the projects and consider capacity to progress them before a timescale can be set out. However there is a commitment to produce a more detailed pipeline development plan and engage with key stakeholders during the LUF2 bid window so that, as the LUF2 bid is finished, momentum is maintained for the next phase of work. With regard to flood resilience measures, engagement will be ongoing.

9 RISK ASSESSMENT

9.1 Legal.

This report set outs the process and parameters for making a bid to Round 2 of the Government's Levelling Up Fund

At the current time, this report does not specifically raise any legal issues therefore the legal risk has been assessed as low.

9.2 Financial.

The cost of officer time to prepare a LUF2 bid is included in existing budgets.

Should the LUF2 bid (or bids to other government funds for other potential core capital infrastructure projects in Matlock) be successful, it will be necessary to seek approval from full Council for the projects to be included in the capital programme. Financial risks will be assessed at that time.

The financial risk of this report's recommendation is assessed as low.

9.3 Corporate.

Corporate Plan priority actions for 2022/23 include "Prepare a Levelling Up Fund bid for submission to Government".

9.4 Climate Change.

To be assessed when specific projects are developed, prior to the final bid being submitted. It is however noted that LUF2 bid criteria include 'alignment with national/local policies' and 'low carbon – contribution to the sustainability agenda'. Both would suggest that a scheme which has positive climate change mitigation or adaptation credentials will score well on these criteria.

10 OTHER CONSIDERATIONS

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

CONTACT INFORMATION

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

ATTACHMENTS

Appendix 1 Levelling Up Fund Round 2 Prospectus, published 23 March 2022
Appendix 2 BPM/Lathams Ashbourne + Matlock LUF2 report, 28 March 2022
Appendix 3 Ashbourne Town Team LUF presentation, 1 February 2022

COMMUNITY & ENVIRONMENT COMMITTEE

6TH APRIL 2022

Report of the Director of Housing Services

PRIVATE RENTED SECTOR STUDY

PURPOSE OF REPORT

The purpose of this report is to seek Member approval to undertake a study of the private rented sector in order to support future policy approaches concerning the sector. The Housing Department in partnership with Amber Valley Borough Council (AVBC) made a successful bid for £25,000 of grant funding from the Housing Advisors Program delivered by the Local Government Association. The report seeks approval to spend the grant in 2022/23 and to appoint consultants to undertake the study on behalf of the Council.

RECOMMENDATION

1. That Council be requested to approve a supplementary revenue estimate of £25,000 to undertake a study of the private rented sector in 2022/23, to be financed by the grant funding from the Local Government Association.
2. That Members receive a future report concerning the outcome of the study.

WARDS AFFECTED

All

STRATEGIC LINK

The private rented sector is a significant provider of accommodation comprising 12% of the total housing stock across the Derbyshire Dales. Improving and developing the private rented sector supports the Council's Corporate Plan priorities, particularly 'support better homes and jobs'. The sector influences the social housing sector with the failure of private tenancies the single biggest reason for homelessness within the Dales.

1 REPORT

- 1.1 DDDC and AVBC both have complex housing issues within the private rented sector. Issues of quality, price and management continually cause difficulty both in terms of creating homelessness and trying to house people in suitable accommodation. Both councils currently have limited knowledge about the extent and nature of the sector and limited capacity to intervene and make sense of information we do hold. Officers want to develop a strategy for understanding and engaging with the sector so that we can improve the quality of accommodation, develop good management practices, reduce the levels of homelessness coming from the sector and create desirable places for people to move in to the sector.

1.2 This project is important to DDDC and AVBC because we know the sector needs to change. We need to reduce the number of homelessness cases coming from private rented properties. Corporate priorities around energy efficiency and empty homes also need to be addressed as we take forward energy efficiency improvements and higher premiums for long term empty homes. We also face the challenge of trying to regenerate our market towns and so improving the quality of the private sector is a key element of our wider regeneration ambitions.

1.3 The key areas the study would consider include;

- access and report on information relating to the make-up of the private rented sector,
- engage and consult with private landlords, tenants and other stakeholders, to get their views on the issues affecting them
- assess the various options available to DDDC/AVBC to intervene in the private rented sector.
- develop and recommend proposals for Members to consider

1.4 The Housing Advisors Programme will provide added value through bringing capacity and resource to both council strategic housing teams. We have limited resources to undertake this work ourselves. The appointed consultants would also be able to bring workable examples from other areas that have potential in the DDDC/AVBC areas. In addition the consultants would provide an independent viewpoint that senior officers and Members could consider.

2 OUTCOMES OF THE STUDY

2.1 The key outcomes we want to achieve focus on the corporate commitment to engage with and support the private rented sector. Previously our collective understanding and interaction with the sector has focused on traditional local authority functions such as housing benefit payments, housing standards enforcement, empty property work and homelessness prevention. We want and need to change this approach so that we can better work with and utilise the sector to the benefit of our residents.

2.2 The project will be managed by the two senior officers responsible for housing services in DDDC (The Director of Housing) and AVBC (Head of Housing Services). Member workshops and consultation are a key aspect of the project. The budget holder at DDDC will also manage the financial element of the project.

2.3 DDDC and AVBC are typical of many district and borough councils. Both have several market towns, rural areas and neighbour larger urban conurbations. We also have a rich and diverse housing stock but the age, quality and design of the private rented sector varies significantly. We have varied rental levels and landlords with small to large portfolios. Taking all of these factors together, our private rented sector reflects that of many English local authorities. In addition whilst we have successful and ambitious housing teams, our capacity to engage in the private rented sector is limited. This again reflects many English local authorities, particularly those that have undergone stock transfer.

2.4 We therefore believe that our long list of potential options followed up with more detailed proposals will be transferable to many other district and borough

councils. Following on from the Council's work with Altair to develop the Council Housing business plan, Officers from DDDC and AVBC have had a preliminary discussion about the project. Altair have provided a proposal that fulfils the funding requirements of the LGA and meets the outcomes required by DDDC and AVBC. The study will take place during 2022/23 with a final report expected by September/October 2022.

3 RISK ASSESSMENT

3.1 Legal

Officers must ensure that they have the authority from AVBC to obtain a report which covers services in their area before committing the funds.

3.2 Financial

Due to the timing of the grant award, the cost of this study of the private rented sector has not been included in the revenue budget for 2022/23. Therefore, it will be necessary to refer this to full Council for a supplementary revenue estimate for £25,000 in 2022/23. The cost will be fully funded by the grant from the Local Government Association. This Authority will be the lead authority, accountable for income and expenditure and for submitting a progress report to the LGA by 30th June 2022 and an end of project case study by 31st March 2023.

The financial risk is assessed as low.

4 OTHER CONSIDERATIONS

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

5 CONTACT INFORMATION

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6. BACKGROUND PAPERS

7. Climate Change Impact Assessment

As the study is essentially a piece of research, undertaking the CCIA is not necessary at this stage. However it is likely that future policy options will require an CCIA to be completed.

Community & Environment Committee

6th April 2022

Report of Director of Community & Environmental Services

PUBLIC SPACES PROTECTION ORDERS – CONSULTATION RESULTS AND PROPOSED NEW ORDERS

PURPOSE OF REPORT

The District Council's Public Spaces Protection Order (PSPO) expired on 31st October 2021. Before introducing, extending, varying or discharging a PSPO, there are requirements under the Anti-Social Behaviour, Crime & Policing Act 2014 with regard to consultation, publicity and notification. This reports presents the findings of the consultation exercise, which took place 4th October 2021 – 22nd November 2021, and seeks to propose options for consideration to be included in the new Order.

RECOMMENDATIONS

1. That the options for Alcohol restrictions outlined in 8.1.4 be considered and a decision be made which is to be included in the Public Spaces Protection Order 2022-2025.
2. That the options for BBQs and Open Fires restrictions outlined in 8.2.8 be considered and a decision be made which is to be included in the Public Spaces Protection Order 2022-2025.
3. That the proposals for No Parking restrictions outlined at paragraph 8.3.3 be approved for exclusion from the Public Spaces Protection Order 2022-2025.
4. That the proposals for Dog Control Orders (Dog Fouling) outlined at paragraph 8.4.13 point a) be approved for inclusion in the Public Spaces Protections Order.
5. That the proposals for Dog Control Orders (Various) outlined at paragraph 8.4.13 Appendix C be approved for exclusion in the Public Spaces Protections Order 2022-2025.
6. That the proposals for Dog Control Orders (Various) outlined in paragraph 8.4.13 Appendix D, be approved for inclusion in the Public Spaces Protection Order 2022-2025.
7. That the proposals for Dog Controls Orders (cemeteries, churchyards and burial grounds) outlined on paragraph 8.4.13 point d) to be approved for exclusion from the Public Spaces Protection Order 2022-2025.
8. That the proposals for Dog Control Order (Exclusion) outlined at paragraph 8.4.13 point e) and Appendix B be approved for inclusion in the Public Spaces Protection

Order 2022-2025.

9. That the proposals for Dog Control Orders (Lead by Direction) outlined in paragraph 8.4.13 point f) be approved for inclusion in the Public Spaces Protection Order 2022-2025.
10. That the proposals for Dog Controls Orders (Lead by Direction at certain times) outlined in paragraph 8.4.13 point g) be approved for inclusion in the Public Spaces Protection Order 2022-2025.
11. That authority be delegated to the Neighbourhoods Manager to resolve any minor site issues which may arise with relevant Town/Parish Council and Ward Members
12. That, subject to the above being approved, the new Public Spaces Protection Order 2022-2025 commences as soon as practicably possible.

WARDS AFFECTED

All Wards

STRATEGIC LINK

To ensure that the Derbyshire Dales remains a clean, green and safe place for residents and visitors.

1 BACKGROUND

- 1.1 In the Anti-Social Behaviour, Crime & Policing Act 2014 (S59-75), Public Spaces Protection Orders (PSPOs) were introduced nationally for the first time. The Act introduced simpler, more effective powers to tackle localised anti-social behaviour and provide better protection for victims and communities.
- 1.2 Derbyshire Dales' initial PSPO was introduced in 2015 and replaced the District Council's former Dog Control Orders. The most recent PSPO was adopted on 1st November 2018 and ran until 31st October 2021, covering dog control, alcohol consumption, fires & BBQs and Driving and Parking. That PSPO covered a total of 107 sites, 60% of these sites were under DDDC ownership, the others within Town/Parish's remit and responsibility.
- 1.3 The Order can last a maximum of three years and the District Council's most recent one expired on 31st October 2021. At the meeting of the Community & Environment Committee on 23rd June 2021 a report was presented which included the proposals for the consultation exercise which was scheduled to be carried out from 28th June – 8th August 2021. This would have given officers adequate time to analyse the responses and provide options for Members to consider at the September meeting of Community & Environment Committee. Officers would have had five weeks to produce and advertise the Order and install any relevant signage before the existing Order expired on 31st October 2021.
- 1.4 Unfortunately, the 23rd June Community & Environment Committee meeting was rescheduled for the 5th July 2021. At this meeting there was a suggestion made during the debate that there were some inaccuracies with the statistics in the report relating to the number of reports of 'outdoor fires' in the Derbyshire Dales. In the same debate,

reference was made to an email which was sent to the Chief Executive in March 2021, which provided conflicting information to that which was previously quoted and which was included in the report. As this raised concerns amongst committee members, the report was deferred with a request to seek clarification from the Derbyshire Fire and Rescue Service (DFRS), as well as requesting confirmation of the position of the Chief Constable of Derbyshire Constabulary. Therefore the committee resolved:

- 1.5 'That consideration of this item be deferred until the next meeting of the Committee to seek clarification on the views of statutory consultees on introducing a Public Spaces Protection Order for BBQs and Open Fires'
- 1.6 The correspondence referred to at 5th July meeting comprised of an email exchange (not a letter as stated in the meeting), on 26th February 2021 between Clive Stanbrook (Area Manager – DFRS) and Councillor Mrs Burfoot. The email was forwarded to the Chief Executive (for information) by Councillor Mrs Burfoot.
- 1.7 The email did not include any statistics on BBQ related incidents, but it did appear to indicate a contrary view to that previously expressed by DFRS and suggested that they fully supported the introduction of a PSPO discouraging the use of BBQs. In response to this email, the Chief Executive immediately instructed officers to seek a definitive view from the Chief Fire Officer on the DFRS official stance on this matter.
- 1.8 Officers subsequently sought clarification from Gavin Tomlinson, Chief Fire Officer/Chief Executive of DFRS and Rachel Swann, Chief Constable of Derbyshire Constabulary. They both agreed that the information included in the report which was presented to Members at the Community & Environment Committee on 5th July 2021 was accurate.
- 1.9 Due to this delay, there was not sufficient time to carry out the required consultation and feed back to the Community & Environment Committee before the expiration of the current Public Spaces Protection Order on the 31st October 2021. This has resulted with a period of time in which no enforcement could be carried out for any breaches of the Order. This period of time is likely to be in excess of 8 months.

2 RATIONALE FOR THE INTRODUCTION/CONTINUATION OF A PUBLIC SPACES PROTECTION ORDER

- 2.1 A local authority may make a Public Spaces Protection Order if satisfied on reasonable grounds that two conditions are met.
- 2.2 The first condition is that:
 - a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - b) it is likely that activities will be carried out in a public place within that area and that they will have such an effect.
- 2.3 The second condition is that the effect, or likely effect of the activities:
 - a) is, or is likely to be, of a persistent or continuing nature,
 - b) is, or is likely to be, such as to make the activities unreasonable, and
 - c) justifies the restrictions imposed by the notice.
- 2.4 The Order must stand up to potential legal challenge, be reasonable and proportionate.

There must be an element of evidence with proven detrimental effect on an area. Any introduction should not knowingly cause displacement of the behaviour.

- 2.5 Any breaches of the PSPO by an individual is enforced by the issuance of a £100 Fixed Penalty Notice at the time of the offence, which can be issued by a Police Officer, Police Community Support Officer (PCSO) and/or Derbyshire Dales District Council Officers (who have had the relevant enforcement training).
- 2.6 Signage is installed in the areas affected, advising people that they are in a PSPO area and warning of the possible consequences of displaying any anti-social behaviour covered by the Order.
- 2.7 Before introducing, extending, varying or discharging a PSPO, there are requirements under the Act relating to consultation, publicity and notification. Local authorities are legally obliged to consult with the local Chief Officer of the Police, the Police and Crime Commissioner; owners or occupiers of land within the affected area where reasonable practicable, and appropriate community representatives. Any county councils (where the Order is been made by a District), parish or community councils that are in the proposed areas covered by the PSPO must also be notified.

3 CONSULTATION STEER AND CONTENT

- 3.1 A further report was submitted to the Community and Environment Committee on 22nd September 2021 where it was resolved:
 - a) That a six week consultation period of public consultation on the Draft Public Spaces Protection Order be undertaken from 4th October to 22nd November 2021.
 - b) That the proposals for Dog Control, Alcohol restrictions, Driving & Parking and Fires and BBQs Order (as outlined in the report) be approved for inclusion in the Draft Public Spaces Protection Order.
 - c) That a further report be presented to a future meeting of the Community & Environment Committee with the results of the consultation exercise, which will also include options on how to proceed with a view to commence the new Public Spaces Protection Order at the soonest possible date.
 - d) That Members note, due to delayed timescales, there will be no PSPO in place from 1st November 2021, until the consultation has been concluded and a decision is made at a future date of this Committee to approve the details of the new PSPO.
- 3.2 The steer of the consultation was based on evidence available to Officers from the previous PSPO. This was presented in detail in the report to the Community and Environment Committee on 22nd September 2021.
- 3.3 This included data available to the District Council from its own evidence base using reports made to the Council's Customer Relationship Management System (CRM) which was introduced 1st April 2020, and data and views expressed by partner organisations, including DFRS and Derbyshire Constabulary.

4 CONSULTATION EXERCISE

- 4.1 An extensive consultation exercise took place between 4th October and 22nd November

2021, which included:

- A detailed Survey Monkey questionnaire was widely publicised via the District Council's website, ENewsletter, Dales Matters, social media, local press plus site notices were placed on all 107 affected sites.
- Liaison with statutory consultees, Landowners, interest groups, user groups, event holders, accessibility groups as well as District and Town/Parish Councillors and a number of Parish meetings.
- During the consultation, visits were made to each of the 107 sites by the Neighbourhoods Team.
- The survey attracted 699 responses and there were a small number of emails from aforementioned groups and members of the public.

5 CONSULTATION RESULTS AND ANALYSIS

- 5.1 The survey had 38 questions in total - 22 of which were yes/no/don't know answers, the results of which could be represented in a pie chart. 18 questions (2 overlapped) had free text answers and in total attracted 3,848 text comments, which represented varying views and needed to be all read thoroughly to be able to group into themes.
- 5.2 The District Council has liaised with Chief Superintendent, Hayley Barnett and her response is available in Appendix A.

6 MEMBER ENGAGEMENT

- 6.1 Members were provided with the redacted consultation results in PDF and Excel formats along with a blank copy of the Survey Monkey questionnaire for reference.
- 6.2 Members were subsequently provided with a summarised consultation results and a number of recommendations and options in advance of the Member Engagement Session on 24th February 2022 to help/aid discussions on the options.
- 6.3 The above documents are all available on the Members Portal.

7 CONSIDERATIONS

- 7.1 When considering a PSPO and the recommendations, Members are reminded that the introduction of a PSPO should have an element of evidence base and not just on people's opinion or request.
- 7.2 As highlighted previously in paragraph 2.4, the Order must stand up to potential legal challenge, it needs to be reasonable and proportionate to address specific ASB issues which are taking place. The evidence must show that there is a detrimental effect on the area in question.
- 7.3 Also, the District Council has very limited enforcement resources which are more likely to be deployed for targeted educational campaigns and patrols. The Police have the ability to enforce breaches does have the power to compel someone to provide their name and address in certain situations, powers which District Council Officers do not have.
- 7.4 However, the Police would only address breaches of the PSPO during their day to day

patrols and only if anti-social behaviour was demonstrated as a result.

8 FINDINGS, OPTIONS AND RECOMMENDATIONS

There is a full list of proposals to all sites can be found in Appendix B

8.1 ALCOHOL

8.1.1 The previous controls covered 39 sites (one Town/Parish controlled – Litton Play Area Mires Lane) with a restriction that allows authorised officers to ask for the alcohol to be surrendered.

8.1.2 Key themes and comments which emerged from the consultation:

- a) A number of comments about not seeing any evidence of Anti-social behaviour related issues or if alcohol is consumed responsibly and not causing any harm, allow its consumption
- b) Concerns were raised if there isn't a PSPO in place how would anti-social behaviour be dealt with. If there are continuing issues with ASB no matter the cause there is other legislation which could be used in extreme circumstances, such as Community Protection Warnings/Notices (CPW/CPN), both the Police and officers at District Council have some capacity to issue these.
- c) Events taking place across the District and sometimes stalls sell alcohol, or permits the consumption of alcohol as part of the event. Officers reiterate the PSPO doesn't ban alcohol, but serves as a control for those acting irresponsibly and causing ASB towards others. Could be agreed as part of an event licence if required. Police can deal with drunk and disorderly offences without the need for a PSPO.
- d) Only 15 comments specifically mentioned witnessing ASB related issues involving alcohol, the vast majority mentioned the litter which was left behind. Officers acknowledge this needs to be addressed through different channels.

8.1.3 Comments on particular sites were predominantly on the five main parks/recreational grounds as below. In addition, Bakewell Town Council had requested for Scott's Garden, a popular town centre location to be included in the consultation PSPO. This was also supported in other comments received in the consultation.

8.1.4 Recommendations/Options for Alcohol Order

- a) Remove Alcohol from all sites
- b) Retain in five main parks/recreational grounds:
 - Ashbourne Recreational Ground, Memorial Gardens and Fishpond Meadow
 - Bakewell Recreational Ground and Scott's Garden
 - Matlock Hall Leys Park
 - Matlock Bath Derwent Gardens, Lovers Walk, Pavilion Park
 - Wirksworth Fanny Shaws Playing Field

8.2 OPEN FIRES AND BBQs

8.2.1 The previous controls covered 44 sites (all DDDC) with a restriction that an individual shall not light, maintain or be associated with fire, stove, BBQ, or similar, in the specified area, unless with prior consent has been obtained from the District Council.

8.2.2 The survey showed that almost 41% of respondents claim to have witnessed issues,

but just under 13% reported through to the Police or District Council (the District Council did not receive any complaints) and almost 72% were aware of the PSPO. Upon interrogation some had witnessed only scored grass not the event itself, or had seen information on social media.

Top reported locations

- Bakewell Recreational Ground – 63
- Stanton Moor - 36
- Bakewell Scott's Gardens – 14
- Ashbourne Recreational Ground - 14
- Matlock Hall Leys Park - 6

- 8.2.3 Various issues mentioned, included the effect of Lockdown easing, concerns about environmental impact, hazards, damage to grass and street furniture and associated issues such as ASB and litter.
- 8.2.4 Peak District National Park Authority (PDNPA) supports the proposal for a PSPO for BBQs and open fires on Stanton Moor because there are significant issues on an important heritage site and Scheduled Monument – especially around the summer solstice – and the situation with wild fires is different and they welcome the proposal to include a PSPO that bans fires and BBQs in this specific area. In other areas of Derbyshire Dales where wild fires are not a major issue, PDNPA feel that existing legislation can be used effectively to control unauthorised or dangerous wild fires, rather than the use of a PSPO in these other areas.
- 8.2.5 The District Council has seen a small number of social media posts which have suggested fires and BBQs did take place during the life of the previous Order, however no formal complaints/reports were received by the Council. However, it is noted from the consultation that several people say they have witnessed lit fires and BBQs or their impact eg scored grass, damaged street furniture, particularly in the town centre parks/recreational grounds.
- 8.2.6 It should be noted that the District Council has limited enforcement resources and our partners do not support the introduction of a PSPO covering open fires and BBQs therefore, Members need to be aware of this when making the decision on how they want to proceed.
- 8.2.7 The enforcement of the proposed PSPO for Stanton Moor would fall to partners such as the Rural Crime Team.
- 8.2.8 Recommendations/Options for BBQs/Open Fires
- a) Remove from all previous sites but include Stanton Moor or,
 - b) Retain in the five main parks/recreational grounds
 - Ashbourne Recreational Ground, Memorial Gardens and Fishpond

Meadow

- Bakewell Recreational Ground and Scott's Garden
- Matlock Hall Leys Park
- Matlock Bath Derwent Gardens, Lovers Walk, Pavilion Park
- Wirksworth Fanny Shaw's Playing Field
- Stanton Moor or,

c) Retain in all previous sites, add in Scott's Garden, Bakewell and Stanton Moor

8.2.9 A Member Engagement Session was held on 24th February in which all above options were discussed.

8.3 DRIVING AND PARKING

Previous controls covered 43 sites (all DDDC) with a restriction that if an individual, without reasonable excuse, drives or parks their vehicle on the specified sites, that person shall be guilty of an offence (certain exceptions eg emergency vehicles).

8.3.1 Some sites in the previous Order should not have been included as they have no vehicular access, such as Bakewell Bath Gardens, Rowsley Chatsworth Road Play Area and Wirksworth, The Dale and Yokecliffe Park.

8.3.2 Public perception that removing the Order, is advocating driving and parking in these areas, however this is not the case. There is provision to regulate by other measures such as DDDC event licence, sport club agreements and if required hardening measures.

8.3.3 Therefore, the recommendation is to remove this from the Order.

8.4 DOG CONTROLS

8.4.1 Fouling of land by dogs – this covers any land within the administrative area of Derbyshire Dales District Council which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. If a dog defecates at any time on the said land and the person, who is in charge of the dog at the time, fails to remove the faeces from the land forthwith, shall be guilty of an offence.

8.4.2 Dogs on Leads (not more than 1.5 metres in length) – 45 sites (excluding cemeteries, churchyards and burial grounds). 22 of these are Town/Parish controlled.

8.4.3 Dogs on lead by direction (not more than 1.5 metres in length) – 21 sites – One is Darley Dale, Whitworth Park, all remaining sites are DDDC. The control is 'a person in charge of a dog shall be guilty of an offence if he/she doesn't comply with a direction given to her/him by an authorised officer of the Council to put and keep the dog on a lead of not more than 1.5 metres in length'.

8.4.4 Dog exclusion – 30 DDDC and 23 Town/Parish controlled sites plus Whitworth Park.

8.4.5 Some previous sites should have not been included in the Order as they are non DDDC or Town/Parish controlled land or sites do not fit the criteria to be included, as outlined in Appendix C.

- 8.4.6 Some sites have a combination, eg exclusion from an enclosed play area, but different control on the wider recreational ground. Some sites have time controlled controls, eg dogs on lead at certain times and lead by direction at other times.
- 8.4.7 The survey results indicated that just over 56% have witnessed dog fouling that hasn't been picked up, but just under 5% reported incidents. In addition, just over 69% are aware of the PSPO so there is scope for promotion and awareness raising of what the reporting mechanisms are.
- 8.4.8 Support from the consultation results and guidance from The Royal Society for the Prevention of Accidents (ROSPA) specifically for dog exclusion in enclosed play areas. Through site visit observations and consultation comments, it is evident that some of the play areas do not have a physical barrier and in some instances may be difficult to create one so this needs to be taken into account.
- 8.4.9 Cemeteries, churchyards and burial grounds – perception rather than experience and general views expressed on appropriate behaviour in these areas. There were 14 grounds included in the previous PSPO:
- Ashbourne Cemetery
 - Bakewell Cemetery Burton Edge
 - Brailsford Cemetery
 - Brassington Cemetery
 - Cromford St Marks Churchyard and Steeple Arch Cemetery
 - Darley Dale Cemetery
 - Doveridge Burial Ground
 - Middleton by Wirksworth Cemetery
 - Tansley Churchyard and Burial Ground
 - Winster Churchyard & Cemetery
 - Wirksworth Fanny Shaw Cemetery & St Marys Churchyard
- 8.4.10 There are a significant number of other similar location/sites across the District which were not covered by the previous PSPO and the District Council receives no complaints from Town/Parish Councils or members of the public that there are any issues. It should be noted that some sites form part of or lead to Public Rights of Way so exclusion would not be an appropriate control.
- 8.4.11 Lead by direction – Comments and views from the consultation:
- The results are not overwhelming in agreement to keep Lead by Direction
 - A high number of people feel that dogs should be on leads in areas which were previously covered
 - Appreciation that the need for dogs to socialise and some owners need to allow their four legged friends off the lead for sufficient exercise and they themselves may have mobility issues
 - The need to balance this against use of these areas for a variety of activities such as sports and events as well as for general enjoyment. Also take into account that we do not benefit from a dedicated enforcement team, so targeted patrols take place, as resource allows, in known hotspots which are reported through to the

Council through CRM.

8.4.12 The recommendations are based on the consultation responses plus evidence that we have at our disposal at present. Continual monitoring and data gathering will take place to inform the review of the Order in three years' time.

8.4.13 Recommendations/Options for Dog Control Order:

- a) Retain dog fouling on all publically accessible land across the Derbyshire Dales.
- b) Remove other dog controls from the sites outlined in Appendix C
- c) Add new sites that have been requested by Parish Councils and included in consultation and those omitted in error from previous Order plus some minor amendments as outlined in Appendix D
- d) Recommendation to remove dogs on leads from cemeteries, churchyards and burial grounds
- e) Dog exclusion on larger Town/Parish Council and DDDC sites – Retain as was in the previous Order
- f) Dogs on leads and lead by direction – retain as was in the previous Order
- g) Retain lead by direction at certain times between 11am and 4pm in town centre recreation grounds/parks:
 - Ashbourne Recreation Ground (Ashbourne Fishpond retain as lead by direction at all times)
 - Bakewell Recreation Ground
 - Matlock Hall Leys Park

9. THE NEXT STEPS

9.1 Once the Committee has made their decision, Legal Services will produce the Order and make the necessary arrangement for it to be advertised ahead of the introduction of the new PSPO. Ahead of the introduction, details of the new PSPO, will be advertised through a press release, social media and the website. Town/Parish Councils and Councillors will be contacted directly with the changes which affect their areas.

9.2 Working with our Legal Services and Communication teams, signage will be designed and the aim will be to rationalise the signage where possible and easy to understand. The plan will be to introduce 'QR codes' to enable easier reporting by members of the public. It is estimated that the signage and installation costs will be in the region of £10,000. Town/Parish Councils will be able to purchase the necessary signage via DDDC.

9.3 For any restrictions which are not retained, the Council will investigate opportunities to inform services users what is expected whilst visiting our parks, cemeteries and other areas.

9.4 Education should be our priority, with enforcement and the issuance of Fixed Penalty Notices (FPNs), following as a last resort.

9.5 Both the September 2020 and the Summer 2021 litter and dog fouling campaigns were well received. They also highlighted that the problem was not as bad as it had been reported or perceived. The Council will continue to have similar

campaigns in the future.

- 9.6 The Council's Environmental Health team, along with external parties had been involved in a publicity campaign around open fires and BBQs in light of the increased number of staycations in the last two years. Under the Health & Safety at Work umbrella the campaign focussed on caravan and camping sites as well as having a broader reach.
- 9.7 Together with 'Keep Britain Tidy' and other 'clean up campaigns' the District Council plan to carry out awareness and targeted enforcement days with our partners such as the Police, Parking enforcement contractors, dog wardens as well as council officers.
- 9.8 The PSPO will be closely monitored, as this evidence will inform any possible future PSPO and influence and necessary reviews. The CRM system will be adapted to allow all PSPO issues to be reported by members of the public through the use of QR codes which will be available on all signage.
- 9.9 Through the CRM system it is hoped to capture even more robust data through a map layering system which will distinguish between issues on sites which are covered by the PSPO.

10 RISK ASSESSMENT

Legal

- 10.1 The power and requirements for making a PSPO are Part 4 of Chapter 2 of the Anti-social Behaviour Crime and Policing Act 2014, and is supplemented by the Anti-social Behaviour Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 and statutory guidance issued by the Secretary of State.
- 10.2 Under Section 66 of the Act any challenge to the validity of a PSPO must be made in the High Court by an interested person within six weeks of it being made and advertised.
- 10.3 This means that only those who are directly affected by the restrictions have the power to challenge. The validity of a PSPO can be challenged on two grounds:
 - a) That the Council did not have the power to make the Order, or to include particular prohibitions or requirements
 - b) That the procedural requirements for making a PSPO (for instance, consultation) were not complied with.
- 10.4 On any application to the High Court challenging the validity of an Order the Court may suspend its operation or any of the prohibitions or requirements imposed by it until the final determination of the proceedings. If the Court is satisfied the Council does not have the power to make the PSPO, or it did but the Council failed to comply with the procedural requirements and, the applicant has been substantially prejudiced by that failure, it may be quash the Order or any of the prohibitions or requirements imposed by it.
- 10.5 In deciding whether to make a PSPO and, if so, that restrictions should be included, by Section 72 of the Act the Council must have particular regard to the rights of

freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (“the convention”).

- 10.6 A PSPO may also be challenged by way of an application for judicial review which must be brought promptly and in any event not later than 3 months after the grounds to make the claim first arose. At this preliminary stage the above was provided for information since the Council is not, at this point, deciding whether to actually make a PSPO, however the consultation recommended in this report is required to limit the avenues for a successful legal challenge to any PSPO that is fully approved.
- 10.7 A lapse in the Order for a 5 month period present a risk as it will not be possible to issue a Fixed Penalty Notices during that time until a new PSPO is introduced. However, as mentioned in the report relatively little evidence has been found that there were significant issue in areas which were covered by the expired PSPO, therefore, this risk is considered to be low.

Financial

- 10.8 There are costs involved in setting up and maintaining the PSPO.
- 10.9 There will be one-off costs of signage for the new PSPO. It is estimated that the signage and installation costs will be in the region of £10,000, which can be met from approved budgets.
- 10.10 There is also a cost of enforcing the PSPO. Enforcement will mainly be delivered by Council officers; the cost of this can be contained within existing budgets. In addition, parking enforcement officers will carry out some PSPO enforcement on the Council’s behalf. There is £2,000 in the revenue budget for 2022/23 for this purpose. The parking enforcement officers have undertaken the relevant training and this would likely be out of hours, or in addition to the days and times DDDC staff are working.
- 10.11 The financial risk is assessed as low.

11 OTHER CONSIDERATIONS

- 11.1 If the Committee decide to include BBQs and Open Fires in the PSPO or include adding Stanton Moor, this would only be as in an advisory capacity. The Council would not have any enforcement responsibility, and the Police have already advised that they do not support the inclusion of BBQs or Open Fires in the PSPO.
- 11.2 In preparing this report, the relevance of the following factors have also been considered: crime prevention and disorder, equalities, human rights, personnel and property.
- 11.3 Environmental/Climate Change
 - 11.3.1 Recommendations 1, 4 -12 – There are not considered to be major climate change impacts as a result of the recommendations made. There may be an increase in transport emissions resulting from the inclusion of additional sites under Dog Control Orders. Increased travel will be required in order to effectively enforce the new PSPO and ensure appropriate support through educational campaigns, new signage etc.

Some of these emissions will be direct – Council staff in vehicles, and some will be indirect – for example, through the response of the Rural Crime Team.

11.3.2 To mitigate against these impacts the Council continues to be involved in campaigns, alongside other agencies, which have been effective in engaging with the public, observing their behaviour and adherence to the Order. The Council is also committed to reduce emissions from their own fleet.

11.4 Recommendation 2 –

11.4.1 The recommendation is to consider ‘options for BBQ and Open Fire restrictions outlined in 8.2.8 and make a decision which is to be included in the new order’.

11.4.2 The potential climate change impact of accidental wildfires caused by the misuse of BBQs or lighting of outdoor fires has been considered. In many areas the impacts of an accidental fire would be minimal due to the nature of the land use, many are parks or recreation grounds with large expanses of open mown grass. However, with hotter summers now becoming the norm, the risk of fire taking hold and spreading is greater than ever before and loss of mature trees could be a risk.

11.4.3 Stanton Moor is an area of mineral or thin organic soil so there is low risk in respect of carbon stored in the soil itself however as an upland heather moor it forms part of a scarce international ecological resource. The range of landscape resources on the moor and around its fringes constitute a mosaic of diverse habitats.

11.4.4 In particular areas the consequences of wildfires could be devastating and far reaching, including loss of organic carbon stored in vegetation and peat which would be emitted to the atmosphere by combustion to carbon dioxide. Peatlands, which are often damaged by wildfires can play a vital role in the fight against climate change, capturing carbon from the atmosphere, reducing flood risk, and supporting biodiversity. Some deep peat moorland and heavily wooded areas of the district could be particularly badly impacted should a wildfire occur.

11.4.5 Wildfires can also input harmful chemicals into water bodies and can destroy the habitats of mammals, reptiles and ground nesting birds.

11.4.6 Whilst the climate change impact of an accidental fire in certain areas of the district would be extremely damaging it is not considered that a PSPO is an appropriate means to reduce this risk. As per 8.2.4 in other areas of Derbyshire Dales where wild fires are not a major issue, PDNPA feel that existing legislation can be used effectively to control unauthorised or dangerous wild fires, rather than the use of a PSPO. While PSPOs can be introduced to cover any piece of land to which the public has access, they are designed to target specific areas with specific evidence based issues and they must be ‘relevant, fit for purpose and realistically enforceable’. In the highest risk areas, from a climate change impact perspective, there is no evidence of BBQs and fires being an issue. The rural and disparate nature of these areas means enforcement cannot be considered to be realistic and in any case the powers of the PSPO are such that enforcement, through Fixed Penalty Notices, would take place after the event – when the damage had already been done.

11.4.7 To mitigate against this risk the Council continues to be involved in campaigns, alongside other agencies, which have been effective in engaging with the public,

observing their behaviour and adherence to the Order.

11.5 Recommendation 3 –

11.5.1 The recommendation to remove the order, as per 8.3.3, does not mean that Council is advocating driving and parking to or in particular areas and therefore an increase in transport emissions. But that there is more suitable provision through regulation such as DDC event licence, sport club agreements and if required hardening measures.

12 CONTACT INFORMATION

12.1 Ashley Watts – Director of Community & Environmental Services

Email: Ashley.watts@derbyshiredales.gov.uk

Tel: 01629 761367

12.2 Vikki Hatfield – Neighbourhoods Manager

Email: Vikki.hatfield@derbyshiredales.gov.uk

Tel: 01629 761377

12.3 Ros Hession – Neighbourhood Liaison Officer

Email: ros.hession@derbyshiredales.gov.uk or pspo@derbyshiredales.gov.uk

Tel: 01629 761302

13 BACKGROUND PAPERS

13.1 Redacted survey results on request

Contact: Chief Superintendent Hayley Barnett
Direct Telephone: 0300 122 4754
Extension:
Email: hayley.barnett@derbyshire.police.uk
Our reference:
Your reference:
Date: 23 March 2022

Alena.Greenwood@derbyshiredales.gov.uk

Dear Alena

Thank you for giving us the opportunity to consider and respond to the proposed Public Spaces Protection Order (PSPO). Our comments and feedback are as below:

7.3. Also, the District Council has very limited enforcement resources which are more likely to be deployed for targeted educational campaigns and patrols. The Police have the ability to enforce breaches and have the power to compel someone to provide their name and address, powers which District Council Officer do not have.

7.4. However, the Police would only address breaches of the PSPO during their day-to-day patrols and only if anti-social behaviour was demonstrated as a result.

Derbyshire Constabulary are fully committed to tackling issues of anti-social behaviour, working in partnership with Derbyshire Dales District Council and other partner agencies. However, Derbyshire Constabulary cannot undertake to being the principal enforcement agency. This is especially the case for the proposal to include Fires and BBQs an element which we do not support.

The police do not necessarily have the power to 'compel someone to provide their name and address'. Section 24 (5) PACE provides the powers of arrest for constables under certain circumstances where an offence has been committed and certain criteria applies including where a person's identity cannot be ascertained. In the absence of other offences or repeated breaches, it would unlikely ever be necessary or proportionate for an officer to arrest a person for a breach of a PSPO by virtue of the fact they fail to provide their name or address. The power of arrest is not extended to PCSOs.

The police are unable to undertake dedicated patrols in respect of the prohibitions. It is likely that the granting of a PSPOs would raise the public expectation that they will be monitored and enforced. With neither agency able to effectively resource the order, there is a risk that the credibility of the order is undermined as well as public trust and confidence in the wider efforts of the council and partners, such as the police, to tackle crime and anti-social behaviour.



8.1.2.

- b) Concerns raised if there isn't a PSPO in place how would anti-social behaviour be dealt with. If there are continuing issues with ASB no matter the cause that is other legislation which could be used in extreme circumstances, such as Community Protection Warnings/Notices (CPW/CPN), both the Police and officers at District Council have some capacity to issue these.*
- c) Events taking place across the District and sometimes stall sells alcohol, or permits the consumption of alcohol as part of the event. Officers reiterate the PSPO doesn't ban alcohol, but serves as a control for those acting irresponsibly and causing ASB towards others. Could be agreed as part of an event licence if required. Police can deal with drunk and disorderly offences without the need for a PSPO.*

Agreed and support this statement

8.2.2 *The survey showed that almost 41% of respondents claim to have witnessed issues, but just under 13% reported through to the Police or District Council (the District Council did not receive any complaints) and almost 72% were aware of the PSPO. Upon interrogation some had witnessed only scored grass not the event itself, or had seen information on social media.*

Top reported locations

- *Bakewell Recreational Ground – 63*
- *Stanton Moor - 36*
- *Bakewell Scott's Gardens – 14*
- *Ashbourne Recreational Ground - 14*
- *Matlock Hall Leys Park – 6*

There is limited evidence that fires and BBQs are associated with anti-social behaviour or significant fire risk. During 2021 there were 9 reports to police of fires / BBQs. Most were associated with potential Covid breaches. Six incidents were assessed as not meeting police attendance criteria and closed, two of which were passed to DFRS. The remaining four were graded as low priority and upon attendance, apart from with one incident, no persons were found to be present.

8.1.4 *It should be noted that the District Council has limited enforcement resources and our partners do not support the introduction of a PSPO covering open fires and BBQs therefore, Members need to be aware of this when making the decision on how they want to proceed.*

8.1.5 *The enforcement of the proposed PSPO for Stanton Moor would fall to partners such as the Rural Crime Team.*

Please see the response at 7.3 / 7.4. Additionally, Home Office Statutory Guidance (2021)¹ states that - *PSPOs are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.* The act of using a BBQ, if used safely, would not on its own amount to anti-social behaviour, especially where it does not affect other persons in the vicinity. In such cases it would unlikely be necessary or proportionate to apply the provisions of the order.

The police would advocate for a multi-agency problem solving approach to be taken where there are persistent issues, rather than taking a blanket approach to prohibition. A problem-solving approach is likely to be more successful in the long term and a more proportionate response to the issue.

The Rural Crime team do support incidents at Stanton Moor which specifically impact upon the Protected Monument. However, the moor can only be accessed via foot or all-terrain vehicles. Police therefore do not routinely patrol that site and the requirement for any attendance will be subject to a risk assessment. During 2021, only one of the nine incidents reported to police concerned Stanton Moor.

8.3 Dog controls

Consideration should be given as to whether the restrictions will likely displace dog owners to exercise their dogs off the lead on land where there is a risk of livestock, particularly sheep, being worried. The Force receive a number of calls each year in relation to sheep worrying in Derbyshire Dales.

8.2 *Together with 'Keep Britain Tidy' and other 'clean up campaigns' the District Council plan to carry out awareness and targeted enforcement days with our partners such as the Police, Parking enforcement contractors, dog wardens as well as council officers.*

The Force fully supports taking a partnership and problem-solving approach to these issues and such activities could be incorporate in the 'Beat Sweep' campaigns.

Yours sincerely



H Barnett
Divisional Commander
North Division

¹ Home Office. Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers. Statutory Guidance for frontline professionals.

Public Space Protection Orders

Site list showing proposals – April 2022

Key to colours
DDDC Land
Parish/Town Council Land
To be removed
Proposed revised / new
Fires & bar b qs to be determined

Please note: Fouling of land by dogs – this covers any land within the administrative area of Derbyshire Dales District Council which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. If a dog defecates at any time on the said land and the person who is in charge of the dog at the time, fails to remove the faeces from the land forthwith, shall be guilty of an offence.

Item	Site	Exclusion	Dogs on Leads	Lead by Direction	Alcohol Control	Fires & BBQs	No Parking & Driving	Comments
Ashbourne								
1	Cavendish Drive Play Area	✓ (Play Area Only)	✓		✓	✓	✓	It has come to light that this area of land is neither in the ownership of DDDC or the Town Council so site to be removed from the Order
2	Ashbourne Cemetery		✓					Site to be deleted as per recommendations
3	Ashbourne Recreation Ground	✓ (Enclosed Play Area, Bowling Green, Tennis Courts Only)	✓ 11 am – 4 pm	✓ 4pm – 11am	✓	✓	✓	
4	Fishpond Meadow			✓	✓	✓	✓	
5	Memorial Gardens		✓		✓	✓	✓	
6	Brickyard Play Area	✓ (Play Area Only)	✓		✓	✓	✓	
7	Highfield Road Play Area	✓ (MUGA & Play Area Only)	✓		✓	✓	✓	
8	Thorpe View Play Area	✓ (Enclosed Play Area Only)	✓		✓	✓	✓	
9	Bankcroft Picnic Area		✓		✓	✓	✓	Remove site as unsuitable for inclusion

Item	Site	Exclusion	Dogs on Leads	Lead by Direction	Alcohol Control	Fires & BBQs	No Parking & Driving	Comments
Ashford in the Water								
10	Hall Orchard Playing Field		✓					Ashford in the Water PC wish to change from dog exclusion to dogs on leads
Bakewell								
11	Bakewell Cemetery Burton Edge		✓					Site to be deleted as per recommendations
12	Bakewell Recreation Ground	✓ (Enclosed Play Area Only)	✓ 11 am - 4 pm	✓ 4pm - 11am	✓	✓	✓	
13	Tennis Courts Recreation Ground	✓						
14	Bath Gardens		✓		✓	✓	✓	
15	Riverside Walk		✓		✓	✓	✓	
16	Scots Gardens				✓	✓		New request BTC
Bonsall								
17	Bonsall Recreation Ground, Clatterway	✓ (Enclosed Play Area Only)		✓	✓	✓	✓	
18	Yeoman Street Memorial Gardens		✓					
19	Bandstand at the Cross		✓					Recommend removal of site
20	Old School Yard, The Dale		✓					PC request to remove
21	Nether Green, Clatterway		✓					Recommend removal of site
Bradwell								
22	Recreation Ground Gore Lane	✓						
23	Recreation Ground Brookside	✓						
24	Peace Gardens Church Street	✓						PC wish to remove dog exclusion

Item	Site	Exclusion	Dogs on Leads	Lead by Direction	Alcohol Control	Fires & BBQs	No Parking & Driving	Comments
Brailsford								
25	The Plain POS / Recreation Ground	✓ (Play Area Only)	✓					
26	Brailsford Cemetery, Church Lane		✓					
Brassington								
27	Brassington Churcyard		✓					Site to be deleted as per recommendations
28	Brassington Play Area, Meadow Rise	✓						
29	Brassington Recreation Field, South of Green View		✓					
30	Brassington Picnic Area, Wirksworth Dale		✓					
31	Brassington Village Green, Meadow Rise		✓					Remove site as school field and private houses
32	Brassington Village Pond Middle Lane		✓					Remove as unsuitable site
Calver								
33	Calver - cricket field	✓						New request Calver Parish Council
Chelmorton								
34	Chelmorton Play Area, Main Street	✓						

Item	Site	Exclusion	Dogs on Leads	Lead by Direction	Alcohol Control	Fires & BBQs	No Parking & Driving	Comments
Cromford								
35	Cromford Memorial Gardens		✓		✓	✓	✓	
36	Cromford Play Area, North Street	✓			✓	✓	✓	
37	St Marks Churchyard, St Mark's Close		✓					Site to be deleted as per recommendations
38	Scarthin War Memorial		✓					
39	Steeple Arch Cemetery, Steeple Grange		✓					Site to be deleted as per recommendations
Darley Dale								
40	Morledge Recreation Area	✓ (Enclosed Play Area Only)		✓	✓	✓	✓	To rectify omission from previous Order
41	Broadwalk Recreation Ground / Tippin	✓ (Play Area Only)		✓	✓	✓	✓	
42	The Parkway Recreation Ground	✓ (Play Area Only)		✓	✓	✓	✓	
43	Darley Dale Cemetery		✓					
44	Northwood Recreation Ground	✓ (Play Area Only)		✓	✓	✓	✓	
45	Willow Way Play Area	✓ (Enclosed Play Area Only)		✓	✓	✓	✓	
46	Whitworth Park	✓ (Enclosed Play Area Only)	✓					Recommend removal of site as not DDDC or parish administered

Item	Site	Exclusion	Dogs on Leads	Lead by Direction	Alcohol Control	Fires & BBQs	No Parking & Driving	Comments
Doveridge								
47	Playing Fields Sand Lane		✓					
48	Doveridge Burial Ground		✓					Site to be removed as per recommendations
49	Meadow View Pathway		✓					Site to be removed as not suitable criteria for Order
50	Area around the pond and woodland attached		✓					New request from Doveridge Parish Council
Foolow								
51	Foolow Village Green		✓					
Hathersage								
52	King George Playing Fields, Back Lane	✓						
Hognaston								
53	Play Area, Bakery Close	✓						
Hulland Ward								
54	Area of Land at Moss Lane		✓					Site to be removed as not suitable criteria for Order
55	Play Area Ashes Avenue	✓						
Kniveton								
56	Village Recreation Ground, Main Street	✓ (Enclosed Play Areas Only)	✓					
Litton								
57	Litton Play Area, Mires Lane	✓			✓			Omitted in error form previous Order
58	Litton - Memorial Playing Field Church Lane	✓						New request from Litton Parish Council

Item	Site	Exclusion	Dogs on Leads	Lead by Direction	Alcohol Control	Fires & BBQs	No Parking & Driving	Comments
Matlock								
59	Cavendish Rd Play Area & Paths	✓ (Play Area Only)	✓		✓	✓	✓	Remove wooded areas and paths as not suitable for inclusion and ownership unknown
60	Orchard Play Area, Hazel Grove, Hurst Farm	✓ (Play Area Only)		✓	✓	✓	✓	
61	Allen Hill Park		✓		✓	✓	✓	
62	Dimple Recreation Ground, Megdale	✓ (Play Area Only)		✓	✓	✓	✓	
63	Hall Leys Park	✓ (Encl. Play Area, Tennis Courts & Bowls Area Only)	✓ 11 am – 4 pm	✓ 4pm - 11am	✓	✓	✓	
64	Sensory Garden		✓		✓	✓	✓	
65	Smedley Street Park / Sparrow Park	✓			✓	✓	✓	
66	Starkholmes Memorial, Starkholmes Road		✓					
67	Starkholmes Playing Field	✓ (Enclosed Play Area Only)		✓	✓	✓	✓	
68	Victoria Gardens			✓	✓		✓	
69	Swan House Grass Area		✓		✓	✓	✓	
70	War Memorial Pic Tor		✓					
71	Diana Memorial Gardens		✓					
72	Denefields			✓	✓	✓		
73	Wellfield Allotments		✓					
74	Megdale Community Garden		✓					
75	Hurst Rise Playing Field	✓ (Encl. Play Area & Multi Sport Area Only)		✓	✓	✓	✓	

Item	Site	Exclusion	Dogs on Leads	Lead by Direction	Alcohol Control	Fires & BBQs	No Parking & Driving	Comments
Matlock Bath								
76	Derwent Gardens	✓ (Enclosed Play Area Only)	✓		✓	✓	✓	
77	Lovers Walk Park Area	✓ (Enclosed Play Area Only)	✓		✓	✓	✓	
78	Pavilion Park Area		✓		✓	✓	✓	
79	Matlock Bath Memorial Gardens		✓					
80	Riverside Picnic Area, Dale Road		✓		✓	✓	✓	
81	Artist Corner Picnic Area		✓			✓	✓	
Middleton by Wirksworth								
82	Middleton Cemetery		✓					Site to be removed as per recommendations
83	Middleton Playing Fields, Chapel Lane	✓ (Enclosed Play Area Only)		✓	✓	✓	✓	
84	Middleton Village Green, Main Street		✓					
85	Millennium Gardens, Stile Croft	✓						
Middleton by Youlgreave								
86	Play Area, Weadow Lane	✓						
Rowsley								
87	Play Area, Chatsworth Road	✓			✓	✓	✓	
88	Rowsley Recreation Play Area, Woodhouse Lane	✓						
South Darley								
89	The Plantation, Cross Green		✓					
Stanton in the Peak								
90	The Green	✓						

Item	Site	Exclusion	Dogs on Leads	Lead by Direction	Alcohol Control	Fires & BBQs	No Parking & Driving	Comments
Stoney Middleton								
91	Playing Fields, The Avenue	✓ (Enclosed Play Area Only)	✓					
Sudbury								
92	Sudbury Sports Field, Main Street		✓					Change from exclusion to dogs on leads
Tansley								
93	Tansley Village Green, Church Street	✓ (Enclosed Play Area Only)	✓		✓	✓	✓	
94	Tansley Churchyard & Burial Ground		✓					Site to be removed as per recommendations
95	Footpath - Goldhill to Spout Lane		✓					
Winstar								
96	Winstar Churchyard, Elton Road		✓					Site to be removed as per recommendations
97	Winstar Cemetery, Elton Road		✓					Site to be removed as per recommendations
98	Woodhouse Lane Play Area	✓						
Wirksworth								
99	Bolehill Playing Field, Old Lane	✓ (Play Area Only)		✓	✓	✓	✓	
100	Fanny Shaw Cemetery, Cromford Road		✓					Site to be removed as per recommendations
101	Fanny Shaw Playing Field, Cromford Road	✓ (Play Area Only)		✓	✓	✓	✓	
102	The Dale Play Area	✓			✓	✓	✓	
103	Gorsey Bank Play Area	✓ (Encl. Play Area, Play Area & Multi Games Area)		✓	✓	✓	✓	
104	Yokecliffe Park	✓ (Play Area Only)			✓	✓	✓	
105	Memorial Gardens, St John Street		✓					

Item	Site	Exclusion	Dogs on Leads	Lead by Direction	Alcohol Control	Fires & BBQs	No Parking & Driving	Comments
Wirksworth (continued)								
106	St Marys Churchyard		✓					Site to be removed as per recommendations
107	Kingsfield Play Area, Millers Green	✓						
106	Wash Green Play Area	✓						
Youlgreave								
108	Coldwell End Play Area	✓						
109	Allotments	✓						
110	QE11 Playing Fields	✓						
New request to be considered								
111	Stanton Moor					✓		Request of landowner Stanton Estates and PDNPA

DRAFT

Appendix B

Site	Reason	Comments / Recommendations
Ashbourne Cavendish Drive Play area	It has come to light that the area of land is neither in the ownership of DDDC or the Town Council	Remove Exclusion in play area and dogs on leads in remainder
Ashbourne Bankcroft Picnic Area	Not a suitable area for inclusion	Remove dogs on leads control
Bonsall Bandstand and Nether Green	Small areas not suitable for inclusion	DDDC recommend removal of dogs on leads control Parish Council would like to retain
Bonsall Old School Yard, The Dale	Parish Council request to remove	Remove dogs on leads control
Bradwell Peace Gardens	Parish Council request removal	Remove dog exclusion control
Brassington Village Green, Meadow Rise	Appears to be school field & surrounding private houses	Remove dogs on leads control
Brassington Village Pond Middle Lane	Unsuitable site for Order	Remove dogs on leads control
Darley Dale Whitworth Park	Run by the Whitworth Trust. Inclusion in the previous Order is historical due to DDDC and Whitworth Trust working in partnership on the maintenance of the park No response to consultation has been received from the Whitworth Trust As the park is publically accessible, it will continue to be covered by the dog fouling element of the Order	Remove enclosed play area plus dogs on lead by direction for remainder of park
Doveridge Meadow View Pathway	Area does not fit criteria	DDDC recommend removal of dogs on leads control Parish Council would like to retain
Hulland Ward Area of land Moss Lane	Parish Council would like to include whole of this land, but DDDC have pointed out that a restriction would not normally be placed on such an area There has been no further response from the PC	Remove existing dogs on leads control and no new additional areas to be considered
Matlock Cavendish Road paths adjacent to play area	This is a wooded area so not suitable for inclusion and additionally we have so far been unable to determine ownership	Remove dogs on leads control

Appendix C

Site	Reason	Dog Control
Ashford Hall Orchard Playing Field	It came to light that the Order was for dog exclusion, but the Parish Council believed and the area to be dogs on leads and had installed signage to reflect this The Parish Council have confirmed that they wish the area to be dogs on leads	Change from exclusion to dogs on leads
Calver Cricket Field	Exclusion requested by Parish Council who have recently taken over this area of land	Introduce exclusion of dogs
Darley Dale Morledge	Recreation Ground enclosed area which was omitted in error from previous Order	Introduce exclusion of dogs
Doveridge Area around pond & woodland	Request from Parish Council for dogs on leads DDDC land, but the PC thought it was theirs and have done some maintenance work Community Development have been working with Doveridge PC on this area supporting them to improve the biodiversity and would want to see dogs on leads as there are ducks on the pond and want to encourage schools to visit the wildflower area and explore the woodland	Introduce dogs on leads
Litton Mires Lane Play Area	Omitted in error from previous Order	Introduce exclusion of dogs
Litton Memorial Playing Field Church Lane	Request from Parish Council for exclusion – this is an enclosed site and used by pupils from Litton School for physical activity	Introduce exclusion of dogs
Sudbury Sports Field	It was noted from the site visit that the current Order excludes dogs from the sports field. We noted the area was large with no specific enclosed area and asked the Parish Council if a 'dogs on leads' restriction may be more appropriate The Parish Council have confirmed they would favour a dogs on lead control	Change from dog exclusion to dogs on leads