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COUNCIL

Minutes of a virtual Extraordinary Council meeting held at 6.00 pm on Wednesday 02nd September 2020.

Under Regulations made under the Coronavirus Act 2020, the meeting was held virtually. Members of the public were able to view the virtual meeting via the District Council's website at www.derbyshiredales.gov.uk or via our YouTube channel.

PRESENT

Councillor Richard FitzHerbert - In the Chair

Councillors: Jacqueline Allison, Robert Archer, Jason Atkin, Richard Bright, Matthew Buckler, Sue Bull, Martin Burfoot, Sue Burfoot, Neil Buttle, David Chapman, Paul Cruise, Tom Donnelly, Graham Elliott, Helen Froggatt, Chris Furness, Clare Gamble, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Michele Morley, Peter O'Brien, Joyce Pawley, Garry Purdy, Mike Ratcliffe, Claire Raw, Lewis Rose OBE, Mark Salt, Andrew Shirley, Peter Slack, Andrew Statham, Alasdair Sutton, Steve Wain and Mark Wakeman.

Paul Wilson (Chief Executive), James McLaughlin (Director of Corporate and Customer Services), Tim Braund (Director of Regulatory Services), Lee Gardner (Legal Services Manager), Mike Galsworthy (Estates & Facilities Manager), Steve Capes (Director of Regeneration and Policy), Rob Cogings (Director of Housing), Ashley Watts (Director of Community & Environmental Services) and Simon Johnson (Democratic Services Officer).

The meeting was recorded and broadcast live on YouTube.

APOLOGIES

Apologies for absence were received from Councillors: Steve Flitter, Elisa McDonagh and Colin Swindell.

66/20 – PUBLIC PARTICIPATION

In line with the Council's temporary suspension of direct public participation, due to the number of representations received, these have been summarised as follows:

Watery Lane, Clifton

A total of 360 communications relating to this site were received prior to the deadline, with an additional 12 being received too late for consideration.

Points raised consistently by the correspondents included:

- The cost of the lease being above market value and including provision for cancellation at relatively short notice. There were many objections to the overall cost, estimated at £1m for rent alone over the term of the lease, to local taxpayers and also on the basis that other potential sites were already in public ownership
- Access and egress difficulties and the potential for accidents on a narrow lane regularly used by heavy vehicles and also as a cut through between A515 and A52. The lack of a pavement and street lighting on Watery Lane were cited as reasons for the unsuitability of this site. Concerns about parking and personal safety were also expressed by nearby residents for whom this was the only access to their property
- The site is outside the settlement framework and not mentioned in the Local Plan.
- Watery Lane is subject to frequent flooding and this had been a factor in the refusal of previous planning applications for housing on the site
- Another factor in those refusals was the contamination of the site. There would be a cost related to the remediation of this and the possibility that, if not satisfactorily completed it could be a health hazard to those resident there. Noise from the adjacent breakers yard was also mentioned as a potential problem for occupants of the site. Several objectors also mentioned the presence of Japanese Knotweed on the site.
- Lack of local amenities – Clifton does not have shops, medical facilities or a police presence. Residents of the site would need to travel at least a mile to use the facilities that are available, such as the school. Sewage, power and water services would need to be provided, again at a cost to the taxpayer.
- There was criticism of the accuracy and impartiality of the report:
 - There is more than one property nearby
 - Does not specify number of users of the site
 - Reasons given for the unsuitability of other sites also apply here but are not cited in the report
 - Undue weight given to the preferences of the traveller family
 - Lack of costing information, beyond the cost of the lease, in relation to relative construction costs for this and other proposed sites
- Some objectors believed that the proposal contravened government guidance for the selection of appropriate sites in several ways
- Lack of consultation and a perception that this report was being pushed through under cover of the reduced public participation arrangements instigated by the Council during the Covid-19 pandemic.
- Number of proposed pitches and potential to accommodate up to 40 people is disproportionate to the size of the village
- Concerns regarding crime and increased anxiety, particularly for elderly residents, based on experience of illegal pitches used by the family in the area.
- Proposed site is adjacent to the Clifton Goal for Royal Shrovetide and there were fears that this historic site would be damaged.
- Some correspondents were concerned about the impact of the development on local house prices and the saleability of properties in the area.

- This use of the site would remove one of the few potential employment sites available in Clifton
- The impact on wildlife was mentioned in relation to badgers, bats, foxes and rabbits
- Concerns for the safety of children on the site given the narrow road and lack of footway if they were to attend the village school.
- Local MP has publicly stated that she does not support the site.
- Site is only 200m from Derbyshire Dales border – a central site would be more practical
- Supported as a permanent site by Derbyshire Gypsy Liaison that supports whole heartedly the land identified at Clifton and comments, “Although this may seem an expensive option, in actual fact it is not, as the other sites may have great difficulty getting services on at a reasonable cost.

We should be putting social need high on the agenda and also best value for money. Access to support in Ashbourne and other family members, living not far from Ashbourne therefore make the Clifton site ideal.

Regarding best value for money, DGLG think it is a mistake to make a temporary site at considerable cost, we should be looking now at the long term decision and make it. It has been 12 years since we identified this family with high needs.

Health and social care needs are pressing, ideally this family should be on a site for winter and have access to facilities.”

Matlock Bath – Artists Corner

A total of 8 communications relating to this site were received prior to the deadline

Points raised included:

- Pleased with removal from Temple car park but not happy with alternative nearby
- Long history of problems with illegal traveller sites in the village. Has an adverse effect on local businesses and, consequently, on the District Council’s car park revenue.
- Parish Council concerned for residents who pay for parking spaces at Artist’s Corner
- There is a need public consultation
- Proposed site it not big enough and has potential for fly tipping as open to river
- Artists Corner is Busy with tourists – this will affect local businesses in Matlock and Matlock bath
- Suggestion that site be at end of station car park or top tier of temple walk
- Previous experience of barking dogs and generators used by travellers. Will add to mess left by tourists.
- Loss of parking space which is at a premium locally
- Littering and contamination of site
- Facilities being provided free of charge

Land at Knabhall Lane, Tansley

A total of 77 communications relating to this site were received prior to the deadline, with an additional 3 being received too late for consideration

The points raised included:

- Site is on a narrow lane in a very rural location. Increased usage by large vehicles would lead to deterioration of the verges and possibly the need to completely reinstate the road. Access would be particularly difficult in winter when this route is regularly affected by snow and ice. The entrance to the site is concealed and there is no street lighting.
- There are currently no amenities on the site and the cost of providing these was not included in the report
- Local amenities are limited, with no food shops in Tansley. A round trip of approximately 8 miles from the site would be necessary to buy bread.
- The ownership of the land is not clear and the Parish would like to have ownership of it, by way of a Community Asset Transfer, for use as allotments.
- A planning application nearby was refused because of its “unsustainable rural location.
- The site would have an impact on the caravan site business, opposite and other near neighbours expressed concern regarding the security of their animals and the potential for the residents to spread onto neighbouring land
- The lane is popular with jogger and walkers
- Badgers have recently returned to the site, having been absent for 10 years.
- Some objectors queried how this site had been identified when there had been no previous mention of it and no public consultation.
- It was noted that the traveller family had indicated that they did not wish to go to Tansley and the report also contained a number of negatives in relation to the site. The main positive appeared to be the lack of local opposition in comparison with Watery Lane at Clifton.
- It was suggested that political considerations may come into play as Tansley is represented by a minority group.

67/20 – INTERESTS

Councillor Andrew Statham declared a pecuniary interest in Agenda Item 4 – Gypsies and Travellers and declared he would not participate further and left the meeting.

68/20 – GYPSIES AND TRAVELLERS

The Council considered an update in respect of a Gypsy and Traveller family who have presented themselves as homeless and the work that had been undertaken to identify potentially suitable permanent sites, in accordance with the Council’s duties and responsibilities to Gypsies and Travellers under the Homelessness Reduction Act 2017.

The Council also considered which, if any of the sites listed in the report, should be taken forward for development as a permanent site and which, if any, as a temporary site whilst a permanent site was progressed. Approval was sought, subject to a permanent and/or temporary site being identified, for authority to be delegated to the Director of Housing to prepare and submit applications for planning permission in respect of a permanent site and/or a temporary site. An updating report, outlining the financial implications of the proposal, would be presented to Council following any application for planning permission.

On 29th September 2016, Council formally accepted its duties and responsibilities towards Gypsies and Travellers under housing and planning legislation and endorsed the principle of development of Land at Watery lane, Ashbourne as a permanent Gypsy and Traveller site.

In particular the Council recognised its duties under Homelessness Reduction Act 2017, towards a specific Traveller family, who had been resident within the district for many years but who did not have a site on which they could legally place their caravans.

Heads of terms for a 25 year lease of the Watery Lane site, which would provide the number of pitches required by the Local Plan, were in the final stages of development but, following a change in political control, the Watery Lane option was removed from discussion and all negotiations to secure its provision were terminated by Derbyshire County Council.

This decision directly affected the District Council's ability to provide a Gypsy and Traveller site at Watery Lane, Ashbourne despite the Council securing an allocation of land in the Adopted Derbyshire Dales Local Plan (Policy HC6). In the meantime, the District Council had failed to deliver against its requirement to provide 6 Gypsy and Traveller pitches by 2019 and had continued to experience unauthorised encampments in locations such as Bakewell, Matlock Bath, and Ashbourne.

At a meeting held on 15th November 2018, the Community and Environment Committee resolved to initiate, as quickly as practicable, a search of land in private ownership and/or offered for sale on the open market with the intention of the District Council purchasing a suitable site subject to Council approval. That process has now been concluded.

The consultant's formal report was received in February 2019 and identified 7 sites that were on the market at the time of the research. Each of these sites were evaluated against the criteria contained in Policy HC6 of the adopted Derbyshire Dales Local Plan and all other practical considerations and were discounted for the reasons detailed in the report.

Further work had been commissioned from consultants to identify sites that were not on the market, but which might be suitable for development. A short list of sites was produced and the land owners were approached. Only one land owner was prepared to negotiate with the Council and therefore this site, Peak Fuels at Clifton, was presented for consideration.

Subsequently, a further site in the Council's ownership had become available for consideration. This is a parcel of land at Knabhall Lane, Tansley that had been subject to adverse possession. That is, although the Council believed that it owned the site, it was occupied by another party and subject to legal action to bring it back under the control of the Council. That action had now been concluded and the land was available for consideration. There were now 4 sites that might be considered to be suitable for development as a permanent Traveller site.

These are:

- Old Station Close car park, Rowsley;
- Land at Middleton Road, Wirksworth;
- Peak Fuels site, Watery Lane, Clifton;
- Land at Knabhall Lane, Tansley.

Where a duty to secure accommodation arises but an appropriate site is not immediately available, the Housing Authority may need to provide an alternative temporary solution until a suitable site, or some other suitable option, becomes available. The Council was asked to determine whether it was prepared to accommodate the Traveller family on a temporary tolerated site, pending the provision of a more permanent or suitable option.

The Chairman proposed that the report would be considered and voted on in two separate parts: Recommendations 1 and 2 would be tabled together first, in respect of acknowledging

the Council's duties and responsibilities and to note the research undertaken to find a suitable site; thereafter Recommendations 3 to 6 would be considered in determining a temporary and permanent site and the preparations required for this.

It was moved by Councillor Richard FitzHerbert seconded by Councillor Andrew Shirley that

- RESOLVED**
1. That Council acknowledges and accepts its duties and responsibilities to Gypsies and Travellers under the Homelessness Reduction Act 2017.
 2. That Council notes the results of the extensive search for a suitable permanent site.

Voting:

For	29
Against	0
Abstentions	5

The Chairman declared the motion CARRIED.

Councillor Claire Raw joined the meeting at 7:50pm.

It was moved by Councillor Garry Purdy seconded by Councillor Susan Hobson

3. That Council determines, that of the sites listed, the site at Knabhall Lane, Tansley should be taken forward for development as a permanent Traveller site.

69/20 – MOTION TO CONTINUE

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Andrew Shirley and

- RESOLVED**
(unanimously)
- That in accordance with Rule of Procedure 13, the meeting continue beyond 2½ hours to enable the business on the agenda to be concluded.

There followed a 10 minute adjournment at 8:13pm.

Councillor Lewis Rose left the meeting at 9:00pm

An amendment was moved by Councillor David Hughes seconded by Councillor Clare Gamble and was put to the vote as follows

3. That Council determines, that of the sites listed, the site at Knabhall Lane, Tansley should be taken forward for development as a permanent Traveller site; subject to the establishment of a Member Working Group to evaluate this and all other sites that may be available in the District, and through which Members would receive all relevant information in respect of costs and site viability, as well as representations and evidence from representatives of the Gypsy and Traveller community and local residents following

public consultation, with a report to be submitted back to Council with recommendations in January 2021.

Voting:

For	
Against	15
Abstentions	19
	0

The Chairman declared the amendment LOST.

The substantive motion was then put to the vote, as follows:

RESOLVED 3. That Council determines that, of the sites listed, the site at Knabhall Lane, Tansley should be taken forward for development as a permanent Traveller site.

Voting:

For	19
Against	15
Abstentions	0

The Chairman declared the motion CARRIED.

Councillor Graham Elliott left the meeting at 10:00pm

It was moved by Councillor Garry Purdy seconded by Councillor Susan Hobson and

4. That Council determines that, of the sites listed, the site at Knabhall Lane, Tansley should be taken forward as a temporary Traveller site, whilst the permanent site is progressed.

An amendment was moved by Councillor Peter O'Brien seconded by Councillor David Hughes and was put to the vote, as follows

4. That Council determines, that of the sites listed, the site at Knabhall Lane, Tansley should be taken forward as a temporary Traveller site, whilst the permanent site is progressed, subject to any necessary planning permission submitted being determined first.

Voting:

For	14
Against	20
Abstentions	0

The Chairman declared the amendment LOST.

The substantive motion was then put to the vote, as follows:

RESOLVED 4. That Council determines, that of the sites listed, the site at Knabhall Lane, Tansley should be taken forward as a temporary Traveller site, whilst the permanent site is progressed.

Voting:

For	20
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Against 11
Abstentions 2

The Chairman declared the motion CARRIED.

It was moved by Councillor Chris Furness seconded by Councillor Andrew Shirley and

RESOLVED 5. That subject to the outcome of recommendations 3 and 4 above, authority be delegated to the Director of Housing to prepare and submit applications for planning permission in respect of a permanent site and/or a temporary site.

Voting:

For 26
Against 0
Abstentions 7

The Chairman declared the motion CARRIED.

It was moved by Councillor Garry Purdy seconded by Councillor Susan Hobson and

RESOLVED 6. That a further report be brought to Council following the applications for planning permission, to provide updates and to outline the financial implications of the proposal.

Voting:

For 29
Against 0
Abstentions 4

The Chairman declared the motion CARRIED.

70/20 – SEALING OF DOCUMENTS

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Mark Wakeman and

RESOLVED That the common seal of the Council be affixed to those documents, (unanimously) if any, required to complete transactions undertaken by Committees or by way of delegated authority to officers since the last meeting of the Council.

MEETING CLOSED 10.35PM

CHAIRMAN