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30 September 2020

To: All Councillors

As a Member of the **Council**, please treat this as your summons to attend a **virtual meeting** on **Thursday, 08 October 2020 at 6.00pm** via the Zoom application. (Joining details will be provided separately).

Under Regulations made under the Coronavirus Act 2020, the meeting will be held virtually. As a member of the public you can view the virtual meeting via the District Council's website at www.derbyshiredales.gov.uk or via our YouTube channel.

Yours sincerely

A handwritten signature in blue ink, appearing to read "James McLaughlin".

James McLaughlin
Director of Corporate and Customer Services

AGENDA

1. APOLOGIES

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

2. PUBLIC PARTICIPATION

Public Participation, as provided for in the Constitution, is suspended temporarily and is replaced with an alternative mechanism for the public to bring matters to the Council's attention.

Members of the public will be able to comment on any agenda item or matters in the wider public interest and will be invited to submit their questions or comments in writing, before 12 noon on the working day prior to the meeting by:

Webform: [Make your submission here](#)

Email: committee@derbyshiredales.gov.uk

Post: Democratic Services, Derbyshire Dales District Council, Town Hall, Matlock DE4 3NN

The Committee Team will assist any member of the public without access to electronic means by capturing their concerns over the telephone.

Phone: 01629 761133 (working days only 9am – 5pm)
Any such correspondence will be read out at the meeting.

The public will not be admitted to the meeting through virtual means. All meeting proceedings open to the public will be streamed live on our YouTube channel when all non-exempt items are being considered. Recordings of the meeting will also be available after the event on the District Council's website.

3. 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.

4. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

Council	27 August 2020
Council – Extraordinary Meeting	02 September 2020
Council – Extraordinary Meeting	03 September 2020

5. LEADERS' ANNOUNCEMENTS

Announcements of the Leader of the Council:

6. CHAIRMAN'S ANNOUNCEMENTS

Announcements of the Civic Chairman.

7. COMMITTEES

To receive the non-exempt minutes of the Committees shown below:

Committee	Date
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Non Exempt Minutes to be Received

Council	27 August 2020
Council – Extraordinary Meeting	02 September 2020
Council – Extraordinary Meeting	03 September 2020
Planning Committee	08 September 2020

9. QUESTIONS (RULE OF PROCEDURE 15)

Questions, if any, from Members who have given notice.

10. PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)

MOTION A

The Council will debate the following Motion, submitted by Councillor Claire Raw, in accordance with Rule of Procedure 16.

That this Council:

Motion: Protect Derbyshire wildlife this Council resolves to:

This motion is being raised in response to the Government decision to commence and extension to the culling of Badgers. The Cull is likely to take place in several areas in Derbyshire Dales.

As many members are aware a successful vaccination programme has been established in Derbyshire and the area has avoided the need for a cull.

The views of the farming community on the effectiveness of the cull vary. Badger culling is a very emotive issue. Bovine TB in Cattle causes' extreme distress for farming family's in Derbyshire. At an NFU meeting last year members spoke about the experiences they had and talked openly about the issue. Some Dale's farmers had taken part in the vaccination programme and found this to be beneficial.

The Green Independent Group supports the evidence below that culling Badgers is not an effective method of managing Bovine TB.

The evidence to support the culling of Badgers to eradicate Bovine Tb is questionable. For example, Last year in the occurrence of bTB increased in Gloucestershire after culling was introduced.

Culling trials have shown that the shooting of wild badgers could reduce bTB by 12 to 23% in comparison a veterinary field study reported that vaccination programmes can reduce incidents of bTB by 74%.

In considering this motion we are also mindful that the introduction of culling will enable the use of fire arm in the area. This is of concern particularly during a pandemic when the risk to people's mental health and rational thinking is heightened. This motion acknowledges and fully respects the law. Its aim is to work within the law to protect the enjoyment of the wildlife and livestock in the Derbyshire Dales for future generations.

Therefore the council resolves to:

- 1) Ban the culling of badgers on all land owned by Derbyshire Dales District Council.*
- 2) Support the protection of Derbyshire Wildlife and seek support from DWT to install clear signage designating protected areas on our land and information to the public on the Council's website about where to report any unlawful killing of badgers.*
- 3) To acknowledge and thank the volunteers in Derbyshire Dales to protect Livestock though the vaccination programme.*

Page Nos.

11. BIODIVERSITY OF ROAD VERGES AND PUBLIC OPEN SPACE 7 - 14
(Deferred Item 15 from 27/08/2020)

To consider a report, outlining the potential, to increase the biodiversity of the road verges and public open spaces managed by Derbyshire Dales District Council, seeking approval for the creation of a Working Group to investigate and pursue this potential to increase biodiversity as detailed in the report.

- | | |
|---|-----------------|
| 12. COMMUNITY PAYBACK SCHEME
(Deferred Item 16 from 27/08/2020) | 15 -19 |
| <p>To consider a report seeking approval for the creation of a Derbyshire Dales District Council Community Payback Scheme and for a supplementary revenue budget of £6,000, for 2020/21, to be used to fund the scheme to improve areas within the District. Also seeking approval to trial a work placement, with Community Rehabilitation Company to work within our Clean & Green Team, for a 3 month period, with the option to extend this period if the Clean and Green Manager is satisfied with the placement scheme.</p> | |
| 13. CLIMATE CHANGE STRATEGY AND ACTION PLAN | 20 -61 |
| <p>To consider a report and seek approval for the Climate Change Strategy and Action Plan produced by ClearLead Consulting Ltd on behalf of Derbyshire Dales District Council. The Action Plan sets out a potential pathway to achieving net zero in terms of the District Council's direct emissions (scope 1 and 2). The report outlines in broad terms the level of investment that would be required to meet net zero and the period over which that investment would need to be made.</p> | |
| 14. REPORT OF INVESTIGATION INTO GREEN MAN INCIDENT | 62 - 84 |
| <p>To note an Independent Person report of the Investigation into the Green Man Incident and seek approval that the conclusions and recommendations be accepted and adopted and that the Director of Corporate and Customer Services submit a report to the Council meeting on 26 November 2020 detailing proposals to introduce general delegations to officers.</p> | |
| 15. PUBLIC PARTICIPATION AT COUNCIL AND COMMITTEE MEETINGS | 85 - 87 |
| <p>To consider a report seeking approval to introduce provisions for public attendance for the purposes of participation at virtual Council and committee meetings, replacing the existing provisions whereby representations are emailed in and responded to in such meetings.</p> | |
| 16. POLITICAL BALANCE POLITICAL GROUPS AND ENTITLEMENT TO SEATS ON COMMITTEES | 88 - 95 |
| <p>To consider a report to update the membership of political groups on the Council and report on the change to the political balance of the authority and the entitlement of political groups to seats on committees.</p> | |
| 17. PLANNING FOR THE FUTURE - MHCLG WHITE PAPER CONSULTATION | 96 - 120 |
| <p>To consider a report advising Members of the contents of the MHCLG 'Planning for the Future' White Paper and to request that delegated authority be given to the Director of Regeneration and Policy to submit the District Council's representations on the scope of the consultation proposals by the deadline of 29th October 2020.</p> | |

- 18. COVID-19: DERBYSHIRE DALES ECONOMIC RECOVERY PLAN** **121 - 143**
- To consider approval of a post COVID-19 Economic Recovery Plan for the district of Derbyshire Dales, that links to the Local Plan and existing Corporate Plan and Economic Plan and seek approval for associated actions.
- .
- 19. DERBYSHIRE DALES LOCAL PLAN REVIEW** **144 - 151**
- To consider a report advising Members of the statutory need to complete a review of the Derbyshire Dales Local Plan by December 2022 and to seek approval of the timetable for the review of the plan as set out in Appendix 1 and to request delegated authority be given to the Director of Regeneration and Policy to commission any other consultancy advice that is considered necessary to take forward the review.
- 20. DERBYSHIRE DALES STATEMENT OF COMMUNITY INVOLVEMENT 2020** **152 - 202**
- To consider a report seeking approval for revisions to the Council's current Statement of Community Involvement and request that delegated authority be given to the Director of Regeneration and Policy to undertake the revisions to the Statement of Community Involvement (SCI) 2020 and to commence a six week public consultation.
- 21. DERBYSHIRE DALES LOCAL DEVELOPMENT SCHEME 2020 - 2023** **203 - 227**
- To consider a report seeking approval for the immediate publication of a revised Local Development Scheme (LDS) on the District Council's website.
- 22. PERFORMANCE MANAGEMENT – KEY AND CORPORATE PERFORMANCE INDICATORS OUTTURN 2019/20** **228 - 235**
- To note the outturn performance against Corporate Plan targets and Key Performance indicators for 2019/20 and approve the Key Performance indicator target for 20/21. Also to note the Bi Annual reports brought to Council to high light progress, demonstrate good performance and address areas for improvement.
- 23. VISION DERBYSHIRE AND LOCAL GOVERNMENT REFORM** **236 - 243**
- To consider an update report on the 'Vision Derbyshire' project and consider sign-off of the Vision Derbyshire case for change and note the imminent publication of the Government's Devolution and Local Recovery White Paper and the potential implications in relation to potential local government reform. To consider that authority be delegated to the Chief Executive to participate in discussions with authorities across Derbyshire in regard to any alternative propositions for local government reform that may emerge and present an updating report to Council as appropriate.
- 24. EXCLUSION OF PUBLIC AND PRESS**

At this point the Committee will consider excluding the public and press from the meeting for the remaining items of business for the reasons shown in italics.

25. COMMITTEES
(Deferred Item 18 from 27/08/2020)

To receive the exempt minutes of the Committee shown below:

(The following minutes are exempt because they contain information relating to individuals)

Licensing & Appeals Sub-Committee
Licensing & Appeals Sub-Committee

03 August 2020
10 & 17 August 2020

26. SEALING OF DOCUMENTS

To authorise that the Common Seal of the Council be affixed to those documents, if any, required completing transactions undertaken by Committees or by way of delegated authority to others, since the last meeting of the Council

NOTE

For further information about this Agenda or on “Public Participation” call 01629 761133 or e-mail: committee@derbyshiredales.gov.uk

COUNCIL
8 OCTOBER 2020

Report of the Director of Community & Environmental Services

BIODIVERSITY OF ROAD VERGES AND PUBLIC OPEN SPACE

PURPOSE OF REPORT

This report outlines the potential to increase biodiversity of the road verges and public open spaces, managed by Derbyshire Dales District Council.

RECOMMENDATIONS

1. To set up a Working Group made up of: Members; Officers from the Community & Environmental Services team; Members of our Clean & Green Team. The Working Group would research and develop the project.
2. To continue discussions with Derbyshire County Council on changes in the management of the rural road verges to increase their biodiversity within the District.
3. To work with Parish and Town Councils in the identification and management of wildflower urban road verges.
4. To investigate and trial changing the management of urban road verges that already have some wildlife interest to increase both the number of species and the population of wildflowers, using options 2.
5. To carry out a trial of the creation of wildflower verges using options 3 and 4.
6. To raise awareness of these verges amongst residents of Derbyshire Dales and to ask for their help in identifying verges rich in wildflowers.
7. To investigate and trial increasing the biodiversity in our parks and open spaces by either creating wildflower areas or changing the management of grassland.

WARDS AFFECTED

All

STRATEGIC LINK

Increasing biodiversity across the district through the creation of wildflower road verges and wildflower areas within our parks and open spaces supports the delivery of the District Councils priority 'Place'.

1 BACKGROUND

- 1.1 The UK has lost 97% of its wildflower meadows since the 1930s (Natural England) and those remaining meadows are often isolated. Road verges provide important corridors for plants and animals by linking these wild spaces, they are also habitats for plants, invertebrates, small mammals and birds.
- 1.2 Over the last two decades road verges have declined in biodiversity due to changes in management (Plant life). They are either mowed too regularly, at the wrong time

of year or they have been neglected and developed tall, coarse vegetation and scrub.

- 1.3 The conservation charity Plantlife have been campaigning since 2013 to change the way road verges are managed, for the benefit of wildlife. In 2017 they produced guidelines to help local authorities achieve this. With over 300 local authorities having declared Climate Emergency an increasing number have taken up some or all of their recommendations.
- 1.4 Community and Environmental Services have received a number of requests from residents in the past few years to reduce the number of cuts we make to the road verges to allow plants to flower.
- 1.5 Although this project is primarily looking at native wildflowers from an ecological point of view, plants also have other environmental benefits. Recent studies (Chris Smith, Goldsmith University) have revealed that some plants can help in reducing pollution. A few have the ability to take up pollutants from the soil, particularly heavy metals or they can absorb gaseous pollutants into the leaves but many more are able to trap particulates on the fine hairs on the leaves. Some of these plants are natives or are of benefit to pollinating insects. These plants could be of interest where the planting is near housing or public open spaces particularly play areas.

2 REPORT

DDDC Road Verge Management

- 2.1 Derbyshire County Council (DCC) are responsible for all the road verges within the Derbyshire Dales and fund DDDC to manage the verges within the District to specified standards.
- 2.2 The verges are divided into rural and urban verges:-
 - 2.2.1 *Rural Verges:* DCC specify a 1m wide strip cut at the road edge, once twice a year and the rest is left uncut, then every three years the whole width is cut. The work is carried out by contractors between May and the end of October.
 - 2.2.2 *Urban Verges:* DCC specify these verges are cut at least five times per year but they currently pay for six cuts. However, the District Council aims to mow eight or nine times per year or approximately every three weeks between April and the end of September. DCC give the District Council more discretion on how we manage these urban verges.
 - 2.2.3 DCC have identified 16 road verge reserves with the Derbyshire Dales, the majority are in the northern area. The management of these verge reserves varies slightly depending on the species of plants but the majority are down to be cut once a year in September and cutting removed. There are a few where one cut in three years is sufficient but any encroaching scrub is removed. Any new verge reserves are to be assessed by Natural England or Derbyshire Wildlife Trust.

Managing Wildflower Road Verges

- 2.3 There are a number of options to increase the biodiversity of road verges which are outlined below. Improving the number of plant species and enabling them to flower and set seed will provide food for pollinating insects, seed eating small mammals and birds and then for other species further up the food chain.

Option 1

- 2.4 Continue to cut a 1m strip at the edges of the road verges once or twice a year for rural verges but cut the rest of the verge once a year in September. This will allow the plants to flower and set seed. The disadvantage is where there is tall vegetation there would be a build-up of this dead plant material, thatch which will inhibit the germination of the wildflower seed and increase soil fertility that encourages the growth of coarse rank vegetation. Although it is an improvement on the existing regime.
- 2.5 This option is suitable for the rural roads in general and in the urban verges where vegetation is short as leaving long cut vegetation lying on and around the verge will too untidy in urban areas and may lead to more complaints.

Option 2

- 2.6 The same cutting regime as above but the cut vegetation is removed to allow the germination of the seeds and to reduce the soil fertility over time.
- 2.7 This is the ideal management regime for road verges and is the one recommended by Plant life. The cuttings can be removed either by hand with help from Parish or Town councils or from local interest groups or by using a mower that collects as it cuts. DDDC doesn't have such a machine so would need to either buy or hire it. This extra work and cost means that it is only suitable to those verges with the greatest biodiversity, where there is the greatest impact or there is community interest.
- 2.8 A local example is the orchid verge in Middleton by Wirksworth. It is a species rich verge that includes common spotted orchids. The verge is cut early April and then left uncut until mid-August once the orchids and other plants have set seed. The cuttings are raked up by the Parish Council Caretaker and bagged up for the Clean & Green Team to remove, see Appendix 1.

Option 3

- 2.9 Wildflowers grow and thrive in areas where they are able to compete with grass. We can encourage this by sowing seeds from the Yellow Rattle plant. Yellow Rattle is a semi parasite on grass and weakens it by taking nutrients, it is also a native wildflower so is beneficial to pollinators. Once the Yellow Rattle takes hold and the amount of grass is reduced then the existing wildflowers will be able to spread and new ones will colonise and spread throughout the verge.
- 2.10 This option could be used for verges that have some wildflowers but are dominated by grass. It has been used extensively in meadow management to reduce the growth of grass and Dorset County Council has sown it on verges on certain junctions to reduce the growth of grass and enable better visibility. There does need to be some preparation of the verge in order to create bare patches to sow the

seeds into. This is suitable for both rural and urban verges and parks and open spaces.

Option 4

- 2.11 Where there is very little in the way of wildflowers it is possible to create a wildflower verge or area within a green space. The key to success is to reduce soil fertility which allows the wildflowers to successfully compete with grass and other vegetation. This can be achieved by the removal of existing turf and much of the topsoil or by adding suitable subsoil, following which an appropriate seed mix is sown, preferably from a local source. An alternative to reducing soil fertility is to remove the turf but to sow a cornflower mix containing poppies, cornflowers, corn cockles and corn marigold. This will give an instant colour and impact but this method does tend to require additional seeds added each year, see appendix 2. The perennial wildflowers won't need further seeding if done correctly in the first year.
- 2.12 This is more suitable for urban verges or in the creation of new road verges and in parks and open spaces. As Derbyshire Dales has quite a distinct local flora it is recommended that we use plant seeds native to the area and preferably from a local seed source. Once established wildflower verge or area it will require cutting just once a year in September.
- 2.13 There are costs for each of these options but these can be reduced by developing partnerships with Parish and Town Councils and local interest groups. Also urban wildlife verges will only need to be cut once a year instead of the eight or nine times as at present. There are a number of Local Authorities with highway responsibility that manage their verges for wildflowers which either have made savings or where there is no cost extra.

Wildlife Areas with Parks and Open Spaces

- 2.14 Our parks and open spaces are already home to wildlife, trees, wildflowers, invertebrates, birds and small mammals. There is, however, scope to do so much more. We have large areas of short mown grass that are ecological deserts and, while these areas are important for recreation, there is enough space to give some over to provide habitats to our local wildlife. This may entail:-
- leaving areas of vegetation to grow long to allow the existing plants to flower;
 - creating wildflower meadows within short mown grass and planting native plant bulbs such as blue bells under trees;
 - planting trees.
- 2.15 We have already left areas uncut in some of our open spaces. The most successful is Northwood Recreation Ground in Darley Dale. However, it would be more successful in terms of the number of wildflowers if it was cut once a year or at least every three years and the cut vegetation removed.
- 2.16 In the parks and open spaces, non-native pollinators can be added to the mix of plants and seeds and even plants that reduce pollutants.

The Way Forward for Wildflower in Verges and Open Spaces: Year 1

Working Group

- 2.17 Set up a Working Group to research and develop this project. The Group would be made up of Members, Clean & Green Team and Community Development Officer. The group will need to consult with other organisations such as DCC and Derbyshire Wildlife Trust.

2.17.1 *Road Verges:* This summer three urban verges have been identified as having wildflower interest and are suitable to managing as such on a trial basis. We are not looking at rural verges at the moment because this would require agreement from DCC due to additional safety concerns of these faster roads. It was hoped to have a verge in each of the three regions in the District but, due to the short notice, the only verges identified so far are two in Matlock and one in Wirksworth. However, the Clean & Green cutting teams have been issued with an identification sheet of the most common roadside wildflowers and we hope they will be able to identify other wildflower road verges during their work this year.

2.17.2 The aim of the trial is to judge the public reaction in leaving the verges uncut until September and from our point of view that the verges don't cause an obstruction to vehicles or pedestrians and that we can maintain them successfully.

2.17.3 *Parks and Open Spaces:* Carry out a trial to increase the biodiversity in three of our parks and open spaces. The sites chosen for this year are:

- Ashbourne, Fish Pond Meadow
- Bakewell Recreation Ground
- Hall Leys Park, Broadwalk

2.17.4 Each area will be relatively small but have the potential to be extended if successful. The main factors in judging their success is the resulting wildflowers, public perception and the cost to create and maintain them.

The Way Forward for Wildflower in Verges and Open Spaces: Year 2

Road Verges

- 2.18 Work with Parish and Town Councils and local residents to identify suitable road verges that either already have wildflowers or the potential to create a wildflower verge and discuss with DCC any new additions to their road verge reserves and changes to management of rural and urban verges.

Parks and Open Spaces

- 2.19 If the trial areas are successful then look to extend the wildlife areas within the three parks and identify potential wildlife areas in other parks and open spaces.
- 2.20 Discuss with the diocese leaving wildlife areas within church grounds we manage.
- 2.21 Develop partnerships in maintaining the wildflower road verges and parks with Parish and Town Councils, local voluntary interest groups and schools.

- 2.22 Consider the financial impact of this project on savings and the costs of additional equipment and staff time.

The Way Forward for Wildflower in Verges and Open Spaces: Year 3

- 2.23 Evaluate the results of the project in increasing the biodiversity of road verges, parks and open spaces and gauge the public's reaction together with the costs involved which will be used to decide the future of this project

3 RISK ASSESSMENT

3.1 Legal

DCC must be consulted on any changes of management as they own and are ultimately responsible for the road verges. Road safety is paramount so any changes must ensure that there is still good visibility for vehicles and pedestrians. As long as Road Safety is the primary consideration then the legal risk is low.

3.2 Financial

Any changes to the management of road verges and parks & open spaces may involve a change in cost. Although there will be an initial cost when creating a wildflower verge or sowing yellow rattle seeds, these verges will require considerably less cuts thereafter so there may be a saving long term. The financial risk is, therefore, assessed as low.

4 OTHER CONSIDERATIONS

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

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

None

7 ATTACHMENTS

Appendix 1 – Examples of wildflower road verges
Appendix 2 – Examples found growing on road verges in Derbyshire Dales

Appendix 1

Examples of wildflower road verges



Middleton by Wirksworth orchid road verge



These Bee orchids were just one of 14 different species of Wildflowers found in this verge next to Matlock Town centre car park on the A6.



Road verge sown with a cornflower mix just Outside of Wirksworth

Appendix 2

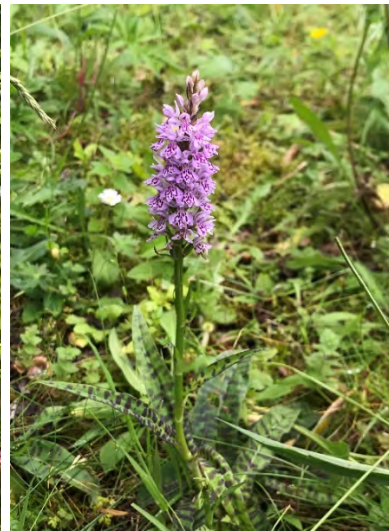
Wildflowers commonly found growing in road verges in Derbyshire Dales



Ox eye daisy



Knapweed



Common spotted orchid



Red campion



Fox and Cubs



Meadow cranesbill



Yarrow



Self heal



Birdsfoot trefoil

COUNCIL
8 OCTOBER 2020

Report of the Director of Community & Environmental Services

COMMUNITY PAYBACK SCHEME

PURPOSE OF THE REPORT

To launch a Derbyshire Dales District Council Community Payback Scheme and to seek approval for a supplementary revenue budget of £6,000.

RECOMMENDATION

1. The proposal for the District Council to launch a Community Payback Scheme be agreed.
2. To approve a supplementary revenue budget of £6,000 for 2020/21 to be used for the scheme to improve areas within the District
3. The proposal to trial a work placement with Community Rehabilitation Company to work within our Clean & Green Team be agreed for a 3 month period with the option to extend this period if the Clean and Green Manager is satisfied with the placement scheme

WARDS AFFECTED

All Wards

STRATEGIC LINK

The Community Payback Scheme as proposed in this report supports our Clean & Green Team to improve the District Councils land, parks and open spaces, delivering on the District Council's priority 'Place'. The scheme also allows for developing relations within the community.

1. BACKGROUND

- 1.1 Community Rehabilitation Company (CRC) runs Community Payback for Derbyshire, Leicestershire, Nottingham and Rutland. The scheme is for offenders to undertake unpaid and supervised reparation work that benefits local communities. Each offender is risk assessed and they work a specified number of hours usually between 40 to 300 hours.
- 1.2 The range of work includes groundwork clearance; gardening, weeding and planting; landscaping, creating paths and fences; minor building work, repairing walls; painting and decorating for community venues.
- 1.3 This scheme has been undertaken by Derbyshire County Council (DCC) and Parish Councils have been able to apply through DCC for CRC to undertake works in their

parishes on projects which they can't complete themselves or to improve the surroundings. See Appendix 1, local case study.

- 1.4 CRC charge £150 per day to cover the cost of the supervisor and the minibus to transport the offenders to the location. CRC provide the tools to complete the works but the District Council would provide any materials required.

2. REPORT

Community Payback Scheme

- 2.1 There are a number of areas within the district that the District Council are unable to maintain and complete works to a desired standard. This is due to the lack of capacity and resources to undertake these works and the agreed core standards that take priority. The District Council can occasionally receive criticism for not completing some of these works.
- 2.2 The District Council is seeking for Ward Members to prioritise projects or areas within their Wards to form part of our Community Payback Scheme for the first year. See Appendix 2, application form for Ward Members to complete.
- 2.3 Officers will prioritise the application forms to select 10 of these priority areas for the Community Payback Scheme to undertake the necessary works required over a 12 month period. This will allow Officers to monitor the success of the scheme over this period. If there is any underspend after work has been completed within the 10 priority areas officers will prioritise the remaining applications.
- 2.4 We plan to work closely with the CRC to maximise the most out of the prioritised projects. The offenders will be closely monitored by their supervisor and will be provided with the tools to complete the works allocated.

Work Placement

- 2.5 CRC also offer individual placements to offenders where they carry out their hours within a team in a Local Authority or other organisations. There is no charge to the organisation for these placements.
- 2.6 We would look to trial this option to build capacity within our day-to-day teams. The offender on placement would shadow other employees in the Clean & Green Team and assist on works such as street cleansing and grounds maintenance.
- 2.7 We will work with CRC to ensure all necessary checks and risks assessments are completed to ensure safety of the offender, staff and public.

Offenders

- 2.8 The offenders who are on the Community Payback Scheme will have committed minor offences such as drink driving or unpaid fines. The offenders have not been sentenced to prison and have been to Magistrates Court as opposed to Crown Court.
- 2.9 The offenders are supervised at all times by a probation officer, 1:8 ratio and the supervisor is there to assist, motivate and support the offenders.

3 CONSULTATION

- 3.1 The relevant Ward Members and Local Council will be consulted on the proposed scheme, after the committee decision.

4 RISK ASSESSMENT

Legal

- 4.1 The CRC carry out all risk assessment, provides the equipment and holds it insurance, therefore the likelihood of a legal claim for damages due to an accident against the Council, while working on a Council project is low.

Financial

- 4.2 The estimated cost of the scheme is £6,000. There is no current revenue budget so Members' approval is sought for a supplementary revenue budget of £6,000, to be financed from the General Reserve. The financial risk is 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 CONTACT INFORMATION

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Ashley Watts, Director Community & Environmental Services
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7 BACKGROUND INFORMATION

<https://dlncrc.co.uk/community-payback/>

CRC website

8 ATTACHMENTS

- Appendix 1 - Ward Member application form
- Appendix 2 - Parwich Parish Council case study

Appendix 1

Parwich Parish Council:

'Community Payback Team have helped us laying paths to establish a community garden and tidying our churchyard. Frankly, everything about the experience was good. There are limits on the type of work they can undertake but they will explain that themselves. The supervisors were very professional in both pre planning and supervising work on the days.

The team themselves worked hard and I think benefited from the fact that the projects gave them something satisfying to complete. There were many good interactions with villagers talking with them, working alongside and providing refreshments. Obviously you don't necessarily have to do this but in our case it was very positive.'

Derbyshire Dales District Council - Community Payback Application Form

There is funding for approximately 40 days of work by the Community payback scheme so we can only allocate one task per ward. If the task will take less 7 hours then please include additional jobs to bring it up to a day's work.

Name:	Ward:
Telephone:	Email address:
Location of work and ownership of site:	
Description of tasks:	
Estimated length of time of task:	
Are there any materials or specialist equipment required and if so is there funding for them:	
Are there any dates or seasonal preferences or restrictions:	

The Community payback will provide up to 8 offenders for 7 hours a day.
Projects should meet the following criteria:

- Benefit the local community
- Not take paid work away from others
- No one will profit from the work
- It is a one off project, not part of a regular maintenance
- The offenders will be seen to making a positive contribution to the community
- There needs to be toilet facilities near by

Please return application from to.....

COUNCIL
8 OCTOBER 2020

Report of the Director of Regulatory Services

CLIMATE CHANGE STRATEGY AND ACTION PLAN

PURPOSE OF REPORT

This report seeks approval for the Climate Change Strategy and Action Plan produced by ClearLead Consulting Ltd on behalf of Derbyshire Dales District Council. The Action Plan sets out a potential pathway to achieving net zero in terms of the District Council's direct emissions (scope 1 and 2). The report outlines in broad terms the level of investment that would be required to meet net zero and the period over which that investment would need to be made.

Further sections of the report discuss the level of staff resource that may be required to deliver the Action Plan and the future role of the Council's Climate Change Working Group.

RECOMMENDATION

1. That the Climate Change Strategy and Action Plan is received
2. That the Council's carbon footprint be measured and reported on an annual basis
3. That the programme of works required to achieve net zero by 2030 is approved and built into the Capital Programme to be considered by Council in November 2020.
4. That the need to obtain funding to undertake the programme of works required to achieve net zero by 2030 is noted.
5. That the revised work areas for the Climate Change Working Group are noted.
6. That authority is delegated to the Director of Regulatory Services and the Director of Corporate and Customer Services to draw up new terms of reference for the Climate Change Working Group, in consultation with the political Group Leaders.
7. That the recruitment of a Climate Change Officer is approved on a 5 year fixed term contract, subject to the design and evaluation of the post, and that the cost will be built into the revenue spending proposals and medium term financial plan to be considered by Council in March 2021.

WARDS AFFECTED

All

STRATEGIC LINK

Preparing and implementing a climate change strategy is a key action of the Council's 'Place' agenda in its Corporate Plan.

1 SUMMARY

- 1.1 At its meeting of full Council on 30 May 2019 Derbyshire Dales District Council pledged to:
- Declare a climate emergency;
 - Make Derbyshire Dales District Council carbon neutral by 2030;
 - Call on the UK Government to provide the powers and resources to make the 2030 target possible;
 - Work with partners across the county and region to deliver this new goal through all relevant strategies;
 - Report back to Council within six months with the actions the Council will take to address this emergency.
- 1.2 Updates were submitted to Council on 26 September 2019 and 16 January 2020. A further report was submitted to a meeting of the Council's Community and Environment Committee on 19 February 2020, which delegated authority to the Director of Regulatory Services to procure consultants to assist for the formulation of a Derbyshire Dales Climate Change Strategy and Action Plan. This work has now been undertaken and this report considers that Strategy and Action Plan.

2 CLIMATE CHANGE STRATEGY AND ACTION PLAN

- 2.1 Following a competitive process, ClearLead Consulting Ltd were appointed to assist the Council with the formulation of a Climate Change Strategy and Action Plan in April 2020. Despite this taking place during the height of the Covid 19 lockdown, work on the formulation of the Strategy and Action Plan was able to proceed more or less immediately, through the use of video conferencing technology, the involvement of both the Climate Change Working Group and key staff and the electronic exchange of information. In all the process of preparing the Strategy, it was only necessary for one series of physical visits to take place, when ClearLead viewed a number of key facilities to sense check recommendations in relation to energy efficiency and the potential for renewable energy generation.
- 2.2 The final draft Strategy and Action Plan has now been received and has been considered by the Climate Change Working Group and officers. It is presented as Appendix 1 to this report. The document speaks for itself, but in summary it identifies the Council's existing carbon footprint and indicates that it is possible for the District Council to achieve net zero by 2030, as stated in bullet 2 of the pledge, and it identifies a pathway of actions to achieve net zero.
- 2.3 The Council's existing carbon footprint is shown at Table 3, in section 3.4 of the document. The current level of emissions is shown as 806.6 tCO₂e/yr (tonnes carbon dioxide equivalent per year). Emission trends over recent years are shown in section 3.5 of the document and show big reductions, due in part to outsourcing services and the decarbonisation of grid electricity.
- 2.4 In order to judge the success of any investment in climate change work, it will be necessary to continue to measure the Council's carbon footprint on at least an annual basis. The Local Government Association (LGA) has developed a tool that aims to standardise carbon foot printing for local authority organisations. This tool is free at

point of use and it is recommended that it is adopted as the standard method for recording and reporting carbon emissions going forward.

2.5 The pathway to net zero that is identified is contained in section 5.2 of the Strategy and may be listed as:

- Energy efficiency improvements to existing facilities;
- Installation of biomass heating at Town Hall;
- Electrification of heating at 3 key facilities;
- Installation of roof mounted solar PV at 2 key facilities;
- Development of 2MW ground mounted solar PV;
- Electrification of the Council's vehicle fleet.

2.6 All of these recommendations have a financial implication for the Council and the overall potential impact is considered in section 3 of this report

2.7 In addition to the actions recommended to achieve net zero by 2030, a number of other actions are considered with the document, such as the provision of solar PV in Council car parks, a potential move away from the Town Hall building, sequestration through tree planting, the use of carbon offsetting and potential community action to achieve district wide reductions in carbon emissions.

2.8 The key purpose of the Strategy was to identify a route to net zero by 2030 in terms of the Council's own emissions, as set out above. One issue that is not addressed in the Strategy is that of scope 3 emissions. In terms of the Council, scope 3 emissions are those emissions that are a consequence of the Council, but which arise from sources not owned or controlled by the Council. Common examples of scope 3 activities are purchased goods and services, business travel, commuting, waste disposal, investments and leased assets. Whilst the Strategy identifies 2 of the Council's large contracted out services: leisure and waste collection, it does not discuss these in detail, as they are scope 3 activities and therefore outside the scope of the brief for this piece of work. Nevertheless, emissions associated with these activities are produced in the provision of services provided on behalf of the Council and should be considered in further work in this area.

3 CAPITAL PROGRAMME

3.1 As outlined in section 2 of this report, a pathway to net zero has been identified in the Strategy and Action Plan. Whilst the details of this pathway are set out in section 5 of the document, notably in Figure 5 and Table 7, they have been further summarised in Table 1 to this report, below:

Year	Works	Costs	Benefit/year	GHG Savings/year	Payback
2021/22	Energy efficiency	£65K	£13K	28 T	5 years
2021/22	Biomass boiler	£150K	£10K	83 T	15 years
2021/22	Electrification of heating	£55K	£500	27 T	110 years
2022/23	Roof mounted PV	£467K	£64K	105 T	7 years

2024/25	Ground mounted PV	£1.563M	£198K	327 T	8 years
Up to 2025/26	Fleet	£473K	£48K	152 T	10 years

- 3.2 This table indicates the years in which works are recommended to be undertaken, the cost, the financial benefit of the works and the savings in greenhouse gas emissions that may be expected. It is set out in this way in order to inform the way in which investment may need to be factored into the Council's capital programme. In total, the investment identified above is £2,773,000.
- 3.3 It should be noted at this point, that none of this investment has been financed as of yet. The Strategy notes that there are a number of options for financing works of this type and others have been announced by Government but have not yet come on stream, such as the Public Sector Decarbonisation Scheme, for which £1bn investment has been promised by Government. Considerable expertise and work will be required to identify, bid for and obtain funding for these projects.
- 3.4 As this work is progressed it may be desirable to consider further investment in those additional projects that have been identified as having some potential, but which are not required in order to reach net zero by 2030. It is recommended that these be considered separately to the core climate change investments and that each must be subject to a full business case before consideration by a future meeting of Council. The main areas where additional work has been suggested are in additional ground mounted solar PV (investment up to £4.9M, but capable of being broken down into smaller units) and car park solar PV (investment up to £4.1M, but capable of being broken down into smaller units).

4 CLIMATE CHANGE WORKING GROUP

- 4.1 The ClearLead document has been considered and welcomed by the Council's Climate Change Working Group, who were consulted during its formulation. If the recommendations of this report are approved, then to some extent the Group has fulfilled its original brief. However, the Group also took the opportunity to consider its own future and has come to the view that it can continue to add value to the Council's work on climate change. In particular it sees roles for itself in maintaining oversight of the climate change action plan, in devising and overseeing a study of scope 3 emissions, in developing its community role, in considering the climate impacts of Council projects such as the building of council housing and of new projects through the development of climate impact assessments in relation to Council and Committee reports.
- 4.2 Currently the Group's terms of reference are set out in Part 3 of the Council's Constitution as 'To make recommendations to Council addressing the issue of climate change, with the aim of addressing the climate change actions set out in the Corporate Plan 2020-24' and it is recommended that these terms of reference are amended to include the broad actions set out above.

5 OFFICER RESOURCE

- 5.1 Up to this point progression of the climate change agenda has been undertaken without any increase in officer resource. Work undertaken has included the facilitation of the Climate Change Working Group, representation at the countywide Climate Change Officers' Group, the engagement of consultants in relation to the Climate Change Strategy and co-ordinating the Council work to feed into that Strategy. Largely this work has been undertaken by the Director of Regulatory Services, with a good deal of input from the Estates and Facilities Manager.
- 5.2 In order to deliver against the programme of work set out in the Strategy and to co-ordinate ongoing climate change work, it is not considered that this arrangement is sustainable. The 2 posts named above are already stretched and there is a lack of existing capacity elsewhere within the organisation to give this subject the impetus that it requires. Therefore it is recommended that approval be given to design and recruit to a 'Climate Change/Sustainability Officer' post at a sufficiently senior grade to ensure that the correct level of knowledge and experience can be obtained to drive the project forward. This recruitment will not replace the input currently being provided by experts in their own fields, such as the Estates and Facilities Manager, who clearly has a role to play in this issue, but would ensure that there is central knowledge and capacity to drive forward the issue. In particular it would be useful to obtain expertise in terms of securing climate change related funding for the projects outlined earlier in this report. At this stage it is thought appropriate to recruit to such a post on a fixed term, 5 year basis. The post will need to be designed and evaluated in line with the Council's policies, but this should not delay the start of the programme of work above.
- 5.3 Research has shown that Climate Change Officer posts have recently been advertised anywhere between £19,698 and £44,373. However, recent recruitment by Derbyshire authorities has indicated that the equivalent of our Grade 9 (£31,346 - £33,782) would be an appropriate level of remuneration.

6 RISK ASSESSMENT

3.1 Legal

The legal risk of this report has been assessed as low.

3.2 Financial

Section 3 of this report describes the capital investment that will be required for the pathway to net zero. The table indicates that a total investment of £2,773,000 is required over five years. At the current time, none of this investment has been financed. The Strategy notes that there are a number of options for financing works of this type and others have been announced by Government but have not yet come on stream, such as the Public Sector Decarbonisation Scheme, for which £1bn investment has been promised by Government. Considerable expertise and work will be required to identify, bid for and obtain funding for these projects. The table in section 3 also indicates that there will be revenue savings or income from the capital investments. For all but one project, payback will be achieved within 15 years, meaning that borrowing could be considered as an option, with the revenue costs of repayment being offset by savings or new income streams. This report seeks approval for a programme of works to be approved and for a bid to be built into the Capital Programme to be considered by Council in November 2020. Should the external

funding bids be successful, the Council's funding requirement would reduce. The project will need to be considered at the November Council meeting alongside other bids for capital financing.

With regard to officer resources, section 5 of the report indicates that the likely salary for a Climate Change Officer would be on Grade 9 (£31,346 - £33,782 or around £39,183 to £42,227 including oncosts). Subject to Members' approval, it is anticipated that the post could be filled by 1st January and the cost in 2020/21 could be met by savings arising from vacant posts elsewhere within the establishment. The estimated costs for future will be built into the draft budget for 2021/22 and Medium Term Financial Plan for consideration by Council in March 2021.

Given the level of funding required and the availability of financial resources, the financial risk arising from this report is assessed as high.

7 OTHER CONSIDERATIONS

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

8 CONTACT INFORMATION

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9 BACKGROUND PAPERS

None

10 ATTACHMENTS

Appendix 1 – The Path to Net Zero: Climate Change Strategy and Action Plan, 2020 to 2030.

Derbyshire Dales District Council

The Path to Net Zero

Climate Change Strategy and Action Plan, 2020 to 2030



Date: 16/09/2020



Version: FINAL

Prepared by:

ClearLead Consulting Limited
The Barn, Cadhay, Ottery St Mary, Devon, EX11 1QY, UK

Client: Mr. Tim Braund, Head of Regulatory Services Derbyshire Dales District Council Town Hall, Matlock, DE4 3NN tim.braund@derbyshiredales.gov.uk	Submitted by: James Patterson, Director Andy Greenall, Senior Consultant ClearLead Consulting Limited Phone: +44 (0) 1404 814273
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Quality Management

Issue/revision	Issue 1	Revision 1	Revision 2	Revision 3	Revision 4
Proposal Status	DRAFT	FINAL			
Date	7 th August 2020	16 th Sept 2020			
Prepared by	Andy Greenall	Andy Greenall			
	<i>A Greenall</i>	<i>A Greenall</i>			
Checked by	James Patterson	James Patterson			
					
Proposal ref.	C0241	C0241			

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1 Executive summary

In 2019 Derbyshire Dales District Council declared a Climate Emergency and committed to making its operations 'net zero' carbon by 2030. To this end, this report quantifies the Council's direct greenhouse gas (GHG) emissions and sets out options for reducing, avoiding, mitigating and offsetting them over the next decade.

In the financial year 2019-20, the Council's direct GHG emissions from natural gas, electricity, directly controlled owned transport, and grey fleet were 807 tCO₂e. Owing to decarbonisation of the UK electricity grid, under a business-as-usual scenario these would be reduced by 13% to around 700 tCO₂e by 2030. This report identifies measures to reduce and offset the remaining emissions over the next decade.

Net zero can be achieved by investing in the following projects:

- Energy efficiency projects at key sites, including further roll-out of LED lighting, and improved heating
- Replace Matlock Town Hall boiler with biomass equivalent
- Consider electrifying heating at Bakewell Pavilion and Northwood Depot, and potentially also Bakewell ABC
- Install roof-mounted solar PV on Northwood Depot and Bakewell ABC
- Install additional renewable electricity generation equivalent to a 2MW solar PV array (e.g. Watery Lane)
- Electrify vehicle fleet up to LGV size.

These measures would allow DDDC to attain net zero status by 2030 (or significantly earlier) at an estimated cost of approximately £2.5m.

2 Introduction, background and context

2.1 Background

In May 2019, Derbyshire Dales District Council resolved to declare a Climate Emergency and committed itself to making the operations of the District Council net zero carbon by 2030. In April 2020, ClearLead Consulting Ltd (ClearLead) was commissioned by the Council to develop a strategy to attain this goal. This encompasses calculating the Council's direct and energy indirect greenhouse gas (GHG) emissions and assessing options for reducing, avoiding, mitigating and offsetting them over the next decade. ClearLead carried out the work between May and July 2020.

2.2 Terminology and clarifications

'Carbon' is often used as a shorthand for carbon dioxide (CO₂), the primary greenhouse gas, and by extension for greenhouse gases as a whole. In this report we prefer to use the more precise term 'greenhouse gases' (usually abbreviated to GHG) except in conventional phrases such as 'carbon neutral' and 'carbon footprint'. All greenhouse gases figures in this report include all Kyoto greenhouse gases and groups¹ converted into 'carbon dioxide equivalent' (CO₂e) and usually expressed in tonnes (tCO₂e).

'Net zero' is also referred to as 'carbon neutral' and refers to a situation where the total greenhouse gases (not just CO₂) produced are equal to those offset, removed or avoided. (This is not the same as zero carbon, where no GHG are produced.)

Two organisational acronyms used throughout this report are 'DDDC', for Derbyshire Dales District Council (also referred to as the Council); and 'CCWG', for the Council's Climate Change Working Group, on whose instruction this report was commissioned.

Finally, note the distinction between greenhouse gas emissions within the DDDC geographical area (including transport, housing, commerce, and industry), and those from the direct activities of the Council itself. It is the latter which form the main focus of this report, although the former are discussed in Section 7.

2.3 About Derbyshire Dales and DDDC

Derbyshire Dales is a local government area in Derbyshire, with an area of just over 300 square miles and a population of around 70,000. The area encompassed by Derbyshire Dales District Council (hereafter 'DDDC') is largely rural, although it includes the market towns of Bakewell, Matlock, Wirksworth and Ashbourne. The district contains part of the Peak District National Park.

¹ Carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF₆), and nitrogen trifluoride (NF₃)

Within the Derbyshire Dales District, the largest proportion of GHG emissions comes from the industrial and commercial sector (315.4k tCO₂/year), followed by transport (234.4k tCO₂/year) and domestic (178.3k tCO₂/year). The cement and aggregates industries are of note for their high energy use and process carbon emissions. (These values apply to all activities within the DDDC geographical area, as distinct from the activities of the Council itself.)

The area covered by the District Council is expected to experience more severe impacts as a result of climate change, including increased flooding and “freak” weather events, water stress and drought, and greater risk of wildfires in hotter, drier summers.

DDDC’s directly operated activities (hence GHG emissions sources) comprise electricity and gas use in the Town Hall in Matlock and several other municipal buildings, public toilets, pavilions, some market areas and depots, plus emissions from transport fuel (passenger vehicles, tractors, street cleaning and maintenance vehicles) and for parks and ground care.

Finally, four leisure centres are still owned by the Council but were outsourced in 2018, while waste collection services are also outsourced. Neither form a part of this assessment, although they are discussed in sections 3.5.1 and 3.5.2.

2.4 The net zero brief

DDDC requested a Climate Change Strategy and Action Plan to:

...address climate change locally in a way which benefits the people, economy and environment of the Derbyshire Dales. It should act as a starting point for action; providing a strategic framework through which the District Council’s activities can be monitored in order to progressively achieve net carbon zero by 2030. It will set out clear research and evidence as to what the Council’s Carbon footprint is and precisely how it is composed and assess what further actions might be taken on carbon reduction. It will also set-out what carbon off-setting/sequestration options might be locally available and incorporate climate change adaptation and resilience measures into a Strategy and practical Action Plan to guide delivery. It will also set out appropriate milestones to make the Council’s activities carbon neutral by 2030.

To this end, ClearLead were instructed by the Council to:

- engage with the Council to understand its work on Climate Change Strategy through the cross-party Climate Change Working Group
- calculate the Council’s carbon emissions and thereby its carbon footprint
- identify, cost and prioritise carbon-reduction, sequestration, offsetting, and adaptation options, with a view to the Council achieving zero net by 2030
- identify and prioritise community leadership actions to contribute to this target
- amalgamate this into a Strategy and Action Plan.

This document therefore comprises the strategy and action plan for moving towards net zero by 2030, giving an overview of the Council’s current emissions and possible routes for reducing them to net zero by 2030.

3 Greenhouse gas review ('carbon footprint')

ClearLead has calculated DDDC's direct GHG emissions for the period April 2019 to March 2020. This includes emissions from or associated with:

- Natural gas combustion
- Owned transport
- Other fuel use
- Electricity use
- Grey fleet (staff's private vehicles used on Council business and reimbursed through expenses)

The purpose of calculating the carbon footprint is:

- To establish an appropriate baseline for measurement of energy use and carbon emissions, and to derive a suitable benchmark against which future emissions can be compared
- To determine carbon "hotspots", hence areas on which to focus emissions reduction efforts.

We have included the following emissions within the overall carbon footprint:

- Electricity: Direct emissions from generation, plus transmission & distribution (T&D, grid loss) emissions and well-to-tank (WTT, upstream emissions associated with extracting and processing combustion fuel prior to generation)
- Natural gas: Direct emissions from combustion, plus WTT emissions from extraction and processing
- Transport: Direct emissions from combustion of diesel, petrol and gas oil, plus WTT emissions from extraction and processing
- Grey fleet: Direct emissions from staff using their own vehicles on company business.

See section 3.4 for sources which have been omitted.

3.1 Baseline and Current Targets

The Council's carbon footprint was previously calculated annually under NI-185 regulations, part of the local government "National Performance Framework" (NPF) which ended in 2010. At the last calculation, for reporting year 2010-11, emissions were 2,420 tCO₂. However, this does not allow for a direct comparison with current emissions, because:

- The leisure centres were still operated directly by the council and included within the footprint.
- Transport and grey fleet emissions were not included.
- It related to CO₂ (i.e. carbon dioxide only), not CO₂e (which allows for other greenhouse gases).
- The electricity emissions factor has greatly decreased over the last decade.

- The NI-185 only included direct emissions from electricity and gas, while it is now standard practice to incorporate indirect emissions.

For this reason, we suggest using the 2019-20 emissions as the baseline against which to track progress. To give a sense of current trajectory, we have also calculated approximate emissions for the financial years from 2016-17 (see section 3.6), although owing to recent organisational changes this data is not directly comparable.

3.2 Benchmarks and Key Performance Indicators (KPIs)

There are no known current official benchmarks or KPIs for local authority GHG emissions. A recent report² claimed that the average English council HQ building emits 1,234 tCO₂e annually, which would put Matlock Town Hall (~140 tCO₂e – see section 3.3) well below average. However, it is not clear how this figure was arrived at, which type of authority it refers to, what sample size it is based on, or how it was calculated.

In our experience comparisons of GHG emissions with other organisations are not always useful, because it is not always clear what emissions are included and excluded, how they were calculated, and what assumptions were made. We therefore recommend that DDDC focuses on reducing its own emissions from its current baseline.

3.3 Results of carbon footprint

DDDC's greenhouse gas emissions for the period April 2019 to March 2020 are given below.

Source	tCO ₂ /yr	%
Electricity	245.4	30.4%
Natural gas	170.5	21.1%
Transport diesel	299.5	37.1%
Other fuels	59.3	7.4%
Grey fleet	31.9	3.9%
Total	806.6	

Table 1: DDDC's direct GHG emissions, 2019-20

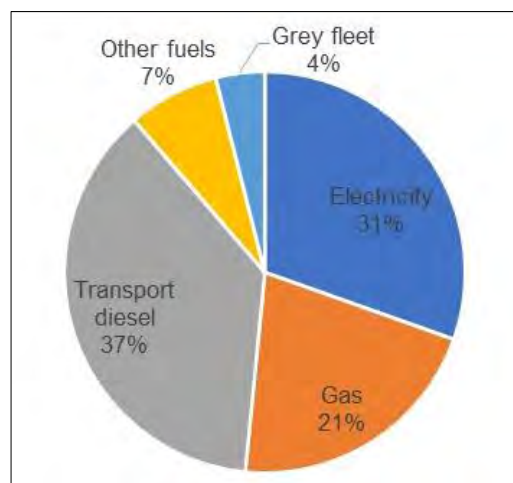


Figure 1: Emissions breakdown

² Electrical Contractors Association survey, January 2020

Transport diesel is the largest single emissions source, accounting for over a third of emissions. The next largest sources are electricity, contributing just over 30%, and gas (just over 21%). Other sources are relatively marginal.

The same data is shown in the table and chart below broken down by largest individual emissions sources.

Source	tCO ₂ /yr		%
Town Hall	142.8		17.7%
ABC	103.7		12.9%
Sweepers	96.2		11.9%
Tippers	69.7		8.6%
Refuse	21.6		2.7%
Other building	169.4		21.0%
Other mobile	203.28		25.2%

Table 2: Main emissions sources, 2019-20

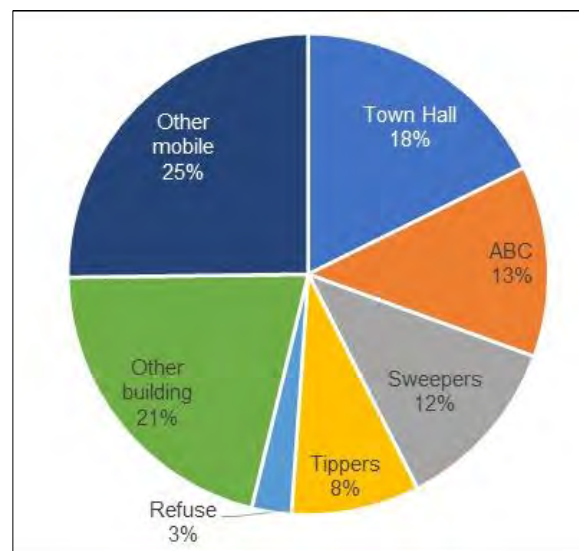


Figure 2: Emissions breakdown by contributor

Matlock Town Hall (comprising emissions from electricity and gas) is the largest individual contributor, with the Agricultural Business Centre second. Sweepers and tippers are the two largest vehicle categories.

3.4 Emissions by scope

For convenience and clarity, GHG emissions are conventionally broken into 'scopes', according to how directly they come under the control of the reporting organisation. The scopes (as relevant to DDDC) are:

- Scope one (direct emissions):
 - fuel combustion (transport fuels such as diesel or petrol; natural gas)
- Scope two ('purchased' emissions): electricity generation
- Scope three (indirect emissions):
 - electricity transmission and distribution (grid losses)
 - well-to tank (upstream emissions) for electricity and all fuels
 - Grey fleet
- Outside of scopes: biogenic additions to forecourt fuel

The table shows DDDC's emissions broken down by scope.

Scope	tCO ₂ /yr	%
1	432	53.6
2	199	24.6
3	166	20.5
Outside	10	1.3
Total	806.6	100

Table 3: emissions by scope (2019-20)

3.5 Omissions

Emissions from refrigerant gases (known as F-gas, which would come under scope 1) are omitted as data was not available. These comprise fugitive emissions from leaks of refrigerant in cooling equipment. As this is restricted to small air-conditioning units at the Town Hall and in vehicles, these are likely to be minimal; however, we recommend that this data is collected for future monitoring and reporting.

Emissions associated with outsourced activities, including leisure centres and waste collection, are also excluded (see next section).

3.5.1 Leisure Centres carbon footprint

The Council's four remaining Leisure Centres, while remaining under Council ownership, were outsourced for management purposes in summer 2018. Their emissions have therefore not been included in the data given above.

However, these emissions are still extant; and as to have any impact GHG reduction has to be global and holistic, we have calculated the approximate emissions from the Leisure Centres to provide context. In 2020, these were estimated at approximately 1,500 tCO₂e, nearly twice as high as the entire remaining Council estate.

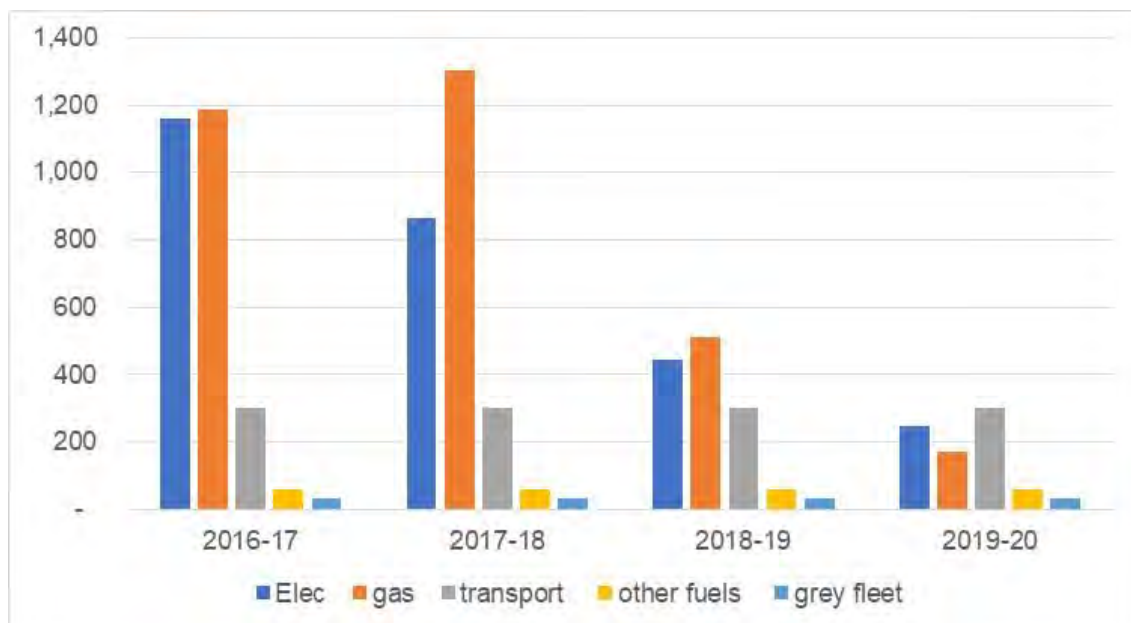
Although reducing and mitigating these emissions falls outside the remit of this report, we suggest that the Council work closely with the Centres' new operator to ensure that these emissions are addressed in addition to the emissions for which the Council is directly responsible.

3.5.2 Waste and recycling collection

Many of the Council's waste collection activities are outsourced to Serco. Again, these emissions are not included in DDDC's direct carbon footprint given above. Data for the activities has not been made available and ClearLead therefore cannot calculate them; however, we recommend calculating and tracking emissions from outsourced activities in future to ensure that they are not overlooked. It is probable that Serco are already tracking this data, access to which should be requested and perhaps mandated in future contracts.

3.6 Emissions trend

DDDC's direct greenhouse gas emissions have been on a sharp downward trajectory since 2016. There are two key drivers for this: the outsourcing of the Leisure Centres in summer 2018, which accounts for the majority of the fall, plus a sharp fall in the carbon intensity of grid electricity over this period (see section 3.7).



DDDC previously reported its carbon footprint under the NI-185 scheme, which ended in 2011. This does not provide a useful comparison with the current footprint, owing partly to the Leisure Centre outsourcing and partly to the fact that NI-185 only accounted for electricity and gas, omitting transport and other emissions sources.

3.7 Grid decarbonisation

The UK's grid electricity has steadily decarbonised over the last decade. This is owing to a shift in the grid mix (the balance of technologies used to generate power) from a fossil fuel-fired base to a mix encompassing less coal and more renewable energy.

The chart below shows the GHG emissions factors of UK grid electricity since 2002.



Figure 3: UK grid electricity GHG intensity, 2002 to 2020 (kg CO₂e/kWh)

This trend is projected to continue as coal generation goes offline and gas generation reduces over the next 15 years, to be replaced by more renewable energy generation and imports, and a proposed new nuclear power station building programme.

This reinforces why decarbonising heating and vehicle use is now, or is becoming, a low-carbon option, as many combustion-based technologies have limited scope or feasibility for decarbonisation, especially over the short term.

3.8 Emissions forecast: “business-as-usual”

The chart below shows a projection of DDDC’s business-as-usual emissions, assuming no radical changes to the Council’s estate, activities or vehicle use. This is based on constant GHG emissions factors for fossil fuels and BEIS’s projected emissions factors for UK grid electricity (see above, section 3.7)³.

³ BEIS’ emissions factors are currently based on a two-year ‘time lag’ from real-time generation data (i.e. the 2020 emissions factor is based on UK generation in 2018). We have assumed the BEIS trajectory is followed from the current emissions factors.

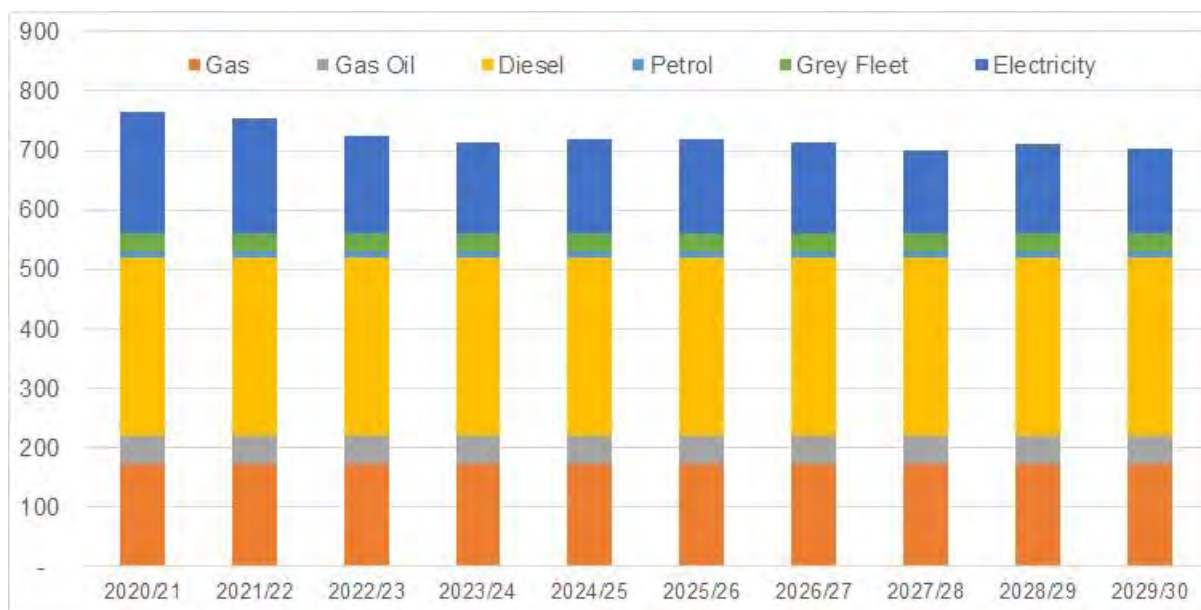


Figure 4: DDDC's projected business-as-usual emissions (tCO₂e), to 2029-30

The chart shows that over the Decade to 2030 DDDC's emissions would fall slightly under a business-as-usual scenario (i.e. using precisely the same amounts of energy as in 2019-20) owing to decarbonisation of the electricity grid (as forecast by BEIS – see above). As shown, without any action by the Council on energy and emissions management, emissions overall would fall from the 2019-20 value of just over 800 tCO₂e to around 700 tCO₂e by 2030, a decrease of 13%.

In Section 5 we examine what the Council could achieve through proactive measures to further reduce energy use and GHG emissions to meet its net zero goal.

4 Greenhouse gas objectives and targets

4.1 The GHG reduction hierarchy

The council's goal is net zero by 2030. There are typically four stages to a GHG reduction project:

1. Emissions reduction

This typically includes lower overall energy use (for example, by improving energy efficiency in buildings or vehicles) and switching to more efficient or less polluting energy sources (for instance, replacing diesel vehicles with electric equivalents). More radical options might include projects such as building stock replacement. The key options available to DDDC are explored in Sections 5.1.1 and 5.1.2.

2. Low-carbon generation

Options such as solar PV, wind turbines and biomass boilers to replace higher-carbon intensity energy sources with low-carbon or renewable equivalents. While these can greatly reduce emissions, they can be restricted by land and space availability as well as planning and cost constraints. The options available to DDDC are discussed in Section 5.1.3.

3. Carbon sequestration

This entails 'sucking up' carbon from the atmosphere and storing it. A typical example is tree-planting: trees absorb CO₂ as they grow, and 'store' it until the tree dies. This can be a useful means of achieving moderate emissions reduction. This is outlined in Section 6.

4. Carbon offsetting

Offsetting unavoidable emissions by funding projects that will lead to equivalent GHG reductions elsewhere is the final stage of the net zero process. Theoretically simple, it can have significant cost implications, especially where local or UK-based projects are used. This is discussed in Section 6.

Beyond the overall goal of net zero by 2030, to track progress it is valuable to have milestones in the intervening years. This is discussed in section 5.3.

5 GHG reduction opportunities

5.1 DDDC's key GHG reduction opportunities

In this Section, which encompasses stages one and two of the GHG reduction hierarchy set out in Section 4.1 above, we discuss the projects and opportunities available to reduce DDDC's GHG emissions.

5.1.1 Energy efficiency

There is undoubtedly scope to improve DDDC's energy efficiency. Suitable measures may include better energy management, the implementation of staff training and awareness, and investment in energy efficiency measures such as insulation, more efficient lighting and controls, and more efficient boilers.

ClearLead conducted a high-level energy assessment of key buildings within DDDC's estate. We identified measures which we estimate could reduce the Council's overall current electricity use by around 15% by 2023, and its gas use by around 5% by 2021. These estimates are based on ClearLead's observations made during the assessment and our experience of identifying and implementing energy efficiency programmes in similar organisations and building types. The measures envisaged are basic good practice which could normally be expected to have a simple payback of three years or less, but do not include higher costs measures such as the installation of double-glazing at the Town Hall, which would produce additional energy savings, albeit at significant extra cost. Measures such as this are considered to be more asset renewal-based, and should be considered as part of any potential future refurbishment.

The key measures to explore further are summarised in Table 4 below. The list is not exhaustive; a detailed survey of DDDC's estate is likely to add opportunities and enable more detailed prioritisation. Due to the ongoing Covid-19 outbreak and budget limitations a detailed energy survey was not considered practicable within this project, but should form part of any detailed work on implementation of the strategy that follows). More details about the identified opportunities, and the underlying figures, are given in the spreadsheet within the accompanying spreadsheet.

Site	Opportunity
WCs	Replace any residual fluorescent lighting with LED & occupancy detection controls
Cricket Pavilion	New gas-fired boiler: consider electric (air source heat pump) alternative. Install LED lighting with occupancy detection controls
Agricultural Business Centre	Replace any residual lighting with LED. Consider replacing gas-fired radiant/convective heating with air source heat pump if possible. Potential for PV on roof (~2,300m ² SW-facing)
Darley Dale Depot	Replace any residual non-LED lighting with LEDs. Consider replacing gas-fired convector heater with air source heat pump.

	<p>Replace gas-fired heating in offices, mess room, locker rooms with air source and/or electric radiator panels.</p> <p>Potential for PV on roof (~380 m² SE-facing)</p>
Matlock Town Hall	<p>Check roof above Council Chamber and 1900s building for insulation and apply to latest standards if not present.</p> <p>Consider replacing single-gazed windows to modern double glazed units (not included in costs).</p> <p>Consider replacement of gas-fired boilers with biomass boiler. Container unit could be located in car park and piped via basement boiler room to local boilers with heat exchanger interface. There is an opportunity to do this at marginal cost as two of the three older boilers have failed and were due to be replaced in the summer of 2020.</p>
Ashbourne Depot	Convert any residual non-LED lighting to LED
All occupied sites	<p>There is typically scope for increasing energy efficiency via optimised controls and housekeeping in conjunction with occupant behaviour change.</p> <p>Any residual non-LED lighting should be replaced with LED lighting and occupancy controls fitted where appropriate.</p>

Table 4: Building-related energy efficiency opportunities (summary)

Indicative energy savings from these measures have been used to model carbon reductions from energy-efficiency measures, which are set out in Section 5.5.

In addition, there are hypothetical newbuild and major refurbishment opportunities to reduce emissions through design features such as super-insulation to reduce heating and cooling loads, passive ventilation, high efficiency HVAC (heating, ventilation and air conditioning) systems, LED lighting and improved building controls/automation. Any major refurbishments – such as the mooted Bakewell recreation ground WC being converted to a café, or the possible redevelopment of the Ashbourne pavilion – should be taken as an opportunity to maximise energy efficiency and to decarbonise heating and energy supply through building-integrated renewable energy systems.

An alternative to improvements to the Town Hall, which would offer a major potential carbon reduction opportunity, would be to move the Council's HQ operations from Matlock Town Hall to a purpose-built site built to best-practice, low-energy/carbon specifications. This has already been mooted withing DDDC and could be a joint venture with Derbyshire County Council to defray costs. As a major capex and organisational project, this sits outside the scope of this report and has not been considered in further detail; however, we recommend further investigation, as the Town Hall accounts for 18% of DDDC's direct GHG emissions including a high proportion of its gas use (see next section). Note that this would not preclude the biomass boiler replacement mentioned below, as the boiler would most likely be a containerised packaged unit and could be moved to the new building if required. Similarly, significant insulation improvements and installing double-glazing in the 1970s and 80s sections of the Town Hall, while increasing energy savings, would also add considerable capital costs for relatively small gains.

5.1.2 Electrification and decarbonisation

This entails a shift to lower-emissions energy sources for heating, such as replacing gas heating with biomass or electric equivalent. (This does not include vehicle electrification, which is discussed separately below.)

It might be technically viable to decarbonise heating in several buildings, including Bakewell Pavilion, Northwood Depot, and the Agricultural Business Centre (ABC) in Bakewell (air source heat pumps), and Matlock Town Hall (with a biomass boiler). Bakewell ABC may prove problematic technically owing to the open nature of much of the site, meaning that it may be preferable to either switch to electric radiant heaters, or even simply to retain the existing gas-fired system (the site's heating is said to be only used for a few hours a week, so the GHG impact is relatively small), or even to consider the viability of not heating the space at all.

The Town Hall biomass project deserves rapid consideration as the site's current boilers require replacement, probably within the next 12 months. The project has high carbon saving potential (the site is by far the Council's largest consumer of gas), but we strongly recommend exploring other options that may see a reduction in heating requirement – such as improved insulation and double-glazing – *before* committing to a like-for-like boiler replacement, to avoid wasting money on a boiler that may turn out to be oversized. Note that the current state subsidy scheme, known as Renewable Heat Incentive (RHI), which would be critical to the payback of this project, closes to new applicants from April 2021, meaning that the project would need to be approved by Ofgem by this date. This would then provide a guaranteed revenue for 20 years.

Costs

Most of these projects are unattractive in terms of simple financial payback, and will require additional justification criteria. An approximate estimate for the biomass boiler project at Town Hall is £175k, at a significant marginal cost of perhaps £143k over a like-for-like fossil fuel replacement, with a simple payback of around 15 years. The heat pump projects would range in cost from £5k to £30k and again would see paybacks, if at all, of over ten years.

5.1.3 Low-carbon electricity generation

This entails deployment of renewable energy generation technology such as solar photovoltaic (PV) arrays or wind turbines. This is a process sometimes known as 'insetting' (for 'internal offsetting'), as it enables an equivalent displacement of emissions from within the organisation's boundaries.

Solar PV generation

ClearLead identified two potential 'phases' of PV: smaller roof-mounted projects; and major ground-mounted projects. A third category, car park-mounted PV, is discussed separately below at the request of the CCWG.

We have used our experience in conjunction with industry benchmarks and supplier budget cost estimates to assess indicative costs, based on £700/kW_{peak}⁴ (kW_{peak}) for ground-mounted array, and £750/kW_{peak} for roof-mounted arrays (both costs assume grid connections are relatively straightforward; complications such as needing to install a substation for a ground-mounted system could add significant costs).

The two most obvious sites for roof-mounted PV (aside from Matlock Town Hall, which already has a small PV array) are the Northwood Depot and the Bakewell Agricultural Business Centre (ABC) both of which have reasonably-sized available roof space with a southerly aspect.

Ground-mounted installations are more attractive; however, these pose a problem in that the location of available ground is not necessarily in the same location as the user of the electricity. In this case it is possible to export the electricity into the electricity grid and use a commercial/legal arrangement known as 'sleeving' to extract it elsewhere at the point of use.

Possible sites for ground-mounted arrays are listed below⁵. In our opinion Watery Lane, Ashbourne, should be a priority, as this is largely hidden from view, appears to be unsuited to alternative development, is surrounded by partially industrial land, and owing to the presence nearby of a waste water treatment plant operated by Severn Trent Water will have a substation to hand, making grid connection relatively straightforward. An array here could be sized at up to 2,000 kW_{peak} and could generate around 1.65m kWh a year, enough to 'inset' nearly all of DDDC's residual emissions (see section 5.5). As the location may be subject to a restrictive use covenant from Nestle, the site's previous owners, this would need to be addressed. Other potential sites include Edge View at Stoney Middleton, sufficiently large to accommodate a 2.5 MW_{peak} system, and various smaller sites. Any combination of sites achieving a comparable level of generation would have the same overall carbon-reduction impact.

The simple payback for the ground-mounted arrays is estimated at 7.3 years, rising to 7.9 years for roof-mounted arrays owing to slightly higher typical installation costs. Note that all figures below are high-level estimates subject to confirmation via a full feasibility study.

Location	Type	Yield MWh/yr	Savings £k/yr	Capex £k	GHG saved tCO ₂ e/yr
Bakewell ABC	Roof	491	59	433	141.5
Darley Dale Depot	Roof	39	4.6	34	11.1
Allen's Hill, Cromford	Ground	92	11	87	26.5
Edge View, Stoney Middleton	Ground	1,990	239	1.9	573.1
Thorncliffe Ave, Darley Dale	Ground	477	57	451	137.5
Watery Lane, Ashbourne	Ground	1,648	198	1.5	475.0
Griggs Gdns, Wirksworth	Ground	158	19	149	45.6
Total		4,894	587		1,410.2

⁴ The size of solar PV systems is expressed in "kilowatts peak" (kW_{peak}), the theoretical rate at which they could generate energy at peak performance on a sunny day

⁵ Wash Green, Wirksworth, has been omitted as it appears to be a wooded site.

Table 5: DDDC land holdings

Note that the 'GHG saved' column assumes current (2020) grid electricity emissions factors. This value will decrease annually in line with forecast UK grid decarbonisation (see section 3.7).

Car park PV

In addition, the Council's Climate Change Working Group requested that car-park-mounted PV arrays be considered: these are effectively PV panels mounted on frames above car park areas, allowing dual use of the same area.

This option carries a significant cost premium owing to the substantial additional engineering work required in building the steel frameworks, with a typical cost around £1,100 per kW_{peak}. Using indicative costs and benefit data, this gives a typical payback of 11.5 years. (There may be additional costs for car park arrays around insurance and liability, owing to the facts that people and vehicles will necessarily need safe access to the space underneath them, and that protection from vandalism may be an additional requirement. These have not been included.)

Car park PV may have some additional attractions in providing shelter and shade for parked cars, as well as lending itself to future electric vehicle charging.

We estimate that there may be space for additional (or contingent) total PV arrays of >23,000m² giving a theoretical capacity of 3,700 kW_{peak} and an annual electricity yield of nearly 3m kWh, at an approximate cost (although see the caveat above around possible additional costs) of just over £4m. As above, an indicative simple payback period would be over 11 years. Just five of the larger car park sites⁶ would account for nearly 40% of the available area and potential capacity. The overall potential car park PV benefits, and those from the five key sites alone⁶, are shown below in Table 6.

Site	Net area m ²	Size kWp	Yield kWh/yr	GHG saving tCO ₂ /yr**	Capex £	Savings £/yr***	Simple payback yrs
All sites	23,152	3,718	2,951,906	585	4,090,187	354,229	11.5
Key sites*	9,010	1,447	1,148,785	228	1,591,767	137,854	11.5

Table 6: solar PV capacity at DDDC's land holdings

Notes

* As listed in the footnote below

** At 2020 carbon intensity. This will decrease over time as grid electricity decarbonises.

*** At current electricity prices. Savings are likely to improve as electricity costs rise

Note that some types of solar PV panel, notably crystalline panels, can have significant 'embodied carbon' – that is, the panel manufacturing process itself generates significant GHG emissions. Although this issue falls outside the scope of this report, we recommend further investigation at the feasibility stage to determine the lowest-carbon option.

⁶ Cokayne Avenue and Shawcroft Park Road in Ashbourne, Bakewell ABC, plus ARC Leisure and The Station in Ashbourne. These are the Council's five largest car park sites aside from Fishpond (overspill), which has been excluded as it occupies green space next to a lake and may therefore be considered unsuitable for development.

Wind generation

We understand from discussions with the Council's Climate Change Working Group that wind turbines are politically sensitive in the Council and their installation is unlikely to be considered. We have therefore not carried out a detailed assessment. However, for context, we note that installing turbines would realistically allow a cost per kWh of electricity generated comparable to ground-mounted solar PV, or around a third cheaper than 'car park' PV. In holistic terms it is possible that a mix of wind and solar generation is the most effective option, as this would allow generation beyond the hours of daylight. Note too that wind turbines generally have a significantly smaller carbon footprint from manufacturing than monocrystalline PV panels.

Finally, for all renewables installations above approximately 4kW, permission is needed from the Distribution Network Operator before connecting to the grid. We suggest exploring this issue in the first instance owing to the importance of renewable electricity generation to DDDC's net zero pathway.

Funding renewables projects

There are two main options for funding renewables projects. The first, simplest and most cost-effective method is direct investment: the Council pays for installation and associated costs (such as grid connection) up front, and then enjoys cheaper electricity. Where PV installations are remote from the Council's users, grid transmission and distribution (T&D) costs would still need to be paid, which might represent around a third of market costs, meaning that the electricity might be provided for perhaps 4p/kWh. Where building mounted systems are deployed, or car park systems adjacent to DDDC-owned buildings, the electricity can be supplied directly to the building without use of the grid, an arrangement colloquially known as "behind the meter" as all costs associated with distribution are avoided. The cost savings are at the full rate paid by DDDC. In all cases, any surplus electricity generated could be sold to the grid, typically at around 5p/kWh. As this does not offer a particularly attractive financial return, it would be preferable to size installations in line with anticipated demand, and to use a sleeving arrangement to use the electricity elsewhere. An alternative approach might be to deploy battery storage to enable surplus electricity generated to be used at different times of the day, such as overnight.

The second funding option is to consider a Power Purchase Agreement (PPA). This would entail finding a PV installer/developer and/or external investor to build and own the installation, with the Council guaranteeing to purchase the electricity at an agreed price over a set period, thus insulating the Council from future electricity price rises (under a PPA cost rises are typically linked to an inflation index such as RPI). As well as the agreed unit cost, the Council would also need to pay T&D charges under a "sleeving" arrangement. A PPA would have the advantage of eliminating the need for significant capital expenditure, but would see lower electricity costs savings – possibly even cost-neutral, although there would be a strong decarbonisation benefit, in addition to a level of assurance against future price rises.

We estimate that electricity equivalent to the Council's annual requirement, plus the surplus required to offset its residual emissions, could be self-generated with an investment of £1.6m in ground-mounted arrays. This is liable to significant variation depending on the site or sites

chosen, mainly owing to possible additional costs for grid connection. This is one reason why the Watery Lane site is an attractive option, as the presence nearby of a wastewater treatment works means that a substation will already be located nearby.

A final aspect to consider is that the Council has access to land suitable for ground-mounted PV installations far in excess of its own energy needs. As part of its own net zero carbon strategy and that of the wider district, the Council could consider setting up a community energy scheme to sell surplus electricity to third parties such as households and businesses within the district, or even the Leisure Centres. This may generate some revenue, as well as contributing to lower carbon emissions.

Note that previous government subsidies for PV electricity, such as ROCs and the feed-in tariff, have now ended.

5.1.4 Electric vehicles (EVs) and other decarbonised transport

Background

This opportunity sees fossil fuel-fired vehicles replaced with electric equivalents (commonly known as EVs). This reduces GHG emissions in two ways: first, because an energy unit (such as kWh) of electricity has a smaller carbon footprint than the equivalent unit of diesel (or other fossil fuel): currently around 22% lower, although this is projected to drop to nearly 50% lower by 2030 owing to electricity decarbonisation⁷ (see section 3.7).

Secondly, electric vehicles are notably more efficient than internal combustion engines in converting energy input to useful energy (that which propels the vehicle): EV engines are typically around 80% efficient, while internal combustion engine (ICE) efficiency, even in theory, is at best under 50% (for a highly efficient diesel engine in optimum conditions), and in practice is typically between 20% and 35% depending on engine type (diesel engines are generally more efficient than petrol), model, and on driving style and conditions. This means that significantly less energy input is required to travel the same distance in an EV compared to an ICE vehicle.

Note that EVs are only one opportunity for decarbonising transport. Other options are available, including hybrid (partially electrified) vehicles, which may prove to be a useful interim option; and hydrogen-powered vehicles, which are developing fast and may prove to be the long-term option for larger vehicles such as refuse vehicles or tippers. This assessment focuses on a long-term adoption of EVs.

DDDC's situation

DDDC directly operates a fleet of around 60 vehicles, ranging in size from small cars to refuse collection lorries and tractors. (This does not include vehicles used by outsourced contractors, notably the Serco vehicle collection fleet – see Section 3.5.2).

⁷ In theory, significant additional GHG savings could be achieved by charging EVs directly from renewables, such as PV. However, this would entail siting charging points in physical proximity to the renewables source, and charging the vehicles while power is actually being generated, which may not always be feasible. Such savings have therefore not been taken into account.

In 2019-20 these collectively used just over 90,000 litres of diesel, plus an estimated 15,000 litres of gas oil (red diesel) and 3,000 litres of petrol, with associated emissions of nearly 360 tCO₂e, 44% of DDDC's direct emissions. (This does not include 'grey fleet' emissions.) Transport energy is therefore a crucial area to address on the net zero journey.

In consultation with DDDC's Transport Manager we have assumed that any vehicle up to the size of a 4x4 or Transit/Transit tipper will have a commercially available and financially viable electric equivalent by 2030, but that larger vehicles and HGVs will still need to be fired by diesel by 2030, for financial if not technical reasons⁸.

This is a conservative assumption: in practice it is likely that lower-carbon alternatives will be feasible by 2030 for most of DDDC's requirements. (Derbyshire County Council have assumed full decarbonisation of HGVs between 2027 and 2032⁹, although it is not clear what marginal cost is attached to this.) We have also assumed that all current petrol use can be electrified by 2030, along with half of gas oil use. We understand that DDDC is considering plug-in hybrids for some imminent renewals as a first step.

Costs, payback and GHG reductions

Using DDDC's estimated ICE replacement costs, we have assumed an average 50% marginal cost for EVs compared to ICE models. This gives a combined marginal cost of approximately £475k over like-for-like replacement costs per iteration of fleet replacement (again, only for vehicles up to LGV size). This can be set against an estimated annual fuel cost saving of £45k, giving a simple payback of over ten years.

Real-world payback is likely to be better, for three reasons: this assumes current diesel and petrol costs, which in reality are likely to increase sharply, especially in the event of additional fossil fuel taxation, which is probable by 2030; because EVs may require less mechanical maintenance than ICE vehicles; and as, depending on financing of solar generation options, it might be possible to secure electricity at below current market prices; a hypothetical 20% increase in the price of diesel in conjunction with a 30% decrease in electricity costs would see the annual fuel cost saving rise to £68k.

On these assumptions we would expect to see transport emissions reduce to around 150 tCO₂e by 2030, a fall of 58%. Again, we emphasise that this is a conservative estimate based on current technology and costs, and that substantially greater emissions reductions are plausible.

A final point to note is that the fleet is largely managed on a five-year renewal schedule. We therefore recommend tracking the commercial EV and low-carbon vehicle market carefully to avoid committing to ICE vehicles when a low-carbon alternative is imminently viable, thus

8 Some low-carbon alternatives to HGVs are already available, either using EV/battery, hybrid, or hydrogen technology. However, the marginal cost (the difference between the low-carbon model and the ICE version) is currently prohibitive – often double or more. There are also technical limitations, notably around range and recharging. Although this is highly likely to improve by 2030, for the purposes of this assessment we have assumed that DDDC will accept a maximum marginal cost of 50%.

⁹ <https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/climate-change/carbon-reduction-plan.pdf>, p.7

locking in to five years of needless fossil fuel emissions. DDDC's Transport Manager is aware of this issue.

5.2 Potential emissions reductions

The chart below shows one possible glidepath to net zero by 2030. Note that this is an illustration of one series of options – projects would not have to be implemented in the order or at the times shown. The chart makes the following assumptions:

- Energy efficiency projects (which are the most immediate, cost effective options) are addressed within the first two years, i.e. by 2021-22, leading to a 15% reduction in electricity and a 5% reduction in gas
- Matlock Town Hall boilers are replaced with biomass equivalent in Summer 2021
- Heating at Bakewell Pavilion and Northwood Depot is electrified by 2021/22, and Bakewell ABC in 2022/23 (the Bakewell Pavilion boiler is condemned and will need replacing sooner)
- Roof-mounted solar PV is installed on Northwood Depot and Bakewell ABC in 2022/23
- Additional renewable electricity generation equivalent to a 2MW solar PV array is installed in 2024-25
- The fleet (up to LGV size) is electrified by 2025.

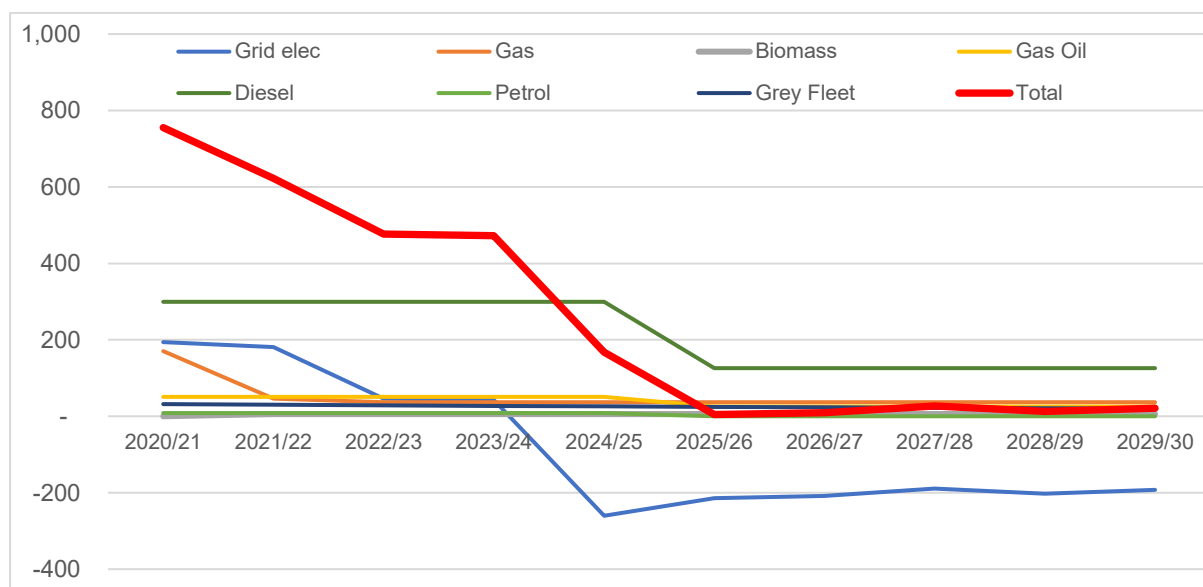


Figure 5: possible GHG reduction glidepath

Under this scenario total net emissions (shown by the red line) can reach zero as early as 2025-26, although this will require an 'offset' of the actual emissions still projected to be emitted by (primarily) diesel-fired transport (orange line). Emissions from other sources could become relatively marginal as early as 2022-23.

We reiterate that although the trajectory above looks relatively straightforward and attainable, it will require substantial investment and therefore political will to achieve. While it is possible to change the assumed intervention dates – perhaps to allow more time for investment-raising – and still meet the 2030 timeline, note that this would come at the cost of not maximising

cumulative GHG reductions (and cost savings, where relevant). This is discussed further in Section 5.3.

5.3 Timetable, milestones and pre-requisites

With two exceptions, the key opportunities identified have neither pre-requisites nor 'expiry' deadlines. The exceptions are:

- The Town Hall biomass boiler, which owing to the condition of the existing boilers will probably need to be replaced within the next 18 months. Additionally, we strongly recommend addressing energy efficiency (especially insulation and possibly double-glazing) in the Town Hall prior to the boiler replacement to avoid wasting money on a new system sized on a like-for-like basis, which may then turn out to be oversized.
- The vehicle replacement timetable will presumably be to some extent dictated by the existing vehicle renewal programme, which we understand operates on a five-year cycle.

Aside from these, the emissions reduction projects could be implemented in any order as finance and other concerns allow. Any milestones are therefore to some extent arbitrary. We thus recommend prioritising the projects in the 'value for money' order shown by the marginal abatement cost (MAC) curve in Section 5.5. A feasible (arguably conservative) milestone would be a halving of direct emissions to approximately 400 tCO₂e by 2025. However, please note the following section, which discusses the cumulative impact of earlier emissions reductions.

5.3.1 The holistic impact of early emissions reduction

From the point of view of global emissions reduction – which is the fundamental goal of any GHG reduction – it is preferable to cut emissions sooner rather than later, even where the slower scenario still meets the timeframe.

This is illustrated by the chart below showing three hypothetical net emissions trajectories: fast, medium and slow. Although all three would meet the 2030 target, in the 'fast' scenario the total emissions generated over the decade (shown in the green box) are 60% lower than in the 'slow' scenario (blue) and 40% lower than the 'medium' scenario (amber). Note that the graphic shows hypothetical scenarios for illustration, and do not directly apply to DDDC's options. In DDDC's case, addressing the best opportunities earlier in the decade will lead to substantially lower cumulative emissions than leaving them until towards 2030.

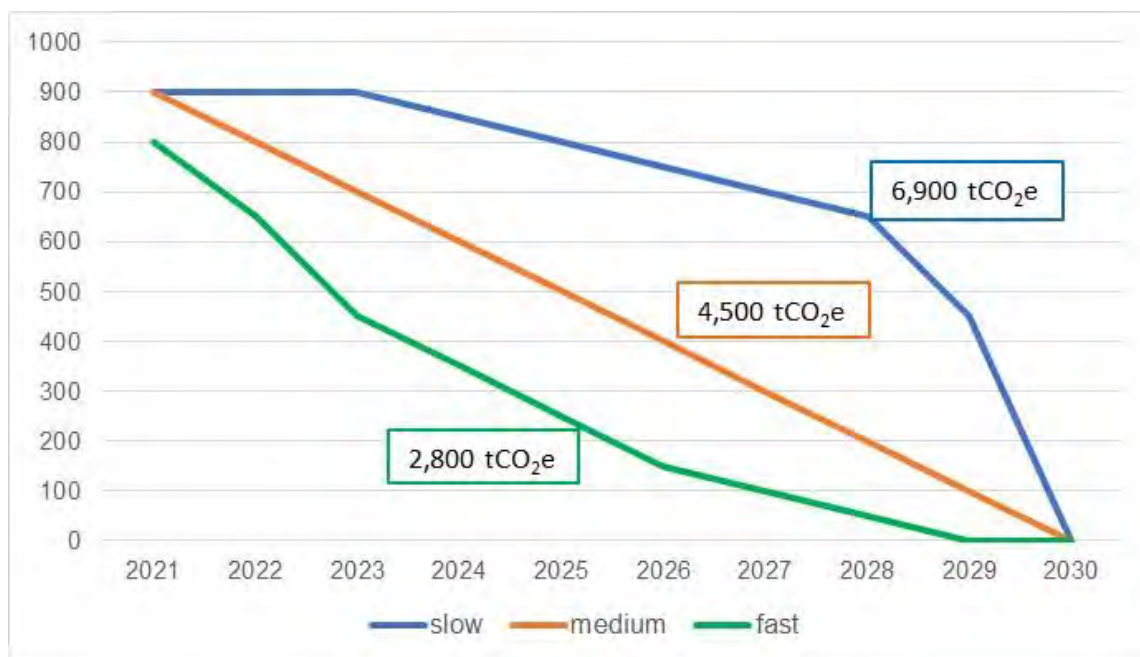


Figure 6: contrasting holistic emissions reduction paths

5.4 2030 carbon footprint

DDDC's potential carbon footprint in 2030 (assuming adoption of the measures listed below) is shown below. Self-generated electricity contributes a significant net negative emissions of around 190 tonnes, offsetting emissions from diesel (126 tCO₂e under this pessimistic scenario), gas (37 tCO₂e under this scenario), gas oil (25 tCO₂e) and, marginally, biomass (6 tCO₂e). There would be a small residual carbon footprint of around 20 tCO₂e from grey fleet, which is not directly under DDDC's control. This could be offset if required, either by the purchase of carbon offset credits or by increasing self-generated electricity capacity.

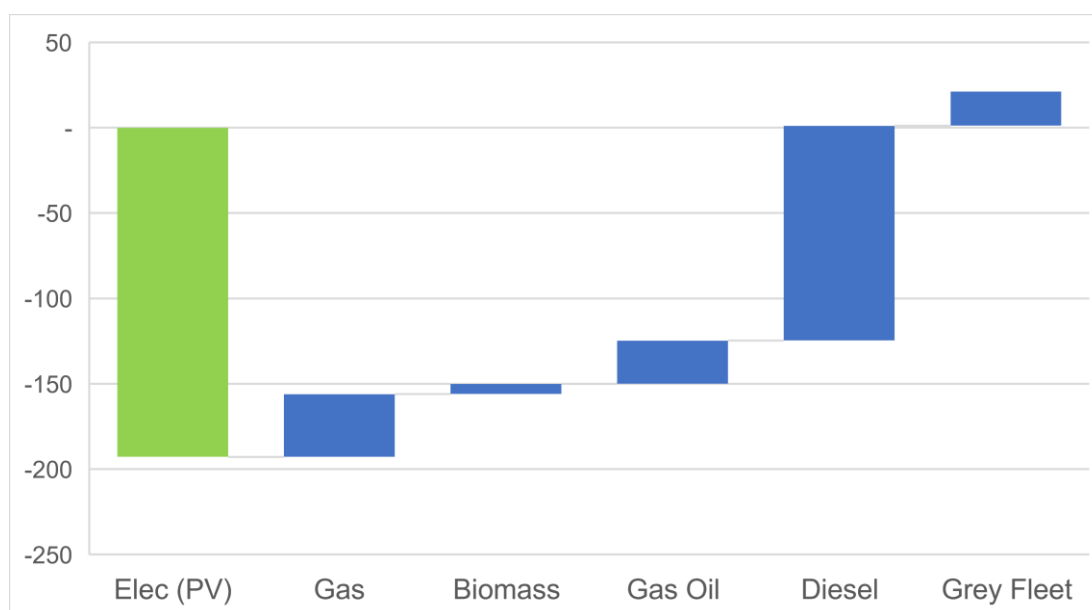


Figure 7: projected DDDC carbon footprint, 2030

The green bar represents self-generated PV (sized at ~2MW_P, equivalent to the Watery Lane site, although it would not have to be on this specific site), represents a 'negative' carbon footprint, as the array would be able to generate more electricity annually than DDDC would need directly, even after partial vehicle electrification. This would therefore effectively 'offset' the emissions still generated elsewhere in the Council's operations.

These are, from left to right: some residual gas use for space heating (this is a worst-case scenario – it may be possible to eliminate all natural gas use); minimal emissions from biomass (which, although carbon neutral in itself, needs to be processed, dried and shipped); and an assumed residual amount of gas oil (likely to be relatively minimal, around 25 tCO₂e on this projection) and diesel (far more significant, at 136 tCO₂e).

We reiterate again that this scenario conservatively assumes no adoption of low-carbon technology in HGVs by 2030 (see Section 5.1.3), which is essentially a worst-case scenario: depending on the evolution of technology and related adoption costs, it is plausible that by 2030 diesel and gas oil emissions will be far lower than those shown. Any additional shift from diesel and gas oil to electrification (or other low-carbon technology) will enhance the carbon balance in favour of neutrality.

5.5 GHG reduction costs and Marginal Abatement Cost Curve

Indicative capital costs and estimated annual cost savings and GHG reduction benefits for each project or emissions reduction measure identified in Section 5.1 are shown below.

Project	Capex £k	Benefit £k/yr	GHG saved tCO ₂ /yr
Energy Efficiency	65	13	28
PV (building)	467	64	105
PV (ground)	1,563	198	327
Electric Vehicles	473	48	152
Biomass (Town Hall)	150	10	83
PV (car park)	1,592	134	228
Heat pumps	55	0.5	27

Table 7: marginal abatement costs by project

This data is adapted in the chart below into a MAC curve, which essentially shows the cost per tonne of GHG emissions reduced or avoided by each project. The opportunities offering the better carbon reduction value are shown from the left. The target is shown by the dotted line. It can therefore be seen that the target can be reached by carrying out the following projects, in descending order of "carbon value":

- Cost-effective energy efficiency projects
- Building-mounted PV
- Ground-mounted PV
- Switch vehicles up to LGV size to electric
- Convert Town Hall heating to biomass

A small amount of additional PV is then required to fully meet the net zero target (on this projection). This is shown on the MACC as car-park mounted PV, to illustrate the cost per tonne of this option being significantly higher than building- and ground-mounted PV; however, additional ground- or building-mounted PV would perform the same function at lower cost. Note that the heat pumps, while offering some GHG reduction, do not offer attractive payback in financial or carbon terms and are not a recommended priority.

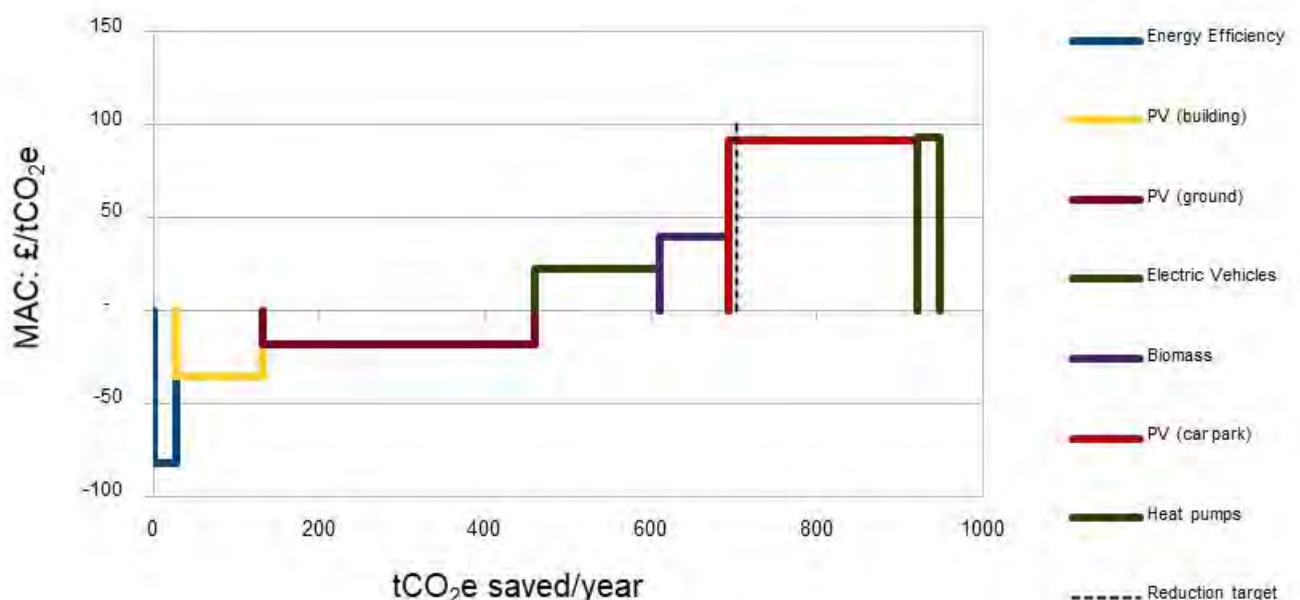


Figure 8: MAC curve

We reiterate that emission savings from each opportunity are high-level estimates. We recommend further investigating the key opportunities through detailed feasibility studies prior to committing to a definitive net zero pathway.

5.6 Opportunities and costs: summary

In summary, it is technically viable to meet the Council's net zero target by 2030, or indeed earlier. There is, though, a significant cost attached to this, probably in the range of £2.5m – £3m¹⁰ depending on which options are selected (see Table 7: *marginal abatement costs by project* in section 5.5 above for an approximate breakdown).

Although raising finance falls outside the remit of this report, we will briefly touch on funding sources. Possible options for solar PV are discussed briefly in Section 5.1.3, while some other options that may be worth consideration are listed below; most are adapted from a recent

¹⁰ Most but not all of this cost is additional. Some replaces or overwrites investment that would be required in a business-as-usual scenario over the same period.

Friends of the Earth publication¹¹ aimed at local authorities. Note that ClearLead offers no view or comment on the efficacy, viability or political acceptability of these suggestions.

- Introduce a workplace car parking levy (or equivalent) to fund and incentivise the development of sustainable transport
- Raise money from the UK Municipal Bonds Agency for low-carbon infrastructure or energy efficiency
- Legal and planning mechanisms such as Section 106 agreements and the Community Infrastructure Levy
- Some funds could be used by introducing internal carbon pricing¹², which would have the twin benefits of incentivising the move from fossil fuels by making them more expensive, while raising funds to invest in low-carbon technology
- Implement licensing of the private rented sector to cover the costs of ensuring compliance with minimum energy efficiency standards.

¹¹ 33 Actions Local Authorities Can Take on Climate Change (Friends of the Earth, 2019)

¹² For an overview of internal carbon pricing, see: <https://www.cdp.net/en/climate/carbon-pricing>

6 Sequestration and offsetting

6.1 Sequestration

Carbon sequestration is the process of ‘locking in’ greenhouse gases (primarily carbon dioxide) to temporarily (or occasionally permanently) remove them from the atmosphere, and hence from contributing to climate change. Tree-planting is a typical example, although hedgerows, peat bogs, and some soils can also be used. Considering tree-planting, DDDC’s main landholdings (as listed in Section 5.1.3) have an estimated theoretical sequestration capacity approximately ~58 tCO₂ a year. This is based on a study by Exmoor National Park, a broadly comparable geographical area, which found that tree-planting typically sequestered around 7.1 tonnes per hectare per year.

There are some critical caveats. First, quantity: based on the above rate of sequestration, using all available landholdings for tree planting would be effective in removing only 7% of DDDC’s current emissions. Second, tree-planting would render the land unusable for PV, building, grazing, or many most other uses. Third, and crucially, trees take some time to begin absorbing significant quantities of CO₂: in some cases, they are unlikely to sequester significant amounts of net carbon for up to 15 years (this varies substantially with tree type, location, soil type, and other variables). Finally, when they die, trees release back to atmosphere their embedded CO₂, either through biodegrading or combustion, and would thus require an ongoing management and replacement programme, with associated costs.

In conclusion, we believe that there are better and more cost-effective routes to emissions available to DDDC than sequestration, chiefly through the decarbonisation measures discussed in Section 5.

6.2 Offsetting

Offsetting is the final stage of the net zero process. This allows the Council to offset unavoidable emissions by funding (or more commonly part-funding) projects that will lead to equivalent GHG reductions elsewhere, either locally or globally.

Ensuring that offset projects deliver the promised reductions is not always straightforward, especially when the projects are not geographically proximate, and great care should be taken to identify good-quality offsetting schemes. The respected Stockholm Environment Institute (SEI) has recently published a useful guide¹³ to offsetting and offset projects, which we recommend consulting for further guidance. This recommends that organisations wishing to offset residual emissions ensure that offset projects are:

- Additional (they would not have taken place anyway)
- Not overestimated. Emissions reductions should be assessed conservatively. This has been a persistent problem with offsetting projects in the past

¹³ *Securing Climate Benefit: A Guide to Using Carbon Offsets* (Stockholm Environment Institute, 2019)

- Permanent, to ensure that GHG reductions are and remain net reductions, not temporary reductions which are then reversed (or reversible)
- Not claimed by another entity. This is to avoid double-counting carbon reductions, a recurring issue in the offset market
- Not associated with significant social or environmental harms.

In addition to these points, we suggest investing in projects that offer maximum transparency around the project goals, means, and achievements.

Offsetting costs vary widely, with better-quality (in accordance with the SEI criteria listed above) and more transparent projects naturally tending to cost more. Current international offset costs are often in the range of €2 – €15 per tCO₂e, although these are expected to rise significantly as more organisations move towards net zero goals. There is usually a significant cost premium for domestic (hence more visible) offsetting schemes, as most easy (hence cheap) GHG reduction has already taken place.

Note that according to the net zero pathway identified in Section 5, DDDC will have minimal net emissions to offset by 2030 – around 20 tCO₂e on the given projection.

6.2.1 Issues and caveats with carbon offsetting

In our view offsetting should only be considered as a complement – ideally a final option – for emissions which is it not practical to avoid or eliminate, and not as a primary means of mitigation or a ‘quick fix’ in place of actual reduction of the Council’s direct emissions.

There are several reasons for this. First, no offset scheme, however good quality, can guarantee GHG reduction as well as a tangible reduction in direct emissions.

Second, offsetting without reducing direct emissions leads to the continuation of high-emitting activities, and may even ‘lock in’ ongoing future emissions when high-carbon technology is invested in in place of a low-carbon alternative.

Third, offset costs, while currently cheap, are very likely to rise sharply, and will recur annually, while most GHG reduction projects are either long-term or permanent, meaning that offsetting as a long-term strategy is not as cost-effective as it currently appears.

Finally, if too many organisations declare themselves carbon neutral on the basis of offset rather than genuinely reduced emissions, this could lead to complacency and an erroneous belief that the issue of global heating has been adequately addressed and that business-as-usual is an acceptable response.

7 The bigger picture

This report intentionally focuses on DDDC's direct GHG emissions. However, to put these into perspective, while the council's direct emissions in 2020 were around 900 tCO₂e, the figure for District area was estimated to be over half a million tonnes in 2018¹⁴ (see chart below). In addition to this, there are also DDDC's indirect ('scope 3') emissions to consider, which may or may not occur within the District area.

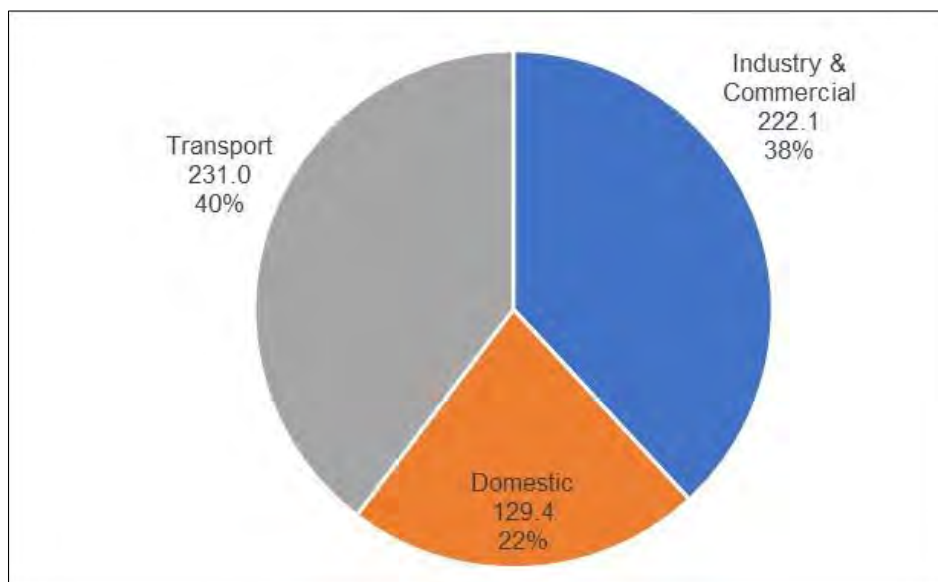


Figure 9: estimated emissions in the DDDC area, 2018 (thousand tCO₂)

Therefore, as important as the Council's own net zero drive is – both as a GHG reduction effort in itself, and as an exemplar and statement of intent – the Council also needs to consider how it can help address its own indirect emissions, plus the broader emissions in its geographical area. We therefore discuss below the issue of broader GHG emissions and the importance of any role DDDC may be able to play in helping, however indirectly, to reduce or mitigate them.

7.1 DDDC's scope 3 GHG emissions

As a next step, we recommend carrying out an approximate calculation of DDDC's main scope 3 (indirect) GHG emissions. This is a complex and often inexact area: there are around 15¹⁵ separate categories of scope 3 emissions, broadly divided into 'upstream' and 'downstream' emissions, and include areas as diverse as staff commuting, waste, purchased products, and holdings & investments (this latter category would include the Council's Leisure Centres). Currently omitted scope 1 emissions such as refrigerants should also be reported and monitored.

¹⁴ UK local authority and regional carbon dioxide emissions national statistics: 2005 to 2018 (BEIS, 2020)

¹⁵ This varies slightly depending on which protocol is used.

- Identify industries with carbon hotspots, such as cement, and encourage and if possible incentivise adoption of low-carbon methods and technologies (such as use of GGBS, in the case of cement) to lower the overall GHG impact.

7.2.3 Housing

District-wide emissions from housing in the DDDC area were estimated at 130,000 tCO₂e in 2018. Council actions to help reduce this total might include:

- Retrofit council-owned properties with to high-performance insulation, and consider “cleaner” heating systems such as air source heat pumps with heat recovery.
- Consider applying high energy-efficiency standards¹⁷ to buildings on Council land.
- Facilitate increased energy efficiency in owner-occupied homes (for example, by providing guidance and possibly funding on insulation retrofitting, or working with other parties such as the County Council or Housing Associations on technology such as local community heat networks and solar farms).
- Enforce minimum energy efficiency standards in the private rented sector, and explore mechanisms to incentivise landlords to insulate homes to a higher than minimum EPC level.
- Work with housing developers to achieve the best possible energy performance for private newbuilds.
- Develop a heating and energy efficiency strategy, including providing skills and training to increase local employment to aid recovery from the COVID-19 pandemic

The Council faces some specific issues around emissions from housing. There is understood to be a high proportion of stone-built properties which are harder to insulate, as well as a relatively high proportion of listed buildings and a high proportion of larger properties, which can mean higher energy consumption. These are not insurmountable issues but will require correspondingly greater political will and funding to address. DDDC could consider using its position to provide leadership to private homeowners, landlords and tenants by providing information and advice on energy efficient building and retrofit, signposting to established providers such as the Energy Saving Trust or the Green Building Council, and working with community action groups to promote energy efficiency at a local level.

7.3 Global arrangements and influence: the ‘third strand’

The respected author and environmental strategist Mike Berners-Lee¹⁸ posits that, for maximum impact, a holistic environmental strategy requires three ‘strands’. These are:

- Reduce the organisation’s own direct impact. This report forms the basis of this strand.
- Enable others to improve their impact. This is addressed incipiently in Section 7.2.
- Push for global arrangements where needed. This is addressed briefly below.

¹⁷ The Passivhaus standard is the most widely-known benchmark, although some authorities feel that the costs associated with formal accreditation to the standard might outweigh the benefits.

¹⁸ *There is No Planet B* (Cambridge University Press, 2019)

In DDDC's case, we suggest a high-level 'screening' of key emissions categories to identify emissions hotspots for future mitigation or reduction, perhaps using a ready-reckoner tool such as Scatter or the Quantis Scope 3 Evaluator. This will screen out the less relevant categories and allow resources to be channelled to the areas of maximum potential impact.

As an example of potential mitigation efforts, we have briefly set out some actions which the Council could take in two closely related scope 3 areas, staff commuting and grey fleet:

7.1.1 Grey fleet and staff commuting

Grey fleet (staff-owned vehicles used on Council business) contributes just under 4% of emissions in 2020, while commuting has not been quantified but is likely to be significantly higher. DDDC might consider the following measures to help decarbonise these activities:

- Incentivise efficient vehicle ownership: for instance, by paying a higher mileage rate to owners of cleaner or electric vehicles. (This would need to be carefully managed and announced well in advance to avoid alienating the staff who would not immediately benefit.)
- Provide pool cars (which could be EV) for staff use on Council business, and/or set up a hire car scheme with a commercial provider, and prioritise this over use of staff's own vehicles. This could be cost-neutral or may even offer a saving in some cases, where hire cost plus fuel/electricity is less than total mileage at whatever rate is paid (e.g. 45p/mile).
- Introduce EV charging points to facilitate the transition to electrified transport.
- Ensure facilities are available to enable staff to cycle to work, including showers, electric bicycle charging points, and adequate secure storage facilities. Allow for and encourage the likely future impact of electric bikes, which will allow staff to comfortably commute greater distances but will require additional storage areas.
- Encourage and possibly fund 'green driver' training, which can sharply reduce driving fuel consumption through behaviour change such as less aggressive acceleration and braking. Explore fair and reasonable ways to link driver remuneration and mileage rates to lower fuel consumption.
- Optimise and incentivise working from home and video conferencing to reduce mileage and avoid unnecessary journeys. Ensure that all staff know how to use the relevant software, and create a working culture in which it is permissible and acceptable to do so in place of attending in person.

7.2 The DDDC area and community leadership

The Council could consider using its influence to facilitate emissions reductions across the District. Three key emissions areas are domestic emissions and housing, transport, and commerce and industry. We present some ideas below on how the council may be able to help address these emissions¹⁶. Note that many of these would involve collaborating with other

¹⁶ These are partly based on ideas from various sources including Friends of the Earth's report 33 Actions Local Authorities Can Take on Climate Change, 2019; There Is No Planet B (Mike Berners-Lee, 2019); and The Road to Zero (BEIS, 2018)

bodies, such as the County Council and other local authorities, transport organisations, and civic groups.

7.2.1 Transport

District-wide emissions from transport were estimated to amount to 231,000 tCO₂e in 2018. It is understood that vehicle ownership in the District is above average because of its rural nature and relatively poor accessibility.

Aside from electrifying its own fleet, the Council should consider ways and partnerships which could lead to a reduction in these emissions. Examples might include:

- Enable a rapid shift to electric vehicles by installing electric vehicle charging points, and encourage electric bicycles, buses and taxis with appropriate infrastructure and incentives.
- Prioritise investment in cycling (including segregated cycleways), walking, and public transport.
- Consider clean air zones or other forms of transport-related GHG taxation as required.
- Promote lift-sharing and related initiatives such as park-and-ride.
- Consider preferential parking charges for cleaner and electric vehicles.
- Careful planning may be able to help reduce the need for vehicle ownership in favour of cycling, walking and public transport.

Another key area is tourism, with most tourists entering the District by private car. This is hard to address, but there may be scope for partnerships with public transport operators to offer transport packages by train or coach to 'hub' destinations. Train travel within the District is limited, with the former Derby to Manchester through-route now terminating at Matlock. Studies have been undertaken on the reopening of this line, which would have the benefit of making wider parts of the area accessible by rail. Although this issue is somewhat beyond the scope of this strategy (and indeed of DDDC itself), it is an aspect on which DDDC could lobby from the perspectives of both GHG emissions and tourism revenue.

7.2.2 Industry

The DDDC area's emissions from industry and commerce were estimated at 222,000 tCO₂e in 2018. Some examples of how the Council may be able to help reduce these emissions include:

- Encourage local large businesses and industrial organisations to carry out carbon footprinting (including scope 3), and to adopt science-based or net zero GHG reduction targets if their emissions are material. (Care should be taken to avoid burdening small companies, especially those with marginal environmental impacts, with additional reporting requirements. SMEs could be encouraged towards a lighter touch initiative such as Bioregional's One Planet Living toolkit.)
- Facilitate mechanisms and platforms for sharing of environmental and GHG reduction collaboration and best practice.

The crux here is that where emissions reductions in one area simply cause emissions to increase elsewhere, there has been no net gain (and possibly a net loss). This means that, where possible, emissions reduction efforts should be as synchronised and holistic as is compatible with speed and efficiency. In the case of DDDC, this may mean using whatever political influence is available to lobby for regional and national (and where relevant international) measures to address GHG emissions, such as financial incentivisation of low-carbon solutions and technologies, with commensurate disincentives for technology and behaviour – chiefly fossil-fuel fired transport, power and heating – that increase emissions. We reiterate that GHG reduction is an international issue and that without broader measures DDDC's admirable outlook and carbon reduction measures will be in vain.

7.4 Climate change adaptation and resilience

It now seems probable that some degree of anthropogenic climate change is now inevitable whatever action is taken. In the case of the UK, this is likely to lead to higher temperatures, greater rainfall, and more frequent extreme weather events such as flooding. Without minimising the importance of reducing emissions, the Council may also wish to explore the viability of climate adaptation and resilience. Some high-level options include:

- Identifying high-risk flood areas, and avoiding building key infrastructure or transport routes in or through these areas.
- Encourage, facilitate and, where viable, help to fund future-proofed high-performance buildings, incorporating essential but sometimes overlooked elements such as shading, cooling, and avoiding the urban heat island effect. Where necessary, “flood-proofing” measures may also need to be considered, such as in-built flood defences, moving critical services to higher levels, and so on. This applies in both commercial and domestic sectors.
- Examine ways to reduce the risk of flash-flooding from rainfall in high land, including upland tree-planting. DDDC falls within the Peaks and Moorlands sub-area of the River Trent Catchment Flood Management Plan, the preferred policy for which is to store water or manage run-off in locations that provide overall flood risk reduction or environmental benefits.
- Encourage and facilitate the electrification of transport, and encourage any planning options for eliminating the requirement for transport, for example by building close to existing transport links and avoiding isolated settlements.

COUNCIL
8th October 2020

Report of the Monitoring Officer

REPORT OF INVESTIGATION INTO GREEN MAN INCIDENT

PURPOSE OF REPORT

To investigate and establish the sequence of events, member capacity and the decision making process that lead to the removal of the Head situated on the Grade II* listed gallows sign over St John Street, Ashbourne advertising the Green Man and Black's Head Royal Hotel and storage in Derbyshire County Council archives.

RECOMMENDATION

1. That the report be noted.
2. That the conclusions and recommendations of the Independent Person be accepted and adopted.
3. That the thanks of the Council be conveyed to the Independent Person for his assistance in compiling this report.
4. That the Director of Corporate and Customer Services submit a report to the Council meeting on 26 November 2020 detailing proposals to introduce general delegations to officers.

WARDS AFFECTED

Ashbourne North and Ashbourne South

STRATEGIC LINK

Confidence of the public in the actions of Officers and Members are vital in insuring the Council is delivering an efficient service to the local electorate and thus contributing to the delivery of the Council corporate aims as a whole.

1. BACKGROUND

- 1.1 On 5 June 2020 a petition was posted on the change.org website calling for the Black Head situated upon the gallows sign in Ashbourne to be removed
- 1.2 At approximately 21.43 hours on 8 June 2020 the Black Head was removed and taken away by Cllr Lees acting on permission given by the Council.

- 1.3 The Head was then retained by Cllr Lees before being placed in Derbyshire County Council archives for storage on 11th June 2020
- 1.4 On 11 June 2020 the Council's Emergency Committee requested an independent review of the incident to be undertaken.
- 1.5 The agreed remit of the independent review was to:-
 - a) Establish a factual timeline of events which resulted in the removal of the Blacks Head, Ashbourne and its safe return to the custody of the District Council;
 - b) Clarify the capacity of individuals involved and the source/authority of any permission granted.

2 REPORT

- 2.1 The details of the investigation and the findings of the Independent Person are hereby attached at Appendix A to this report.

3 RISK ASSESSMENT

Legal

- 3.1 The Council commits in the Constitution to provide accountable, transparent, effective and efficient decision making and community leadership which involves local people, organisations, and its partners.
- 3.2 Failure of the Council to take decision in a robust and accountable manner can leave the Council open to critical Local Government Ombudsmen reports and legal challenges
- 3.3 The Council is also responsible for investigating complaints against members for breaches of the Council's Code of Conduct for members

Financial

- 3.4 . Costs can be contained within existing budgets for Corporate Services. The financial risk is, therefore, assessed as low.

Failure to address the shortcomings in the Constitution could leave the Council open to legal challenge, which would be a high financial risk.

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

- 5.1 James McLaughlin, Director of Corporate and Customer Services & Monitoring Officer, 01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

- 6.1 The Council' Constitution 2019
- 6.2 Code of Conduct for Members

7 ATTACHMENTS

- 7.1 Appendix A – Report on the Investigation of the Green Man Incident

Report into the Investigation of the Green Man Sign and Black's Head incident

1. Conclusions of the Independent Person

- 1.1 As stated in section 3 of the main report, I was appointed to provide an independent perspective on this investigation. I am satisfied that the investigating team carried out the investigation objectively, thoroughly and comprehensively according to the objectives set out in section 3. I attended team meetings and was given access to all documentation necessary to make my assessment. I requested certain additional lines of enquiry and these were followed up, with appropriate documentation provided.
- 1.2 The timeline summarised in section 5 is as accurate as it can be from the interviews with witnesses and copies of emails, media reports etc made available to the investigating team.
- 1.3 It is not part of my remit to comment on the merits or demerits of the Black's Head sign itself. Subject to that proviso, my conclusions are as follows:
 - 1.3.1 In the light of the Black Lives Matter movement and protests, the atmosphere surrounding the events of 8-11 June 2020 was highly charged. Attacks on statues and other artefacts were happening around the country, and the statue of Edward Colston had been toppled and dumped in Bristol harbour on 7 June. Once the two petitions relating to the Black's Head, and the national and local media coverage of them, gained momentum, pressure mounted and decisions had to be taken by the Council quickly and at the highest level.
 - 1.3.2 It was therefore appropriate that the Council's senior management team - the Corporate Leadership Team ("CLT") - discussed the matter on the morning of Monday 8 June. The CLT took the decision to remove the Head in the interests of public safety and to protect an historic Grade II* listed artefact. A press statement to this effect was subsequently issued following consultation with Council leaders and Ashbourne ward councillors. The press statement also promised consultation with councillors and local people on the future of the Head. It seems to me that the decision of the CLT was reasonable and proportionate in the circumstances.
 - 1.3.3 It was proposed to remove the Head at 5am on Tuesday 9 June. However, on the evening of 8 June, a crowd of 100-150 people gathered around the Green Man and Black's Head sign in Ashbourne. It is clear from witness statements that emotions were running high with elements of the crowd wanting to both remove the head and keep it in place. Councillor Stuart Lees - a local resident and district councillor for Ashbourne North ward - was present and decided to contact the Leader of the Council - Councillor Purdy. As a result of telephone discussions between Councillors Lees and Purdy, and

Councillor Purdy and the Chief Executive, Paul Wilson, it was decided to allow two members of the crowd to remove the Head using ladders. It was stated that Councillor Lees and Councillor Donnelly (who was also present) were ex-firefighters and used to making sure ladders were used safely. Councillor Lees promised to ensure that the Head - once removed - would be stored in a secure place.

- 1.3.4 From the records of the evening of 8 June that I have examined, it seems reasonable to assume that Councillor Lees undertook the role of community leader in facilitating liaison between the crowd and the Council's leadership and obtaining a consensus agreement from the crowd for the Head to be removed. In doing so, a volatile situation was defused and an acceptable solution agreed. The role that Councillor Lees performed admirably on the night was an entirely correct one in the context of the roles of councillors set out in Article 2.02 of the Council's Constitution – see paragraph 7.23 of the main report.
 - 1.3.5 I also conclude that the decision of the Chief Executive, in consultation with the Leader of the Council, in the latter's capacity as Chairman of the Emergency Committee, was reasonable and proportionate in the circumstances in order to protect the Head and avoid a potential public order incident.
 - 1.3.6 Following the events of the evening of 8 June, the handover of the Head needed to be arranged and a decision had to be taken as where the Head should be stored pending a decision on its future following consultation. It was reported that there was a strong feeling amongst the people of Ashbourne that it should not be stored at the Town Hall, Matlock, despite Derbyshire Dales District Council being the legal owner. The Chief Executive took the decision to protect the Head by agreeing to it being placed on deposit at the Derbyshire Record Office. The handover to the Derbyshire Record Office took place on the afternoon of Thursday 11 June, in the presence of Councillor Lees, an Ashbourne resident and a Council officer. It seems to me that the decision of the Chief Executive was reasonable and proportionate in the circumstances in order to enable the Head to be stored securely and professionally while remaining in the ownership of the Council.
- 1.4 I now turn to the constitutional process for taking decisions within the Council. Section 8 of the report sets out the legislative and constitutional requirements for decision-making. It is important, in this context, to recognise that there are many decisions which flow naturally from the management and operation of Council functions and which do not require a formal decision of a committee or senior officer. For example, the specification and letting of a contract for the maintenance of the Council's parks would require a decision of a committee or senior officer, whereas a decision on when to cut the grass would be operational.

- 1.5 As stated in the report, the Head is an asset of the Council and therefore within the delegations to the Governance and Resources Committee. However, there is no corresponding delegation to an officer so, in theory, all asset management decisions should be taken by that committee. There are other similar anomalies in the constitution and these should be reviewed and corrected at the earliest opportunity to alleviate the possibility of decisions being legally challenged.
- 1.6 My view of the decisions taken between 8-11 June is that they were high-profile policy decisions which should properly have been taken by elected members at committee level. They were not operational decisions. However, in view of the fact that events were moving at an extremely fast pace, it was impractical to convene a committee meeting and therefore decisions had to be taken by the Chief Executive, or Director of Corporate and Customer Services, under their delegated powers in cases of urgency set out in Part 3 of the constitution. These are reproduced on paragraph 8.12 of the report.
- 1.7. The decisions in question were:
- to remove the Head in the interests of public safety and to protect an historic Grade II* listed artefact, taken by CLT on the morning of 8 June.
 - to agree to the removal of the Head by two Ashbourne residents on the evening of 8 June, taken by the Chief Executive in consultation with the Chair of the Emergency Committee.
 - to approve the handover of the Head and its deposit with the Derbyshire Records Office, taken by the Chief Executive on 10 June.
- 1.8 The report goes into some detail about the Council's consideration of the two electronic petitions. As these petitions were not properly submitted to the Council, I do not think that that the Council was at fault. However, the Council's arrangements for petitions are somewhat imprecise and should be reviewed and updated.
- 1.9 As stated in the report, the decisions in paragraph 1.7 were not taken strictly in accordance with the urgency provisions of the constitution. In particular, at no point was the required advice sought from the Monitoring Officer. It was reported that the Monitoring Officer was on phased retirement and not at work on 8 June. The Legal Services Manager (who acted as Deputy Monitoring Officer) was available and could have been consulted about the CLT decision. However, it is likely that the decisions would have been the same.
- 1.10 Another issue is that I can find no evidence of the decisions of the Chief Executive being formally recorded other than in the content of emails which is not sufficient. In addition, good practice would dictate that all meetings of the CLT are formally minuted; the meeting on 8 June 2020 was not.
- 1.11 There was a meeting of the Emergency Committee on 11 June 2020. Approval of the decisions taken in relation to the Head could have been sought at that meeting by placing a late item on the agenda. Instead, the matter was

dealt with by answers to questions. Similarly, there was no report to the next available meeting of the Governance and Resources Committee – the committee responsible for asset management - on 20 August 2020.

- 1.12 However, it must be remembered that events and decisions relating to the Head were dealt with in a very challenging situation. Not only was there the charged atmosphere and rapidly changing circumstances of the Black Lives Matter protests, but also the Council was in the middle of dealing with the Covid-19 pandemic when, quite rightly, its primary focus was the health and wellbeing of the people and businesses of the Derbyshire Dales.
- 1.13 My overall conclusion, therefore, is that the key players in the events of 8-11 June 2020 acted responsively, responsibly and reasonably in the prevailing circumstances.
- 1.14 Given what I have found in this investigation, I would make the following recommendations:
- A. That the Council's Constitution is reviewed to ensure that appropriate delegations are in place covering decision-making at member and officer levels.
 - B. That the Council's arrangements for petitions are reviewed and improved, and that a clear, plain language policy is drawn up. Once that is done and the policy approved by the Council, a step-by-step guide should be produced for the Council's website and other relevant communication channels.
 - C. That all meetings of the Corporate Leadership Team (CLT) are formally minuted and that actions are allocated to officers so that decisions are taken properly in accordance with the Principles of Decision Making set out in Article 10 of the constitution.
 - D. That urgent decisions of the Chief Executive, or Director of Corporate and Customer Services are formally recorded, with confirmation that the required consultations have taken place, and reported for information to the next available meeting of the Council.
 - E. That the Council consider organising awareness-raising training in decision-making under the Constitution.
- 1.15 Finally, I should like to thank the members of the Legal Services Team who conducted the investigation.

MAIN REPORT

2. Background

- 2.1 Derbyshire Dales District Council ('the Council') is the owner of the gallows sign over St John Street, Ashbourne advertising the Green Man and Black's Head Royal Hotel. The sign was erected in the early 19th Century and is Grade II* listed. It features a caricatured sculpture of a Black Man's Head ('the Head') which was removed at approximately 9.40pm on 8 June 2020.
- 2.2 The events of 8 June should be viewed in the context of the wider protests and reflections across the globe arising from the death during arrest of George Floyd in Minneapolis, USA on 25 May 2020. Within the UK, whilst the majority of the Black Lives Matter protests were peaceful, there were notable clashes between protesters and police on multiple occasions in London. In addition, there were cases of vandalism of historical statues, which was at the heart of the actions and decisions which this review is concerned with.

3. Objective of the Investigation

- 3.1 At the meeting of the Council held on the 2nd July 2020 the investigation objectives were reported. These were to:-
 - 3.1.1 Establish a factual timeline of events which resulted in the removal of the Blacks Head, Ashbourne and its safe return to the custody of the District Council;
 - 3.1.2 Clarify the capacity of individuals involved and the source/authority of any permission granted.
- 3.2 The investigation team included members of the internal legal team and was independently reviewed by Steve Dunning, one of the Council's appointed Independent Persons. Mr. Dunning is also a former Assistant Director, Democratic Services at Derby City Council with many years' experience in local authority constitutional issues.
- 3.3 The timeframe for completion was for the Council meeting on 27th August 2020. However the Investigating Officers and the Independent Person required additional time in order to undertake a comprehensive review to be reported to Council on 8 October 2020. This was agreed by the new Monitoring Officer.

4. Investigation Process and Final Report

- 4.1 As part of the investigation process there have been weekly meetings with the investigating officers and the Independent Person, overseen by the Legal Services Manager. Investigating Officers have produced a detailed timeline of events, and as more information was reviewed and obtained, this was added into the sequence of events set out in this report.

- 4.2 The Independent Person has received regular updated versions of the timeline, been given access to any requested documents and has given guidance to Officers as to additional lines of investigation that he would wish to see undertaken.
- 4.3 The report has been drafted with the guidance of the Independent Person who has approved the final draft. The Independent Person's conclusions are set out at the beginning of the report.
- 4.4 As this event occurred prior to the Annual Meeting of the Council on 22nd July 2020, where the revised Constitution was approved, all references to the Constitution are to the version in place prior to this meeting and any reference to posts were those as contained in the Constitution; namely Head of Service rather than the new titles of Director, as those were the titles referred to in the Constitution at that time.

5. Important dates drawn from the time line

- 5.1 The detailed timeline produced by the Investigating Officers extends to 57 pages and details times and dates of all emails and approximate times of meeting and conversations. The Investigating Officers have however summarised below the salient actions and decisions.
- | | |
|------------------------|---|
| a) 5 June 2020 | <ul style="list-style-type: none"> • The Derby Telegraph reports on a petition demanding that the Council removes the Head. |
| b) 6 June 2020 | <ul style="list-style-type: none"> • The Derby Telegraph reports a rival petition in favour of keeping the Head in place. |
| c) 7 June 2020 | <ul style="list-style-type: none"> • Council officers are made aware of the petitions following press enquiries. |
| d) 8 June 2020 - 1137 | <ul style="list-style-type: none"> • It was recorded following a conversation with the Council's Communications and Marketing Manager, that Ashbourne Town Council are concerned about possible criminal damage to the sign in the light of the removal yesterday of the Colston statue in Bristol |
| e) 8 June 2020 – 12:00 | <ul style="list-style-type: none"> • Corporate Leadership Team (CLT) meet and agree that the Head should be removed in the interests of public safety and to protect a historic listed Grade II* artefact. |

- f) 8 June 2020 - 1250
- CLT had decided to remove the head on a temporary basis in order to prevent any risk to public safety and/or potential damage to the head. This was to be followed up with a report to the Emergency Committee and then what happened next would be dependent on the EC decision – taking into account its listed status and the consultation that would be needed if the Council were to seek to remove it permanently.
- g) 8 June 2020 - 1434
- Reply from the Leader of the Council that “we need to have it removed in order to prevent any untoward incidents”
- h) 8 June 2020 – 15:00
- Following consultation between the CLT, the Council Leader and Deputy Leader and Ashbourne ward members the Council releases a press statement to the effect that:
 - The sign was the property of the Council,
 - The Head will be removed with immediate effect,
 - The future of the sign will be determined following public consultation. As a Grade II* listed structure, alterations to the sign require the consent of Heritage England or the Secretary of State.
- i) 8 June 2020 - 1513
- Derwent Tree Services were instructed to remove the sign
- j) 8 June 2020 – 15:00 to 17:00
- Arrangements were made by Council officers to remove the Head at 05:00 on the 9 June 2020.
- k) 8 June 2020 – 19:55
- A sign reading ‘save me’ is hung from the head by a member of the public. A crowd begins to gather around the sign.
- l) 8 June 2020 – 20.50 - 21:15 approx
- Cllr Lees informs Cllr Purdy that he is at the scene and has spoken with the crowd who insist on the Head being removed immediately. Cllr Purdy discusses with Paul Wilson, Chief Executive who agreed with the view of the Leader that the Head should be taken down to defuse the situation and avoid the risk of damage to the sign. This is passed to Cllr Lees.

- | | |
|----------------------------------|---|
| m) 8 June
2020 –
21:43 | • The Head is removed from the sign and placed in a van driven by Cllr Lees. |
| n) 8 June
2020 –
22:24 | • Cllr Lees leaves the scene with the Head. |
| o) 9 June
2020 -
1018 | • The Council releases a press statement regarding the events of the evening of 8 June 2020, and that it did not object to the removal of the Head. |
| p) 11
June
2020 –
15:55 | • Cllr Lees hands over the Head at the Derbyshire County Council Record Office. |

6. Individuals contacted during the Investigation were the following:-

- Ashley Watts - Head of Community & Environmental Services Derbyshire Dales District Council
- Ann Smith* - Ashbourne Town Council Councillor St Oswalds
- Carole Dean - Town Clerk of Ashbourne Town Council
- Denise Brown* - Ashbourne Town - Council Councillor ward Hilltop
- Derbyshire Constabulary
- Jim Fearn - Communications and Marketing Manager Derbyshire Dales District Council
- Gary Purdy – Derbyshire Dales District Council Councillor Masson Ward Leader of the Council and Chair of the Emergency Committee
- Karen Henriksen - Head of Resources Derbyshire Dales District Council
- Keith Postlewaite - Neighbourhoods Manager Derbyshire Dales District Council
- Mike Galsworthy - Estates and Facilities Manager Derbyshire Dales District Council
- Paul Wilson - Chief Executive Derbyshire Dales District Council
- Robert Archer - Derbyshire Dales District Council Councillor Ashbourne South
- Robert Coggins - Head of Housing Derbyshire Dales District Council
- Sandra Lamb (Now Retired) - Head of Corporate Services Derbyshire Dales District Council & Monitoring Officer
- Sean Clayton* - Ashbourne Town Council Councillor Ward Parkside
- Steve Capes - Head of Regeneration & Policy Derbyshire Dales District Council
- Stuart Lees – Derbyshire Dales District Council Councillor Ashbourne North
- Susan Bull* – Derbyshire Dales District Council Councillor Ashbourne North and Ashbourne Town Council Councillor St Oswalds

- Thomas Donnelly - Derbyshire Dales District Council Councillor Ashbourne South
- Tim Braund - Head of Regulatory Services Derbyshire Dales District Council

6.1 As part of the investigation the Investigating Officers have reviewed email correspondence, CCTV footage, press reports and took personal testimony from relevant parties. .

6.2 The people with a * next to their name indicates people that have been contacted, but either comments or documents have not been provided or if comments and documents have been provided that they have not been formally approved by that person.

7 Actions of District and Town Councillors

7.1 The Investigating Officers have reviewed the actions of elected members to ascertain in what capacity they were acting, namely in a private capacity or one of an elected member.

7.2 In considering the actions, the Investigating Officers compared these against the principles set out at Article 2:02 of the Constitution, which specifies the Key Roles of Councillors

(a) **Key Roles.** All Councillors will:

- (i) *collectively be the ultimate policy-makers and carry out a number of strategic and corporate leadership functions*
- (ii) *represent their communities and bring their views into the Council's decision making process, i.e. be the advocate of and for their communities*
- (iii) *deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances*
- (iv) *balance different interests identified within their ward and represent the ward as a whole*
- (v) *be involved in decision making*
- (vi) *be available to represent the Council on other bodies, and*
- (vii) *maintain the highest standards of conduct and ethics.*

7.3 Whilst the District Council's Constitution does not apply to Town Councillors, the Investigating Officers reviewed their actions and behaviour against the same principles.

- 7.4 For Councillors to be considered to be acting in their official capacity, they must be taking an active role in upholding the above principles. Simply being present when the Head was removed would not be considered as acting in their official capacity.
- 7.5 The Investigating Officers contacted all District Councillors (DC) and Town Councillors (TC) that were involved in actions surrounding the Head's removal in order to interview them.
- 7.6 The Officers identified the following Councillors:
1. Gary Purdy – District Councillor, Leader of the Council and Chairman of the Emergency Committee
 2. Thomas Donnelly (DC)
 3. Susan Bull (DC & TC)
 4. Stuart Lees (DC)
 5. Ann Smith (TC)
 6. Denise Brown (TC)
 7. Sean Clayton (TC)
- 7.7 Robert Archer was not identified as taking part in the removal of the Head, but was consulted as part of the investigation in his role as District Councillor for Ashbourne.
- 7.8 On review of the actions Officers can find no evidence that suggests the following were acting in an official capacity.
- 7.9 Cllr Donnelly, even though present and was reported to have assisted in the removal of the head, at no time was he taking an active role in either liaising with the Council or being an advocate for the group that had gathered.
- 7.10 Comments to the press also were highlighting his opinion and not advocating those of his ward constituents. In one reported statement he is said to have said : "It's the people of Ashbourne who should decide."
- 7.11 If he had said it is the view of Ashbourne that they should decide, then he is advocating and being a spokesman for his constituents. The above comment was stating his views and a view that any local resident could hold and as such it is concluded that Cllr Donnelly was acting in a private capacity.
- 7.12 It was also reported that Cllr Donnelly assisted in the removal of the Head. It was suggested that this was the case due to his fire fighting background and therefore had health and safety experience of using ladders. Again this does not appear to be acting in any official capacity.
- 7.13 Officers also found no evidence that Councillor Susan Bull took any actions that could be found to have been meeting any of the key roles and as such any actions were in a private capacity.
- 7.14 Also the actions of the Town Councillors did not meet any of the key roles.

- 7.15 Cllr Denise Brown was present at the removal of the Head and CCTV shows that she spoke to a group of 5 people and also Cllr Lees but there is no evidence to say she was advocating that she was there in her official capacity.
- 7.16 Cllr Ann Smith, was present at the removal of the Head and has not spoken to the Investigating Officers even though being invited to do so. Without her comments the Investigating Officers can only make limited assumptions of her involvement. She is seen present at the removal of the Head wearing a high visibility jacket but from the evidence of other present and that of the CCTV, there is no evidence to show she was there in an official capacity.
- 7.17 Also the statement made by Cllr Smith saying “As far as I’m concerned it’s part of our heritage. Why make it a racial issue. There’s many things and many people that offend me” indicates that this was a private opinion as it starts “As far as I’m concerned.”
- 7.18 Cllr Sean Clayton was present on the evening the Head was removed and did not provide any information to the Investigating Officer other than to state that he was present in his private capacity.
- 7.19 The final two Councillors involved were the Leader, Cllr Gary Purdy and Cllr Stuart Lees.
- 7.20 In respect of these Councillors the investigation indicated that they were acting in their capacity of Councillors.
- 7.21 From the review of the timeline, Cllr Gary Purdy as Leader of the Council and Chairman of the Emergency Committee undertook the role of discussing the continuing events as they unfurled with the Chief Executive. He liaised with fellow Councillors and passed on those views to relevant officers.
- 7.22 Cllr Purdy was the member that Corporate Officers consulted with prior to making any decision in order to obtain his views in his role as Leader of the Council and the Chairman of the Emergency Committee.
- 7.23 It is also the opinion of the Investigating Officer that Cllr Lees was acting in his capacity as an elected member as he met the following 3 criteria of the key roles of a Councillor, namely:-
- (ii) represent their communities and bring their views into the Council’s decision making process, ie. be the advocate of and for their communities
 - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances
 - (iv) balance different interests identified within their ward and represent the ward as a whole
- 7.24 On the evening that the sign was removed, Cllr Lees was present. He called the Leader to inform him of what was happening in order to inform the Council of the escalating issue.

- 7.25 The Councillor spoke to the crowd and fed those views back to the Leader. He was representing his community and bringing their views into the Council decision making process as well as seeking to resolve particular concerns and grievances.
- 7.26 Following the removal of the Head he liaised with the Chief Executive to represent the views of his residents to seek a mutually agreeable solution to the returning and storage of the Head thus representing the views of his ward constituents.
- 7.27 Thus the Investigating Officer and the Independent Person reached the conclusion that Cllr Lees was acting in his official capacity as an elected member.

8. Decision Making of Officers

- 8.1 Part of the remit of the investigation includes the source/authority of any permission granted. Investigating Officers, under the instruction of the Independent Person, have reviewed all decisions/permissions taken to see if they comply with the Constitution.
- 8.2 As the Council operates a Committee Structure, under local government law, all powers vest in the Council and those powers can be delegated to Committees or direct to Officers. The Committees can delegate those powers granted to them by the Council to Sub-Committees and again to Officers.
- 8.3 The Council's Principles of Decision Making are set out in Part 2 Article 10 of the Constitution. Paragraph 10.02 states:-

"All decisions made by the Council and its Committees will be made in accordance with the following principles:

- (a) The rule of law;*
- (b) Proportionality (i.e. the action must be proportionate to the desired outcome);*
- (c) Due consultation and the taking of professional advice from officers;*
- (d) Respect for human rights;*
- (e) A presumption in favour of openness; and*
- (f) Clarity of aims and desired outcomes."*

- 8.4 Although paragraph 10.02 refers to decision making by the Council and its Committees, decisions relating to the Head were taken under the Chief Executive's delegated powers in cases of urgency. Such decisions would normally have been taken by a committee or the full Council so the Principles of Decision Making should apply.
- 8.5 The Delegations to Committees and Officers are predominately contained in Part 3 of the Constitution. If the Constitution does not specifically delegate a decision to take action to an Officer, then the power remains with the Council

or relevant Committee. If an Officer takes a decision that has not been delegated to them or they do not follow the correct decision making process, then the decision is not within the remit of the Officer.

- 8.6 The Green Man Sign and the Head were confirmed to be owned by the District Council. As such they are assets of the Council.
- 8.7 Under Part 3 of the Constitution, the function of Asset Management has been delegated to the responsibility of the Governance and Resources Committee.
- 8.8 Under the Constitution there are no general delegations to officers to deal with the day to day decisions of managing the Council's assets especially any delegations to cover an urgent decision to take action to protect Council assets from damage.
- 8.9 Therefore the normal situation would be that any decisions relating to the management of the Green Man Sign and the Head would be a decision of the Governance and Resources Committee.
- 8.10 However due to the Covid19 outbreak on the 12th May 2020 the Council passed the following resolutions:-

3. That for matters currently defined in the Council's Constitution to be dealt with by Council, which are not legally reserved to itself, those matters are discharged to an Emergency Committee comprising 8 members based on political proportionality:

No. on Committee	Conservative	Liberal Democrat	Labour	Green	Independent
8	4	1	1	1	1

- 4 That meetings of the two Policy Committees continue to be temporarily suspended, and that all urgent decision making within the remit of the policy committees is discharged to the Emergency Committee as provided for above.
- 8.11 Therefore in the circumstances at the time of the incident any decision of the Governance and Resources Committee could have been taken by the Emergency Committee.
- 8.12 The Constitution allows for urgent decision making, the process of which is detailed on Page 6 of Part 3 of the Constitution. The relevant provisions are set out below:

*In the following circumstances, any Policy Committee may make any decision delegated to any other Policy Committee, relating to urgent business.
Urgent business is defined as:-*

1. *The decision cannot reasonably be deferred until it would be possible to convene a meeting of the decision making body.*
 2. *In considering the above the following factors should be taken into account:*
 - *the need to respond to adverse naturally occurring events e.g. flood, fire etc;*
 - *the need to respond to peace-time emergency situations under the Emergency Planning arrangements;*
 - *the need to respond to or embark upon, a course of action with an externally set deadline which would result in significant or lesser but substantial economic social or environmental benefits or disadvantage accruing to the District.*
 3. *Where urgent business cannot be deferred until a Policy Committee meets, urgent decisions will be taken by the Chief Executive or Director of Corporate and Customer Services in consultation with:-*
 - *the Chairman of the relevant decision making body;*
 - *in his/her absence, the Vice-Chairman;*
 - *advice should be obtained on vires from the Monitoring Officer;*
 - *affected ward members will be given notification of urgent business decisions to be taken and the method of determination.*
- 8.13 The Investigating Officer concluded that the decisions fell within the third bullet point of paragraph 2 above.
- 8.14 Therefore the Chief Executive, or Director of Corporate and Customer Services, was required to follow the procedure detailed set out in paragraph 3 above.
- 8.15 Given the special arrangement in force, referred to in paragraph 8.10, any urgent decision made in relation to the Green Man Sign or the Head would have to be made in consultation with the Chairman of the Emergency Committee, being Cllr Gary Purdy.
- 8.16 In his absence the Vice Chairman should be consulted, being Cllr Susan Hobson.
- 8.17 Before a final decision, the Monitoring Officer should be consulted and advice obtained to make sure the decision is made within the powers delegated to the officers under the Constitution. The word 'should' is not as strict as 'must' but generally should means that efforts should be made to attempt to consult.
- 8.18 Also ward members need to be notified before the decision is taken on what decision is to be made and how it will be determined. Ward members need to be informed before the decision is made as the wording of the Constitution says "*decisions to be taken*" and not decisions that have been taken.

- 8.19 As the wording in the Constitution is “members will be given notification” any decision taken without such notification will be taken outside of the delegated powers given to Officers by the Council through the Constitution.
- 8.20 Firstly when interviewing Sandra Lamb, she confirmed that at that time she was on phased retirement working three days a week (Tuesday to Thursday). The incident occurred on Monday 8th June 2020. She stated that the first she knew about the incident was after it had happened on her return to work on the following day (Tuesday).
- 8.21 The investigation received no evidence that the Monitoring Officer was consulted on the issue of whether the decisions taken at the time were vires
- 8.22 The evidence collated shows that either, decisions were taken without consultation or that they were taken without seeking advice from the Monitoring Officer or ward members being informed prior to the decision being taken.

9. DECISIONS

- 9.1 This report will consider each decision in turn. However, the initial conclusion from the Investigation Officer, confirmed by the Independent Person, is that that most of the decisions of Chief Officers were not technically in line with the procedure contained in the Constitution.

Online Petitions

- 9.2 The first consideration was with regards to the online petitions.
- 9.2.1 At 11:28 hours on 8th June 2020 an email from the Chief Executive said:-
 “.. until such time that the Council is presented with a specific request (perhaps in the form of a petition, which will then require formal debate), I think we acknowledge that we own the sign and it will be for council to decide what it wishes to do in the future.”
- 9.2.2 The Constitution refers to a petitions policy, but there is no policy listed on the website under “Policies, Plans and Strategies”. There is a web page entitled Petitions, but there is no policy contained on the website and no separate policy has been identified internally. However, Part 2 of the Constitution under Article 3 refers to the procedure for acceptance of petitions.
- 9.2.3 At Article 3 at point 2.4 it says:-
“We particularly welcome petitions and the District Council has agreed special procedures to ensure that petitions are reported to an appropriately senior level within the District Council (see Section 3, below)”

- 9.2.4 The Council website has specified what the Council will treat as a petition which is also contained at point 3.1. It says

“We treat as a petition any communication that is signed by or sent to us on behalf of a number of people. A communication needs at least 10 signatories or petitioners before we treat it as a petition. Whilst we like to hear from people who live, work or study in the Derbyshire Dales, this is not a requirement...”

- 9.2.5 The Head of Corporate Services is the designated Petitions Officer for the Council. However decisions on ordinary petitions are delegated to the Chief Executive/ Corporate Director/ Heads of Service in consultation with the relevant Committee Chairman and relevant Ward Member(s) and an ordinary petition is one that is signed by at least 10 petitioners and within the remit or sphere of influence of the District Council.
- 9.2.6 In reviewing the actions firstly the definition of a communication is the imparting or exchange of information or the successful conveying or sharing of ideas and feelings.
- 9.2.7 As the Council policy says “any communication” the posting of a petition on a website falls within the definition of a communication. Does that communication need to be sent to the Council? The policy says “*any communication that is signed by or sent*” It does not say and sent.
- 9.2.8 As this petition was online it could be considered as an e-petition. However neither the Constitution nor the Website define what the Council considers to be an e-petition.
- 9.2.9 If this was to be considered to be an e-petition then it says on the website that we accept e-petitions created and submitted through its website. This wording is not mirrored in the Constitution, but the Constitution does say that the petition Organiser should provide their contact details. However this is a ‘should’ not a ‘must’.
- 9.2.10 The problem is that there is an implication that the petition should be presented to the Council to be considered, but there is no clear policy document to refer to, and the wording in the Constitution and on the website is vague so that it can be interpreted that the online petition was a petition as specified on the Council’s website.
- 9.2.11 As such there is an argument that once the Council became aware of an online petition signed by more than 10 people on a subject within its sphere of influence, it should have been accepted as a petition requiring debate.

- 9.2.12 Therefore, were Council officers correct in deciding not to refer the online petitions to a formal debate as neither of them was formally communicated to the Council?
- 9.2.13 The view of the Independent Person and the Investigating Officers is that the decision was correct and that a petition should be presented or submitted to the Council to be considered, This view is backed up by the fact that the petitions page on the Council website has a heading 'To whom should you send a petition?'

Decision by the Corporate Leadership Team (CLT)

- 9.3 The next decision was taken by the Corporate Leadership Team ("CLT") at 12 noon on 8th June 2020 via a virtual discussion which agreed unanimously that the sign should be removed in the interests of public health and safety and to protect a historic listed Grade II* artefact.
- 9.3.1 The Independent Person requested the Investigating Officers to review the information available at the time to see if there was any evidence that suggested the head was in immediate danger of being damaged. On review of media reports and the petitions, the Investigating Officers found no evidence of any direct threat at that time, from anyone to remove the head or threats of vandalism. The only mention was an email saying that Ashbourne Town Council was concerned about possible damage. However Officers were aware of the events in Bristol the day before when the statue of Edward Colston was toppled and dumped in the harbour.
- 9.3.2 Investigating Officers requested the minutes of the meeting to confirm the reasoning behind the decision. However they were unable to see in written form the reasons of how this decision was reached as no formal minutes were taken of this meeting.
- 9.3.3 It should be noted that, as stated in paragraph 8.2 above, decisions can legally only made by the full Council, or a Committee or an officer acting under delegated powers. There is no provision for decisions to be made by a group of officers. Therefore, the decision of the CLT would fall under the provisions of an Urgent Decision by the Chief Executive or Director of Corporate and Customer Services. Cllr Purdy was aware of the issue but there is no evidence that Ward Members were informed before the meeting of the decision to be made or how the decision would be made. Also as the Monitoring Officer was not present, there was no consultation with the Monitoring Officer.
- 9.3.4 Following the CLT meeting, the Communications Manager, acting on instructions from the Chief Executive, sent an email to Leaders and Ashbourne ward members seeking their views on a proposed press statement.

- 9.3.5 The Investigating Officers and the Independent Person conclude that the decision was not made in compliance with the provisions for urgent decisions in the Constitution.

Derwent Tree Services

- 9.4 Derwent Tree Services (DTS) were instructed to remove the head. DTS has a contract with the Council for general maintenance which was entered into following a procurement exercise and thus the services were properly procured. DTS were instructed to attend at 5am the following day to remove the head and return it to the Council for storage. Thus DTS were granted permission to remove the Head on behalf of the Council under the general maintenance contract.

The Evening of 8 June 2020

- 9.5 The next decision was taken at around 21.15 hours on the evening of the 8th June 2020.
- 9.5.1 Some of the times stated by those interviewed were from recollection and others from phone records. Therefore some of the times are an approximation.
- 9.5.2 Cllr Purdy contacted the Chief Executive and explained that Cllr Lees was faced with a volatile and difficult situation. Cllr Purdy and the Chief Executive discussed the strong likelihood that the 'Head' would be removed, irrespective of any decision already taken by the council, with the resultant risk that it might not be possible to recover it for safe keeping.
- 9.5.3 In light of the fact that Cllr. Lees appeared to have the situation under control on the ground and was able to reason and liaise with the crowd, it was jointly agreed between the Chief Executive and Cllr Purdy that in the interests of public safety and the future safeguarding of the 'Head' the council would 'consent' to its removal. Again, this was an urgent decision of the Chief Executive.
- 9.5.4 The investigation shows that the urgent decision was taken in consultation with the Chairman of the Emergency Committee, but no advice was obtained from the Monitoring Officer and no consultation took place with ward members other than Cllr Lees.
- 9.5.5 In very urgent situations such as this, it is understandable that Chief Officers may need to make decisions that are urgent and that consultation is impracticable. However the Constitution does not allow for this and there is no provision that allows actions that allow immediate action to be subject to a procedure of ratification after the event.

- 9.5.6 Further there is no indication of why the decision to allow the removal could not have been delayed by a few minutes while that consultation was at least attempted, as it was acknowledged by both the Chief Executive and the Leader that Cllr Lees appeared to have control of the situation.
- 9.5.7 Even though the decision did not follow the delegated procedure the appropriate action would have been to attempt to follow the correct procedures soon as possible after the decision was made. There was an Emergency Committee on 11 June 2020 and with permission of the Chairman an urgent report could have been added to the agenda to seek Council approval for the urgent actions taken.
- 9.5.8 Also after the decision was made there was no communication with all Ward members from Officers until the Council's media statement was copied to all Councillors at 10.36 hours the following day. Further there was no evidence of a communication between the Chief Executive and the Monitoring Officer prior to the daily CLT meeting at 12pm and no minutes were taken of that meeting.
- 9.5.9 In addition, following the decision to allow the Head to be removed, no-one then contacted DTS in order to cancel them attending at 5am on 9 June to remove the head, thus incurring unnecessary cost to the Council.

Handover of the Head and Deposit with Derbyshire Record Office

- 9.7 The next decision was the decision taken by the Chief Executive in a conversation with Cllr Lees at 10.05 hours and notified to Cllr Purdy at 10.21 on 10 June - to agree to the Head being handed over by Cllr Lees and deposited with DCC Record Office.
- 9.7.1 In the report of the conversation between the Chief Executive and Cllr Lees, an offer was made, as an alternative to store the Head in the County Council archives and Cllr Lees was given an hour to canvass the views of local residents.
- 9.7.2 This decision was not delegated to the Chief Executive and thus the Urgent decision making process should have been used.
- 9.7.3 At 10.21 the Chief Executive informed the Leader of the outcome of telephone discussion with Cllr. Lees. This was informing the Leader of a decision that had already been made and an offer made to Cllr Lees. It was not a consultation.
- 9.7.4 Further there is no evidence of the Monitoring Officer being consulted on whether the decision was vires and no involvement of the ward members other than Cllr Lees.

- 9.7.5 If in the hour given to Cllr Lees to consult local residents, the Chief Executive would have consulted with Cllr Purdy and obtained the advice from the Monitoring Officer and informed ward members that if Cllr Lees responded positively to the suggestion of putting the Head in the County archives he would be making the decision to arrange for this to happen. Then the decision would have been correctly made.
- 9.8 The final issue is the arrangement with County Council to store the Head.
- 9.8.1 At 15.55 hours on 11th June the Head was deposited at the Derbyshire Record Office. Present for the Council was the Head of Regulatory Services and the Records Office had agreements drawn up regarding the handover and storage of the head.
- 9.8.2 The agreement was signed on behalf of the Council by the Head of Regulatory Services and the Head was left with the Records Office.
- 9.8.3 Article 11 of Part 2 of the Constitution states “Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution”.
- 9.8.4 This is incorrect as the correct provisions are the Contract Standing Orders (CSO) and these are at Part 8 of the Constitution.
- 9.8.5 Clause 5.1 of Part 8 says “The CSO Rules apply to any arrangement, **of any value**, made by, or on behalf of, the Council for the carrying out of works, supplies, goods, materials or services. “
- 9.8.6 A signed agreement with obligations on the various parties is a contract. Therefore the storage of an item belonging to the District Council would be a service to the Council and the CSO apply.
- 9.8.7 Also the only authorised signatory on behalf of the Council to enter into contract, not under seal, is the Head of Corporate Services, who was not present when the agreement was signed.
- 9.8.8 In the circumstances surrounding the deposit of the Head it is understandable that the agreement specifying the terms and conditions attached to the deposit of the Head was signed while all parties were present. However the CSO states that signatures to agreements have to be affixed by the Head of Corporate Services and all agreements must be reviewed by Legal Services beforehand.
- 9.8.9 Therefore in order for the agreement to be signed in accordance with the Council’s CSO Legal Services should have reviewed the terms and conditions beforehand and Sandra Lamb should have been the officer present to sign the agreement.

Council

8 October 2020

Report of Director of Corporate and Customer Services

PUBLIC PARTICIPATION AT COUNCIL AND COMMITTEE MEETINGS

PURPOSE OF REPORT

This report seeks approval to introduce provisions for public attendance for the purposes of participation at virtual Council and committee meetings, replacing the existing provisions whereby representations are emailed in and responded to in such meetings.

RECOMMENDATION

1. That approval be given to introduction of public attendance for the purposes of participation at virtual Council and committee meetings.
2. That authority be delegated to the Director of Corporate and Customer Services to give effect to the revised arrangements for public participation within Council Procedure Rule 14.

WARDS AFFECTED

District-wide

STRATEGIC LINK

The proposals within this report directly link to the corporate priority of 'Providing you with a high quality customer experience', in that they will enable public participation at Council and committee meetings.

1 BACKGROUND

- 1.1 The Council has modified its governance arrangements since the restrictions introduced by central Government in response to the Covid-19 pandemic. The provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which became effective on 4 April 2020, enabled Councils to hold virtual meetings and provided discretion to amend rules to enable the efficient discharge of functions and procedures in response to the emergency caused by the pandemic.
- 1.2 Derbyshire Dales District Council responded promptly to amend its decision making and public participation arrangements as the authority transitioned to virtual meetings

to conduct its business. This report examines the way in which public attendance can be introduced at virtual meetings for the purpose of enabling direct participation in proceedings.

2 REPORT

- 2.1 Having operated virtual meeting arrangements for much of 2020, the Council, its Members and officers are experienced practitioners at conducting business remotely. The previous emergency arrangements were rescinded in July with the introduction of the ordinary calendar of meetings and the restoration of decision making committees. In this sense, the Council's decision making processes are working seamlessly.
- 2.2 Public participation at Council and committee meetings is presently restricted to written questions or comments being submitted in advance of a meeting and being answered verbally at meetings. This presents no opportunity for Members to hear directly from the public.
- 3.3 Other local authorities who have also been holding virtual meetings during this period of restrictions arising from the coronavirus pandemic, have re-introduced public participation at meetings of Council and its committees. Whilst there have been one or two notable incidents of inappropriate language or images shared by members of the public attending virtual meetings at other authorities, the broad experience is that the public have been able to participate in and contribute to the decision making process and this has enhanced Members' deliberations.
- 3.4 It is recommended that the Council approves the reintroduction of the provisions for public speaking which are detailed in Council Procedure Rule 14.
- 3.5 The provisions of the Council's Constitution require the public to give notice by midday on the working day prior to the meeting of their intention to participate. When such notice is given, the Committee Team will provide members of the public with instructions on how to join a virtual meeting through Zoom. Guidance will be provide on how to download the application and the way in which they will be admitted to the meeting. They will also be provided with a link to the Council's YouTube channel in order to continue viewing the meeting after they had concluded their participation in th meeting.
- 3.6 During the meeting, those members of the public attending to participate will be admitted from the beginning of the meeting and the Chairman will invite them to confirm that they are present. At the appropriate point in the meeting, the Chairman will invite them to unmute and participate in the meeting by making a statement, asking a question or presenting a petition. At Planning Committee, applicants or their agents, objectors, supporters and town and parish councils will have the opportunity to remain in the virtual meeting for the duration of the matter for which they are present. At Council and other committee meeting, the Chairman or Committee Clerk will remove the member of the public following the conclusion of the public participation agenda item.
- 3.7 Where inappropriate remarks are made or inappropriate images are shown by a member of the public, the Chairman ask for the Committee Clerk to remove the individual immediately from the meeting in accordance with Council Procedure Rule 23.1 which concerns the removal of a member of the public from a meeting. Any

inappropriate remarks or images will be removed from the recording of the meeting before publication on the Council's YouTube channel.

- 3.8 No other option is set out in this report on the basis that continuing with the present format of public participation is no longer sufficient. The Government have indicated that restrictions on physical meetings will likely continue well into the new year and direct public participation is a necessary consideration at this point.

3 RISK ASSESSMENT

3.1 Legal

The statutory authority to hold remote or virtual meetings is conferred on the Council through The provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The proposal in this report is compliant with the requirement of the regulations and is submitted to enable the provisions of the Council's Constitution in respect of public participation to be re-enabled in virtual meetings. The legal risk is considered to be low.

3.2 Financial

There are no financial implications directly associated with this report and, as such, 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

- 5.1 James McLaughlin, Director of Corporate and Customer Services,

- 5.2 01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

- 6.1 [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#)

- 6.2 Constitution of the Council

- 6.3 Protocol and Procedure for Meetings Conducted Remotely – approved by the Council on 12 May 2020.

7 ATTACHMENTS

- 7.1 None

Council

8 October 2020

Report of Director of Corporate and Customer Services

POLITICAL BALANCE, POLITICAL GROUPS AND ENTITLEMENT TO SEATS ON COMMITTEES

PURPOSE OF REPORT

To update the membership of political groups on the Council and report on the change to the political balance of the authority and the entitlement of political groups to seats on committees.

RECOMMENDATION

1. That the operation of four political groups on the Council and the detail of their designated Leaders be noted:
 - (a) Conservative Group – Councillor Garry Purdy (Leader of the Council)
 - (b) Green and Independent Group – Councillor Neil Buttle
 - (c) Labour Group – Councillor Mike Ratcliffe
 - (d) Liberal Democrat Group – Councillor Steve Flitter
2. That the entitlement of the membership of the political groups and non-aligned Members according to the political balance calculation be noted
3. That the requirement for political balance be suspended in order to:-
 - Reflect the requirement for the Conservative Group to hold a majority on all decision making committees
 - Ensure the representation of all groups reflects the overall political balance of the Council
 - Amend the size of Planning Committee and Licensing and Appeals Committee
4. That the political groups nominate Members to fill seats in accordance with the change to the political balance of the Council.

WARDS AFFECTED

District-wide

STRATEGIC LINK

The strategic leadership provided by councillors in discharging the functions of the Council through committees and other bodies is critical to the delivery of all priorities in the Corporate Plan.

1 BACKGROUND

- 1.1 The Proper Officer is required to notify the Council of any change in the political balance of the authority or the operation of new political groups under the Local Government (Committees and Political Groups) Regulations 1990. Since the last Council meeting, the Proper Officer has received notification of a change in the membership of political groups.
- 1.2 Since 5 August 2020, the Labour Group's membership has reduced to 5 Members after Councillor Raw joined the Green and Independent Group, the membership of which has increased to 5 Members. There are no other changes to the membership of the political groups of the Council.
- 1.3 According to the terms of reference for the various committees of the Council, there are 77 seats available on committees, although 78 seats are presently filled under the appointments agreed at the Annual Council meeting on 22 July 2020. However, the revised calculation following the change in the membership of political groups does not reflect the entitlement to seats required from the political balance of the Council.
- 1.4 Section 15 of the Local Government and Housing Act 1989 places on local authorities the duty to allocate seats to political groups and sets out the principles to be followed when determining such allocation. The main principles, which must be satisfied sequentially, include
 - (a) That the number of seats on ordinary Committees/Bodies ... which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary Committees of that Authority, as is borne by the Members of that group to the membership of the Authority (i.e. the allocation of the total number of seats available must mirror the political composition of the council).
 - (b) That the number of seats on the Body (Committee, etc.), which are allocated to each political group, bears the same proportion to the number of all the seats on that Body as is borne by the number of Members of that group to the membership of the Authority (i.e. the allocation of seats on individual committees must mirror the political composition of the council).
- 1.5 Local authorities are able to depart from the statutory provisions where there is unanimous agreement to do so.
- 1.6 Those members not in a political group are entitled to a due share of seats, although the council will decide how to allocate seats to non-aligned councillor

2 POLITICAL GROUPS

- 2.1 The Proper Officer has received formal notification, under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, of a change in the membership of the Council's political groups. On 5 August 2020, Councillor Raw became a member of the Green and Independent Group, which increased in size to 5 Members as a result. The effect of Councillor Raw leaving the Labour Group has been

to reduce the size of that group to 5 Members. The effect of this change means that the political balance of the Council is:

Name of Group	Designated Leader	Number of Members
Conservative	Councillor Purdy	20
Green and Independent	Councillor Buttle	5
Labour	Councillor Ratcliffe	5
Liberal Democrat	Councillor Flitter	7

- 2.2 Councillors Elliott and Swindell do not belong to a political group and for the purposes of this report are designated as non-aligned Members.

3 ENTITLEMENT TO SEATS

- 3.1 The allocation process must be applied 'so far as is reasonably practicable' to achieve a balanced outcome. The allocation of the 77 seats to the two political groups is determined by the following formula:

$$\frac{\text{Number of Members in a political group}}{\text{Total Number of Members of the Council (39)}} \times \text{Number of Seats to be allocated}$$

For the 77 seats available in applying principle (a) in paragraph 1.4, this gives:

Political Group	Seat Entitlement
Conservative	39
Green and Independent	10
Labour	10
Liberal Democrats	14
Non-Aligned	4

- 3.2 Application of principle (b) in paragraph 2.1 of this report, relating to the number of seats on individual committees, gives the following:

	Membership	Conservative	Green and Independent Group	Labour	Liberal Democrat	Non-aligned
		20	5	5	7	2
Committees						
Governance and Resources	17	9	2	2	3	1
Community and Environment	17	9	2	2	3	1
Planning	14 (13)	7	2	2	2	1
Licensing and Appeals	12	6	2	2	2	1
Joint Consultative	6	3	1	1	1	0
Joint ICT	3	2	0	0	1	0

Local Plan	10	5	1	1	2	1
	78 (77)	39	10	10	14	5

This calculation shall be referred to throughout this report as Option 1.

- 3.3 This calculation does not reflect the entitlement to seats for political groups from the calculation under principle (a), as it requires there to be 14 Members of the Planning Committee and 13 Members of the Licensing Committee, and does not reflect the overall political balance of the Council. In addition, it allocates an additional seat to the non-aligned councillors, which they would not be entitled to under the application of principle (a). As the Conservative Group has the majority of seats on the Council, its majority should be reflected in the membership of committees.
- 3.4 The Proper Officer met with political group leaders in September 2020 to explain the options available to the Council in determining the allocation of seats. The main issues relate to the balance of the Planning Committee and the Licensing and Appeals Committee where the calculation at paragraph 3.2 shows that the political balance of the Council cannot be reflected in the entitlement to seats. Whilst there is no restriction on the size of the Planning Committee, the Licensing Act 2003 requires that the Licensing Committee have a membership of between 10 and 15 Members. With this in mind, the following calculations have been undertaken
- 3.5 Option 2 – Increase Planning Committee membership to 17 councillors and reduce Licensing Appeals membership to 11 councillors

	Membership	Conservative	Green and Independent Group	Labour	Liberal Democrat	Non-aligned
		20	5	5	7	2
Committees						
Governance and Resources	17	9	2	2	3	1
Community and Environment	17	9	2	2	3	1
Planning	17	9	2	2	3	1
Licensing and Appeals	11	6	1	1	2	1
Joint Consultative	6	3	1	1	1	0
Joint ICT	3	2	0	0	1	0
Local Plan	10	5	1	1	2	1
	81	40	9	9	15	5

For the 81 seats available in applying principle (a) in paragraph 1.4, this gives:

Political Group	Seat Entitlement
Conservative	40
Green and Independent	10
Labour	10
Liberal Democrats	15
Non-Aligned	4

Option 2 therefore does not ensure that the requirement of balance is met in full when applying principle (a). Principle (b) continues to give too many seats to the non-aligned councillors and removes a seat from both the Green and Independent Group and the Labour Group. This option does ensure that the Conservative Group's majority is reflected on all decision making committees. Furthermore, application of principle (b) does not fill all of the available seats.

3.6 Option 3 – Decrease the membership of both the Planning Committee and Licensing and Appeals Committee to 11 councillors

	Membership	Conservative	Green and Independent Group	Labour	Liberal Democrat	Non-aligned
		20	5	5	7	2
Committees						
Governance and Resources	17	9	2	2	3	1
Community and Environment	17	9	2	2	3	1
Planning	11	6	1	1	2	1
Licensing and Appeals	11	6	1	1	2	1
Joint Consultative	6	3	1	1	1	0
Joint ICT	3	2	0	0	1	0
Local Plan	10	5	1	1	2	1
	75	38	8	8	13	4

For the 75 seats available in applying principle (a) in paragraph 1.4, this gives:

Political Group	Seat Entitlement
Conservative	38
Green and Independent	10
Labour	10
Liberal Democrats	13
Non-Aligned	4

Option 3 therefore does not ensure that the requirement of balance is met in full when applying principle (a). Principle (b) now ensures the correct entitlement for the non-aligned councillors, but removes two seats from both the Green and Independent Group and the Labour Group. This option also ensures that the Conservative Group's majority is reflected on all decision making committees. Furthermore, application of principle (b) does not fill all of the available seats.

3.7 None of the calculations above address the requirement for political balance to be reflected in the entitlement to seats. The table below sets out the issues and potential solutions in respect of each calculation:

Option	Issues	Potential Solutions (where available)
1	<ul style="list-style-type: none"> Does not give Conservative Group a majority on Planning Committee or Licensing and Appeals Committee 	<ul style="list-style-type: none"> Agree to appoint an additional Conservative Member to Planning Committee to give a majority on a committee of 15 Members, which require a suspension of the requirement for political balance.
	<ul style="list-style-type: none"> Allocates one more seat to the Non-Aligned Councillors than that which they are entitled to 	<ul style="list-style-type: none"> Maintain the current appointments for non-aligned members, which would mean not appointing a non-aligned member to Licensing and Appeals Committee and allocating an additional seat to give the Conservative Group a majority on this committee.
2	<ul style="list-style-type: none"> Allocates one more seat to the Non-Aligned Councillors than that which they are entitled to 	<ul style="list-style-type: none"> Maintain the current appointments for non-aligned members and not appoint a non-aligned member to Licensing and Appeals Committee.
	<ul style="list-style-type: none"> The entitlement of the Green and Independent Group and the Labour Group reduces by 1 seat for each group 	<ul style="list-style-type: none"> No solution available that balances the application of principles (a) and (b). The requirement to suspend political balance would be required, but the application of principle would be required in practical terms following suspension.
3	<ul style="list-style-type: none"> The entitlement of the Green and Independent Group and the Labour Group reduces by 1 seat for each group 	<ul style="list-style-type: none"> No solution available that balances the application of principles (a) and (b). The requirement to suspend political balance would be required, but the application of principle would be required in practical terms following suspension.

- 3.8 Given that every solution identified against the options outlined requires a suspension of political balance, it is therefore recommended that the Council agrees to suspend the requirement for political balance in order for seats to be allocated according the various applications of principle (b) set out above in options 1, 2 and 3. Furthermore, the best fit of the three solutions set out in the table above would be a modification to option 1 which provides the necessary majority for the Conservative Group on all decision making committees without reducing the number of seats allocated to the other three political groups of the Council or the non-aligned Members. This would provide an entitlement to seats as follows:-

	Membership	Conservative	Green and Independent Group	Labour	Liberal Democrat	Non-aligned
		20	5	5	7	2
Committees						
Governance and Resources	17	9	2	2	3	1
Community and Environment	17	9	2	2	3	1
Planning	15	8	2	2	2	1
Licensing and Appeals	15	8	2	2	2	1
Joint Consultative	6	3	1	1	1	0
Joint ICT	3	2	0	0	1	0
Local Plan	10	5	1	1	2	1
	83	44	10	10	14	5

4 ASSESSMENT

4.1 Legal

The legislative requirements in respect of political balance and entitlement to seats are set out earlier in this report. The legal risks associated with this report are low.

4.2 Financial

There are no financial risks arising from this report.

5 OTHER CONSIDERATIONS

- 5.1 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.

6 CONTACT INFORMATION

- 6.1 James McLaughlin, Director of Corporate and Customer Services, 01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

7 BACKGROUND PAPERS

- 7.1 Report to Council – Appointment of Committees and Review of Political Proportionality – 22 July 2020
- 7.2 Email to the Chief Executive confirming Councillor Raw's membership of the Green and Independent Group

8 ATTACHMENTS

- 8.1 None

COUNCIL
8 OCTOBER 2020

Report of Director of Regeneration and Policy and Director of Regulatory Services

PLANNING FOR THE FUTURE – MHCLG PLANNING WHITE PAPER CONSULTATION

PURPOSE OF REPORT

To advise Members of the contents of the MHCLG ‘Planning for the Future’ White Paper and to enable the submission of comments on the scope of the consultation proposals by the deadline of 29th October 2020.

RECOMMENDATION

1. That the Officer Comments set out in Section 2 of this report form the basis of the District Council’s response to the MHCLG White Paper Planning for the Future
2. That delegated authority be given to the Director of Regeneration and Policy to submit the District Council’s representations by the deadline of 29th October 2020.

WARDS AFFECTED

All outside the Peak District National Park.

STRATEGIC LINK

1. BACKGROUND

- 1.1 On 6th August 2020 the Government published for a period of 12 weeks consultation a White Paper entitled ‘Planning for the Future’. The purpose of which is to seek views on a package of proposals for reforming the planning system in England. The result of which the Government considers will streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed. The closing date for the submissions of comments to the Ministry of Housing, Communities and Local Government is 29th October 2020.
- 1.2 By way of introduction the Government sets out that the Planning System is important to tackling the shortage of homes where people want to live and work, the challenge of climate change, improving biodiversity, supporting sustainable

growth, and rebalancing the economy. It however suggests that there are several problems with the current system:

- It is too complex, creates uncertainty and delay
- Decisions are discretionary rather than rules-based, and as a result pushes up the costs of development and stifles innovation.
- It takes too long for a Local Plan to be adopted, and even though it is a legal obligation to an up to date plan only 50% of local authorities have done so.
- Assessments of housing need, viability and environmental impact are too complex and opaque, are highly contested and do not provide a clear basis for the scale of development to be planned for.
- There is little public trust in the system, with consultation dominated by only a few willing and able to navigate the process.
- It is based upon documents not data which reduces the speed of decision making
- Negotiating developer contributions for infrastructure and affordable housing is complex, protracted and unclear. The outcome of which can be uncertain. This increase delay and risk for development
- There is insufficient focus on design and little incentive for high quality new homes and places.
- Local Plans do not provide enough certainty around the approved forms of development relying on vague and verbal statements of policy rather than visual clarity which can be provided by binding design codes.
- The system is unpredictable, too difficult to engage with or understand and favours those with the greatest resources
- It does not lead to enough homes being built in those places where the need for homes is highest.

1.3 The White Paper sets out a vision for the future planning system which:

- is more ambitious about the places created, expecting new development to be “beautiful” and to create a ‘net gain’ not just ‘no net harm’;
- moves democracy forward in the planning process and give neighbourhoods and communities an earlier and more meaningful voice in the future of their area as plans are made, harnessing digital technology to make it much easier to access and understand information about specific planning proposals. More engagement should take place at the Local Plan phase;
- improves the user experience of the planning system, to make planning information easier to find and understand and make it appear in the places that discussions are happening, for example in digital neighbourhood groups and social networks. New digital engagement processes will make it radically easier to raise views about and visualise emerging proposals whilst on-the-go on a smart phone;
- supports home ownership, helping people and families own their own beautiful, affordable, green and safe homes, with ready access to better infrastructure and green spaces;
- increases the supply of land available for new homes where it is needed to address affordability pressures, support economic growth and the

renewal of our towns and cities, and foster a more competitive housing market;

- helps businesses to expand with readier access to the commercial space they need in the places they want and supporting a more physically flexible labour market;
- supports innovative developers and housebuilders, including small and medium-sized enterprises (SMEs) and self-builders, those looking to build a diverse range of types and tenure of housing, and those using innovative modern methods of construction (MMC);
- promotes the stewardship and improvement of our precious countryside and environment, ensuring important natural assets are preserved, the development potential of brownfield land is maximised, that supports net gains for biodiversity and the wider environment and actively address the challenges of climate change; and
- creates a virtuous circle of prosperity in our villages, towns and cities, supporting their ongoing renewal and regeneration without losing their human scale, inheritance and sense of place. Building more homes in and around town centres and high streets, on brownfield land and near existing infrastructure so that families can meet their aspirations. Growth making it easier to level up the economic and social opportunities available to communities.

1.4 Five strategic proposals along with twenty four more detailed proposals are set out in the White Paper. The five strategic proposals are to:

- i. Streamline the planning process with more democracy taking place more effectively at the plan-making stage, and replacing the entire plan-making legislation in England
- ii. Take a radical, digital-first approach to modernise the planning process. This means moving from a process based on documents to a process driven by data.
- iii. Bring about a new focus on design and sustainability
- iv. Improve infrastructure delivery in all parts of the country and ensure developers play their part, through reform of developer contributions.
- v. Ensure more land is available for the homes and development people and communities need, and to support renewal of our town and city centres.

1.5 The twenty four more detailed proposals are set out under three pillars:

- Pillar 1 – Planning for Development
- Pillar 2 – Planning for Beautiful and Sustainable Places
- Pillar 3 – Planning for Infrastructure and Connected Places

1.6 A summary of each of the twenty four proposals is set out in Appendix 1 to this report.

2 OFFICER COMMENTS

- 2.1** The following Officer Comments are provided for Members and are recommended to form the basis of the District Council's response to the consultation on the White Paper.
- 2.2** The proposed reforms in the White Paper if enacted could result in some of the most radical changes to the Planning System since the basis of the current system was introduced by the Town and Country Planning Act in 1947.
- 2.3** Having said that, it is considered that many of the concerns raised in the White Paper about the operational aspects of the current system should be acknowledged.
- 2.4** In its current form the Planning System as a whole can be considered to be very complex, with outcomes not always predictable. This is however inevitable as the planning system seeks to balance future development needs and its impact upon the local environment. Local Plans, have become increasingly lengthy and costly to prepare, as they have had additional legislative and policy requirements to address over time.
- 2.5** Similarly planning applications, particularly the more major developments, are taking longer to determine as increasing amounts of evidence are presented to justify proposals, as well as there being more engagement from within the local community. Furthermore there is often disagreement about the quality of the outcomes on the ground, which does little to foster confidence by local communities in the planning system.
- 2.6** Taking these factors into account there are aspects of the proposals such as the streamlining of the plan making process within the White Paper which if they are brought into force should reduce some of the complexity in the system. It is considered that any changes that are made should still seek to achieve an appropriate balance between the development needs of an area and the impact on the environmental quality, as well maintain or improve the same level of engagement by the local community.
- 2.7** Whilst the current and future planning system can facilitate the development needs of a location by allocating sites and granting planning permission for specific uses, it does not necessarily result in developers building the homes and industrial units that have been facilitated. This is often down to market conditions, and other factors which are beyond the control of the local planning authority. In such circumstances it is considered inappropriate for the Government to "penalise" local planning authorities for not delivering homes or employment land when it is beyond their control.

2.8 The following are specific comments made in respect of each of the twenty four proposals:

Proposal 1	<p>The proposed changes to the allocation of land would effectively introduce a zoning based system into the UK, where in the Growth Areas, and Renewal areas specific uses would be “pre-approved” subject to development meeting the rules for that zone and its sub areas. These proposals would meet the Government’s aspirations for a more rules based system rather than the current policy based approach.</p> <p>There is, however, concern that in an area like Derbyshire Dales that a three zone approach is over simplistic and does not recognise the high environmental quality of the area which, despite large areas not being specifically designated as having environmental importance, has a significant influence on the capacity of the local planning authority area to accommodate new growth. A more nuanced approach to zoning is considered much appropriate – and one which allows local planning authorities the choice about how to designate areas of land in their Local Plans.</p> <p>The development of new style interactive web-based Local Plans would be an evolution, rather than radical change, of current practice. However it is considered that in taking forward more visually based Local Plans, care would need to be taken within Government guidance, to ensure that the correct emphasis is placed on the weight given to the visual aspect of a plan. In a similar manner to Supplementary Planning Developments the visual aspects should guide, not form part of the rules for each zone.</p>
Proposal 2	<p>Those developments that would not be “pre-approved” by virtue of not being including within the zoning rules would still require the benefit of planning permission and other consents, which are currently being made locally based upon Local Plan policies.</p> <p>The White Paper infers from this that for those developments continuing to require permission/consent there would remain a discretionary policy approach to their approval. Yet at the same time the White Paper suggests that plans would contain development standards (codes) not long lists of policies, all of which are machine readable.</p> <p>If the Government is intent on a rules based approach to decision making then it is considered that references to a policy based approach should be removed. Furthermore, given local knowledge, it is considered that any rules/codes for assessing development proposals should be set locally. The NPPF</p>

	<p>should be limited to setting a national strategic framework for bringing forward land nationally.</p> <p>Whilst the Government seems to support the continued use of Neighbourhood Plans, give the suggested reforms in the White Paper it is not exactly clear what role they will play going forward. Further clarification of what role Neighbourhood Plans will have going forward is considered necessary.</p>
Proposal 3	<p>The current system of environmental assessment of a Local Plan is complex, lengthy and costly to local planning authorities. Any simplification in the approach is to be welcomed. However at the same time any revised system must continue to be able to draw out the key impacts, and be allowed to influence the outcome of a plans preparation.</p> <p>The removal of the Duty to Cooperate test will remove the potential for conflict between local authorities over for example the distribution of housing numbers and the capacity of neighbouring authorities to accommodate additional development. However for some areas the removal of this requirement will necessitate the introduction of alternative procedures to ensure that locally strategic cross boundary matters are adequately addressed.</p> <p>In terms of the delivery of infrastructure, the suggested approach appears to assume that local authorities will deliver all infrastructure needs. This is not the case in two tier authority areas, where in most cases close co-operation is required between the local authority, County Council and the relevant agencies.</p>
Proposal 4	<p>If the Standard Methodology is to become binding and used for determining the level of housing required in Local Plans and avoid costly (both financial and time) debate then it is considered that the formula used in the Standard Methodology should include some type of environmental factors which recognises the extent to which a local authority is environmentally constrained whether that be National Park, Green Belt or SPA/SSSIs for example.</p> <p>Whilst the suggestion that the resulting housing figure should look forward a minimum of 10 years it is considered that to enable Local Plans to set policy for a sufficient timeframe into the future that this should be extended to a minimum of 15 years from adoption of the Local Plan – the same timeframe as set out in the NPPF.</p>
Proposal 5	<p>In principle the allocation of a site within a Local Plan under the current system should lead to the granting of planning permission for a development proposal that is in accordance with its allocation. However the current system still requires</p>

	<p>the submission of a planning application even if it is in accordance with the site allocation.</p> <p>Under the new proposals such a requirement would be done away with in Growth Areas with full permission focussing on design and site specific technical matters. A more general presumption would apply in Renewal Areas, although not mentioned this would still require the submission of an application for planning permission.</p> <p>If the Government wants to have a more streamlined planning system it would seem illogical to have a subtly different approach in the different zones, despite both essentially being supportive of development. It would be more transparent if permission were automatically granted for developments that meet the all requirements of that particular zone. Only those developments not in accordance with the zone would require the benefit of an application for permission.</p> <p>Even in Protected Areas there should be scope for some developments to be brought forward where they are in accordance with the scope of the local zoning requirements.</p>
Proposal 6	<p>Having set deadlines will make the timescales for the assessment of planning applications much more transparent to the local community. Consistently achieving the deadlines will provide confidence in the local planning authority. As such it is to be welcomed.</p> <p>Changes to Local Plans should reduce the number of planning applications received, and thereby enable a local planning authority to focus its resources delivering a timely development management service.</p> <p>More digitisation and automation of the planning system will require the appropriate technology to be in place, and will need financial support from the Government. The White Paper does, however appear to indicate that additional funding will be available to local planning authorities to enable such changes to be made. The automation/digitisation process will result in less involvement by Officers, Members and the local community in the determination of planning applications.</p>
Proposal 7	<p>The development of new style interactive web-based Local Plans would be an evolution, rather than radical change, of current practice. However it is considered that in taking forward more visually based Local Plans, care would need to be taken within Government guidance, to ensure that the correct emphasis is placed on the weight given to the visual aspect of a plan. In a similar manner to Supplementary Planning Developments the visual aspects should guide, not form part of the rules for each zone.</p>

	<p>There is always a balance to be had between seeking to encourage more community involvement, and the impact that it has on the actual preparation of the Local Plan. Saying that community engagement in Derbyshire Dales has always achieved high levels, regardless of the format of the plan being prepared.</p>
Proposal 8	<p>This is a very ambitious timescale for the preparation of Local Plans. It will require adequate resources and excellent project management skills to achieve. Although the suggested review of the Derbyshire Dales Local Plan will be undertaken over a period of approximately 35 months with the changes suggested to statutory timescales a 30 month timescale could be achieved.</p> <p>At this time the proposed transition period, on advice from the Planning Advisory Service, should allow the review of the adopted Local Plan to be completed</p>
Proposal 9	<p>There are currently three 'made' Neighbourhood Plans within the Derbyshire Dales local planning authority area, and a further two in the latter stages of preparation. In those areas where they have been prepared they have resulted in local engagement in the planning process, and have added value to the policies and proposals in the adopted Derbyshire Dales Local Plan.</p> <p>The continued use of Neighbourhood Plans within the reformed planning system is welcomed, provided they continue to add value, and are not considered by local communities as potential tool to block development. Furthermore without adequate support local communities will struggle to deliver Neighbourhood Plans in a timely manner.</p> <p>There is no reason why localised rule-based codes for development could be brought forward in small areas, however it is considered that they should be part of a wider Neighbourhood Plan, where the linkages to other areas can be seen.</p>
Proposal 10	<p>A mix of development types on a sites is to be welcomed as it will ensure that the variety of local needs can be met.</p> <p>The provision of faster build out rates is to be supported, as this will provide the development that is required to meet local needs. However the focus should be placed on developers being encouraged to achieve faster build out rates, and the Government should not seek to penalise local authorities if the required build out rates are not achieved.</p>
Proposal 11	<p>If design codes are to be effective it is considered essential that they should be prepared locally, ensuring that they are, of course in line with national guidance.</p>

	<p>Whilst the White Paper suggests they would be given ‘weight in the planning process’, given the aspiration for a rule based planning system, logically it should follow that local design codes become part of the rules. As it stands it could be inferred that they could be akin to a local plan policy with some element of discretion about their use in the decision making process. As such there needs to be a much clarity on their role within the future planning system.</p> <p>The involvement of the community is to be welcomed, as it will allow ownership of the codes, and it will require the local planning authority to be accountable in any decisions it makes where they are invoked.</p> <p>The preparation of local design codes will require additional resources for local planning authorities and it is considered that any new burdens funding should provide sufficient additional finance for local planning authorities to take this forward.</p>
Proposal 12	<p>Support from external agencies to take forward the new agenda is to be welcomed, provided that they are adequately resourced to support local planning authorities. The suggestion of providing additional resources to local planning authorities via the new burdens regime is also welcomed.</p> <p>Whether a chief officer post is required for each local planning authority is debatable, particularly where the quality of auditable development is already meeting the Government expectations. Furthermore the costs of such posts would be significant if required across the whole of the country.</p>
Proposal 13	<p>As Homes England is a significant stakeholder in the delivery of new homes across the country it is wholly appropriate that any development they are engaged with should reflect the aspirations set out in the White Paper.</p>
Proposal 14	<p>The introduction of a “fast-track” process for beauty suggests that development should be approved where it meets the locally approved design codes and expedited through the planning system.</p> <p>However it is considered that if site specific design codes are incorporated within a rules based system enshrined in Local Plan, then development that meets the required standards should be capable of being granted permission as of right, without the need for a fast-track system.</p> <p>The preparation, by local planning authorities of site specific masterplans will be costly, and take considerable time to produce. If local design codes incorporate sufficient detail then it is considered that there would only be limited need for the preparation of site specific masterplans.</p>

	<p>Proposals to widen the scope of permitted development rights will need to ensure that the character and appearance of the local area is not adversely affected by schemes brought forward this way. As such it is considered that the Government should be advised to incorporate sufficient safeguards in any future expanded permitted development regime.</p>
Proposal 15	<p>Many of the features that the White Paper sets out that could continue to benefit from spatially specific policies are ones that could be incorporated into a rules based Local Plan. For example important views could be included within site specific design codes. The location of renewable energy or woodlands/forestry creation could also be “zoned” – potentially as part of the Protection Area and only those types of land use brought forward in those areas, and only where the development is in accordance with the rules of that “zone”.</p> <p>The NPPF could be used to set the strategic framework for when/how these land uses are incorporated into Local Plans.</p>
Proposal 16	<p>The current system of environmental assessment is complex, lengthy and often costly to local planning authorities. Any simplification in the approach is to be welcomed. However at the same any revised system much continue to be able to draw out the key impacts, and be allowed to influence the outcome of a plans preparation.</p>
Proposal 17	<p>As a vital component of the fabric in Derbyshire Dales, any proposals that seeks to enhance the protection of historic assets is to be welcomed.</p>
Proposal 18	<p>The commitment to addressing the climate change agenda through the planning system is in principle to be welcomed. There remains the challenge as to the extent to which there is sufficient expertise within a local planning authority to ensure that any changes proposed are capable of being assessed with sufficient scrutiny through the decision making process. If insufficient training is provided to Planning Officers to enable an appropriate assessment to be made then this will result in inadequate adaptations for climate change.</p>
Proposal 19	<p>In principle the rationalisation of the two regimes for collecting financial contributions towards the delivery of local infrastructure to meet local needs is to be supported, as this will enable a much wider scope for the collection of funds for infrastructure. It is however considered that the Government should not do away with s106 Obligations entirely as they will still remain useful for the provision of other matters which help to make a development acceptable and are not related to financial contributions.</p> <p>Similarly the proposal that local authorities will be able to borrow against the new Levy to forward fund the delivery of</p>

	<p>infrastructure should also be supported. In many cases experience has shown that it takes some time for sufficient funding to build up to enable payment to be made for the provision of new infrastructure in a timely manner.</p> <p>Some of the provisions, upon which the new Levy is based would need to be tempered to ensure that it does not have an inverse impact upon local development viability.</p>
Proposal 20	<p>Whilst this has some attraction in widening the potential scope for the provision of the collection of Infrastructure Levy Fees, as there is often no notification to the local planning authority for schemes classified as permitted development there would be no trigger to send out demand notices. If there is a widening of the notification procedure for permitted development scheme then additional resources will be required to deliver this proposal.</p>
Proposal 21	<p>The use of the proposed new Levy for the delivery of affordable housing would enable the continuation of funding for a pipeline of much needed schemes across Derbyshire Dales. As such it is considered that this element of the White Paper should be supported.</p>
Proposal 22	<p>Whilst the suggestion that local authorities might spend the new Levy in a more flexible manner is to be welcomed, in reality because of the impact upon viability of development it is unlikely in Derbyshire Dales to be able to fund more than the core infrastructure obligations.</p> <p>Maintaining the Neighbourhood Share is considered reasonable, but is not clear whether securing the 25% provision will be dependent upon Parish Councils and Town Councils having Neighbourhood Plans in place.</p>
Proposal 23	<p>The reforms set out in the White Paper are some of the most radical changes to the planning system since 1947. The commitment to them being led at local authority level is to be welcomed as it maintains continuity going forward. However many of them will require additional resources and the commitment by the Government to cover the additional costs that local planning authorities will face is to be welcomed.</p>
Proposal 24	<p>This is solely a commitment by the Government to investigate changes to enhance the enforcement regime going forward. As such it is considered that the District Council should await further details before commenting.</p>

3 RISK ASSESSMENT

3.1 Legal

The White Paper is a consultation paper which has no legal status. Any reforms to the planning system which result from White Paper will require changes to both primary and secondary legislation, which the District Council will need to address at such times. At this time the legal risk is has been assessed as low.

3.2 Financial

At this time there are no financial risks to the District Council. The White Paper, does however, acknowledge that some of the reforms may lead to additional financial burdens being placed on local planning authorities. In some instances the additional financial burdens will be met by the Government. These are likely to be short term over a period of 2-3 years. At this time the financial risk to the District Council is low.

3.3 Corporate Risk

Whilst the proposals contained within the White Paper will require legislative changes, if these are brought into effect prior to the completion of the review of the Derbyshire Dales Local Plan this could have a significant impact upon costs for the District Council, as well as its ability to make, and defend decisions its makes on planning applications.

The failure to comply with statutory requirements and Government policy advice would constitute a strategic risk to the District Council. However, as this is a consultation paper, and there are unknown timescales for its implementation, the overall degree of risk to the District Council at this time is considered to be low.

4 OTHER CONSIDERATIONS

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

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

Description	Date	Location
MHCLG Planning for the Future White Paper	August 2020	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf

APPENDIX 1

Pillar 1 – Planning for Development

The Government wants to see a planning system that provides a predictable basis for the patterns and form of development in an area. It sets out that the Local Plans system makes it difficult for users to find the information they need and the information is difficult to understand. To achieve that the White Paper sets out change is needed such that Local Plans:

- are based on transparent, clear requirements for local authorities to identify appropriate levels of, and locations for, development that provide certainty and that applicants and communities can easily understand
- communicate key information clearly and visually so that plans are accessible and easily understandable, and communities can engage meaningfully in the process of developing them;
- published as standardised data to enable a strategic national map of planning to be created;
- developed using a clear, efficient and standard process;
- benefit from a radically and profoundly re-invented engagement with local communities so that more democracy takes place effectively at the plan-making stage; and
- set clear expectations on what is required on land that is identified for development, so that plans give confidence in the future growth of areas and facilitate the delivery of beautiful and sustainable places.

Proposal 1: The role of land use plans should be simplified.

It is proposed that Local Plans would only identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

Growth Areas – suitable for substantial development, including new settlements, urban extensions, and redevelopment areas. Sites annotated in the Local Plan under this category would have outline approval for development

Renewal Areas – suitable for development, where smaller scale development in appropriate, including the gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not annotated as Growth or Protected areas. It would also include small sites within or on the edge of villages. There would be a statutory presumption in favour of development being granted for the uses specified as being suitable in each area. Local authorities could continue to consider the case for resisting inappropriate development of residential gardens;

Protected Areas - this would include sites and areas which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability. This would include areas such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local

Wildlife Sites, areas of significant flood risk and important areas of green space. At a smaller scale it will continue to include gardens in line with existing policy in the National Planning Policy Framework

Local Plans would be interactive web-based maps of the administrative area, where data and policies can be easily searchable with a key and accompanying text.

In Growth and Renewal areas, the key and accompanying text would set out suitable development uses, as well as limitations on height and/or density as relevant. These could be specified for sub-areas within each category, determined locally but having regard to national policy, guidance and legislation (including the National Model Design Code and flexibilities in use allowed by virtue of the new Use Classes Order and permitted development).

Proposal 2: Development management policies established at national scale and an altered role for Local Plans

With the primary focus of plan-making on identifying areas for development and protection, it is proposed that development management policies contained in the plan would be restricted to clear and necessary site or area-specific requirements, including broad height limits, scale and/or density limits for land included in Growth areas and Renewal areas, established through the accompanying text.

The National Planning Policy Framework would become the primary source of policies for development management; there would be no provision for the inclusion of generic development management policies which simply repeat national policy within Local Plans, such as protections for listed buildings. It is proposed to turn plans from long lists of general “policies” to specific development standards.

Local planning authorities and neighbourhoods (through Neighbourhood Plans) would play a crucial role in producing required design guides and codes to provide certainty and reflect local character and preferences about the form and appearance of development.

All development management policies and code requirements, at national, local and neighbourhood level, would be written in a machine-readable format so that wherever feasible, they can be used by digital services to automatically screen developments and help identify where they align with policies and/or codes.

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness

This would consider whether the plan contributes to achieving sustainable development in accordance with policy issued by the Secretary of State. The achievement of sustainable development is an existing and well-understood basis for the planning system, and we propose that it should be retained.

As well as the new test the proposals include the abolishment of the Sustainability Appraisal system, and the removal of the requirements in relation to the Duty to Co-operate. A lighter touch process for assessing the environmental impact of Local Plans would be developed to ensure compliance with UK and international law.

Plans would be informed by appropriate infrastructure planning, and sites would not be included in the plan where there is no reasonable prospect of any infrastructure that may be needed coming forward within the plan period.

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

Although a standard methodology currently exists the Government argues that a standard binding methodology for setting housing requirements would significantly reduce the time it takes to establish the amount of land to release in each area. It goes on that this has historically been a time-consuming process which ultimately has not led to enough land being released where it is most needed (as reflected by worsening affordability). A standard requirement would differ from the current system of local housing need in that it would be binding, and so drive greater land release.

The proposed approach envisages that enough land is planned for, and with sufficient certainty about its availability for development, to avoid a continuing requirement to be able to demonstrate a 5-year supply of land. However, having enough land supply in the system does not guarantee that it will be delivered, and so it is proposed to maintain the Housing Delivery Test and the presumption in favour of sustainable development as part of the new system.

The Government has published a separate consultation on proposed revisions to the standard methodology which it is suggested that would be brought into effect in the short term. The implications of these changes were circulated to Members in a separate briefing paper, and comments sent to MHCLG by 1st October 2020 deadline.

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

This proposal would remove the need to submit a further planning application to test whether the site can be approved. Where the Local Plan has identified land for development, planning decisions should focus on resolving outstanding issues – not the principle of development. In areas suitable for substantial development (Growth areas) an outline permission for the principle of development would be conferred by adoption of the Local Plan. Further details would be agreed and full permission achieved through streamlined and faster consent routes which focus on securing good design and addressing site-specific technical issues.

In areas suitable for development (Renewal areas), there would be a general presumption in favour of development established in legislation (achieved by strengthening the emphasis on taking a plan-led approach, with plans reflecting the general appropriateness of these areas for development).

In both areas it would still be possible for a proposal which is different to the plan to come forward (if, for example, local circumstances had changed suddenly, or an unanticipated opportunity arose), but this would require a specific planning application. To provide confidence in the plan it is proposed to strengthen the emphasis on a planned approach in legislation (alongside giving appropriate status to national planning policy for general development management matters).

Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

For all types of planning applications the Government want to see a much more streamlined and digitally enabled end to end process to ensure decisions are made faster. It is proposing that the time limits of 8 or 13 weeks for determining an application from validation to decision should be a firm deadline and not targets.

To achieve this the White Paper places much more emphasis on the digitalisation of the application process, automation of applications against the rules set out in Local Plans, and a reduction in the amount of key information required as part of the application. For major applications it is suggested that there is a limit of 50 pages on the accompanying documentation to justify the proposal.

As a clear incentive to determine an application within the statutory time limits it is suggested that there could be the automatic refund of the planning fee for the application if it is failed to be determined within the time limit or deemed to have been granted planning permission if there has not been a timely determination.

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

This proposal envisages more Interactive, map-based Local Plans based upon common data standards and digital principles. The Government considers that by shifting plan-making processes from documents to data, new digital civic engagement processes will be enabled, making it easier for people to understand what is being proposed where and how it will affect them. Thereby having the potential to transform how communities engage with Local Plans, opening up new ways for people to feed their views into the system, including through social networks and via mobile phones.

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

The Government are proposing that the preparation of Local Plans be shortened to a statutory 30 months split over 5 stages with 2 involving public engagement.

- Stage 1 [6 months]: The local planning authority “calls for” suggestions for areas under the three categories, including comprehensive “best in class” ways of achieving public involvement at this plan-shaping stage for where development should go and what it should look like.

- Stage 2 [12 months]: The local planning authority draws up its proposed Local Plan, and produces any necessary evidence to inform and justify the plan. “Higher-risk” authorities will receive mandatory Planning Inspectorate advisory visits, in order to ensure the plan is on track prior to submission.
- Stage 3 [6 weeks]: The local planning authority simultaneously
 - (i) submits the Plan to the Secretary of State for Examination together with a Statement of Reasons to explain why it has drawn up its plan as it has; and
 - (ii) publicises the plan for the public to comment on. Comments seeking change must explain how the plan should be changed and why. Again, this process would embody ‘best in class’ ways of ensuring public involvement. Responses will have a word count limit.
- Stage 4 [9 months]: A planning inspector appointed by the Secretary of State considers whether the three categories shown in the proposed Local Plan are “sustainable” as per the statutory test and accompanying national guidance and makes binding changes which are necessary to satisfy the test. The plan-making authority and all those who submitted comments would have the right to be “heard” by the inspector (whether face to face, by video, phone or in writing – all at the inspector’s discretion). The inspector’s report can, as relevant, simply state agreement with the whole or parts of the council’s Statement of Reasons, and/or comments submitted by the public.
- Stage 5 [6 weeks]: Local Plan map, key and text are finalised, and come into force.

A transition period is suggested of either 30 months from legislation being brought into force, or 42 months for local planning authorities who have adopted a Local Plan within the previous three years or where a Local Plan has been submitted to the Secretary of State for examination. In the latter case, the 42 month period would commence from the point at which the legislation is brought into force, or upon adoption of the most recent plan, whichever is later. There would still be a requirement to review a Local Plan every five years.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

The White Paper sees Neighbourhood Plans as an important tool in helping to bring the democracy forward in planning and envisages their retention, and indeed further growth going forward. However it sets out that the Government wants to consider how their content reflects the proposals for Local Plans. There is a suggestion that such plans could be developed for very small areas such as individual streets, thereby setting their own rules about the form of development they are happy to see.

Proposal 10: A stronger emphasis on build out through planning

To address this, it is proposed to make it clear in the revised National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types by different builders which allow more phases to come forward together. The White Paper sets out that the Government will explore further options to support faster build out rates.

Pillar 2 – Planning for Beautiful and Sustainable Places

The introduction to this section of the White Paper acknowledges the role that planning can make to sustainable and inclusive recovery. It sets out that planning should be a powerful tool for creating visions of how places can be, engaging communities in that process and fostering high quality development: not just beautiful buildings, but the gardens, parks and other green spaces in between, as well as the facilities which are essential for building a real sense of community. It should generate net gains for the quality of our built and natural environments - not just 'no net harm'.

The Government consider that in recent decades this potential has not been delivered and has failed to reflect upon what is special about their local area or create high quality environments which local people can be proud of. It envisages that the reformed planning system will set clear expectations about the form of development in different locations, taking account of community preferences and the type of buildings and places in those locations. It sets out that the Government will develop further the National Design Guide by publishing a complementary National Model Design Code which provides more detailed parameters for development in different types of location: issues such as the arrangement and proportions of streets and urban blocks, positioning and hierarchy of public spaces, successful parking arrangements, placement of street trees, and high quality cycling and walking provision.

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

It is envisaged that locally prepared design codes will complement the National Design Guides and Code. In all cases it will be essential that they are prepared with effective inputs from the local community, considering empirical evidence of what is popular and characteristic in the local area. To underpin the importance of this, it is suggested that local design codes should only be given weight in the planning process if they can demonstrate that this input has been secured. And, where this is the case, we will also make clear that decisions on design should be made in line with these documents.

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

To achieve the vision will require resources, particularly in local authority design skills. The Government proposes the setting up of a body that will provide support to local planning authorities. It also recognises that this will also require greater resources for

local planning authorities which it suggests will be brought forward later in 2020. To deliver on this it suggest that effective leadership is required and hence the justification for the establishment of a Chief Officer post.

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

The Building Better, Building Beautiful Commission recommended that Homes England should attach sufficient value to design as well as price, and give greater weight to design quality in its work. Homes England have already taken steps to champion design quality in their land disposals programme, through implementation of a design quality assessment approach. The Government considers that there is an opportunity for this to further and it will engage with Homes England as part of the Spending Review.

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

It is suggested that this will be done in three ways:

1. Updating the National Planning Policy Framework, to make it clear that schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval
2. Where plans identify areas for significant development (Growth areas), legislation will require that a masterplan and site-specific code are agreed as a condition of the permission in principle which is granted through the plan. This should be in place prior to detailed proposals coming forward, to direct and expedite those detailed matters. These masterplans and codes could be prepared by the local planning authority alongside or subsequent to preparing its plan, at a level of detail commensurate with the size of site and key principles to be established.
3. Legislate to widen and change the nature of permitted development, so that it enables popular and replicable forms of development to be approved easily and quickly, helping to support 'gentle intensification' of our towns and cities, but in accordance with important design principles.

It is acknowledged that further work will be required to develop this aspect of the reforms, in particular the suggested changes to the permitted development rights where a number of different alternatives are being considered and trialled.

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

The Government considers that local, spatially-specific policies can continue to play, such as in identifying important views, opportunities to improve public access or places where renewable energy or woodland and forestry creation could be accommodated. In reviewing the National Planning Policy Framework, the Government want to ensure

that it provides a clear and robust basis for development management decisions more generally, so that reliance no longer needs to be placed on generic policies contained in Local Plans.

Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

Whilst the proposals set out in the White Paper seek to make improvements in the planning system, parallel environmental legislation is being brought forward which seeks to strengthen the way in which planning system addresses issues such as biodiversity. The Government recognises that the plan making process requires effective environmental assessment, but considers it requires simplifying from its current form.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century

To ensure that the planning system maintains adequate protection to the nations historic assets it is proposed to review and update the planning framework for listed buildings and conservation areas, to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change. In doing so, the Government want to explore whether there are new and better ways of securing consent for routine works, to enable local planning authorities to concentrate on conserving and enhancing the most important historic buildings. This includes exploring whether suitably experienced architectural specialists can have earned autonomy from routine listed building consents.

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

This sets out the Government's commitment to implementing the delivery of the Future Homes Standard as quickly as it can. It suggests that homes built under new planning system will not need retrofitting in the future. To work towards ensuring that all new homes are fit for a zero carbon future the Government will explore options for the future of energy efficiency standards, beyond 2025.

Pillar 3 – Planning for Infrastructure and Connected Places

The White Paper acknowledges that new development will bring demand for new public services and infrastructure and that securing contributions for it from development by way of uplift in land value is important for both the new and existing communities. It indicates that there are problems with both the current means of securing financial contributions for new infrastructure; Community Infrastructure Levy and s106 Obligations. It goes on that both regimes should be consolidated into one 'Infrastructure Levy'.

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

This would be based upon a flat-rate, valued-based charge, set nationally, at either a single rate, or at area-specific rates. This would address issues in the current system as it would:

- be charged on the final value of a development (or to an assessment of the sales value where the development is not sold, e.g. for homes built for the rental market), based on the applicable rate at the point planning permission is granted;
- be levied at point of occupation, with prevention of occupation being a potential sanction for non-payment;
- include a value-based minimum threshold below which the levy is not charged, to prevent low viability development becoming unviable, reflecting average build costs per square metre, with a small, fixed allowance for land costs. Where the value of development is below the threshold, no Levy would be charged. Where the value of development is above the threshold, the Levy would only be charged on the proportion of the value that exceeded the threshold ; and
- provide greater certainty for communities and developers about what the level of developer contributions are expected alongside new development.

To better support the timely delivery of infrastructure, the Government propose that local authorities would be able to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure. Enabling borrowing, combined with a shift to levying developer contributions on completion, would incentivise local authorities to deliver enabling infrastructure, in turn helping to ensure development can be completed faster.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

In making this change to developer contributions for new development, the scope of the Infrastructure Levy would be extended to better capture changes of use which require planning permission, even where there is no additional floorspace, and for some permitted development rights including office to residential conversions and new demolition and rebuild permitted development rights. This approach would increase the levy base, and would allow these developments to better contribute to infrastructure delivery and making development acceptable to the community. However, the exemption of self and custom-build development from the Infrastructure Levy would be maintained.

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

The White Paper sets out that developer contributions currently deliver around half of all affordable housing, most of which is delivered on-site, and that it is important that the reformed approach continues to deliver on-site affordable housing at least at present levels. As affordable housing can only be funded through s106 Obligations

and not the Community Infrastructure Levy funds generated through the proposed new Infrastructure Levy would be able to be used to fund affordable housing.

The White Paper sets out that could be a mandatory requirement for in-kind on site delivery, where the difference between the price at which the unit was sold to the provider and the market price would be offset from the final cash liability to the Levy. It is also suggested that developers should be incentivised to deliver high quality design and built affordable homes, and as such where there local authorities have concerns there may be an option to revert to cash contributions.

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

The current arrangement that up to 25% of the Community Infrastructure Levy be spent locally through the “Neighbourhood Share” is proposed to be retained. As there are fewer restrictions on how this funding is spent, and the Government believe it provides an important incentive to local communities to allow development in their area.

It is suggested that there could be an increase in local authority flexibility, allowing them to spend receipts on their policy priorities, once core infrastructure obligations have been met. In addition to the provision of local infrastructure, including parks, open spaces, street trees and delivery or enhancement of community facilities, this could include improving services or reducing council tax

Delivering Change

This section recognises that reform should not cause delay to development that is currently planned, and that the objective is for a smooth transition for bringing forward new plans and development proposals. It emphasises the need that alongside reforms of the planning system there is a need to make better use of surplus public sector land and level up investment in development across the country.

Local planning authorities are seen as central to delivering the changes set out in the White Paper, but it recognises that planning departments need to have the right people with the right skills and resources to implement the reforms. It argues that there must be a fundamental cultural change on how planning departments operate. They need to be more outward looking, proactively engaging with developers, businesses, architects and designers, as well as a wider cross-section of their local communities.

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.

Currently, the cost of development management activities by local planning authorities is to a large extent covered by planning fees, although the current fee structure means the cost of processing some applications can be significantly greater than their individual fee. However, the cost of preparing Local Plans and enforcement activities is now largely funded from the local planning authority's own resources. The White Paper sets out that the cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer.

Planning fees are envisaged to continue to be set on a national basis and cover at least the full cost of processing the application type based on clear national benchmarking. This should involve the greater regulation of discretionary pre-application charging to ensure it is fair and proportionate.

If a new approach to development contributions is implemented, a small proportion of the income could be earmarked to local planning authorities to cover their overall planning costs, including the preparation and review of Local Plans and design codes and enforcement activities.

Some local planning activities is envisaged still be funded through general taxation given the public benefits from good planning, and time limited funding will be made available by the government in line with the new burdens principle to support local planning authorities to transition to the new planning system as part of the next Spending Review.

The White Paper envisages an enhancement in digital and geospatial capability and capacity across the planning sector to support high-quality new digital Local Plans and digitally enabled decision-making.

Proposal 24: We will seek to strengthen enforcement powers and sanctions

There is a commitment to review and strengthen the existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system. The Government will seek to introduce more powers to address intentional unauthorised development, consider higher fines, and look to ways of supporting more enforcement activity.

Next Steps

Subject to the outcome of this consultation, the Government will seek to bring forward legislation and policy changes to implement the reforms. This consultation sets out the vision for the basis of a reformed planning system. Although not every aspect of the planning system has been reviewed the Government will continue to develop the proposals as they gather feedback and views on them.

The proposals for Local Plan reform, changes to developer contributions and development management will require primary legislation followed by secondary legislation. The expectation is that new Local Plans are to be in place by the end of the Parliament.

It is suggested that the Government will implement any policy changes, including the setting of a new housing requirement, by updating the National Planning Policy Framework in line with the new legislation.

COUNCIL
8 OCTOBER 2020

Report of the Director of Regeneration and Policy

COVID-19: DERBYSHIRE DALES ECONOMIC RECOVERY PLAN

PURPOSE OF REPORT

To approve a post COVID-19 Economic Recovery Plan for the district of Derbyshire Dales, that links to the Local Plan and existing Corporate Plan and Economic Plan.

RECOMMENDATION

1. The Derbyshire Dales COVID-19 Economic Recovery Plan is approved.
2. Revenue costs be built into the draft budget for 2021/22 and Medium Term Financial Plan for consideration by Council in March 2021;
3. That a supplementary revenue budget for be approved for any immediate revenue costs up to £50,000 in 2020/21, to be financed from the Economic Development Reserve
4. Capital funding for the Matlock Bakewell Road redevelopment scheme estimated at up to £800,000 be built into the Capital Programme to be considered by Council in November 2020
5. The principle of District Council intervention in regenerating brownfield sites for housing and employment is adopted.
6. The Rural Economy Position Statement in Appendix 1 is endorsed.

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 The impact of the Coronavirus pandemic is widespread and ongoing. In the Derbyshire Dales, it has affected jobs, health, incomes, communities, environment, public services and more. Members resolved at the Emergency Committee meeting on 11 June to develop a Derbyshire Dales Recovery Plan.

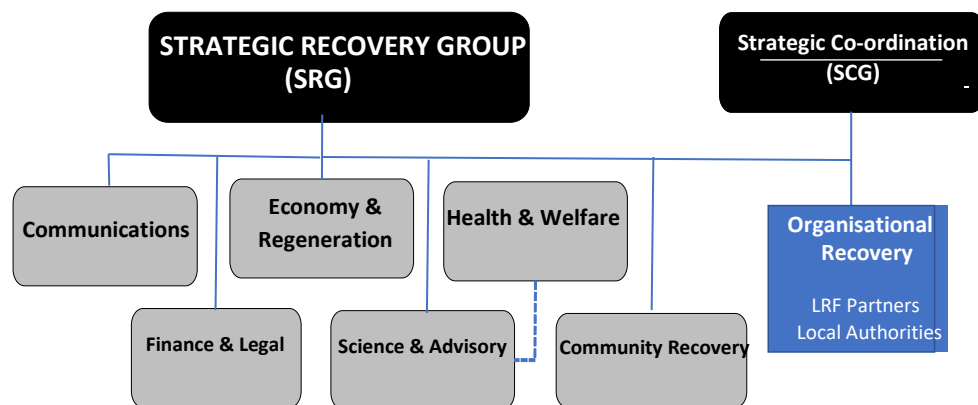
- 1.2 Since then, the response to the pandemic emergency has continued, as it has throughout the past six months:
- Nearly £9.7 million in business rate reliefs (expanded retail discount and nursery discount) have been granted by the Council to 825 businesses.
 - A joint team across economic development, policy, finance, internal audit, transformation, customer support and Arvato has paid almost 3,000 Derbyshire Dales businesses approximately £33 million in COVID-19 business grants, with the aim of helping smaller businesses survive lockdown.
 - As part of this, the District Council has distributed £1.7 million of its £1.7 million Discretionary Grant Fund allocation, thanks to a concerted effort by a cross-departmental team led by Economic Development with support from the Internal Auditor.
 - Since June, members of CLT have been engaging with the County Council and parish/town councils in Ashbourne, Bakewell, Hathersage, Matlock, Matlock Bath and Wirksworth to spend a £63,808 allocation of the Reopening High Streets Safely Fund.
 - Full reports on these schemes will be brought to Members once they have concluded and financial audit is complete.
- 1.3 This report sets out a framework and initial action plan for the Derbyshire Dales Economic Recovery Plan. It seeks to support the sustained renewal of the district's economy. In doing so, it reflects upon the Corporate Plan 2020-24 (adopted shortly before the Coronavirus pandemic set in) and will fix the context for reviewing existing plans and strategies, including the Economic Plan and Local Plan. Of necessity, it will also pay attention to the District Council's resources, human and financial: both have been constrained by the impact of Coronavirus.

2 APPROACH

- 2.1 It is important to note that the District Council is not starting from a blank sheet of paper. Firstly, it has already undertaken much vital recovery work: re-opening public toilets, markets and leisure centres being perhaps the most visible, but by no means the only, steps that have been taken already. All have required financial intervention by the District Council. Second, there is much within the District Council's existing plans and strategies that is highly relevant to the Derbyshire Dales in the COVID-19 era. Within those already carefully researched and consulted plans, there might be some priorities to re-assess, but there will be a number of priorities and actions to continue, and some to reinforce, as well as new additions (as resources allow).
- 2.2 The District Council, as the principal place-shaping agency for the Derbyshire Dales, has a key role in leading the economic recovery of the district. The Emergency Committee on 11 June 2020 agreed to:
- 1) Conduct a rapid updating analysis of available data, to assess the resilience and impact of COVID-19 on different elements of the local economy, and to assess which elements might need more action to help stimulate a lasting economic recovery
 - 2) Develop a Derbyshire Dales Recovery Plan, based on the recently-adopted Derbyshire Dales Economic Plan 2019-2033, underpinned by the economic

assessment referred to in (1), that seeks to build a prosperous, sustainable economy. In doing so it would set out and prioritise both re-purposed and potential new interventions considered necessary, and what new resources are required to achieve these.

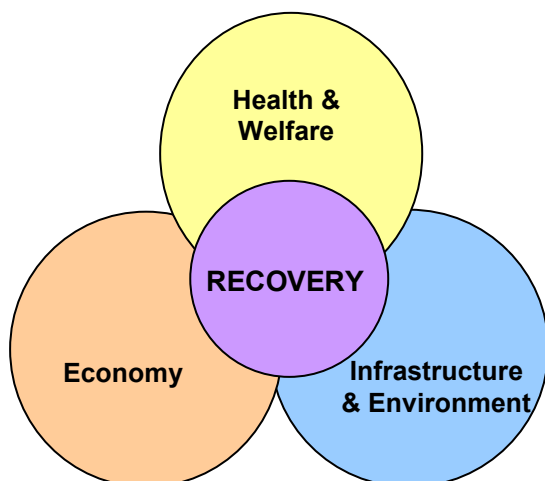
- 2.3 This work is not being carried out in isolation from that being undertaken in other agencies. Work has started at the D2N2 and county levels to plan for the recovery of the wider region. It is known from past experience that the needs of the Derbyshire Dales are unlikely to attract the highest priority in such plans. Despite best efforts from officers and Members, the Dales has in the past struggled to gain full potential from regional and county led activity. Nevertheless, the District Council participates fully in such activity and the Derbyshire Dales Economic Recovery Plan has benefitted from it.
- 2.4 The recovery ‘architecture’ in Derby and Derbyshire fits within the Local Resilience Framework, and comprises:



- 2.5 The Strategic Recovery Group is tasked to align recovery activity from COVID-19 in a way that makes the most of the opportunities that will come with new ways of living and working. Membership includes:
- County/City/District councils
 - NHS England, and Public Health England
 - Police, and Fire and Rescue Service
 - Ministry of Housing, Communities and Local Government
 - D2N2 Local Enterprise Partnership
 - Peak District National Park

District Council officers participate actively in the Strategic Recovery Group and its sub-groups. Their work to date has been very helpful in shaping and informing this Derbyshire Dales Economic Recovery Plan. In order to help other agencies understand better the needs of the Derbyshire Dales, the Rural Economy Position Statement (Appendix 1) has been prepared, which Members are asked to endorse.

- 2.6 The Strategic Recovery Framework for Derby and Derbyshire uses the following model to illustrate that recovery encompasses social, economic and environmental considerations:



- 2.7 Although Coronavirus itself is primarily a public health issue, lockdown has meant that this is very much an economic and a social crisis. The economy will feature front and centre in the Derbyshire Dales Recovery Plan, because businesses and jobs mean incomes and wellbeing. It has been well documented that high quality jobs lead to better living standards. And COVID-19 has sharply highlighted the fact that poor living standards mean poor health and social problems. Therefore economic recovery is a key driver for social recovery.

3 DATA ANALYSIS: IMPACT OF COVID-19 ON THE DERBYSHIRE DALES

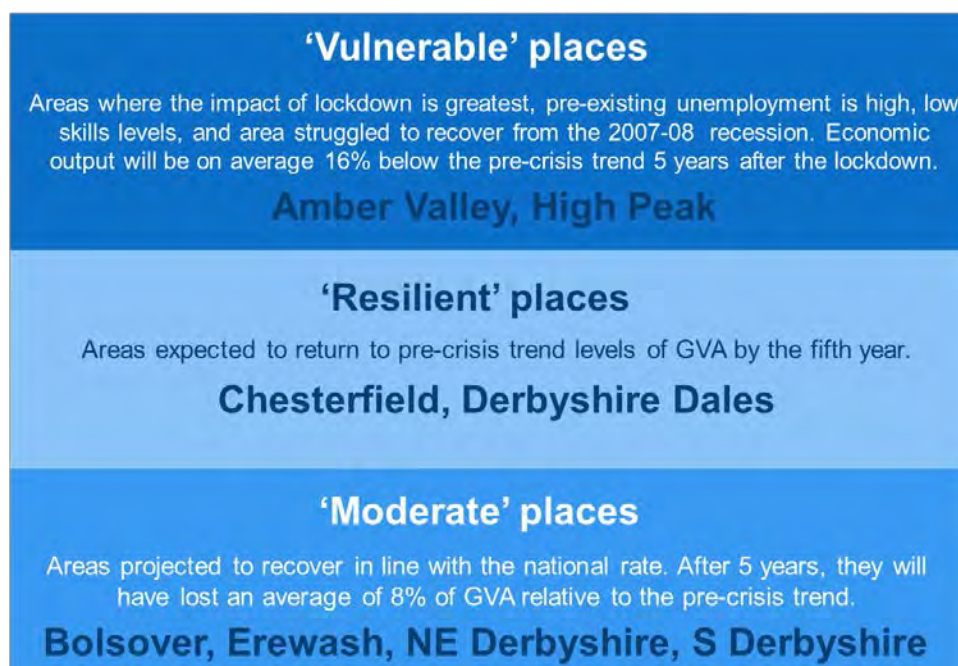
- 3.1 An analysis of available data sources has been undertaken, in order to assess resilience and the impact of COVID-19 on the Derbyshire Dales economy, and to assess which elements might need more action to help stimulate a lasting recovery. The statistical evidence base is presented in detail in Appendix 2. Key findings are can be summarised as follows:

Economy

- 3.2 The Derbyshire Dales economy is characterised by a predominance of small and micro-businesses, many of which were unable to operate under lockdown. Medium and larger businesses, which are important employers in the Dales, have also been impacted to different extents. Those businesses that could trade saw falls in bookings, sales, cashflow and turnover and supply chain disruption. Whilst grants and furloughing protected employees in a number of firms, a phased end to the furlough scheme has started. The impact of COVID-19 on jobs and prosperity in the Derbyshire Dales in the medium to longer term is not fully known, but will not be insignificant.
- 3.3 At a national level, the initial Bank of England COVID-19 scenario predicted an annualised GDP decline of 14% in 2020, with a sharp 20% fall in Q2 (April-June) but then a bounce back in activity in the second half of 2020. More recent forecasts have coalesced around an 8.6% GDP decline in 2020 (Source: Derbyshire County Council). However, there remains a great deal of uncertainty about the future shape of the national economic recovery.

- 3.4 Derbyshire County Council has used existing studies to compile the following summary of longer term GVA prospects in Derbyshire:

Long-term GVA position in Derbyshire



Source: The Economic Impact of Covid in Derbyshire, July 2020, Derbyshire County Council Policy and Research)

- 3.5 **Conclusions.** Overall, the Derbyshire Dales economy has been assessed as having a degree of longer term resilience to the impact of COVID-19. However, ‘resilience’ is a relative concept, and the district is clearly facing a significant GVA decline and unemployment rise, partly in relation to the visitor economy. Nevertheless, **Derbyshire Dales is better positioned to push for economic recovery than many other districts.**

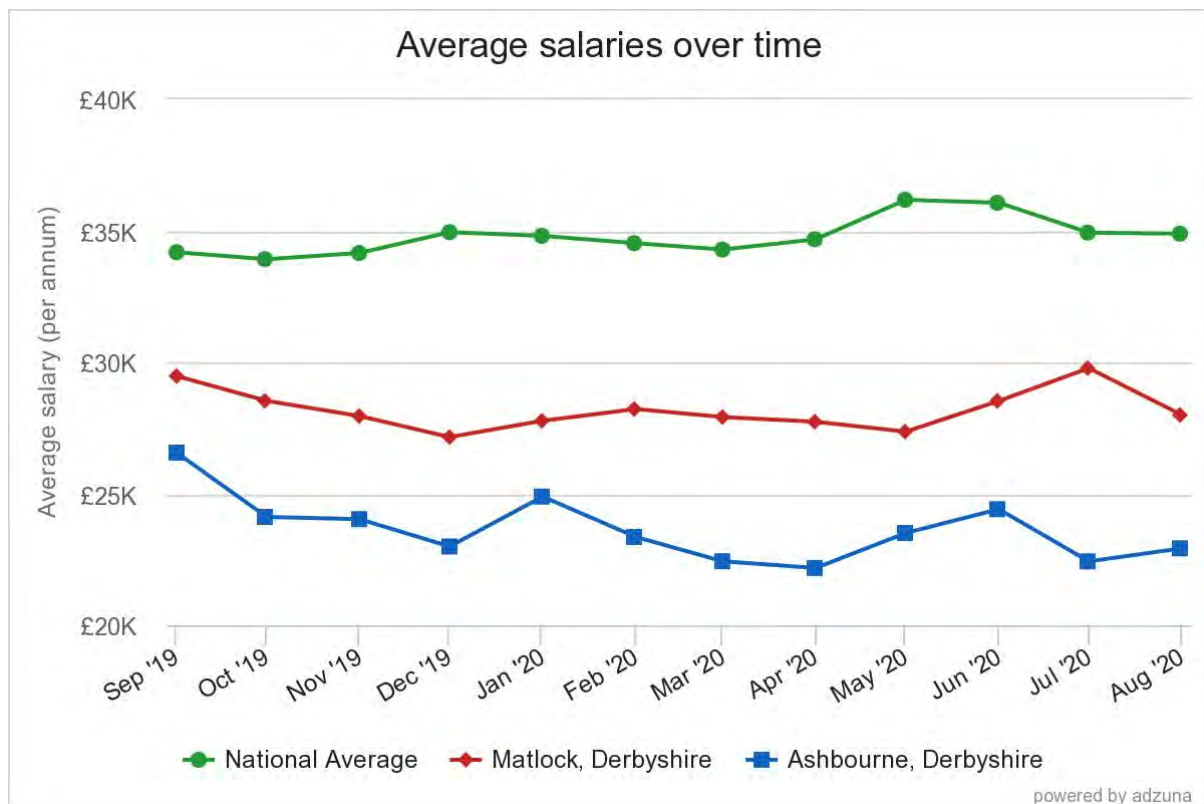
Jobs

- 3.6 Baseline economic data for the Derbyshire Dales is a helpful starting point. It presents a mixed picture. Skills levels are very high, and business survival rates are traditionally strong. However wage levels are low in the Derbyshire Dales.

Baseline economic data	D2N2	Derbyshire Dales
5-year survival of new enterprises	44%	49%
Skills Level 4 & above	33%	48%
Weekly workplace wages	£417	£376
Economically active	78%	84%
Business per 1,000 economically active	52	122
Self-employment	9%	16%

Source: Economic Plan, Council November 2019

The ongoing wage gap between the Derbyshire Dales and the rest of the UK is illustrated by the following chart, based on advertised salaries for vacancies:



Source: Adzuna labour market statistics, downloaded 7 September 2020

- 3.7 Manufacturing industry (in small and medium sized businesses) is a key employer in the district. Pre-pandemic, this was one of the Derbyshire Dales' healthiest sectors, with expansion and job creation held back only by a lack of space locally to grow. Manufacturing has tended to provide higher quality (better skilled and better paid) permanent jobs for local people, particularly within firms engaged in more advanced manufacturing. During the pandemic, manufacturing remained moderately resilient. Anecdotally, some manufacturing businesses in the Derbyshire Dales restarted relatively quickly after lockdown; in one case with every employee being brought back from furlough by July, but the Council is also aware of firms that continue to face significant challenges.

Key economic sectors – Derbyshire Dales (see Appendix 2)

Sector	Derbyshire Dales employment % and no.	National employment %
Manufacturing	14.9% (5,075)	8.1%
Accommodation and Food	14.7% (4,750)	7.6%
Public Administration	8.8% (3,000)	4.3%

- 3.8 The visitor economy (accommodation and food) is another large employment sector in the district. However, pre-pandemic, this sector was characterised by lower wage, lower skilled jobs, often on part-time, temporary, casual contracts.

During lockdown, accommodation and food services were badly affected, with large parts of this sector temporarily closed.

- 3.9 COVID-19 has highlighted the vulnerability faced by the Dales economy owing to low skill, low wage visitor economy jobs. Not only were visitor economy jobs most affected by COVID-19; they are also not the jobs that will build prosperity. Sustainable economic recovery in the Derbyshire Dales means focusing on more resilient and value-adding sectors.
- 3.10 Data from the Coronavirus Job Retention Scheme shows that 34% of employments were furloughed in the Derbyshire Dales (August 2020), similar to the UK (32%) and Derbyshire (33%). Figures from the Government's COVID-19 Self-Employment Income Support Scheme shows slightly lower take up in the Derbyshire Dales (73%), in common with some other rural areas, when compared to the national and Derbyshire take up of 77%.
- 3.11 Claimant count figures indicate that whilst the Derbyshire Dales saw the highest percentage increase in unemployment (133%) of Derbyshire districts at the start of lockdown, this was from a very low base (535 people in March 2020, rising to 1,245 people in April 2020). However, unemployment in the Dales at 3.6% in August 2020 remains the smallest in Derbyshire (average 5.0%), and D2N2 modelling expects it to remain the lowest in Derbyshire and Nottinghamshire.
- 3.12 Without more granular data, it is expected that many of the jobs lost were in the visitor economy. Indeed, modelling for D2N2 indicates that part-time, low-paid jobs were particularly affected by lockdown; these typify the visitor economy sector. Unemployment rises are likely to have affected younger people more than older people, which is of concern for the future sustainability of the economy. The Council will continue to promote both Government and partner support available to this group. However, it should also be noted that the Derbyshire Dales has the lowest proportion of young people in the workforce in the whole D2N2 region.
- 3.13 *Conclusions.* The resilience of the Derbyshire Dales economy is in part due to its preponderance of small and medium sized manufacturing businesses, together with the levels of public sector employment in the district. As well as cushioning the economic shock from COVID-19, small scale manufacturing offers the Derbyshire Dales a positive route to economic recovery. **Growth in smaller manufacturing businesses, especially those engaged in higher value activities (and their supply chains), is a pathway to help lift employees into higher wage, higher skilled jobs.**
- 3.14 To grow SME manufacturing firms requires facilitating the provision of suitable sites for smaller businesses to expand, and work to achieve this should be a focus of the Economic Recovery Plan. Given the Climate Change ambitions of the District Council, an emphasis on clean growth (low carbon industry) where possible should also be part of the Recovery Plan. Given that key brownfield employment sites in the Derbyshire Dales are allocated in the adopted Derbyshire Dales Local Plan for mixed use (i.e. including both housing and

employment uses), facilitating housing as well as employment on such sites is a fundamental driver in the Recovery Plan.

Towns and infrastructure

- 3.15 The vitality of town centres is driven by a combination of factors. These include the disposable income of the local community, visitors, good digital connectivity, strong local business networks, and an immediate catchment which drives footfall and passing trade. National restructuring of the retail sector, influenced by the rise in online sales, means every town faces the challenges of declining high street spend and footfall.
- 3.16 COVID-19 has added to these challenges. Social distancing measures may impact profitability. Some customers, now accustomed to online purchasing and home delivery, may not return to high street retailers. The role and recovery of town centres will also be affected by the broader economy.
- 3.17 Major trends likely to be important in shaping the health of town centres include:
- i) A further decline of traditional town centre retail and move to online shopping (especially comparison shopping: fashion, electrical goods, etc.). However, smaller towns with fewer national retail chains and a more independent, locally distinctive offer may be less affected.
 - ii) A potential fall in demand for retail and office space as home working is mainstreamed by some employers. This decline in investment in larger city centres may, however, be less problematic in smaller towns with fewer offices.
 - iii) A rise in the importance of the local catchment and local services in smaller town centres. Local customers provided a lifeline for many shops during lockdown. Convenience shopping rose under lockdown, and could remain high if shoppers look more locally for day to day shopping. As a result, towns with a good residential community and walk-in catchment may be better placed to adapt. The smaller towns typifying the Derbyshire Dales have potential in this regard.
 - iv) An increasing reliance on technology. Retail and hospitality businesses have started to gear up for online shopping, click and collect, home deliveries, etc. Although this cannot wholly replace traditional walk-in custom, it is a trend that could well grow. Cash use also dropped significantly during lockdown, accelerating an existing trend. This will continue with more reliance on cards and devices for payment. Overall, town centre businesses will be increasingly reliant on technology, making broadband to premises and Wi-Fi coverage urgent and essential.
 - v) As retail changes, town centres will need to develop other uses to retain vitality. Additional town centre housing has been emerging in city centres in recent years, and may become the norm in smaller town centres too. Leisure activities can also help sustain footfall. Programmes of events on the street, when it is safe and possible to do so (as well as in parks) can increase footfall if planned and managed properly.
- 3.18 *Conclusions.* Thriving town centres require prosperous towns and communities around them, and to offer 'experiences' that encouraging visits and dwell time. Therefore the support for more better-paid jobs across the Derbyshire Dales is

required to support town centres. Thriving residential communities are also a pre-requisite for town survival. In order to support market town centre revival across Derbyshire, a joint **D2 Market Towns funding bid** between the districts and the County Council has been submitted to the D2N2 Local Enterprise Partnership. As well as including activity common to all districts (football monitoring and public Wi-Fi being examples), the bid includes a locally-specific scheme for each district.

- 3.19 The specific Derbyshire Dales scheme submitted is **Matlock's Bakewell Road redevelopment scheme**, as considered previously at the Community and Environment Committee (most recently on 21 August 2019) and Commercial Board (28 November 2019). A full business case for this scheme is being prepared for consideration by Members in the coming months. The scheme will diversify the town centre offer in Matlock by introducing a leisure attraction in the form of a small two-screen cinema, plus enclosure of part of the covered bus bay area to provide an ancillary commercial use – retail / Food & Beverage unit – to support project viability. The property holds a prominent position at the entrance to the town centre from the west, and the proposed scheme provides the opportunity to create a significantly enhanced entrance to the retail centre.
- 3.20 Members will recall that, because it is within the District Council's ownership, the underused market hall and adjacent bus bays at Bakewell Road represent the best and only realistic option for District Council engagement in a town centre redevelopment. Whilst details in the business case are yet to be finalised, it is inevitable that this scheme will require capital finance from the District Council. The capital funding requirement anticipated is between £750,000 and £800,000, which at this stage Members are asked to note. Should the D2N2 funding bid be successful, the Council's funding requirement would reduce.
- 3.21 Further funding bids of benefit to the district being co-ordinated by the County Council include World Class Derbyshire Destinations (designed to improve townscape in visitor destination towns); and the Derwent Valley Corridor initiative (designed to improve transport and infrastructure in the Derwent Valley and including all communities in the Derbyshire Dales central area). Information on the latter has been requested from the County Council and any updates will be reported to the meeting.

4 REVIEW OF CORPORATE PLAN AND ECONOMIC PLAN

- 4.1 Growth in smaller manufacturing businesses is a pathway to help lift employees into higher wage, higher skilled jobs. Tourism jobs are typically characterised by low pay, casual contracts and part time hours: these are not the defining feature of the Dales economy now, and cannot be seen as the driving focus going forward. There is an opportunity now to put SME manufacturing front and centre of the Derbyshire Dales' recovery efforts.
- 4.2 In its report to the District Council in October 2019, the LGA Corporate Peer Challenge said:

The council should consider its own skills base and investment capability to promote jobs and business growth. The draft economic plan drives an ambitious direction at a time when site delivery and wider economic circumstances are challenging and suitably skilled staff are needed.

Once the new corporate plan priorities have been confirmed, there will be the need to further review capacity and skill requirements to deliver – “step up from enabling to delivery”

- 4.3 The Corporate Plan 2020-24 adopted in March 2020 includes the priorities and action pledges under the ‘Prosperity’ theme (listed below with updates as to progress at September 2020 annotated) that relate well to the recovery priorities brought forward in this report.

TARGET AREA	PLEDGE	UPDATE SEPT 2020
Invest resources in developing key employment sites	Facilitating the development of Ashbourne Business Park and Phase 1 housing at Ashbourne Airfield	<ul style="list-style-type: none"> • Work due to commence on site Autumn/Winter 2020
	Pursuing funding to unlock employment land at Middleton Road/Cromford Road, Wirksworth	<ul style="list-style-type: none"> • In progress
Promote investment to stimulate the economy of our market towns	Initiating a development scheme for the Bakewell Road site, Matlock town centre	<ul style="list-style-type: none"> • Full Business Case being developed for Autumn cttee meeting
Support businesses to encourage productivity, growth, and higher wage jobs in rural and urban locations	Continuing to provide a high quality, free, 1:1 business advice service to small and medium sized businesses	<ul style="list-style-type: none"> • Ongoing
	Launching the Derbyshire Dales Place Branding Initiative	<ul style="list-style-type: none"> • Specification drafted and quotes being sought
	Complete a review of the Derbyshire Dales Local Plan	<ul style="list-style-type: none"> • Council Report 8th October
	Support communities in developing Neighbourhood Plans	<ul style="list-style-type: none"> • Ashbourne & Brailsford NP consultations underway

- 4.4 It is considered that the activities tabulated above relate well to the economic recovery needs of the Derbyshire Dales, and that in particular ‘Invest resources in developing key employment sites’ should be prioritised. It is suggested that this should include **prioritising regenerating housing and employment sites**, given the mixed-use nature of a number of housing and employment sites in the district, and given the need to strive to develop brownfield sites to take housing pressure off greenfield sites and provide new employment units – despite such sites not being in the Council’s ownership. This potentially could

represent a shift from allocating sites to also facilitating delivery of sites, and as such would be a relatively new role for this District Council.

- 4.5 The Derbyshire Dales Economic Plan was adopted in November 2019, with the strategic aim that remains highly pertinent in the COVID-19 recovery phase: to develop

A resilient, higher value and more productive Derbyshire Dales economy

- 4.6 The priorities and actions in the Derbyshire Dales Economic Plan are:

PRIORITY 1: Strategic Growth Sites & Infrastructure

- **Delivery of Ashbourne Business Park and Phase 1 housing allocation at Ashbourne Airfield**
- **Pursuing funding to unlock employment land at Middleton Road/Cromford Road, Wirksworth**
- **Bakewell Road town centre development site, Matlock**
- **Continue to facilitate discussions between Homes England and private landowners**

PRIORITY 2: Business Support to Enable Growth

- **Deliver a high quality, free, 1:1 business advice service to SMEs**
- **Provide practical assistance to help growth companies access external grant and loan support**
- **Broker specialist support to enhance productivity and exporting**
- **Maintain regular business engagement inc. e-newsletter, events and Dales CEOs Forum**

PRIORITY 3: Sector Specific Support

- **Workshops on specialist areas e.g. Patents and IP**
- **Partner in exporting and supply chain events**
- **Promote take-up of partnership programmes and support inc. the DE-Carbonise Project**

PRIORITY 4: Marketing the Derbyshire Dales as a Business Location

- **Launch a Derbyshire Dales Place Branding initiative**

PRIORITY 5: Skills & Workforce Development

- **Encourage employers to utilise available workforce development and training programmes, influence providers to deliver support within the Dales and retain younger people in key local sectors**

along with six Strategic Growth Sites:

- Ashbourne Airfield Industrial Estate
- Middleton Road, Wirksworth
- Cawdor Quarry, Matlock
- Halldale Quarry, Matlock
- Riverside Business Park, Bakewell
- Bakewell Road, Matlock Town Centre

and a particular focus on three sectors:

- Manufacturing (esp. advanced activities and Food & Drink)
- Knowledge based/Creative and Digital Industries (CDI)
- Visitor Economy

- 4.7 It is considered that this prioritisation remains appropriate, in particular that **strategic growth sites and infrastructure should be the top priority and the six sites listed be the focus**. The **sectoral focus on manufacturing should remain, together with CDI**. However as noted above, the visitor economy would not be a primary focus in the post-pandemic recovery plan (other than where higher value generating tourism can be stimulated).
- 4.8 Site development is a complex task, since with the exception of Bakewell Road Matlock none of the above sites is owned or controlled by the District Council. Some sites have high preparation costs associated with former uses (such as quarrying), presenting risks to owners and developers. The District Council's role with such brownfield sites will need to be enhanced, moving from allocation to direct facilitation in ways that de-risk development. This can be achieved by recruiting skilled staff to add to the existing team.

5 RESULTING ACTION PLAN

- 5.1 As **lead place-shaping agency** for the Derbyshire Dales, the District Council will (top priorities underlined):
- Invest resources in developing key employment sites, with Ashbourne Business Park being an immediate priority to provide workspace for manufacturing growth
 - Re-invest in the Bakewell Road Matlock site to redevelop this town centre land that is owned by the District Council (business case in preparation)
 - Increase engagement with strategically important medium sized and larger firms in the Derbyshire Dales, on a 1:1 contact basis at Director / CEO level, and via the Derbyshire Dales CEO Forum (Zoom meeting held 28 September 2020) to inform recovery planning
 - Re-shape its Regeneration Services to drive investment in brownfield and other key strategic housing/employment sites, enabling businesses to relocate to and grow in our district
 - Assist key businesses by considering use of Business Rates deferral / relief in certain hardship cases
 - Assess the feasibility (with partners) of establishing a Derbyshire Dales (or Peak District) LEADER-style business recovery fund, utilising annual Small Business Rate Relief receipts, to support growing small and micro employers
 - Re-start place-based marketing with a Derbyshire Dales 'open for business' campaign to promote the area for economic investment
 - Review the District Council's Procurement Strategy to increase local purchasing where it this provides value for money and is not contrary to regulations
 - Ensure the forthcoming review of the Derbyshire Dales Local Plan (and the studies and surveys commissioned in support of the Local Plan review) addresses economic recovery as a key theme, including residential and leisure uses in town centres, broadband investment, and clean growth
- 5.2 As a **partner in county and regional economic initiatives**, the District Council will work with neighbouring local authorities, the D2N2 Local Enterprise Partnership, Derbyshire Economic Partnership, East Midlands Chamber, Business Peak District, and Marketing Peak District and Derbyshire, to:

- Support role out of the ‘ShopAppy’ scheme in Dales market towns to support the local economy by providing an online, place-centred local marketplace that enables customers to browse, book and buy local product and services with click-and-collect and home delivery
 - Participate in the D2 Market Towns funding bid
 - Participate in the D2 Derwent Valley Corridor funding bid
 - Advertise the webinar programmes, run by East Midlands Chamber, D2N2 Growth Hub and by Marketing Peak District and Derbyshire, to support businesses as they re-open
 - Lobby the Government to urgently establish the UK Shared Prosperity Fund that was intended to replace EU structural and investment funding post-Brexit, and ensure that it adequately supports rural and small businesses
 - Work with the Derbyshire LRF Strategic Recovery Group, Economic Recovery Cell, to contribute to economic recovery planning across Derbyshire
 - Seek, via Vision Derbyshire, the provision of a 1:1 business start-up service delivered through a network of locally based, generic start-up advisors (handholding, business registration, business plans, funding applications); access to a specialist advisors e.g. marketing, retail, HR, patents/IP; local networking events and flexible grant scheme available to new start businesses within the first year of trading. Developed with other Derbyshire authorities it is proposed that the two year programme is funded via funds remaining within the countywide Business Rates Pooling Fund
 - Promote the Government’s Kickstart programme to help young people into work, including active referral of companies with less than 30 employees to East Midlands Chamber as a local intermediary, and work with partners countywide to investigate the appetite for a virtual ‘jobs fair’
 - Promote greener recovery / low carbon growth opportunities drawing on external grants – including green tourism where this can deliver higher quality jobs
 - Work with Jobcentreplus / DWP to identify support strategies / referral to IAG
- 5.3 Officers have consulted both Derbyshire County Council and the D2N2 Local Enterprise Partnership in developing this plan. As noted, countywide initiatives feature in the plan, and the District Council participates constructively and beneficially in such initiatives. The D2N2 Economic Recovery and Growth Strategy supports the plan, and includes propositions such as “Promote superfast broadband 4G and/or 5G for areas including the Derbyshire Dales”, and “Our investments in transport infrastructure connect rural areas, towns and suburbs into areas of economic opportunity; and low-carbon journeys within and between them are available and affordable.”

6 RISK ASSESSMENT

6.1 Legal.

This report does not in itself raise any legal issues. At this time the legal risk is considered to be low.

6.2 Financial.

The £9.7million of extended business rate reliefs, £33 million in COVID-19 business grants and £1.7 million Discretionary Grants Fund have all been financed by the government, who also gave a grant towards administrative costs.

Subject to members' approval of this report, the revenue costs for the Derbyshire Dales COVID-19 Economic Recovery Plan will be built into the draft budget for 2021/22 and Medium Term Financial Plan for consideration by Council in March 2021. Members are asked to approve a supplementary revenue budget of £50,000 to address any immediate revenue costs in 2020/21, with financing from the Economic Development Reserve. The Economic Development Reserve currently has an uncommitted balance of £244,900.

Capital funding for the Matlock Bakewell Road redevelopment scheme is estimated at up to £800,000; this report seeks approval for a bid to be built into the Capital Programme to be considered by Council in November 2020. Should the D2N2 funding bid be successful, the Council's funding requirement would reduce. The project could be funded from reserves but will need to be considered at the November Council meeting alongside other bids for capital financing.

The financial risk is assessed as high.

7 OTHER CONSIDERATIONS

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

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ATTACHMENTS

Appendix 1 Derbyshire Dales Rural Economy Position Statement

Appendix 2 Data analysis evidence base

APPENDIX 1

THE RURAL ECONOMY AFTER CORONAVIRUS – POSITION STATEMENT FROM DERBYSHIRE DALES DISTRICT COUNCIL

The visitor economy (although important) is not what defines rural economies.

Small scale manufacturing and engineering is the lifeblood of rural economies

– absolutely so in Derbyshire and even more so in places such as the Derbyshire Dales. (For the record, 13% of employees in the Derbyshire Dales work in manufacturing, 7% in tourism, and 2% in agriculture and quarrying – ONS UK Business Register and Employment Survey.) The Derbyshire Dales has many thriving small manufacturing businesses: Buxoplas in Bradwell, for example, supplied equipment for the NHS Nightingale hospitals.

Manufacturing and engineering, along with quarrying, tends to offer high-wage, high skill, permanent, full-time jobs. By contrast, the visitor economy is typified by **low wage, low skill, temporary, casual, part-time roles**. Hospitality roles are important as starter jobs (e.g. evening/weekend jobs for teenagers) but they do not enable strong, sustainable economic recovery and growth. Visitors are of course important, but tourism is not the defining feature of rural communities, nor is it the way to lift rural incomes.

In the Derbyshire Dales, wages in some of our workplaces are amongst the lowest in England. The 2018 ONS Annual Survey of Hours and Earnings put pay in the Derbyshire Dales at £376 per week the 289th lowest out of 326 districts in England (median gross weekly workplace pay), and well below the £393 average for Derbyshire and £417 average for the East Midlands.

Better local incomes are key to make rural communities thrive; how else can local people afford the high cost of housing, with house prices inflated by migrants from neighbouring cities, whose work and spending is largely outside the rural communities where they sleep?

The driver of the rural economy is manufacturing and engineering. Smaller manufacturing businesses, workshops and other enterprises will be what drives the economic and social renaissance of rural districts. This is the route to help lift employees out of the deprivation that so often features in rural communities.

With this in mind, Derbyshire Dales District Council has five asks.

1. In order to help on smaller manufacturing and engineering firms that will drive rural growth, policy makers (LEPs and Government) need to **adjust their funding criteria to focus on smaller-scale activity**. LEPs are currently constrained by Green Book rules that prioritise big job creation ahead of small schemes that appear on these metrics to offer less value for money to the Government. These criteria need to change.
2. Some funding needs to be ring-fenced and devolved to rural areas themselves – decision makers in national and regional cities are badly placed to manage funding schemes that should and must give small grants to small businesses;

local schemes are needed. Therefore when the Shared Prosperity Fund is rolled out to LEPs, they must **set aside a fund for rural economic growth that is to be determined and managed in rural areas**. The best example of this is the former LEADER schemes, where a rural district is devolved relatively small sum (less than £10m) to be managed by a Local Action Group (rural business leaders and local decision makers) rather than managed by LEP HQ – local management means minimal bureaucracy and good rural knowledge. Grants are relatively small, with flexible intervention criteria. Previous successful rural schemes have seen an average £11,000 cost per job created; in urban LEP terms this is always going to look expensive (D2N2 look for a cost per job of £6,000), but for rural areas that is exactly what is needed.

3. Small businesses need small sites. In the Derbyshire Dales, we have small businesses keen to expand, but a lack of sites for them to occupy. In rural areas, unlocking small employment sites is essential. However, such sites often fall below the scale and value-for-money thresholds that LEPs are told to consider. Sometimes too, such sites have been paralysed by market failure and will never progress without state interventions that represent poor value-for-money. But in rural communities these are often the **ONLY** sites, and so regardless of value-for-money they must achieve state funding - or else these sites and the communities that surround them will remain underdeveloped. So **criteria for LEP funding of rural land/property developments need to be adjusted to give far more account to their local strategic importance and take less account of value-for-money**.
4. Better rural broadband and 4G/5G is also vital. The relative cost of providing fast broadband to the most isolated communities has sadly slowed down its provision – yet arguably these are the communities that need it most. Broadband improvements in the last decade have been greatest in the urban fringe and larger rural communities, but the most isolated rural communities still struggle to get decent speeds. Ironically, knowledge-based jobs are not city-dependent, and COVID-19 has shown these do not need to be clustered in urban hubs. While the suburbs have profited from homeworking, rural areas are less able to do so because of relatively poor broadband. So **ultrafast broadband installation in the most isolated rural areas must be prioritised**. Demand is numerically lower as people/businesses are more scarce, meaning that outer rural areas do not stack up commercially for Openreach when compared to more populated areas. But the strategic need is relatively greater.
5. Finally, back to the visitor economy. The visitor economy is part of the problem for rural areas (mainly offering plentiful poor quality jobs rather than plentiful high skill, high wage jobs); but it *could* be part of the solution. COVID-19 has shown the vulnerability of hospitality jobs, many of which have been swept away. Just rebuilding the same weak visitor economy is not the answer. Instead, any intervention in the visitor economy must focus on quality. Higher skilled, better paid, higher quality jobs can come from the visitor economy, but for that to occur higher visitor spend must be generated. This in turn depends on staying visitors. Day trippers who drive in and out in a few hours, spending a few pounds on a bag of chips and a cup of tea, are never going to generate rural wealth. Instead, overnight stays are vital – staying visitors spend on accommodation, sit-down

meals, and multiple attractions. How do we generate staying visitors? Two things must come together: **more, better quality accommodation (rural hotels); AND more, better quality rural visitor attractions.** We also need the local **tourism industry to come together to create, market and sell bookable packages** that bring these two together – e.g. cycling weekends based around quality local food and drink establishments; walking holidays using existing routes staying in accommodation that offers good food. The green agenda can be captured here.

To conclude:

In order to secure vital Government and LEP funding to grow the rural economy, **local rural strategic need must outweigh straight value for money in Government and LEP decision making;** on purely commercial grounds rural areas will never offer the same scale or gain as urban interventions. But **forcing rural areas to compete for economic funding on the same playing field as urban areas is not inclusive.** It excludes the large rural economy from growth.

In fact, rural business survival rates are typically higher than for urban businesses, and as we have seen the rural economy is as technological (manufacturing and engineering) as are cities. Rural business density is high, and the skills base in rural areas is strong. Writing off rural areas as merely play areas for tourists would be a crass error. We have rural manufacturing and engineering employers that are desperate to expand. What they need is modern workspace to grow into. We have knowledge based industries craving a rural environment, but they lack ultrafast broadband here.

Rural growth is being constrained by the slow pace of employment land delivery, alongside connectivity constraints exacerbated by relatively slow broadband.

By channelling Government and LEP investment to rural economies, we can offer economic growth and resilience. However, a failure to create more high wage, high skill rural jobs risks condemning rural areas to become, in a crude and probably unfair characterisation, homes for retired executives, with no local workers to support rural town centres. **Without more good quality rural jobs, people of working age will fall to below half the Derbyshire Dales population by 2033** (whilst over 60s increase by 43%).

Recovery post-Coronavirus is an opportunity to reset thinking and policy on the rural economy. Government and LEPs need to help rural areas create the **high wage, high skills jobs** that the COVID-19 crisis has shown rural areas need for resilient economic growth.

APPENDIX 2 DATA ANALYSIS – EVIDENCE BASE

A2.1 *Sectoral resilience.* Chesterfield Borough Council has carried out economic analysis, using Office for National Statistics and Office for Budget Responsibility data. It has established the following categorisation of economic sectors as higher, middle or lower resilience to COVID-19 impacts. The categorisations are general: not all businesses in the higher resilience category will be 'highly resilient'. Rather, the definition applies to the sector as a whole, with businesses in the sector generally being more resilient than those in sectors classified as middle or lower order resilience. Equally, there will be some highly resilient businesses in lower resilience sectors.

Sector Resilience to COVID-19		
Higher resilience	Middle resilience	Lower resilience
<ul style="list-style-type: none"> Financial & Professional Services ICT Health & Social Services Education Public Admin 	<ul style="list-style-type: none"> Retail Wholesale/Vehicles Manufacturing Utilities/Waste Services Transport & Storage 	<ul style="list-style-type: none"> Construction ‡ Admin & Support Services Leisure & Recreation Accommodation & Food Services Other Services


Source: Chesterfield Borough Council, June 2020

A2.2 Applying this categorisation to Derbyshire Dales' business sectors provides a view as to the resilience of the local economy, relative to the national average, in the table below:

Derbyshire Dales Economic Resilience			
Sector	Derbyshire Dales employment % and no. *		National employment % **
Higher Resilience			
Financial & Professional Services	7.0%	(2,400)	13.9%
ICT	2.4%	(780)	4.2%
Health and Social Services	8.8%	(3,000)	13.2%
Education	7.4%	(2,500)	8.9%
Public Administration	8.8%	(3,000)	4.3%
Total	34.4%	(11,680)	44.5%
Middle Resilience			
Retail	8.8%	(3,000)	9.3%
Wholesale / Vehicles	5.0%	(1,700)	5.8%
Manufacturing	14.9%	(5,075)	8.1%
Utilities / Waste Services	0.7%	(250)	1.6%
Transport and Storage	2.6%	(925)	4.8%
Total	32.0%	(10,950)	29.6%
Lower Resilience			
Construction ‡	3.7%	(1,350)	4.7%
Admin and Support Services	3.7%	(1,175)	9.1%
Leisure and Recreation	5.9%	(2,150)	2.5%
Accommodation and Food	14.7%	(4,750)	7.6%
Other Services	2.1%	(725)	2.0%
Total	30.1%	(10,150)	25.9%

* Source: NOMIS, BRES 2018, ONS September 2019, extracted 10 June 2020

** Source: Chesterfield Borough Council, June 2020

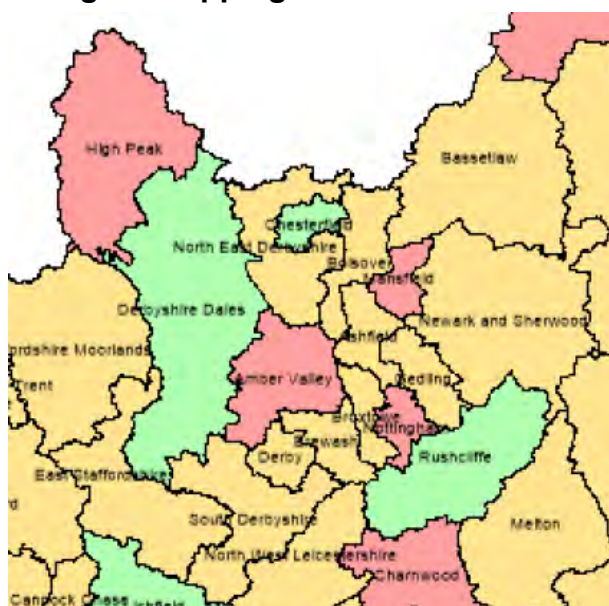
-  - highlights sector employment representation above the national average
- Note exclusion of agriculture and quarrying from local ONS data (employing between them 3% of the Derbyshire Dales workforce, or 945 employees).
- ‡ D2N2 research is now indicating that Construction is more resilient, at least in the medium term. D2N2 is starting to see the Construction sector pick up quickly, after an early dip especially amongst sole traders.

A2.3 Modelling that ranks districts according to the economic impact of lockdown is at <https://www.progressive-policy.net/publications/which-local-authorities-face-biggest-immediate-economic-hit>. This puts Derbyshire Dales (39% loss of GVA) slightly worse than the national 35% loss. It suggests that South Derbyshire (48%), Amber Valley and Bolsover (44%), Erewash (43%) and High Peak (42%) will in the top 50 worst-hit districts nationally. Therefore the impact of COVID-19 on the Derbyshire Dales economy, whilst significant, is somewhat less than the impact on the rest of Derbyshire.

A2.4 However, perhaps in recognition that accommodation and retail food services are particularly badly impacted by lockdown, an analysis of tourist areas at <https://www.theguardian.com/society/2020/apr/27/uk-tourism-hotspots-could-face-worst-of-post-lockdown-job-losses> suggested that Derbyshire Dales would have some 33% of jobs at risk, amongst the highest in the country.

A2.5 The Midlands Engine has mapped economic resilience systematically. Its analysis suggests that Derbyshire Dales and Chesterfield are the only 'resilient' economies in Derbyshire. All other Derbyshire districts are classed as 'moderate' or 'vulnerable' (Midlands Engine Economic Observatory, 5 June 2020).

Midlands Engine mapping of economic resilience



A2.6 *Furlough.* Government data on uptake of COVID-19 economic measures is also helpful. Data from the Coronavirus Job Retention Scheme shows that 34% of employments were furloughed in the Derbyshire Dales (August 2020), similar to the UK (32%) and Derbyshire (33%).

CJRS Furloughed employments by country, region and Local Authority *			
County and district	Employments furloughed	Eligible employments	Take-up rate
United Kingdom	9,601,700	30,353,200	32%
East Midlands	696,700	2,206,100	32%
Derbyshire County	120,300	362,300	33%
Amber Valley	19,700	57,500	34%
Bolsover	11,500	36,600	32%
Chesterfield	14,700	46,400	32%
Derbyshire Dales	10,400	30,100	34%
Erewash	19,100	53,400	36%
High Peak	13,800	42,600	33%
North East Derbyshire	14,300	44,400	32%
South Derbyshire	16,800	51,300	33%

* Source: Coronavirus Job Retention Scheme official statistics, HMRC 21 August 2020

A2.7 *Self-employed.* Figures from the Government's COVID-19 Self-Employment Income Support Scheme shows slightly lower take up in the Derbyshire Dales (73%), in common with some other rural areas, when compared to the national and Derbyshire take up of 77%.

SEISS statistics August 2020 by Local Authority *					
County and district / unitary authority	Total potentially eligible population ¹	Total no. of claims made to 30/6/20	Total value of claims made to 30/6/20 (£)	Av. value of claims made to 30/6/20 (£)	Take-Up Rate
United Kingdom	3,402,000	2,604,000	7,576,000,000	2,900	77%
East Midlands	218,000	166,000	477,000,000	2,900	76%
Derbyshire County	36,600	28,000	78,600,000	2,800	77%
Amber Valley	5,600	4,400	12,200,000	2,800	78%
Bolsover	3,300	2,600	7,200,000	2,800	77%
Chesterfield	4,200	3,300	8,500,000	2,600	77%
Derbyshire Dales	4,600	3,400	9,800,000	2,900	73%
Erewash	4,900	3,800	11,100,000	2,900	78%
High Peak	4,800	3,700	10,100,000	2,800	76%
North East Derbyshire	4,800	3,700	10,300,000	2,800	77%
South Derbyshire	4,300	3,200	9,400,000	2,900	75%

* Source: SEISS official statistics, HMRC 21 August 2020

A2.8 *Unemployment.* Claimant count figures are also helpful. The table below shows yearly and monthly changes in Universal Credit and New-Style Jobseekers Allowance combined for Derbyshire districts. It indicates that whilst the Derbyshire Dales saw the highest percentage increase in

unemployment of Derbyshire districts at the start of lockdown, this was from a very low base. Unemployment in the Dales remains by far the smallest in Derbyshire, and D2N2 modelling expects it to remain the lowest in Derbyshire and Nottinghamshire.

Claimant Count by Local Authority Area *					
District / City	Apr-19	Mar-20	Apr-20	Increase on Month	Increase on Year
Amber Valley	1,600	1,810	3,145	73.8%	96.6%
Bolsover	1,060	1,235	2,250	82.2%	112.3%
Chesterfield	2,025	2,075	3,255	56.9%	60.7%
Derby	4,760	5,875	8,545	45.4%	79.5%
Derbyshire Dales	435	535	1,245	132.7%	186.2%
Erewash	2,045	2,055	3,525	71.5%	72.4%
High Peak	960	1,165	2,390	105.2%	149.0%
North East Derbyshire	1,110	1,280	2,360	84.4%	112.6%
South Derbyshire	820	1,125	2,135	89.8%	160.4%

* Source: DWP North and East Midlands State of the Group Report May 2020

A2.9 *Welfare*. The greatest social impact of the pandemic is thought to be on younger people. However, the Derbyshire Dales population is characterised by older people. In the Dales, the proportion of the population aged over 70 (20%) is in the highest decile of all 339 local authorities (i.e. the Derbyshire Dales has amongst the highest proportion of people aged over 70 out of all local authorities).

A2.10 Derbyshire Dales' proportion of localities in the worst deprived 10% nationally (on health deprivation and disability measures) is in the lowest decile of all 339 local authorities (i.e. the Derbyshire Dales has amongst the lowest levels of health deprivation and disability).

A2.11 On other measure, the Derbyshire Dales has relatively low numbers of homeless and rough sleepers, and low number of overcrowded households (Source: Institute for Fiscal Studies Briefing Note BN296: The financial risk and resilience of English local authorities in the coronavirus crisis, June 2020).

A2.12 *Social housing construction* supports the economy in several ways and given that the District Council's affordable housing programme delivers on average 72 homes per year (with total investment close to £10m), maintaining this performance is key in the recovery period. In particular:

- Every home built creates 2.4 jobs (Source: LGA)
- £1 million spent on new housing provides work for 19.9 workers for a year (Source: MHCLG)
- 1 construction job supports 0.78 jobs in the supply chain (Source: MHCLG)
- £1 million income to public agencies from every 400 homes built via New Homes Bonus and Council Tax
- Using local contractors or sub-contractors 'keeps the Derbyshire Pound in Derbyshire'

- Even just a handful of affordable rural homes have an impact – affordable rural homes keep services open by securing customers and a local workforce. They sustain family and support networks, reducing isolation and loneliness. Research by English Rural HA found that for every £1 invested in an affordable rural home it generates a wider value of £6.50 for the local community and economy

A2.13 The District Council is also leading on several projects that will support recovery including:

- The Council Housing programme, which includes both new build and the renovation of empty homes. The contract specifications seek to achieve the use of local contractors in the development and maintenance of the council houses where possible. Amending the business plan to include more empty homes would help SME construction companies to engage in the council housing programme and help support the supply chain within the construction sector
- The Council has already invested £100,000 in a local external wall insulation programme for 11 homes and proposals are in development for a further 25 homes to be improved in a 2nd phase later in 2020/21 with a contract value of approx. £250,000. This proposal safeguards 87 jobs and creates 6 new jobs and 9 apprenticeships in the energy retrofit sector and supply chain. It reduces carbon emissions by approximately 5,383 lifetime carbon tonnes, tackles fuel poverty in 104 low income households, supports housing estate regeneration in our market towns, and includes investment for an off gas village. The total project is worth just under £1m and we should hear on the 28th September if we have been successful.
- The Heritage Lottery Fund project for Hurst Farm has already seen £72,000 of investment for phase 1, focusing on studies and consultancy services in preparation for the Phase 2 bid which will bring a further £1m to Matlock. The construction works will see a new accessible path built in and around the woodland area that surrounds Hurst Farm, linking the heritage sites and further promoting the area as a visitor destination.

A2.14 *Homelessness* can make it harder for individuals to find a job, stay healthy and maintain relationships. The Council supports households by allocating over 300 affordable homes each year and preventing households from becoming homeless. The Council service will continue to work with housing associations to ensure available properties are let and maintained effectively.

A2.15 Derbyshire Dales District Council housing grants support three main advice agencies: the Citizens Advice Bureau providing a generic debt and advice service; Adullam Housing Association providing support to younger households; and Age UK, providing an independent housing advice service to older households. In 2019/20 these services collectively supported 381 households, generating £261,326 in new financial gains and affecting debt of £754,565. Clients of these services will typically be vulnerable and often unemployed, in low wage/low skill jobs or retired. Helping people to both attain and maintain a stable tenancy is critical to finding and sustain employment. These services also support households with volunteering opportunities,

access to training and applying for jobs. Subject to the ongoing allocation of external grants, the Council will continue to fund these vital services as part of the wider COVID-19 recovery plan.

- A2.16 *Air quality.* Early analysis of air quality results across the district suggests that during the height of lockdown the level of air pollution relating to traffic dropped to approximately 45% of its pre-lockdown average. As lockdown eased levels began to increase again. In July (the last month for which we currently have figures) the average level was around 70% of pre-lockdown average.
- A2.17 The figures available are:
- Pre-lockdown average = 30 ug/m3
 - Lockdown = 13 ug/m3
 - July = 21 ug/m3
- A2.18 The Local Government Association has analysed jobs in low carbon and green energy sectors, estimating requirements to achieve net-zero nationally and per local authority area.
https://lginform.local.gov.uk/reports/view/lga-research/estimated-total-number-of-direct-jobs-in-low-carbon-and-renewable-energy-sector?mod-area=E07000035&mod-group=AllDistrictInRegion_EastMidlands&mod-type=namedComparisonGroup
- A2.19 Derbyshire Dales falls into the lowest quartile of this analysis, with amongst the fewest estimated direct jobs in low-carbon and renewable energy sector (1,167 jobs by 2050) of all English single tier and district councils. The LGA work, which is merely a long-horizon prediction, estimates that many of these will be in solar energy, nuclear energy, insulation and heat pumps. It does appear to miss potential jobs in community hydro and other local energy schemes. New analysis has been commissioned by Midlands Engine.

COUNCIL
8 OCTOBER 2020

Report of the Director of Regeneration and Policy

DERBYSHIRE DALES LOCAL PLAN REVIEW

SUMMARY

This reports advises Members of the statutory need to complete a review of the Derbyshire Dales Local Plan by December 2022. It also advises Members of the anticipated nature of the work required to undertake the review, along with a proposed timetable for its completion.

RECOMMENDATIONS

1. That the timetable for the review of the Derbyshire Dales Local Plan as set out in Appendix 1 be approved.
2. That upon receipt of external advice from the consultants appointed to undertake the work set out in Para 2.5 of this report that these topics be subject to consideration at Member Workshops and further reports be presented to the Local Plan Advisory Group.
3. That delegated authority be given to the Director of Regeneration and Policy to commission any other consultancy advice that is considered necessary to take forward the review of the Derbyshire Dales Local Plan.

WARDS AFFECTED

All wards outside the Peak District National Park

STRATEGIC LINK

The Derbyshire Dales District Council Local Plan will be a pivotal tool in the delivery of the Council's Corporate Plan, in particular those priorities relating to *Place* and *Prosperity*.

1 BACKGROUND

- 1.1 Derbyshire Dales District Council, is the local planning authority for that part of its area that sits outside of the Peak District National Park. In December 2017 the Derbyshire Dales Local Plan was formally adopted. It sets out the policies and proposals for the use and development of land for the period 2013-2033.

- 1.2 Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review Local Plans, and Statements of Community Involvement at least once every five years from their adoption date, to ensure that policies remain relevant and effectively address the needs of the local community. A review of the Derbyshire Dales Local Plan must therefore be completed by December 2022.
- 1.3 To comply with this duty, a review of the Derbyshire Dales Statement of Community Involvement must also be completed by December 2022.
- 1.4 The advice in the National Planning Practice Guidance (NPPG) is that Local Plan reviews should be proportionate to the issues in hand. The guidance also suggests that policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after five years. The review process is a method to ensure that a plan and the policies within remains effective at managing the use and development of land in the future.
- 1.5 The advice from MHCLG is that the review of the Derbyshire Dales Local Plan should be completed within five years, not including the adoption of an amended or new Local Plan.

2 REVIEW PROCESS

- 2.1 As with the adopted Derbyshire Dales Local Plan much of the initial work on the review of the Derbyshire Dales Local Plan will require the collation of evidence to support the future development of policies and proposals. Whilst some of this work can be undertaken internally, much will require the appointment of external consultants to advise on specific technical matters such as housing numbers, employment land requirements, retail capacity and flood risk.
- 2.2 An indicative timetable for the review of the Derbyshire Dales Local Plan has been prepared. This is set out in Appendix 1 to this report.
- 2.3 At this time it is envisaged that the review process could be completed by late 2021, and (taking account of the previous timescales for the preparation of the current Derbyshire Dales Local Plan) the adoption of a new and revised Local Plan by mid-2023. The anticipated key milestones for review and subsequent adoption of the Derbyshire Dales Local Plan are as follows:

Milestone	Date
Update of Evidence Base and Specialist Advice	September 2020 to December 2021
Internal Strategic Policy Review	September 2020 to December 2021
Completion of Review of Derbyshire Dales Local Plan	December 2021

Milestone	Date
Draft Plan	April 2022
Draft Submission Plan	October 2022
Submit Plan to Secretary of State	December 2022
Examination in Public (End)	April 2023
Adoption	June 2023

2.4 It is anticipated that the following issues may be the most debated aspects of the Local Plan review:

- Overall housing requirements for the period up to 2040 – including amounts, and types of both market and affordable housing
- Housing allocations to meet the outstanding housing requirements
- Extent to which the current policies in the adopted Derbyshire Dales Local Plan remain in conformity with the NPPF/NPPG and valid for the use in the determination of planning applications
- The extent to which policies are considered sufficient to address matters relating to Climate Change
- The level of residential development within the National Park
- The necessity or otherwise for a new village to accommodate the future housing requirements
- Gypsy and Traveller provisions and
- Infrastructure Capacity and Future Requirements

2.5 The following pieces of consultancy advice are considered necessary to provide the evidence base for the review of the Local Plan:

- Strategic Housing Requirements 2017-2040
- Employment Land & Retail Capacity 2017-2040
- Infrastructure & Whole Plan Viability
- Strategic Flood Risk Assessment Update
- Strategic Environmental Assessment & Habitats Regulations Assessment

2.6 Dependent upon the outcomes of the above advice the following pieces of consultancy advice may be required to be commissioned:

- New Village Feasibility
- Strategic Traffic & Transportation Study
- Landscape Sensitivity Update

2.7 To achieve the timetable envisaged in Appendix 1 requires the early commissioning of advice from specialist consultants. As such, with the assistance of Derbyshire County Council and in accordance with the

District Council's procurement rules and procedures, work has commenced on the commissioning of consultants to undertake the areas of work identified in Paragraph 2.5 above. At this time Icen Projects Ltd have been appointed to undertake both the Housing and Employment Land Assessments.

- 2.8 Member approval is also sought for delegated authority to the Director of Regeneration and Policy to commission other consultancy advice that is considered necessary to take forward the review of the Derbyshire Dales Local Plan.
- 2.9 Other work required to underpin the review of the Local Plan, and which will be undertaken in-house includes:
- Review of Local Plan policies and proposals – to include, but not limited to, Settlement Hierarchy, Settlement Boundaries, Town Centre and Primary Shopping Areas
 - Statement of Common Ground
 - Duty to Co-operate
 - Strategic Housing and Employment Land Availability Assessment

3 LOCAL PLAN REVIEW GOVERNANCE

- 3.1 The District Council constitution sets out that Council is responsible for the strategic development and adoption of Development Plan policy. The annual meeting of Council on 22nd July 2020 appointed ten Members to a Local Plan Working Group whose terms and conditions are:

To undertake work as instructed by Council on policies and proposals as part of the Local Plan Review and to prepare options for Council to consider.

- 3.2 Meetings of the Local Plan Working Group will be called as is considered necessary to do so. In order to achieve the timetable set out in Appendix 1 this may include having to arrange meetings of the Local Plan Working Group and Council at short notice, and in other locations away from the Town Hall and online as is considered necessary.
- 3.3 To ensure that Members are engaged throughout the review process it is anticipated that a much more fine grained approach will be taken which reflects the degree to which decisions by Council are required on key aspects of the Plan. This will involve, for example, the use of topic based Member Workshops during the initial evidence gathering stage. Workshops will allow Members to be briefed on the outcome of the evidence, and options and provided with the opportunity to seek clarification of the implications for the Local Plan.
- 3.4 As the review of the Derbyshire Dales Local Plan progresses, increasingly the Local Plan Working Group will be required to consider and review options for consideration by Council. It will also involve analysing

submissions on the emerging Local Plan, and making proposals about how Council may wish to address the issues raised in any such submissions. During the final stage of the process it will also involve consideration of the Inspector's Report.

- 3.5 Careful management of the risks associated with this project will be required to ensure that the review of the Derbyshire Dales Local Plan is completed on time. As such it is considered appropriate that as part of the project management an initial risk assessment is prepared which sets out the relevant risks and mitigation/control measures. This will be kept under review throughout the review process. This is attached in Appendix 2 for Members consideration.

4 RISK ASSESSMENT

4.1 Legal

Regulation 10A the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review Local Plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. The legislation does not, however, prescribe how to go about undertaking a review of a Local Plan. If following the completion of the review of the Derbyshire Dales Local Plan it is considered appropriate to take forward a formal revision of the current version of the Local Plan then this will need to be taken forward in accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

The review of the Statement of Community Involvement and Local Development Scheme will be undertaken in accordance with the relevant legislation.

This is a statutory requirement and the proposals accord with the provisions of the relevant legislation. Therefore the legal risk at this current time attributed to this report is low.

4.2 Financial

Within the 2020/21 revenue budget there is £150,000 for expenditure associated with the review of the Derbyshire Dales Local Plan, which is financed by a transfer from the Local Plan Reserve for 2020/21. The costs of appointing consultants to undertake the extent of work set out in Paragraph 2.5 can be contained within the budget. The financial risk is, therefore, assessed as low.

4.3 Corporate Risk

Failure to undertake a review of the Derbyshire Dales Local Plan within the five year period set out in the legislation will expose the District Council to significant risk in relation to its ability to make and defend decisions on planning applications. Managing the review process and risks as set out in the report will minimise any risk to the District Council.

Elsewhere on this agenda is a report on the contents of a Planning White Paper issued by the Government on 6th August 2020. This suggests a number of significant changes to the structure and appearance of Local Plans. Whilst the proposals contained within the White Paper will require legislative changes, if these are brought into effect prior to the completion of the review process this could have a significant impact upon costs for the District Council, as well as its ability to make, and defend decisions its makes on planning applications.

5 OTHER CONSIDERATIONS

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

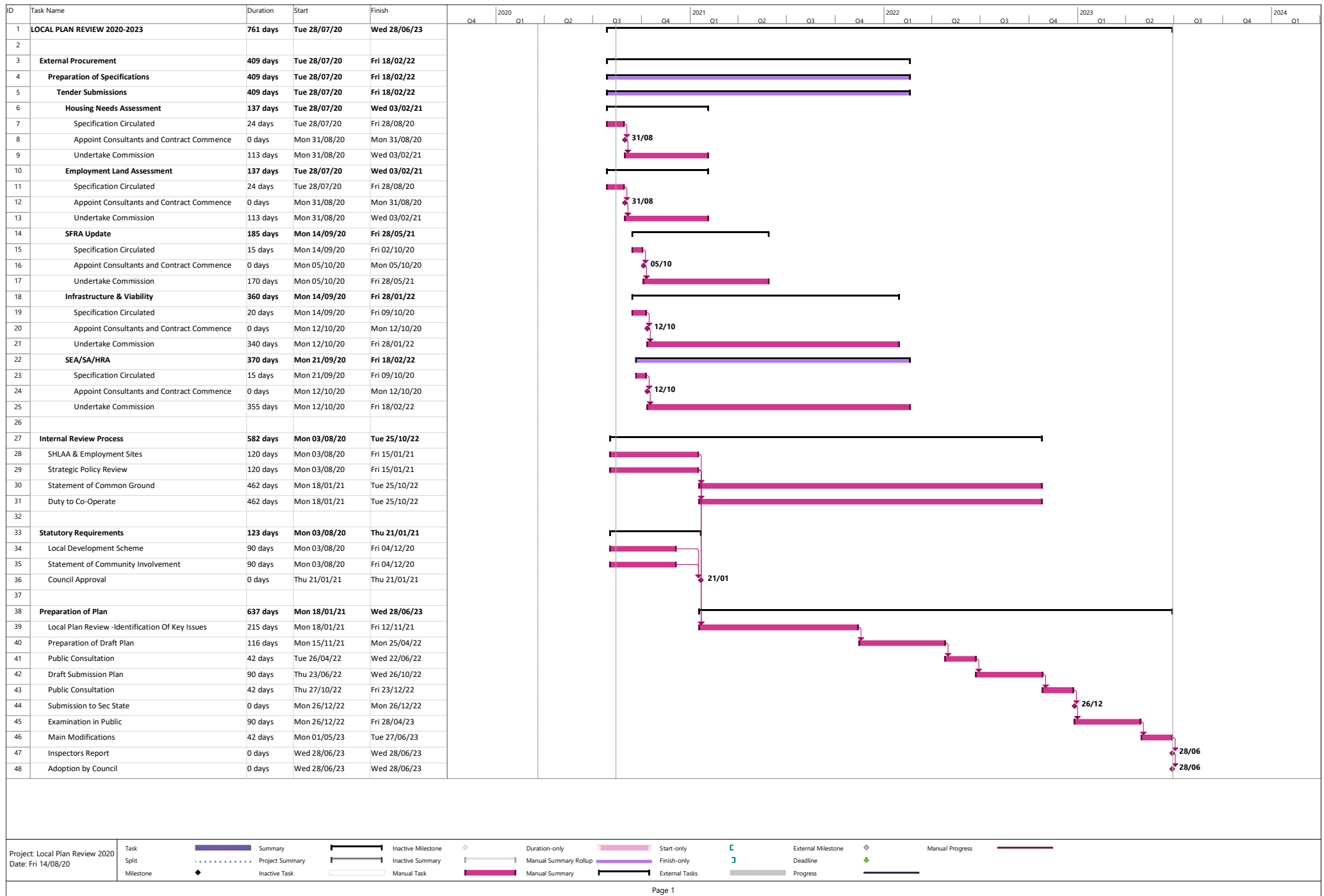
6 CONTACT INFORMATION

Mike Hase, Policy Manager

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7 BACKGROUND PAPERS

Description	Date	Location
Adopted Derbyshire Dales Local Plan	December 2017	https://www.derbyshiredales.gov.uk/images/L/DDDC_Planning_Doc_2018_vweb_2.pdf
National Planning Policy Framework	February 2019	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf
Planning Practice Guidance		https://www.gov.uk/government/collections/planning-practice-guidance



Project Name	Local Plan Review
Project Manager	Mike Hase
Project End Date	May-23
Risk Register Version	v2
Date prepared	14/08/2020

Scoring system key

Likelihood	5	Highly likely
	4	Likely
	3	Forseeable
	2	Unlikely
	1	Rare occurrence

Impact	5	Catastrophic
	4	Severe
	3	Moderate
	2	Minor
	1	Negligible

Likelihood	1	2	3	4	5
	1	2	3	4	5
	2	4	6	8	10
	3	6	9	12	15
	4	8	12	16	20
	5	10	15	20	25

1-4 = Low risk
5-9 = Medium risk
10-16 = High risk
20-25 = High risk

Risk category	Risk ID	Risk	Pre-mitigation			Mitigation	Post-mitigation		
			Likelihood (L)	Impact (I)	Risk		Likelihood (L)	Impact (I)	Risk
			Min score	1	1	1	Min score	1	1
			Max score	5	5	25	Max score	5	25
External Procurement	P1	Preparation of Specifications not completed on time as a result of Coronavirus	3	3	9	Ensure that whole team involved in the preparation process	2	2	4
	P2	Tender Submissions - Not Returned within timescales	3	3	9	Extend Timescales or provide sufficient time based upon discussions with consultants	2	2	4
	P3	Tender Submission - Significantly Exceed Budgetary Estimates	2	3	6	Utilise more of Local Plan Reserve	1	2	2
	P4	Tender Submissions - Consultants cannot complete within timescales envisaged	3	3	9	Ensure that Specifications are appropriate to needs of the Local Plan Review	2	2	4
Internal Review Process & Statutory Requirements	IR1	Sites not accessible for site visits	3	3	9	Site Assessment work undertaken as desktop exercise	2	2	4
	IR2	Insufficient sites identified to meeting future housing requirement	2	4	8	Duty to Co-operate engaged - adjacent local planning authorities contacted to see if they have capacity.	2	2	4
	IR3	If Engaged Duty to Co-operate agreement cannot be reached with adjacent local planning authorities	3	4	12	Commence early discussions with relevant local planning authorities to ensure that agreement can be reached in a timely manner	2	3	6
	IR4	Delayed delivery of laptops to replenish staff	3	4	12	Requisition of other staff's laptops to meet Planning Policy priorities	2	2	4
Plan Preparation	PP1	Delay in preparation of evidence base	3	3	9	Project Management of Consultants to ensure preparation timetable adhered to	2	2	4
	PP2	Delay in preparation of LDS & SCI	3	3	9	Keep human resources under review to ensure that there is adequate staffing to complete within timescales	2	2	4
	PP3	LPWG does not agree to recommend LDS & SCI for approval to Council	3	4	12	Early engagement with Members prior to LPWG	2	3	6
	PP4	Council does not agree LPWG Recommendations on LDS & SCI	3	4	12	Early engagement with Members prior to Council	2	3	6
	PP5	Unanticipated Significant Changes to Planning Policy Guidance and/legislative changes	2	4	8	Ensure that there are contingency measures in place - discuss with MHCLG realistic solutions	2	2	4
	PP6	Public Consultation results in over whelming number of representations at all stages	3	3	9	Utilise online resource such as Survey Monkey to assist with the analysis of representations and enter manual representations as received	2	3	6
	PP7	Delay in preparation of Pre Submission Draft	3	3	9	Keep human resources under review to ensure that there is adequate staffing to complete within timescales	2	3	6
	PP8	LPWG & Council do not agree contents of Pre Submission Draft Local Plan	3	4	12	Early engagement with Members before LPWG & Council	2	3	6
	PP9	Delay in commencement of Public Consultation on Pre Submission Draft Local Plan	2	4	8	Ensure that there are contingency measures in place - discuss with MHCLG realistic solutions	2	2	4
	PP10	Delay in preparation of Draft Submission Plan	3	4	12	Keep human resources under review to ensure that there is adequate staffing to complete within timescales	2	3	6
	PP11	Council does not agree to submission of Local Plan	3	5	15	Early engagement with Members prior to Council	3	3	9
	PP12	Inspector does not agree DTC been met - plan review is delayed	3	5	15	Ensure timely preparation of DTC Statement with all relevant local planning authorities	3	3	9
	PP13	Examination in Public Delayed by unforeseen circumstances	3	3	9	Identify with PINS contingency measures - if not already in place	2	3	6
	PP14	Multiple & Complex Main Modifications require additional time to prepare	3	3	9	Liaise with Inspector throughout the EIP to ensure no hidden surprises in the modifications	2	2	4
	PP15	Council does not agree to Adoption of Local Plan	3	5	15	Early engagement with Members prior to Council	2	3	6

COUNCIL
8 OCTOBER 2020

Report of the Director of Regeneration and Policy

DERBYSHIRE DALES STATEMENT OF COMMUNITY INVOLVEMENT 2020

PURPOSE OF REPORT

This report advises of the statutory requirement to prepare a Statement of Community Involvement (SCI) in relation to the District Council's Planning functions. The report recommends that revisions to the Council's current Statement of Community Involvement as set out in Appendix 1 be subject to a period of six weeks public consultation.

RECOMMENDATION

1. That delegated authority be given to the Director of Regeneration and Policy to undertake the revisions to the Statement of Community Involvement (SCI) 2020 as set out in Appendix 1 and to commence a period of six weeks public consultation.
2. That a report be presented to a future meeting that sets out and considers any representations received during period of six weeks public consultation.

WARDS AFFECTED

All outside the Peak District National Park.

STRATEGIC LINK

A Statement of Community Involvement (SCI) sets out the standards of community engagement that the District Council will seek to achieve in respect of the delivery of its Planning functions. As such the SCI will support the delivery of the Councils Corporate Plan 2020-24 which has the key priority of providing people with a high quality customer experience. .

1. BACKGROUND

- 1.1 Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017) requires that local planning authorities prepare a Statement of Community Involvement (SCI).

- 1.2 The purpose of the SCI is to explain to local communities and stakeholders how they will be involved in the preparation, alteration and review of Local Plans and also in the determination of planning applications. Local planning authorities are also required to set out in the SCI their policies for giving advice or assistance to neighbourhood planning groups and their policies for involving communities and other interested parties in the preliminary stages of plan-making.
- 1.3 The SCI helps to ensure that local communities have greater ownership over local planning decisions and are better able to shape the places where they live. The SCI defines the standards to be met by the District Council in terms of community involvement and stakeholder engagement.
- 1.4 The National Planning Policy Framework (NPPF) emphasises the role of community engagement in the planning system, setting out that “Plans should be prepared with the objective of contributing to the achievement of sustainable development... be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.” (Paragraph 16 NPPF). Furthermore the NPPF states “plans should be accessible through the use of digital tools to assist public involvement and policy presentation” (Paragraph 16 NPPF). In respect of decision making, the NPPF further emphasises that “early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties” (Paragraph 39 NPPF).

2. REVISED DERBYSHIRE DALES STATEMENT OF COMMUNITY INVOLVEMENT

- 2.1 The current Statement of Community Involvement (SCI) 2019¹ was adopted at a meeting of the Community and Environment Committee on 10th January 2019 (Minute 286/18).
- 2.2 During the current unprecedented times associated with the COVID-19 pandemic, temporary changes in respect of publicity on planning policy documents and planning applications have been announced by Government. On 13th May 2020 the Secretary of State issued a Ministerial Statement that set out implications for community involvement and participation on planning matters, indicating that Local Planning Authorities should adapt their consultation arrangements to enable public consultation to be undertaken, making documents available as ‘digital by default’.
- 2.3 Temporary changes to the publicity requirements for certain planning applications were introduced through the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 to support timely decision making, and avoid delays to development as a result of the effects of the pandemic, while maintaining public participation in the decision making process. These temporary changes have given local planning

¹ https://www.derbyshiredales.gov.uk/images/documents/S/FINAL_SCI_2019.pdf

authorities greater flexibility in relation to the way they publicise planning applications, if they are unable to comply with a particular requirement because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus. This includes for instance flexibility relating to the publicity of planning applications if the Local Planning Authority is unable to discharge the specific requirements for site notices, neighbour notifications or newspaper publicity cannot be achieved and promoting the use of digital communications, including social media.

- 2.4 Additionally as set out elsewhere upon this agenda, a review of the adopted Derbyshire Dales Local Plan is proposed. Regulation 10A of the Town and County Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review Local Plan and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and meet the needs of the local community. To comply with this duty a review of the Derbyshire Dales Local Plan and accompanying Derbyshire Dales Statement of Community Involvement must be undertaken be completed by December 2022.
- 2.5 In light of this it is considered appropriate to undertake a proportionate review of the Derbyshire Dales SCI. Whilst the majority of the SCI continues to remain up to date and does not require significant revisions, some modifications have been made to ensure that the District Councils practices reflect current statutory requirements and best practice. A copy of the revised SCI is set out in **Appendix 1** for Members consideration.
- 2.6 Although the District Council already consults widely with the local community and stakeholders, the SCI is intended to formalise and continually improve consultation and public participation methods and processes.
- 2.7 As Members will be aware the District Council has considerable experience of engaging with the local community and working with partners and stakeholders. The SCI has therefore been produced with a focus upon the achieving the objectives of the Corporate Plan 2020-2024, Derbyshire Dales Consultation and Engagement Strategy 2014-2019, Derbyshire Dales Equality, Consultation and Engagement Plan 2020-2022 and the Derbyshire Dales Communications and Marketing Strategy (updated September 2019).
- 2.8 The revised SCI identifies the Local Development Documents upon which the public and stakeholders will be consulted; these include the Derbyshire Dales Local Plan and any forthcoming Supplementary Planning Documents. The revised SCI also sets out how the District Council will give advice and assistance to neighbourhood planning groups on the preparation of Neighbourhood Development Plans and involve communities in the preliminary stages of plan making.
- 2.9 The SCI outlines the different stages of consultation for the various stages of document preparation and identifies the different methods the District Council will adopt to ensure that as wide a range of the community and stakeholders as possible are engaged in the planning process. The revised SCI seeks to encourage as wide a range of engagement methods as possible, and does not exclude any specific method be utilised. However, throughout it seeks to

ensure that engagement operates on a digital by default basis as a priority. In respect of Local Development Documents it sets out that the following methods would be appropriate for use, if circumstances allow:

- Newsletters and leaflets
- Media – local press, TV, radio
- Exhibitions and displays
- Website
- Online Workshop & Exhibition
- Questionnaire and surveys
- Online Panel
- Public meeting and surgeries
- Focus groups
- Workshops
- Participative planning activities
- Community forums and liaison groups

- 2.10 The revised SCI also sets out how the community and stakeholders will be involved in the process of submitting and determining individual planning applications, including how they are publicised and consulted upon. It also provides guidance on how comments can be made on planning applications, the arrangements for Planning Committee and the decision making and appeal process.
- 2.11 To assist community groups get involved in the planning processes the revised SCI outlines where they can obtain further information and advice from, including organisations such as Planning Aid England.
- 2.12 Although the SCI is not required to be subject to an independent assessment it is considered best practice that it be subject to a period of public consultation prior to formal adoption. It is therefore recommended that the revised SCI as set out in Appendix 1 be subject to a period of 6 weeks public consultation, in line with the advice contained within the document itself. Delegated authority is therefore sought to undertake this consultation, with any representations reported back to Members at a future date.

3 RISK ASSESSMENT

3.1 Legal

This is a statutory requirement and the proposals accord with the provisions of the relevant legislation. Accordingly the legal risk that has been attributed to this report is low.

3.2 Financial

The cost of officer time spent in preparing the Statement of Community Involvement can be met from existing budgets. There are no financial risks arising directly from this report.

4 OTHER CONSIDERATIONS

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

Equality Considerations

Derbyshire Dales District Council has a statutory duty under S.149 of the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity; and
- Foster good relations between different groups

The District Council's commitment to equality and fairness is set out in the Equality Consultation and Engagement Plan 2020-2022. This sets out that the District Council aims to embed consideration of equality in everything it does, including making equality an integral part of community involvement. The Equality Consultation and Engagement Plan 2020-2022 recognises that different groups require different forms of involvement to ensure their needs are met appropriately and sensitively. Equality interest groups to be engaged through the SCI are identified in Paragraph 2.10 of the SCI as set out in Appendix 1.

5 CONTACT INFORMATION

Esther Lindley, Senior Planning Policy Officer

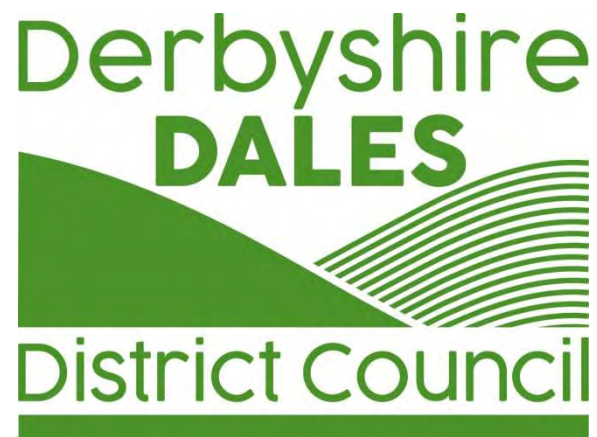
Email: esther.lindley@derbyshiredales.gov.uk Tel: 01629 761241

6 BACKGROUND PAPERS

Description	Date	Location
Planning & Compulsory Purchase Act	13th May 2004	G/5/P2
Localism Act 2011	15th November 2011	G/5/P2
Town and Country Planning (Local Development) (England) Regulations 2012	6th April 2012	G/5/P2
Neighbourhood Planning Act 2017	27 th April 2017	G/5/P2
National Planning Policy Framework and Planning Practice Guidance	February 2019	G/5/P2
Derbyshire Dales Local Plan	Adopted December 2017	G/5/P2
Derbyshire Dales Local Statement of Community Involvement	January 2019	G/5/P2

7 ATTACHMENTS

Appendix 1 – Derbyshire Dales Statement of Community Involvement – October 2020



DERBYSHIRE DALES
STATEMENT OF COMMUNITY INVOLVEMENT
OCTOBER 2020

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DERBYSHIRE DALES

STATEMENT OF COMMUNITY INVOLVEMENT

1.0 INTRODUCTION

- 1.1 Section 18 (Part 2) of the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and Neighbourhood Planning Act 2017) requires Local Authorities to produce a Statement of Community Involvement (SCI) which sets out the authority's policy on the involvement of those who have an interest in matters relating to development in their area.
- 1.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the minimum requirements for Local Authorities in terms of community involvement when preparing Local Plans. These statutory requirements underpin the SCI, which itself sets out the wider steps that the District Council will take to involve and engage the community in all elements of plan making and the determination of planning applications.
- 1.3 The Localism Act 2011 also places greater emphasis upon community involvement by empowering local communities to get involved in the plan making process in their area. The Localism Act also updates the Planning and Compulsory Purchase Act 2004 requirement that local planning authorities should produce a Local Development Scheme (LDS). An updated LDS was adopted by the District Council at a meeting of Community and Environment Committee on the 13th September 2018. The LDS sets out the Council's programme for the preparation and review of Local Development Documents over a three year period. A copy of the revised LDS can be downloaded from the Council's website at: www.derbyshiredales.gov.uk/LDS
- 1.4 There is a clear emphasis through national planning policy on encouraging early and consistent community involvement. The National Planning Policy Framework emphasises the role of community engagement in the planning system, setting out that "Plans should be prepared with the objective of contributing to the achievement of sustainable development, be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, business, infrastructure providers and operators and statutory consultees" (Paragraph 16 NPPF). Furthermore the NPPF states "plans should be accessible through the use of digital tools to assist public involvement and policy presentation" (Paragraph 16 NPPF). In respect of decisions making the NPPF further emphasises that "early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties" (Paragraph 39 NPPF).
- 1.5 It is therefore of great importance to involve the community within the planning process and the SCI outlines the District Council's process of doing so. The SCI not only sets out how the District Council will seek to engage with the community in all stages of plan making, but also how the District Council will engage with the community in the determination of planning applications. It is designed to ensure that members of the public have a clear understanding of when and how they can participate in both the plan making process and within the decision making process in regard to planning applications.

- 1.6 The previous SCI was adopted in 2016 at a time when the District Council was preparing the now adopted Derbyshire Dales Local Plan. The Derbyshire Dales Local Plan was adopted on 7th December 2017 and sets out up to 2033 the overall vision, objectives and policies for the future development of those parts of the Derbyshire Dales that lie outside the Peak District National Park. The Local Plan provides a strategy for the spatial development of Derbyshire Dales and provides a framework for promoting and controlling development. The Plan allocates sites for housing and employment development and provides development management policies for the use in the determination of planning applications. The Adopted Local Plan can be viewed here: www.derbyshiredales.gov.uk/Localplan
- 1.7 Whilst the majority of the previous SCI continues to remain up to date and does not require significant revisions, some modifications have been made to ensure that the District Councils practices reflect current statutory requirements and best practice.

2.0 OUR COMMITMENT TO COMMUNITY INVOLVEMENT

- 2.1 The District Council already has considerable experience of engaging with the local community and has been successful in working with the community and its partners in the Peak District Partnership (PDP). This partnership draws together organisations working in the Derbyshire Dales and High Peak from the statutory, voluntary and business sectors. The work of the PDP is now focused on the delivery of an annual 'think tank', horizon scanning event to consider the impact of strategic issues e.g. the ageing demographic of the area in the short, medium and longer term and what action can be taken collectively by partners to help address these issues
- 2.2 The District Council is also an active participant in the Derbyshire Community Engagement Group. The group comprises public sector organisations in Derbyshire that have statutory responsibilities for carrying out consultation with the public. Its membership includes; Derbyshire County Council, Derbyshire Fire and Rescue Service, and Derbyshire Constabulary. The aim of the Group is to share resources and expertise and develop best practice in research and consultation across the public sector.
- 2.3 The District Council has a number of plans and strategies in place which relate to community involvement. This SCI builds upon approaches set out in such plans and strategies including the Council's Corporate Plan 2020-2024, Derbyshire Dales Consultation and Engagement Strategy 2014-2019, Derbyshire Dales Equality, Consultation and Engagement Plan 2020-2022 and the Derbyshire Dales Communications and Marketing Strategy (updated September 2019).

Corporate Plan 2020-2024

- 2.4 The Corporate Plan 2020-2024 sets out the vision and improvement priorities for Derbyshire Dales District over the next four years. It is the key strategy from which the District Council's Budget and Service Plans cascade. It sets out three broad priority areas:
- People - providing you with a high quality customer experience
 - Place - keeping the Derbyshire Dales Clean, Green and Safe; and
 - Place - supporting better homes and jobs for you.
- 2.5 A copy of the Corporate Plan can be found at:
https://www.derbyshiredales.gov.uk/images/C/Corporate_Plan_2020-24_for_web.pdf

Consultation and Engagement Strategy 2014-2019

- 2.6 The District Council's Consultation and Engagement Strategy 2014-2019 recognises that policies have a more lasting impact and services are more responsive to local need if influenced directly by those whom they affect. It also sets out other benefits of involving people including improving customer perceptions and satisfaction, to reduce inequalities, to strengthen local democracy and to enhance community cohesion.

- 2.7 For consultation and engagement to be effective the views of residents, service users, local businesses, voluntary and community sector organisations, partners and other stakeholders will be sought and listened to with the results used to improve the Council's decisions. The Council is committed to working with these different stakeholder groups to ensure the priorities of the Council, the policies it makes and services it provides are shaped through local engagement. This strategy also supports one of the core values of the District Council, listening to people.
- 2.8 The District Council uses a range of methods in order to access a range of people. This involves:
- Website surveys and polls
 - Residents' surveys
 - Area Community Forums
 - Public meetings, exhibitions and 'drop-in' sessions
 - Focus Groups
 - Business breakfasts and evening meetings
 - Parish and town council conferences
 - Attending meetings and events with representatives of hard to reach groups and holding engagement events in venues used by these groups.
- 2.9 Where possible the District Council will work with partners, including those on the Peak District Partnership, to enhance the District Council's capacity to engage using existing networks. The District Council also continuously strives to improve on their approach by developing alternative methods of engagement, increasing local area working and developing a better understanding of its customers.
- 2.10 The strategy identifies people with disabilities, young people and businesses as the main hard to reach groups which will be particularly targeted. Countywide representative bodies such as Derbyshire LGBT, BME forum, Derbyshire Gypsy Liaison Group, 3D Voluntary and Community Sector Infrastructure Consortium, Learning Disabilities Partnership Board and Derbyshire and Nottinghamshire Chamber of Commerce will also be engaged as appropriate to seek the views of their members.
- 2.11 The District Council's Consultation and Engagement Strategy can be found at:
http://www.derbyshiredales.gov.uk/images/documents/C/Consultation_and_Engagement_Strategy_2014-2019.pdf

Area Community Forums

- 2.12 Local communities can also be involved in planning matters through the District Council's Area Community Forums. The Area Community Forums are an opportunity for members of the public, representatives from community groups and the voluntary and business sector to meet with Officers and Councillors from the District Council and partner organisations such as the Peak District National Park Authority, Derbyshire County Council and Fire, Police and Health Authorities. The Forums are held annually in public venues across the Derbyshire Dales. Planning matters are generally included on the agenda of such forums along with wider issues. Each

session normally covers 2 or 3 subjects plus an allocated session for general questions.

- 2.13 The forums are open to anyone to attend and they are publicised to Community Groups, Town and Parish Councils and more widely through the District Council's website and social media and through the use of a database of interested parties.

Communications and Marketing Strategy

- 2.14 The District Council approved an update to the Communications and Marketing Strategy in September 2019. Its aim is to provide a clear understanding and a positive perception of the District Council's visions, aims, values, services and achievements to all staff, residents, partners and everyone who deals with the Council in order to achieve higher levels of satisfaction and engagement. The focus of the strategy is to support and enhance the activities of Derbyshire Dales District Council through effective communications.

- 2.15 The Objectives of the Communications and Marketing Strategy are;

- Secure and strengthen the reputation of the council in the community as an effective and efficient provider of high quality outcomes – focused on our values and priorities
- Build and maintain a professional corporate identity for consistent and co-ordinated use throughout the organisation
- Promote the image of the council as an effective, efficient and listening organisation focused on the public and their needs
- Ensure that communications are consistent and co-ordinated across all channels to give maximum support to the council's strategic priorities.
- Ensure all staff understand the priorities of the council and feel valued and able to contribute to major changes affecting services they provide
- Ensure that communications activities reflect the full diversity of the community and help ensure equality of access to our services.

- 2.16 The District Council will also increase its efforts to understand what local communities are saying and aims to help communities to help themselves by:

- Giving individuals more say about the services and support they receive
- Empowering communities to do more for themselves and giving them the tools they need for community actions
- Recognising that some areas need more help than others and that, with a little support they can get their ideas off the ground.
- Supporting the transfer of buildings and other assets to community ownership so that they can become hubs for local activity which are flexible and responsive to local needs.

- 2.17 The Communications and Marketing Strategy can be found at:

https://www.derbyshiredales.gov.uk/images/documents/C/Communications_Marketing_Strategy_updated_September_2019.pdf

Equality, Consultation and Engagement Plan 2020-2022

2.18 The District Council has statutory duties under the Equality Act 2010 which should be considered across all the District Council's Public Functions. Three broad aims which the District Council must have due regard to under the Equality Act 2010 S.149 are

- the need to eliminate discrimination, victimisation and harassment,
- advance equality of opportunity and
- foster good relations between different groups.

2.19 The Equality Act 2010 (Specific Duties) Regulations 2011 sets out further specific duties which support the delivery of the above aims. These require the District Council to

- publish annually equality information about its workforce and service users,
- set equality objectives and specify the steps it will take to achieve them, at least every four years.

The Equality, Consultation and Engagement Plan 2020-2022, therefore supports the delivery of the District Council's equality duties.

2.20 The Equality, Consultation and Engagement Plan 2020-2022 sets five new Equality Objectives:

- Objective 1: Maintain high customer satisfaction about the quality of services we deliver
- Objective 2: Implement the Derbyshire Dales Climate Change Strategy and make improvements to the operational aspects of the Clean & Green services
- Objective 3: Promote housing development that meets the needs of the present and future population of the District
- Objective 4: Seek to attract investment that supports the local economy including the provision of jobs for younger people
- Objective 5: One team, working together as one Council with one purpose

2.21 The District Council is therefore committed to the implementation of the Equality, Consultation and Engagement Plan. The associated action plan sets out the equality improvements identified for 2020-2022 as:

- Undertaking an annual online survey of residents to establish customer satisfaction and priorities
- Maintain other customer access channels: during opening hours, you will still be able to phone us or drop by at the Town Hall in Matlock
- Deliver a high quality waste/recycling service to residents
- Work with partners and communities to maintain high levels of community safety
- Implement the Council's Climate Change Strategy and ensure that the benefits derive to vulnerable households across the District
- Helping disabled people adapt their homes so they can continue to live there
- Continue to provide debt and welfare advice to vulnerable households
- Building new Council homes to rent and continuing to build social rented homes in partnership with Housing Associations
- Delivering a permanent site to meet identified traveller needs

- Ensure a One Team approach to the Council's statutory equality duties
- Retain the Disability Confident standard
- Support the Derbyshire Careers Enterprise Co, to strengthen links between education and employers
- Agree and progress the corporate programme of priority Equality Impact Assessments
- Service Reviews of any potential equality impacts to be identified through EIA's

2.22 Equalities data will continue to be monitored in order to understand the customers of council services in order to make relevant improvements.

2.23 The Equality, Consultation and Engagement Plan 2020-22022 can be found at:
http://www.derbyshiredales.gov.uk/images/E/Eq_Cons_Eng_Plan_2018-19_FINAL.pdf

Data Protection

2.24 The District Council understands the value of an individual's personal data and is committed to keeping it safe by fulfilling its obligations under, the Data Protection Act 2018 (DPA) and the General Data Protection Regulations GDPR.

2.25 In order to assist the District Council with meeting its obligations it has created full suite of supplemental documents including a Data Protection Policy, Privacy Notice, Retention Guidelines & Lawful Basis of Processing. These documents can be found on the District Councils website (<http://www.derbyshiredales.gov.uk/your-council/data-information/data-protection>)

2.26 The District Council has also appointed a Data Protection Officer (DPO) to handle any queries or requests. Should you have any queries or would like to access your rights as a data subject please contact the DPO at dataprotection@derbyshiredales.gov.uk or write to them at Derbyshire Dales District Council, Town Hall, Bank Road, Matlock, DE4 3NN

3.0 GETTING INVOLVED IN PLANNING

- 3.1 This section of the Statement describes how to get involved in the planning process. It identifies the documents, plans and policies upon which the District Council will be seeking community involvement upon and establishes when community involvement will be sought and who will be involved. Throughout this document the following definitions for community involvement will be used.

Information Giving

- 3.2 This is the simplest level of engagement and is simply about providing information to stakeholders. Although it is a form of engagement in itself, information-giving underpins all other levels of engagement as it is essential that participants are provided information (in varying detail and formats) about the issues upon which they are being engaged so that they are able to make informed and considered choices. Participants should also receive feedback after engagement has been completed and this is, in itself, an information-giving exercise.

Consultation and Learning

- 3.3 Ensuring that consultation is undertaken which benefits both parties. Consultation exercises will enable the community to learn more about planning and for the council to learn more about the needs of communities.

Involvement

- 3.4 At this level the community and stakeholders are actually involved in decision making and deciding together on the future of their neighbourhoods and other decisions that affect their lives. This gives the community the power to choose, without fully sharing the responsibility for action.

4.0 THE ROLE OF COMMUNITY INVOLVEMENT IN PLAN MAKING

- 4.1 There are various planning policy documents prepared by the District Council, all with requirements for preparation, public involvement and consultation. Derbyshire Dales District Council is the Local Planning Authority for those parts of the Derbyshire Dales that lie outside the Peak District National Park. The National Planning Policy Framework (NPPF) commits the Government to the principle of a plan-led system where decisions on planning applications are made in accordance with the development plan unless material considerations indicate otherwise. The NPPF sets out the importance of Local Plans as being key to delivering sustainable development that reflects the vision and aspirations of local communities.
- 4.2 Local Plans should be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers/operators and statutory consultees. Local Plans should reflect the collective vision and priorities of the community and therefore a wide selection of the community should be involved in the preparation process. Community involvement and engagement will therefore be sought throughout the process of the development of the Derbyshire Dales Local Plan. Furthermore the NPPF requires that Plans should contain policies that are clearly written, so it is evident how a decision maker should react to development proposals (Paragraph 16 NPPF).

Consultation and the Local Plan Preparation Process

- 4.4 The following sections set out the various elements of the Local Plan preparation process. Details are given of the consultation arrangements for each of the various stages in the preparation of documents and policies. The range of local groups that the District Council will seek to involve at each stage and how this involvement will be facilitated are also highlighted.
- 4.5 The District Council will seek to involve people at an early stage in the Local Plan preparation process. This will aim to seek consensus on essential issues early in the plan preparation process. By enabling individuals, organisations and the District Council to share knowledge and views at this initial stage about which options and proposals are being considered, there will be a genuine opportunity for people to influence plan content.
- 4.6 Local Plan and Supplementary Planning Documents vary in scope and scale and in the degree to which they impact on people's lives and the neighbourhoods in which they live. It is recognised that public interest in documents will vary according to the nature of their content, thus the style and scope of public consultation will be proportionate and tailored to the policy decision at issue.
- 4.7 There are numerous groups that the District Council already involves in the planning process. A long list of the groups the District Council proposes to involve in plan making is set out in Appendix 1. This is not a definitive list as many smaller groups are not included because they change more frequently. The District Council will maintain a database of organisations that make up this 'long list' and as part of the annual review of this SCI seek to ensure that the details of the organisations on the 'long list' as set out in Appendix 1 are kept up to date.

- 4.8 The District Council will employ a range of methods at each stage of the preparation and revision of the Local Plan. Further details of each method, along with the relevant merits of each of the methods are set out in Appendix 2.
- 4.9 The Local Development Scheme (LDS) sets out the Council's key planning documents and the timetable for their preparation. A copy of the LDS can be downloaded from the District Council's website:
www.derbyshiredales.gov.uk/LDS

5.0 LOCAL PLAN DOCUMENTS

- 5.1 Several distinct stages are involved in the preparation of a Local Plan as specified by the Town and Country Planning (Local Planning) (England) Regulations 2012. These are:

- Evidence Gathering
- Preparation of Local Plan (Regulation 18)
- Publication of Local Plan (Regulation 19 and 20)
- Submission of Local Plan to Secretary of State and Examination (Regulation 22)

Community involvement in the preparation of the Local Plan is a continuous process which is undertaken at each of the distinct stages.

- 5.2 In line with current Government advice during the Covid-19 pandemic the District Council will adopt a 'digital by default' approach to consultation and engagement throughout the preparation and review the Derbyshire Dales Local Plan. Only in circumstances when it is considered that "Covid-Safe" arrangements can be put in place will the District Council promote community consultation that involves the inspection of documents at our Offices and other places. This approach will be kept under review during the continuation of the pandemic, and adjusted accordingly to reflect the circumstances in existence at that time.

Evidence Gathering

- 5.2 At this stage the District Council gathers relevant social, economic and environmental information to provide a comprehensive and robust evidence base for plan preparation. The evidence base consists of a wide range of studies, plans and strategies provided by a wide range of organisation, not just the District Council. The evidence base is updated as required to inform development plan preparation. The District Council will provide notification, where appropriate when new evidence is published to encourage involvement in the early and initial stages of plan making.
- 5.3 All new evidence prepared by the Government will be published on the District Council's website. Online workshops and events with the local community and key stakeholders may be held to disseminate and discuss the potential implications that the updated evidence has for the preparation and review of the Derbyshire Dales Local Plan.

Preparation of the Local Plan

- 5.4 Previous regulations specified that at this stage consultation on "Issues and Options" and "Preferred Options" document had to be published as a statutory aspect of the plan preparation process. The Town and Country Planning (Local Planning) (England) Regulations 2012 has, however, removed this requirement. There is now greater flexibility as to how the District Council undertakes consultation at this 'preparatory' stage.
- 5.5 The District Council is however required under Regulation 18 to notify consultation bodies whom they feel may have an interest in the subject of the Local Plan and other consultation bodies deemed appropriate. In addition residents or those carrying on

business within the area will also be asked to make representations at this stage. The District Council will then take into account any comments made at this before moving forward to the next stage.

- 5.6 The District Council's database of organisations will be used as a starting point for contacting those with an interest in the Local Plan. Additional members of the public will also be contacted and appropriate publicity undertaken.
- 5.7 In line with Government advice during the Covid-19 pandemic the District Council will adopt a 'digital by default' approach to consultation and engagement throughout the preparation and review the Derbyshire Dales Local Plan. At this stage (and only where safe and appropriate to do so), will the District Council use the following consultation methods in order to engage effectively with the public and consultation bodies:
- Documents made available for review at Council Offices and Libraries and on the website
 - Newsletters and Leaflets published which detail and provide an opportunity to comment on the issues and options
 - Public Meetings/Surgeries – Including online seminars, workshops and public meetings
 - Workshops with representatives of range of issue or interest areas – Including online sessions.

Publication of Local Plan

- 5.8 Following the completion of the preparatory consultation the District Council will consider the contents of the comments made, and where appropriate seek to take them into account. At this stage the District Council will publish a Draft Local Plan, which it will assume is suitable to be able to be submitted to the Secretary of State for independent examination.
- 5.9 The Draft Local Plan will be subject to public consultation alongside a Statement of the Representations in accordance with Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. A statement of the fact that the Local Plan is available for inspection and the places and times at which it can be inspected will also be published. As in previous steps the District Council will adopt a 'digital by default' approach to the publication of documents.
- 5.10 This provides a formal opportunity for the local community and other stakeholders to reflect upon the policies and proposals in the Draft Local Plan which the District Council considers suitable for submission to the Secretary of State.

Submission of Local Plan to Secretary of State and Examination in Public

- 5.11 Having considered the representations made on the Draft Local Plan the District Council will consider whether it is necessary to make any appropriate changes to the Local Plan to address comments raised.
- 5.12 The Local Plan along with a schedule of proposed changes and any other documents set out in the Regulations such as the Statement of Consultation and the Sustainability

Appraisal will then be submitted to the Secretary of State to be subject to Examination in Public by a Planning Inspector.

- 5.13 As soon as is practically possible after submitting the Local Plan to the Secretary of State those general and specific consultation bodies who were invited to make representations will be notified that the Plan is available for inspection alongside the time and place at which they can be inspected. Those who requested notification of the submission of the Local Plan will also be given notified at this time. Again a 'digital by default' approach will be taken to publicising the submission of the Derbyshire Dales Local Plan to the Secretary of State and the arrangements for any subsequent Examination in Public.
- 5.14 At this stage a Programme Officer will be appointed to ensure the smooth running of the Examination in Public. This will include ensuring that all interested parties are kept informed of the timing and progress of the examination.

Examination in Public (EIP)

- 5.15 Once the Examination in Public is arranged the Inspector publishes a schedule of main matters, issues and questions which will form the basis of discussions at the EIP. The Programme Officer invites comments on the matters and coordinates who attends each session to make their views orally to the Inspector.

Report and Adoption

- 5.16 After the Examination in Public the Inspector will produce a report with recommendations for the District Council. This can include recommendations for 'main modifications' which should ensure that the Local Plan is sound and legally compliant. The District Council can also put forward 'additional modifications' of its own in order to deal with more minor matters. If major modifications are recommended the Inspector's report will only be published after public consultation on such modifications has been undertaken and the Inspector has had the opportunity to consider the representations on these.
- 5.17 Copies of the adopted Local Plan and other relevant documents will be made available online on the District Council's website www.derbyshiredales.gov.uk and if safe and appropriate to do so at the District Council's offices and at Matlock, Ashbourne and Wirksworth library during normal office hours.

Supplementary Planning Documents

- 5.18 Supplementary Planning Documents (SPDs) can cover a range of issues, and seek to expand policy or provide further detail to policies in an adopted Development Plan Document. SPDs have statutory weight and once adopted formally by the District Council are material considerations in the determination of planning applications. The preparation process for an SPD is described in more detail below. At all times the District Council will take a 'digital by default' approach to the preparation and engagement of each Supplementary Planning Document.

Commencement of Preparation Process

- 5.19 At this stage the Council is primarily concerned with gathering evidence that it can use to prepare the SPD. Although much work at this stage will involve gathering technical data and information from a variety of sources, it will also involve liaison with the community and key stakeholders about the issues the document should contain.

Public Participation on Draft SPD

- 5.20 The Town and Country Planning (Local Planning) (England) Regulations 2012 allow for a period of formal consultation of at least four weeks on draft SPDs. In order to maximise community involvement in the process, the Council will undertake a minimum four-week period of consultation on any SPD. This timescale for consultation will allow the community and other stakeholders to formally express their views and preferences on the contents of a draft SPD. The Council will consider the comments made and take them into account in deciding how to take the SPD forward.

Consideration of Responses, Modification & Adoption

- 5.21 The District Council will consider each representation received during the formal public participation stage on the draft SPD, and decide whether any changes are necessary prior to adoption.
- 5.22 Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations (2012) requires a consultation statement to be produced alongside the adoption of any SPD. This should outline the persons consulted on the document, a summary of the main issues raised and how those issues have been addressed in the SPD.
- 5.23 Copies of the draft SPD and consultation statement will be made available online on the District Council's website www.derbyshiredales.gov.uk and if safe and appropriate to do so at the District Council's offices and at Matlock, Ashbourne and Wirksworth library during normal office hours.
- 5.24 The main concern at this stage is to ensure that interested parties are kept informed of the Council's views on any representations they may have made and of the progress towards adoption.
- 5.25 Copies of the adopted SPDs and other relevant documents will be made available online on the District Council's website www.derbyshiredales.gov.uk and if safe and appropriate to do so at the District Council's offices and at Matlock, Ashbourne and Wirksworth library during normal office hours.
- 5.26 Regulation 14 of the Act above also requires an adoption statement to be produced upon adoption of a SPD. This is required to set out when the document was adopted, if applicable any modifications made in accordance with section 23(1) on the Act. The adoption statement will be sent to anyone who has requested notification of adoption of the SPD and made available online on the District Council's website www.derbyshiredales.gov.uk and if safe and appropriate to do so at the District

Council's offices and at Matlock, Ashbourne and Wirksworth library during normal office hours.

- 5.27 All draft and adopted SPD's will also be available on the Council's website:
<http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/local-plan/supplementary-planning-documents>
- 5.28 Appendix 3 sets out which consultation methods the District Council will use at the various stages of the preparation of the Derbyshire Dales Local Plan and any Supplementary Planning Documents.

Sustainability Appraisal and Habitat Regulations Assessment

- 5.29 Carrying out a Sustainability Appraisal (SA) is an essential and statutory part of the plan making process. The purpose of the SA is to appraise the social, economic and environmental effects of the emerging Local Plan and inform the plan preparation process. It is a continual process which is embedded throughout the preparation of the Local Plan.
- 5.30 Consultation will be undertaken on the initial Scoping report, which provides baseline information on the environmental, social and economic characteristics of the plan area, including the likely evolution of the baseline within the plan.
- 5.31 Regulations 12 and 13 of the Environmental Assessment of Plans and Programmes Regulations 2004 require the Council to make the SA report available alongside the Local Plan. An electronic copy will be sent to each consultation body and appropriate steps taken to ensure the SA report is brought to the attention of those who are affected, likely to be affected or have an interest in the decisions involved in the assessment and adoption of the plan. Consultees will be advised of the location and website at which the document will be available and invited to make comment on the document. Consultees will be advised of the time period within which comments must be made. Comments from consultation bodies should be received within 5 weeks of receiving an invitation to engage in consultation.
- 5.32 The Derbyshire Dales Local Plan, as a plan or project which may have a significant effect on a European site (Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)), will be subject to a Habitats Regulations Assessment (HRA) as required under the EU Habitats Directive (92/43/EEC). Its purpose being to determine whether or not any significant effects are likely to be generated and to identify ways in which they can be avoided. This will be published alongside the SA report and consultation with the appropriate natural conservation body will be consulted under requirement from Regulation 102 of the Conservation of Habitats and Species Regulations 2010

Duty to Cooperate

- 5.33 Local planning authorities have a statutory requirement to cooperate with other planning authorities, County Councils and prescribed bodies on development plan documents including Local Plans under section 110 of the Localism Act 2011. This is to ensure that strategic planning matters are adequately addressed. In doing so local

planning authorities are required to engage with one another “constructively, actively and on an ongoing basis” and have regard to activities of people of specified bodies or of a prescribed description so far as they are relevant.

- 5.34 The NPPF provides further information on the specific requirements for Local Plans, stating “local planning authorities are under a duty to cooperate with each other, and with prescribed bodies on strategic matters that cross administrative boundaries” (paragraph 24 NPPF). The NPPF further emphasises that “effective and on-going joint working between strategic policy making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy” (Paragraph 26 NPPF). In order to demonstrate effective and ongoing joint working, strategic policy making authorities are required to prepare statements of common ground, documenting cross boundary matters being addressed. The National Planning Practice Guidance provides further advice as to how such statements of common ground should be prepared, maintained, kept up to date and made publically available.
- 5.35 The District Council will work together with other neighbouring authorities on areas of common interest in order to achieve mutual benefits. The District Council will also cooperate with Derbyshire County Council on relevant issues, for example the provision of new and improved infrastructure to support development such as schools, roads and green infrastructure, and work in consultation with Local Enterprise Partnerships, Sheffield City Region, D2N2 and both the Peak District Local Nature Partnership and the Lowland Derbyshire and Nottinghamshire Local Nature Partnership. In addition the District Council will work collaboratively with private sector bodies, utility and infrastructure providers.
- 5.36 The District Council will seek to ensure that strategic priorities across local authority boundaries are properly co-ordinated and clearly reflected in the Local Plan.
- 5.37 The District Council will also seek to utilise the Duty to Cooperate to address any matters relating to the extent of the strategic Housing Market Area and the overall development needs of the area.
- 5.38 As part of the submission of the Derbyshire Dales Local Plan the District Council will produce evidence of the extent to which there has been effective cooperation on issues with cross-boundary significance. This must demonstrate that a continuous process of engagement, has been undertaken.

6.0 NEIGHBOURHOOD PLANNING

6.1 The Localism Act 2011 and Neighbourhood Planning Regulations 2012 empowered communities to shape the development and growth of their local area through Neighbourhood Planning. This provides the opportunity for communities to decide the future of the places where they live and work. The key aim is to use local knowledge and evidence to develop policies and proposals to support development of the built environment within local communities. Using these rights, communities are able to produce Neighbourhood Development Plans, Neighbourhood Development Orders; or progress development under Community Right to Build Orders:

- **Neighbourhood Development Plans** – Communities can write a plan which if ‘adopted’, becomes part of the statutory planning framework for the area
- **Neighbourhood Development Orders** – Can enable the community to grant planning permission for new buildings they want to see go ahead and allow new homes and offices to be built without developers having to apply for separate planning permission
- **Community Right to Build** – enables community organisations to progress new local developments without the need to go through the normal planning application process, as long as the proposals meet certain criteria and there is community backing in a local referendum.

6.2 As is the case with Local Plans and Development Plan Documents, regulations govern the preparation of a Neighbourhood Plans and Neighbourhood Development Orders. Both include consultation requirements, examination and referendum. The Localism Act identifies that community participation has to be brought forward through an appropriate qualifying body, either a Parish Council or Neighbourhood Forum. Up until the submission of a Neighbourhood Plan to a local planning authority, under Regulation 16 of the Neighbourhood Planning Regulations, it is the qualifying bodies’ responsibility to undertake public consultation and engagement.

6.3 Local community involvement in Neighbourhood Planning allows Plans to be prepared which include policies and reflect aspirations around where new homes, shops and office should be located, which green spaces should be protected, what new development should look like. It allows opportunities for a local community to be positive about how an area may change in the future.

6.4 Under the provisions of the Town and Country Planning Act 1990 (as amended) the District Council has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans and Orders and take such documents through a process of examination and referendum. The Localism Act 2011 (Part 6 Chapter 3) sets out the Local Planning Authorities responsibilities as:

- Designating Neighbourhood Forums
- Designating Neighbourhood Areas
- Advising or assisting communities in the preparation of a Neighbourhood Development Plan
- Checking a submitted Neighbourhood Plan meets the legal requirements
- Arranging for the independent examination of the Neighbourhood Development Plan

- Determining whether the Neighbourhood Development Plan meets the basic conditions and other legal requirements
- Subject to the results of the referendums, bringing the Neighbourhood Development Plan into force.

6.5 Whilst the District Council does not lead the preparation of Neighbourhood Plans, the District Council has welcomed their principle and will continue to provide technical advice and support to communities. This may include for instance making evidence available as well as undertaking procedural checks of the plan against legislation and regulations. This will also include undertaking a 'screening' exercise to determine if the Neighbourhood Plan requires a Strategic Environmental Assessment. The District Council will assist with neighbourhood planning in the following ways:

- Initial advice regarding the suitability of preparing a neighbourhood plan or order, including attendance at suitable meetings or providing briefings.
- On-going advice, including technical input into each key stage. The focus of any advice will be on the conformity of the Neighbourhood Plan/Order with the existing national and local planning framework but guidance will also be provided to ensure that the plan is fit for purpose and deliverable.
- Provision of guidance on key issues including timetabling, the role of the qualifying body, community engagement and undertaking consultation and relevant legislation including SEA
- Practical assistance such as mapping, IT advice and printing where appropriate.
- Relevant contact information for consultation including statutory consultees and local interest groups and bodies. Advice on undertaking consultation, publicity and engagement.
- Ensuring the suitable involvement of local Councillors and other interested parties to enable timely decision making at key stages

6.6 Any communities wishing to consider Neighbourhood Planning should contact the District Council's Policy Manager in the first instance. Further information is available on the District Council's website at:

<http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/1275-neighbourhood-planning>

6.7 Additional guidance and advice on Neighbourhood Planning is set out within the National Planning Practice Guidance, which is available here:

<https://www.gov.uk/government/collections/planning-practice-guidance>

Further guidance for communities on Neighbourhood Planning is available from the Planning Advisory Service via <https://local.gov.uk/pas/pas-topics/neighbourhood-plans> and the Planning Portal <https://www.planningportal.co.uk/>

7.0 PLANNING APPLICATIONS

- 7.1 The Council encourages the community to be involved in all the different types, and scale of applications for planning permission for which it is the local planning authority. Any comments and representations received on an individual planning application are taken into account in its determination. This does not, however, extend to applications for planning permission within the Peak District National Park, as these are the responsibility of the Peak District National Park Authority. Similarly the Council does not deal with minerals and waste applications, as these are the responsibility of Derbyshire County Council.
- 7.2 The District Council's Development Management Section seeks to exercise planning control in the public interest and is committed to publicising and consulting more widely on planning applications than the statutory minimum.
- 7.3 The District Council has to consider any application it receives, and can only consider the application on the basis of information that is submitted. Whilst the District Council encourages applicants to engage with its pre-application advice service in advance of making a formal submission, many applications are submitted without any prior discussion. Once an application is submitted, we adopt a neutral position until all relevant consultations have been taken into account and the merits of the case have been fully evaluated against national and local planning policies and other material considerations. We adopt exactly the same position for the District Council's own applications as those of private applicants.
- 7.4 The Development Management Service is responsible for the assessment of planning applications; its Mission Statement being:
- "Through the provision of an efficient, professional, and responsive service, we aim to protect and enhance the quality of the District's built and natural environment whilst balancing the needs of current and future generations".*
- 7.5 A list of the planning applications that the District Council receives each week including applications under the Planning (Listed Buildings and Conservation Areas) Act 1990 can be viewed on the Council's website, along with associated plans, supporting information and any consultation responses and representations received.
- 7.6 In the interests of reaching/notifying as many people as possible the Development Management Team publicises weekly lists of applications received on social media. The published weekly list reflect applications received two weeks prior to its publication date as this allows for planning applications to satisfy the validation process.

Consultation and Pre-Decision Matters

- 7.7 When the District Council receives a valid planning application, it will undertake a period of consultation where views on the proposed development can be expressed. The formal consultation period will normally last for 21 days, and the local planning authority will identify and consult a number of different groups. The District Council will seek to undertake this electronically with statutory consultees and will publicise applications using the District Council's Social Media platforms.

- 7.8 The Town and Country Planning (Local Authority Consultations Etc.) (England) Order 2018 extends periods of public consultation before decisions are made to grant planning permission, permission in principle, listed building consent and certain prior approvals for development which is the subject of permitted development rights, by one day for each bank or public holiday which occurs during specified periods.
- 7.9 The main types of consultation are:
- Public Consultation - involving notifying neighbours of receipt of an application;
 - Statutory Consultees - those which there is a legal requirement to consult a specific body who are then under a duty to respond;
 - Consultation required by a direction where further, locally specific statutory consultation is required, and;
 - Non-statutory Consultees - those where although there are no legal requirements circumstances warrants the engagement of other consultees who are likely to have an interest in the proposed development.
- 7.10 Where, following the initial period of consultation an application has been amended it is up to the District Council to decide whether further publicity and consultation is necessary. In deciding whether this is necessary the following considerations will apply where relevant:
- were objections or reservations raised in the original consultation stage substantial and, in the view of the District Council, enough to justify further publicity?
 - are the proposed changes significant?
 - did earlier views cover the issues raised by the proposed changes?
 - are the issues raised by the proposed changes likely to be of concern to parties not previously notified?
- 7.11 Where the District Council decides that re-consultation is necessary, such consultation may be for a period of less than 21 days. In all cases, the District Council will balance the need for consultees to be given sufficient time to consider the issue that is being re-consulted upon and respond, against the need for efficient and timely decision making processes. When consultation has been concluded the District Council will consider any representation made by consultees and proceed to decide on the application.

Current Practice- How the Council Publicises Planning Applications

- 7.12 Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 specifies the requirements for the publicity of applications for planning permission. A summary of how the District Council currently undertakes publicity for the differing type and scale of planning applications is set out in Appendix 4.
- 7.13 Within the Derbyshire Dales, all planning applications are publicised either by using the District Council's Social Media platforms, by means of press advertisement, site notices or individual neighbour notification with the following exceptions:

- Applications where the determining authority is not Derbyshire Dales District Council will not be subject to any of the three methods of publicity referred to above;
- Discharge of conditions applications;
- Prior Notification Applications (where the Council does not deem that its Prior Approval is required), and;
- Certificate of Lawful Existing or Proposed Use or Development Applications (unless it is considered a worthwhile exercise to ascertain relevant information about the content of a specific application from sources such as neighbours or Parish / Town Councils).

Neighbour Notification

- 7.14 Neighbour notification will take the form of a standard letter generated from the District Council's mapping system and delivered by post within 10 working days of the valid date of the application to occupiers of properties affected by the development.
- 7.15 The **minimum** requirement currently adopted by the District Council is to notify any neighbouring occupiers whose property lies within 10 metres of the application site boundary (red edge). Property points within 10m of a development site are automatically identified by the Council's Geographic Information System (GIS).
- 7.16 Where the proposed development falls within the following categories, the **minimum** requirement is to notify occupiers whose property lies within 20 metres of the application site boundary (red edge):
- the erection of 10 or more dwellings;
 - an outline application with a site area of 0.5 ha or more;
 - non-residential development where the floor space to be created is 1,000 square metres or more;
 - development which is likely to cause nuisance through noise, smell, dust etc;
 - development which would significantly increase the number of people or the amount of traffic coming into a residential area;
 - development involving significant activity during unsociable hours;
 - development introducing significant visual changes to a neighbourhood;
 - buildings of over three storeys;
 - development affecting the character of an ancient monument, archaeological site or historic building;
 - proposals having a significant effect on trees that are the subject of a Tree Preservation Order.
- 7.17 A clear written record of the addresses to which neighbour notification letters have been sent and the date is kept on the paper and the application file in the form of a consultation checklist. This is in accordance with the Council's data protection policies.

Site Notices

- 7.18 A summary of how the District Council undertakes publicity, including the erection of site notices, for the differing type and scale of planning applications is set out in Appendix 4. Where there is a statutory reason for its display this will be specified on the site notice. Site notices will be posted within 10 working days of the receipt of a valid planning application.
- 7.19 The notice will be displayed where it is visible from a public highway that forms the frontage to the application site. Where there is another frontage to a public highway or footpath, discretion will be used as to whether further site notices will be erected.
- 7.20 The site notice will be erected where possible on a gate, door, post, wall or fence which forms the boundary of the site. If this is not possible, then a lamp post or telegraph pole on the frontage of the site will be used, providing it is within 10 metres of the site boundary. Where it is impossible to comply with the above requirements, the site notice will be displayed as near to the site as is practically possible.
- 7.21 A clear record in the form of an annotated Ordnance Survey plan will be kept on the application file to identify the position where the site notice was erected and the date it was erected. A photograph will also be taken as evidence of its erection.

Press Advertisements

- 7.22 A summary of how the District Council undertakes publicity, including by means of press advertisement is set out in Appendix 4. Applications received will normally be advertised in the appropriate local newspaper on a fortnightly basis. Applications in the Central area will be advertised in the Peak Advertiser and applications in the Southern area will be advertised in the Ashbourne News Telegraph.
- 7.23 The dates on site notices and press advertisements give the same minimum period of 21 days for representations to be made (unless the application involves Environmental Impact Assessment Development in which case 30 days will be given).

Planning Website and Social Media

- 7.24 The Derbyshire Dales Planning Service website provides comprehensive access to forms, guidance notes, planning applications and decision notices. It allows the submission of representations online for those wishing to make representations and applicants to monitor the progress of applications. Details of the District Councils weekly list of planning applications are also made available on the District Council Social Media platforms.

Representations Received

- 7.25 All neighbour notification letters will give a minimum period of 21 days (30 days in the case of EIA applications) for representations to be submitted to the Case Officer. For technical reasons, this period will not necessarily coincide with the site notices and press advertisement.

- 7.26 All representations received by the District Council will be identified in the Officers report in respect of decisions made under delegated authority and where appropriate brought to the attention of the Planning Committee. An update sheet will be circulated to Members of the Planning Committee at the meeting detailing any late representations received. Alternatively for those items being considered at Committee, Members may be provided with a verbal update on representations received.
- 7.27 The District Council's practice is to only negotiate minor improvements to applications, in order to add value/improve the quality of the development. Any significant amendments required to make a proposal that would otherwise be regarded as unacceptable, acceptable, should be established at the pre-application stage so as to not undermine this service and ensure timely decision making.
- 7.28 Where those making representations are re-consulted a further period of up to 10 working days will normally be allowed for further representations to be made. Further Publicity will be carried out where additional information is received which affects the likely impacts of the development on the environment in the case of Environmental Impact Assessment Development.
- 7.29 Persons making representations are able to view their comments (to note that they have been received) and monitor the progress of applications online, using the District Councils Public Access module on its website.
- 7.30 In the event of an appeal being made to the Planning Inspectorate by the applicant, individuals who have previously made comments on the planning application will be advised of such an appeal. Furthermore they will also have the opportunity to make further representations to the Planning Inspector dealing with the appeal. Lists of decisions and appeals are published and a register of planning decisions can be inspected at the Town Hall, Matlock or via our online planning register.

How the District Council Consults on Planning Applications

- 7.31 During the 21 days (30 days in the case of EIA applications) following the registration of the planning application the views of other statutory consultees or interested organisations will also be sought. The only exceptions to these arrangements are applications where the determining authority is not Derbyshire Dales District Council, applications for power lines, applications for certificates of lawful use or development and prior notifications. Such bodies as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.
- 7.32 The register of planning applications can be inspected online and, via the Self-Serve PC at the Town Hall, Matlock when open.
- 7.33 The published weekly list of planning applications is sent electronically to all relevant Town/Parish Councils and local Ward Members for information. Application documentation is also made available for public inspection online or via the self-serve PC at the Town Hall, Matlock when open. Paper copies of application documentation may be purchased (subject to copyright provisions) and will be provided either directly

by the District Council or via the applicant/agent on payment of appropriate copying charges.

How to Comment on Planning Applications

- 7.34 The details of the Case Officer for each application can be found with the application details and documents on the District Councils website. Case Officers can be contacted during normal office hours by telephone or by email at planning@derbyshiredales.gov.uk and will help members of the public understand the details of an individual planning application and/or provide clarification of any issues as well as explain how to make representations.
- 7.35 Comments may be submitted by anyone, regardless of whether they were formally consulted by us. We welcome any comments, either in support of, or objecting to proposals. Any representations of objection will however, need to be based upon valid planning considerations if they are to influence the decision making process.
- 7.36 An advice note called Making Effective Planning Representations is available to view on the Councils website to assist individuals in the formulation of Planning representations¹.
- 7.37 In the case of decisions delegated to officers the District Council will take into account representations received prior to a decision being taken. Comments should be submitted in writing as soon as possible and within the time period specified in any publicity (site notice, neighbour notification, press advertisement etc.) carried out to avoid any representations the public wish to make not being taken into consideration. The Council accepts comments/representations by email, through the Council's website or by letter. These should be addressed to the Development Management Team, Regulatory Services, Derbyshire Dales District Council, Town Hall, Bank Road, Matlock, DE4 3NN and if submitted by email directed to planning@derbyshiredales.gov.uk

The Decision Making Process

- 7.38 The District Council normally has 8 weeks from the date of validation in which to make a decision in the case of minor applications, 13 weeks for major applications and 16 weeks for Environmental Impact Assessment development, unless an extension of time has been agreed with the applicant. The vast majority of planning applications are determined by the District Council's Development Manager in accordance with the Council's scheme of delegation, which was adopted in 2015.
- 7.39 The names and contact details of Ward Members can be found in the 'Your Council' section of the District Council's website at www.derbyshiredales.gov.uk/your-council. Ward Member contact details for specific applications can be viewed by clicking on the 'contact' tab when viewing applications through Public Access.

¹ <http://www.derbyshiredales.gov.uk/images/documents/P/Planning%20Advice%20Note%202%20-%20Making%20Representations%20on%20Planning%20Applications.pdf>

Public Participation at Planning Meetings

- 7.40 Under Regulations made under the Coronavirus Act 2020, public participation at planning committee meetings as provided for in the Constitution, was temporarily suspended in May 2020 and replaced by an alternative mechanism for the public to bring matters to the committees attention in respect of planning applications to be considered.
- 7.41 In October 2020 the District Council resolved to re-introduce public participation at Planning and Other Committees, both at virtual meetings and those where attendance occurs in person. The provisions of the Council's Constitution require the public to give notice by midday on the working day prior to the meeting of their intention to participate. At this time they will be asked to indicate to which item of business their representation relates, whether they are supporting or opposing the proposal and whether they are representing a town or parish council, a local resident or interested party
- 7.42 When such notice is given, the Committee Team will provide members of the public with instructions on how to join a virtual meeting through Zoom. Guidance will be provide on how to download the application and the way in which they will be admitted to the meeting. They will also be provided with a link to the Council's YouTube channel in order to continue viewing the meeting after they had concluded their participation in the meeting.
- 7.43 Where it has been decided by the Council that a planning application will be dealt with by the Planning Committee, the applicant (or agent) and anyone who has made representations will be notified of the time and date of the Committee meeting.
- 7.44 An agenda listing the items to be discussed at meetings of the Planning Committee and the Local Plan Advisory Group will be posted on the District Council's web site and if feasible at the offices of the Town Hall, Matlock, 5 clear days before the meeting.
- 7.45 During the meeting, those members of the public attending to participate will be admitted from the beginning of the meeting and the Chairman will invite them to confirm that they are present. At the appropriate point in the meeting, the Chairman will invite them to unmute and participate in the meeting by making a statement, asking a question or presenting a petition.
- 7.46 Public Participation will be limited to one hour per meeting, with the discretion to extend exercised by the Committee Chairman (in consultation) in advance of the meeting. Online information points will make that clear in advance of registration to speak.
- 7.47 Where more than 2 people are making similar representations, the Committee Clerk will seek to minimise duplication, for instance, by establishing if those present are willing to nominate a single spokesperson or otherwise co-operate in the presentation of their representations.

7.48 Representations will only be allowed in respect of applications or items which are scheduled for debate at the relevant Committee meeting

7.49 Those making representations will be invited to do so in the following order, after the case officer has introduced any new information received following publication of the agenda and immediately before the relevant item of business is discussed. The following time limits will apply:

Town and Parish Councils	3 minutes
Objectors	3 minutes
Ward Members	5 minutes
Supporters	3 minutes
Agent or Applicant	5 minutes

7.50 At the Chair's discretion, the time limits above in Para 7.49 may be reduced to keep within the one hour time limit per meeting for Public Participation.

7.51 After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers

7.52 The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.

7.53 Those making representations are not allowed to share their screens or circulate any photos or written material to the Committee.

7.54 At Planning Committee, applicants or their agents, objectors, supporters and town and parish councils will have the opportunity to remain in the virtual meeting for the duration of the matter for which they are present. At Council and other committee meeting, the Chairman or Committee Clerk will remove the member of the public following the conclusion of the public participation agenda item.

7.55 Where inappropriate remarks are made or inappropriate images are shown by a member of the public, the Chairman will ask the Committee Clerk to remove the individual immediately from the meeting in accordance with Council Procedure Rule 23.1 which concerns the removal of a member of the public from a meeting. Any inappropriate remarks or images will be removed from the recording of the meeting before publication on the Council's YouTube channel.

Notification of the Decision

7.56 Only the applicant (or agent if they have appointed one) will be notified and issued with a paper copy of the final decision. Anyone else wishing to be notified of the decision should use the tracking facility on our online application system.

- 7.57 Only an applicant can appeal against the District Council's decision. In the event of an appeal being made by the applicant, individuals who have previously made comments on the appeal application will be informed and they will have the opportunity to make further representations to the Planning Inspector appointed to consider the appeal.
- 7.58 Lists of decisions and appeals are published and a register of planning decisions can be inspected (during opening hours) via the Self-Serve PC at the Town Hall, Matlock, the Leisure Centre, Ashbourne or via our Online Planning Register.

Appeals Against Decisions

- 7.59 Planning applicants can appeal to the Department for Communities and Local Government, against any the refusal of planning permission or against the imposition of any conditions attached to an approval. There is no right of appeal for a third party under any circumstances.
- 7.60 An appeal is intended to be a last resort where submitting a fresh application is unlikely to be a satisfactory solution. Normally, a revised application of similar nature and description made within 1 year of the decision does not attract a further fee.
- 7.61 Appeals, which are handled by The Planning Inspectorate, may be dealt with by:
- An exchange of written representations;
 - At a local hearing (in which case no advocates are allowed);
 - At a full Local Inquiry (a quasi-legal situation).
- 7.62 An appeal can be made against any of the conditions attached to an approval. There is, however, a risk to an applicant because it is possible that the whole permission may need to be withdrawn if an appeal is dismissed.
- 7.63 If an appeal is to be determined at a Local Inquiry or a local hearing there is a risk of costs being awarded to either party, but costs can only be awarded where there has been unreasonable behaviour. Examples of unreasonable behaviour at the decision making stage could include an application that has been refused for reasons which cannot be substantiated in planning terms or if the Authority fails to provide reasonable evidence to substantiate the harm cited in the reasons for refusal (this particularly applies to subjective opinions given as part of a refusal).
- 7.64 Planning decisions made by the Local Planning Authority or the Planning Inspectorate can be challenged in the courts, within 6 weeks from the date of the decision, if there is evidence that the process by which the decision was made was unlawful.

Towards Good Practice in Community Involvement and Development Management

- 7.65 The District Council continually monitors and reviews its performance, policies and procedures in order to ensure that they operate in the best interests of the community. The District Council recognises that current practice in relation to community involvement in the consideration and determination of planning applications can be

improved. To ensure greater and earlier public involvement in the process the following initiative has been introduced by the Council:

Pre-application Consultation & Discussion

- 7.66 Good practice suggests that local planning authorities should actively encourage developers of major schemes to inform and involve the community in shaping their proposals. The Council will therefore encourage developers to undertake this type of engagement prior to the submission of planning applications.
- 7.67 Similarly for smaller applications, such as residential extensions, the District Council will actively encourage applicants to discuss their plans with neighbours prior to submitting their application.

8.0 MANAGING THE PROCESS

- 8.1 The information obtained through community involvement will be collated and used to inform the decision-making process and/or shape the contents of any documents being prepared. A summary report will be produced outlining the responses received, along with information on how the responses were used to inform the decision-making or the content of documents. The link between responses received and the District Council's decision or action will be made transparent. This will also involve an explanation of the reasons why specific actions may not have been pursued. This report will be available upon request from the District Council and will also be made available on the District Council's website.
- 8.2 The Local Plan and any Supplementary Planning Documents will be accompanied by a 'consultation statement'. This will outline how the SCI has been followed and how community engagement has benefited the preparation of the relevant documents. Copies of all formal representations made in accordance with provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012 will be made available for public inspection at the Council's Offices and at Matlock, Ashbourne and Wirksworth libraries during normal office hours. They will also be available on the District Council's website www.derbyshiredales.gov.uk. A summary of the outcomes and details of specific decisions will be provided directly to all those who have been involved in the process and its specific activities. Further feedback will also be made available on the District Council's website or from the District Council Offices on request.
- 8.3 Increased community involvement may require additional time and resources, particularly where capacity may need to be developed within the community itself. The District Council is committed to enhanced community engagement and in this regard, budgetary provision has been made to ensure that sufficient resources are available to meet our obligations. At all times the District Council will seek to ensure that resources are utilised as efficiently and effectively as possible.
- 8.4 This will be achieved by:
- Clearly defining the roles of the different individuals and groups involved;
 - Learning from and, where possible, utilising the skills of other organisations e.g. LSP, Health Trusts and Planning Aid; and
 - Wherever appropriate, combining and integrating involvement activities to ensure that the community is not subject to "consultation fatigue".

Council Officers - Officers will be responsible for the delivery of the majority of the activities set out in this SCI. Where necessary, support will be drawn from across the Council. Capabilities will be kept under review and gaps filled as appropriate through the existing programme of training and development.

Consultants - Where a process would benefit from additional support or expertise, for example in facilitating more interactive sessions, the use of consultants will be considered. Any such decision will have regard to a comprehensive cost and benefit analysis.

Equipment and Material - The District Council is already well equipped to undertake the activities outlined in this SCI.

Venues and Other Costs – District Council facilities will be used wherever (and whenever feasible taking account of the current pandemic) possible having regard to accessibility and practical considerations. Where possible, activities will be combined with other initiatives to ensure that processes are efficient and costs are minimised. In circumstances where it is not feasible to utilise District Council venues for the purposes of public consultation opportunities to set up virtual venues will be explored.

- 8.5 There are a number of different individuals and groups who have a role to play in achieving effective community involvement in planning.

Planning Officers - provide professional advice on planning matters and formulate draft policies and plans for Council approval. Officers will also be responsible for delivering community involvement activities.

Members - make formal decisions regarding planning matters in accordance with the Council's rules and procedures.

Parish/Town Councils and Other Community Networks - provide comment on individual planning applications and development proposals that have implications for their area. These organisations will also be invited to represent community interests in involvement activities.

Developers - promote specific sites for development and, where appropriate, undertake extensive community involvement requirements to the highest standard.

The Community - raise concerns and/or state support for proposals in order to ensure that development takes place in an acceptable manner. The Council actively encourage all members of the community, including the business community, to get involved in policy development as it directly affects the area in which they live and/or work.

Planning Aid

- 8.6 Council Officers are not always best placed to work with community groups, particularly where individuals seek independent advice. The District Council therefore support and promote the Planning Aid England service. This service provides free, independent and professional advice to communities and individuals who cannot afford to pay fees to a planning consultants. It complements the work of local planning authorities, but is wholly independent of them.
- 8.7 A Planning Aid service in England was launched on the 13 June 2011. Planning Aid is more than giving advice, it engages communities positively in the planning process to help them manage changes to their neighbourhood areas.
- 8.8 Two main services are provided:
- **A single national Planning Advice Line on 0330 123 9244** where all callers will receive 15 minutes of free, independent and professional advice. In addition, some

callers may be eligible for further assistance from a professional volunteer. Other callers will be guided to the website and sign-posted to other organisations.

- **A neighbourhood planning service** will also be provided to support people and communities in gaining knowledge about the planning system and how they can be involved. A team of community outreach co-ordinators have been recruited to support volunteers to work within target communities to build their own plans for the neighbourhoods in which they live.

8.9 Planning Aid England can help people to:

- Understand and take part in the planning system.
- Take part in the preparation of plans.
- Comment on planning applications.
- Apply for planning permission or appeal against refusal of permission (however Planning Aid do not draw plans).
- Represent themselves at appeals or public inquiries.

8.10 Planning Aid helps to meet one of the key aims of the government's planning reform agenda, which is to place community engagement at the heart of the planning system. Planning Aid is part of the Royal Town Planning Institute.

8.11 The Planning Aid contact for the East Midlands can be reached on advice@planningaid.rtpi.org.uk

9.0 MONITORING AND REVIEW

- 9.1 To ensure the effectiveness of this SCI, the District Council must monitor its value both in informing and shaping the Local Plan and providing people in the Derbyshire Dales with the opportunity to be more effectively involved in the planning process. It is therefore essential that the content of the SCI is continually monitored and reviewed.
- 9.2 Progress on the development and implementation of the Local Plan and other development plan documents and neighbourhood planning will be reviewed and set out in an Authority Monitoring Report (AMR).
- 9.3 The Town and Country Planning (Local Planning) (England) Regulations (2012) set out the specific requirements for Authority Monitoring Reports. Details of any local plan or supplementary documents should be included within the Local Development Scheme setting out the stage the document has reached in the statutory process and if it is behind the timetable specified in the LDS any reason for this. Any documents specified within the LDS which have been adopted will also need be specified within the AMR.
- 9.4 A review of the Statement of Community Involvement will be completed every five years, starting from the date of adoption, in accordance with s23 of the Act and the Town and Country Planning (Local Planning) (England)(Amendment) Regulations 2017.
- 9.5 In evaluating consultation initiatives, both the outcomes and process will be reviewed. Key questions that will be addressed as part of the review process will be:
- Was consultation carried out according to the policies set out in this statement?
 - Did all members of the target audience have an opportunity for involvement in the preparation of Local Plan Documents?
 - Were there groups of the target audience who made no responses to the consultation – if so why?
 - Was the overall response rate high enough to give reliable results?
 - Were the results disseminated to consultees, the wider public and partner organisations?
 - Did community involvement directly shape the preparation of the Local Plan and inform decisions on planning applications?

APPENDIX 1
LIST OF CONSULTEES

It should be noted that this list is not exhaustive and also relates to successor bodies when reorganisations occur. It is recognised that organisations may change, regulations that set out who should be consulted may also change before the next review of the SCI. The District Council will consult with the most appropriate bodies, in accordance with the Regulations at the point in time that the consultation occurs.

Statutory Stakeholders

Adjoining Councils
Derbyshire County Council
Town and Parish Councils (within and adjoining Derbyshire Dales)

D2N2 Local Enterprise Partnership
Highways England
Integrated Transport Authority
Natural England
NHS-North Derbyshire Clinical Commissioning Group
NHS-Southern Derbyshire Clinical Commissioning Group
NHS-East Staffordshire Derbyshire Clinical Commissioning Group
Sheffield City Region Mayoral Combined Authority
The Environment Agency
The Historic Buildings and Monument Commission for England (Known as Historic England)
The Civil Aviation Authority
The Homes and Communities Agency
The National Health Service Commissioning Board
The Office of Rail Regulation

Government Departments

Department for Business, Energy and Industrial Strategy
Department for Digital Culture Media and Sport
Department for Education
Department for Environment, Food and Rural Affairs
Department for Transport
Department for Work and Pensions
Ministry of Housing, Communities and Local Government
Ministry of Defence

Other Stakeholders

Age Concern
Campaign to Protect Rural England (CPRE)
Coal Authority
Commission for Architecture and the Built Environment
Derbyshire Wildlife Trust
Derbyshire Dales District Council (Internal Consultation)
East Midlands Chamber (Derbyshire, Nottinghamshire, Leicestershire)
Education and Skills Funding Agency
Environmental, Heritage and Wildlife Organisations e.g. Derbyshire Wildlife Trust,
Equality & Human Rights Commission

Fields in Trust
Garden History Society,
Health & Safety Executive
Help the Aged
Local Nature Partnership
Mobile UK
National Association of Local Councils
National Grid
Network Rail Infrastructure Ltd
Rural Action Derbyshire
Severn Trent (water and sewerage undertaker)
Sport England
Voluntary Organisations and Council for Voluntary Services
Western Power Distribution
Woodland Trust
Yorkshire Water (water and sewerage undertaker)

Additional relevant gas, electricity and electronic communications network
infrastructure providers
Other bodies which represent the interests of different groups within the community
(e.g. racial, ethnic, religious, disability).

Service Providers

Health Trusts
Health Services
Derbyshire Fire & Rescue Service
Derbyshire Ambulance Service NHS Trust
Derbyshire Constabulary
Transport providers (air, road, rail, water as appropriate)
Education Establishments
Sports Organisations

Business Sector

Business, Trade and Industry Associations/Federations
Chambers of Trade and Commerce
Economic Development Organisations
Employment Organisations
Larger and multi-national businesses
Retail outlets
Small and medium sized businesses
Tourism Organisations
Town & Shopping Centre Management

Local Communities

Community Development Organisations
Community Groups (interest, activity and belief)

Community Forums (Area Meetings)
Individual residents and tenants
Local Civic Associations
Peak District Partnership
Residents Associations
NFU
Wardens Service
Other organisations for specific community groups (e.g. youth, women)

Developers and Landowners

Crown Estates
Defence Estates
The Home Builders Federation Ltd
National Trust
Post Office Property Holdings
Individual Developers
Development and Building Companies
Regeneration Companies/ Organisations

It should be noted that the lists at Appendix 1 are not exhaustive and also relate to successor bodies when reorganisations occur

APPENDIX 2

METHODS OF COMMUNITY INVOLVEMENT

Method	Issues	Information	Consultation	Involvement
Newsletters & leaflets (including those produced by stakeholders)	Can provide up to date information, but can be costly. Can also reach large numbers but it is not possible to guarantee that it will be read	Yes	No	No
Media (local press/TV/radio)	Can reach large numbers of people but adverts can be costly. It is not possible to guarantee how the information will be reported.	Yes	No	No
Exhibitions & displays	Can be more interesting and interactive but requires people to attend. It is possible to display information in places such as supermarkets but audience may not be representative.	Yes	Yes/No	No
Online Workshops and Presentations	Can be very resource efficient and convenient, particularly for organisations, however not everyone has access to a computer	Yes	Yes	Yes
Website and Social Media	Can be very resource efficient and convenient, particularly for organisations, however not everyone has access to a computer	Yes	Yes/no	No
Questionnaires and Surveys	Can be effective in gaining a large number of responses but is often viewed as boring and many people do not reply. Not effective for complex issues which need to be explained.	Yes	Yes	No
Online Panel	Already exists and is available for use in relation to planning documents. Would need to consider how representative the panel is.	Yes	Yes	No
Public meetings & surgeries	Can be relatively inexpensive and can be effective. But can suffer low attendance and attendees may not be representative. Could use existing meetings such as Area Forums	Yes	Yes	No
Focus Groups	Can be used to actively involve hard to reach or specific interest groups but can be costly and time consuming. Expertise is required.	Yes	Yes	Yes/No
Workshops	Can be effective for complex issues and can involve a large number of people at one event. Expertise is required and significant planning is required.	Yes	Yes	Yes
Participative Planning Activities	Can be more tailored and interesting to those people who do not usually get involved but can be difficult to organise and facilitate	Yes	Yes	Yes
Community forums or liaison groups	Allows ongoing/regular involvement at a more informal level. Groups gain in-depth understanding of issues and are able to contribute in more detail. Can help to overcome conflict but can be costly.	Yes	Yes	Yes

APPENDIX 3
PROPOSED CONSULTATION METHODS
DEVELOPMENT PLAN DOCUMENTS
&
SUPPLEMENTARY PLANNING DOCUMENTS

LOCAL PLAN DOCUMENTS

Stage	Document Type	Initial Preparatory Stage (Regulation 18)	Draft Local Plan (Regulations 19 and 35)	Submission to Sec of State (Regulation 22)	Examination (Regulation 24)	Report & Adoption (Regulations 25 and 26)
Method						
Making documents available for review at Council offices and libraries	Local Plan	√	√	√	√	√
Newsletter or leaflet available	Local Plan	√	√			
Information sent to existing network of organisations and their newsletters	Local Plan		√	√	√	
Information sent to organisations and individuals who asked to be notified	Local Plan					√
Press releases /articles in press	Local Plan		√			
Online Workshop & Exhibition	Local Plan	?	?			
Exhibition/display in local area(s)	Local Plan		√			
Information and documents on website	Local Plan	√	√	√		√
Questionnaire survey	Local Plan		√			
Public meeting/ surgery	Local Plan	√	√			
Focus group with representatives of specific issue area	Local Plan		√			
Workshop with representatives of range of issue or interest areas	Local Plan	√	√			
Participative planning activities	Local Plan		√			
Community liaison group	Local Plan		√			

KEY √ Consultation Method will be employed
 ? Consultation Method may be employed depending upon issue/topic

SUPPLEMENTARY PLANNING DOCUMENTS

Stage	Start – scoping	Draft SPD Consultation (Regulation 12 & 13)	Consideration of Responses (Regulation 12)	Adoption (Regulation 11 & 14)
Method				
Making documents available for review at Council offices and libraries		√	√	√
Newsletter or leaflet available				
Information sent to existing network of organisations and their newsletters	?	√	?	?
Information sent to organisations and individuals who asked to be notified				√
Press releases /articles in press	?	√	?	?
Exhibition/display in local area(s)				
Online Workshop & Exhibition	?	?		
Information and documents on website	?	√	√	√
Questionnaire survey	?	√		
Public meeting/surgery				
Focus group with representatives of specific issue area	?	?		
Workshop with representatives of range of issue or interest areas	?	?		
Participative planning activities				
Community liaison group				

KEY √ Consultation Method will be employed
 ? Consultation Method may be employed depending upon issue/topic

APPENDIX 4
STATUTORY PUBLICITY REQUIREMENTS
& DERBYSHIRE DALES PRACTICE

Publicity requirements for Planning Applications

The following are the statutory requirements for publicising planning applications:

	Site Notice	Site Notice or neighbour letter	Press	Website²
Major applications		X	X	X
EIA dev with environmental statement	X		X	X
Departure (i.e. Applications which do not accord with the development plan in force in the area)	X		X	X
Development Affecting a Public Right of Way	X		X	X
Non-major		X		X
LB with exterior works	X		X	X
Variation or discharge of condition attached to LBC or CAC or involving works to exterior of listed building	X		X	X
Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area.	X		X	X

The following is the practice currently adopted by DDDC:

	Site Notice and neighbour letter 20 m	Site Notice and neighbour letter 10 m	Press	Website
Major applications	X		X	X
EIA dev with environmental statement	X		X	X
Departure	X		X	X
Development Affecting a Public Right of Way		X	X	X
Non-major	(X ³)	X		X
LB with exterior works listed building		X	X	X
Variation or discharge of condition attached to LBC or CAC or involving works to exterior of listed building		X	X	X
Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area.		X	X	X

² In addition to the above the District Council publicises weekly lists of applications received on social media, using the District Councils Facebook page. The weekly lists reflect applications received two weeks prior to publication, to factor in the planning validation process

³ In accordance with the criteria set out at paragraph 7.15.

COUNCIL
8 OCTOBER 2020

Report of the Director of Regeneration and Policy

DERBYSHIRE DALES LOCAL DEVELOPMENT SCHEME 2020 - 2023

PURPOSE OF REPORT

This report seeks approval for the immediate publication of a revised Local Development Scheme (LDS) on the District Council's website.

RECOMMENDATION

That the Derbyshire Dales Local Development Scheme 2020-2023 as set out in Appendix 1 to this report be approved and brought into immediate effect.

WARDS AFFECTED

All Wards outside the Peak District National Park.

STRATEGIC LINK

The Local Development Scheme sets out the programme for the review and preparation of the Derbyshire Dales Local Plan. The Derbyshire Dales District Council Local Plan will be a pivotal tool in the delivery of the Council's Corporate Plan.

1. BACKGROUND

- 1.1 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by Section 111 of the Localism Act) requires that local planning authorities prepare a Local Development Scheme (LDS), which sets out the Council's programme for the preparation and adoption of Local Development Documents over a three year period.
- 1.2 The National Planning Policy Framework (NPPF) requires that the planning system should be plan-led, with an up to date plan providing a positive vision for the future of the area that sets out a framework for addressing housing needs, economic, social and environmental priorities. The National Planning Practice Guidance states that local planning authorities must keep communities informed of plan making activity, by publicising and keeping up to date their timetable for producing their Local Plan in a Local Development Scheme (LDS). The LDS should be published on the authority's web site.
- 1.3 Following changes in legislation there is no longer a requirement for local planning authorities to specify the timetables for producing other planning

documents such as a Community Infrastructure Levy, Supplementary Planning Documents (SPDs) and the Statement of Community Involvement (SCI) in the LDS. However, the advice is that where being prepared, details of these documents, and their timetable for preparation should be set out on the Council's website. Local planning authorities are encouraged to include within their Local Development Schemes details of other documents which form (or will form) part of the development plan for the area, such as Neighbourhood Plans.

2. THE DERBYSHIRE DALES LOCAL DEVELOPMENT SCHEME 2020-2023

- 2.1 The current Local Development Scheme was brought into effect on 13th September 2018 and covers the period 2018-2021¹ This version was prepared, taking into account changes in legislation and to reflect the adoption of the Derbyshire Dales Local Plan in December 2017.
- 2.2 The current version of the LDS sets out that as the Derbyshire Dales Local Plan had recently been adopted there was little evidence to suggest that an early review of the Plan would be required over the three year period of the revised Local Development Scheme (2018-2021). It goes on to say that in the event that evidence demonstrates that a review of the Derbyshire Dales Local Plan is required during the period 2018-2021, the District Council would prepare a further revised Local Development Scheme.
- 2.3 In light of the proposals to undertake a review of the Derbyshire Dales Local Plan over the next three years as set out in a report elsewhere on the agenda of this meeting, it is considered appropriate to undertake a review of the Local Development Scheme to take it forward for the period to 2020 -2023.
- 2.4 Revisions to the Local Development Scheme have been prepared to cover the period 2020 to 2023. The revised LDS sets out the timetable for the review and preparation of the Derbyshire Dales Local Plan, the resources required to take the Plan forward, and the risks associated with its preparation. At this time the LDS envisages that the review process could be completed by late 2021, and (taking account of previous timescales for the preparation of the current Derbyshire Dales Local Plan) the adoption of a new revised Local Plan being achieved by mid-2023. A copy of the revised LDS is set out in Appendix 1 to this report.
- 2.5 Members are recommended to approve the Derbyshire Dales Local Development Scheme, as set out in Appendix 1, and for the LDS to be brought into immediate effect and published on the District Councils website as soon as practically possible.

3 RISK ASSESSMENT

3.1 Legal

This is a statutory requirement and the proposals accord with the provisions of the relevant legislation. Therefore the legal risk at this current time attributed to this report is low.

¹ <https://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/local-development-scheme>

3.2 Financial

All costs associated with the review and preparation of the Local Development Scheme can be contained within existing budgets and the District Councils Medium Term Financial Strategy. The financial risk is therefore low.

4 OTHER CONSIDERATIONS

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

5 CONTACT INFORMATION

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Tel: 01629 761241

6 BACKGROUND PAPERS

Description	Date	Location
Localism Act 2011	15 th November 2011	https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted
Town and Country Planning (Local Development) (England) Regulations 2012	6th April 2012	https://www.legislation.gov.uk/uksi/2012/767/contents/made
National Planning Policy Framework and Planning Practice Guidance	19 th February 2019	https://www.gov.uk/government/publications/national-planning-policy-framework--2 https://www.gov.uk/government/collections/planning-practice-guidance
Derbyshire Dales Local Plan	Adopted December 2017	https://www.derbyshiredales.gov.uk/planning-a-building-control/local-plan-2015-16
Derbyshire Dales Local Development Scheme 2018-2021	September 2018	https://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/local-development-scheme

7 ATTACHMENTS

Appendix 1 - DDDC Local Development Scheme 2020-2023



DERBYSHIRE DALES DISTRICT COUNCIL

LOCAL DEVELOPMENT SCHEME

2020-2023

DRAFT

OCTOBER 2020

DERBYSHIRE DALES DISTRICT COUNCIL

LOCAL DEVELOPMENT SCHEME

2020-2023

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Appendix 1 – Local Plan Review 2020 – Risk Assessment
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1. INTRODUCTION

Localism Act 2011

- 1.1 The Local Development Scheme (LDS) is a three year project plan which sets out the timescales for the preparation and review of Local Development Documents within Derbyshire Dales. A LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS must specify:
- The local development documents which are to be development plan documents;
 - The subject matter and geographical area to which each development plan document is to relate;
 - Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
 - Any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee;
 - The timetable for the preparation and revision of the development plan documents; and
 - Such other matters as are prescribed.
- 1.2 The LDS must set out (among other matters) the documents which, when prepared will comprise the Development Plan for the area. It must be made publically available and kept up to date. In order to enable local communities and interested parties to keep track of progress the District Council has prepared this Local Development Scheme (LDS) which sets out the Councils programme for the review and preparation of the Derbyshire Dales Local Plan and covers the period 2020-2023.
- 1.3 This LDS supersedes the previous version of the LDS covering the period 2018-2021 published in September 2018.

Local Plan Regulations

- 1.4 The Town and Country (Local Planning) (England) Regulations 2012 came into force on 6 April 2012. These Regulations prescribe the form and content of a Local Plan and Policies Map and set out the procedural arrangements for preparing Local Plans. They also list the prescribed bodies in relation to the Duty to Co-operate, the requirements in relation to the Authority Monitoring Report (AMR), and set out how information should be made available for inspection.
- 1.5 Following changes in legislation there is no longer a requirement for local planning authorities to specify the timetable for the production of other planning documents, such as Supplementary Planning Documents (SPDs), the Community Infrastructure Levy (CIL) and the Statement of Community Involvement (SCI) in the LDS. However, it is considered good practice, that where these are being prepared their details and timetable for preparation are set out on the local planning authority website.

Neighbourhood Planning Regulations

- 1.5 Town and Parish Councils can prepare *Neighbourhood Development Plans*. These can set out the vision and planning policies for the use and development of land in a particular designated neighbourhood area. Neighbourhood Plans, must, however, be in general conformity with the National Planning Policy Framework and the local planning authority's strategic planning policies. When a Neighbourhood Development Plan is approved by an independent examiner and agreed through a local referendum, the local planning authority must adopt it as part of its Development Plan and take it into account when making decisions on planning applications in the area.
- 1.6 As Neighbourhood Development Plans are not prepared by the District Council and their timetables are dependent on the progress made by the respective communities, they are not required to be included in the LDS. However to reflect good practice, information on neighbourhood planning activity and 'made' Neighbourhood Plans in the Derbyshire Dales is included in this LDS. More detailed information is however, available on the District Council's website¹.

The National Planning Policy Framework

- 1.7 A revised National Planning Policy Framework (NPPF) was published in February 2019. It commits the Government to the principle of a plan-led system where decisions on planning applications are made in accordance with the development plan unless material considerations indicate otherwise. The NPPF sets out the importance of Local Plans as being key to delivering sustainable development that reflects the vision and aspirations of local communities.
- 1.8 Various strategic priorities must be addressed in a Local Plan, including policies to deliver the homes and jobs needed together with any necessary retail, leisure and other commercial development. The NPPF stresses that plans must be based on adequate, up to date and relevant evidence. National planning policy sets out clear expectations about how a Local Plan must be developed in order to be justified, effective, consistent with national policy and positively prepared to deliver sustainable development that meets local needs and national priorities.

The National Planning Practice Guidance

- 1.8 The National Planning Practice Guidance (NPPG) provides complementary guidance for local planning authorities on the production, preparation and deliverability of Local Plans. The NPPG reiterates the key role of Local Plans in delivering sustainable development that reflects the vision and aspirations of local communities. It advocates the role of the Local Plan as an important tool in guiding decisions on development proposals, and acting as the starting point for decision making.
- 1.9 The NPPG sets out that the Local Plan should make clear what is intended to happen in the area over the life of the Plan, where and when this will occur and how it will be delivered. A key diagram and policies map must also be included to indicate the geographic application of the policies in the plan. The NPPG also

¹ <http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning>

indicates the type of documents which should form the appropriate and proportionate evidence base to support the preparation of a Local Plan.

2. PROPOSED LOCAL DEVELOPMENT SCHEME

The Development Plan

2.1 The 'Development Plan' comprises one or more 'adopted development plan documents'. The Local Plan is the main document produced by the District Council which sets out the policies and proposals for the use and development of land for the period up to 2033. This is one of the documents that make up the 'Development Plan' for Derbyshire Dales. Planning applications have to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The following documents currently comprise the statutory Development Plan for Derbyshire Dales;

- **The Derbyshire Dales Local Plan** – Adopted December 2017; sets out up to 2033 the overall vision, objectives and policies for the future development of those parts of the Derbyshire Dales that lie outside the Peak District National Park. The Local Plan provides a strategy for the spatial development of the Derbyshire Dales and provides a framework for promoting and controlling development. The Plan allocates sites for housing and employment development and provides development management policies for use in the determination of planning applications. The Adopted Derbyshire Dales Local Plan and Policies Map can be viewed using the following link:

www.derbyshiredales.gov.uk/derbyshiredaleslocalplan

- **Saved policies of the Derby and Derbyshire Minerals Local Plan²** (2000 – partly revised in 2002) – guides decisions on planning applications for the extraction of minerals and associated works in the area.
- **Saved policies of the Derby and Derbyshire Waste Local Plan³** – 2005 – guides decisions on planning applications for developments associated with the management of waste material in the area.
- **Neighbourhood Development Plans** – The Localism Act 2011 introduced the right for communities to prepare their own Neighbourhood Development Plans. Neighbourhood Development Plans in order to become part of the Development Plan and used in the determination of planning applications have to follow a formal statutory process for preparation and consultation, and be examined by an appointed person. When adopted, the 'made' Neighbourhood Plan' is used to assess and determine planning applications within the Plans designated area.

There are currently three 'made' Neighbourhood Plans in Derbyshire Dales, Wirksworth Neighbourhood Plan⁴ which was brought into effect on 25th June

² <https://www.derbyshire.gov.uk/environment/planning/planning-policy/minerals-waste-development-framework/minerals-and-waste-planning-policy.aspx>

³ <https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/planning/planning-policy/minerals-waste-development-framework/derby-and-derbyshire-waste-local-plan.pdf>

⁴ <http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning/wirksworth-neighbourhood-plan>

2015, Doveridge Neighbourhood Plan⁵ which was brought into effect on 26th July 2018 and Darley Dale Neighbourhood Plan⁶ which was brought into effect on 19th February 2020. The examination of the Kirk Ireton Neighbourhood Plan⁷ was concluded on 7th February 2020, however, because of the Coronavirus pandemic the referendum on the Kirk Ireton Neighbourhood Plan has been postponed until May 2021. Other areas that have been designated as neighbourhood areas include:

- Ashbourne
- Boylestone
- Brailsford
- Middleton By Wirksworth
- Shirley

Other Policies Material to Decision Making

2.2 Development Plan Documents carry the most weight in the determination of planning applications; however there are other documents that complement DPDs, and provide detailed guidance that can assist in the determination of planning applications.

➤ **Supplementary Planning Documents (SPD's)** – provide supplementary advice and guidance and are material considerations in the determination of planning applications. SPD's are not subject to independent examination but are subject to public consultation in accordance with the Regulations and the District Council's Statement of Community Involvement. The District Council had a number of SPD's that were prepared to support policies in the 2005 Local Plan. The following SPDs have been updated to reflect policies in the adopted Derbyshire Dales Local Plan 2017⁸;

- Conversion of Farm Buildings
www.derbyshiredales.gov.uk/farmbuildingsspd
- Landscape Character and Design
www.derbyshiredales.gov.uk/landscape&designspd
- Shopfronts and Commercial Properties
www.derbyshiredales.gov.uk/shopfrontsspd

A SPD on Developer Contributions⁹ was adopted by the District Council in February 2020. This sets out the basis of the calculation for financial contributions and obligations to be sought from development for the provision of infrastructure necessary to support development, including affordable housing, open space,

⁵ <http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning/doveridge-neighbourhood-plan>

⁶ <https://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning/darley-dale-neighbourhood-plan>

⁷ <https://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning/kirk-ireton-neighbourhood-plan>

⁸ <http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/supplementary-planning-documents>

⁹ <https://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/supplementary-planning-documents/developer-contributions>

community facilities including for sport and recreation, education, health care, traffic and transportation and broadband.

➤ Developer Contributions

www.derbyshiredales.gov.uk/developercontributionsspd

- 2.3 The implementation and performance of policy documents and progress in delivering the LDS is reviewed annually through the Authority Monitoring Report (AMR)¹⁰. Other documents produced by the District Council include the Statement of Community Involvement (SCI)¹¹. This sets out the standards that the local community can expect in undertaking consultation of the development of local planning policy and on planning applications.

Derbyshire Dales Local Plan Review Programme

- 2.4 Government guidance emphasises the requirement for the preparation and review of policies to be underpinned by relevant, proportionate and up to date evidence. The District Council will continue to undertake studies and research as appropriate to support the preparation of Development Plan Documents. The evidence base to support the preparation and adoption of the Derbyshire Dales Local Plan consists of a wide range of studies, plans and strategies, produced by a wide range of organisations, not just the District Council. A significant amount of evidence has been prepared and can be found on the District Council's website.¹² As the review of the Derbyshire Dales Local Plan commences further updated evidence base studies will be prepared and published on the District Councils website.
- 2.5 The Derbyshire Dales Local Plan was adopted on 7th December 2017. Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires Local Planning Authorities to review Local Plans at least once every five years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. To comply with this requirement a review of the Derbyshire Dales Local Plan must be completed by 2022. The review process is a method to ensure that a Plan and the policies therein remain effective at managing the use and development of land in the future.
- 2.6 This LDS has been prepared to inform the preparation and review of the adopted Derbyshire Dales Local Plan over the next three years for the period 2020-2023. This LDS sets out the timetable for the review of the Local Plan, the resources required to take the Plan forward and the risks associated with its preparation.
- 2.7 The advice in the National Planning Practice Guidance (NPPG) is that Local Plan reviews should be proportionate to the issues in hand. The guidance also suggests that policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The review process is a method

¹⁰ <http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/authority-monitoring-report>

¹¹ <https://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/statement-of-community-involvement>

¹² <http://www.derbyshiredales.gov.uk/planning-a-building-control/local-plan-2015-16/evidence-base>

to ensure that a plan and the policies within remains effective at managing the use and development of land in the future.

- 2.8 The Programme for the Review of the Derbyshire Dales Local Plan set out within Section 3 envisages that the review process will be completed by late 2021, and taking account of previous timescales for the preparation of the current Derbyshire Dales Local Plan the adoption of a new revised Local Plan by mid-2023.

Derbyshire Dales Local Plan Review – Evidence Base

- 2.9 In accordance with the National Planning Policy Framework and Planning Practice Guidance the review of the Derbyshire Dales Local Plan must be based on robust and credible evidence. This evidence will consist of a wide range of studies, plans and strategies produced by a wide range of organisations, not just the District Council.
- 2.10 The initial stages of the Local Plan review process will require the collation of evidence to support the future development of policies and proposals in a revised Local Plan. At this time it is envisaged that the following issues will be the focus of the Local Plan review and have informed the preparation of the LDS:
- Overall housing requirements for the period up to 2040 – including amounts, and types of both market and affordable housing
 - Housing allocations to meet the outstanding housing requirements
 - Extent to which current policies in the adopted Derbyshire Dales Local Plan remain in conformity with the NPPF/NPPG and valid for the use in the determination of planning applications
 - The extent of which policies are considered sufficient to address matters relating to Climate change
 - The level of residential development in the National Park
 - The necessity or otherwise for a new village to accommodate the future housing requirements
 - Gypsy and Traveller provision; and
 - Infrastructure Capacity and Future Requirements
- 2.11 The following evidence base studies are therefore envisaged to inform the review of the Local Plan:
- Strategic Housing Requirements 2017-2040
 - Employment Land and Retail Capacity 2017-2040
 - Infrastructure and Whole Plan Viability
 - Strategic Flood Risk Assessment Update
 - Strategic Environmental Assessment and Habitats Regulations Assessment
- 2.12 Dependent upon the outcome of the initial review of the Local Plan further evidence base studies may be required on matters such as the feasibility of a new village, strategic traffic and transportation infrastructure, and an update the Landscape Sensitivity study produced to inform the adopted Derbyshire Dales Local Plan.

Derbyshire Dales Local Plan Review - Consultation

- 2.13 The National Planning Policy Framework requires that Plan making should be shaped by early, proportionate and effective engagement between plan makers, communities, local organisations, business, infrastructure providers and operators and statutory consultees (paragraph 16 NPPF). Local Planning Authorities are required to set out in their Statement of Community Involvement how they intend to engage with communities and stakeholders during plan making and how they will be involved in the preparation, alteration and review of Local Plans and also in the determination of planning applications. The District Councils Statement of Community Involvement is available to view on the District Councils website¹³.

Monitoring

- 2.14 Up to date and accessible reporting on the Local Development Scheme is set out in the District Councils Authority Monitoring Report and is an important way in which local communities and stakeholders can be kept informed of plan making activity. The AMR monitors the implementation of the adopted Derbyshire Dales Local Plan and progress of the LDS on an annual basis, reporting in December each year. The latest AMR covers the period 2018-2019 and is available on the District Councils website.¹⁴
- 2.15 The AMR will monitor the delivery of policies in the Local Plan when they have been adopted as well as referring to the Council's five year housing land supply; Neighbourhood plans; Infrastructure Delivery; projects and programmes in relation to the Duty to Co-operate and targets and indicators have been identified for the policies within Local Plan.

¹³ <https://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/statement-of-community-involvement>

¹⁴ <https://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/authority-monitoring-report>

Programme for Derbyshire Dales Local Plan Review – 2020-2023

Derbyshire Dales Local Plan Review LDS Timetable 2020-2023												
Derbyshire Dales Local Plan	2020		2021				2022				2023	
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Local Plan Review Identification of Key Issues												
Preparation of Draft Plan												
Public Consultation Draft Plan												
Draft Submission Plan												
Public Consultation Submission Plan												
Examination in Public												
Main Modifications												
Inspectors Report												
Adoption by Council												

Table 1: Derbyshire Dales Local Plan LDS Timetable 2020-2023

- 3.1 Further explanation of the key milestone which are set out in the LDS timetable presented in Table 1 are set out below:
- 3.2 **Local Plan Review Identification of Key Issues** – The Council will undertake a review of the existing adopted Derbyshire Dales Local Plan. This will entail a review policies and proposals and collation of a proportionate evidence base to support the review process.
- 3.3 **Preparation of Draft Plan** – The Council will prepare a Draft Plan, which will include an initial development strategy and policies intended to address the strategic priorities of the plan area and provide guidance to the development management process in the determination of planning applications.
- 3.4 **Public Consultation on Draft Plan** – Consultation on the Draft Local Plan will be undertaken, this will entail consultation on the draft strategy for the Local Plan, policies and relevant site allocations.
- 3.5 **Draft Submission Plan** – Review representations to consultation on Draft Local Plan and any additional evidence and modify Local Plan accordingly, producing a Draft Submission Plan.
- 3.6 **Public Consultation on Draft Submission Plan** – consultation on the version of the Local Plan that the Council intends to submit to the Secretary of State for Examination will be undertaken, with representation sought on the soundness and legal compliance of the Plan.
- 3.7 **Submission to Secretary of State** – once the Council has chosen its strategy or policies, it will prepare the suite of Local Plan documents and submit to the Secretary of State. At this time the District Council will contact the Planning Inspectorate to arrange an independent examination of the document to be held.
- 3.8 **Examination in Public** – the policies in the Derbyshire Dales Local Plan will be tested thoroughly during the independent examination to determine whether it satisfies the statutory requirements for the preparation of the plan, it is in general conformity with the National Planning Policy Framework and the document is sound.
- 3.9 **Main Modifications** – proposed modifications to the Plan may be identified through the examination process and will be subject to a consultation.

- 3.10 **Inspectors Report** – After the examination, the Inspector will produce a report with recommendations that will be binding upon the Council. The report will set out precise recommendations for how the Local Plan and adopted proposals/policies maps will need to be changed.
- 3.11 **Adoption by Council** – Once the Council has received the Inspectors binding recommendations it will revise the document accordingly and formally adopt the Plan.

Derbyshire Dales Local Plan

Overview

Role & Subject	Review of adopted Derbyshire Dales Local Plan (2017). Set out vision, objectives and spatial development strategy to 2040 within the context of the Derbyshire Dales. It will include land allocations and a suite of strategic and development control policies that will be utilised to deliver the overall vision and spatial development strategy.
Coverage	Local Planning Authority Area.
Status	Development Plan Document.
Conformity	NPPF/NPPG

Timetable

Stage	Dates
Commencement of Preparation Process	October 2020
Commence Identification of Key Issues	January 2021
Commence Preparation of Draft Plan	November 2021
Public Participation Draft Plan	April 2022
Commence Preparation of Draft Submission Plan	June 2022
Public Participation Draft Submission Plan	October 2022
Submission to Secretary of State	December 2022
Examination in Public Commences	December 2022
Main Modifications	May 2023
Receipt of Inspector's Report	June 2023
Adoption	June 2023

Arrangements for Production

Organisational Lead	Director of Regeneration and Policy & Policy Manager
Political Management	Local Plan Working Group & Council.
Internal Resources	Derbyshire Dales Planning Policy Section
External Resources	Peak District Partnership; Derbyshire County Council; Appointed Consultants, Local Enterprise Partnerships; key Stakeholders
Community & Stakeholder Involvement	In accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 as amended by the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 and the strategy set out in the Statement of Community Involvement.

Post Production

Monitoring and Review	The Local Plan sets out a number of Key Performance Indicators that will be monitored on an annual basis through the Authorities Monitoring Report, and changes will be made to the Local Plan as necessary.
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Development Plan Policies to be replaced

Derbyshire Dales
Local Plan Adopted
(2017)

4 Delivery and Implementation

Resources

- 4.1 All work undertaken in connection with the preparation of the Derbyshire Dales Local Plan will be managed by the District Council's Policy Manager. Staff resources will be drawn mainly from the Planning Policy section. The Planning Policy section consists of 2.55 full-time equivalent (FTE) posts, consisting of Policy Manager, Senior Planning Policy Officer, Planning Policy Officer and Administrative Assistant. If required, a Programme Officer will be appointed to assist the Inspector through any future examination of the Derbyshire Dales Local Plan. Other sections from within the District Council will be drawn upon for extra resources when required to provide support to the Planning Policy team, such as the Business Support Unit and Officers from the Regulatory Services Department.
- 4.2 Advice will be sought from Council Officers in other sections and departments including the Development Manager; Head of Housing Services; and Director of Regeneration and Policy. Advice on traffic and transportation matters will be obtained from Derbyshire County Council. External advice will be sought on matters such as nature conservation from Natural England and the Derbyshire Wildlife Trust and Historic England on the historic environment for instance.
- 4.3 The District Council has sufficient budget to support the preparation of Local Plan, including the Examination in Public.

Risk Assessment and Management

- 4.4 As part of the review of the Derbyshire Dales Local Plan a Risk Assessment has been undertaken which considers the possible risks to the Local Plan preparation process and degree of impact. A copy of this risk assessment is set out within Appendix 1.
- 4.5 Table 2 below identifies a range of potential risks, their impact and likelihood of occurrence, together with contingency and mitigation measures.

Risk	Likelihood	Impact	Contingency	Mitigation
Staff Recruitment & Retention A member of staff leaves or is off sick	High	High	Spread knowledge of the Local Plan and issues amongst team members, Manager and Head of Service.	Possibly pull in extra resources from the Policy and Regeneration Team, re-deploy staff or in the case of loss of staff, re-appoint as soon as possible if budgets permit
New National legislation	Medium	Medium	The National Planning Policy Framework, National Planning Practice Guidance and the Localism Act have reformed the planning system.	Review timescales and where necessary extend to some degree to incorporate changes to policy formulation work.

Risk	Likelihood	Impact	Contingency	Mitigation
			<p>Delays in the delivery of plans may occur in terms of compliance with the NPPF as a result of challenges on local interpretation and providing sufficient justification for decisions taken</p> <p>Further changes to regulations at later stages may lead to further modifications to the Local Plan being made prior to Adoption.</p> <p>Unanticipated significant changes to planning policy guidance including legislative changes.</p>	<p>Contact other Local Authorities to gain better understanding of the implications of changes if necessary.</p> <p>Ensure contingency measures are put in place to address revised policy guidance and discuss with MHCLG realistic solutions.</p>
Legal Challenge	Medium	Medium	Post adoption of a Local Plan, there is a six week challenge period.	To reduce the risk of challenge, ensure that the Local Plan is legally compliant and is based upon robust evidence
Compliance with the Duty to Co-operate , with DTC agreement cannot be reached with adjacent Local Planning Authorities	High	High	Close working with prescribed authorities and Members to detect issues early in the process. Ensure all discussions are documented in writing and formally agreed.	Commence discussions with neighbouring Local Planning Authorities early to ensure agreement can be reached in a timely manner. Continuing discussions with neighbouring authorities.
Local Plan not being found sound	Medium	Medium	Seek advice from PINS at key stages. Develop a sound evidence base and ensure that all policy decisions can be thoroughly justified.	Develop a sound and robust evidence base and ensure there are no gaps in the evidence to support the Local Plan. Ensure all evidence is regularly updated to reflect the latest information available.
Programme Slippage	Medium	High	Ensure that timescales are achievable and offer a degree of flexibility. For ensure delays in the preparation of the evidence base, delays in securing eternal procurement, evidence being	Ensure sufficient resources are available to complete all the required work and future stages of the Local Plan process are achievable. Ensure all the team is involved in the preparation process and extend timescales if necessary. Utilises online

Risk	Likelihood	Impact	Contingency	Mitigation
			unable to be gathered in time e.g. due to COVID, public consultation results in an overwhelming number of representations.	survey to help assist with analysis of representations, close project management of external consultants. Keep human resources under review to ensure there is adequate staffing to complete project within timescales.
Provision of Infrastructure	Medium	Medium	Discussions with infrastructure providers to focus on the preparation of the Infrastructure Delivery Plan (IDP) including various workshops and meetings. Ensure emerging and updated regulations relating to CIL and Planning Obligations are taken into account and addressed through policy and IDP.	Continuing engagement with infrastructure providers and development of the IDP will ensure timely consideration prior to submission of Local Plan to the Secretary of State
Council does not agree Draft Submission Plan or the adoption of the Local Plan	Medium	High	Early and continuous engagement with Members to ensure support for Plan and proposals.	Ensure Council Members are kept up to date on the Local Plan preparation process and emerging Plan and policies.
Inspectors Report delayed and/or includes recommendations the Council find hard to accept	Medium	Medium	Close liaison with PINS and identify any contingency measures to address any possible delays. The Council will need to consider all recommendations if it wishes to have an up to date development plan in place as required by the NPPF.	Keep Council Members up to date on issues arising and likely recommendations, and allow for delegation arrangements were necessary to deal with difficult issues.
Unforeseen additional work	Medium	Medium	Timetabled work programmes and top priorities clearly set out, overall programme management of all areas of work is essential to delivering targets and deadlines	Ensure that a degree of flexibility is added into current work programmes to accommodate unforeseen work. Draw on additional resources within the Policy and Regeneration Department where required to meet deadlines.

Risk	Likelihood	Impact	Contingency	Mitigation
Financial Risk	Low	High	The cost of preparing the Derbyshire Dales Local Plan is contained within the Council's budget.	Ensure that budgets are managed and updated. Ensure efficient working practices. A specific budget exists to cover the costs of the EIP .

Table 2: Derbyshire Dales Local Plan Risks, Contingencies and Mitigation Measure

APPENDIX 1 – DERBYSHIRE DALES LOCAL PLAN REVIEW RISK ASSESSMENT

Project Name	Local Plan Review
Project Manager	Mike Hase
Project End Date	May-23
Risk Register Version	v2
Date prepared	14/08/2020

Scoring system key

Likelihood	5	Highly likely	Impact	5	Catastrophic
	4	Likely		4	Severe
	3	Forseeable		3	Moderate
	2	Unlikely		2	Minor
	1	Rare occurrence		1	Negligible

		Impact				
		1	2	3	4	5
Likelihood	1	1	2	3	4	5
	2	2	4	6	8	10
	3	3	6	9	12	15
	4	4	8	12	16	20
	5	5	10	15	20	25

1-4 =
Low risk

5-9 =
Medium risk

10-16 =
High risk
20-25 =
High risk

			Pre-mitigation			Post-mitigation			
Risk category	Risk ID	Risk	Likelihood (L)	Impact (I)	Risk	Mitigation	Likelihood (L)	Impact (I)	Risk
		Min score	1	1	1	Min score	1	1	1
		Max score	5	5	25	Max score	5	5	25
External Procurement	P1	Preparation of Specifications not completed on time as a result of Coronavirus	3	3	9	Ensure that whole team involved in the preparation process	2	2	4
	P2	Tender Submissions - Not Returned within timescales	3	3	9	Extend Timescales or provide sufficient time based upon discussions with consultants	2	2	4
	P3	Tender Submission - Significantly Exceed Budgetary	2	3	6	Utilise more of Local Plan Reserve	1	2	2

		Estimates							
	P4	Tender Submissions - Consultants cannot complete within timescales envisaged	3	3	9	Ensure that Specifications are appropriate to needs of the Local Plan Review	2	2	4
Internal Review Process & Statutory Requirements	IR1	Sites not accessible for site visits	3	3	9	Site Assessment work undertaken as desktop exercise	2	2	4
	IR2	Insufficient sites identified to meeting future housing requirement	2	4	8	Duty to Co-operate engaged - adjacent local planning authorities contacted to see if they have capacity.	2	2	4
	IR3	If Engaged Duty to Co-operate agreement cannot be reached with adjacent local planning authorities	3	4	12	Commence early discussions with relevant local planning authorities to ensure that agreement can be reached in a timely manner	2	3	6
	IR4	Delayed delivery of laptops to replenish staff	3	4	12	Requisition of other staff's laptops to meet Planning Policy priorities	2	2	4
Plan Preparation	PP1	Delay in preparation of evidence base	3	3	9	Project Management of Consultants to ensure preparation timetable adhered to	2	2	4
	PP2	Delay in preparation of LDS & SCI	3	3	9	Keep human resources under review	2	2	4

					to ensure that there is adequate staffing to complete within timescales			
PP3	LPWG does not agree to recommend LDS & SCI for approval to Council	3	4	12	Early engagement with Members prior to LPWG	2	3	6
PP4	Council does not agree LPWG Recommendations on LDS & SCI	3	4	12	Early engagement with Members prior to Council	2	3	6
PP5	Unanticipated Significant Changes to Planning Policy Guidance and/legislative changes	2	4	8	Ensure that there are contingency measures in place - discuss with MHCLG realistic solutions	2	2	4
PP6	Public Consultation results in over whelming number of representations at all stages	3	3	9	Utilise online resource such as Survey Monkey to assist with the analysis of representations and enter manual representations as received	2	3	6
PP7	Delay in preparation of Pre Submission Draft	3	3	9	Keep human resources under review to ensure that there is adequate staffing to complete within timescales	2	3	6
PP8	LPWG & Council do not agree contents of Pre Submission Draft	3	4	12	Early engagement with Members before LPWG &	2	3	6

	Local Plan				Council			
PP9	Delay in commencement of Public Consultation on Pre Submission Draft Local Plan	2	4	8	Ensure that there are contingency measures in place - discuss with MHCLG realistic solutions	2	2	4
PP10	Delay in preparation of Draft Submission Plan	3	4	12	Keep human resources under review to ensure that there is adequate staffing to complete within timescales	2	3	6
PP11	Council does not agree to submission of Local Plan	3	5	15	Early engagement with Members prior to Council	3	3	9
PP12	Inspector does not agree DTC been met - plan review is delayed	3	5	15	Ensure timely preparation of DTC Statement with all relevant local planning authorities	3	3	9
PP13	Examination in Public Delayed by unforeseen circumstances	3	3	9	Identify with PINS contingency measures - if not already in place.	2	3	6
PP14	Mutiple & Complex Main Modifications require additional time to prepare	3	3	9	Liaise with Inspector throughout the EIP to ensure no hidden surprises in the modifications	2	2	4
PP15	Council does not agree to Adoption of Local Plan	3	5	15	Early engagement with Members prior to Council	2	3	6

COUNCIL
8th OCTOBER 2020

Report of the Director of Regeneration and Policy

PERFORMANCE MANAGEMENT – KEY & CORPORATE PERFORMANCE INDICATORS OUTTURN 2019/20

PURPOSE OF REPORT

This report summarises the outturn performance against the District Council's Key & Corporate Performance Indicators for the full year 2019/20, which is the last year of the previous Corporate Plan. The report highlights where services have performed strongly and where improvements can be made.

RECOMMENDATION

1. The outturn performance against Corporate Plan targets for 2019/20 be noted.
2. The outturn performance against the Key Performance Indicators for 2019/20 be noted.
3. Bi-annual reports continue to be brought to Council to highlight progress, demonstrate good performance, and address areas for improvement.
4. Key Performance Indicator targets for 2020/21 set out in Section 4 and set out in Appendix 1 be approved.

WARDS AFFECTED

All

STRATEGIC LINK

The Corporate Plan (2105-19) set out the District Council's priorities and areas for improvement, and identifies targets to be achieved. Service Plans, policies and strategies supplement the Corporate Plan. Within individual Service Plans there are a small number of Key Performance Indicators, which set out the targets for more routine operational achievement within those service areas. The District Council's Performance Management scheme monitors progress against these Key and Corporate Performance Indicators and identifies improvements.

1 BACKGROUND

- 1.1 The Corporate Plan (adopted by Council in November 2015) set out the District Council's priorities and areas for improvement in the period to 2020. It identified a number of priority targets to be achieved each year. These targets set out the District Council's main actions as to what it wished to achieve to help meet its top priorities.
- 1.2 For 2019/20 there were **15 Corporate Plan targets** set by Council in March 2019. These covered the three priority areas of:

- (1) Business Growth and Job Creation;
- (2) Affordable Housing; and
- (3) Market Towns.

These priority areas were to be achieved whilst also maintaining a clean and safe District and continuing to seek efficiencies and innovative working practices.

- 1.3 In addition, within individual Service Plans there are a small number of key targets for achievement within those service areas. These **12 Key Performance Indicators** measure how well the District Council is doing at maintaining basic service standards. They cover services such as determining planning applications in good time, paying bills on time, collecting Council Tax efficiently, and paying benefits claims promptly.
- 1.5 A mid-year report on both the Corporate Plan targets and Key Performance Indicators was provided to Council on 21 November 2019. A report on the Council's Corporate and Service Plans was taken to Council on 5 March 2020 which set out the performance targets for the new Corporate Plan and the 2020/21 year.

2 PERFORMANCE MANAGEMENT

- 2.1 The District Council's Performance Management scheme is the means by which we understand how well our services are performing. It demonstrates whether or not we are on target to meet Service Plan Requirements, and highlights good performance. Where improvements are required, it helps achieve this by setting out and monitoring actions required. Performance management is good management.
- 2.2 By doing so, the District Council demonstrates that it knows:
 - what its priorities are
 - what it is aiming for
 - what it must do to achieve these aims
 - how it measures progress, and
 - when it is appropriate to take remedial action to address underperformance.
- 2.3 The District Council's Performance Management Handbook¹ sets out the performance management process that uses the following classification at outturn:

Green = has fully achieved the year's target on time

Amber = has partially achieved the target and is on track to fully achieve the year's target albeit later than planned

Red = has not achieved year's target and is unlikely to do so.

3 COUNCIL PERFORMANCE – OUTTURN 2019/20

- 3.1 Overall, of the 27 performance indicators for the financial year 2019/20 for which data is available, 22 (81%) were fully or partially achieved, as Table 1 shows:

¹ https://www.derbyshiredales.gov.uk/images/P/Performance_Management_Handbook_for_2020-21.pdf

	No. of Targets	Green	Amber	Red
Corporate Plan targets	15	11	3	1
Key Performance Indicators	12	11	0	1
TOTAL	27	22	3	2

Table 1 - Summary of Performance Indicator Outcomes

- 3.2 A slightly lower proportion of Corporate Plan targets were fully achieved (11 out of 15, or 73%) as compared to Key Performance Indicator targets (11 out of 12, or 92%). Corporate Plan targets tend to be project based and involve a range of partners; they are therefore more complex, long term and subject to factors outside the Council's direct control, which often means the timescales for delivery become extended.
- 3.3 Table 2 below divides indicators by service related and Corporate Plan priority area. Strong performance is evident from the Revenues & Benefits, Planning and Housing service areas; weaker performance is in the corporate plan target area of Business Growth & Job Creation:

Service Area	No. of Targets	Green	Amber	Red
Organisational Health	3	3		
Housing	1	1		
Planning	4	3		1
Revenues & Benefits	4	4		
Corporate Plan Priority Area				
Other	1		1	
Business Growth & Job Creation	5	3	1	1
Market Towns	4	4		
Affordable Housing	5	4	1	
TOTAL	27	22	3	2

Table 2 - Performance Target Outturn by Service & Corporate Priority

- 3.4 The detailed outturn position for each of the key performance indicators for 2019/20 is set out in **Appendix 1**.
- 3.5 Performance **highlights** from 2019/20 are considerable, and include:
- 99.7% of undisputed invoices paid on time, this is the highest annual result in the last eight years, beating the 99.65% achieved in 2016/17. There were only 11 payments made all year in greater than 20 days. On average in 2019/20 we paid our suppliers in 6.33 days from receipt of invoice. In fact, 81.67% of invoices were paid with 10 days.
 - 61.9% of household waste has been sent for reuse, recycling, composting or anaerobic digestion. The target has been exceeded and the percentage of waste recycled has increased gradually and steadily by 6.74% over the past 5 years (from 55.16% in 2015/16 to 61.9% in 2019/20).
 - Average no. working days lost due to sickness absence per FTE employee was 8.36, which was better than target and is at the third lowest level in eight years.

- 90.6% of minor planning applications were determined in 8 weeks, which is the highest proportion of minor planning applications determined within this timescale over the last eight years.
- The speed of processing new benefits claims was 12.85 days, which has been the quickest turnaround of processing new claims in 8 years and almost a day quicker than last year. Performance has steadily improved since 2014/15.
- The speed of processing notifications of changes in circumstances for benefits was 2.97 days, which is the quickest processing of changes in circumstances in 8 years and 2.84 days faster than the average over this period.
- 89 affordable homes were completed against a target of 51.
- 381 vulnerable households were assisted with £261,326 financial gains in welfare support and £754,565 of debt affected.
- 92 adaptations provided to homes of disabled people. The target was exceeded by 35 and this is the largest number of adaptations completed in the past 7 years.
- 5 funding bids were submitted for Hurst Farm.

3.6 The four targets that were **not achieved** are described below; of these two had already been flagged as uncertain of achievement at or prior to the Q2 reporting stage:

1. The percentage of appeals allowed against District Council decisions to refuse planning applications missed the target by 4.4% (at 30% allowed). This continues a trend seen over the past eight years where the proportion of appeals allowed *against* the LA's decision has been increasing gradually but steadily.
2. Develop a business case for the District Council to more directly intervene in the creation of employment units/ business workspace in the central area of the district by September 2019. This project experienced two delays: the first due to waiting for a decision from Historic England on the area of a Scheduled Monument site - which would have impacted on the scheme – and the second due to the need for further site investigations and discussions with landowner which were delayed due to COVID-19. This action carries forward to 2020/21 as it is a long term project.
3. Review the effect of increase in Council Tax Premium in September 2019 and prepare a case for other measures to bring empty homes back into use. It was decided after a review of data available in September 2019, to allow a full year of data to be generated before preparing a business case; this action therefore carries forward to 2020/21.
4. The target of a continued programme to identify efficiency savings and/or additional income of £400,000 by 2020/21 has not been met due to the deferment of the savings requirement following temporarily increased Government funding for 2019/20 and 2020/21 and subsequent deferral of the Government's Review of Local Authority Needs and Resources.

3.7 It is proposed to continue reporting performance for the new Corporate Plan and key performance indicators to Members at Council meetings twice a year. This will highlight progress, demonstrate good performance where it occurs, and focus on areas for improvement that emerge during the year.

5 RISK ASSESSMENT

5.1 Legal

The Corporate Plan, and relevant Service Plans are compliant with all relevant legislation. The legal risk is assessed as being low.

5.2 Financial

There are no financial considerations arising from the performance management report. Where Corporate Plan targets or Service Plans actions have resource implications, these have been accounted for in existing budgets.

5.3 Corporate

There is a risk that new Corporate Plan targets or Key Performance Indicators may not be achieved, particularly given the re-prioritisation of service delivery in the wake of the ongoing COVID-19 pandemic. This would have possible service and reputational consequences for the District Council. To mitigate this, progress is monitored quarterly by Service Managers and by the Corporate Leadership Team.

6 OTHER CONSIDERATIONS

- 6.1 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.

CONTACT INFORMATION

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BACKGROUND PAPERS None

ATTACHMENTS

Appendix 1 Key Performance Indicators Outturn Data 2019/20

Key Performance Indicators Outturn Data 2019/20

Service Area / CMT Lead	Description	2019/20 Target	2019/20 Q1	2019/20 Q2	2019/20 Q3	2019/20 Q4	2019/20 OUTTURN	2019/20 Target achieved	Year end commentary 2019/20	Annual Improvement Trend	2020/21 Target	Strategic Risk 2019/20
Organisational Health	% of undisputed invoices paid on time	99.00%	99.62%	99.75%	99.83%	99.90%	99.77%	✓	This is the highest annual result in the last eight years, beating the 99.65% achieved in 2016/17. There were only 11 late payments made all year.	↑	99.00%	3
	% of household waste which has been sent for reuse, recycling, composting or anaerobic digestion	58.5%	65.4%	66.5%	59.3%	54.80%	61.90%	✓	The composting and recycling tonnage increased and landfilled tonnage decreased which has led to the overall recycling/composting percentage increasing from last year and the target has been exceeded. The percentage of waste recycled has increased gradually and steadily by 6.74% over the past 5 years (from 55.16% in 2015/16 to 61.9% in 2019/20).	↑	58.6%	8
	Average no. working days lost due to sickness absence per FTE employee-quarterly*	9	1.28	2.5	2.58	2.00	8.36	✓	The target to realise a figure of less than 9 average working days lost due to sickness absence, per FTE employee has been exceeded. It is at the third lowest level in 8 years.	↑	9	12
Housing	The percentage of homeless households seeking assistance from the Council for whom this intervention helped resolve their situation	75%	82%	84%	96%	95.0%	90.0%	✓	The Homelessness Team and partner agencies continue to provide support to resolve housing issues for residents. 186 cases of homeless households were helped in 2019/20, the proportion is the same as when this indicator was first introduced, last year.	-	80%	8
Planning	% of Major planning applications determined in 13 weeks	>75%	N/A	100%	100%	100%	100%	✓	The second year running that major planning applications (9 in total) have been determined in the normal 13 week timeframe and that this target has been exceeded (please note a further 14 major applications were subject to agreed extensions of time).	-	>75%	TBC
	% of Minor planning applications determined in 8 weeks	>77%	85.7%	84.8%	100%	95.7%	90.6%	✓	The highest proportion of minor planning applications determined within the 8 week timescale over the last eight years.	↑	>77%	TBC
	% of Other planning applications determined in 8 weeks	>90%	81.8%	89.7%	97.2%	97.3%	91.0%	✓	The temporary reduction in team staffing at the start of the year impacted on performance, but a concerted effort by the team turned the performance around and the target was exceeded. However this is the second lowest performance in the last eight years, over which period the level has ranged between 90.1% and a 95.2% high last year.	↓	>90%	6
	% of appeals allowed against LA's decision to refuse planning application	<30%	43.0%	22.2%	37.5%	25.0%	34.4%	✗	Over the past eight years the proportion of appeals allowed against the LAs decision has been increasing gradually but steadily. If the 2 member overturns which were lost on appeal are excluded, then based on officer recommendations, performance comes out at exactly 30%.	↓	<30%	12
Revenues & Benefits	% of Council Tax collected within the year	98.40%	33.2%	N/A	N/A	N/A	98.5%	✓	Although with a performance in the top 4 of the past 8 years, this is the second year of a decline in council tax collection rates since a high in 2017/18.	↓	98.4%	6
	% of Non Domestic rates collected within the year	97.30%	28.0%	N/A	N/A	N/A	97.6%	✓	Performance has decreased against an 8 year high last year but meets the average in collection of NNDR over this 8 year period.	↓	97.3%	6
	Speed of processing new claims (days)	24 days	12.92 days	15.21 days	10.73 days	12.77 days	12.85 days	✓	The quickest turn around of processing new claims in 8 years and almost a day quicker than last year, performance continues to steadily improve since 2014/15. Looking forward, Universal Credit will cause a deterioration in performance but this hasn't been a factor this year.	↑	24 days	9
	Speed of processing: notifications of changes in circumstances (days)	8 days	3.31 days	3.53 days	2.34 days	1.67 days	2.97 days	✓	The quickest processing of changes in circumstances in 8 years and 2.84 days faster than the average over this period. Sustained performance despite gradual Universal Credit take up.	↑	8 days	12
Business Growth & Job Creation	No. of new business start-ups enabled by Derbyshire Dales Business Advice	10	4	0	3	3	10	✓	The target was achieved although this is the lowest number of new business start-ups enabled in 8 years.	↓	Target removed for 2020/21	

Service Area / CMT Lead	Description	2019/20 Target	2019/20 Q1	2019/20 Q2	2019/20 Q3	2019/20 Q4	2019/20 OUTTURN	2019/20 Target achieved	Year end commentary 2019/20	Annual Improvement Trend	2020/21 Target	Strategic Risk 2019/20
	No. of established businesses assisted by Derbyshire Dales Business Advice, enabling the creation of local jobs	75	22	14	23	24	83	✓	The target was exceeded by 8 businesses, this is a small increase on the previous two years. Beyond the outturn figure reported, a further seven clients have been supported during the year (either < 2hrs support or supported previously).	↑	75	
	No. of businesses supported to access grants or loans from Government and Local Enterprise Partnerships	9	0	7	2	4	13	✓	The target has been exceeded and the total amount of grant aid offered has been £204,598. The number of businesses supported to access grants / loans has fluctuated over the past 8 years between 0 and 22, this year the number is slightly down (by 3) on last year's total however one business was supported to access 2 grants.	↓	9	
	Assist private sector partners to secure funding and commence work on a new access road at Ashbourne Airfield Industrial Estate, opening up 8 ha of new employment land	Assist private sector partners to commence work on a new link road at Ashbourne Airfield Industrial Estate, opening up 8 ha of new employment land	Planning application for new A52 roundabout approved.	Work continuing on full Stage 2 Business Case required by D2N2 LEP November 2019.	Stage 2 Business Case approved by D2N2 LEP	D2N2 offer letter accepted by DCC (project sponsor)	External grant funding secured and hybrid planning application inc. first building approved. Landowner commenced site clearance and orders for service diversions placed. Legal agreements drafted. However, construction put on hold due to COVID-19	?	Project has did not reach initial contruction stages prior to lockdown restrictions imposed by Covid-19	N/A	Work with public & private sector partners to complete infrastructure improvements at Ashbourne Airfield Industrial Estate, opening up 8 ha of new employment land by December 2020	
	Develop a business case for the District Council to more directly intervene in the creation of employment units/ business workspace in the central area of the district by September 2019	Develop a business case for the District Council to more directly intervene in the creation of employment units/ business workspace in the central area of the district by September 2019	Project paused - see comment	Project re-started, feasibility in progress	Feasibility study in progress	Project paused	Options assessment completed and financial modelling prepared but feasibility study awaiting completion	✗	This project experienced two delays, the first due to a decision from Historic England on the area of a Scheduled Monument site which would have impacted on the scheme, the second due to the need for further site investigations and discussions with landowner which were delayed due to COVID-19.	N/A	Pursue funding opportunities to unlock employment land and support initial phase of workspace development at Middleton Road, Wirksworth by March 2021	
Affordable Housing	No. of affordable homes completed	51	25 (12 previously reported)	7	12	38	89	✓	Historically the number of affordable houses fluctuates year on year as it is dependent on many external factors, so although this year fewer homes were provided than last year, 2019/20 was one of the 3 most successful years of the last 8, with additional external investment secured in Ashbourne. Covid19 will affect performance in the early part of 2020/21.	↓	80	12
	Complete a review of alternative delivery options in order to continue the delivery of affordable housing	Complete a review of alternative delivery options in order to continue the delivery of affordable housing	Work ongoing	Almost complete - moving into delivery phase	The review has been completed and further approval will be sought in February to commence delivery	Cmte received the report on 19 February which was referred to full Council	Review complete	✓	This project carries forward in to 2020/21 though with some delay due to Covid-19.	N/A	Council housing: procure a Development Agent and Managing Agent, register with Homes England and the Regulator of Social Housing, to help enable a programme of new Council Housing by August 2020 (CORP16)	8

Service Area / CMT Lead	Description	2019/20 Target	2019/20 Q1	2019/20 Q2	2019/20 Q3	2019/20 Q4	2019/20 OUTTURN	2019/20 Target achieved	Year end commentary 2019/20	Annual Improvement Trend	2020/21 Target	Strategic Risk 2019/20
	Provide debt and welfare advice to vulnerable households	300	113	CAB= 35 Adullam= 11 Age UK= 42 Total = 88	CAB=28 Adullam=10 Age UK=45 Total = 83	97	381	✓	2019/20 was again a successful year with the 3 agencies each maintaining a high level of customer support to exceed the target, although slightly less people were helped than last year (71 less). Total financial gains for 2019/20 was £261,326 comprising: £144,768 (AHA) £10,042 (CAB) £106,516 (Age UK) Total debt affected for 2019/20 was £754,565, comprising £749,565 (CAB) £5000 (AHA)	↓	350	3
	No. of adaptations provided to the homes of disabled people	57	24	13	19	35	92	✓	The target was exceeded by 35 and this is the largest number of adaptations completed in the past 7 years.	↑	50	6
	Review the effect of increase in Council Tax Premium in September 2019 and prepare a case for other measures to bring empty homes back into use	Review the effect of increase in Council Tax Premium in September 2019 and prepare a case for other measures to bring empty homes back into use	N/A	The review has started, a paper will be drafted for CLT to consider in December.	Review produced for CLT in November. Full review of the year of data due to take place in May 2020.		Review produced for CLT in November. Full review of the year of data due to take place in May 2020 after the scheme has been in place a year.	⚡	A report produced by Action on Empty Homes for 2018/19 showed that for the 9 Derbyshire authorities, 6 had a rise in long term empty homes while 3 had a reduction: Chesterfield (9), Derbyshire Dales (90) South Derbyshire (2) Derbyshire Dales is the only council in Derbyshire to have adopted the empty homes premium. The impact of the premium would therefore appear to be significant.	N/A	Undertake a further review the effect of increase in Council Tax Premium in May 2020. Explore further policy options to reduce the number of empty homes by December 2020.	3
Market Towns	Encourage 2 more themed and farmers markets within existing District Council stall markets	2	1	1	1	0	3	✓	Antiques Fairs took place in May, August and December	↑	2	2
	Develop 3 funding bids to implement the Estate Management Master Plan for Hurst Farm	Develop 3 funding bids to implement the Estate Management Master Plan for Hurst Farm	1 HLF bid submitted June 2019	2 Power for change Reaching communities	2	0	5	✓	5 bids submitted in the year including 3 principle bids; Power for Change, Reaching Communities, Sport England. Work continues supporting the application process for the Reaching Communities fund given delays in assessment due to Covid-19.	N/A	Complete Phase 1 survey and projects for the Heritage Lottery Fund – Hurst Farm Regeneration Project by March 2021	6
	Prepare re-development proposals for Bakewell Road site, Matlock by November 2019	Prepare re-development proposals for Bakewell Road site, Matlock by December 2019	Site visits held by cinema operators and building surveys undertaken	Indicative layout and draft Development brief prepared	Formal Expressions of Interest in site received December 2019	Expressions of Interest received in Dec 2019 evaluated and preferred submission - cinema identified	Operator invited to submit detailed proposal for re-developing Bakewell Road site, Matlock into a cinema	✓	Following on from the generation of a feasibility study for Bakewell Road, Matlock last year. This year the Council generated a development brief and a preferred use and operator have been selected to provide a detailed re-development proposal for the site.	N/A	Secure investment to enable development of the Bakewell Road town centre site, Matlock by March 2021	
	250 or fewer requests for 'litter picks' or 'sweeps'	<250	35	18	73	81	230	✓	This is a new indicator and was exceeded this year.	N/A	<250	8
Other target	Continue a programme to identify efficiency savings and/or additional income of £400,000 by 2020/21	Continue a programme to identify efficiency savings and/or additional income of £400,000 by 2020/21	N/A reported in Q4	N/A reported in Q4	N/A reported in Q4	N/A savings requirement deferred	Not calculated	✖	Savings requirement deferred following increased government funding for 2019/20 and 2020/21 and subsequent deferral of the government's Review of Local Authority Needs and Resources.	N/A	Continue to explore opportunities to deliver £250,000 efficiency savings and/or additional income by 2023/24	20

COUNCIL
08 OCTOBER 2020

Report of the Chief Executive

VISION DERBYSHIRE AND LOCAL GOVERNMENT REFORM

PURPOSE OF REPORT

This report provides an update on the 'Vision Derbyshire' project and considers sign-off of the Vision Derbyshire case for change. The report also provides an update on the imminent publication of the Government's Devolution and Recovery White Paper and approves 'Vision Derbyshire' as the Council's preferred option of local government reform in Derbyshire at the current time.

RECOMMENDATION

1. That Council acknowledges the progress work that has taken place with Derbyshire Councils on the development of Vision Derbyshire.
2. That Council notes the imminent publication of the Government's Devolution and Local Recovery White Paper and the potential implications in relation to potential local government reform.
3. That Council notes the potential offered by the White Paper to secure a devolution deal for the East Midlands and the resultant benefit to the Derbyshire Dales through additional investment in the county.
4. That Council approves Vision Derbyshire as the Council's preferred option of local government reform in Derbyshire at the current time.
5. That authority be delegated to the Chief Executive to participate in discussions with authorities across Derbyshire in regard to any alternative propositions for local government reform that may emerge and present an updating report to Council as appropriate.

WARDS AFFECTED

All

STRATEGIC LINK

The non-structural reform initiative will enable the Council to explore more collaborative forms of working across traditional boundaries in an effort to improve the outcomes for Derbyshire Dales' residents and businesses.

1 BACKGROUND

- 1.1 At the meeting of Council on 16th January 2020, Members were appraised of the work commissioned by all Derbyshire Councils, to work in partnership with Price Waterhouse Coopers (PwC) to undertake a programme of work to explore the appetite for future collaborative working in Derbyshire. It was agreed that the new approach should look beyond traditional partnerships towards a new collective and ambitious

vision and model of collaboration, integration and shared leadership focused on achieving the greatest public value for local people and communities.

- 1.2 At the meeting of Council on 15th July 2020, Members were updated on Phase 2 of the project and endorsed the Council's ongoing participation in the project. The remainder of this report provides a further update on progress and recent events.

2 VISION DERBYSHIRE CONTEXT

- 2.1 In June 2019, the Council embarked on a programme of work with all Derbyshire Councils to explore the appetite for future collaborative working. Fuelled by a desire to secure better outcomes and achieve the greatest public value for local people and communities across Derbyshire, Councils agreed that the new approach should look beyond traditional partnerships, towards a new collective and ambitious vision and model of collaboration, integration and shared leadership.
- 2.2 Price Waterhouse Coopers (PwC), were commissioned to support the development of the approach and programme of work which has been undertaken in two phases over the last eighteen months, as follows:

Phase 1 - All ten Councils in Derbyshire – the County Council, City Council and eight District and Borough Councils – worked together during the first phase to identify shared priorities and agree to strategically collaborate on the improvement of outcomes for people and places. This phase aimed to identify and explore the existing level of ambition and appetite of stakeholders to progress non-structural reform in Derbyshire and resulted in the development and agreement of:

- **Principles for collaboration** to guide future working such as improve outcomes, speak with one voice, better coordination, provide a visible alternative to unitarisation and deliver to be sustainable
- **Areas for future collaboration** to provide a potential focus for future working such as climate change, tourism, skills and employment, social mobility, economic prosperity etc
- **Critical success factors** to drive a step change in approach/ways of working to accelerate a truly different model of local government in Derbyshire, including working at pace and building on momentum, working as a collective in a different physical and mental space from business as usual and strengthening and role modelling collaborative and collective leadership behaviours.

- 2.3 The work undertaken as part of the first phase marked a statement to develop a fundamentally new way of working together, to deliver differently for the people of Derbyshire and following successful completion of Phase 1, Councils agreed that further work to turn the vision and ambition into a viable alternative to structural reform through a second phase, was required.
- 2.4 Derby City Council, who participated in Phase 1 of the approach, declined to participate in Phase 2, although the opportunity to work collaboratively on the further development of the approach has remained open.
- 2.5 **Phase 2** - Phase 2 of the programme, which commenced in March 2020, has subsequently resulted in the development of an ambitious approach to non-structural

reform – Vision Derbyshire - and the development of a case for change and proposition to central government focused around four key ambitions as follows:

- **Seize innovation** - pioneering skills and technologies for a sustainable future economy
- **Establish relentless ambition** - creating opportunities for everyone in Derbyshire and making these visible:
- **Build proactive communities** - harnessing the energy in Derbyshire's communities and empowering people to make change:
- **Live and work sustainably** - committing to a zero-carbon footprint in our tourism, wider economy and ways of working:

- 2.6 The case for change is a compelling, shared argument that a collective commitment to strategic collaboration across Councils which will realise significant benefits and is the most effective way to improve outcomes for Derbyshire people and places.
- 2.7 Phase 2 of the programme has coincided with the onset of the recent coronavirus pandemic which has provided even greater incentives for Councils to work collaboratively to support recovery and renewal activity across the county.
- 2.8 A number of enablers to support and embed collaboration, such as leadership, culture, technology, workforce, customers, assets have been identified as key components of the approach and these will underpin the potential organisational (£20 million to £66 million) and wider system benefits (£1.08 billion) that could be achieved if the new approach were to be taken forward.
- 2.9 A new formal governance model to support effective decision making has also been identified as being crucial in taking the approach forward. The new governance model would see the creation of a new Joint Committee for Vision Derbyshire comprising the Leaders of all participating Councils. Discussions on this scope of this are ongoing.
- 2.10 A number of asks and offers to central Government to support the realisation of ambitions have been identified. The asks request specific freedoms, flexibilities and resources to delivery identified priorities, whilst the offers outlined the role the partnership will play in delivering better, more ambitious outcomes for less resource.
- 2.11 With a shared commitment and strong governance across all Derbyshire Councils, the case for change argues that, collectively, Councils can rapidly transform the way they work together and what they offer to local people. At the heart of the case for change is the belief that strong commitment to strategic collaboration can improve outcomes and realise financial efficiencies, delivering the benefits of reorganisation without the administrative burden, financial cost, time delays and political upheaval.

- 2.12 A high-level proposition to Government has also been developed alongside the case for change as a statement of intent from Councils for Ministers and senior officers at the Ministry of Housing Communities and Local Government (MHCLG). This statement of intent, is a key step in the engagement process with Government in respect of Derbyshire Councils wish to take Vision Derbyshire forward.
- 2.13 The Vision Derbyshire case for change which is in the final stages of preparation, will be presented back to members in due course.

3 DEVOLUTION AND LOCAL RECOVERY WHITE PAPER

- 3.1 The Government announced its intention to publish a White Paper on Devolution and Local Recovery, as a means to 'level up' all parts of the country and reduce regional inequalities, during the final stages of the development of the Vision Derbyshire case for change. Whilst the formal content of the White Paper is not yet known, it is widely expected that the Government will set out its proposals for local government structural reform in England along with setting out the role which greater devolution will play in national recovery. It is anticipated that the White Paper will be published in early October 2020.
- 3.2 Many councils across the country are currently exploring the potential offered by the White Paper to secure a devolution deal for their areas. A devolution deal for the East Midlands is likely result in significant additional investment in infrastructure, skills, transport and housing in Derbyshire which would have potential resultant benefits to the Derbyshire Dales. In light of the continued pressure on public finances and the current and continuing impact of Covid19, such investment would be of vital importance in supporting the economy to recover from the pandemic for the benefit of local people.
- 3.3 Intelligence suggests that local government restructuring is likely to be viewed as a prerequisite to future devolution deals. It is also anticipated that the Government will invite a small number of councils to take part in the 'first tranche' of local government reform. Whilst this is an emergent process, intelligence also suggests that councils who are able to submit their case for local government reform by the Government's agreed date will be considered for inclusion in the first or early tranche of areas pursuing devolution deals
- 3.4 The imminent publication of the White Paper, has resulted in a pressing need to present the Vision Derbyshire case for change, as a viable alternative to local government structural reform, at the earliest opportunity whilst also supporting regional ambitions for a streamlined and coherent East Midlands. A letter to Government, signed by all Derbyshire Councils, requesting a meeting to discuss the approach was sent to the Secretary of State on 4th September 2020, with a meeting yet to be arranged (Appendix 1).
- 3.5 It is not yet known whether any alternatives to local government reorganisation and structural reform, including collaborative models for non-structural reform such as Vision Derbyshire will be palatable to Government or if there will be any scope for these to be accommodated in the White Paper once published.
- 3.6 However, due to the time, effort and considerable engagement that Derbyshire Councils have taken over the last 18 months to develop Vision Derbyshire, it is important that the Council remains committed to this approach. It is, therefore,

recommended that Council approve Vision Derbyshire as its preferred option for local government reform at the current time.

- 3.7 Whilst the approach to Vision Derbyshire is finalised, Derbyshire County Council has in addition resolved to progress the development of a viable alternative option for local government reform in the event that Vision Derbyshire is not able to satisfy the Government's requirements for reform and a subsequent devolution deal. At a meeting on 16th September, the County Council mandated its officers to prepare an alternative route for devolution, in the form of developing a case for a single unitary model of local government in Derbyshire, on a county footprint. The County Council has also resolved to approve the submission of a letter from the Leader to the Secretary of State for Housing, Communities and Local Government to request an invitation to submit a proposal for a single tier of local government for the county, in line with this approach and following the current legislative provisions. The County Council consider that this approach will ensure the Council remains agile and is prepared and able to move quickly if necessary, to keep pace with other areas and retain the opportunity be considered in the first tranche of devolution deals, following the publication of the criteria set out in the Local Recovery and Devolution White Paper.
- 3.8 The Leader of Derby City Council has also written to the Secretary of State to request a meeting to discuss the City Council's perspective on the potential for devolution, a new combined authority/regional elected mayor, and local government reorganisation in relation to the White Paper, referring to an opportunity to present to him the potential benefits of local government reorganisation to a wider Derby City area.
- 3.9 Whilst Derby is an existing unitary authority, the Government has stated that its preference is for new unitary authorities to serve a population of between 300,000 and 600,000, which is more than Derby's existing population. The City Council may therefore see this as an opportunity to review the local government arrangements in the City and the surrounding area and has referred to exploring all options with neighbouring councils and other stakeholders.
- 3.10 It is considered that this Council should remain committed to Vision Derbyshire but in the light of the above information it is recommended that officers should remain open to exploring other options should the conditions for Vision Derbyshire not be met or circumstances change in the interim. It is possible that alternative propositions to a single county unitary may emerge in the coming months and it is important that the interests of Derbyshire Dales are represented in such discussions. Council is therefore requested to delegate authority to the Chief Executive to participate in any such discussions and report back to Council on the details of any alternative propositions that may arise.

4 RISK ASSESSMENT

4.1 Legal

At present the proposals are at a consultative stage with Central Government to propose alternative to a government white papers. None of the proposals are at a legislative stage. Therefore the legal risk is low.

4.2 Financial

The cost to the District Council of supporting the Vision Derbyshire project is estimated to be circa £17,000 and has already been approved by Council to be financed from the General Reserve. The financial risk at this stage is assessed as low.

5 OTHER CONSIDERATIONS

- 5.1 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.

6 CONTACT INFORMATION

- 6.1 Paul Wilson - Chief Executive
Telephone : 01629 761125
Email : paul.wilson@derbyshiredales.gov.uk

7 BACKGROUND PAPERS

- 7.1 Report to Council : New Vision for Derbyshire – Non Structural Reform 16th January 2020
- 7.2 Report to Council : New Vision for Derbyshire – Non Structural Reform (Phase 2) 15th July 2020

8 ATTACHMENTS

Appendix 1: Joint Leaders letter to the Secretary of State dated 4th September 2020

Rt Hon Robert Jenrick
Secretary of State for Housing Communities
and Local Ministry of Housing,
Communities and Local Government

Simon Clarke MP
Minister for Regional Growth & Local Government

2 Marsham Street
Westminster
London SW1P 4D

Office: (01629) 536003
Mobile: 07920 484 207
Email: barry.lewis@derbyshire.gov.uk

County Councillor for Wingerworth and
Shirland (Conservative)

Ref: BL/LB
4 September 2020

Dear Secretary of State/Minister

Vision Derbyshire – A New Model of Local Government for Derbyshire

We are writing to you as the Leaders of Derbyshire County Council and all eight District and Borough Councils in Derbyshire. We have been working together cross party, over the last eighteen months, committing financial resources and time, to develop a new collaborative model for local government and we would welcome a meeting to talk to you about our ambitions for the future.

We are currently in the process of finalising our case for change and proposition to Government, with all nine councils working collaboratively to address the most complex challenges facing local, regional and national government at the current time. Our plans will secure better outcomes for people and place, contribute to the Government's levelling up agenda and result in substantial financial savings, for local government and the wider system, which will support economic and community recovery and growth post-Brexit and post-Covid19. Working collaboratively will not only realise social and economic gains, but will enable councils to implement opportunities at a hyper local level within a large strategic structure.

We believe that the concept we are proposing for Derbyshire provides a viable alternative to unitarisation and with additional powers, resources, freedoms and flexibilities we will be able to implement plans at speed, focussing on the outcomes we want to achieve for our residents, businesses and communities rather than costly and time-consuming structural reform. We also believe that the model we are proposing for Derbyshire will enable us to speak with one voice, support regional ambitions for a streamlined and coherent East Midlands and align to the imminent Devolution and Recovery White Paper.

We are keen to test our approach and discuss our plans with you at the earliest opportunity, not least because we feel the model is one which could be applied and adopted in other areas of the country. A meeting to discuss the concept would be of immense value and we look forward to hearing from you shortly.

Yours sincerely
See page 2 for signatories



Cllr Barry Lewis
Leader of Derbyshire County Council



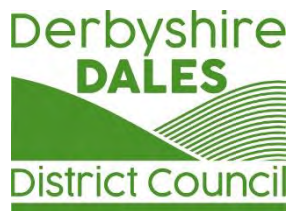
Cllr Chris Emmas-Williams
Leader of Amber Valley Borough Council



Cllr Steve Fritchley
Leader of Bolsover District Council



Cllr Tricia Gilby
Leader of Chesterfield Borough Council



Cllr Garry Purdy
Leader of Derbyshire Dales District Council



Cllr Carol Hart
Leader of Erewash Borough Council



Cllr Anthony Mckeown
Leader of High Peak Borough Council



Cllr Alex Dale
Leader of North East Derbyshire District Council



Cllr Martyn Ford
Leader of South Derbyshire District Council