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04 March 2020

To: All Councillors

As a Member or Substitute of the **Governance and Resources Committee**, please treat this as your summons to attend a meeting on **Thursday 12 March 2020 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN.**

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb', written over a faint circular stamp or watermark.

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

09 January 2020

3. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING.**

4. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

5.	QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15.	
	To answer questions from Members who have given the appropriate notice.	
		Page No.
6.	BRAILSFORD ALLOTMENTS	04 - 06
	To consider a recommendation that the request from Brailsford Allotment Holders Association for the District Council to compulsorily purchase the land on which the allotments are currently sited be declined.	
7.	INTERNAL AUDIT OPERATIONAL PLAN 2020/21	07 - 16
	To receive a report recommending that the internal audit plan for 2020/21 is agreed.	
8.	REVISED COMPLAINTS PROCEDURE	17 - 23
	To consider approval of the revised Complaints Procedure in preparation for re-launch on 1 April 2020.	
9.	ARREARS FOR WRITE OFF	24 - 28
	To consider a report that provides information about debtor write offs authorised by the Head of Resources, under delegated authority, and seeks approval for the write off of individual debts exceeding £1,500 in accordance with the Council's Financial Regulations.	
10.	KIRK IRETON NEIGHBOURHOOD PLAN 2020/21	29 - 87
	To receive a report setting out the key recommendations of the Examiner's report into the Kirk Ireton Neighbourhood Plan and seeking approval to move forward to the Referendum on the Kirk Ireton Neighbourhood Plan in the Parish of Kirk Ireton to be held on Thursday 7 th May 2020.	
11.	MEMBER DEVELOPMENT WORKING GROUP	88 - 91
	To consider a report seeking approval for the re-establishment of the Member Development Working Group with revised terms of reference, to oversee the provision of training and development for all elected Councillors. Once established the Group be tasked with preparing a work plan for 2020/21 for consideration at a future meeting of the Committee.	
12.	JOINT CONSULTATIVE GROUP: MINUTES OF 29 JANUARY 2020	92 - 94
	To receive the Minutes of the Joint Consultative Group meeting held on 29 January 2020	
13.	REFERRED ITEMS	95 - 114
	To consider two recommendations from the Joint Consultative Group that the District Council Employee Code of Conduct and a local agreement, as a departure from the Local Government Terms and Conditions of Employment (the "Green Book"), with regard to remuneration for work during a formally declared Major Incident or Emergency situation be adopted.	

Members of the Committee - Councillors Jacqueline Allison, Sue Bull (Chair), David Chapman (Vice Chair), Paul Cruise, Tom Donnelly, Steve Flitter, Alyson Hill, Susan9 Hobson, David Hughes, Michele Morley, Garry Purdy, Mike Ratcliffe, Claire Raw, Mark Salt, Peter Slack, Colin Swindell and Mark Wakeman.

Substitutes – Councillors Robert Archer, Jason Atkin, Richard Bright, Neil Buttle, Graham Elliott, Richard FitzHerbert, Helen Froggatt, Chris Furness, Clare Gamble, Stuart Lees, Elisa McDonagh, Tony Morley, Peter O'Brien, Joyce Pawley, Andrew Statham, Alasdair Sutton and Steve Wain.

GOVERNANCE AND RESOURCES COMMITTEE

12 March 2020

Report of the Chief Executive

BRAILSFORD ALLOTMENTS

PURPOSE OF THE REPORT

This report details a request from Brailsford Allotment Holders Association for the District Council to consider the potential to compulsorily purchase the land on which the allotments are currently sited, in order to ensure the long term retention of this land as allotments.

RECOMMENDATION

1. That the Council considers the request made by Brailsford Allotment Holders Association;
2. That the request from Brailsford Allotment Holders Association to compulsorily purchase the current site of Brailsford allotments be declined.

WARDS AFFECTED

Brailsford

STRATEGIC LINK

The provision of land for allotments links with the District Council's emerging priority of Place – keeping the Derbyshire Dales clean, green and safe.

BACKGROUND

- 1.1 Brailsford allotments are located on a 1 acre parcel of land to the south of Main Road, Brailsford on the western edge of the village. It is understood that this land has been used as allotments since at least 1837, according to records submitted by the Allotment Holders' Association. The land is in private ownership and it is understood that the land owner now wishes to reclaim the land and has served notice to quit on the Association.
- 1.2 Brailsford Parish Council submitted a nomination to list the land as an Asset of Community Value. This nomination was considered by the Head of Regulatory Services, in accordance with the scheme of delegation. Whilst it was agreed that the land had a current use that furthered the social interests or social wellbeing of the community. The nomination failed because there was not a realistic prospect of this use continuing into the future, by virtue of the notice to quit. Therefore the land was not listed as an Asset of Community Value. It is understood that the land owner is prepared to negotiate with the Association and that an alternative parcel of land has been offered, to be developed as allotments.

- 1.3 The Allotment Holders' Association has now written to the Council's Chief Executive, requesting that the Council considers the compulsory purchase of this land, in order to protect its long-term future as allotments.

REPORT

- 2.1 Section 23 of the Small Holdings and Allotments Act 1908 states that where a council (district, borough or parish) receives written representations from any six electors, or persons liable to pay council tax, who are resident within that council area that there is a demand for allotments, then the council shall take those representations into consideration.
- 2.2 Section 23 of the Act also states that if the council (district, borough or parish) is of the opinion that there is a demand for allotments within its area then the council shall provide a sufficient number of allotments. It should be noted that the wording of this section is such that this is a duty, rather than a discretionary power.
- 2.3 The Allotment Association has submitted nine letters from people resident within the district, asking the District Council to consider the compulsory purchase of the land. As more than six people have submitted letters, the section 23 duty is triggered and the District Council must consider the request.
- 2.4 Section 25 of the 1908 Act contains a power whereby a district, borough or parish council may purchase land either by agreement or compulsorily, for the purpose of providing allotments. The process for compulsory purchase is set out in section 39 of the 1908 Act and in the Acquisition of Land Act 1981. It should be noted that a compulsory purchase order must be confirmed by the Secretary of State before it comes into force.
- 2.5 The Council has not delegated decision making in relation to this issue to officers and therefore the decision as to how the Council should proceed must be made by Members. However, officers believe that there are a number of factors that should be taken into account:
- The Asset Management Plan makes no reference to the acquisition of land for allotments;
 - There is no provision within the Capital Programme for such an acquisition;
 - The potential cost of acquisition is not known;
 - Officers do not believe that there is a shortage of allotments across the District as a whole and as such this request could be more suited to the Parish Council;
 - It is understood that the land owner has made an offer of an alternative site for the Allotment Association, albeit it is understood that the Association does not consider the alternative site to be as suitable as the current one.
- 2.6 Taking all these factors into account, officers are of the view that whilst the request made by the Allotment Association must be considered, that are not sufficient grounds for the District Council to take compulsory purchase action in respect of the current site of Brailsford Allotments.

RISK ASSESSMENT

- 3.1 Legal
There is an obligation under s23 of the Small Holdings and Allotments Act 1908 that requires the Council to form an opinion as to whether the Council feels there is a

demand for allotments within the borough and to provide a sufficient number of allotments.

Therefore, if the Council determines a demand exists, and that there is already a sufficient number of allotments, the Council's duty has been fulfilled and it is not obliged to purchase the land in question or provide other arrangements

3.2 Financial

As stated in this report, there is no provision within the Capital Programme for such an acquisition and the potential cost of acquisition is not known. To proceed with a compulsory purchase would, therefore, be assessed as a high financial risk; the approval of the report recommendations is assessed as a low financial risk.

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.

CONTACT INFORMATION

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Tim Braund, Head of Regulatory Services, Tel: 01629 761118,
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BACKGROUND INFORMATION

- Letter from Brailsford Allotment Holders Association dated 7 February 2020
- 9 letters from residents in support of the request to compulsorily purchase the site all dated 1 February 2020

ATTACHMENTS

None

GOVERNANCE AND RESOURCES COMMITTEE
12TH MARCH 2020

Report of the Head of Resources

INTERNAL AUDIT OPERATIONAL PLAN 2020/21

PURPOSE OF REPORT

This report asks the Committee to agree the Internal Audit Operational Plan for 2020/21 which outlines the assignments and estimated resources needed during the year.

RECOMMENDATION

That the internal audit plan for 2020/21 be agreed.

WARDS AFFECTED

None

STRATEGIC LINK

The Audit Plan supports the Council's Corporate Plan values by reviewing service functions and testing and reporting on service quality, internal control and governance provisions, ensuring that the Council uses public resources responsibly.

1 SUMMARY

- 1.1 A key requirement of the Public Sector Internal Audit Standards is that a periodic risk based plan should be prepared that should be sufficiently flexible to reflect the changing risks and priorities of the organisation. The risk based plan should be fixed for a period of no longer than one year, should outline the assignments to be carried out, their respective priorities and the estimated resources needed.
- 1.2 A note explaining the role, purpose and some of the terminology used in the internal audit plan is attached at Appendix 1.
- 1.3 An annual report summarising the outcome of the 2019/20 internal audit plan will be presented to this Committee after the year-end.

2 REPORT

- 2.1 A summary of the internal audit plan for 2020/21 is shown below and the detailed plan is shown as Appendix 2 along with the actual and indicative audit coverage 2018/19 – 22/23.

Internal Audit Plan 2020/21

Summary	Audit Days
Main Financial Systems	73
Other Operational Audits	52
Computer / IT Related	8
Corporate / Cross Cutting	40
Special Investigations & Contingency	15
Provision of financial advice	10
Fraud and Corruption	13
Management Service	30
Grand Total	241

- 2.2 The plan has been prepared taking into account the following factors:-
- The organisational objectives and priorities
 - Local and national issues and risks
 - The requirement to produce an annual internal audit opinion
 - The organisation's assurance framework
 - The internal audit risk assessment exercise covering the financial control and other procedures subject to audit
 - The Council's Strategic Risk Register
 - The views of the Head of Resources and Corporate Leadership Team.
 - Review of other authorities' audit plans.
- 2.3 The audit plan is based on 241 productive days, which is the time of one full time Senior Auditor plus the provision of a management service by the Internal Audit Consortium Manager.
- 2.4 The internal audit plan will be regularly reviewed. The audit plan is designed to provide assurance that the significant risks identified as part of the risk assessment are being managed effectively. If additional risks are identified and / or there are changes to priorities during the year the plan will be reconsidered. Any significant changes will be reported back to the Governance and Resources Committee for approval.
- 2.5 A copy of the audit plan is provided to the Council's External Auditor to assist in co-ordination of work programmes.
- 2.6 A copy of the five year audit plan covering the period 2018/19 – 2022/23 is attached for information as Appendix 2. The plans for 2021/2023 are indicative only and could well change in order to meet the priorities of the Council.

3 RISK ASSESSMENT

3.1 Legal

The core work of internal audit is derived from the statutory responsibility under the Accounts and Audit Regulations 2015 which requires the Council to "undertake an effective internal audit to evaluate the effectiveness of its risk management, control

and governance processes, taking into account public sector internal auditing standards or guidance”.

3.2 Financial

There are no financial considerations arising from the report. No formula exists that can be applied to determine internal audit coverage needs. However, as a guide, the minimum level of coverage is that required to give an annual evidence-based opinion. It is believed that the level of coverage provided by the proposed 2020/21 internal audit plan will be sufficient upon which to base an opinion.

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 Internal Audit Plan – Background Note

Appendix 2 Internal Audit Plans 2018/19 – 2022/23

INTERNAL AUDIT PLAN - BACKGROUND NOTE**1. Definition of Internal Audit**

Internal Audit is defined in the Public Sector Internal Audit Standards as:

'... an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes'.

2. The Purpose of Internal Audit

Internal audit is not a substitute for management. It is the purpose of internal audit to assist and support management by appraising the arrangements and procedures established.

There is also a statutory requirement for internal audit in local government contained in the Accounts and Audit Regulations 2015. These regulations require the authority to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking in to account public sector internal auditing standards and guidance.

3. The Difference between Internal Audit and External Audit

External audit is completely independent of the authority. Much of the external auditors' work is determined by statutory responsibilities. Internal audit's terms of reference are defined in the Internal Audit Charter that has been approved by the Governance and Resources Committee.

However, there is nevertheless considerable scope for co-operation to avoid duplication of work and to make maximum use of audit resources.

4. The Scope of Internal Audit Work

One of the essential elements for effective internal auditing is that the internal auditor should adequately plan, control and record their work.

To determine priorities and to assist in the direction and control of audit work the internal auditor will prepare a plan based on a risk assessment.

The audit plan includes the following sections: -

- **Main Financial Systems**

This covers the fundamental accounting and income collection systems of the authority such as payroll, creditor payments, council tax etc. Most of these systems are reviewed on an annual basis due to their importance.

- **Other Operational Audits**

Audits to be undertaken in Services include areas such as Expenses and Allowances and Refuse Collection Contract.

- **IT Related**

Topics in this area of the plan include a review of network and cyber security.

- **Fraud and Corruption**

Fraud and corruption is considered in every area of the audit plan, a significant number of audits include an anti-fraud element e.g. income audits.

- **Cross Cutting Issues**

This area of the plan includes audit subjects that cover all Services or are corporate issues examples include, health and safety and safeguarding.

5. **Delivering the Internal Audit Service**

A three year strategic audit plan is compiled based on an internal audit risk assessment of auditable areas. This risk assessment takes into account the following factors:

- Materiality – the amount of funds passing through the system
- Control Environment / vulnerability – assessed level of control based on previous audit findings
- Sensitivity – profile of the system in relation to customer service
- Management concerns – any specific issues relating to the operation of the system e.g. identified from the Council's Risk Register
- The Council's Strategic Risk Register
- The Council's objectives within the Corporate Plan

Using a scoring system, audits are then categorised as High, Medium or Low risk. This ranking is then used to compile the annual audit plan.

The areas of audit work set out in the agreed plan are split into individual audit assignments.

An audit assignment can involve:

- preparation of system notes and a review/analysis of system controls;
- extraction of background information;
- extraction and testing of sample transactions and controls;
- notes of interviews and meetings.

All work undertaken is recorded on detailed working papers. To ensure that all areas have been covered and appropriate conclusions reached, all working papers are independently reviewed.

A report on the findings and recommendations arising from the audit is sent to the appropriate Head of Service and to the Head of Resources (as Client Officer) and the Chief Executive at the conclusion of the audit. A response to the recommendations is requested within a set time.

A summary of internal audit reports issued is reported periodically to the Governance and Resources Committee and an Annual Report is submitted after the end of the year detailing the outcome of the audits completed.

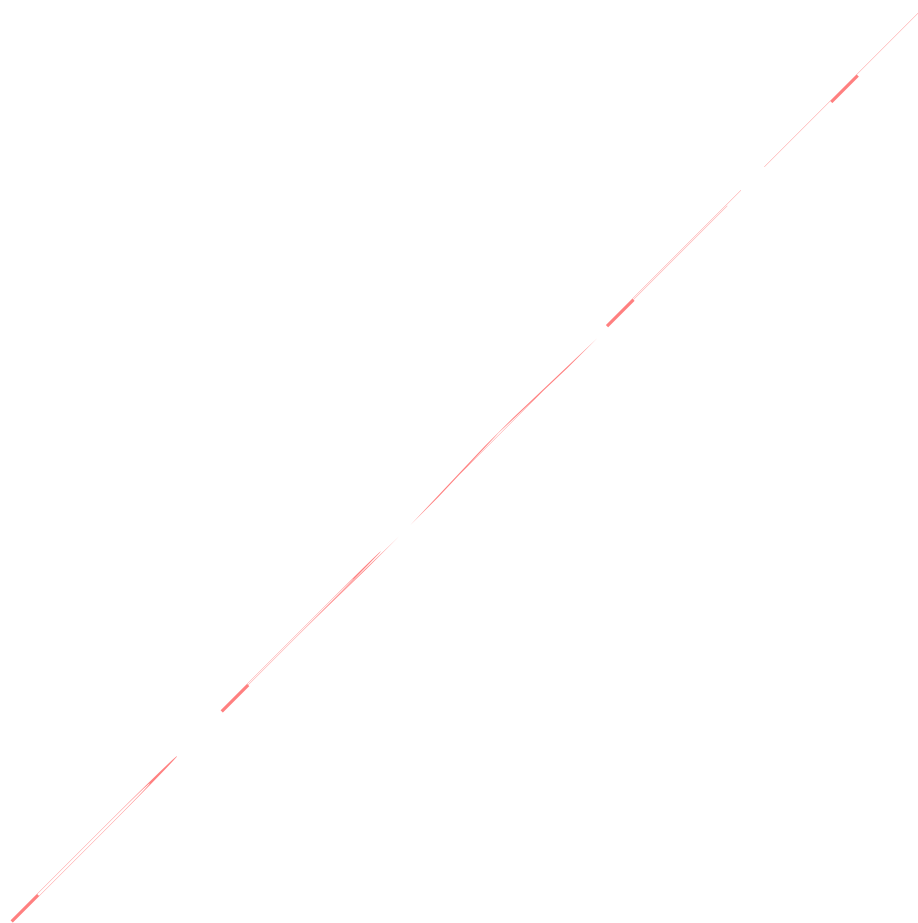
Appendix 2

DERBYSHIRE DALES DISTRICT COUNCIL						
	Audit Days					Risk Factor
Main Financial Systems (Priority)	2018/19 Actual	2019/20 Actual	2020/21 Draft	2021/22 Indicative	2022/23 Indicative	
Main Accounting System (Medium)		9		9		Unable to produce an accurate set of accounts / reputational risks
Budgetary Control (Medium)		5		5		Lack of control over budgets, overspending(Strategic Risk 1)
CIPFA Code of Financial Management (Medium)			10		10	Lack of financial resilience
Payroll (Medium)	13	18		18		Inaccurate or fraudulent payments, ghost employees
Creditor Payments (Medium)	10	10		15		Incorrect/fraudulent payments (Strategic Risk R6)
Debtors (Medium)	13	10		10	13	Loss of income (Strategic Risk 6)
Treasury Management (Medium)	6		10		10	Misappropriation of funds/ poor investment decisions
Cash and Banking/petty cash/post opening/bank rec (Medium)	6		8		8	Loss of income theft
Council Tax (Medium)	10	10	15		10	Loss of income / Fraud(Strategic Risk 6)
Non Domestic Rates (High)	15	10	10	15	10	Loss of income / Fraud(Strategic Risk 6)
Housing / Council Tax Benefit (High)	15	20	20	20	20	Reputational damage / fraudulent claims(Strategic Risk 6)
Total Main Financial Systems	88	92	73	92	81	

Other Operational Audits (Priority)	2018/19 Actual	2019/20 Actual	2020/21 Draft	2021/22 Indicative	2022/23 Indicative	Risk Factor
Asset Management (Medium)		8			8	Poor value for money from assets, assets not fit for purpose
Bakewell Agricultural Centre (Low)			6			Loss of income
Car Parks Income (High)	4	4	4	4	4	Loss of income, poor contract management (SR6)
Cemeteries (Low)	8					Reputational Damage
Choice Based Lettings (Low)		9				Reputational Damage / fraud
Commercial Waste (Low)				8		Loss of income
E.Health- Miscellaneous Income (Low)					8	Loss of income / theft
Expenses and Allowances (Low)			8			Fraud, error
Homelessness/Housing Strategy (Low)					8	Reputational damage
Illuminations (High)	2	2	2	2	2	Loss of income / fraud
Improvement Grants (Low)			8			Fraud, poor VFM
Insurance (Medium)	8				8	Inappropriate cover / fraud
Land Charges (Low)					8	Loss of income
Leisure Contract Management (Medium)	6	8		8		Poor contract management arrangements (Strategic Risk 6)
Markets (Low)			6			Loss of income
Parks (Low)				4		Loss of income
Planning Fees (Low)			10			Fraud, loss of income
Public Conveniences (Low)	2					Loss of income / theft
Members Expenses/civic account (Low)		6				Incorrect payments / fraudulent claims
Recycling income / credits (Low)					6	Loss of income
Refuse Collection Contract (High)		4	8			Reputational damage, poor performance

Section 106/CIL (Medium)	10			10		Loss of income/reputational damage/ fraud
Taxi Licences/Other Licences (Medium)				10		Loss of income / Safeguarding issues (SR8)
Transport/Plant/Vehicles/Fuel (Medium)		10			10	Poor fleet management, theft
VAT (Medium)		6			6	Financial errors. penalties
Total Other Operational Audits	40	57	52	47	68	
Corporate/Cross Cutting	2018/19 Actual	2019/20 Actual	2020/21 Draft	2021/22 Indicative	2022/23 Indicative	Risk Factor
Corporate Targets (High)		4	3	3	3	Poor Governance, decisions could be made on incorrect data
Climate Change (High)			5			No strategy in place
CRM / Transformation (High)			4			Failure to make budget savings
Data Protection (Medium)			8		8	Loss of data, fines. Reputational damage (SR3)
Emergency Planning / Business Continuity (Low)				8		Disruption to business, reputational damage (SR5)
Ethics (Medium)			10			Reputational damage
Follow up Previous Recommendations	5	4	4	4	4	Weaknesses continue
Freedom of Information (Low)			6			Lack of transparency
Health and Safety (Medium)		10			10	Reputational Issues/ injury or death, financial cost (SR7)
Partnership working arrangements (Low)				8		Reputational damage
Procurement (Medium)	8			10		Poor value for money, Fraud (SR4)
Risk Management (Medium)	4			6		No identification or mitigation of risks
Safeguarding (Medium)		8				Failure to protect the vulnerable
Total Corporate/Cross Cutting	17	26	40	39	25	

IT Systems	2018/19 Actual	2019/20 Actual	2020/21 Draft	2021/22 Indicative	2022/23 Indicative	Risk Factor
Disaster Recovery (Medium)	8					Failure of key systems/ reputational damage (SR3)
Cyber Security / Network Security etc. (High)	4		3	3	3	Network attack (SR13)
Laptops / Removable Media (Medium)		3				Security of data
Total IT Systems	12	3	3	3	3	
Fraud and Corruption						
Gifts and Hospitality (Low)		3				Bribery and corruption
Money Laundering (Low)					3	Fraud, Bribery and Corruption
National Fraud Initiative (Medium)			4			Fraud
Recruitment and Selection (Low)			8			Fraud
Total Fraud and Corruption	0	3	12	0	4	
Non Audit Duties						
Elections – Postal Votes	0	0	1	1	1	-
Total Non-Audit Duties	0	0	1	1	1	
Other						
Contingency	15	15	15	15	15	
Financial Advice/Working Groups	10	10	10	10	10	
Total Other	25	25	25	25	25	
Management Time (IA Consortium Manager)	30	30	30	30	30	Non Compliance with PSIAS
IT Audits by Consortium (High)		5	5	5	5	
Grand Total	212	241	241	241	241	



GOVERNANCE AND RESOURCES COMMITTEE
12 MARCH 2020

Report of the Head of Corporate Services

REVISED COMPLAINTS PROCEDURE

PURPOSE OF THE REPORT

This report recommends the revision of the District Council's Complaints Procedures to improve reporting and reduce response times.

RECOMMENDATION

That the revised Complaints Procedure is approved for re-launch on 1 April 2020.

WARDS AFFECTED – All

STRATEGIC LINK

Complaints monitoring has direct links to the Council's core values of fairness and equality, listening to people and quality of service.

1. REVISED COMPLAINTS PROCEDURE

- 1.1 When considering the Complaints Annual Monitoring Report for 2018/19, the Committee agreed to consider adopting a revised complaints procedure - one that would reduce overall response times and refer routine matters to service heads at first point of contact.
- 1.2 A revised complaints procedure is attached at Appendix 1 which was formulated by an internal working group and refined by the District Council's Senior Management Team.
- 1.3 The main principles of the revised procedure are to:
 - Treat the majority of complaints as informal unless they are accelerated through the 3 stage approach or are automatically defined as a formal complaint on an exception basis
 - Reduce response times overall, whilst being realistic about the potential for complaints to become highly complex and therefore require more time
 - Keep the complainant up to date on progress at key stages
 - Remove from the complaints process, matters that are service requests e.g. noise nuisance and missed bin.
 - Require a recorded investigation of the complaint, which can be passed on through the accelerated stages.
 - Link the process to the soon to be launched Customer Relationship Management System so that users who open their own account, can track progress

- Create a 3 stage process recommended by the Local Government Ombudsman

1.4 The on line complaint form (which currently captures the majority of complaints) will be structured so that complainants can readily identify the service area they are interested in and all matters, with certain exceptions will proceed along the informal route to be addressed by the relevant service manager. The automated system will route complaints to the relevant service manager, with appropriate substitute provision, and an automated response will acknowledge the complaint at various stages. Complaints captured face to face or by phone will be keyed into the system for consistency, and continue to allow complainants to raise issues in a manner of their choosing.

1.5 There are matters, which by their very nature, are exceptions to the process and will automatically be routed to the Service Director at second stage and be classified as formal complaints. These exceptions are categorised as matters regarding:

- employee behaviour
- urgent health and safety matters
- high profile, reputational matters
- failure to respond to set targets at first point of contact

1.6 The exceptions will be identified by human intervention.

1.7 Annual reporting will continue at the end of each financial year on the type and number of complaints received and processed. The main benefit of automation will be the ability to examine actual response targets. Organisational learning in terms of repeat complaints and remedy, will be reviewed by the Senior Management Team.

2. RISK ASSESSMENT

2.1 Legal

Complaints which have the potential to breach a rule of law will be automatically reported to Council or the relevant policy committee as a matter of process. Complaints about the behaviour of elected Councillors are exempt from this process as a separate procedure exists as prescribed.

3.2 Financial

There are no financial considerations arising 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, equality of opportunity, environmental, health, legal and human rights, financial, personnel and property considerations.

5. CONTACT INFORMATION

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6. BACKGROUND INFORMATION

None

7. APPENDICES

Appendix 1 – Revised Complaints Procedure

Putting you at the heart of everything we do

We try to provide you with efficient and high quality services at all times, and recognise that despite our best efforts sometimes we might not get it right. We want to know if you are unhappy or dissatisfied with our service so that wherever possible we can make things better.

This procedure sets out how we will respond to your concerns and complaints regarding our services.

Our promise to you

We will

- always treat you with dignity and respect;
- investigate your complaint promptly and fairly, and
- provide you with a full explanation of our investigation into your complaint.

There may be occasions when we cannot do what you want but we will try to be as helpful as possible and give you as much information as we can.

What we mean by ‘complaint’

We treat a complaint as: an expression of dissatisfaction about our action or lack of action; or dissatisfaction about the standard of service we have provided (or services provided on our behalf). For example:

- Problem accessing services
- Failure to provide a response to agreed timescales
- Behaviour of our staff
- Standard or quality of the service provided
- Failure to keep your personal data safe

The Complaints Procedure is not an appeal system to challenge Council decisions or request certain services. It is our way of sorting out your dissatisfaction with the services we have or should have provided.

The following types of complaint are excluded from this procedure as alternative remedies exist. We can help explain how you would go about challenging these issues.

- Planning decisions and enforcement notices
- Car parking fixed penalty notices

- Benefit Entitlement
- Banding appeals under the Home Options Scheme
- Complaints that have a legal remedy
- Complaints about the Conduct of Councillors
- Complaints that require investigation for example noise complaints or a missed bin collection. We want the opportunity to investigate before you make a complaint.
- Repeat complaints about a subject matter that has previously been investigated within the last 12 months, and where there has been no material change in circumstance or evidence.

How the Complaints Procedure works

We promise to investigate all complaints no matter how small so that we can have the opportunity to learn and improve our service to benefit you and others in the future.

We aim to deal with your issue as quickly as possible but recognise that some complaints can be very complex. We also need you to understand that we are a small council and sometimes there is only one person capable of dealing with your matter. Some issues will be dealt with straight away and if we need more time, we will let you know when you might expect a response. We will also try to provide substitutes to deal with matters outside of their immediate work area and aim to keep you informed at key stages.

If you are unhappy about the service you are receiving or have received, then the quickest way to let us know is by contacting the person or service you have been dealing with. The majority of complaints will begin at Stage 1 in our process with the exception of potentially serious matters matter such as a complaint about an employee's behaviour, a health and safety issue, or a reputational matter. In those case we will accelerate your complaint to Stage 2.

Response Target

At all stages we aim acknowledge receipt within one working day of its receipt and respond to you in full within 10 working days and will advise you by the fifth working day if we need more time.

Stage 1 – Informal Complaint

Your complaint will be passed to the relevant service manager for assessment, investigation and response.

Stage 2 – Formal Complaint

This process is used if you are either not satisfied with the results of your informal complaint, or if by its very nature, your complaint is accelerated by us to this point from the start. We will also accelerate complaints to stage 2 if we have let you down in responding to our own targets at stage 1.

If your complaint has already passed through stage one and you remain dissatisfied, we will ask you to make it clear that you want your complaint to be referred to the relevant service Director for assessment, investigation and response. It is helpful at this stage if you can identify which aspects of our response you are dissatisfied with.

Stage 3 – Final Stage

If you are not satisfied with our response at Stage 2 you can ask us to look at your complaint again at the final stage in our process. If requesting a final stage review, you will need to explain your reasons so that the Chief Executive can hone in on your particular concerns. The Chief Executive will review your concerns and will give you a final decision as far as the District Council is concerned.

If you're still not happy

Our Complaints Procedure ends at Stage 3. However, if you are not happy, you can take things further by contacting the Local Government Ombudsman. The Ombudsman is totally independent of the District Council and has a legal duty to investigate complaints about local councils.

For more information and details on how to contact the Ombudsman:

Visit: www.lgo.org.uk
Email: advice@lgo.org.uk
Telephone: 0845 6021983

Write to: Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

How to contact us with your complaint

You can complain about the services we provide in a number of ways:

- Fill in the complaint form on the Council website at www.derbyshiredales.gov.uk/complaints
- Telephone the relevant Council department on 01629 761100 or the Complaints Assistant on 01629 761325
- Write to the relevant Council department at the Town Hall, Matlock, Derbyshire DE4 3NN
- Visit the Council offices in Matlock
- See the Council's website for more details
- Contact your local District Councillor. For more details please contact the Customer Contact Team on 01629 761100 or visit the Council's website.

Unreasonably Persistent Complainants

There are occasions when the behaviour of a small minority of complainants becomes unreasonable, in that they pursue their complaints in a way, which can impede the investigation or can have a significant resource issue for the Council. The Council has adopted an Unreasonable and Persistent Complaints policy to guide both employees and councillors when addressing such complaints. The Complaints Officer will provide a copy of the policy on request.

Updated February 2020

GOVERNANCE AND RESOURCES COMMITTEE
12th March 2020

Report of the Head of Resources

ARREARS FOR WRITE OFF

PURPOSE OF REPORT

This report provides information about debtor write offs authorised by the Head of Resources under delegated authority and seeks approval for the write off of individual debts exceeding £1,500 in accordance with the Council's Financial Regulations.

RECOMMENDATION

That the individual amounts exceeding £1,500 listed in Appendix 1 totalling £125,529.96 be written off.

WARDS AFFECTED

None

STRATEGIC LINK

None

1 BACKGROUND

- 1.1 Under regulation B7(a) of the Council's Financial Regulations authority is delegated to the Head of Resources to write-off arrears up to £1,500. Under the scheme of officer delegation the Head of Resources also has authority to write of any arrears that have been caused by an officer error. This report details those debts exceeding £1,500 for which authorisation to write-off is required from this Committee under regulation B7(b) of the Financial Regulations.
- 1.2 The Governance and Resources committee agreed in July 2018 that a report on arrears for write off would be presented to this committee twice a year. This is the second report for 2019/20.
- 1.3 The debts detailed in this report have been pursued through all appropriate methods of recovery open to the Council. The [Revenues Debt Recovery Policy](#) shows the approach taken to recovery for each type of debt. It is considered that any further action attempted at recovering the debts proposed for write off would be likely to incur additional expenses to the Council without the prospect of payment and as such these debts are referred to this Committee for authorisation to write them off.
- 1.4 It should be noted that any debt will be reinstated where further information subsequently comes to light that allows further recovery action to be pursued.
- 1.5 Accounts submitted for write-off fall into one of the following categories:

- Amounts remitted by the Magistrates Court (or where the Court has refused to grant a Liability Order)
- Amounts for which the debtor has served a prison sentence
- Amounts where the debtor is bankrupt or insolvent
- Amounts where the debtor has died and there are insufficient funds in their estate
- Amounts where the debtor has absconded or gone abroad and cannot be traced
- Amounts where it has become uneconomic to pursue the debt
- (Very rarely) Amounts where there has been an officer error.

1.6 CIPFA recommends that it is good practice to identify debts that are unlikely to be paid and to account for them in the accounts as soon as possible.

2 REPORT

2.1 The amounts recommended for write-off are given in Appendix 1 and are summarised below:

Table 1: Write offs summary 2019/20

	Council Tax Arrears	NDR Arrears	Housing Benefit Overpayment Arrears	Sundry Debtors Arrears	Total
	£	£	£	£	£
Amounts approved by Governance & Resources Committee 5 September 2019	23,331.69	46,534.72	13,339.17	0.00	83,205.58
Amounts over £1,500 to be approved by Governance & Resources Committee 5 March 2020 (see Appendix 1)	12,374.36	106,142.70	10,012.90	0.00	128,529.96
Amounts of £1,500 and under written-off under delegated authority to 13 February 2020	26,541.12	7,174.45	21,157.01	10,799.92	65,672.50
Amounts over £1,500 relating to officer error and under written-off under delegated authority	0.00	0.00	0.00	0.00	0.00
Total	62,247.17	159,851.87	44,509.08	10,799.92	277,408.04
Provision for Doubtful Debts 01/04/19	185,000.00	136,000.00	100,500.00	39,000.00	460,500.00
Total amount written-off in 2017/18	50,762.53	154,758.00	76,244.30	20,821.75	302,586.58
Total amount written-off in 2018/19	67,368.90	70,867.00	28,506.67	79,227.41*	245,969.98

*Includes £59,438.32 relating to a section 106 agreement that was funded from a reserve.

Council Tax

- 2.2 The 2019/20 Council Tax net collectable debit is currently in the order of £55m. The amount of £62,247.17 shown in the table above for write offs represents 0.11% of this amount. The write offs proposed in this report cover several financial years.
- 2.3 When the Council Tax is set each year it is assumed that 99.2% of the debit will eventually be collected. The overall collection rates for the current and last 5 years' Council Tax and Non-Domestic Rates charges are set out in the table below:

Table 2: Percentage of council tax and non-domestic rates debt collected to 31 January 2019

Year	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20 To 31 st January
Council Tax	99.72%	99.67%	99.68%	99.64%	99.40%	96.77%
Non-Domestic Rates	98.72%	98.89%	99.19%	98.78%	98.73%	92.68%

Non-domestic rates

- 2.4 The 2019/20 Non-Domestic Rates net collectable debit is currently in the order of £19m. The amount of £159,851.87 shown in the table above for write offs so far this year represents 0.84% of this amount. The write offs proposed in this report cover several financial years.
- 2.5 Irrecoverable Non-Domestic Rates are shared between central government and local government under the Business Rates Retention Scheme. For 2019/20 the district council meets 40% of the amounts written off.

Housing benefit overpayments

- 2.6 For housing benefit overpayments, two write offs are proposed in this report for debts over £1,500. Total write offs for 2019/20 is higher than in 2018/19 but less than 2017/18. The write offs for 2017/18 reflected the then recent appointment of an overpayments officer, who addressed a lot of historic cases in 2017/18, which resulted in increased write offs for that year.
- 2.7 Benefit overpayments that were invoiced in 2018/19 amounted to £471,092. The amount of £44,509.08 shown in table 1 for write offs relates to debts spanning several financial years and represents 9.4% of invoices raised in 2018/19.
- 2.8 Of the write offs shown in table 1 above totalling £44,509.08, £30,912.55 (69% of the total value, 33 of 154 write off invoices) involve insolvency or debt relief orders. This perhaps reflects low income households that have multiple debts taking the opportunity to file for bankruptcy or an equivalent. The local Citizens Advice Bureau has been assisting local residents with this.
- 2.9 In terms of 'all year debt', as of 31st January 2020, 22.7% of all debt had been recovered with a balance of £903,267 carried forward. This is the seventh consecutive month where the debit remaining is below the £1m mark; it is also the lowest level of arrears since the Benefits Overpayments Officer was appointed. This demonstrates that recovery action is proving to be effective. Arrears outstanding at 31 March 2017 (when the new appointment was approved) amounted to £1,132,755.30.
- 2.10 Members should be aware that recovering housing benefit overpayments from people on low incomes is very difficult; payment arrangements need to be reasonable and affordable and it can take a long time to fully recover a debt. Benefits have been frozen for 4 years whilst

general bills have increased meaning that disposable income is reducing for people on benefits. This means that, like other Councils, we have to consider write offs in some cases.

Sundry Debts

- 2.11 No write offs are proposed in this report for sundry debts over £1500. The amount of sundry debts under £1,500 written off in 2019/20 is lower than in than in previous years, which partly reflects the fact that the Council no longer collects leisure centre income.
- 2.12 The 2019/20 net collectable debit for sundry debts is estimated to be in the order of £5m. The amount of £10,799.92 shown in table 1 for write offs represents 0.2% of this amount, which is well within the amount in the provision.

3 RISK ASSESSMENT

3.1 Legal

The Head of Resources is acting in accordance with powers delegated to her under Section 101 of the Local Government Act 1972. The Council has a duty to pursue all monies owed to it and the write offs are to enable the District Council to finalise its accounts for the year. It will use all legal powers available to it to recover the sums due. The legal risk is therefore low.

3.2 Financial

The Council has established provisions for doubtful debts, as set out in table 1 in paragraph 2.1. The amounts being submitted for write-off, including those written off under delegated powers, total £277,408.04 and are within the overall budgetary provision of £460,500.00, although the NNDR write offs exceed their provision by £23,852 (the cost of NNDR write offs are shared, with DDDC bearing 40% of the amount shown). The financial risk is assessed as "medium".

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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Telephone: 01629 761284

6 ATTACHMENTS

Appendix 1 – Schedule of write offs

Appendix 1: Schedule of Write Offs

Council Tax Write Offs (over £1,500)

Reference	Reason for Write off	Amount	Period of charge
30954030	No Trace	£1,742.03	2015-2017
30565799	Gone Abroad	£1,806.45	2017-2019
30570814	Not prospect of recovery – Debtor is in receipt of Housing Benefits, Council Tax Support and Tax Credits. Has no assets.	£1,566.00	2008-2011
30100239	Bankrupt - no prospect of a dividend	£7,259.88	2008-2019
Total		£12,374.36	

Non-Domestic Rates Write Offs (over £1,500)

Reference	Reason for Write off	Amount	Period of charge
70132760	Dissolved	£19,420.93	01/07/17-24/07/19
70179790	Unable to trace	£6,225.42	15/08/16-16/04/18
70159840	Uncollectable due to VOA error	£7,084.68	01/04/15-30/05/16
70176296	No means of collection	£8,853.50	04/04/18 - 31/01/19
70183546	Unable to trace	£9,132.14	04/04/16-28/02/19
70185825	Liquidation	£27,386.38	01/04/17-30/07/19
70172157	Unable to trace	£2,821.75	1/10/17 - 14/5/18
70180684	Dissolved company	£2,844.52	01/06/18 - 06/02/19
70181670	Bankrupt	£1,907.41	08/01/15-01/11/16
70158588	In liquidation	£8,285.97	15/05/15-16/02/16
70179103	In liquidation	£6,224.92	12/10/18-06/06/19
70171727	In liquidation	£5,955.08	08/11/17-06/06/19
Total		£106,142.70	

Housing Benefit Overpayment Write Offs (over £1,500)

Reference	Reason for Write off	Amount	Period of charge
40095855	Insolvency	£5,684.54	23/05/11 to 13/03/13
40095842	Insolvency	£4,328.36	13/03/13 to 04/08/14
Total		£10,012.90	

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GOVERNANCE AND RESOURCES COMMITTEE

12 MARCH 2020

Report of the Head of Regeneration and Policy

KIRK IRETON NEIGHBOURHOOD PLAN

SUMMARY

This report sets out the key recommendations of the Examiner’s report into the Kirk Ireton Neighbourhood Plan. Subject to the recommended amendments the Kirk Ireton Neighbourhood Plan meets the basic conditions and can proceed to Referendum. The report seeks Member’s approval to move forward to the Referendum on the Kirk Ireton Neighbourhood Plan.

RECOMMENDATION

1. That the report of the Examiner appointed to undertake the Examination of the Kirk Ireton Neighbourhood Plan be noted.
2. That, subject to the recommended modifications set out in Appendix 3, the District Council be satisfied that the basic conditions as required by Paragraph 8(1)(a) of Schedule 4B of the Town and County Planning Act 1990 have been met.
3. That the Kirk Ireton Neighbourhood Plan as modified be submitted to a Referendum in the Parish of Kirk Ireton to be held on Thursday 7th May 2020.
4. That a further report be presented to Members following the holding of the Referendum.

WARDS AFFECTED

Kirk Ireton

STRATEGIC LINK

The implementation of the Kirk Ireton Neighbourhood Plan will provide a wider planning framework for the Derbyshire Dales, focused within Kirk Ireton and form part of the development plan for the District. The Neighbourhood Plan will complement policies set out within the Derbyshire Dales Local Plan (adopted 2017) by seeking to achieve high quality developments and environments for existing and new residents and the community of Kirk Ireton.

1 BACKGROUND

- 1.1 The Parish of Kirk Ireton was designated as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act (as amended by the Localism Act 2011) on the 5th September 2014. The designation of a Neighbourhood Area is one of the statutory requirements to enable a Neighbourhood Plan to be adopted and formally become a part of the Development Plan, and be used in the determination of planning applications by the District Council.
- 1.2 Since that time the Kirk Ireton Neighbourhood Plan Steering Group, along with the Kirk Ireton Parish Council, has undertaken consultation amongst the local community to determine the key issues in Kirk Ireton and prepare the draft Kirk Ireton Neighbourhood Development Plan.
- 1.3 At a meeting of Council held on 26th September 2019 it was resolved (Minute 158/19):
 1. That the draft comments made in respect of the policies and proposals contained within the Kirk Ireton Neighbourhood Plan set out in Section 2 of the report are noted and that they are forwarded to the Examiner appointed to undertake the Examination of the Kirk Ireton Neighbourhood Plan.
 2. That in the event that no substantive objections are received during that statutory publicity period undertaken in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 that they be forwarded to the examiner appointed to undertake the Examination of the Kirk Ireton Neighbourhood Plan.
 3. That in the event that any substantive representations be received during the statutory publicity period that a further report be presented to Committee for consideration.
 4. The Council discharge responsibility relating to Neighbourhood Plans to the Community and Environment Committee and that a further report be presented to the Community and Environment Committee that sets out the Examiner's Report finding and any recommended modifications to the Kirk Ireton Neighbourhood Plan.
- 1.4 An independent Examiner, Mr Andrew Matheson MSc MPA DipTP MRTPI FCIH, was appointed by the District Council with agreement of Kirk Ireton Parish Council. The Examination in Public was undertaken by written representation during November 2019 - February 2020, and the Examiner's report was submitted to the District Council on 6th February 2020.
- 1.5 This report is presented to this Committee rather than the Community and Environment Committee, with the agreement of the Chair, to ensure that Members can consider the report of the Independent Examiner and allow for the Referendum to be held on 7th May 2020 jointly with the election of the Police and Crime Commissioner.

2 EXAMINER'S REPORT

- 2.1 The Independent Examiner's role is to ensure that the Neighbourhood Plan meets the legislative and procedural requirements. An Examiner is required to consider whether a Neighbourhood Plan meets the "Basic Conditions", as set out in the relevant legislation:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State.
 - The making of the Neighbourhood Plan contributes to the achievement of sustainable development.
 - The making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
 - The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations
 - The making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 2.2 It is the Examiners role to assess whether the Neighbourhood Plan 'provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency' (NPPF para 17).
- 2.3 The Examiner in his report states "Kirk Ireton Parish Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2033." He further states "the Plan document is well presented with a distinctive combination of text, clear images and Policies that are, subject to the specific points...well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that".
- 2.4 In respect of the preparation of the Neighbourhood Plan and community engagement the Examiner notes "It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies.....it is evident that the community had made positive use of "direct powers to develop a shared vision for their neighbourhood and shape the development and growth of their local area" (Planning Practice Guidance Reference ID 41-001-20140306).
- 2.5 The Examiner also concludes "having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community's priorities whilst seeking to identify and safeguard Kirk Ireton's distinctive features and character."
- 2.6 The Examiner's report recommends a series of modifications to the Policies, the supporting text and maps to effect corrections, ensure clarity and more

importantly to ensure that the Basic Conditions are met. Whilst the Examiner's report recommends a significant number of modifications, the overall tenet of the Neighbourhood Plan remains as set by the Qualifying Body.

- 2.7 Subject to the recommended modifications set out in his Report the Examiner has concluded that the Kirk Ireton Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to Referendum. A copy of the Examiner's report is attached in Appendix 1 to this report.

Examiner's Response to issues raised by the District Council

- 2.8 A number of key issues were raised by the District Council during the formal Regulation 16 public consultation (Council 26th September 2019). A table setting out the District Council comments made at Regulation 16 stage and a summary of the Examiners Response and recommendations is provided within Appendix 2.
- 2.9 With regards to the comments made by the District Council, the Examiner accepts that some rephrasing is required to the Kirk Ireton Neighbourhood Plan to enable policies to be applied effectively through the decision making process. The Examiner's full schedule of modifications and the District Councils response is set out within Appendix 3.

3 NEXT STEPS

- 3.1 Schedule 4B, Para 12, of the Town and Country Planning Act 1990 states that the Local Authority must be satisfied that the basic conditions are met and that the Neighbourhood Plan is compatible with the Convention Rights.
- 3.2 The conclusions of the Examiner overall are that subject to modifications the Kirk Ireton Neighbourhood Plan is able to satisfy the 'basic conditions' as set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004, and that the Plan can proceed to Referendum in the Neighbourhood Area.
- 3.3 The Examiner has also suggested a number of modifications to the draft Kirk Ireton Neighbourhood Plan for the purpose of improving clarity in the Plan and confidence that it will be applied through the determination of planning applications. Such modifications will, subject to the outcome of any Referendum, however, need to be incorporated into the final version of the Kirk Ireton Neighbourhood Plan.
- 3.4 In accordance with Paragraph 12 of Schedule 4B of the Town and Country Planning Act 1990, the District Council must:
- (a) Consider each of the recommendations made by the Examiner in his Report (and the reasons for them), and;
 - (b) Decide what action to take in response to each recommendation

- 3.5 A schedule of the Examiner's recommendations and the recommended response to each has been prepared and is set out in Appendix 3 for consideration.
- 3.6 Subject to the inclusion of the modifications as set out in Appendix 3, it is recommended that the District Council confirms that the Kirk Ireton Neighbourhood Plan has met the basic conditions as required by Paragraph 8(1)(a) of Schedule 4B of the Town and Country Planning Act 1990.
- 3.7 It is further recommended that the schedule of modifications set out in Appendix 3 form the basis of taking forward the Kirk Ireton Neighbourhood Plan to Referendum.
- 3.8 Should the recommendation of this Report be accepted, the District Council is required to issue a Decision Statement to the Qualifying Body, Kirk Ireton Parish Council, and anyone who requested to be notified in accordance with the 1990 Act Schedule 4B Para 12.
- 3.9 It is part of the Examiner's remit to consider if the Referendum area should extend beyond the Neighbourhood Area. The Examiner considers the Neighbourhood Area to be appropriate and no evidence was submitted to suggest that this is not the case. The Referendum should therefore proceed on the basis of the Kirk Ireton Neighbourhood Plan as approved under the District Councils Scheme of Officer Delegation on 5th September 2014.
- 3.10 Having accepted that the Kirk Ireton Neighbourhood Plan has met the basic conditions (subject to modifications), the Plan can move forward to be considered at a local Referendum within the Parish. The District Council is responsible for making the necessary arrangements for the Referendum to be held, at which the following question defined in the Neighbourhood Planning (Referendums) Regulations 2012, Schedule 1 is asked:

Do you want Derbyshire Dales District Council to use the Neighbourhood Plan for Kirk Ireton to help it decide planning applications in the Neighbourhood Area?

- 3.11 A simple majority of all votes cast is sufficient for the Kirk Ireton Neighbourhood Plan to have a mandate to be taken forward into the Development Plan for Derbyshire Dales.
- 3.12 A further report will be presented to Members once the outcome of the Referendum is known.

4 RISK ASSESSMENT

4.1 Legal

In compliance with Paragraph 6(2) of the Schedule, the Local Authority designated Kirk Ireton as a Neighbourhood Area and since this designation the Kirk Ireton Parish Council has prepared a Neighbourhood Plan for consideration. The Council has followed the consultation requirements set out within the Neighbourhood Planning (General) Regulations 2012 and before proceeding to a Referendum the Local Authority must be satisfied that the basic conditions set out in Schedule 4B of the Town and Country Planning Act 1990 have been met.

At this stage the legal risk is considered low.

4.2 Financial

The costs associated with the Neighbourhood Plan (mainly officer time, publicity and the independent examination) can be reclaimed through a government grant (MHCLG). The financial risk is, therefore, assessed as low.

5 OTHER CONSIDERATIONS

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

6 CONTACT INFORMATION

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7 BACKGROUND PAPERS

Description	Date	File
Kirk Ireton Neighbourhood Development Plan April 2019	April 2019	https://www.derbyshiredales.gov.uk/images/documents/K/KI_NP_& Appendices.pdf
Representations received on Kirk Ireton Neighbourhood Plan – Regulation 16 Responses	23 rd September – 4 th November 2019	https://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning/kirk-ireton-neighbourhood-plan
Kirk Ireton Neighbourhood Plan Basic Conditions Statement (April 2019)	April 2019	https://www.derbyshiredales.gov.uk/images/documents/K/KI_NP_Conditions_Statement_& Appendices.pdf

Kirk Ireton Neighbourhood Plan Consultation Statement (April 2019)	April 2019	https://www.derbyshiredales.gov.uk/images/documents/K/KI_NP_Consultation_Statement_&_Appendices.pdf
Kirk Ireton Neighbourhood Plan Sustainability Appraisal Screening	January 2019	https://www.derbyshiredales.gov.uk/images/K/KI_NP_SA_SEA_Screening_Jan_19.pdf
Correspondence between the Examiner and Kirk Ireton Parish Council	November 2019 – February 2020	https://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning/kirk-ireton-neighbourhood-plan
Correspondence between the Examiner and Derbyshire Dales District Council	November 2019 – February 2020	https://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning/kirk-ireton-neighbourhood-plan
Council committee report 26 th September 2019	September 2019	https://www.derbyshiredales.gov.uk/images/AGENDA_26-09-19_Council.pdf
Examiners Report February 2020	February 2020	Appendix 1
Derbyshire Dales District Council Regulation 16 Comments and Examiners comments	February 2020	Appendix 2
Council's response to recommendations	February 2020	Appendix 3

8 ATTACHMENTS

- Appendix 1 Report of the Independent Examiner
- Appendix 2 District Council Consultation Comments
- Appendix 3 Examiner Recommendations and Recommended Council Response

KIRK IRETON NEIGHBOURHOOD PLAN 2019 - 2033

**The Report of the Independent Examiner to Derbyshire Dales District Council
on the Kirk Ireton Neighbourhood Plan**

**Andrew Matheson MSc MPA DipTP MRTPI FCIH
Independent Examiner
7th February 2020**

Summary

I was appointed by Derbyshire Dales District Council, in agreement with the Kirk Ireton Parish Council, in October 2019 to undertake the Independent Examination of the Kirk Ireton Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 16th December 2019.

The Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Kirk Ireton Neighbourhood Area. There is an evident focus on safeguarding the very distinctive, rural character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Derbyshire Dales District Plan.

Subject to a series of recommended modifications set out in this Report I have concluded that the Kirk Ireton Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

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Introduction

This report sets out the findings of the Independent Examination of the Kirk Ireton Neighbourhood Plan 2019 - 2033. The Plan was submitted to Derbyshire Dales District Council by Kirk Ireton Parish Council in their capacity as the 'qualifying body' responsible for preparing the Neighbourhood Plan.

Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. A new NPPF was published in July 2018, updated in February 2019, and it is against the content of this NPPF that the Plan will be examined.

This report assesses whether the Kirk Ireton Neighbourhood Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Kirk Ireton Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Kirk Ireton Neighbourhood Plan would then be used in the process of determining planning applications within the Plan boundary as an integral part of the wider Plan.

The Role of the Independent Examiner

The Examiner's role is to ensure that any submitted Neighbourhood Plan meets the legislative and procedural requirements. I was appointed by Derbyshire Dales District Council, in agreement with Kirk Ireton Parish Council, to conduct the examination of the Kirk Ireton Neighbourhood Plan and to report my findings. I am independent of both Derbyshire Dales District Council and Kirk Ireton Parish Council. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector body as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a Member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Kirk Ireton Neighbourhood Plan is submitted to a referendum; or
- the Kirk Ireton Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Kirk Ireton Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. If recommending that the Neighbourhood Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 Act (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

These are helpfully covered in the submitted Basic Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this examination I have considered the following documents:

- Kirk Ireton Neighbourhood Plan 2019 - 2033 as submitted
- Kirk Ireton Neighbourhood Plan Basic Conditions Statement (undated)
- Kirk Ireton Neighbourhood Plan Community Engagement and Statutory Consultation Statement with Appendix (undated)
- Sustainability Appraisal and Strategic Environmental Assessment Screening Report Kirk Ireton Neighbourhood Development Plan (January 2019)
- Content at: www.kirkiretonparishcouncil.co.uk/portfolio.html
- Content at: www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning/kirk-ireton-neighbourhood-plan
- Representations made to the Regulation 16 public consultation on the Kirk Ireton Neighbourhood Plan
- Derbyshire Dales Local Plan 2013 - 2033 adopted in December 2017
- National Planning Policy Framework (NPPF) (2019)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Neighbourhood Area on 16th December 2019. I looked at Kirk Ireton, its Conservation Area and the surrounding countryside including all the various sites and locations identified in the Plan document.

The legislation establishes that, as a general rule, Neighbourhood Plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Kirk Ireton Neighbourhood Plan could be examined without the need for a public hearing and I advised Derbyshire Dales District Council accordingly. The Qualifying Body and the Local Planning Authority have helpfully responded to my enquiries so that I may have a thorough understanding of the facts and thinking behind the Plan, and the correspondence has been shown on the Derbyshire Dales District Council Neighbourhood Planning website for the Kirk Ireton Neighbourhood Plan.

Kirk Ireton Neighbourhood Area

A map showing the boundary of the Kirk Ireton Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Kirk Ireton Parish Council, Derbyshire Dales District Council approved the designation of the Neighbourhood Area on 5th September 2014. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

Consultation

In accordance with the Neighbourhood Planning (General) Regulations 2012, the Qualifying Body has prepared a Consultation Statement to accompany the Plan.

The Planning Practice Guidance says:

“A qualifying body should be inclusive and open in the preparation of its Neighbourhood Plan [or Order] and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging Neighbourhood Plan [or Order]
- is made aware of how their views have informed the draft Neighbourhood Plan [or Order].” (Reference ID: 41-047-20140306)

The submitted Community Engagement and Statutory Consultation Statement notes that consultations were undertaken “to engage with the residents and other community stakeholders. The neighbourhood plan group consulted as widely and appropriately as possible to ensure that everyone would be aware of the plan and would be able to contribute to it.” Kirk Ireton Primary School pupils made posters and descriptions with a ‘development theme’ as part of a school project based on the local area to help the Neighbourhood Plan launch. The first public meeting was held in February 2015 and was attended by 70 members of the village and at this there was overwhelming support to produce a Neighbourhood Plan and villagers were invited to be part of a Steering Group and several Working Groups.

The Steering Group adopted a constitution in May 2015; meetings were publicised as open to all and a website was set up to keep everyone informed of progress. A second public meeting was held in October 2015 to present displays by the three Working Groups and was attended by over 100 residents who were encouraged to leave comments and questions for the Steering Group. In April 2016 a questionnaire was delivered by hand to all households within the Parish (several copies were given to family households to encourage young people to give their views) and of the three hundred questionnaires delivered 174 were returned (an impressive 58% response rate).

An Editorial Group was formed in October 2016 to work with the questionnaire results, working group reports and other published material to prepare a first draft of the Plan. This was subsequently presented to the community at a two day ‘Open Weekend’ in the Village Hall in November 2017; over 70 villagers attended the meeting over the two days. A further public consultation took place toward the end of the statutory Regulation 14 Consultation Period in January 2019; twenty eight members of the public attended with fifteen giving written comments. The Regulation 14 Consultation ran from November 2018 to February 2019 and after due consideration of the received comments, the submission draft Plan was passed to Derbyshire Dales District Council in April 2019.

Accordingly, overall I am satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Body has already done for earlier consultations. That does not imply or suggest that the consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Derbyshire Dales District Council from 23rd September - 4th November 2019. I have been passed the representations – just 7 in total – which were generated by the consultation and which have now been included alongside the details of the Plan on the Derbyshire Dales District Council Neighbourhood Planning website. I have

not mentioned every representation individually within the Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

The Neighbourhood Plan

Kirk Ireton Parish Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2033. I can see that a sustained effort has been put into developing a Plan with a vision that “Kirk Ireton will be an active rural community with a balanced population comprising mixed ages. Village amenities will include a thriving school, a well supported shop and village pub, church, chapel and a village hall capable of providing the facilities expected of a modern village. The village’s heritage, including the surrounding countryside, views, open spaces and recreational facilities will have been preserved and enhanced where possible.” The Plan document is well presented with a distinctive combination of text, clear images and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community’s intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (Planning Practice Guidance Reference ID: 41-001-20140306).

Individually I can see that the Policies address legitimate matters for a Neighbourhood Plan as identified with the community. I will later look at the Policies in turn so as to ensure that the Basic Conditions are met, which include an obligation to have regard to Local Plan strategic policies. However, a representation comments: “The underlying tone throughout the document is that development is unappealing and unwelcome in the village.... Surely, like us, many would welcome future development in the village that is of appropriate scale, quality and density and that reflects sensitivity to the characteristics of the conservation area.” As the NPPF requires (para 16b) that Plans should “be prepared positively, in a way that is aspirational but deliverable” I asked the Qualifying Body to address this concern. The Qualifying Body responded: “We confirm that the Plan was prepared with a positive intent. We followed advice, throughout the process, from Joe Dugdale of Rural Action Derbyshire. We had four public meetings over the course of the process [and] delivered an extensive questionnaire with multiple copies to every household in the Neighbourhood Plan area. We had three working groups which met numerous times and were all minuted. We engaged widely in the community and kept the community informed through the village newsletter.... Please also refer to policy 1 which states that sensitive development is supported.”

It is often the case that community consultation produces more clarity on what is not wanted than what *is* wanted; some care is therefore required in the analysis. However, having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and

sustainable. The Plan sets out the community's priorities whilst seeking to identify and safeguard Kirk Ireton's distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency, with input as required and support from Derbyshire Dales District Council.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. This is not uncommon in a community-prepared planning document and something that can readily be addressed in most instances. Accordingly I have been obliged to recommend modifications so as to ensure both clarity and meeting of the 'Basic Conditions'. In particular, Plan policies as submitted may not meet the obligation to "provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency" (NPPF para 17). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the 'Basic Conditions'.

Basic Conditions

The Independent Examiner is required to consider whether a Neighbourhood Plan meets the "Basic Conditions", as set out in law following the Localism Act 2011; in December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the Plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to these requirements in the same order as above and has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the Local Plan is the Derbyshire Dales District Local adopted in December 2017. As the Plan does not allocate land for development and is supportive of Kirk Ireton's rural features, I am satisfied that the making of the Plan will not breach the Basic Condition relating to the Habitats and Species Regulations 2017.

I have examined and will below consider the Neighbourhood Plan against all of the Basic Conditions above, utilising the supporting material provided in the Basic Conditions Statement and other available evidence as appropriate.

The Plan in Detail

I will address the aspects of the Neighbourhood Plan content that are relevant to the Examination in the same sequence as the Plan. Recommendations are identified with a bold heading and italics, and I have brought them together as a list at the end of the Report.

Front cover

A Neighbourhood Plan must specify the period during which it is to have effect. I note that there is a prominent reference to the Plan period 2019 – 2033 on the front cover. I would add that the impressive photograph of Kirk Ireton showing its hilltop built framework is an admirable opener for the Neighbourhood Plan providing an ideal context for the Policies that follow.

Contents

The Contents list will need to be reviewed once the text has been amended to accommodate the recommendations from this Report. I note that references to “Additional Documents” are included here but there is no footnote indicating where these documents can be accessed.

Recommendation 1:

Review the “Contents” page once the text has been amended to accommodate the recommendations from this Report; add footnote source references for the “Basic Conditions Statement” and the “Community Engagement and Statutory Consultation Statement”.

1 Introduction and Acknowledgements

I note that whilst the heading here includes “Acknowledgements” the related content in fact appears, probably more appropriately, at the end of the document; the truncated content of paragraph 1.07 should be part of that later acknowledgment. On a technical point relating to paragraph 1.03, Neighbourhood Plans are not “adopted” but ‘made’. In relation to the content of paragraph 1.05 I believe the reference to the Conservation Area “Appraisal” is premature, that will be most relevant within the Policy content. Also in that paragraph there is a reference to all households in “the village”, whereas this should be ‘Neighbourhood Area’, and a reference to “Appendix F” but as that is not included within the Plan document and its detail is referenced more appropriately later. The Plan should include a commitment to keep the implementation of the Plan monitored with a review at least every 5 years and this is probably the best section to include that.

Recommendation 2:

Under the heading “1 Introduction and Acknowledgements”:

2.1 Delete “and Acknowledgements” from the title.

2.2 In paragraph 1.03 replace “adopted” with ‘made’.

2.3 In paragraph 1.05 delete “Appraisal” and its footnote, replace “the village” with ‘the Neighbourhood Area’ and delete reference to “Appendix F”.*

2.4 Move any relevant part(s) of paragraph 1.07 to Section 9.

2.5 Add in place of the content of paragraph 1.07:

‘The Parish Council will monitor the implementation of the Neighbourhood Plan to ensure that its objectives are being delivered. At least every 5 years the Plan will be reviewed to see whether a new or modified Plan is required.’

2 Neighbourhood Plan Area Map

The map is required to identify the “Neighbourhood Area” and so that is what the title and content should show. It is unclear why this paragraph is italicised but this would appear to be inappropriate.

Recommendation 3:

Under the heading “2 Neighbourhood Plan Area Map”:

3.1 In the title and last sentence delete “Plan”.

3.2 Review the need for this section to be italicised.

3 Historic Background

4 Groups, Activities & Amenities

These sections contain brief and helpful background information about the Parish. In paragraph 4.03 there is a reference to an “Appendix G” but there is no Appendix G within the

Plan document – it is instead KINP B - and the content of it is not material to the policy content of the Plan. It would be sufficient and more appropriate not to attach Appendix G/ KINP B) but instead include a footnote with a source reference, as suggested for Appendix F above.

Recommendation 4:

Under the heading “4 Groups, Activities & Amenities” add a footnote source reference for the content of “Appendix G” and delete “Appendix G” (and omit Appendix G/KINP B from the Plan document).

5 Planning History

There is an evident overlap between parts of this section and the previous “Historic Background” section as well as some overlap with the Policies section to follow. To keep this section pertinent to the purpose of the Plan document I believe some editing would be helpful as well as a retitling to “Planning Context”.

As is acknowledged later in the Plan document, the Derbyshire Dales Local Plan classifies Kirk Ireton as a Tier 4 settlement where “Development will therefore be limited to that needed to help maintain existing services and facilities and to meet the housing needs of the settlement. As such there is some limited scope for development within these settlements”. Whilst it is accurate to say that the Local Plan does not set a housing growth target for Kirk Ireton, it is not accurate to say that this suggests “a very [my emphasis] limited amount of development” as local population growth/services support may suggest otherwise; the Qualifying Body agreed that “very” should be deleted.

Recommendation 5:

For Section 5 headed “Planning History”:

5.1 Alter the title to “Planning Context”.

5.2 Delete the sub-headings “The Past” and “The Present” as well as paragraphs 5.1 to 5.03; renumber subsequent paragraphs accordingly.

5.3 In the last sentence of paragraph 5.04 delete “very”.

5.4 Add to paragraph 5.05 between the second and third sentences: ‘This Neighbourhood Plan is required to have regard to national planning policy and guidance and be in general conformity with the Derbyshire Dales Local Plan.’

5.5 In paragraph 5.06 replace “An adopted” with ‘A ‘made’.

5.6 Footnotes: Move the footnote source reference for the Conservation Area Appraisal to the Policies section. Provide the source reference for the Derbyshire Dales Local Plan that has been omitted at the foot of the page.

6 Community Engagement

This is a helpful overview but it appears to over-detail the early stages and fails to mention the required pre-submission Regulation 14 Consultation.

Recommendation 6:

Under the heading “6 Community Engagement”:

6.1 Delete paragraph 6.02 (and renumber subsequent paragraphs accordingly), the second and third sentences of paragraph 6.03, and the third sentence of paragraph 6.12.

6.2 Amend the reference to “all households” in the first sentence of paragraph 6.11 to ‘all households in the Neighbourhood Area’.

6.3 Insert a new paragraph between paragraphs 6.12 and 6.13 as follows:
'The draft copy of the Neighbourhood Plan was presented in a two day 'Open Weekend' in the Village Hall on the 4th & 5th Nov 2017. More than 70 villagers attended the meeting over the two days. After further consultations with interested parties, in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, the Neighbourhood Plan was published for pre-submission consultation between 19th November 2018 and 2nd February 2019.'

6.4 In place of the reference to an Appendix C in paragraph 6.13 provide a source reference to the on-line copy of the Consultation Statement.

7 Data Gathering

I feel, and some respondents have commented, that this section does not readily lead into the Policies section; in places the "analysis" raises more questions than it answers. The "Community Engagement" section has noted that a household questionnaire survey was undertaken and the Consultation Statement illustrates how the results have fed into the further drafting of the Plan. The Policies section illustrates how community views have been addressed but that also they are only part of the evidence informing policy development. Accordingly I recommend that section 7 is deleted.

Recommendation 7:

Delete section 7 and renumber subsequent sections accordingly.

8 The Kirk Ireton Community Vision

It is helpful that the Plan Policies have the context of a community vision to 2033. However, that vision needs to 'fit' with what a Neighbourhood Plan can realistically do. Any growth or otherwise in car ownership and degrees of reliance on car journeys for mobility are both beyond the scope of a Neighbourhood Plan and, as these will be material to any "increase in traffic", an ambition to restrain traffic growth is questionable, as representations have noted. Further the local authority has commented: "The District Council does not consider that given the development strategy for the village set out in the adopted Derbyshire Dales Local Plan, and the relatively isolated nature of the village away from main through routes that there is likely to be any substantial increase in through traffic in the village." I have also noted that the Plan does not identify or allocate land for additional parking; therefore the Plan as written cannot help to make progress toward this aspect of the Vision. The Qualifying Body has suggested alternative wording here.

In a similar vein the local authority has noted that "The evidence that mobile communication is an issue for the community and raised in consultation is lacking from the community engagement/data gathering and analysis section". The Qualifying Body agreed that this element of the Vision Statement should be deleted.

Recommendation 8:

Under the heading "8 [amended to 7 as above] The Kirk Ireton Community Vision":

8.1 Replace the "and" before "a village hall" with a comma and after "modern village" insert: "and the issue of adequate off-street parking will have been addressed".

8.2 Delete the second sentence of paragraph 8.02 and paragraph 8.03.

Policies

I feel that the opening wording for this section has the potential to mislead about the planning decision-making process and some rewording is required. The local authority agreed that other wording would be appropriate.

Recommendation 9:

Reword the text under “Policies” on page 11 as follows:

‘All policies should be read in conjunction with the Derbyshire Dales District Council’s adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.’

Policy P1 - Development

The local authority comments suggest that this Policy does not meet the Examination Basic Conditions: “It is considered that elements of this policy are not in general conformity with the Adopted Derbyshire Dales Local Plan and do not therefore meet the Basic Conditions. As outlined in previous correspondence [with the Qualifying Body] it is recommended that reference to the existing built framework illustrated on the map on page [17] should be removed from Policy 1. The designation of a built framework to the settlement of Kirk Ireton is contrary to the provisions of the Adopted Derbyshire Dales Local Plan (2017). Kirk Ireton is classified as an ‘Accessible Settlement with Minimal Facilities - Fourth Tier’ within the settlement hierarchy of the Derbyshire Dales Local Plan (Policy S2). The adopted Derbyshire Dales Local Plan seeks to encourage new development in such villages as Kirk Ireton by way of infill and consolidation of the existing built framework of the settlement, or through development well related to the existing built framework that would not result in a prominent intrusion into the countryside; or constitutes an exception site for the provision of affordable housing (see policies S2, S4 and HC5 Derbyshire Dales Local Plan). Advice in the NPPF (paragraph 13) states “neighbourhood plans should support the delivery of strategic policies contained within Local Plans”. As currently drafted Neighbourhood Plan Policy 1 restricts development to within a framework boundary, and infers that only ‘sensitive development’ within it will be supported and that all development outside it would be rejected, this is more restrictive than the Adopted Derbyshire Dales Local Plan and raises a principle issue of non - conformity.” I have noted that para 4.20 of the Local Plan, applicable to Kirk Ireton, states that “Development on a large scale would be unsustainable in these villages, as this would generate a disproportionate number of additional journeys outside the villages and undermine the spatial strategy”; the Neighbourhood Plan does not seem to acknowledge this position.

The local authority has indicated a correction for the Consultation Statement where it says: “Kirk Ireton is listed as a Tier 4 settlement in the DDDC Local Plan and is not allocated a settlement framework boundary. Kirk Ireton had a settlement boundary from 1992 up until the adoption of the 2017 DDDC Local Plan.” The local authority notes that this is “factually incorrect – The only defined Built Up Area [for Kirk Ireton] that has been included within a Local Plan was in 1988 Southern Parishes Local Plan”. A representation adds: “It maybe should be made clearer that the so called “settlement boundary” or “built framework” has in fact little relevance for a tier 4 village such as Kirk Ireton. The impression given by the draft [Plan] may be misleading as such boundary or framework is not defined and does not exist for tier 4 villages such as Kirk Ireton.”

The Qualifying Body has responded: “We agree we were incorrect about the settlement boundary in earlier DDDC local plans. We believed there had been a settlement boundary from 1992 and we accept we were wrong.” They further commented: “We disagree with the interpretation by the DDDC of their own plan as regards our Policy 1. We are in line with the Inspectorate examination of the DDDC Local Plan dated 13th Nov 2017. In his analysis of the DDDC Local Plan Mark Dakeyne stated ...[Inspectors Report: Page 9: 40] “The 4th and 5th tier villages do not have settlement boundaries but Policy S3 as worded does allow limited development to support existing services through infill and consolidation. However, there is a lack of consistency between the explanation and the policy itself and not enough clarity as to the type of development that might be acceptable. MM4 provides that necessary effectiveness, consistency and guidance by referring to infill and consolidation at an appropriate scale, brownfield sites on the edge of settlements and affordable housing

exception sites.” The Inspectors Report ‘Main Modifications’ and as a result pages 35 & 36 in the Local Plan state: [Page 7: MM4] “In all cases, development should be commensurate with the scale and function of the settlement, can be accommodated through infill and consolidation of the existing built framework of the settlement or is well related to the existing pattern of development and surrounding land uses; would not lead to prominent intrusion into the countryside; or constitutes exception sites affordable housing (Policy HC5).” We consider that by defining a “built framework boundary” the KINP supports and adds value to the Local Plan.”

I note however that nowhere does the Inspector question or criticise the absence of settlement boundaries for 4th and 5th tier villages and very explicitly his comments note that acceptable development will not necessarily be confined within the existing built framework. The Inspector and the Local Planning Authority have doubtless had regard to the NPPF expectation (para 9) that “Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area”. Policy P1 as drafted is therefore not consistent with the Inspector’s comments or in general conformity with the adopted Derbyshire Dales Local Plan. However, I believe that I must further note that the Kirk Ireton Conservation Area extends to include significant areas of local countryside (areas also addressed within the Landscape Sensitivity Study) and this is therefore already an important factor influencing decisions on development proposals for Kirk Ireton (as distinct from many other 4th and 5th tier villages). The Conservation Area Appraisal makes it clear that the built framework and the adjacent countryside should be viewed together not separately and this implies that in some places new construction within but on the edge of the built framework may be as unacceptable as development that intrudes into the open countryside; an in/out delineation of the built-up area is inappropriate.

Within element b) of Policy P1 the term “countryside” only has the planning policy meaning derived from the Local Plan. Local Plan Policy S4 says that “countryside” covers the whole Neighbourhood Area since no part is within “defined settlement development boundaries, and sites allocated for development as defined on the Policies Map”. Whilst Policy S4 does go on to say that permission will be granted for “Housing in fourth and fifth tier villages in accordance with Local Plan Policy S2” Kirk Ireton cannot deny its position in the strategic settlement hierarchy as a fourth tier village. The Qualifying Body has agreed that element b) should be deleted.

Within element c) of Policy P1 it is implied rather than stated that development of fields designated as low sensitivity in the Landscape Sensitivity Study may be appropriate and would certainly be preferred to more sensitive areas. The Plan does not go so far as to assess these low sensitivity fields to arrive at preferences for land allocation in the event that housing requirements are identified “to help maintain existing services and facilities and to meet the housing needs of the settlement” (Local Plan Policy S2). However the Plan seems to support the use of the Landscape Sensitivity Study to identify the least intrusive sites (if any) and the Local Plan adopts the same approach since it is a requirement of Policy S2 that development “would not lead to prominent intrusion into the countryside”.

Therefore I must conclude that those parts of Policy P1 that can meet the Basic Conditions are, in all important respects, already encompassed within the Local Plan Policies. The NPPF (para 16f) says that Plans must “serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)”. Having said that, it is evident that the Landscape Sensitivity Study has important conclusions of which developers should be aware and providing the wording is not at odds with the Local Plan expectation, Policy P1 might have a remaining purpose. The Qualifying Body has said “We wish to endorse the Conservation Character Appraisal and the Landscape Sensitivity [Study] within any final version of our development policy”.

Recommendation 10:

10.1 Reword “Policy P1: Development” as follows

‘Development proposals for the village of Kirk Ireton must be appropriate for a rural location and demonstrate particular attention to two important documents that address the character of the settlement and its setting: The Conservation Area Appraisal 2014 [provide a footnote source reference] and the Landscape Sensitivity Study 2015 [provide a footnote source reference] and successor documents’.

10.2 Replace the reference to “Appendix F” in paragraph P1.01 with a source reference for the questionnaire results.

10.3 Delete paragraph P1.18 and renumber subsequent paragraphs.

10.4 Delete the first two sentences of paragraph P1.21.

10.5 Delete the map on page 17.

10.6 Provide a source reference for the map on page 18 (and amend any page reference to it within the text).

As reworded Policy P1 meets the Basic Conditions.

Policy P2 – Protecting Views

An issue with the wording of Policy P2 is how the decision maker is to distinguish between “detrimental” and non-detrimental impacts. I believe that the local authority is fair to comment: “Further supporting evidence and justification is required for this policy. For instance is there evidence to suggest that the views identified have a specific value such that they should be protected by the Neighbourhood Plan? What criteria have been applied to determine which views are sensitive/valued and warrant retention?” A representation comments: “The whole section and reference to views would seem somewhat arbitrary. Whilst recognising the importance of views, it should also be recognised that views evolve and that sensitivity should be to maintaining a connection to the wider landscape and to the characteristics of the conservation area. It is unrealistic to believe that views will not change at a micro level.”

The Qualifying Body has responded: “We are anxious to preserve this policy; it was popular in the consultation process” and they have provided a revised wording for the Policy (which I have slightly adapted for clarity). This helps to clarify the issue of detriment and removes any suggestion that the views presently illustrated 1 -18 are all equally valued. Also it is evident that the situation of Kirk Ireton on high ground means that long distance views assume a particular significance. The Qualifying Body has also suggested amendments to the supporting material. Having said this, it remains the fact that the primary assessment of planning applications will be against Policies PD2 and PD5 in the adopted Derbyshire Dales Local Plan.

Recommendation 11:

11.1 Reword “Policy P2 – Protecting Views” as follows:

‘Development proposals should not be detrimental to views of the village, views from the village or the heritage value of the landscape. The potential impact on views should be assessed and addressed by taking into account the sensitivity of land to development as identified in the Landscape Sensitivity Study and also the principles within and views highlighted by the Conservation Area Character Appraisal.’

11.2 Replace the reference to “Appendix F” in paragraph P2.03 with a source reference for the questionnaire results.

11.3 Delete paragraphs 2.05 and 2.06 as well as the content of pages 20 – 24 (although a selection of titled photographs may be used within the document to liven the presentation and illustrate the Parish).

As reworded Policy P2 meets the Basic Conditions.

Policy P3 – Conservation Area

It is helpful that the Neighbourhood Plan draws attention to the Conservation Area Character Appraisal, although this document is already part of the planning decision making. I note that the equivalent Local Plan Policy PD2 says it will: “Requir[e] development proposals in Conservation Areas to demonstrate how the proposal has taken account of the local distinctive character and setting of the Conservation Area including open spaces and natural features and how this has been reflected in the layout, design, form, scale, mass, use of materials and detailing, in accordance with Character Appraisals where appropriate”. Often differences of wording can give rise to confusion with decision makers not knowing which guidance to follow. However, the common element here is the Character Appraisal document from which “key characteristics” mentioned in Policy P3 may be derived. The Qualifying Body has suggested a revised wording.

The local authority has commented that “A localised list of notable buildings to which the policy may apply would be seen to add value to the Neighbourhood Plan” and the Qualifying Body has responded with an extended list.

Recommendation 12:

12.1 Reword “Policy P3 – Conservation Area’ as follows;

‘Development proposals within the Conservation Area should promote, reinforce and enhance the area’s local distinctiveness and be sensitive to the heritage context in terms of design, materials, scale, massing, density, light pollution and access. The guidelines within the Kirk Ireton Conservation Area Character Appraisal must be addressed. Particular attention should be paid to any impacts on principal landmarks as identified on the adjacent map and its key.’

12.2 Delete the italicised wording beginning “Adapted from...” beneath the P3 Policy.

12.3 Replace the reference to “Appendix F” in paragraph P3.07 with a source reference for the questionnaire results.

12.4 Amend the map on page 27 to extend the list of landmark properties and locate them all on the map: as listed by the Qualifying Body these are:

Holy Trinity Church and churchyard gates, Barley Mow public house, Stable Shop, Primary School, Village Hall and Old Post Office, Manor House and Northfield Farm, Church Farm, Green Farm, Lukes Cottage, Pebble Cottage, Old Rectory, Yew Tree Cottage, 1 Broadway, Vesta Lynn, Old Methodist Chapel.

12.5 Provide a source reference for the map on page 28.

As amended Policy P3 meets the Basic Conditions.

Policy P4 – Business Development

The quotation from the NPPF is not part of a neighbourhood level Policy and should be within the supporting text. As with Policy P2, it is unclear how the decision maker is to distinguish between proposals that are “adversely affecting” and those that are positively

contributing. Whilst there is detail on this within the Local Plan (eg Policy EC10) that is not specifically addressing Kirk Ireton. From the supporting information it would appear that the most significant element of the P4 Policy wording relates to development being of an appropriate scale, and the Qualifying Body agreed this was the case.

Recommendation 13:

13.1 Reword “Policy P4: Business Development as follows:

‘Business and tourism developments that demonstrate appropriate regard for the rural character and rural infrastructure of the Neighbourhood Area will be supported’.

13.2 Move the paragraph in the Policy box commencing “The NPPF....” to form a new paragraph between P4.03 and P4.04; renumber the subsequent paragraphs accordingly.

13.3 Replace the reference to “Appendix F” in paragraph P4.02 with a source reference for the questionnaire results.

As reworded Policy P4 meets the Basic Conditions.

Policy P5 – Parking

I note that this Policy does not identify land which could add to the current number of off-street parking spaces within the village. The local authority has commented that “the informal parking at Peats Close, Kirk Ireton” is in the ownership of Derbyshire Dales District Council. The Council objects to the proposal “seeking to retain Peats Close for village car parking in perpetuity [as it] may prejudice the ability of the District Council to utilise this area of land in the future to deliver the corporate aspirations for affordable housing ...”. Having viewed this site I see that the area concerned is unsurfaced, accessed via a hammerhead and appears to have been taken over to supplement on-street parking. For Policy P5 element b) to be deliverable in relation to Peats Close there would need to be evidence of owner agreement or co-operation, but there is not. Element a) of Policy P5 says that any displaced spaces should be replaced and this would be effective for the stated objective of the Policy; the Peats Close land would be under the same requirement as any other in Kirk Ireton. The village parking area on the other hand would be difficult to replace “in the immediate vicinity” and therefore that same Policy element assures its retention (although that is probably already assured through ownership). Element c) in Policy P5 is not required because it merely states what is already the case.

Recommendation 14:

14.1 Within Policy P5;

14.1.1 Delete the opening words “Protection of Car Parking -”.

14.1.2 Replace “the defined existing built framework” with ‘the village’.

14.1.3 Replace “on a site will only be permitted where” with ‘will be required to make’ and delete “is made”.

14.1.4 Move the last sentence of element a) to replace the present element b).

14.1.5 Delete element c).

14.2 Provide a footnote source reference for the “Rural Space Profile” referenced in paragraph P5.04.

14.3 Delete the map on page 31.

As amended Policy P5 meets the Basic Conditions.

Acknowledgements

On the contents page this section is listed as Section 9 but this has been omitted from page 32; the two should be consistent. Any part of paragraph 1.07 that is for retention should be added on this page.

Recommendation 15:

Under the heading “Acknowledgements”:

15.1 Bring the titling on page 32 and within the Contents page into line (Section 9 or not?).

15.2 Add back here any part of paragraph 1.07 that is to be retained.

Appendices KINP A & KINP B

Some confusion has arisen within the Plan document through references to KINP A being shown as “Appendix F”. However there is no expectation that the Residents’ Survey results should be part of the Plan document. It will be sufficient to provide an accessible on-line location – perhaps as part of the Consultation Statement or certainly referenced within it - and a source reference at suitable points within the document. This also true of the content of Appendix KINP B (referenced within the document as Appendix G).

Recommendation 16:

Delete Appendices KINP A & KINP B, suitable references to the on-line location of their content having been provided with the body of the Plan document.

European Union (EU) and European Convention on Human Rights (ECHR) Obligations

A further Basic Condition, which the Kirk Ireton Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a Neighbourhood Plan to have a sustainability appraisal. The Sustainability Appraisal and Strategic Environmental Assessment Screening Report carried out by Derbyshire Dales District Council for the Kirk Ireton Neighbourhood Plan (January 2019) considered whether or not the content of the Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, Derbyshire Dales District Council determined: “it is considered unlikely that there will be considerable significant environmental effects arising from the Kirk Ireton Neighbourhood Plan, (as submitted and assessed as part of this screening exercise KINP – Pre Submission Version – September 2018) that have not been considered in the Sustainability Appraisal and Habitats Regulations Assessment of the Derbyshire Dales Local Plan, adopted in December 2017. The KINP does not allocate any sites, or propose projects or development. Therefore sensitive natural or heritage sites cannot be affected by the proposals contained within the KINP.... In conclusion it is considered that a strategic environmental assessment will not be required.” In making this determination, the District Council had regard to Schedule 1 of the Regulations and carried out consultation with the relevant public body who concurred with the screening opinion. Particularly in the absence of any adverse comments from the statutory body or the Local Planning Authority (either at the Screening or the Regulation 16 Consultation) I can confirm that the Screening undertaken was appropriate and proportionate, and that the Plan has sustainability at its heart.

The Basic Conditions Statement submitted alongside the Kirk Ireton Neighbourhood Plan includes, as regards the European Convention on Human Rights, an Equality Impact Assessment which illustrates that care had been taken throughout the preparation and drafting of the Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.

NB I do however note that the editing of Section 5 of this Assessment has not been updated and that should be completed so that the on-line version provides an accurate record.

Recommendation 17:

Review and update Section 5 of the Equality Impact Assessment and ensure that the on-line copy includes the amended content.

I therefore confirm that the Kirk Ireton Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Kirk Ireton Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with, the ECHR.

Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body.

I therefore conclude that, subject to the modifications recommended, the Kirk Ireton Neighbourhood Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the Plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

On that basis I *recommend* to the Derbyshire Dales District Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Kirk Ireton Neighbourhood Plan to proceed to referendum.

Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Derbyshire Dales District Council on 5th September 2014.

Recommendations: (this is a listing of the recommendations exactly as they are included in the Report)

Rec	Text	Reason
1	Review the “Contents” page once the text has been amended to accommodate the recommendations from this Report; add footnote source references for the “Basic Conditions Statement” and the “Community Engagement and Statutory Consultation Statement”.	For clarity and accuracy
2	<p>Under the heading “1 Introduction and Acknowledgements”:</p> <p>2.1 Delete “and Acknowledgements” from the title.</p> <p>2.2 In paragraph 1.03 replace “adopted” with ‘made’.</p> <p>2.3 In paragraph 1.05 delete “Appraisal*” and its footnote, replace “the village” with ‘the Neighbourhood Area’ and delete reference to “Appendix F”.</p> <p>2.4 Move any relevant part(s) of paragraph 1.07 to Section 9.</p> <p>2.5 Add in place of the content of paragraph 1.07: ‘The Parish Council will monitor the implementation of the Neighbourhood Plan to ensure that its objectives are being delivered. At least every 5 years the Plan will be reviewed to see whether a new or modified Plan is required.’</p>	For clarity and accuracy
3	<p>Under the heading “2 Neighbourhood Plan Area Map”:</p> <p>3.1 In the title and last sentence delete “Plan”.</p> <p>3.2 Review the need for this section to be italicised.</p>	For clarity and accuracy
4	Under the heading “4 Groups, Activities & Amenities” add a footnote source reference for the content of “Appendix G” and delete “Appendix G” (and omit Appendix G/KINP B from the Plan document).	For clarity
5	<p>For Section 5 headed “Planning History”:</p> <p>5.1 Alter the title to “Planning Context”.</p> <p>5.2 Delete the sub-headings “The Past” and “The Present” as well as paragraphs 5.1 to 5.03; renumber subsequent paragraphs accordingly.</p> <p>5.3 In the last sentence of paragraph 5.04 delete “very”.</p> <p>5.4 Add to paragraph 5.05 between the second and third sentences: ‘This Neighbourhood Plan is required to have regard to national planning policy and guidance and be in general conformity with the Derbyshire Dales Local Plan.’</p> <p>5.5 In paragraph 5.06 replace “An adopted” with ‘A ‘made’.</p> <p>5.6 Footnotes: Move the footnote source reference for the Conservation Area Appraisal to the Policies section. Provide the source reference for the Derbyshire Dales Local Plan that has been</p>	For clarity and accuracy

	omitted at the foot of the page.	
6	<p>Under the heading “6 Community Engagement”:</p> <p>6.1 Delete paragraph 6.02 (and renumber subsequent paragraphs accordingly), the second and third sentences of paragraph 6.03, and the third sentence of paragraph 6.12.</p> <p>6.2 Amend the reference to “all households” in the first sentence of paragraph 6.11 to ‘all households in the Neighbourhood Area’.</p> <p>6.3 Insert a new paragraph between paragraphs 6.12 and 6.13 as follows: ‘The draft copy of the Neighbourhood Plan was presented in a two day ‘Open Weekend’ in the Village Hall on the 4th & 5th Nov 2017. More than 70 villagers attended the meeting over the two days. After further consultations with interested parties, in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, the Neighbourhood Plan was published for pre-submission consultation between 19th November 2018 and 2nd February 2019.’</p> <p>6.4 In place of the reference to an Appendix C in paragraph 6.13 provide a source reference to the on-line copy of the Consultation Statement.</p>	For clarity and accuracy
7	Delete section 7 and renumber subsequent sections accordingly.	For clarity and accuracy
8	<p>Under the heading “8 [amended to 7 as above] The Kirk Ireton Community Vision”:</p> <p>8.1 Replace the “and” before “a village hall” with a comma and after “modern village” insert: “and the issue of adequate off-street parking will have been addressed”.</p> <p>8.2 Delete the second sentence of paragraph 8.02 and paragraph 8.03.</p>	For clarity and accuracy
9	Reword the text under “Policies” on page 11 as follows: ‘All policies should be read in conjunction with the Derbyshire Dales District Council’s adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.’	For clarity and accuracy
10	<p>10.1 Reword “Policy P1: Development” as follows ‘Development proposals for the village of Kirk Ireton must be appropriate for a rural location and demonstrate particular attention to two important documents that address the character of the settlement and its setting: The Conservation Area Appraisal 2014 [provide a footnote source reference] and the Landscape Sensitivity Study 2015 [provide a footnote source reference] and successor documents’.</p> <p>10.2 Replace the reference to “Appendix F” in paragraph P1.01 with a source reference for the questionnaire results.</p> <p>10.3 Delete paragraph P1.18 and renumber subsequent paragraphs.</p>	For clarity and to meet Basic Conditions 1 & 3

	<p>10.4 Delete the first two sentences of paragraph P1.21.</p> <p>10.5 Delete the map on page 17.</p> <p>10.6 Provide a source reference for the map on page 18 (and amend any page reference to it within the text).</p>	
11	<p>11.1 Reword “Policy P2 – Protecting Views” as follows: ‘Development proposals should not be detrimental to views of the village, views from the village or the heritage value of the landscape. The potential impact on views should be assessed and addressed by taking into account the sensitivity of land to development as identified in the Landscape Sensitivity Study and also the principles within and views highlighted by the Conservation Area Character Appraisal.’</p> <p>11.2 Replace the reference to “Appendix F” in paragraph P2.03 with a source reference for the questionnaire results.</p> <p>11.3 Delete paragraphs 2.05 and 2.06 as well as the content of pages 20 – 24 (although a selection of titled photographs may be used within the document to liven the presentation and illustrate the Parish).</p>	For clarity and to meet Basic Condition 1
12	<p>12.1 Reword “Policy P3 – Conservation Area’ as follows; ‘Development proposals within the Conservation Area should promote, reinforce and enhance the area’s local distinctiveness and be sensitive to the heritage context in terms of design, materials, scale, massing, density, light pollution and access. The guidelines within the Kirk Ireton Conservation Area Character Appraisal must be addressed. Particular attention should be paid to any impacts on principal landmarks as identified on the adjacent map and its key.’</p> <p>12.2 Delete the italicised wording beginning “Adapted from...” beneath the P3 Policy.</p> <p>12.3 Replace the reference to “Appendix F” in paragraph P3.07 with a source reference for the questionnaire results.</p> <p>12.4 Amend the map on page 27 to extend the list of landmark properties and locate them all on the map: as listed by the Qualifying Body these are: Holy Trinity Church and churchyard gates, Barley Mow public house, Stable Shop, Primary School, Village Hall and Old Post Office, Manor House and Northfield Farm, Church Farm, Green Farm, Lukes Cottage, Pebble Cottage, Old Rectory, Yew Tree Cottage, 1 Broadway, Vesta Lynn, Old Methodist Chapel.</p> <p>12.5 Provide a source reference for the map on page 28.</p>	For clarity and to meet Basic Condition 1
13	<p>13.1 Reword “Policy P4: Business Development as follows: ‘Business and tourism developments that demonstrate appropriate regard for the rural character and rural infrastructure of the Neighbourhood Area will be supported’.</p> <p>13.2 Move the paragraph in the Policy box commencing “The</p>	For clarity and to meet Basic Conditions 1 & 3

	<p>NPPF....” to form a new paragraph between P4.03 and P4.04; renumber the subsequent paragraphs accordingly.</p> <p>13.3 Replace the reference to “Appendix F” in paragraph P4.02 with a source reference for the questionnaire results.</p>	
14	<p>14.1 Within Policy P5;</p> <p>14.1.1 Delete the opening words “Protection of Car Parking -”.</p> <p>14.1.2 Replace “the defined existing built framework” with ‘the village’.</p> <p>14.1.3 Replace “on a site will only be permitted where” with ‘will be required to make’ and delete “is made”.</p> <p>14.1.4 Move the last sentence of element a) to replace the present element b).</p> <p>14.1.5 Delete element c).</p> <p>14.2 Provide a footnote source reference for the “Rural Space Profile” referenced in paragraph P5.04.</p> <p>14.3 Delete the map on page 31.</p>	For clarity and to meet Basic Condition 1
15	<p>Under the heading “Acknowledgements”:</p> <p>15.1 Bring the titling on page 32 and within the Contents page into line (Section 9 or not?).</p> <p>15.2 Add back here any part of paragraph 1.07 that is to be retained.</p>	For clarity
16	Delete Appendices KINP A & KINP B, suitable references to the on-line location of their content having been provided with the body of the Plan document.	For clarity
17	Review and update Section 5 of the Equality Impact Assessment and ensure that the on-line copy includes the amended content.	For clarity and accuracy

APPENDIX 2

Derbyshire Dales District Council Officer Comments at Regulation 16 stage and summary of Examiners Response and Recommendations

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
1	General		In general terms it would appear that the Parish Council has submitted to the District Council those documents required under Regulation 15 of the Neighbourhood Planning (General) Regulations (2012)	The Examiner agrees with the District Council stating “overall I am satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met.”
2			Having reviewed the contents of both the Basic Conditions Statement and the Consultation Statement it would appear that the Parish Council has fulfilled its statutory obligations in relation to publicity and consultation on the draft Kirk Ireton Neighbourhood Plan prior to the submission of the plan to the District Council.	The Examiner agrees with the District Council stating “overall I am satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met.”
3			The Neighbourhood Plan should clearly state the time period over which it will have effect (2019-2033 for instance). This is stated on the front cover, but needs to ensure that it is clear from the text incorporated into the Plan.	The Examiner notes the prominent reference to the Plan period 2019-2033 on the front cover of the Neighbourhood Plan and has ensured that the reference is correct throughout the document.
4	Introduction and Acknowledgments	3	Appendix F referred to – but in fact should be KINP A – Reference to Appendix F should be deleted and KINP A moved into the Consultation	The Examiner agrees with the District Council and recommends deletion of reference to Appendix F and inclusion of a source reference where

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			Statement and X-Refer in the main document.	appropriate throughout the document (Recommendation 2, 4, 10, 11, 12, 13, 16)
5	Community Engagement	5	This section and the following section on 'Data Gathering and Analysis' tend to repeat similar points. It may be worthwhile to have one section on community engagement that then encompasses a number of sub sections detailing how community engagement has been carried out; what it sought to achieve; how the results of data collection have been analysed; what were the key outcomes and issues raised; and how this has informed the objectives for the Neighbourhood Plan and resultant policies. It would be better if KINP A is moved into the Consultation Statement so that the results can be seen more clearly. Then x- refer to the Consultation Statement for the detailed data.	<p>The Examiner agrees with the points made by the District Council, noting that the Community Engagement Section provides “a helpful overview but it appears to over detail the early stages and fails to mention the required pre-submission Reg. 14 Consultation”. The Examiner proposes revised wording at Recommendation 6 accordingly.</p> <p>The Examiner agrees with the District Council in that the data gathering section “raises more questions than it answers” and recommends that section 7 on Data Gathering be deleted from the Neighbourhood Plan in entirety (Recommendation 7.)</p>
6		5	Para 6.11 –refers to all households but 7.01 confirms that it is all households within the Parish Boundary. It should be consistent to clarify whether all households in the village or in the Parish (i.e. Neighbourhood Area) were consulted.	The Examiner agrees with the District Council and recommendation 6 requires the revision of the reference to “all households” in the first sentence of paragraph 6.11 to “all households in the Neighbourhood Area”.

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
7		5	Clear referencing within the Neighbourhood Plan to each of the appendices should be added and it would assist the reader if the appendices were listed in alphabetical order. Para 6.12 refers to Appendix F –see comments above – suggest that this is included within the Consultation Statement. There is no Appendix C.	The Examiner agrees with the District Council and proposes revisions to the content of and references to appendices (Recommendation 2, 4, 10, 11 12 13 16)
8	Historic Background and Amenities	6	Previous iterations of the Plan included a list of current amenities which was in fact a list of services and facilities present within Kirk Ireton such as the shop, hall, play area, public house etc. It would add to the contextual information contained within the Plan if an outline of existing services and facilities are included.	The Examiner notes that this section contains a brief and helpful background about the Parish of Kirk Ireton. The examiner does not recommend any modifications to this section apart from revisions to references to supporting appendices (Recommendation 4).
9		6	This section provides an interesting commentary of the village of Kirk Ireton. The inclusion of sub headings by topic may aid clarity for the reader, for instance; history, employment, local services.	The Examiner notes that this section contains a brief and helpful background about the Parish of Kirk Ireton. The examiner does not recommend any modifications to this section apart from revisions to references to supporting appendices (Recommendation 4).
10	Planning History	8	Comments made at Regulation 14 Stage stated: Paragraph 4 refers to 'little attention to the local vernacular architecture of the historic core of the village'. This is a subjective comment and should be revised. The design	The Examiner recommends some editing to this section to ensure that it is pertinent to the purpose of the Plan document as well as retitling it 'Planning Context'. (Recommendation 5).

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			and appearance of development would be considered against the planning policies and guidance at the time, and would have been deemed appropriate development in terms of scale, layout, design and use of materials. Development throughout the village has varied over the course of time and reflects the design and planning ethos at the time each application was determined. To state that 'little attention' was paid to local vernacular is incorrect and should be omitted/revised. This has not been amended see Para 5.02.	
11		8	Paragraph 7 describes the current planning policy context and the adoption of the recent Derbyshire Dales Local Plan in 2017. A link to this document as a footnote should be added. http://www.derbyshiredales.gov.uk/planning-a-building-control/local-plan-2015-16	The Examiner agrees with the District Council and Recommendation 5 requires that the source reference to the Derbyshire Dales Local Plan be reinserted as a footnote.
12	Data Gathering and Analysis	9	The first paragraph refers to the distribution of a questionnaire to all addresses within the parish boundary, whereas the text on page 5 states the questionnaire was issued to all	The Examiner concludes that this section repeats other elements of the Plan and states "in places the 'analysis' raised more questions than it answers". Recommendation 7 recommends that the section on data gathering is deleted.

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			households – the description of the community involvement undertaken needs to be consistent. Still inconsistent between Para 7.01 & Para 1.05 which refers to all households in the village. Para 6.11 refers to all the households.	The examiner notes the discrepancy between the description of how consultation was undertaken. Recommendation 6 requires rewording to state that the consultation involved distributing questionnaires to “all households in the Neighbourhood Area.”
13		9	This section succinctly identifies the key issues raised by public consultation; however the presentation of data is not consistent. In some instances percentages of responses raising a certain issue are provided where as for other issues no numerical analysis is given (see paragraph 2 versus paragraph 6 for comparison). It is noted that the full data is presented in appendix F however it may help highlight the extent to which these issues were raised and the weight of views within the village if percentages were provided. For instance was an issue raised by a significant number of residents or a few? This information would help with the evidence base for the resultant policies within the Neighbourhood Plan.	The Examiner agrees with the District Council and concludes that this section repeats other elements of the Plan and states “in places the ‘analysis’ raised more questions than it answers”. Recommendation 7 recommends that the section on data gathering is deleted.

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			<p>It is noted that some more detail has been added in the Section 7 of the Regulation 15 document; however the reference to Appendix F within the plan is outdated as this has been superseded. A much clearer explanation in the Consultation Statement of how the key issues were derived from the survey work would be beneficial.</p>	
14		9	<p>Paragraph 6 discusses local views towards housing within the village and states that residents recognise that a development of an appropriate scale and type can help to support local facilities and services. This is however followed by the statement that “the unpopularity of Housing Association type properties in the village meant that this type of housing was the least preferable’. This is negatively worded and unclear. ‘Unpopular’ and ‘preferable’ to what needs to be explained. The development of both market and affordable housing in reality is required to meet the future needs of the village and support services and facilities.</p>	<p>The Examiner concludes that this section repeats other elements of the Plan and states “in places the ‘analysis’ raised more questions than it answers”. Recommendation 7 recommends that the section on data gathering is deleted.</p>
15		9	<p>The last paragraph refers to a preference for development to reflect</p>	<p>The Examiner concludes that this section repeats other elements of the Plan and states “in places</p>

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			<p>traditional styles within the village. Does this infer that any contemporary development within the village would not be supported? Development should be appropriate for its location within the village and adopted Local Plan policies seek to ensure this.</p> <p>Para 7.09 – only 28% suggested this was an issue for them – could be argued that 72% either agreed or had no view on this question. That’s not really an indication of this being an issue for the village.</p>	<p>the ‘analysis’ raised more questions than it answers”. Recommendation 7 recommends that the section on data gathering is deleted.</p>
16	Kirk Ireton Community Vision	10	<p>The third bullet point states that there ‘will have been no substantial increase in through traffic’. Comments questioning the feasibility of this aspiration have been supplied previously. It is queried how realistic this is given the location of the village, provision of public transport and the recognised need for a degree of through traffic to support the local shop, pub, school etc.</p>	<p>The Examiner agrees with the District Council and notes that the Vision needs to “fit with what a Neighbourhood Plan can realistically do...any growth or otherwise in car ownership and degrees of reliance on car journeys for mobility are both beyond the scope of a Neighbourhood Plan.” The Examiner recommends revisions to the vision to states that the “issue of adequate off street parking will have been addressed.” (Recommendation 8).</p>
17		10	<p>The evidence that mobile communication is an issue for the community and raised in consultation is lacking from the community engagement/data gathering and</p>	<p>The Examiner agrees with the comments submitted by the District Council and due to the lack of supporting evidence recommends that the reference to mobile communications is deleted. (Recommendation 8).</p>

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			analysis section and should be added. In essence the evidence identifying this as an issue is lacking from the Neighbourhood Plan. No evidence from the consultation that indicates that this is an issue. Superfast Broadband is available throughout the village area.	
18	Policies	11	Only minor changes have been made to the policies between Regulation 14 and 15 Stage. Comments previously supplied at Regulation 14 Stage continue to apply	The Examiner provides detailed comments on the policies in the Neighbourhood Plan on a policy by policy basis, see below.
19		11	<p>Overall there is concern that the policies within the Neighbourhood Plan tend to repeat rather than add value to the policies within the adopted Derbyshire Dales Local Plan. Furthermore the policies should be written in a manner that enables clear decision making when determining planning applications. The policies in the Neighbourhood Plan need to provide criteria which are then capable of being used to assess the extent to which planning applications should be considered favourably.</p> <p>Accordingly, it is recommended that the policies are phrased in the</p>	<p>The Examiner provides detailed comments on the policies in the Neighbourhood Plan on a policy by policy basis, see below.</p> <p>The Examiner recommends revised wording to ensure clarity about the planning decision making process and that the Neighbourhood Plan should be read in conjunction with the Derbyshire Dales District Councils adopted policies, with no policies applied in isolation and account taken of all relevant policies (Recommendation 9).</p>

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			<p>following manner “Planning permission will be granted for development which” and then provide a set of appropriate criteria. Policy wording needs to be clear about how the Plan will deal with the form and nature of new development. The policies should provide a clear indication of how a decision maker should react to a development proposal.</p>	
20	Policy 1 - Development	12	<p>The policy has not been modified in any form since comments provided at Regulation 14 Stage. No change to the wording or any extra work had been done to justify the policy to reflect comments made at Regulation 14 stage. No change in the Submission documents and previous comments provided still apply</p> <p>It is considered that elements of this policy are not in general conformity with the Adopted Derbyshire Dales Local Plan and do not therefore meet the Basic Conditions. As outlined in previous correspondence it is recommended that reference to the existing built framework illustrated on the map on page 14 should be</p>	<p>The Examiner agrees with points raised by the District Council and states that notably paragraph 4.20 of the adopted Derbyshire Dales Local plan stipulates that “development on a large scale would be unsustainable in these villages, as this would generate a disproportionate number of additional journeys outside the villages and undermine the spatial strategy’; the Neighbourhood Plan does not seem to acknowledge this position.”</p> <p>The Examiner concludes on Policy 1 – Development that “those parts of Policy P1 that can meet the Basic Conditions are, in all important respects, already encompassed within the Local Plan Policies...having said that it is evident that the Landscape Sensitivity has important conclusions of which developers should be aware and providing the wording is not at odds with the Local</p>

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			<p>removed from Policy 1. The designation of a built framework to the settlement of Kirk Ireton is contrary to the provisions of the Adopted Derbyshire Dales Local Plan (2017).</p> <p>Kirk Ireton is classified as an 'Accessible Settlement with Minimal Facilities - Fourth Tier' within the settlement hierarchy of the Derbyshire Dales Local Plan (Policy S2). The adopted Derbyshire Dales Local Plan seeks to encourage new development in such villages as Kirk Ireton by way of infill and consolidation of the existing built framework of the settlement, or through development well related to the existing built framework that would not result in a prominent intrusion into the countryside; or constitutes an exception site for the provision of affordable housing (see policies S2, S4 and HC5 Derbyshire Dales Local Plan).</p> <p>Advice in the NPPF (paragraph 13) states "neighbourhood plans should support the delivery of strategic policies contained within Local Plans".</p>	<p>Plan expectation, Policy P1 might have a remaining purpose."</p> <p>The Examiner recommends revised wording to Policy P1 to ensure that it meets the Basic Conditions. Recommendation 10 requires revised policy wording to ensure development proposals are appropriate for "a rural locations and demonstrate particular attention to two important documents that address the character of the settlement and its setting: The Conservation Area Appraisal 2014; and the Landscape Sensitivity Study 2915."</p> <p>Recommendation 10 also proposes the deletion of a map showing a 'built framework' around the village.</p>

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			<p>As currently drafted Neighbourhood Plan Policy 1 restricts development to within a framework boundary, and infers that only 'sensitive development' within it will be supported and that all development outside it would be rejected, this is more restrictive than the Adopted Derbyshire Dales Local Plan and raises a principle issue of non - conformity.</p> <p>Reference is now to Page 17 not Page 14.</p>	
21		12	<p>The policy refers to 'sensitive development' being supported, this is a subjective term and clarification on what constitutes 'sensitive' is unclear. No Change following Regulation 14 comments and needs to be considered in the Consultation Statement by way of a response to previous representations.</p>	<p>See comments above regarding 'Sensitive development'. See comment under reference number 20</p>
22		12	<p>Early Local Plans – this states that the 2005 Local Plan identified all land outside the village settlement framework boundary as 'countryside' and unsuitable for residential building, this is incorrect and should be amended. The 2005 Local Plan did not</p>	<p>See comments above under reference number 20</p>

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			<p>identify a settlement framework boundary for Kirk Ireton and the settlement was in effect washed over by countryside policy, whereby development in the countryside would only be permitted where it was required to serve the essential requirements of agriculture, forestry and outdoor sport and recreation; growth of tourism; farm based diversification, re-use or adaptation or extension of an existing rural building, or provides for other needs which can only be met in a rural area or constitutes an exception site for affordable housing.</p> <p>P1.21 refers to the 2012 Draft Local Plan – the inclusion of this as a policy tool is contrary to the adopted Derbyshire Dales Local Plan which continues to see the village washed over by countryside policies, and in effect limits what development can take place in and around the village – without any additional layer of control</p>	
23	Existing Built Framework	14	Approach being taken in the NP sees the built up boundary as a policy tool, which runs contrary to what the Derbyshire Dales Local Plan policies.	The Examiner agrees with the District Council and recommends that the map detailing a built framework to the village of Kirk Ireton should be deleted. (Recommendation 10).

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			As set out above it is considered that a map defining an existing built framework should be omitted.	
24	Policy 2 – Protecting Views	16	<p>Policies within the Neighbourhood Planning should not only support and be in conformity with, but also add to those within the Adopted Derbyshire Dales Local Plan, through locally derived policies which reflect the issues and aspirations of the local community. As currently drafted Policy 2 –Protecting Views adds little over and above the policy approach contained within policies S1, PD2 and PD5 of the Local Plan. The existing policy framework conserves the historic environment and seeks to protect, restore and enhance the landscape character of the plan area.</p> <p>In order to add value to the existing Local Plan a revised Neighbourhood Plan Policy could be included, this would need to be a criteria based policy which encompasses the desire to protect views and conserve the built, historic and natural environment. The policy would need to be based on local evidence and linked to an</p>	The Examiner agrees with the District Council and states the “it remains the fact that the primary assessment of planning applications will be against Policies PD2 and PD5 in the adopted Derbyshire Dales Local Plan.” The Examiner highlights that an issues with Policy P2 is “how the decision maker is to distinguish between ‘detrimental’ and ‘non-detrimental impacts’” and that “further supporting evidence and justification for the policy is required.” Recommendation 11 proposes revised wording to ensure that the policy has clarity and meets the Basic Conditions.

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			<p>assessment of the local views the neighbourhood plan seeks to protect.</p> <p>No change to the wording or any extra work had been done to justify the policy to reflect comments made at Regulation 14 stage. No change in the Submission documents and previous comments provided still apply.</p>	
25		17	<p>It is noted that the Plan denotes valued views to and from Kirk Ireton. Further supporting evidence and justification is required for this policy. For instance is there evidence to suggest that the views identified have a specific value such that they should be protected by the Neighbourhood Plan? What criteria have been applied to determine which views are sensitive/valued and warrant retention?</p>	<p>See comments above regarding valued views. See comments under reference number 24.</p>
26	Policy 3 – Conservation Area	23	<p>The second paragraph refers to ‘landmark properties’ within the village. Clarification of which buildings are landmark buildings and the criteria used to define their merit should be explained. Previous suggestion that the landmark buildings could be demarked on an accompanying map and included within the</p>	<p>The Examiner recognises that it is helpful that the Neighbourhood Plan draws attention to the Conservation Area Character Appraisal, but notes that the document is already part of the planning decision making process and that the adopted Local Plan policy PD2 already requires development proposals to take account of Character Appraisals where appropriate.</p>

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			<p>Neighbourhood Plan has been included. A localised list of notable buildings to which the policy may apply would be seen to add value to the Neighbourhood Plan.</p> <p>As submitted the policy adds little to the policies in the adopted Derbyshire Dales Local Plan (PD2).</p>	<p>Recommendation 12 provides revised wording to ensure clarity and that the policy meets the Basic Condition 1, requiring development to address the guidelines in the Kirk Ireton Conservation Area Appraisal, and pay attention to impacts on principal landmarks as identified on an amended map.</p> <p>Recommendation 12 also required an amended map to include an extended list of landmark properties.</p>
27	Policy 4 – Business Development	25	<p>This policy should be re-drafted to provide a clear set of criteria upon which future planning applications for economic development may be determined. The policy needs to clarify how a proposal would ‘contribute to the sustainability of the local economy without adversely affecting that area or its community’ would be measured and determined.</p> <p>Establishing locally derived criteria may thus ensure that the policy adds value to the existing policy within the Adopted Derbyshire Dales Local Plan (policies S9, EC1, EC8).</p> <p>In redrafting the policy consideration of the National Planning Policy</p>	<p>The Examiner agrees with the District Council and states that the policy is “unclear how the decision maker is to distinguish between proposals that are ‘adversely affecting’ and those that are positively contributing.” The Examiner further notes that the most important element of the policy from supporting information would appear to relate to whether development is of an appropriate scale. Recommendation 13 proposes revised wording to ensure that the policy has clarity and meets basic conditions 1 and 3. The revised wording requires business and tourism development to “demonstrate appropriate regard for the rural character and rural infrastructure of the Neighbourhood Area”.</p>

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			<p>Framework (NPPF) should be given, which actively seeks to support new development in the countryside which may bring economic benefits to rural areas. The NPPF states in paragraph 83 “planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; the development and diversification of agricultural and other land based rural businesses; and sustainable rural tourism and leisure developments which respect the character of the countryside and the retention and development of accessible local services and community facilities...”</p> <p>It is noted that the text from the NPPF has been added into the policy – but whilst it reiterates Government policy, however as written it doesn’t add anything by way of local criteria to the policy for use in the determination of planning applications.</p>	
28	Policy 5 - Parking	26	Para 5.2 of the policy states that existing car parking areas (as	In respect of the area of parking at Peats Close, the Examiner agrees with the District Council and states “having viewed this site I see that the area

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			<p>identified on the accompanying map) will be protected.</p> <p>It is noted that the existing area of informal parking at Peats Close, Kirk Ireton is identified for long term protection.</p> <p>The District Councils Corporate Plan 2015-2019 sets out the Councils Priorities, one of which is the identification and delivery of new affordable housing across the District. The land at Peats Close was retained by the District Council during the time of housing stock transfer and as the Parish Council may be aware is in the ownership of Derbyshire Dales District Council.</p> <p>The Neighbourhood Plan policy seeking to retain Peats Close for village car parking in perpetuity may prejudice the ability of the District Council to utilise this area of land in the future to deliver the corporate aspirations for affordable housing across the District. Accordingly, it is recommended that the site at Peats Close is removed as an area of</p>	<p>concerned is unsurfaced, accessed via a hammerhead and appears to have been taken over to supplement on-street parking. For Policy P5 element (b) to be deliverable in relation to Peats Close there would need to be evidence of owner agreement or co-operation, but there is not.” Accordingly the examiner recommends reference to the land at Peats Close and the accompanying map detailing protected parking areas in the village is deleted (Recommendation 14). Further wording revisions are proposed to ensure clarity and that the Policy meets Basic Condition 1.</p>

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			protected village parking within the Neighbourhood Plan and accompanying map.	
29	Basic Conditions Statement Appendix A		Reference is made to the SEA Screening BCS9 – but this could be enhanced by the inclusion of the screening report from DDDC in the Basic Conditions Statement. This should also contain details of the responses received from statutory consultees to the SA/SEA Screening.	<p>The Examiner confirms that the SEA Screening undertaken on the Kirk Ireton Neighbourhood Plan was appropriate and proportionate, and that the Plan has sustainability at its heart.</p> <p>For clarity the Examiner recommends at Recommendation 16 the deletion of Appendices A and B, with suitable references to the on-line location of their content having been provided within the body of the Plan document.</p>
30			<p>The Basic Condition Statement states:</p> <p>“Kirk Ireton is listed as a Tier 4 settlement in the DDDC Local Plan and is not allocated a settlement framework boundary. Kirk Ireton had a settlement boundary from 1992 up until the adoption of the 2017 DDDC Local Plan. The consultation process revealed strong support for an ‘existing built frame-work’. “</p> <p>This is factually incorrect – The only defined Built Up Area that has been included within a Local Plan was in 1988 Southern Parishes Local Plan.</p>	See comments about regarding Policy P1 – Development.

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			<p>The 1998 and 2005 Local Plans did not include an settlement boundaries for Kirk Ireton.</p> <p>A draft boundary was prepared and subject to public consultation in June 2012 as part of the emerging Derbyshire Dales Local Plan at the time. However the Local Plan was withdrawn in 2014 and the draft Settlement Boundary never adopted as policy. The current adopted Derbyshire Dales Local Plan takes a different policy approach and does not have a settlement boundary for Kirk Ireton.</p> <p>Identification of a Settlement Boundary contrary to approach taken in Local Plan.</p>	
31	History and Status of the Village Field – Appendix B		Formerly Appendix G, now Appendix B – but the Neighbourhood Plan does not make any reference to it other than one area that they ‘looked at’ and in Para 4.03 – there is no policy reference to it- Suggest that KINP B is deleted.	The Examiner recommends the deletion of appendix B (recommendation 16). Suitable references are provided to the on line location of the content within the body of the Plan document.
32	Consultation Statement Appendix C		The Consultation Statement should provide a clear report of the consultation processes undertaken at	See comments above on Community Engagement – see reference number 5 above.

Reference Number	Section	Page	DDDC Officer Comments	Summary of Examiners Response and Recommendations
			<p>Regulation 14 stages and the responses received. How the responses have then been taken into account for the next stage of plan preparation should be clearly documented. As submitted the statement provides a good chronology of the events that taken place during the preparation of the NP – it does not provide adequate response to all of the DCC comments – only a couple have been addressed.</p> <p>Although included in the list in Appendix W – it is not clear what the responses from the statutory consultees say or what KIPC response to them are e.g. Severn Trent/Historic England etc. These should be included in the consultation statement along with any response. A table of comments and response to each one would make it easier to analyse the responses, and what action has been taken in reply.</p> <p>KNIP A – included in the Main Plan should be included in the Consultation rather than the main plan.</p>	<p>Recommendation 6 recommends that a source reference to an on-line copy of the Consultation Statement be provided for clarity and accuracy.</p>

APPENDIX THREE

Kirk Ireton Neighbourhood Plan - Examiners Recommendations and Derbyshire Dales District Council Response

Recommendation	Text	Reason	Derbyshire Dales District Council consideration of recommendation and action proposed
1	Review the “Contents” page once the text has been amended to accommodate the recommendations from this Report; add footnote source references for the “Basic Conditions Statement” and the “Community Engagement and Statutory Consultation Statement”.	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
2	<p>Under the heading “1 Introduction and Acknowledgements”:</p> <p>2.1 Delete “and Acknowledgements” from the title.</p> <p>2.2 In paragraph 1.03 replace “adopted” with ‘made’.</p> <p>2.3 In paragraph 1.05 delete “Appraisal**” and its footnote, replace “the village” with ‘the Neighbourhood Area’ and delete reference to “Appendix F”.</p> <p>2.4 Move any relevant part(s) of paragraph 1.07 to Section 9.</p> <p>2.5 Add in place of the content of paragraph 1.07: ‘The Parish Council will monitor the implementation of the Neighbourhood Plan to ensure that its objectives are being delivered. At least every 5 years the Plan</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.

Recommendation	Text	Reason	Derbyshire Dales District Council consideration of recommendation and action proposed
	will be reviewed to see whether a new or modified Plan is required.'		
3	<p>Under the heading "2 Neighbourhood Plan Area Map":</p> <p>3.1 In the title and last sentence delete "Plan".</p> <p>3.2 Review the need for this section to be italicised.</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
4	Under the heading "4 Groups, Activities & Amenities" add a footnote source reference for the content of "Appendix G" and delete "Appendix G" (and omit Appendix G/KINP B from the Plan document).	For clarity	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
5	<p>For Section 5 headed "Planning History":</p> <p>5.1 Alter the title to "Planning Context".</p> <p>5.2 Delete the sub-headings "The Past" and "The Present" as well as paragraphs 5.1 to 5.03; renumber subsequent paragraphs accordingly.</p> <p>5.3 In the last sentence of paragraph 5.04 delete "very".</p> <p>5.4 Add to paragraph 5.05 between the second and third sentences: 'This Neighbourhood Plan is required to have regard to national planning policy and guidance and be in general conformity with the Derbyshire Dales Local Plan.'</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.

Recommendation	Text	Reason	Derbyshire Dales District Council consideration of recommendation and action proposed
	<p>5.5 In paragraph 5.06 replace “An adopted” with ‘A ‘made’.</p> <p>5.6 Footnotes: Move the footnote source reference for the Conservation Area Appraisal to the Policies section. Provide the source reference for the Derbyshire Dales Local Plan that has been omitted at the foot of the page.</p>		
6	<p>Under the heading “6 Community Engagement”:</p> <p>6.1 Delete paragraph 6.02 (and renumber subsequent paragraphs accordingly), the second and third sentences of paragraph 6.03, and the third sentence of paragraph 6.12.</p> <p>6.2 Amend the reference to “all households” in the first sentence of paragraph 6.11 to ‘all households in the Neighbourhood Area’.</p> <p>6.3 Insert a new paragraph between paragraphs 6.12 and 6.13 as follows: ‘The draft copy of the Neighbourhood Plan was presented in a two day ‘Open Weekend’ in the Village Hall on the 4th & 5th Nov 2017. More than 70 villagers attended the meeting over the two days. After further consultations with interested parties, in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, the Neighbourhood Plan was published for pre-</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.

Recommendation	Text	Reason	Derbyshire Dales District Council consideration of recommendation and action proposed
	<p>submission consultation between 19th November 2018 and 2nd February 2019.'</p> <p>6.4 In place of the reference to an Appendix C in paragraph 6.13 provide a source reference to the on-line copy of the Consultation Statement.</p>		
7	Delete section 7 and renumber subsequent sections accordingly.	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
8	<p>Under the heading "8 [amended to 7 as above] The Kirk Ireton Community Vision":</p> <p>8.1 Replace the "and" before "a village hall" with a comma and after "modern village" insert: "and the issue of adequate off-street parking will have been addressed".</p> <p>8.2 Delete the second sentence of paragraph 8.02 and paragraph 8.03.</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
9	<p>Reword the text under "Policies" on page 11 as follows:</p> <p>'All policies should be read in conjunction with the Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.'</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
10	10.1 Reword "Policy P1: Development" as follows	For clarity and to meet	Derbyshire Dales District Council accepts the Examiners

Recommendation	Text	Reason	Derbyshire Dales District Council consideration of recommendation and action proposed
	<p>'Development proposals for the village of Kirk Ireton must be appropriate for a rural location and demonstrate particular attention to two important documents that address the character of the settlement and its setting: The Conservation Area Appraisal 2014 [provide a footnote source reference] and the Landscape Sensitivity Study 2015 [provide a footnote source reference] and successor documents'.</p> <p>10.2 Replace the reference to "Appendix F" in paragraph P1.01 with a source reference for the questionnaire results.</p> <p>10.3 Delete paragraph P1.18 and renumber subsequent paragraphs.</p> <p>10.4 Delete the first two sentences of paragraph P1.21.</p> <p>10.5 Delete the map on page 17.</p> <p>10.6 Provide a source reference for the map on page 18 (and amend any page reference to it within the text).</p>	Basic Conditions 1 & 3	recommendation. No action required.
11	<p>11.1 Reword "Policy P2 – Protecting Views" as follows: 'Development proposals should not be detrimental to views of the village, views from the village or the</p>	For clarity and to meet Basic Condition 1	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.

Recommendation	Text	Reason	Derbyshire Dales District Council consideration of recommendation and action proposed
	<p>heritage value of the landscape. The potential impact on views should be assessed and addressed by taking into account the sensitivity of land to development as identified in the Landscape Sensitivity Study and also the principles within and views highlighted by the Conservation Area Character Appraisal.'</p> <p>11.2 Replace the reference to "Appendix F" in paragraph P2.03 with a source reference for the questionnaire results.</p> <p>11.3 Delete paragraphs 2.05 and 2.06 as well as the content of pages 20 – 24 (although a selection of titled photographs may be used within the document to liven the presentation and illustrate the Parish).</p>		
12	<p>12.1 Reword "Policy P3 – Conservation Area' as follows; 'Development proposals within the Conservation Area should promote, reinforce and enhance the area's local distinctiveness and be sensitive to the heritage context in terms of design, materials, scale, massing, density, light pollution and access. The guidelines within the Kirk Ireton Conservation Area Character Appraisal must be addressed. Particular attention should be paid to any impacts on principal landmarks as identified on the adjacent map and its key.'</p>	For clarity and to meet Basic Condition 1	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.

Recommendation	Text	Reason	Derbyshire Dales District Council consideration of recommendation and action proposed
	<p>12.2 Delete the italicised wording beginning “Adapted from...” beneath the P3 Policy.</p> <p>12.3 Replace the reference to “Appendix F” in paragraph P3.07 with a source reference for the questionnaire results.</p> <p>12.4 Amend the map on page 27 to extend the list of landmark properties and locate them all on the map: as listed by the Qualifying Body these are: Holy Trinity Church and churchyard gates, Barley Mow public house, Stable Shop, Primary School, Village Hall and Old Post Office, Manor House and Northfield Farm, Church Farm, Green Farm, Lukes Cottage, Pebble Cottage, Old Rectory, Yew Tree Cottage, 1 Broadway, Vesta Lynn, Old Methodist Chapel.</p> <p>12.5 Provide a source reference for the map on page 28.</p>		
13	<p>13.1 Reword “Policy P4: Business Development as follows: ‘Business and tourism developments that demonstrate appropriate regard for the rural character and rural infrastructure of the Neighbourhood Area will be supported’.</p>	For clarity and to meet Basic Conditions 1 & 3	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.

Recommendation	Text	Reason	Derbyshire Dales District Council consideration of recommendation and action proposed
	<p>13.2 Move the paragraph in the Policy box commencing “The NPPF....” to form a new paragraph between P4.03 and P4.04; renumber the subsequent paragraphs accordingly.</p> <p>13.3 Replace the reference to “Appendix F” in paragraph P4.02 with a source reference for the questionnaire results.</p>		
14	<p>14.1 Within Policy P5;</p> <p>14.1.1 Delete the opening words “Protection of Car Parking -”.</p> <p>14.1.2 Replace “the defined existing built framework” with ‘the village’.</p> <p>14.1.3 Replace “on a site will only be permitted where” with ‘will be required to make’ and delete “is made”.</p> <p>14.1.4 Move the last sentence of element a) to replace the present element b).</p> <p>14.1.5 Delete element c).</p> <p>14.2 Provide a footnote source reference for the “Rural Space Profile” referenced in paragraph P5.04.</p> <p>14.3 Delete the map on page 31.</p>	For clarity and to meet Basic Condition 1	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
15	<p>Under the heading “Acknowledgements”:</p> <p>15.1 Bring the titling on page 32 and within the Contents page into line (Section 9 or not?).</p>	For clarity	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.

Recommendation	Text	Reason	Derbyshire Dales District Council consideration of recommendation and action proposed
	15.2 Add back here any part of paragraph 1.07 that is to be retained.		
16	Delete Appendices KINP A & KINP B, suitable references to the on-line location of their content having been provided with the body of the Plan document.	For clarity	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
17	Review and update Section 5 of the Equality Impact Assessment and ensure that the on-line copy includes the amended content.	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.

GOVERNANCE AND RESOURCES
12 MARCH 2020

Report of the Head of Corporate Services

MEMBER DEVELOPMENT WORKING GROUP

PURPOSE OF REPORT

This report recommends the establishment of the Member Development Working Group with revised terms of reference, to oversee the provision of training and development for all elected Councillors

RECOMMENDATION

1. That the Member Development Working Group is re-established with a membership of 8 based on the principle of political proportionality as follows:

Group	Seats
Conservative	4
Liberal Democrat	2
Labour	1
Green/Independent	1

2. That the draft terms of Reference are considered for approval.
3. That the Member Development Working Group, once established, be tasked with preparing a work plan for 2020/21 for consideration at a future meeting of the Committee.

WARDS AFFECTED

Not applicable

STRATEGIC LINK

The primary aim of the Member Development Working Group is to ensure that Councillors have a say in their own training and development needs in order to support all of the District Council's Objectives

1 REPORT

- 1.1 The Member Development Working Group has, in varying forms, led on the creation and evaluation of an effective training and development programme for elected Members. The Group is currently dormant pending consideration by the Leaders Advisory Group (LAG) and recommendations to the Committee.

- 1.2 LAG met on 11 February 2020, and agreed to re-purpose the Member Development Working Group with a membership of 8, based on the principles of political proportionality. Draft Terms of Reference for the Working Group are attached as Appendix 1.
- 1.3 The Committee is asked to consider the Terms of Reference. Political Group leaders are also asked to nominate members to serve on the Group, who are willing to commit the time and energy to fulfilling the role.

3 RISK ASSESSMENT

3.1 Legal

The legal risk has been assessed as low. The Member Development Working Group is an advisory body without decision making powers. The legal risk is therefore low.

3.2 Financial

The financial risk arising from this report is 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

Sandra Lamb, Head of Corporate Services
Telephone: 01629 761281; Email: sandra.lamb@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

None

7 ATTACHMENTS

Appendix 1 - Draft Terms of Reference

Member Development Working Terms of Reference

1. Introduction

The Member Development Working Group aims to oversee the creation and evaluation of an effective training and development scheme for elected Members of Derbyshire Dales District Council, which supports the philosophy of One Team, One Council, One Purpose.

2. Terms of Reference

The role of the Member Development Working Group is to report to the Governance and Resources Committee on measures to:

- Evaluate recent training and identify any gaps in learning
- Plan a Training and Development programme for forthcoming year
- Review format and accessibility of training given diversity of current membership
- Consider a competency framework as an induction tool to plan a tailored approach to training
- Input into matters from a Councillors perspective – what does it feel like to be a Derbyshire Dales Councillor from a general and equal opportunity perspective?
- Review role profiles
- Assist Groups with potential succession planning
- Review the current Member Development Scheme
 - Review mandatory training requirements and frequency
 - Consider re-introduction of annual development discussions either within Groups or by the Development Group to enable individuals to reach their potential and ambition
 - Consider buddying/mentoring scheme

In doing so all Members of Member Development Working Group will commit to:-

- Sharing ideas, information and knowledge
- Open and honest discussion where all participants are treated with dignity and respect

3. Membership

Membership of the Working Group will comprise 8 elected members from the political groups within the Council, based on the principle of political proportionality.

4. Chair

The Chair of the Working Group will be selected from its membership to service for a 12 month term.

5. Officer Support

The Working Group will be supported by the Director of Corporate and Customer Services plus appropriate administrative support to arrange meetings and prepare notes of decisions.

6. Accountability and Reporting

Meetings – the Working Group will meet formally four times a year and informally as required. The Group may also form task groups of its own design in relation to any project work undertaken.

Decision Making – the Working Group will make decisions in the form of recommendations to the Governance and Resources Committee based on a majority of one. The quorum for formal meetings of the Group will be 1/3 of the whole.

7. Work Plan

The Working Group will prepare an annual work plan for consideration and approval of the Governance and Resources Committee. All financial resources necessary to support the work of the Group will be approved by the Committee from the available budget.

The Chairman of the Working Group will prepare the agenda for meetings of the Group. Members of the Group may also propose individual items for discussion at meetings within the overall Terms of Reference.



This information is available free of charge in electronic, audio, Braille and large print versions, and in other languages on request.

For assistance in understanding or reading this document or specific information about these Minutes please call the Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk

JOINT CONSULTATIVE GROUP

Minutes of a Meeting held on Wednesday, 29 January 2020 in the Council Chamber, Town Hall, Matlock at 2.30pm

PRESENT Councillor Gary Purdy, in the Chair
Councillors Neil Buttle, Tom Donnelly, Steve Flitter
Representing UNISON – Denise Dawson, Keith Postlethwaite and Ashley Watts
Representing GMB – Jon Bradbury
Paul Wilson (Chief Executive), Sandra Lamb (Head of Corporate Services and Monitoring Officer, Deborah Unwin (Human Resources Officer), Simon Johnson (Democratic Services Officer) and Angela Gratton (Democratic Services Officer)

APOLOGIES

Apologies for absence were received from Councillor Eliza McDonagh, Ian Buxton (GMB), Mick Coppin (GMB)

ELECTION OF CHAIRMAN FOR 2018/2019

It was moved by Councillor Tom Donnelly, seconded by Councillor Steve Flitter and

AGREED That Councillor Gary Purdy be elected Chairman of the Joint
(Unanimously) Consultative Group until the next annual meeting of the Council.

APPOINTMENT OF VICE CHAIRMAN FOR 2018/19

It was moved by Jon Bradbury, seconded by Councillor Tom Donnelly and

AGREED That Ashley Watts be appointed Vice-Chairman of the Joint
(Unanimously) Consultative Group until the next annual meeting of the Council.

MINUTES

Councillor Steve Flitter asked it be noted that he was on holiday for the 15 October 19 meeting and submitted his apologies.

It was moved by Councillor Tom Donnelly, seconded unanimously.

AGREED That the minutes of the meeting of the Joint Consultative Group held
(Unanimously) on 15 October 19 be approved as a correct record.

EMPLOYEE CODE OF CONDUCT

The Committee considered a report on changes to the current Code of Conduct for Employees. On the issue of whether or not to require the registration of gifts and hospitality offered and declined, the Monitoring Officer's view is that the public's confidence is considered to be most strongly supported by a Code which does not allow the acceptance of any gifts or hospitality, save for specified exceptions. The current requirements in the Code with regard to gifts and hospitality are clear and do not require amendment. In terms of whether to amend the Code to require a declaration of a gift or hospitality being declined, the Monitoring Officer cannot support this as a principle which can be easily investigated and the time taken would not be proportionate as no 'breach' of the Code will have occurred.

It was moved by Councillor Gary Purdy, seconded Councillor Steve Flitter

AGREED That the Governance & Resources Committee be recommended to
(Unanimously) adopt the Revised Employee Code of Conduct (attached).

RENUMERATION FOR EMERGENCY WORKING

The Committee considered making a recommendation to Governance and Resources Committee that a local agreement as a departure from the Local Government Terms and Conditions of Employment (the "Green Book") with regard to remuneration for work during a formally declared Major Incident or Emergency situation be adopted.

Remuneration Extract from the report:

- 2.4 *At their meeting on 14 January, Corporate Leadership Team reflected on the situation. They felt that remuneration in emergencies should be agreed and clear as follows*
- I. The relevant Head of Service leading the District Councils tactical response in a declared emergency situation would confirm the emergency situation to relevant staff.*
 - II. Knowing the resources (staff and equipment) available, the Head of Community & Environmental Services would coordinate staff with specialist skills (driving with trailers, manual handling, driving off road vehicles) to respond during the declared emergency.*
 - III. The Head of Community & Environmental Services would then authorise payment at the employee's own grade for working on the emergency at time and a half for all hours worked in excess of 37 hours in the week of the emergency irrespective of the grade of the employee (Grades 2-13).*
 - IV. Heads of Service would not receive any additional payment or time off in lieu but the Chief Executive may consider an honoraria.*

- V. *If volunteers are sought for roles not requiring specialist skills above e.g. door knocking to offer residents support, then all volunteers (irrespective of their grade) will be given time off in lieu at plain time for hours worked.*

2.5 *Item iii) above requires a local agreement with the Unison and GMB representatives as the Local Government Terms and Conditions of Employment (the “Green Book”) state that over time is not paid to posts above scale point 22. This would remain with the exception, by local agreement, in a formally declared emergency*

Ashley Watts, Head of Community and Environmental Service supported the proposal and put on record his thanks to all the Staff who turned out for the flooding

Councillor Flitter gave thanks to all the flood emergency staff Town, District and County and praised their working together as a team, this was reiterated by Paul Wilson, Chief Executive.

It was moved by Councillor Gary Purdy seconded Councillor Steve Flitter and

AGREED (Unanimously)	That the Governance and Resources Committee be recommended to agree to a local agreement regarding remuneration for work during a formally declared Major Incident or Emergency situation.
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EMPLOYEE GROUP – NOTES OF THE MEETINGS HELD ON:

- 18 September 2019

It was moved by Councillor Gary Purdy seconded unanimously and

AGREED That the notes of the Employee Group meetings held on 15
(Unanimously) October 2019 be received.

SAFETY COMMITTEE – NOTES OF MEETINGS HELD ON:

- 02 October 2019
- 08 JANUARY 2019

It was moved by Councillor Gary Purdy, seconded unanimously and

AGREED That the notes of the Safety Committee meetings held on 02 October
(Unanimously) 2019 and 08 January 2020 be received.

Meeting Closed 3.03 pm

Chairman



Employee Code of Conduct Revision 2020

Introduction

The public is entitled to expect the highest standards of conduct from all Derbyshire Dales District Council employees. Your duty is to serve the Council as a whole in providing advice, implementing its policies and delivering services to the local community. In performing your duties, you must act with integrity, honesty, impartiality and objectivity.

It is therefore important for the Council to provide guidance on standards of conduct which applies to, is available to, and understood by employees at all levels, and this Code of Conduct has been prepared accordingly.

You should read the Code in conjunction with professional standards, departmental requirements and guidance regarding standards of conduct in particular areas of work. Some of these additional sources of guidance are listed in the Appendix at the end of this Code. This list is not exhaustive and you should familiarise yourself with any relevant guidance which may be provided in relation to your particular area of work. You should address any further queries you have to your line manager or another senior manager in your department.

Whilst the Code is reasonably comprehensive, it is not possible to address every circumstance, and simply because a particular action may not be addressed within the Code, this does not condone that action by omission. It is also expected that all employees will behave within the law whilst undertaking their official duties. The Code is incorporated into, and forms part of the contractual relationship between the Council and its employees. As such, it is admissible in evidence in any proceedings under the Council's disciplinary and grievance procedures.

Status of Code

The Code applies to all employees of the Council.

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1.1 As an employee, you are required to serve the whole of the Council and serve all Councillors equally. You are accountable and owe a duty to the Council and you are expected, where it is a part of your duties, to provide appropriate advice to Councillors, senior management and fellow employees with impartiality. You must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

- 1.2 If you fail to comply with the Code's provisions, this may result in action being taken against you under the Council's Disciplinary Procedure.

2. Standards

- 2.1 You are expected to give the highest possible standard of service and, where it is part of your duties, to provide appropriate advice to Councillors and fellow employees with impartiality. The Council strives to maintain a high level of service and, you should inform your line manager if you identify any deficiency in service resulting from breaches of this Code. If you have concerns about raising the deficiency, and wish to maintain confidentiality, you can use the Council's Whistle Blowing Procedure. In this case, you should inform either your line manager, Chief Executive, Corporate Director or the Monitoring Officer.

2.2 Dress and Personal Appearance at Work

You are reminded that standards of dress, wearing of corporate and protective clothing, personal appearance and hygiene, including standards required in the interests of health and safety can be matters affecting public confidence and you should make yourself aware of, and adhere to, the expected standards of your particular employment.

3. Disclosure of Information

- 3.1 The Council is committed to open government and to rights of public scrutiny and participation. Legislation, including the Freedom of Information Act and the Data Protection Act, requires that certain types of information must be made available to the public and other recognised third parties and to employees and Councillors. Advice and guidance on the requirements of the Freedom of Information and Data Protection Acts is available from the Data Protection Officer and the Information Governance Officer
- 3.2 You have a responsibility to safeguard the security and confidentiality of any personal information you hold and you should ensure that only the appropriate amount of information required is provided to those who have a clearly established and legitimate need to use it. Advice and guidance on your existing statutory or common law obligations regarding confidentiality is also available from the Head of Resources or Monitoring Officer.
- 3.3 You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way. Any particular information received by you from a Councillor which is personal to that Councillor and does not belong to the Council, should not be divulged by you without the prior approval of that Councillor, except where such disclosure is required or sanctioned by law.

4. Political Neutrality

- 4.1 Certain posts are designated politically restricted by the Local Government and Housing Act 1989.

Your contract of employment will tell you whether you hold one of these posts and, if you do, you will be required by law to observe certain restrictions regarding your out of work activities. For example, you may not:

- Stand for election to local authorities (except Town or Parish Councils), the House of Commons or the European Parliament.
- Hold office in a political party.
- Canvass at elections, or
- Speak or write publicly on matters on party political lines.

- 4.2 Whether or not politically restricted, you must follow the Council's policies and must not allow your personal or political opinions to interfere with your work.

- 4.3 As a part of your work, you may be required to advise political groups. You must do so in ways which do not compromise your political neutrality.

- 4.4 Employees serve the Council as a whole. It follows that they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.

5. Mandatory Training

- 5.1 Mandatory training is compulsory training that is determined essential by the District Council for the safe and efficient delivery of services. This type of training is designed to reduce organisational risks and comply with local or national policies and government guidelines. The list of topics regarded as mandatory training and the roles to which they relate will be published and maintained by the HR Manager and reported annually to the Joint Consultative Group. Mandatory training will normally be provided during normal working hours and failure to undertake will be regarded as a disciplinary offence.

6. Relationships

- 6.1 Councillors

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

- 6.2 The Local Community and Service Users

You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the Council's policies.

6.3 Contractors

If you engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, you should declare that relationship to your Corporate Director.

6.4 Orders and contracts must be awarded on merit in accordance with Financial Regulations and Standing Orders in Relation to Contracts and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

6.5 As a private citizen, you should be aware of possible conflicts of interest when you buy goods or use the services of firms who have dealings with the Council and you should follow departmental procedures relating to the disclosure of any such transactions.

7. Equalities

7.1 You must comply with the Council's Equality and Diversity Policies and legal requirements relating to equality issues. In addition to the requirements of the law, it is the responsibility of all employees to assist in the creation of a work environment where discriminatory behaviour is not tolerated.

7.2 Harassment and Inappropriate Behaviour

The Council believes in equality and social justice and will not tolerate any harassment, inappropriate behaviour, intimidation, unfair discrimination or victimisation, by or against employees, who should not be asked to suffer such behaviour.

7.3 You have a duty to ensure that the standard of conduct at work respects the dignity of others and does not cause offence. You must therefore act in such a way as to avoid all forms of unacceptable behaviour in relation to other employees, clients and customers of the Council.

8. Appointment and other employment matters

8.1 If you are involved in the appointment of employees, you should be aware that it is unlawful for you to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. To avoid any possible accusation of bias you should not be involved in an appointment where you are related to an applicant or have a close association¹ with the applicant. Employees involved in the recruitment process will also be required to undertake adequate training.

- 8.2 You should not be involved in **any employment matter** including decisions relating to discipline, promotion or pay and conditions adjustments for another employee who is a relative or with whom you have a close association.

9. Outside Commitments

- 9.1 The Council will not attempt to preclude any of its employees from engaging in any other business or from undertaking additional employment. However, you must be clear about your contractual obligations and not engage in any other business or take outside employment which conflicts with the Council's interests. For example, working with or for someone, who does business or seeks to do business with the Council. If in doubt, please contact your line manager.
- 9.2 You should also follow the Council's rules on the ownership of intellectual property or copyright created during their employment – see paragraph 10.4.

10. Personal Interests

- 10.1 Personal interests must not conflict with your public duty. An official position or information acquired in the course of your employment must not be used to further personal interests or for the interests of others.

10.2 Register of Interests

You must declare to your Head of Service any:

- Financial interest which could conflict with the Council's interests for example
 - Your property
 - Where you or yours may be the beneficiary of grant aid or sponsorship from the Council
 - Your private business and commercial interest
 - Secondary employment
- Non-financial interest that could conflict with the Council's interests
 - For example being in a personal relationship or a close association with another employee or potential employee and a decision is required that concerns them
- Interest in an existing or proposed contract with the Council for example
 - Working on a contract where a family member or friend may benefit financially
- Membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.
- Membership of any organisation, which could conflict with the Council's interests.

¹ A person with whom you have a close association is someone that you are in either regular or irregular contact with over a period of time who is more than acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them

10.3 You should make any such declaration in writing to your Head of Service and copied to the Monitoring Officer. Any such declaration by a Head of Service or Monitoring Officer should be made in writing to the Chief Executive. as appropriate.

10.4 The Monitoring Officer will maintain a central record of all declarations made and hold that information in accordance with the Data protection principles.

11. Stewardship and Use of Resources

11.1 You must ensure that you use public funds entrusted to you in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the Council for personal use unless authorised in advance to do so. You should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

11.2 Intellectual Property is property which enjoys legal protection and is a result of intellectual effort, including patents, copyright, trademarks, designs and software. Where developed in the course of your duties, such intellectual property is the property of the Council. You should not make use of the Council's intellectual property to conduct private work.

11.3 Any copies of material taken for use within the Council must only be as allowed under the Copyright Act and under the appropriate licensing agreement.

12. Corruption

12.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give a gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

13. Hospitality and Gifts

13.1 Hospitality

You should only accept offers of hospitality if there is a genuine need to impart information or to represent the Council. Offers to attend purely social or sporting functions should only be accepted where the Council should be seen to be represented and with prior consent of the Corporate Director. Such authority must be recorded.

When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal; where you have consent to attend in advance, and where the relevant service head is satisfied that any purchasing decisions are not compromised.

13.2 Giving Hospitality

The impression of improper influence can also arise if hospitality is provided to organisations seeking business. Any hospitality given should be appropriate and justified in the public interest and public purse.

13.3 Gifts

You should not accept significant personal gifts from contractors and outside suppliers. Token gifts of very small value like pens marked with a company name, or calendars, which might be seen as advertisements, are acceptable.

You must notify your line manager of any gifts received 'out of the blue' (for example flowers, chocolates) other than the token gifts outlined above. S/he will record receipt of the gift and decide whether the gift should be returned or forwarded to a local charity.

13.4 Failure to report gifts and hospitality may result in disciplinary action being taken against you under the Council's Disciplinary Procedure. An employee may choose to register any Hospitality and Gifts that were offered and declined.

14. Sponsorship – Giving and Receiving

14.1 Where an outside organisation wishes to sponsor, or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of hospitality or gifts apply. No sponsorship deal should be made without the prior agreement of the relevant Head of Service.

14.2 Where the Council wishes to sponsor an event or service you must declare in writing to the Corporate Director any possible conflict of interest or any benefit for you or a member of your family, or for anybody with whom you have a close association. Similarly, where the Council is providing sponsorship or grant aid in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

15. Contact with the Media

- 15.1 Any enquiries from the media on work-related matters should be referred to the Communications and Marketing Officer in the first instance. You should seek authorisation from your line manager, before you speak, write or give interviews to the media.
- 15.2 If you wish to publish books, articles or letters in relation to your work with the Council, you must first consult a member of the Corporate Leadership Team. Only with the consent may items be published.

16. Employees Facing Criminal Charges

- 16.1 The Council expects employees facing criminal charges to give notice of such without delay to their Head of Service. Sometimes the nature of the charges may be relevant to the employee's job, and in other cases the issue will be less clear cut. If you find yourself in such a position, you must be aware that your personal actions can reflect on the Council as a whole. You are therefore required to notify your Head of Service of any criminal charge which may be pending, whether you personally feel the matter if relevant or not, and the outcome of any such charge. Your Head of Service will discuss the matter with you as to the extent to which such a charge reflects upon your ability to perform your duties effectively and to the extent to which the Council's own interest are prejudiced

Appendix

A number of additional sources of guidance are listed here. However, this list is not exhaustive and you should ensure that you familiarise yourself with any relevant guidance which may be provided in respect of your particular area of work. Any queries in this respect should be addressed to your line manager or the Human Resources Section.

- Employee Policies and Procedures of the Council
- Terms and Conditions of Employment
- Whistle Blowing Procedure
- Child Protection Policy
- Disciplinary Procedure
- Capability Procedure
- Internet and Email Use Policy and Guidance
- Equal Opportunities and Diversity Policy
- The Council's Constitution, containing Standing Orders in Relation to Contracts, Financial Regulations, Financial Procedures, Member/Officer Protocol, Members Code of Conduct
- Council's Policy Statement – 'Anti-Fraud/Corruption Strategy'.
- Data Protection Act 2018
- Freedom of Information Act 2000
- Computer Misuse Act 1990
- Codes of Practice Established by Professional Bodies (e.g. Law Society, Chartered Institute of Public Finance and Accountancy)
- [General Data Protection Regulation \(EU\) 2016/679 \(GDPR\)](#)

GOVERNANCE AND RESOURCES
12 MARCH 2020

Report of the Head of Corporate Services

REFERRED ITEM

SUMMARY

To consider two recommendations from the Joint Consultative Committee meeting held on 29 January 2020, for a revised Code of Conduct for all employees of the Council and an amendment to the local agreement, as a departure from the Local Government Terms and Conditions of Employment (the “Green Book”), with regard to remuneration for work during a formally declared Major Incident or Emergency situation.

RECOMMENDATION

1. To adopt the revised Employee Code of Conduct.
2. To adopt a local agreement as a departure from the Local Government Terms and Conditions of Employment (the “Green Book”) with regard to remuneration for work during a formally declared Major Incident or Emergency situation.

WARDS AFFECTED

Not affected

STRATEGIC LINK

A strong ethical framework helps to underpin the Council's Corporate Plan and is an effective tool in mitigating risk.

1 REPORT

The relevant minute of the Joint Consultative Committee is reproduced in full, below, to assist Members' understanding of the issues involved, with the recommendation to be approved marked by an arrow (➔).

EMPLOYEE CODE OF CONDUCT

The Committee considered a report on changes to the current Code of Conduct for Employees. On the issue of whether or not to require the registration of gifts and hospitality offered and declined, the Monitoring Officer's view is that the public's confidence is considered to be most strongly supported by a Code which does not allow the acceptance of any gifts or hospitality, save for specified exceptions. The current requirements in the Code with regard to gifts and hospitality are clear and do not require amendment. In terms of whether to amend the Code to require a declaration of a gift or hospitality being declined, the Monitoring Officer cannot support this as a principle which

can be easily investigated and the time taken would not be proportionate as no 'breach' of the Code will have occurred.

It was moved by Councillor Gary Purdy, seconded Councillor Steve Flitter

AGREED → That the Governance & Resources Committee be recommended to (Unanimously) adopt the Revised Employee Code of Conduct (attached).



Employee Code of Conduct Revision 2020

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- 10.4 The Monitoring Officer will maintain a central record of all declarations made and hold that information in accordance with the Data protection principles.

11. Stewardship and Use of Resources

- 11.1 You must ensure that you use public funds entrusted to you in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the Council for personal use unless authorised in advance to do so. You should strive to ensure value for money to the local community and to avoid legal challenge to the Council.
- 11.2 Intellectual Property is property which enjoys legal protection and is a result of intellectual effort, including patents, copyright, trademarks, designs and software. Where developed in the course of your duties, such intellectual property is the property of the Council. You should not make use of the Council's intellectual property to conduct private work.
- 11.3 Any copies of material taken for use within the Council must only be as allowed under the Copyright Act and under the appropriate licensing agreement.

12. Corruption

- 12.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give a gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

13. Hospitality and Gifts

- 13.1 Hospitality

You should only accept offers of hospitality if there is a genuine need to impart information or to represent the Council. Offers to attend purely social or sporting functions should only be accepted where the Council should be seen to be represented and with prior consent of the Corporate Director. Such authority must be recorded.

When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal; where you have consent to attend in advance, and where the relevant service head is satisfied that any purchasing decisions are not compromised.

13.2 Giving Hospitality

The impression of improper influence can also arise if hospitality is provided to organisations seeking business. Any hospitality given should be appropriate and justified in the public interest and public purse.

13.3 Gifts

You should not accept significant personal gifts from contractors and outside suppliers. Token gifts of very small value like pens marked with a company name, or calendars, which might be seen as advertisements, are acceptable.

You must notify your line manager of any gifts received 'out of the blue' (for example flowers, chocolates) other than the token gifts outlined above. S/he will record receipt of the gift and decide whether the gift should be returned or forwarded to a local charity.

13.4 Failure to report gifts and hospitality may result in disciplinary action being taken against you under the Council's Disciplinary Procedure. An employee may choose to register any Hospitality and Gifts that were offered and declined.

14. Sponsorship – Giving and Receiving

14.1 Where an outside organisation wishes to sponsor, or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of hospitality or gifts apply. No sponsorship deal should be made without the prior agreement of the relevant Head of Service.

14.2 Where the Council wishes to sponsor an event or service you must declare in writing to the Corporate Director any possible conflict of interest or any benefit for you or a member of your family, or for anybody with whom you have a close association. Similarly, where the Council is providing sponsorship or grant aid in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

15. Contact with the Media

15.1 Any enquiries from the media on work-related matters should be referred to the Communications and Marketing Officer in the first instance. You should seek authorisation from your line manager, before you speak, write or give interviews to the media.

15.2 If you wish to publish books, articles or letters in relation to your work with the Council, you must first consult a member of the Corporate Leadership Team. Only with the consent may items be published.

16. Employees Facing Criminal Charges

16.1 The Council expects employees facing criminal charges to give notice of such without delay to their Head of Service. Sometimes the nature of the charges may be relevant to the employee's job, and in other cases the issue will be less clear cut. If you find yourself in such a position, you must be aware that your personal actions can reflect on the Council as a whole. You are therefore required to notify your Head of Service of any criminal charge which may be pending, whether you personally feel the matter if relevant or not, and the outcome of any such charge. Your Head of Service will discuss the matter with you as to the extent to which such a charge reflects upon your ability to perform your duties effectively and to the extent to which the Council's own interest are prejudiced

Appendix

A number of additional sources of guidance are listed here. However, this list is not exhaustive and you should ensure that you familiarise yourself with any relevant guidance which may be provided in respect of your particular area of work. Any queries in this respect should be addressed to your line manager or the Human Resources Section.

- Employee Policies and Procedures of the Council
- Terms and Conditions of Employment
- Whistle Blowing Procedure
- Child Protection Policy
- Disciplinary Procedure
- Capability Procedure
- Internet and Email Use Policy and Guidance
- Equal Opportunities and Diversity Policy
- The Council's Constitution, containing Standing Orders in Relation to Contracts, Financial Regulations, Financial Procedures, Member/Officer Protocol, Members Code of Conduct
- Council's Policy Statement – 'Anti-Fraud/Corruption Strategy'.
- Data Protection Act 2018
- Freedom of Information Act 2000
- Computer Misuse Act 1990
- Codes of Practice Established by Professional Bodies (e.g. Law Society, Chartered Institute of Public Finance and Accountancy)
- [General Data Protection Regulation \(EU\) 2016/679 \(GDPR\)](#)

RENUMERATION FOR EMERGENCY WORKING

The Committee considered making a recommendation to Governance and Resources Committee that a local agreement as a departure from the Local Government Terms and Conditions of Employment (the “Green Book”) with regard to remuneration for work during a formally declared Major Incident or Emergency situation be adopted.

Remuneration Extract from the report:

- 2.4 *At their meeting on 14 January, Corporate Leadership Team reflected on the situation. They felt that remuneration in emergencies should be agreed and clear as follows*
- I. *The relevant Head of Service leading the District Councils tactical response in a declared emergency situation would confirm the emergency situation to relevant staff.*
 - II. *Knowing the resources (staff and equipment) available, the Head of Community & Environmental Services would coordinate staff with specialist skills (driving with trailers, manual handling, driving off road vehicles) to respond during the declared emergency.*
 - III. *The Head of Community & Environmental Services would then authorise payment at the employee’s own grade for working on the emergency at time and a half for all hours worked in excess of 37 hours in the week of the emergency irrespective of the grade of the employee (Grades 2-13).*
 - IV. *Heads of Service would not receive any additional payment or time off in lieu but the Chief Executive may consider an honoraria.*
 - V. *If volunteers are sought for roles not requiring specialist skills above e.g. door knocking to offer residents support, then all volunteers (irrespective of their grade) will be given time off in lieu at plain time for hours worked.*
- 2.5 *Item iii) above requires a local agreement with the Unison and GMB representatives as the Local Government Terms and Conditions of Employment (the “Green Book”) state that over time is not paid to posts above scale point 22. This would remain with the exception, by local agreement, in a formally declared emergency*

Ashley Watts, Head of Community and Environmental Service supported the proposal and put on record his thanks to all the Staff who turned out for the flooding

Councillor Flitter gave thanks to all the flood emergency staff Town, District and County and praised their working together as a team, this was reiterated by Paul Wilson, Chief Executive.

It was moved by Councillor Gary Purdy seconded Councillor Steve Flitter and

AGREED (Unanimously)	➔	That the Governance and Resources Committee be recommended to agree to a local agreement regarding remuneration for work during a formally declared Major Incident or Emergency situation.
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