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Wednesday, 6 December 2023

To All Councillors:

As a Member of the **Council**, please treat this as your summons to attend a meeting on **Thursday, 14 December 2023 at 6.00 pm** in the **Council Chamber, Town Hall, Matlock, DE4 3NN**

Yours sincerely,

Helen Mitchell
Director of Corporate and Customer Services

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

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AGENDA

1. APOLOGIES FOR ABSENCE

Please advise the Democratic Services Team on 01629 761133 or email committee@derbyshiredales.gov.uk of any apologies for absence.

2. 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 the time.

3. PART A) LAND AT BAKEWELL ROAD MATLOCK: OUTCOME OF OPTIONS ASSESSMENT AND PROPOSED APPROACH (Pages 7 - 22)

To receive a summary of and conclusions from the economic and financial assessment completed by external consultants on development options for the site and consider an initial package of works to be commenced during the remainder of 2023/24.

4. EXCLUSION OF PUBLIC AND PRESS

At this point the meeting will consider excluding the public and press from the meeting in order to consider the exempt information contained within Part B of the Report relating to the Land at Bakewell Road. The reasons for this exemption are detailed below, as per paragraph 3 of Schedule 12A of the Local Government Act 1972:

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

5. PART B) LAND AT BAKEWELL ROAD MATLOCK: OUTCOME OF OPTIONS ASSESSMENT AND PROPOSED APPROACH (Pages 23 - 42)

To receive the Addendum (November 2023) to the Updated Business Case (February 2022) assessing the development options for the project and consider the conclusions regarding each option.

This report is exempt under the Local Government Act 1972 Schedule 12A paragraph 3 - Information relating to the financial or business affairs of any particular person including the authority holding the information.

6. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by email) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING**. As per Procedural Rule 14.4 at any one meeting no person may submit more than 3 questions and no more than 1 such question may be asked on behalf of one organisation.

7. LEADERS' ANNOUNCEMENTS

Announcements of the Leader of the Council.

8. CIVIC CHAIR'S ANNOUNCEMENTS

Announcements of the Civic Chair, Councillor David Burton. Rector Stephen Monk of St Helen's Church Darley Dale has been invited to provide words of reflection.

9. COMMITTEES (MINUTE BOOK TO FOLLOW)

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

Non-exempt Minutes to be received:

Date:

Biodiversity Sub-Committee	13 September 2023
Governance and Resources Committee	14 September 2023
Local Plan Sub-Committee	27 September 2023
Council	28 September 2023
Licensing and Appeals Sub-Committee	02 October 2023
Planning Committee	10 October 2023
Scrutiny Committee	19 October 2023
Biodiversity Sub-Committee	24 October 2023
Community and Environment Sub-Committee	26 October 2023
Governance and Resources Committee	02 November 2023
Licensing and Appeals Sub-Committee	08 November 2023
Licensing and Appeals Sub-Committee	14 November 2023
Planning Committee	14 November 2023
Ernest Bailey Charity Committee	28 November 2023
Local Plan Sub-Committee	30 November 2023

10. QUESTIONS (RULE OF PROCEDURE 15)

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

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

Motion A

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

“In May 2019, this Council declared a climate emergency and pledged to become carbon neutral by 2030. Since then, a number of significant actions have been taken towards achieving that goal, in terms of this Council’s Scope 1 and 2 emissions. The climate impact of the investment of the Council’s employee pension monies has not yet been addressed.

The most effective way an individual can reduce their carbon footprint is to switch their pension fund out of fossil fuels. It is estimated that this one step can be 21 times more effective than the combined effect of giving up flying, going vegetarian and switching energy provider^[1]. Pension divestment from fossil fuels is supported by UNISON which actively assists its members to campaign for divestment^[2].

This Council’s employees are members of the Derbyshire Pension Fund which is administered by Derbyshire County Council. Derbyshire is one of 8 counties in the Central area Pool of the Local Government Pension Scheme, but Derbyshire Pension Fund retains control of its own investment strategy.

This is set out in two documents written in November 2020: The Investment Strategy Statement^[3] and the Climate Strategy^[4]. The Fund’s climate strategy is weak and unambitious:

- *to achieve net zero in its portfolio by 2050,*
- *to “monitor” the relative weight of oil and gas with sustainable investments, and*

- to “engage” with the fossil fuel companies it invests in.

The strategy of “engagement” is not only of doubtful effectiveness, but it ignores (a) the ethics and morality of continuing to fund climate-damaging businesses, and (b) the financial risks of investment in fossil fuels. By staying invested in fossil fuels, the Fund risks being left holding a portfolio of “stranded assets” after other major investors have pulled out of the sector. Sustainable investments regularly outperform fossil fuel investment products in the global markets.

This Council does not control the investment decisions of the Derbyshire Pension Fund, but it has a voice and should use it now to call on DCC to divest the Fund of fossil fuel investments.

The Fund’s Investment Strategy Statement and Climate Strategy were to be reviewed after no later than 3 years. That review is now overdue, so this is the ideal moment to send a clear message to DCC that its approach to the investment of pension money needs to change, that “engagement” is not strong enough, that 2050 is not soon enough.

Divestment motions have already been passed by Derby City Council, Chesterfield Borough Council, Amber Valley Borough Council, Bolsover District Council and High Peak Borough Council.

Proposed motion

1. *This Council calls upon Derbyshire County Council’s Pensions and Investments Committee and the managers of the Derbyshire Pension Fund*
 - a. *With immediate effect, to freeze any further investment into publicly traded fossil fuel companies;*
 - b. *By 31 December 2025, to divest the Derbyshire Pension Fund of all investments in fossil fuel stocks, equities, and funds that include fossil fuel related assets or projects;*
 - c. *Urgently to review and update its Investment Strategy Statement and Climate Strategy to incorporate these objectives, and to adopt a method for quantifying and addressing climate change risks affecting other investments.*
2. *This Council instructs the Council’s Chief Executive to write to the Derbyshire County Council Pensions and Investments Committee with a copy of this Motion, asking them to take this action.”*

Motion B

The Council will debate the following Motion, submitted by Councillor Peter O’Brien, in accordance with Rule of Procedure 16.

“A good public transport system is a vital component of the administration’s commitment to maintaining thriving and sustainable communities, and to enable our residents to live, work and study without dependence on the private car. It is also fundamental to the Council’s commitment to reducing carbon emissions, in the context of the acknowledged climate emergency, and practically, through integration with active transport modes such as walking and cycling.

However, in many parts of the Derbyshire Dales, the reliability of local bus services has deteriorated to the point where residents are unable to rely on them and passengers are left stranded, with little or no information offered by the bus operators. At the same time, most of our rural communities are seeing little or no meaningful investment from the £47 million funding awarded to Derbyshire County Council through the Bus Service Improvement Plan.

This Council therefore:

1. Recognises that a sustainable, effective and integrated public transport network must serve our local communities and confirms its responsibilities to advance that network through all means possible including the planning process, advocacy and support for innovative provision including active transport.
2. Seeks an urgent meeting with relevant Members of the County Council to address the issues of reliability of local bus services.
3. Seeks an urgent meeting with Members of the County Council and Bus Service Improvement Plan Partnership, to advocate a reassessment of current investment proposals (including Demand Responsive Transport, rail, bus, cycle and footpath integration, Real Time Information, transport hubs, roadside shelters and environmentally friendly buses) within the Derbyshire Dales, and where these cross the authority's boundaries.
4. Establishes an all-Party Transport Group of Members through which issues relating to public transport can be raised, discussed and circulated."

^[1] <https://makemymoneymatter.co.uk/21x/>

^[2] <https://www.unison.org.uk/content/uploads/2018/01/Divest-from-carbon-campaign.pdf>

^[3] <https://www.derbyshirepensionfund.org.uk/site-elements/documents/pdf/derbyshire-pension-fund-investment-strategy-statement.pdf>

^[4] <https://www.derbyshirepensionfund.org.uk/site-elements/documents/pdf/derbyshire-pension-fund-climate-strategy.pdf>

12. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 43 - 56)

28 September 2023

13. GYPSIES AND TRAVELLERS - UPDATE (Pages 57 - 68)

This report provides an update on the implementation of the 28th September 2023 Council resolutions and seeks specific approval of revised site search and assessment criteria to be adopted in the search for permanent and temporary tolerated Traveller sites.

14. DERBYSHIRE DALES PLAN 2024-2028 (Pages 69 - 86)

The Derbyshire Dales Plan (corporate plan) is the District Council's primary policy document. It establishes the Council's policies and priorities for the coming years and sets the framework for allocating scarce financial and human resources through the forthcoming budget and service planning process.

The report reiterates the commitments of the Council's leadership, and sets out Aims, Themes and Principles. It proposes a process and timescale for completing the detailed Derbyshire Dales Plan for the period 2024-2028.

15. REFERRED ITEM - RECOMMENDATIONS OF THE LOCAL PLAN SUB-COMMITTEE (Pages 87 - 102)

To consider the recommendations of the Local Plan Sub-Committee regarding the approval of a supplementary revenue budget of £13,922 for 2023/24 for a Principal Planning Policy Officer from 1st January 2024 to 31 March 2024, to be funded from the Revenue Grants Unapplied Reserve, noting that the estimated annual cost of £55,688 from 1st April 2024 will be built into the Medium-Term Financial Plan, financed from the Neighbourhood Planning Grant and the Custom Build Register Grant, that sit within the Revenue Grants Unapplied Reserve, until exhausted.

Please find attached the minutes of the Local Plan Sub-Committee meeting held on 30 November 2023 and the report considered by that Sub-Committee in providing the recommendation to Council.

16. REVENUE BUDGET MONITORING QUARTER 2 2023/24 (Pages 103 - 118)

This report provides an update on the Council's revenue budget for 2023/24 and seeks approval for virements and the revised budget for 2023/24.

17. CAPITAL PROGRAMME UPDATE (Pages 119 - 136)

This report outlines spending for each project against the approved 2023/24 capital programme as at 30 September 2023, and seeks approval for an updated capital programme for 2023/24 to 2027/28 and associated financing. Two new projects are proposed for inclusion in the revised programme.

18. ASHBOURNE REBORN FINANCIAL RISK UPDATE (Pages 137 - 148)

This report summarises activity and progress related to the *Ashbourne reborn* Grant Funding Agreements for the Highways and Public Realm project and Link Community Hub project and associated financial risks.

19. PUBLIC SECTOR BIODIVERSITY DUTY - UPDATE (Pages 149 - 172)

This report provides a further update to Members about the Biodiversity Duty and sets out activities which the District Council has undertaken and is currently undertaking that contribute to meeting the new requirement.

NOTE

For further information about this Agenda or on "Public Participation" call 01629 761133 or email committee@derbyshiredales.gov.uk

Agenda Item 3



**OPEN REPORT
COUNCIL**

Council 14 December 2023

PART A) LAND AT BAKEWELL ROAD MATLOCK: OUTCOME OF OPTIONS ASSESSMENT AND PROPOSED APPROACH

Report of Director of Regeneration and Policy

Report Author and Contact Details

Giles Dann, Regeneration and Place Manager
01629 761211 or giles.dann@derbyshiredales.gov.uk

Wards Affected

Matlock East & Tansley and Matlock West and wards within the central area of the district

Report Summary

To receive a summary of and conclusions from the economic and financial assessment completed by external consultants on development options for the site, and consider an initial package of works to be commenced during the remainder of 2023/24.

The Addendum (November 2023) to the Updated Business Case (February 2022) is included in the Part B) report exempt under the Local Government Act 1972 Schedule 12A paragraph 3 - information relating to the financial or business affairs of any particular person including the authority holding the information. However, key summary information is extracted for the purpose of the public report.

Recommendations

1. That Members note the continuing challenges in delivering the project within the current economic climate.
2. That Members note the outcome of the updated economic and financial assessment of the project / development options agreed by Council (updating the previous business case) and completed by external consultants, and wider cost benefit / financial analysis prepared for the scheme.
3. That the long-standing commitment of the proposed cinema operator to working with the Council to this stage to pursue a scheme for Matlock be acknowledged and minuted.

4. That previous input to the project and close working with Matlock Community Vision Steering Group be acknowledged and minuted.
5. That, taking account of the updated economic and financial assessment of the project and current economic climate, the proposed conversion of the former Market Hall comprising a two-screen cinema and food and beverage unit be deferred with a review of the position to be undertaken in approx. 18 months' time should economic conditions improve.
6. That an initial Phase 1 works package to the existing bus station as proposed in the report be progressed in early 2024 comprising: external works to the building; internal works to the bus station area to improve waiting facilities for bus passengers and taxi users and public realm works in the immediate vicinity.
7. That the existing District Council Capital Programme allocation to the wider development scheme be retained subject to review of the scheme as per recommendation 5.
8. That proposals for re-allocating UK Shared Prosperity Fund and Rural England Prosperity Fund capital funding allocated to the project in 2024/25 be developed for consideration by the Derbyshire Dales UKSPF Partnership Board, both for the Bakewell Road site and alternative schemes, in accordance with the criteria set out in Section 6, and a further report be brought back to Members at the earliest opportunity.

List of Appendices

None

Background Papers

- Report to Community & Environment Committee 1 March 2022: Land at Bakewell Road Matlock: Proposed Conversion of Former Market Hall Updated Business Case
- Report to Council 26 July 2022: Land at Bakewell Road, Matlock: Update on Proposed Conversion of Former Market Hall and Modifications to External Layout
- Report to Council 2 March 2023: Capital Programme 2022/23 to 2026/27 - Appendix E Supporting Information for UKSPF and REPF
- Report to Council 27 July 2023: Land at Bakewell Road Matlock: Outcome of Tender Process and Options for Further Assessment

Consideration of report by Council or other committee

N/A

Council Approval Required

Yes

Exempt from Press or Public

No (Part B to report – Addendum to Business Case exempt)

Land at Bakewell Road Matlock: Outcome of Options Assessment and Proposed Approach

1. Background

- 1.1 The Updated Business Case for the proposed conversion of the former Market Hall (prepared by Thomas Lister Ltd. with support from Amion Consulting) enabling provision of a new indoor leisure attraction - two screen cinema - and enclosure of part of the adjacent covered bus bay area to provide an ancillary commercial use - food & beverage / retail unit - was approved at the meeting of Community & Environment Committee held on 1 March 2022. The scheme received detailed planning consent on 8 February 2022. Project development has been overseen by the Project Management Group (PMG) comprising the Chief Executive, Director of Regeneration & Policy, Regeneration and Place Manager (project lead) and Estates and Facilities Manager, with input from the Council's Legal and Finance teams.
- 1.2 Based on the cost plan for the scheme prepared by Greenwood Projects (QS), the following funding package for the District Council's (Landlord's) Works was agreed in 2022:

TABLE 1: SHELL WORKS & PUBLIC REALM	
DDDC	£756,000
UKSPF (public realm)	£460,000
DCC (public transport)	£100,000
Total	£1.316m
<i>Figures rounded to nearest £ thousand</i>	

- 1.3 In addition, the District Council committed expenditure towards design fees and a contribution to the cinema fit-out (to be delivered by the proposed cinema operator (Market Hall Tenant)) resulting in a total Capital Programme funding commitment (2020/21 to 2024/25) of £1.228m.
- 1.4 An Invitation To Tender (ITT) for the building shell and public realm works was published in November 2022. As previously reported, unfortunately, following a review of compliance, quality and price, an acceptable / affordable tender was not received.
- 1.5 Following value engineering of the design, the ITT was re-issued in February 2023. As previously reported to Council, unfortunately an acceptable / affordable tender was again not received. Members were informed that both tenders exceeded the 2022 cost plan / scheme budget, and despite value engineering, both tender prices had increased. In addition, a significant variation in rates and price was noted and potential financial resilience risks identified.
- 1.6 As shown in table 2, the higher of the two tenders was also above the increased budget allocation for the Landlord's works following Members' decision to allocate an additional £408,737 UK Shared Prosperity Fund (UKSPF) and Rural England Prosperity Fund (REPF) capital to the project

in March 2023. Tendered prices for the Shell and Public Realm works were as follows:

TABLE 2: OUTCOME OF 2023 TENDER EXERCISE	
Tender A	£1.474m*
Tender B	£2.001m
<i>*Pricing information incomplete</i>	

1.7 The second tender exercise therefore again concluded without a contractor appointment, illustrating the significant challenge of delivering the proposed scheme within the current volatile construction market, impacted by high cost inflation.

1.8 As a result, at its July meeting Members agreed a list of development options for further assessment during which time the project was put on hold. The options are set out in Table 3:

TABLE 3: DEVELOPMENT OPTIONS - LANDLORD'S WORKS	
Option	Description
Option 1. Do nothing (also the Reference case against which other options are tested)	Do not deliver any refurbishment of the former Market Hall or enhanced public realm. Building remains empty for foreseeable future
Option 2. Retain existing scheme and re-tender at later date	Re-tender Cinema and F&B unit with full public realm scheme (inc. new public transport arrangements) when more favourable market conditions
Option 3. Deliver first phase only i.e. cinema	Cinema only with no F&B / retail property developed with limited improvements to immediate surrounds / bus station area
Option 4. Construct cinema as proposed but basic F&B shell / floor slab and services only	Future tenant to complete F&B unit as part of fit-out

1.9 Sub-options for public realm provision were also considered as per Table 4:

TABLE 4: DEVELOPMENT SUB-OPTIONS – LANDLORD'S WORKS					
Option	Cinema Shell	F&B Shell	Public Realm		
			Immediate surrounds	Public Transport	Cinema to Crown Sq
Option 2a	Yes	Yes	Yes	Yes	No
Option 2b	Yes	Yes	Yes	Yes	Yes
Option 3a	Yes	No	No	Part	No
Option 3b	Yes	No	Part	Part	No
Option 3c	Yes	No	Part	Part	Yes
Option 4a	Yes	Part	Yes	Yes	No
Option 4b	Yes	Part	Yes	Yes	Yes

- 1.10 Based on updated cost information prepared by Greenwood Projects (using, on their advice, the higher of the two most recent tenders adjusted for inflation plus an increased allowance for fees and contingency), an assessment of these options was completed by Amion and Thomas Lister. In line with the 2022 Business Case the assessment of Options 2, 3 and 4 was undertaken against the following criteria:
- Affordability to the District Council – the deliverability of works proposed under the options within existing funding allocations;
 - Investment return in respect of District Council investment only in the works to the building i.e. excluding the public realm – an assessment of the potential return based on analysis of the Net Present Value (NPV) and Internal Rate of Return (IRR);
 - Net economic benefit – the level of net additional benefits arising from public sector investment; and
 - Value for money – analysis of jobs and GVA impacts at the local level.
- 1.11 To note, some income assumptions within the financial appraisal have been updated to better reflect current economic conditions and some assumptions, e.g. projected attendance numbers based on current economic conditions, may require further testing.
- 1.12 The assessment has been prepared by the consultants as an Addendum to the Updated Business Case and is included in the Part B) exempt report (this approach being consistent with Member consideration of the full Business Case in March 2022 and to avoid prejudicing any future tender exercises / negotiations). The Addendum seeks to objectively assess the economic and financial benefits and implications of each sub-option from a public sector funding perspective. As well as re-assessing the project against the criteria in 1.10, the Addendum compares key metrics with the 2022 Business Case.
- 1.13 The draft assessment (August 2023) was presented to the Leaders of the Progressive Alliance, Ward Members and the Chair and Vice Chair of C&E Committee in September. Following presentation, officers were requested to provide additional financial and economic analysis comprising a) the balance sheet value of the building and whether impairment (a permanent reduction in the value of the asset) is reflected within the current value and b) Green Book cost benefit analysis to produce a Benefit Cost Ratio (BCR) (the ratio of the present value of benefits over the present value of costs to estimate how much benefit in pounds could be supported by £1 of public sector investment).
- 1.14 This additional analysis was received from Amion and Thomas Lister on 8 November 2023. A summary of the key points is set out below.

2. Key Issues

Project Costs & Affordability

- 2.1 The context for the project remains exceptionally challenging. Tender price inflation has resulted in value for money and the deliverability of the scheme being compromised. Greenwood Projects have commented that the UK

construction industry continues to experience supply chain issues, as a result of which “*construction costs are proving to be extremely volatile.*” Greenwood cite a combination of the impact from the: Covid-19 slow-down, Brexit, war in Ukraine and inflation as the key drivers and that in addition (and as a sustained impact of Brexit): “*the UK construction industry is experiencing an unprecedented shortage in labour*” (Aug 2023).

- 2.2 As a result, the projected costs for the full works package have increased significantly from the original cost plan, as borne out by recent tenders. The analysis indicates that, based on the increase in project costs, there is a projected funding gap above the existing maximum funding allocation under all but Options 3a and 3b. Under Options 2 and 4, the projected funding gap ranges from 22% to 38%.

Investment Return / Financial Appraisal

- 2.3 Should the funding gap be capable of being met, the financial appraisal estimates income attributed to the scheme under each of the options should exceed District Council costs over a 25 year lease term assuming updated income forecasts are achieved.
- 2.4 The updated appraisal allows for cost savings the Council may reasonably expect based on the annual maintenance liability for the building in its current vacant form. The analysis indicates the potential for a positive Net Present Value (NPV) at 3.5% for Option 2a (the figure used in the February 2022 Business Case) but a negative NPV for the other options. Forecast Internal Rate of Return shows a weakened position from the February 2022 Business Case and is marginal for Option 3.
- 2.5 Regarding the potential issue of impairment of the asset value of the building, the existing asset, comprising part of a wider land holding with the operational elements (former Market Hall, car park and surrounding land) is valued to Existing Use Value (in line with CIPFA rules) with no impairment reflected in the District Council’s accounts. The issue of impairment is further considered in the Part B) report.

Economic Impacts

- 2.6 The analysis has been revised and extended to include the new public realm sub-options. Regarding estimated economic benefits based on employment and increase in GVA – the benefits under Option 2 (2B being the previously tendered scheme) remain broadly consistent with those identified in the 2022 Business Case with circa 19 net additional FTE jobs and £4.52m net additional GVA forecast over 10 years. Economic impacts under Options 3 and 4 are reduced reflecting the reduced scope of investment.

Value for Money

- 2.7 As indicated, the updated assessment considers value for money from two perspectives:
- i) the original Business Case metrics i.e. level of net additional cumulative GVA and cost per job arising from public sector investment; AND;

- ii) Green Book compliant cost benefit analysis to produce a Benefit Cost Ratio (BCR).
- 2.8 With regard to i) changes in value for money are attributed to project cost increases confirmed through the tender process i.e. the economic benefits remain similar but projected costs have significantly increased. As a result, under all options value for money has weakened with the net public sector cost per net job higher than benchmarks for projects of this type and a reduction in economic return resulting from public sector investment.
- 2.9 Regarding ii), as the GVA approach to testing value for money does not fully capture wider impacts relating to regeneration and wellbeing effects on users, a social cost benefit analysis has also been carried out. Using the Green Book method (which considers a combination of land value uplift, cultural use value, labour supply, employment wellbeing and amenity benefits), BCR for all options, excluding Option 3C, is assessed as being *“potentially acceptable in value for money terms”* based on assessed BCR being above the minimum threshold of 1:1, the highest being Option 2A at 1.37:1.
- 2.10 The additional Green Book assessment presents a more positive value for money position than the jobs and GVA forecasts based on potential wider regenerative benefits of the scheme. This needs to be balanced with the other elements of the economic and financial assessment. To note, whilst not directly comparable schemes, the submitted Ashbourne Reborn LUF bid indicated a forecast BCR of 2.62:1 from proposed public investment, comfortably above the 1.5:1 rate previously accepted for Government funding schemes.

Wider Challenges

- 2.11 The cinema industry continues to experience challenges post Covid with the recent US screenwriters and actors strikes impacting new cinema content.
- 2.12 The trading environment for high street businesses also remains challenging, particularly in relation to impacts associated with staff recruitment and retention, high inflation, continuing increase in on-line sales and cost of living challenges for customers.
- 2.13 A further key issue is the requirement to draw down UKSPF and REPF capital funding allocated to the project totalling £218,348 in 2023/24 (UKSPF £185,015 and REPF £33,333) and £631,404 in 2024/25. This is considered further in Section 3.

3. Options Considered and Recommended Proposal

- 3.1 As a reminder, the objectives of the project, as set out in the approved February 2022 Business Case, are:
- *Creation of a new improved gateway into Matlock town centre*
 - *Re-use of the former Market Hall bringing floorspace back into economic use*

- *Support the vitality and viability of Matlock town centre as a retail and leisure destination through increasing footfall*
 - *Support the visitor and evening economies*
 - *Support economic recovery post COVID.*
- 3.2 The development options considered were previously agreed for further assessment by Members. The Part B) exempt report provides further detail, including a summary appraisal of each option using a RAG (Red, Amber, Green) rating. Key points drawn from the conclusion to the report are set out below.
- 3.3 Each option presents challenges under different elements of the assessment. Acknowledging the challenging context for delivering the scheme, Option 2 is identified as *“potentially the most advantageous option”* as it retains the integrity of the proposed scheme developed through a robust design process informed by discussions with a market operator. Whilst, based on employment and GVA forecasts, value for money has weakened beyond accepted benchmarks and the February 2022 business case, public investment would potentially achieve an *“acceptable”* BCR. However, due to the substantial increase in capital costs and current volatility in the construction market, the scheme is unaffordable.
- 3.4 Option 3 would potentially enable delivery of a reduced scheme i.e. the cinema but no food and beverage unit and only enable limited improvements to the entrance to the town centre. However, the increase in capital costs and reduction in forecast income and economic benefits would *“impact significantly on the investment return to DDDC and value for money”* based on employment and GVA. Its acceptability would also need to be tested further with the proposed cinema operator. It is noted that Option 3 would potentially require either the full or nearly the full UKSPF / REPF allocation which requires additional output / outcomes to be delivered, including improvements to the public realm. With regard to BCR forecasts, Options 3a and 3b are assessed as *“acceptable”* but only marginally exceed the minimum threshold.
- 3.5 Option 4 potentially achieves limited costs savings but is likely to be less attractive to a future operator (potentially reflected in a reduced rent). The assessment indicates this option does not offer an improved investment return and *“performs less strongly in terms of value for money”*. However, the BCR is potentially *“acceptable”*.
- 3.6 In summary, as an investment proposition the case is not strong. From a regeneration perspective, based on the Green Book approach, assessed BCR under Options 2 and 4 provides potential justification for public intervention. However, financial drivers, in particular cost, remain the issue, with the only affordable option (Option 3) marginal in value for money terms (and unacceptable under one sub-option). Due to the requirement for additional public investment to support the shell works, options would also need to be re-tested against subsidy control rules.
- 3.7 Seeking further additional funding, either from the Council or another funder is a potential option. Engagement has confirmed that the proposed cinema

operator is not in a position to contribute additional funding in the current market beyond the existing proposed commitment. Given the potential funding gap, level of Council and UKSPF funding already allocated to the project and potential subsidy implications, seeking further additional public funding is not considered a credible route to pursue.

- 3.8 On balance, following consideration of the updated economic and financial assessment, current economic climate and review by the Corporate Leadership Team, the scheme is unfortunately not considered affordable / deliverable at this point. It is therefore with regret that the view reached is that the proposed conversion of the former Market Hall comprising a two-screen cinema and food and beverage unit be deferred with a review of the position to be undertaken in approx. 18 months' time should economic conditions improve.
- 3.9 Officers wish to recognise the long-standing commitment of the proposed cinema operator to working alongside the District Council to this stage, including through Covid, to pursue a scheme for Matlock. The interest in pursuing a scheme for Matlock remains.
- 3.10 Officers also wish to acknowledge the close working and input from local partners, in particular the Matlock Community Vision Steering Group.

Phase 1 Proposal

- 3.11 Whilst re-development of the site (and achieving a financial return) has proved very challenging to deliver in the current economic climate, an initial phase of works to improve the entrance to the high street is nevertheless considered feasible.
- 3.12 As indicated in Section 2, UKSPF/REPF grant funding is at risk of being lost if a scheme cannot be progressed during 2023/24. Improving the building / entrance to the town centre has been identified as a priority. Grant cannot be used solely for enabling works to the former Market Hall without an end-use capable of delivering UKSPF outputs and outcomes. Therefore, whilst the approach regarding the former Market Hall is determined, consideration has been given to a Phase 1 package of capital works to the bus station area to improve this space for waiting bus passengers and taxi users and utilise currently redundant space without prejudicing the future re-development of the site.
- 3.13 A rapid options assessment was therefore undertaken with Lathams Architects with input from the County Council's Local Bus Team. Four options were considered, with potential variations to three, and assessed against the following deliverability criteria:
- must support original scheme objectives / enhance town centre gateway
 - capable of being delivered within existing statutory consents
 - capable of being procured and delivered in next 6 months
 - enable draw down of UKSPF capital grant / deliver outputs
 - minimise abortive spend
 - not prejudice future re-development of site.

3.14 Following presentation of the options to the Leader, Deputy Leaders and Ward Members and a site visit with the Leader and Ward Members, Option 2A was unanimously agreed as the preferred option to bring to Council:

OPTION 2A - Corner of the Bus Station to receive window openings as per the consented scheme throwing natural light into this space and improving the visibility of waiting passengers. The proposal also includes:

- painted existing brick wall (grey) to rear of the bus station
- vertical lettering to the return elevation 'Matlock'
- signage 'Buses Taxis' on the right side of the Bakewell Road elevation
- external low energy lighting to the corner elevations of the Bus Station, including luminaires to illuminate signage.

The scheme also comprises internal improvements to the space to include:

- demolition works (corner kiosk unit)
- cladding to redundant market hall doors
- re-decoration (walls, ceilings, columns and railings)
- new seating
- new low energy lighting
- real time information (DCC)
- digital summary information boards (DCC)
- CCTV (under consideration)

Public realm improvements to the area surrounding the bus station are also proposed based upon previous proposals including:

- new footway to west of bus exit
- improved pedestrian crossing point and warning signage alerting buses, taxis and delivery vehicles
- new trees, tree pits and raised planters
- cycle parking provision and ducting for E-bike charging point
- enlarged bus layby accommodated by a reduction to the existing footway (to be finished in tarmac)
- new street furniture in front of the building on existing York stone surface

An external visual of the Phase 1 proposal is shown as Figure 1:



- 3.15 It is therefore proposed that the initial Phase 1 works package to the existing bus station be progressed. The works are considered capable of being delivered within existing statutory consents, seek to minimise abortive costs and, subject to procurement (see below), could commence in early 2024.
- 3.16 Whilst, at this stage, proposals are limited to the Bus Station area, they support the original objectives to improve the town centre gateway and utilise redundant space. They will also improve this important transport hub for the town and space for bus and taxi-users. As the proposals do not comprise an alternative commercial proposition a further detailed business case has not been prepared for Phase 1. However, the investment is considered to generate worthwhile public / community benefits and signal a commitment from the Council to regenerating the site.
- 3.17 To progress a Phase 1 scheme within the grant funding window, officers have (at risk) progressed enabling activities including: preparation of an outline specification (building works) and schedule of works for each element of the scheme; updates to drawings (structural elements) and public realm plans; progressed procurement (initially of professional services with a view to engaging a framework contractor to deliver the works – further detail in Section 8). The necessary consents are also being pursued from the head leaseholder. The proposed costs (inc. contingency) and funding package for the works, reflecting appropriate partner funding contributions for specific elements, and outputs / outcomes for proposed UKSPF expenditure are being prepared in consultation with DCC. The aim is to maximise draw down of the UKSPF funding allocation in 2023/24. Proposals are due to be presented to the UKSPF Partnership Board on 7 December and a verbal update on the outcome will be provided at the Council meeting.
- 3.18 Subject to Member approval of Phase 1 proposals, procurement / appointment of a Main Contractor will be pursued. It is proposed that delivery of the public realm elements, substantially comprising works within the adopted Highway, is funded primarily by Derbyshire County Council utilising allocated capital / grant funding and delivered by their (Direct Labour), Highways Services Teams.
- 3.19 In addition to the tight timescales, a further challenge is co-ordinating any works with those planned by Severn Trent Water along Bakewell Road to continue delivery of the new water main in this location. Officers have made a number of attempts to ascertain details of the Severn Trent programme, to date without success.

Approach Moving Forward

- 3.20 Although the (wider) scheme has faced numerous challenges, partnership working with Derbyshire County Council and MCV and close engagement and support from Matlock Ward Members has been a positive feature of the work on this project. It is proposed that close working with Members continues in determining the approach regarding the former Market Hall.

- 3.21 In common with other areas / other vacant former Market Halls, early consideration has been given to potential “meanwhile” uses for the site. However, further detailed consideration is needed in this regard. It is therefore recommended that proposals for re-allocating UK Shared Prosperity Fund and Rural England Prosperity Fund capital funding allocated to the project in 2024/25 be developed for consideration by the Derbyshire Dales UKSPF Partnership Board, both for the Bakewell Road site (to note previous proposals rejected as unaffordable or otherwise unviable are not proposed to be revisited) and alternative schemes, and brought back to Members as soon as practicably possible. This process has already commenced internally under the direction of CLT with early consideration of other potential projects in Matlock.

4. Consultation

- 4.1 Leaders of the Progressive Alliance and Ward Members have been briefed on the outcome of the final options assessment and consulted in preparing the report recommendations.
- 4.2 Derbyshire County Council officers have been involved in developing the Phase 1 proposals for the bus station and surrounds.
- 4.3 An officer meeting has previously been held with the proposed cinema operator to update them on the position.
- 4.4 The Matlock Community Vision Steering Group have also been informed of the position with the project.

5. Timetable for Implementation

- 5.1 Should the report recommendations be agreed, it is proposed to commence delivery of the Phase 1 scheme in Q4 2023/24.
- 5.2 Regarding future phases / other proposals to utilise available grant funding, it is proposed to develop these in parallel and by the end of Q4 2023/24.

6. Policy Implications

- 6.1 The development of the Bakewell Road site was identified as a Corporate Plan priority under the theme of Prosperity, specifically: *‘Promoting investment to stimulate the economy of our market towns’* and COVID-19 Economic Recovery Plan. The significant increase in project costs impacting the scheme means that these objectives cannot be fulfilled in full at this stage. However, the proposed Phase 1 proposals support the first objective to deliver a new improved gateway into the town centre and second objective to bring floorspace back into use.
- 6.2 A further key policy implication is the impact on the UKSPF programme. As indicated earlier, significant capital grant funding has been earmarked for the project. The proposed Phase 1 scheme, if approved by Members, will enable part of the allocation to be drawn down.

6.3 In considering the approach to the 2024/25 UKSPF/REPF allocation, the absolute requirement for alternative proposals to be complete and fully spent by 31 March 2025 is paramount. This is a severely restricted window for capital projects. Deliverability within this timescale is an essential criterion for any proposal to merit assessment. To note, this is almost certain to exclude any capital project that requires the submission and approval of a new planning application. Other criteria relating to strategic fit with the UKSPF/REPF programme, delivery of UKSPF/REPF outputs and outcomes and value for money also remain key. However, it is important to recognise that the fundamental criterion is deliverability: for a project to be considered, there must be absolute confidence that it can be procured, constructed, completed, and expenditure claimed by March 2025.

6.4 Key questions to ask regarding deliverability include:

- Can the project be completed by March 2025?
 - Is there a clear delivery plan/programme?
- How well defined are costs and how credible?
 - Are ongoing operational costs understood?
- Are risks and constraints well understood; are any risks likely to prevent the successful completion of the project?
- Is the land / property in public sector ownership?
- Are planning issues, legal agreements, consents etc. in place?
- Will subsidy control be an issue?
- Does the proposed delivery lead have a track record, governance in place, procurement experience etc?
- Is match funding required and if so is it already in place?

6.5 A further consideration is Council capacity. Staffing levels in Economic Development and Regeneration teams are such that there is no capacity to manage a multitude of small schemes. Capacity is only available to manage a small number of (relatively) large schemes.

7. Financial and Resource Implications

7.1 A combined total of £868,737 UKSPF/REPF capital funding is currently allocated to the project with £18,985 claimed in 2022/23. The allocations for 2023/24 and 2024/25 are set out earlier in the report. Should the report recommendations be agreed, Phase 1 proposals will seek to maximise draw down of the 2023/24 UKSPF allocation. Proposals for utilising 2024/25 UKSPF/REPF funding will be developed and presented to the Derbyshire Dales UKSPF Partnership Board and a further report brought back to Members.

7.2 Regarding Phase 1 proposals, the costs of professional project management services are £25,500 plus a framework access fee of £4,000. With the agreement of the Project Management Group, the Leader of the Council was consulted to give an urgent decision to procure the necessary professional services to progress the Phase 1 scheme prior to consideration of the specific Phase 1 proposals by Council. It is proposed that these costs are claimed from the UKSPF grant allocation for 2023/34 along with works undertaken during quarter 4 should the Phase 1 scheme be approved. The

cost of the works to be delivered by the District Council under Phase 1 is subject to confirmation via the procurement process. With regard to DCC funding, it is understood that an allocation to the scheme has been made within the DCC Capital programme which includes external Government grant which needs to be expended by March 2025.

- 7.3 The District Council fee estimate for the project in the February 2022 cost plan was £92,226. Inclusive of additional work required (including the re-tendering exercise, external legal support and further work on development options), fees have increased. An update on the position will be provided at the meeting. Fee expenditure has been met from a combination of the agreed Capital Programme allocation to the project, Economic Development revenue budget and UK Shared Prosperity Fund allocation. To note, should no works proceed on the project, capitalised spend to date would be re-classified as revenue and be required to be met from revenue funds.
- 7.4 The potential implications for the UKSPF programme, which requires all expenditure to be completed and claimed by 31 March 2025, means the financial risk is assessed as High. Costs associated with the ongoing maintenance of the (vacant) Market Hall also need to be met. To note, budgetary provision has previously been made within the Council's revenue budget to cover basic maintenance and services costs.
- 7.5 With regard to resource implications, a review of alternative options for the site may necessitate further support from external consultants, the costs of which will need to be determined.

8. Legal Advice and Implications

- 8.1 Procurement of both professional services and works to deliver Phase 1 proposals are proposed via the Pagabo Framework. The Council has successfully adopted this approach on a number of recent capital projects and procurements including: Hall Leys Park Clock Tower Shelter; Ashbourne Bridge; Matlock Bath Shelter and the Town Hall windows.
- 8.2 The Council has an agreement in place with Atkins Realis for professional project management / QS services. Due to the constrained timescales for delivering works and drawing down grant funding, officers have utilised this contract to procure the professional support and capacity required to progress the Phase 1 scheme.
- 8.3 With regard to Phase 1 Main Contractor procurement, on the advice of the Project Manager and again due the constrained timescales, a direct award via the Pagabo Refit and Refurbishment Framework is proposed. The appointment of a Main Contractor is subject Council approval of Phase 1 proposals.
- 8.4 Head leaseholder consent is required to implement the proposed Phase 1 building works and this is being pursued by the Council's Legal team.
- 8.5 A further important consideration is the position regarding public subsidy. As the proposed Phase 1 works are not considered to comprise economic

activity, the provision of public funding is not considered to constitute a subsidy. However, an updated subsidy assessment will need to be undertaken on future proposals for the former Market Hall.

- 8.6 The legal risk of a challenge when taking the 8 decisions as recommended has been assessed as low.

9. Equalities Implications

- 9.1 With regard to the proposed Phase 1 works, should the Phase 1 proposals be approved the previous Equality Impact Assessment for the scheme will be reviewed and updated prior to proposals being finalised. On initial review, anticipated changes requiring consideration relate to the provision of new seating and information for bus passengers.

10. Climate Change Implications

- 10.1 The climate change impacts for the scheme as a whole were considered in detail through the planning application, including completion of the Climate Change SPD checklist.

The amended Phase 1 proposals focus on part of the site and seek to enhance the environment and provision for waiting bus and taxi-users within the town centre. Due consideration has been given to the sustainable travel hierarchy and improvements including cycle parking provision which is retained within the proposals. The Phase 1 proposals seek to utilise existing redundant space and low energy lighting is proposed within both internal and external areas.

- 10.2 An updated climate change assessment is likely to be required subject to future proposals for the former Market Hall to assess the implications of any significant changes to the project.

11. Risk Management

- 11.1 The July report highlighted potential risks related to the wider project including: delivering the project in the current economic climate; the impact of further delay; impact of a reduced scheme on the original business case and retaining interest from the proposed cinema operator.
- 11.2 Should the report recommendations be agreed, the principal risks are considered as follows:

Risk	Reason	Risk Type	Mitigation	Owner
Council objectives not delivered in full	Costs prohibitive to delivery of wider scheme at this time	Reputational	Implement initial Phase 1 scheme to improve town centre gateway and bus station	PMG

Market Hall remains vacant	Costs prohibitive to delivery of wider scheme at this time	Reputational / Financial	Consider Phase 2 concurrent to Phase 1 delivery	PMG
Risk of UKSPF capital allocation not being fully drawn down by March 2025	Costs prohibitive to delivery of wider scheme at this time	Reputational / Financial	Implement initial Phase 1 scheme committing 2023/24 UKSPF funding allocation. Consult UKSPF Partnership Board / Members on Phase 2 / other proposals for capital spend	Regeneration & Place team / PMG / CLT
Securing head-leaseholder consent for Phase 1 works	Necessary for structural works to building	Delivery	Minor works in comparison to wider scheme. (being pursued by DDDC Legal)	PMG
Co-ordinating with proposed Severn Trent Water works along Bakewell Road	Potential impact on programme for public realm works	Delivery	Detailed works programme sought from STW by DCC	PMG / DCC

- 11.3 A further report regarding proposals beyond Phase 1 will be brought back to Members for consideration at the earliest opportunity.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	05/12/2023
Director of Resources/ S.151 Officer	Karen Henriksen	05/12/2023
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	6/12/2023

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 5

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of the Local Government Act 1972.

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Council

Minutes of a Council meeting held at 6.00 pm on Thursday, 28th September, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Steve Wain - In the Chair

Councillors: Dawn Greatorex, Matt Buckler, Martin Burfoot, Sue Burfoot, Neil Buttle, David Chapman, Susan Hobson, David Hughes, Stuart Lees, Dermot Murphy, Peter O'Brien, Peter Slack, Mark Wakeman, Roger Shelley, Nick Wilton, Peter Dobbs, Gareth Gee, Anthony Bates, Kelda Boothroyd, Marilyn Franks, Andy Nash, Lucy Peacock, Simon Ripton, Nick Whitehead, David Burton, Geoff Bond, Joanne Linthwaite, Nigel Norman Edwards-Walker, John Bointon, Laura Mellstrom and Steve Flitter

Paul Wilson (Chief Executive), Tim Braund (Director of Regulatory Services), Robert Cogings (Director of Housing), Karen Henriksen (Director of Resources), Jason Spencer (Electoral and Democratic Services Manager) and Tommy Shaw (Democratic Services Team Leader)

Note:

“Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council’s Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document.”

Following the sad news of the death of Councillor Tony Morley a minute’s silence was held, after which the Civic Chair and the political group leaders were invited to speak.

APOLOGIES

Apologies for absence were received from Councillor(s): Robert Archer.

137/23 - PUBLIC PARTICIPATION

Re: Agenda Item 8 – Proposal of a Notice of Motion (Rule of Procedure 16) Motion B

In accordance with the procedure for public participation, Ms Clare Gamble (local resident) made a statement on the motion proposed on motion by Councillor Gareth Gee.

Re: Agenda Item 10 – Gypsy and Traveller Site Provision in the District – Report of the Traveller Working Group

In accordance with the procedure for public participation, Mr John Youatt (Community and Renewables Planner), Mr Richard Walsh (Local Resident), Ms Denise Brown (Local Resident), Mr Stephen Walton (Local Resident), Dr Siobhan Spencer (Derbyshire Gypsy Liason Group), Mr Richard Bean (Local Resident and Business Owner), Mr George Ashbrook (Managing Director, Ashbrook Roofing) and Cllr Caroline Cooper (Ashbourne Town Council) made statements on the recommendations proposed by the Traveller Working Group.

Cllr Victoria Friend (Chair of Rowsley Parish Council) made a statement on the report and presented a petition on behalf of Rowsley Parish Council.

138/23 - INTERESTS

Re: Agenda Item 8 – Proposal of a Notice of Motion (Rule of Procedure 16) Motion B

Councillors Gareth Gee, Mark Wakeman and Kelda Boothroyd declared personal interests in Item 8 as they were Directors of the Community Interest Company responsible for the running of the public conveniences at Monsall Head.

139/23 - LEADERS' ANNOUNCEMENTS

Councillor Steve Flitter, Leader of the Council, made the following statement:

“After a relatively quiet August in relation to meetings, September has brought a flourish of information from the DCN and DLUCH and other ministerial information that keeps rolling in, but what I thought the most relevant topic would be the Vision Derbyshire and New Mayoral arrangements and how we in the Dales are approaching this.

As you know, only 2 district Derbyshire authorities will join 2 from Nottinghamshire leaving the rest on the sidelines. I have repeatedly stated that the selection of those representatives should allow a fair reflection of demographics and not based on politics or size of authority alone, but alas politics has been a factor with Chesterfield and High Peak taking those positions, however what I did achieve at that meeting on Tuesday afternoon was continued regular meetings between Derbyshire Leaders.

A couple of weeks ago the Derbyshire leaders and Chief Executive met at County Hall and met Mark Rogers the CEO of the Interim Shadow board team of seven people covering issues of operational matters, Communications, Finance and Investment, Strategy and delivery, Transport and Governance.

Their task is to prepare for change and we heard about creating a single economic plan involving all country, cities, boroughs and district councils to bring more monies into the

area, and the need to review existing work and contribute new ideas being careful not to just replace work undertaken to date.

The key principles are Accountability, Inclusivity, Subsidiarity, Choice, Governance, Scrutiny and Audit.

Many questions followed but a very pertinent point raised was what if the incoming Mayor disagreed with the shape, size or composition of new arrangements – that has to be tested.

Whether we agree or not with the new Mayoral elections, soon it will be the only game in town. The level of influence is paramount but if we are put in a situation where we literally have to fight for crumbs on the table we should be well informed and ready to act.

With that in mind I am ready to interact with a new Derbyshire Strategic leadership board and all Derbyshire leaders, hopefully setting work streams for economic growth, employment and skills, health and communities, public service reform, transport, climate change, planning and housing.

Circling Squares – on Monday night, I thought it was important that members had a presentation of the work that was undertaken from September 22 until Feb 23 with the report in March. I hope members recognise that the whole discussion on Resilience and Resources was timely because of Paul Wilson's report to this council. We may not agree with everything in that presentation, but we now have a basis for those discussions that will give our officers to the resources to develop ideas and take this council forward in a positive manner.

I thank those who attended the meeting on Tuesday with the Peak National Park Authority, I found it informative and useful and although they reflect on the fact that the starting point and legislation is different from the Dales I am hopeful that we can develop an officer / member group to examine opportunities of a joint approach.

Future partnership working is so important, especially with the challenges that lie ahead."

140/23 - CIVIC CHAIR'S ANNOUNCEMENTS

Councillor David Burton, Civic Chair, made the following announcements:

"Back in July, I was admitted into hospital, the result of which was a pacemaker, I'm really pleased to be back here with you tonight and I'd like to thank everyone for their good wishes and to some Members for the cards.

I would also like to thank Members tonight for the kind donations I have received towards my chosen civic charity, the send a child to hucklow fund. Set in the heart of Councillor Chapman's ward is the Nightingale Center, the National Unitarian Holiday Center that provides children from disadvantaged backgrounds with holidays, it's something that I have been closely associated with and find very emotional. I helped with the Mansfield week this year and when those children arrive, it's probably the first occasion that they've ever had the opportunity to have a holiday in the countryside. I commend the charity for the consideration of Members.

I'd also like to give a big thank you to Councillor Peter Slack for assisting me with my civic duties during my period of illness. Well done to the people of Wensley who have raised thirty thousand pounds to restore the roof of the Wensley Reading Room, I recently opened a craft fair there. The nice thing about this role is that it brings you to the centre of real community and there were lots of decent people there who were concerned about that building and it acting as a continuing resource for the village of Wensley.

My thanks also go out to Councillor Stuart Lees and to the Mayor of Ashbourne who made me extremely welcome when I went to, what I found to be quite an eccentric event, the opening of the new bandstand. We got as far as the interval and the heavens opened and just about everybody disappeared, but the superb Ashbourne Town Band continued playing and it was lovely to see so many young people as part of it.

I recently had the honour of switching on the lights with my wife Ruth for the 125th Venetian Illuminations at Matlock Bath. What really touched me that night was as I looked around at all those decent families it was absolutely magical for the children, the happiness and delight is hard to put into words, it is a superb event and long may it continue.

Yesterday I was able to cut a ribbon at the opening of the fully renovated tennis courts on Hall Leys Park in Matlock that have cost forty-six thousand pounds to complete and has been managed by the Lawn Tennis Association, funded by the UK Government. We were pleased to have the presence of the MP at the event and the Lawn Tennis Association, it's going to be a tremendous resource for the people of Matlock and the surrounding areas. My thanks also go out to our own officers who did a wonderful job of putting the whole thing together yesterday."

141/23 - COMMITTEES

It was moved by Councillor Martin Burfoot, seconded by Councillor Peter O'Brien and

RESOLVED (unanimously)

That the non-exempt minutes of the Committees listed in the Minute Book for the period 03 July 2023 to 12 September 2023 be received.

The Chair declared the motion **CARRIED**.

142/23 - QUESTIONS (RULE OF PROCEDURE 15)

Questions from Councillor Stuart Lees to Councillor Steve Flitter, Leader of the Council:

"After a recent email from our director of housing regarding issues with platform housing asking us as councillors to contact Platform directly at the email address provided. As we are all aware our director of housing spends a lot of hours sorting issues out regarding platform housing for which I myself are extremely grateful, but I find this unacceptable as to the length of time you have to wait for a operator to answer your call. This is why our residents contact us councillors to get a quick and positive response. Platform look after 40,000 homes and operate in over 100 local authorities.

My questions are:

1. Why don't councillors get a faster response to our residents' issues from platform. As the system is at the moment councillors have to wait just the same as our residents to get through on a call which is why we as councillors are contacted in the first instance. Is it time a review is had regarding platform due to the amount of time our residents have to wait for work to be carried out?

2. Is it time that the housing repairs are brought back in house. Following a recent incident in Ashbourne in a platform housing area, why are our elderly residents not being visited by Platform officers, as per their tenancy policy?

3. If councillors use the email system as advised can a same day response be had?

Thank you, Cllr Lees."

Councillor Steve Flitter provided a verbal response as outlined below:

1. Platform have asked for member enquiries to be directed to a dedicated email address. On receipt the email is logged and set for follow up by a named member of platform's staff. The impact of the covid pandemic is still being felt within the construction industry and this together with inflationary pressures and availability of materials is still causing delays for many housing associations.

2. Housing repairs are delivered by platform's own inhouse service. It is not feasible or possible to bring these services inhouse. housing related support provided within age designated accommodation has been the subject of funding cuts for many years. The supporting people programme, funded by government via county councils previously would have paid for wardens to undertake support to residents. Like many housing providers, platform have not been able to fund warden type services across their sheltered housing stock to the same levels as the previous supporting people programme.

3. Platform have stock within 100 local authorities and will receive emails from members across this vast area. Very few organisations are able to offer a substantive same day response to email enquiries. Platform work to a 5 day response time for emails received by the dedicated member email address.

Urgent questions from Councillor Susan Hobson to Councillor Steve Flitter, Leader of the Council:

"1. Yesterday morning I saw a press release from Derbyshire Dales District Council that said that the "G&TWG has listened to public concerns expressed this week and in response has postponed 2 of the 10 recommendations".

I am a member of this group, and I was not aware of any meeting of the G&TWG to discuss this matter.

Does the Leader of the Council accept that the above statement is therefore incorrect and alter that press release, and will he confirm who made the decision to postpone?

2. Derbyshire Dales District Council has a duty of care to some of the most vulnerable Traveller families – the G&TWG were recently presented with two costed options for sanitary facilities at Matlock Station. Why do they not form part of the recommendations?

3. Despite the press release there is no mention in the revised agenda of what “postponed” actually means. Can the Leader of the Council provide a clear timeline for this?”

Councillor Flitter provided a verbal response.

Urgent questions from Councillor Anthony Bates to Councillor Steve Flitter, Leader of the Council:

“1. The specific recommendations for Fishponds Meadows Overspill Car Park, Ashbourne and Old Station Road Car Park, Rowsley have been “postponed”. Can the Leader of the Council explain why these two sites were chosen?”

2. As a new Derbyshire Dales District Council member I find it very strange that less than a year from a decision being made that gave a clear view that car parks are not suitable these sites are again being brought forward – can the Leader of the Council explain why we appear to be going backwards?”

Councillor Flitter provided a verbal response.

Urgent questions from Councillor Dermot Murphy to Councillor Steve Flitter, Leader of the Council:

“1. Vulnerable travellers, businesses and residents had clarity and finality in November 2022 when all Derbyshire Dales District sites were dismissed as being unsuitable apart from Matlock Station and Matlock Bath Station. What has materially changed to any of those sites since that time?”

2. Can the Leader of the Council confirm his commitment to the process for the Woodyard site?”

3. When will the consultation process start, and will the Leader confirm that the report will be ready for the November 2023 meeting?”

Councillor Flitter provided a verbal response.

143/23 - PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)

The Council considered a motion submitted by Councillor David Burton in accordance with rule of procedure 16.

It was moved by Councillor David Burton, seconded by Councillor Peter Slack and

RESOLVED (unanimously)

1. That this Council with immediate effect remove from its Civic Protocol constraints that limit the role of Civic Chair to only attending Charitable Events & Civic Services within the Derbyshire Dales - (Remove: “Except in exceptional circumstances only invitations within the District may be accepted”).
2. That this Council fully support our nominated “Civic Chair” to attend, promote and represent this authority at any nearby Local Authorities where appropriate.

3. That this Council removes the 2015 Civic Protocol wording as follows “Cease holding a Civic Service as it isn’t an inclusive community event” and that this wording be replaced with the following “That each individual serving Civic Chair can choose whether it is appropriate during their year of Office to hold either a “Civic Service” or relevant non-religious “Community Celebration” of the Derbyshire Dales.”

The Chair declared the motion **CARRIED**.

The Council then considered a motion submitted by Councillor Gareth Gee in accordance with rule of procedure 16.

The motion as detailed below was moved by Councillor Gareth Gee and seconded by Mark Wakeman:

“That, in line with the New Council’s progressive objectives as presented by the Council Leader at the AGM, DDDC takes back control the running of Monsal Head Toilets. In doing this and in order to minimise the in-year cost to the Council with an aim for cost neutrality the council would need to invest in an infrastructure upgrade by installing a card payment system.

The outcome would be to guarantee the existence of this vital public service going forward under sustainable means and give improvement to the residents of the Bakewell Ward along with the many visitors to this iconic tourist destination in The Derbyshire Dales. I would ask to prevent the possible loss of this service the action is undertaken without delay in a timely manner.”

During debate, the following amendment was proposed by Councillor Sue Burfoot and seconded by Councillor Kelda Boothroyd:

“That, as the Council recognises the need to keep open the toilets at Monsal Head and acknowledges the work carried out by those who have worked to keep them open following the previous administration’s decision in 2018 to close them, this motion be referred to the next meeting of the Public Conveniences Working Group with the Ward Members and Directors of the Monsal Head CIC invited to attend to help inform a strategy to ensure a long term sustainable future for the Monsal Head toilets.”

The amendment was put to the vote and the results were as follows:

21 For
11 Against
00 Abstentions

The Chair declared the amendment **CARRIED**.

The substantive motion, which incorporated the amendment, was then put to the vote and it was

RESOLVED

That, as the Council recognises the need to keep open the toilets at Monsal Head and acknowledges the work carried out by those who have worked to keep them open following the previous administration’s decision in 2018 to close them, this motion be referred to the next meeting of the Public Conveniences Working Group with the Ward Members and

Directors of the Monsal Head CIC invited to attend to help inform a strategy to ensure a long term sustainable future for the Monsal Head toilets.

Voting:

31 For
01 Against
00 Abstentions

The Chair declared the motion **CARRIED**.

144/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Stuart Lees, Seconded by Councillor Sue Burfoot and

RESOLVED (unanimously)

That the minutes of a meeting of Council held on 27 July 2023 be approved as a correct record.

Voting

30 For
00 Against
02 Abstained

The Chair declared the motion **CARRIED**.

145/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At 20:26, it was moved by Councillor David Hughes, seconded by Councillor Peter Slack and

RESOLVED (Unanimously)

That in accordance with Rule of Procedure 13, the meeting continue to enable the business on the agenda to be concluded.

The Chair declared the motion **CARRIED**.

146/23 - GYPSY AND TRAVELLER SITE PROVISION IN THE DISTRICT - REPORT OF THE TRAVELLER WORKING GROUP

Councillor Marilyn Franks introduced a report put forward by the Traveller Working Group regarding the provision of gypsy and traveller sites within the district. The report began by noting the District Council's duty as the Housing Authority to provide accommodation to those specific Gypsy and Traveller families with an accepted local connection to the Derbyshire Dales. Members were informed of the Working Group's aim to provide political leadership in identifying potential solutions to the unresolved issues being faced.

The task of the working group was to identify two permanent Gypsy/Traveller sites and three temporary Gypsy/Traveller sites based across the district. The report detailed the work and conclusions of the group. It was noted within the report, that whilst Council-owned

car parks are not ideal temporary sites, due to the legal duty of the Council to provide accommodation for two families, a level of pragmatism was required when considering the available options. The working group had agreed that the long-term solution to the issue was to identify permanent sites for the two families due to their high level of assessed need, the report outlined proposals which aimed to assist in achieving this long-term aim.

The report also acknowledged the importance of consultation with all involved parties and detailed how this would take place. Lease agreements outlining expectations and responsibilities were considered and proposals were contained within the report. The report also provided clarity over the Council's decision making process and made recommendations regarding funding to test out the viability of a possible permanent site and additional officer time in order to further progress the acquisition for sites.

It was moved by Councillor Marilyn Franks, seconded by Councillor Peter Slack and

RESOLVED (unanimously)

1. That the Council approves and adopts a requirement to undertake online consultation for a minimum of six-weeks, supplemented by public meetings on proposals to allocate land for use as temporary or permanent Traveller sites with relevant consultation materials being made available on the Council's website and in other formats to enable a wide level of response.
2. That the Council approves and adopts the decision making processes outlined in Section 3 of the report in respect of permanent and temporary traveller sites with the additional requirement that Stage 1 includes as its first step, the preparation of evaluation criteria to be applied in all cases and the process by which those criteria are to be applied.
3. That the Council recommends the Planning Policy Manager to amend the assessment of Clifton Road Coach and Car Park against Local Plan Policy HC6 in view of the representations received from a member of the public.
4. That the Council agrees to undertake a period of six-weeks of online consultation supplemented by public meetings in respect of designating The Woodyard, Homesford as a temporary or permanent Traveller site post completion of the RIBA stage 3 assessment.
5. That following positive engagement with the Traveller families and confirmation that the site is a viable option, authority be delegated to the Director of Housing to commission the necessary works up to RIBA Stage 3 (planning submission) and that a supplementary revenue budget of £25,000 be financed from the General Reserve to facilitate this work.
6. That the Council appoints land agents to proactively seek suitable locations and undertake targeted engagement with local landowners and organisations, such as the NFU, to establish whether any landowners would be willing to enter into negotiations.
7. That the Council approves a supplementary revenue budget of £33,000 to be financed from the General Reserve to establish a 2 year fixed term contract position(s) as recommended by the Corporate Leadership Team to assist with the search for sites and manage any future designated sites.

8. That the Council adopt Tenancy Agreements to establish agreed standards of behaviour and outline what action the Council will take in the event of breaches of the agreement.

The Chair declared the motion **CARRIED**.

147/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At 21:30, it was moved by Councillor David Hughes, seconded by Councillor Nick Wilton and

RESOLVED (Unanimously)

That in accordance with Rule of Procedure 13, the meeting continue for an additional 30 minutes to enable the business on the agenda to be concluded.

The Chair declared the motion **CARRIED**.

148/23 - RESILIENCE , RESOURCES AND PRIORITIES

The Chief Executive introduced a report which discussed a series of issues relating to organisational resilience, resources and priorities and outlined potential options for Members to consider in order to deliver a package of measures to aid the recruitment and retention of staff to ensure that the Council would be adequately resourced to deliver its core services and priorities.

Members were informed of the acute workforce challenges being faced by local authorities following the Covid-19 pandemic. Maintaining sufficient capacity and skills, attractiveness as a career choice, competition from other sectors, flexible working arrangements and the continuous inflationary erosion of pay were all noted within the report as having a severe impact on Councils of all types and sizes to attract and maintain staff of the calibre required to deliver high quality services. The report also noted the constant need for prioritisation of corporate projects and initiatives to ensure that the organisations resources are aligned to efficient and effective service delivery.

This report followed several other reports relating to Organisational Resilience, Resources and Priorities which had been considered by Members in recent years. This report looked specifically at the following issues:

- Organisational Capacity
- District Council Workforce Profile
- Recruitment and Retention
- Pay and Recognition
- Training and Development
- Graduates and Apprentices
- Employee Support and Benefits Package

The report presented Members with further explanations of the issues being faced and sought Member approval for funding allocations to target these issues. The report also asked Members to advise which of the proposed options presented in the report that they would like officers to further explore.

It was moved by Councillor David Hughes, seconded by Councillor Peter Dobbs and

RESOLVED (unanimously)

1. That Council acknowledges the limitations on organisational capacity and the need to ensure that our resources are directed towards the delivery of core services in accordance with agreed service standards and clearly defined and resourced Council priorities.
2. That the options to enhance recruitment and retention as outlined in the report (Section 10) be considered by the Scrutiny Committee to advise which of the measures Members wish officers to develop for further detailed consideration.
3. That the existing Job Evaluation Reserve be repurposed and retitled to 'Recruitment and Retention Reserve'.
4. That Council notes the retirement of the Licensing Manager with effect from 1st April 2024 and supports the recruitment of a new Licensing Manager to work alongside the existing post-holder for a period of up to 4 months and that a supplementary revenue budget for 2023/24 of £19,923 be approved for this purpose, financed from the General Reserve.
5. That Council supports the recruitment of an additional communications resource to support the Ashbourne Reborn project on a 2-year fixed term contract at an estimated total cost of £88,000 and approves a supplementary revenue budget of £11,000 for 2023/24, to be financed from the General 57 Agenda Item 11 Reserve and the inclusion in the Medium-Term Financial Plan of £44,000 for 2024/25 and £33,000 for 2025/26.
6. That Council supports the appointment of Aecom to provide interim communications resources to support the Ashbourne Reborn project and approves a supplementary revenue budget for 2023/24 of £10,000, to be financed from the General Reserve.
7. That Council endorses the need for external data protection support to achieve compliance against the Information Commissioners Accountability Tracker and approves a supplementary revenue budget for 2023/24 of £10,000, to be financed from the General Reserve.
8. That Council supports the establishment of an out-of-hours duty roster to deal with specific situations requiring immediate action or attention and approves a supplementary revenue budget of £5,000 for 2023/24, to be financed from the General Reserve.
9. That Council supports the need to appoint an external valuer to undertake the asset valuations required to provide a compliant Statement of Accounts and approves a supplementary revenue budget of £30,000 for 2023/24, to be financed from the General Reserve, and the inclusion of £30,000 per annum in the Medium-Term Financial Plan.

The Chair declared the motion **CARRIED**.

21:30 – Councillor David Chapman left the meeting.

149/23 - APPOINTMENT OF MONITORING OFFICER AND ELECTORAL REGISTRATION OFFICER

The Chief Executive introduced a report seeking to confirm the appointment of Helen Mitchell (designate Director of Corporate and Customer Services) as the Council's Monitoring Officer and Paul Wilson (Chief Executive) as the Electoral Registration Officer.

Members were informed that under section 5 of the Local Government Act 1989 the Council was required to designate one of its officers as the Monitoring Officer for the Council. The Monitoring Officer may not be either the Council's Chief Finance Officer or the Head of Paid Service (Chief Executive). The Monitoring Officer's functions were included in the report.

Helen Mitchell had recently been appointed as the new Director of Corporate and Customer Services and was due to take up her post at the beginning of November. It was proposed that Helen Mitchell be appointed as the Council's Monitoring Officer upon her commencing in post in November 2023.

In order to ensure that there is resilience in the period following the departure of the current Director of Corporate and Customer Services and the new Director of Corporate and Customer Services commencing in post, it was proposed that the Electoral Registration Officer responsibility be transferred the Chief Executive.

It was moved by Councillor David Burton, seconded by Councillor Nick Wilton and

RESOLVED (unanimously)

1. That Helen Mitchell is appointed as the Council's Monitoring Officer with effect from 6th November 2023.
2. That Paul Wilson is appointed as the Council's Electoral Registrations Officer with immediate effect.

The Chair declared the motion **CARRIED**.

150/23 - PROPOSED AMENDMENTS TO THE CONSTITUTION - FINANCIAL REGULATIONS

The Director of Resources introduced a report which recommended the adoption of revised Financial Regulations following a review to ensure that the rules complied with current best practice requirements.

Members were informed that section 151 of the Local Government Act 1972 required the Council to make arrangements for the proper administration of its financial affairs. It was required to conduct its business efficiently and to ensure that it had sound financial management policies in place and that they were strictly adhered to. Financial regulations, which set out the financial policies of the Council, were the means by which the Council met that requirement.

The Council had adopted Financial Regulations as part of the Constitution which has been amended from time to time as required to meet the Council's operational needs. These were last reviewed in 2022.

The revised Financial Regulations were detailed in Appendix 1 to the report.

It was moved by Councillor Nick Wilton, seconded by Councillor Mark Wakeman and

RESOLVED (unanimously)

That the draft Financial Regulations be approved and adopted as Part 9 of the Council's Constitution.

The Chair declared the motion **CARRIED**.

151/23 - REVENUE BUDGET MONITORING QUARTER 1 2023/24

The Director of Resources introduced a report which provided an update on the Council's revenue budget for 2023/24 and sought approval for virements and the revised budget for 2023/34. It was noted within the report that on 2 March 2023 Council set a net revenue budget of £13,667,041 for 2023/24. Since the budgets formal approval in March, a number of minor virements had been approved under delegated authority and larger virements had been approved by subsequent meetings of the Council, which had impacted directorate totals. The additional approved budget changes were summarised at Appendix 1.

The report and appendices presented Members with a full and accurate financial picture in order to ensure that they were able to make an informed decision regarding the recommendations of the report.

It was moved by Councillor Nick Wilton, seconded by Councillor Lucy Peacock and

RESOLVED (unanimously)

1. That the updated revised revenue budget for 2023/24, including the virements as identified in paragraphs 1.2 to 1.4 of the report, be approved.
2. That the forecast underspending of £740,740 for 2023/24 be received and agreed.
3. That any underspend at out-turn for 2023/24 be transferred to reserves as detailed in paragraph 1.11 of the report.

The Chair declared the motion **CARRIED**.

Meeting Closed: 9.47 pm

Chairman

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Agenda Item 13

Council – 14 December 2023

GYPSIES AND TRAVELLERS - UPDATE

Report of the Director of Housing

Report Author and Contact Details

Robert Cogings, Director of Housing

01629 761354 robert.cogings@derbyshiredales.gov.uk

Wards Affected

District wide

Report Summary

The report provides an update on the implementation of the 28th September 2023 Council resolutions and seeks specific approval of revised site search and assessment criteria to be adopted in the search for permanent and temporary tolerated Traveller sites.

Recommendations

1. The site search and assessment criteria set out in Appendix 1 are adopted.
2. The Council formally discontinues work in relation to the Woodyard, Homesford.
3. That expenditure of £3,623 in relation to the Woodyard, Homesford is noted and that the unspent revenue budget of £21,377 is re-designated for the appointment of land agents.

List of Appendices

Appendix 1 Site Search and assessment criteria

Background Papers

Updated report of the Traveller Working Group presented to Council on the 28th September 2023.

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

GYPSIES AND TRAVELLERS – UPDATE

1. Background

1.1 At the Council meeting on the 28th September 2023 Members considered a report from the cross-party, member led Traveller Working Group proposing a range of measures in order to progress the identification of suitable sites for Gypsy and Traveller families to whom the District Council has a statutory homelessness duty.

1.2 At the meeting, Council approved the following:

1. That the Council approves and adopts a requirement to undertake online consultation for a minimum of six-weeks, supplemented by public meetings on proposals to allocate land for use as temporary or permanent Traveller sites with relevant consultation materials being made available on the Council's website and in other formats to enable a wide level of response.
2. That the Council approves and adopts the decision-making processes outlined in Section 3 of the report in respect of permanent and temporary traveller sites with the additional requirement that Stage 1 includes as its first step, the preparation of evaluation criteria to be applied in all cases and the process by which those criteria are to be applied.
3. That the Council recommends the Planning Policy Manager to amend the assessment of Clifton Road Coach and Car Park against Local Plan Policy HC6 in view of the representations received from a member of the public.
4. That the Council agrees to undertake a period of six-weeks of online consultation supplemented by public meetings in respect of designating The Woodyard, Homesford as a temporary or permanent Traveller site post completion of the RIBA stage 3 assessment.
5. That following positive engagement with the Traveller families and confirmation that the site is a viable option, authority be delegated to the Director of Housing to commission the necessary works up to RIBA Stage 3 (planning submission) and that a supplementary revenue budget of £25,000 be financed from the General Reserve to facilitate this work.
6. That the Council appoints land agents to proactively seek suitable locations and undertake targeted engagement with local landowners and organisations, such as the NFU, to establish whether any landowners would be willing to enter into negotiations.
7. That the Council approves a supplementary revenue budget of £33,000 to be financed from the General Reserve to establish a 2 year fixed term contract position(s) as recommended by the Corporate Leadership Team to assist with the search for sites and manage any future designated sites.

8. That the Council adopt Tenancy Agreements to establish agreed standards of behaviour and outline what action the Council will take in the event of breaches of the agreement.
- 1.3 This report provides an update on the work that has been undertaken to date in progressing a number of these decisions.
- 1.4 Members will be very familiar with the ongoing need to find suitable permanent sites for the two families the Council owes a homelessness duty to. The September report covered much of the history and key issues for the Council to address and so it is not proposed to repeat these here.

2. Actions Update

Recommendation 3: Clifton Road, Ashbourne

- 2.1 The Planning Policy Manager has amended the assessment of Clifton Road Coach and Car Park against Local Plan Policy HC6 in view of the representations received from a member of the public.

Recommendation 5 : The Woodyard, Homesford

- 2.2 On 14th September 2023, the District Council resolved to grant planning permission (23/00630/FUL) for the change of use of land to 8no pitch traveller site with associated new access. Prior to the site being granted planning permission, enquiries were made with the landowner and agent in regard to a number of issues including access to services and facilities such as water and drainage.
- 2.3 Immediately following the 28th September Council meeting, arrangements were made to commission a development appraisal and site design works.
- 2.4 On 6th October, representatives of the Traveller Working Group accompanied by officers, the Council's Architect and the agent for the landowners met on site to evaluate the potential of delivering a Traveller site. Following this site meeting, the Council's Architect initiated quotes for various essential surveys including a topographical survey, tree survey, drainage design, highways design including new access, soft and hard landscaping, acoustic fences and site investigations stages 1 and 2 in order to establish whether there were any issues with the land given that it has been made up in the past.
- 2.5 The Architect also commissioned a services check which revealed that, despite reassurances to the contrary, there is no clean water connection, no foul sewerage and no provision for surface water drainage. The nearest clean water connection is 200m away and requires access across at least 2 parcels of land in private ownership.
- 2.6 In order to undertake the necessary surveys outlined at 2.4 above, the Council needed to secure the agreement of the landowner to enter onto the site since without these surveys, the architect cannot develop a detailed design. Without a detailed design, Officers cannot estimate the costs of construction and without a construction costs estimate, a realistic offer for the site could not be made.

- 2.7 A number of approaches were made via email to the landowners in order to secure their agreement to enter the site in order to undertake the necessary surveys. Despite these requests, approval was not forthcoming.
- 2.8 On 9th of November, the landowners emailed the Director of Housing advising that they had sold the site and requested that the Council stop contacting them.
- 2.9 The planning application submitted by the owners was basic and, despite assurances from their agent that services were available, this has proved not to be the case. Any future owner wishing to develop that site would need to go to some considerable expense to provide water to the site. A sewage connection will also be expensive since, despite the presence of the nearby sewage treatment works, the nearby sewer pipe is pressurised and can't be connected to. In summary, the site has significant constraints that are not easily overcome. These issues were not addressed by the applicant within their planning application. The landowners have not given consent to access the site and undertake surveys, believing instead the Council would simply purchase the site without undertaking necessary due diligence evaluations and costings. The level of expenditure on the site work came to £3,623, resulting in an underspend of £21,377 against the budget of £25,000.
- 2.10 Given the sale to a third party and the reported constraints, there is no immediate prospect of this site being deliverable and all evaluation work has ceased. No further consultation is therefore required relating to Recommendation 4.

Recommendation 6 : Appointment of Land Agents

- 2.11 In order to appoint land agents, the Council needs to agree the site assessment criteria to be employed in the search for, and identification of potential sites for further consideration.
- 2.12 Historically, a number of approaches have been adopted. The Traveller Working Group has reviewed the criteria taking in to account Local Plan Policy HC6 and learning from the most recent sites searches. The revised criteria are set out in Appendix 1 for Members to consider with a view to adoption.
- 2.13 The Council's Contract Standing Orders require 3 quotes to be obtained for contracts with a value of less than £30,000. The approved criteria will inform the specification against which land agents will need to review sites and their estimate for the cost of the work. Officers are collating a list of suitable organisations able to deliver this contract. Subject to the approval of the site assessment criteria, a contract will be awarded to commence this work.
- 2.14 There is currently no approved revenue budget for this purpose. It is recommended that the underspend of £21,377 from the Woodyard works budget (see paragraph 2.09) be re-designated for the appointment of land agents.

Recommendation 7 : Additional Officer Resources

- 2.15 In accordance with the Council's recruitment policies, a person specification and job description for this new role has been produced and is currently being progressed through the Job Evaluation process. Recruitment is planned for early 2024.

Recommendation 8 : Proposed Licence / Tenancy Agreement

- 2.16 Members will recall that in relation to Recommendation 8, some concerns were expressed by the Derbyshire Gypsy Liaison Group at the previous meeting of the Council, relating to the term 'Licence Agreement'. Officers are keen to ensure that before issuing the agreement, the Derbyshire Gypsy Liaison Group has the opportunity to comment on the agreement. A draft copy has therefore been provided for their consideration.

3. Options Considered and Recommended Proposal

- 3.1 This report provides an update on recommendations previously approved by Council. The planning criteria to be applied in assessing the suitability of land for traveller sites are set out at Policy HC6 of the December 2017 Adopted Derbyshire Dales Local Plan, which is informed by the Joint Derbyshire Gypsy and Traveller Accommodation Assessment 2015, the National Planning Policy Framework, and the national Planning Policy for Traveller Sites 2015.
- 3.2 The HC6 criteria, (a) to (i), were applied by the previous Gypsy & Traveller Working Group in November 2022 to assess the suitability of sites within DDDC ownership. However, it is agreed that, on their own, the criteria do not adequately address the particular needs of the families to whom DDDC owes a duty, and further refinement of the assessment criteria is needed.
- 3.3 The criteria serve 2 purposes. Firstly, to provide search parameters for the external agents to apply in bringing forward potential sites for consideration, and secondly, to provide objective criteria against which those sites can then be evaluated by the Council. Some of the HC6 criteria are a matter of judgment and subjective evaluation, rather than a tick box exercise, so it will not be helpful to try to use exactly the same list for both purposes. For example, it will be a matter for the Council to decide whether, on balance, a particular proposal would have a detrimental effect on neighbouring residential amenity. This is not an issue which can be determined by the agent, although information relevant to that assessment will need to be provided in order to inform the Council's assessment.
- 3.4 It is therefore necessary to identify the "must have" elements, so that the agents can target their searches appropriately. The criteria also need to specify the information needed from the agents on the key criteria, to enable the Council to make an assessment. Some criteria will be entirely a matter of judgment for the Council, based on knowledge of the particular families involved, which cannot, for reasons of confidentiality, be published in a set

of written criteria. Set out in Appendix 1 is a suggested list of criteria for the search and for the assessment stages by reference to the related HC6 criteria. “Must have” elements are highlighted, and these should be emphasised in the instructions to the agents.

- 3.5 The consultants appointed to deliver the site identification should also have regard to the 2008 ‘Designing Gypsy and Traveller Sites’ good practice guide published by government. Although this was withdrawn in 2015 and replaced by the ‘Planning policy traveller sites’ document, it remains a useful guide setting out broad principles to consider. The more recent ‘Places we’re proud of’, provides a short guide to providing and managing sites for Gypsies and Travellers, published in 2021 by the National Policy Advisory Panel on Gypsy and Traveller Housing.

4. Consultation

- 4.1 The work going forward to deliver each of the recommendations outlined in the report will have differing levels of consultation with those affected. Initially DGLG will be consulted in relation to the Licence agreement and the proposed site search criteria.

5. Timetable for Implementation

- 5.1 The actions set out in section 2 of this report contain a number of pieces of work that are currently underway and continuing in to 2024. Subject to confirmation by Council, an invitation to quote will be prepared and sent out consultants before the Christmas break. Bids received will be assessed and consultants appointed in January 2024.
- 5.2 The provision of facilities to help residents with mobility issues will need to be assessed and quantified. Temporary measures that ease the impact of the cold weather can be installed relatively quickly.

6. Policy Implications

- 6.1 The District Council has accepted a homelessness duty to two families. The existing temporary sites remain challenging. Permanent sites are required to ensure the Council can both discharge its homelessness duty and have a compliant Local Plan.

7. Financial and Resource Implications

- 7.1 At the Council meeting on 28 September 2023 approval was given for the following supplementary revenue budgets:
- £25,000 to facilitate the necessary works up to RIBA Stage 3 (planning submission) for The Woodyard, Homesford; and

- £33,000 to establish a 2-year fixed term contract position(s) as recommended by the Corporate Leadership Team to assist with the search for sites and manage any future designated sites.
- 7.2 As indicated in this report, the level of expenditure incurred on the Woodyard site was £3,623. This results in a revenue budget underspend of £21,377.
- 7.3 The financial risks associated with the recommendations in this report are assessed as low.
- 7.4 There will be other resource implications, with officer time spent delivering the recommendations of this and the previous report.

8. Legal Advice and Implications

- 8.1 This report provides members with an update on the implementation of the 28th September 2023 Council resolutions.
- 8.2 There are 3 recommendations contained within this report. The legal risk of challenge when taking these decision as recommended has been assessed as low.

9. Equalities Implications

- 9.1 The Gypsy and Traveller community are one of the most vulnerable and disadvantaged communities in society. Gypsies and some Traveller ethnicities have been recognised in law as being ethnic groups protected against discrimination by the Equality Act 2010.

10. Climate Change Implications

- 10.1 There are no direct climate change considerations at this stage. Permanent sites yet to be developed will have climate change implications, which will be considered a later stage.

11. Risk Management

- 11.1 The Traveller Working Group report presented to Council on the 28th September 2023, established several key principles and processes in the identification and delivery of permanent sites. Following these key principles and processes will help to reduce the level of risk associated with the delivery of permanent sites. However experience shows that such work is controversial and each potential site will bring fresh challenges.

Report Authorisation

Approvals obtained from Statutory Officers:-

	Named Officer	Date
Chief Executive	Paul Wilson	06/12/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	06/12/2023
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	6/12/2023

Appendix 1

Minimum plot size (for whole site): The DCLG 2008 guidance advises that pitches should allow space for a mobile home and touring caravan as well as amenity building, parking and vehicle turning room. Parking, visitor spaces and play areas also feature in more recent guides. Data from other districts in the west midlands shows that councils typically use a minimum pitch size of 500-550sq m for residential sites and 300-350sq m for transit sites. **Two sites between 2500sq m (0.25ha) and 3500sq m (0.35ha) are therefore sought.**

HC6 Criteria	Must have / Information needed from agents	Issues for Council to assess
(a) the proposal will not have a significant detrimental impact on neighbouring residential amenity or other land uses;	Comment on neighbouring land use, potential impact the number of dwellings within 100m of the site	<ul style="list-style-type: none"> • Nature and extent of impact • Viability and cost of appropriate mitigation
(b) the site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network and would not result in a level of traffic generation which is inappropriate for roads in the area;	Must have: <ul style="list-style-type: none"> • vehicular access • pedestrian access Comment on any highway issues	<ul style="list-style-type: none"> • Road safety for site users, road users and pedestrians • Viability and cost of appropriate mitigation
(c) the site is situated in a suitable location in terms of local amenities and services including schools, shops, health services, and employment opportunities to allow access by sustainable means;	Comment on access to: <ul style="list-style-type: none"> • Bus route • Shops • Schools • GP • Other health services 	<ul style="list-style-type: none"> • Relative importance of individual amenities to the likely site occupants
(d) the site is capable of providing adequate on-site services for water supply, mains electricity, facilities for recycling and waste disposal and foul and surface water drainage and storm water drainage;	Must have: <ul style="list-style-type: none"> • A water supply on site or that can be brought to site without impacting viability • An electrical supply on site or that can be brought to site without impacting viability. • mains sewerage connection or if not 	<ul style="list-style-type: none"> • Viability and cost of bringing services to site • Viability and cost of installing adequate surface water drainage • Any impediment to regular waste / recycling collection

	<p>possible septic tank or other facility such as a reed bed.</p> <p>Comment on surface water drainage including storm drainage, and any issues re waste disposal / recycling</p>	
<p>(e) the site will enable vehicle movements, parking and servicing to take place, having regard to the number of pitches/plots and their requirements as well as enabling access for service and emergency vehicles;</p>	<p>Must have:</p> <ul style="list-style-type: none"> • Ability to provide demarcated site boundaries per pitch • Ability to provide easy access and exit for emergency vehicles • Ability to provide adequate site security including gates • Ability to provide communal recreation area • Ability to provide 2 vehicle spaces per pitch • Ability to provide 6m separation between trailers • Ability to provide space for keeping dogs / small animals outside trailers 	<ul style="list-style-type: none"> • Whether these criteria are adequately met, from the point of view of the needs of the likely occupants • Any identifiable risks arising from layout, by reference to the needs of the likely occupants • Viability and cost of works
<p>(f) the site is not situated within an area at high risk of flooding;</p>	<p>Must be within a low flood risk area, preferably Zone 1</p>	<ul style="list-style-type: none"> • Whether satisfactory evidence of flood risk is available • Viability and cost of appropriate mitigation
<p>(g) the development is well planned and incorporates soft landscaping measures in order to mitigate the impact upon the character or appearance of the local area, the landscape or sites/areas of nature conservation value or heritage assets;</p>	<p>Comment on any issues likely to impact on future development and landscaping of site</p>	<ul style="list-style-type: none"> • Viability and cost of good quality development scheme • Viability and cost of mitigation measures

<p>(h) the site is capable of providing adequate levels of privacy and residential amenity for site occupiers;</p>	<p>Must have</p> <ul style="list-style-type: none"> • Ability to provide adequate fire safety measures with pitches no more than 30m from a defined 'Fire Point' • Ability to provide visual privacy • Ability to provide for needs of disabled residents and children <p>Comment on</p> <ul style="list-style-type: none"> • Ability to provide acoustic privacy • Ability to orientate pitches to provide privacy between trailers 	<ul style="list-style-type: none"> • Specific safeguarding and safety needs of likely site occupants, including <ul style="list-style-type: none"> ○ Privacy ○ Security ○ Disabled access ○ Parking for carers ○ Play area • Overall attractiveness of site • Viability and cost of mitigation / improvement measures such as screening • Fire safety measures recommended by the Fire Safety Officer
<p>(i) the site is suitable taking account of ground conditions, land stability and other environmental risks and nuisances, with appropriate mitigation secured prior to occupation.</p>	<p>Comment on</p> <ul style="list-style-type: none"> • any known contaminants • ground stability • Ability to provide a concrete hardstanding for each pitch 	<ul style="list-style-type: none"> • Whether satisfactory evidence of ground conditions, land stability and other environmental risks is available • Viability and cost of mitigation

Agenda Item 14

Council – 14 December 2023

DERBYSHIRE DALES PLAN 2024-28

Report of the Leaders of the Progressive Alliance

Report Author and Contact Details

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

Wards Affected

District-wide

Report Summary

The Derbyshire Dales Plan (corporate plan) is the District Council's primary policy document. It establishes the Council's policies and priorities for the coming years and sets the framework for allocating scarce financial and human resources through the forthcoming budget and service planning process.

The report reiterates the commitments of the Council's leadership, and sets out Aims, Themes and Principles. It proposes a process and timescale for completing the detailed Derbyshire Dales Plan for the period 2024-2028.

Recommendations

1. That the Aims, Themes and Principles set out in Appendix 1 be approved as the basis of the new Derbyshire Dales plan
2. That the draft Theme priorities and outcomes set out in Appendix 2 be noted as work in progress
3. That a cross-party working group be established for each of the five Themes (each with one member from each Political Group) responsible to policy committees, as set out in the report
4. That each Political Group makes their nominations to the working groups directly to the Council's Director of Corporate and Customer Services (Monitoring Officer) by no later than 5pm, 15 December.
5. That the process and timescale for completing the development and adoption of the Derbyshire Dales Plan set out in the report be agreed.

List of Appendices

Appendix 1 Aims, Themes and Principles for approval
Appendix 2 Draft Theme priorities and outcomes (work in progress)

Background Papers

Governance and Resources Committee, 14 September 2023
Council, 24 November 2022

Exempt from Press or Public
No

Derbyshire Dales Plan 2024-28

1 Background

- 1.1 The Derbyshire Dales Plan (corporate plan) sets out the aims of the District Council for the coming years and lists the key improvement projects. The Plan is the over-arching strategy for the District Council as it sets out specific areas to maintain and improve service delivery in the coming years.
- 1.2 The current corporate plan was adopted by Council in March 2020 and has three themes:
 - *People* – providing you with a high quality **customer experience**
 - *Place* – keeping the Derbyshire Dales **clean, green and safe**
 - *Prosperity* – supporting better **homes and jobs** for you.
- 1.3 Derbyshire Dales District Council has limited human and financial resources with which to deliver its statutory and discretionary services and initiatives. Despite being one of the smallest principal councils in the country, the Council has succeeded in delivering significant projects and services; but only by carefully prioritising what it does, when it does it, and to what level.
- 1.4 The preparation of the Derbyshire Dales Plan provides the opportunity for the new administration to set out the District Council's priority services and projects, and to ensure that appropriate budgetary and staffing provision is made to deliver these. It then provides a yardstick against which progress over the coming years can be measured.
- 1.5 This report updates work on the new Derbyshire Dales Plan since the report to the Governance and Resources Committee on 14 September 2023. It seeks approval of the high-level plan (Aims, Themes, Principles) and agreement to the remaining process and timescale for developing and adopting the new plan.

2 Key Issues

- 2.1 Council on 24 November 2022 considered and agreed the initial steps for the preparation of new Corporate Plan for the period 2024 and beyond, taking into account staff and financial resources. This followed an informal cross-party 'sounding board' session with Members on 18 October 2022.
- 2.2 Consulting residents, Members and staff on their views on the relative importance of District Council services and their satisfaction with those services, plus gathering their aspirations for the future, gave the Council an important steer on the direction of travel it needs to take. The results of this consultation, plus statistical evidence on the needs of the Derbyshire Dales district, were presented to the Governance and Resources Committee on 14 September 2023. An all-Member Workshop was held on 19 September, where hard evidence from data and residents' consultation was presented.
- 2.3 To recap, the evidence base presented to Members sets out the key issues for the Derbyshire Dales to be as follows:

Significantly **low local wages** and **high local house prices** are contributing to a declining and **ageing population**; and together with **CO2 emissions** and **insulation** these are concerns.

- 2.4 Residents' survey respondents said the three services most important for the Council to prioritise spending on are:
1. **Keeping town centres, villages, and streets safe, clean, and clear of litter, dog fouling and fly tipping**
 2. **Household waste and recycling collections**
 3. **Creating and sustaining local jobs and business opportunities**
- 2.5 Since September, meetings have been held of Progressive Alliance Working Groups, some of which have had officer input. Through this process, and meetings between the Corporate Leadership Team and Progressive Alliance Leaders, a set of high-level Aims, Themes and Principles have been developed. These are attached at Appendix 1, and were considered at an All-Member Workshop on 4 December 2023. They are proposed as the basis for the new Derbyshire Dales Plan.
- 2.6 Agreeing and expressing aims, themes and principles is the first part of preparing a corporate plan. The next task will be to cut down the multitude of possible activities and projects into a programme that is deliverable within available financial and staff resources. This is work in progress, and the current draft priorities and outcomes for each Theme are set out in Appendix 2 for noting.
- 2.7 In order to take forward these drafts and create delivery plans, aligned with the budget for 2024/25 to be presented to Council on 29 February 2024, it is proposed that (for each of the five themes) a cross-party working group be established. These will be task and finish groups, meeting first in January and completing their initial task in February. They will each comprise one Member from each of the four political groups. The Chair of each working group will be selected by its members at its first meeting. Each working group will have officer support. The output of each working group is to arrive at a delivery plan for the 2024/25 financial year initially. Each working group will be responsible to a 'parent' policy committee, as follows:
- *Community and Environment Committee*
 1. Environment
 2. Housing
 3. Place shaping and Economy
 4. Community services and resources
 - *Governance and Resources Committee*
 5. Financially sound, fair and responsive Council (corporate)
- 2.8 The work undertaken by Circling Squares (Council, 29 September 2022) identified that the current Corporate Plan includes too many targets, projects and actions. In order to match ambition to resources, a challenge for the working groups is to manage expectations with regard to prioritisation and resourcing. Therefore, as more definitive actions, targets and projects start to take shape, these will need to be tested to ensure that there are adequate

resources, both human and financial to ensure that they are capable of implementation at the required time.

3 Options Considered and Recommended Proposal

- 3.1 The recommended next step is to develop delivery plans via cross-party working groups. These are a means of testing options prior to Council consideration of a deliverable, detailed Derbyshire Dales Plan at its meeting on 29 February 2024.

4 Consultation

- 4.1 The Derbyshire Dales Plan preparation has involved extensive consultation with members, residents and staff, as set out in this and previous reports.

5 Timetable for Implementation

- 5.1 It is envisaged that the new Derbyshire Dales Plan will form the basis of budgeting and service planning, with budgets for 2024/25 and an updated Medium-Term Financial Plan being approved at Council on 29 February 2024. The new Derbyshire Dales Plan would come into force from April 2024. It will replace the current Corporate Plan which runs to March 2024.

6 Policy Implications

- 6.1 The new Derbyshire Dales Plan will set the overall direction for the delivery of Council services and policies. This may result in different service areas adopting new and revised policies, depending upon the extent of changes envisaged in the Plan.

7 Financial and Resource Implications

- 7.1 The development of a new Derbyshire Dales Plan will require an appropriate level of budgetary provision to deliver the projects and proposals included therein. This may necessitate some prioritisation and redeployment of existing budgets and staff.
- 7.2 In this regard, the crucial task for Members will be to select from the multitude of possible activities and projects (all of which fit within priorities) and agree a focused programme that is deliverable within available financial and staff resources. Such an approach allows for the development of a realistic and deliverable plan.
- 7.3 The working groups are expected to each develop a delivery plan for the 2024/25 financial year initially. This is likely to result in resources being re-aligned with the new Aims. This re-alignment will be reflected in the draft budget and Medium-Term Financial Plan that are due to be approved by Council on 29 February 2024.
- 7.4 Elsewhere on the agenda for this Council meeting is a revenue budget monitoring report, which forecasts a surplus on the revenue account for 2023/24. That report recommends that £225,579 is transferred to the Corporate Plan Priority Reserve. Subject to Members' approval, that would provide some additional funding to support key actions in the delivery plans.

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

8 Legal Advice and Implications

8.1 This report refers to the Derbyshire Dales Plan which as stated is the District Council's primary policy document and a statutory requirement under the Local Government Act 2000. There are 5 recommendations contained within this report, the legal risk of challenge associated with taking the decisions as recommended has been assessed as low.

9 Equalities Implications

9.1 As the Derbyshire Dales Plan will impact all Council services, an Equality Impact Assessment (EIA) will be carried out of delivery plans prior to the February Council meeting to ensure the Council meets its statutory duties on equalities. The EIA will also highlight and, if needed, suggest mitigation for potential positive and/or negative implications.

10 Climate Change and Biodiversity Implications

10.1 To be considered as activities emerge.

11 Risk Management

11.1 To be considered as activities emerge.

Report Authorisation

Approvals obtained from Statutory Officers:-

	Named Officer	Date
Chief Executive	Paul Wilson	06/12/2023
Director of Resources/ S.151 Officer	Karen Henriksen	05/12/2023
Monitoring Officer	Helen Mitchell	6/12/2023

AIMS

We have a clear goal: Thriving communities in a thriving environment.

We will:

- ***Build flourishing and sustainable communities for residents and businesses through our housing policies, economic development plans, local development plan, and service provision***
- ***Protect and enhance the Derbyshire Dales environment by prioritising climate change and working with partner organisations to minimise pollution and improve biodiversity***
- ***Create an open and modern Council by working with our communities, and engaging with partners (including other public authorities and infrastructure bodies) to champion rural towns and villages***

THEMES

From 2024 to 2028, we will focus on five themes:

- ❖ ***Housing that meets the needs of Derbyshire Dales residents***
- ❖ ***Prosperous and sustainable Derbyshire Dales communities and businesses***
- ❖ ***A thriving environment in the Derbyshire Dales***
- ❖ ***Resources and services to enable communities to flourish***
- ❖ ***A financially sound, fair and responsive Council***

PRINCIPLES

The mission and themes described the position we want to get to. The following principles state how we want to get there.

- ***Place thriving communities and environmental sustainability at the heart of all policies and actions***
- ***Pursue excellence in the services Derbyshire Dales provides***
- ***Manage our financial affairs responsibly and sustainably while using public resources prudently and effectively***
- ***Undertake and monitor all activities with diligence to ensure fairness, equality and non-discrimination***
- ***Recognising the statutory role of the Peak District National Park Authority, work together to ensure that communities across Derbyshire Dales benefit from the outcomes of this plan***
- ***Collaborate at county, mayoral and regional levels where more effective access and use of resources is possible and better outcomes will be achieved***
- ***Supporting and enabling community self improvement through Parish and Town Councils and community groups***
- ***Recognise the local knowledge and expertise in the Derbyshire Dales communities***
- ***Be accountable to the communities that we serve***

APPENDIX 2 DRAFT THEME PRIORITIES AND OUTCOMES (WORK IN PROGRESS)

Theme 1 Environment

A thriving environment in the Derbyshire Dales

Function: Across Housing, Clean and Green, Economic Development and Regeneration and Planning functions

Overall aims:

- Protect and enhance the Derbyshire Dales environment
 - Derbyshire Dales is a great place to live, work and visit; our decisions must secure that for future generations. Our Council will have sustainability at its heart, sustainable communities in a sustainable environment

Priorities:

- **Carbon neutrality and biodiversity net gain:** Facilitate District carbon neutrality by 2040 and biodiversity net gain (BNG), including more than 10% BNG in new developments through policies in the revised Local Plan, working with other stakeholders and facilitating householders and businesses
- **Future of Dales agriculture and land management:** work with other stakeholders to help farmers adopt sustainable agricultural practices and contribute to the Dales carbon footprint reduction, biodiversity and water retention in the land
- **Landscape:** Protect and enhance the landscape initially through policies in the revised Local Plan and a subsequent revised strategy
- **Pollution:** Actively monitor, identify and proactively address air and water pollution sources in the Dales in conjunction other authorities; encourage communities in monitoring through citizen science
- **Recycling:** Increase recycling and reduce landfill particularly associated with organic waste, plastics and rare and dangerous elements
- **Homes and Infrastructure:** Work with utilities and infrastructure providers to facilitate householders reduce their carbon footprints, un-recycled rubbish; enforce planning conditions including on site management companies regarding biodiversity requirements

A thriving environment in the Derbyshire Dales

Priorities	Outcomes
Climate change and biodiversity	<ul style="list-style-type: none"> A “web of green” is incorporated in all Council policies and functions with an emphasis on “Clean and Green”, Planning, Economic Development and Housing The climate action plan is extended to set a goal of carbon neutrality for the District by 2040 working with partners and stakeholders in business, housing and voluntary sectors
Dales agriculture and land management	<ul style="list-style-type: none"> Farm diversification grants are allocated and implemented DDDC supports Parish councils in gaining access to resources to increase the number of allotments
Landscape	<ul style="list-style-type: none"> Policies in the Local Plan address strategic landscape protection and enhancement Revision of the landscape strategy and SPD once the Local Plan is adopted
Pollution	<ul style="list-style-type: none"> The AQAP in Ashbourne is finalised and adopted as a priority action Measures to minimise the impact of vehicle and other sources of air pollution (including particulates) in the District are developed and implemented Severn Trent Water is proactively and assertively lobbied through all available means to reduce river pollution and overtopping of drainage and foul water sewers
Recycling	<ul style="list-style-type: none"> Acknowledging the success of recycling in the Dales, higher targets and measures to achieve them are implemented
Housing and infrastructure	<ul style="list-style-type: none"> Insulation and heat pumps to reduce the Dales carbon footprint are in widespread use Developers are required to provide designs for critical infrastructure with applications Planning conditions and building regulations are enforced Standards for site management companies are adopted following work at a national level to which the District has contributed

Housing that meets the needs of Derbyshire Dales residents

Function: Across Housing, Regulatory Services, Economic Development and Regeneration and Planning functions

Overall aims:

- To deliver a 'whole District' Housing Strategy which has at its centre the belief that everyone should have the right and ability to live and prosper within their own community, and that the existing and future housing stock should be 'fit for purpose' in the context of the challenges of climate change

Priorities:

- Increase the number of affordable homes built each year over the period of the plan, and beyond , to meet the determined District housing need with availability matched with local housing need across the whole District and available funds and land.
- Maintain our good track record on homelessness. Minimising homelessness within Derbyshire Dales, with an objective of people being made homeless are able to be rehoused locally.
- Stem the loss of housing stock to second and holiday homes so that they are managed and communities are not lost. This will be accomplished by utilising the council tax and planning system.
- Work to ensure that all rented housing, private and social is fit to live in with a robust council team supporting tenants.
- Noting the legal framework in which Home Options is provided, maintain the Home Options scheme and seek new ways of using housing services to maintain and enhance communities
- Provide support and guidance for improving the housing stock to cope with climate change and the cost of living
- Urgently work with communities, and the gypsies and travellers themselves, to provide safe, secure and properly serviced temporary and permanent sites for travellers and gypsies to comply with the law and the Local Plan

Housing that meets the needs of Derbyshire Dales residents

Priorities	Outcomes
Increasing the affordable housing stock	<ul style="list-style-type: none"> • A Housing and Related Financial and Land Banking Strategy to support ramping up the delivery of affordable houses (2024) • An understanding of where new houses are needed and growth targeted to meet the local demand • Providers, experts, PDNPA and local groups have been brought together to input in delivering the housing strategy • The Housing development function is reinforced to support the growth activities • Affordable Houses delivered have increased year on year
Prevent and minimise homelessness	<ul style="list-style-type: none"> • Reviewed and implemented the Homelessness Strategy due March 2024 • When required people made homeless remain within their local community
Second and Holiday homes	<ul style="list-style-type: none"> • Provisions within the Local Plan that changes from residential to Holiday/Second homes require planning permission. These provisions apply across Derbyshire Dales and the Peak Park • Council tax premium is in place and agreement on how the extra income is used to support the local communities
Improving Housing stock	<ul style="list-style-type: none"> • <i>A one-stop centre to advice householders exists for guidance, trusted trader and grants (County, Citizens Advice, Rural Action Derbyshire and Age UK undertake these services)</i>
Quality of Rental stock	<ul style="list-style-type: none"> • A support and maintenance charter for providers and tenants has been developed and enforced
Housing allocation	<ul style="list-style-type: none"> • Home Options, S106 and Derbyshire Dales clauses are reviewed
Travellers	<ul style="list-style-type: none"> • Temporary and permanent sites are found and a strategy developed for the future

Prosperous and sustainable Dales communities and businesses

Function: Housing and Economic Development and Regeneration

Overall aims:

- Encourage the provision of attractive well-paid employment and local career opportunities for residents through a focus on higher value adding and growth sectors
- Maintain support for individual businesses focused on grant funding and investment for micro businesses

Priorities

1. Working with the mayoral authority, increase the attractiveness of Derbyshire Dales to high value adding, growing sectors and business decarbonisation by:
 - Encouraging utilities to provide the required telecoms, electricity, water and transport infrastructure for housing and commercial use
 - Increasing the take up of education , apprenticeships and training opportunities in higher value occupations by Derbyshire Dales residents
 - Ensuring sites are available for housing and commercial use through the Local Plan, by working with public and private stakeholders and by accessing grant funding to bring brownfield sites back into use
2. Continue to improve the attractiveness of Dales towns and villages through targeted grant-funded redevelopment
3. Maintain the business support delivery, alongside external partners, aimed specifically at achieving a high level of grant take-up

Prosperous and sustainable Dales communities and businesses

Programme	Outcomes
Strategic framework	<ul style="list-style-type: none"> Revised economic plan developed in conjunction with the mayoral authority Revised Local Plan adopted by end 2026 with related documents including the revised infrastructure plan Marketing plan for Derbyshire Dales for the target markets of mayoral authority, high value adding and growth businesses and investors
Implement the strategic plans	The profile of Derbyshire Dales is raised regionally and with targeted sectors, and infrastructure provision and site availability improved
Facilitate town centre regeneration	<ul style="list-style-type: none"> A pipeline of other town and large village centre regeneration projects The Ashbourne Reborn programme successfully delivered Matlock's Bakewell Road site redeveloped successfully
Identified and installed brownfield sites	<ul style="list-style-type: none"> A masterplan for the development of Ashbourne Airfield phases 1 and 2 Plans for other strategic brownfield sites prepared with support from Homes England and implementation partners in place
Support small businesses	<ul style="list-style-type: none"> The business support role facilitates access to grant aid and financing Focus on high value growth business, decarbonisation opportunities and farm diversification

Resources and services to enable communities to flourish

Function: Clean and Green

Overall aims: *Recognising the excellent work done under this theme already, provide resources and services that create resilience in communities and that enable individuals within them to live fulfilling lives*

Priorities

Play areas: Orphaned play areas are adopted by a suitable organisation so that children's play needs are satisfied and facilities managed, maintained and improved

Leisure centres and services: Periodic contract review to determine value for money and focus of community based leisure services

Parks, open spaces and street environment: Continue to maintain and enhance the attractiveness of these places consistent with environmental policies

Events: Continue to provide attractive events with third parties that bring together the Dales' communities

Toilets: Working with community organisations and others, re-open toilets where feasible to do so and where there is an established need

Car parks: Maximise the benefit to the Council and the Dales' communities that car parks provide through additional sources of revenue generation while tariffing car parks to attract residents and visitors to Dales' towns

Waste and recycling: Prepare a policy and strategy for the period following the end of the Serco contract

Emergency planning: Continue the excellent support provided

Community safety partnership: Work to reduce crime and disorder and improve community safety in the Dales

Resources and services to enable communities to flourish

Priorities	Outcomes
Play areas	A policy and strategy for orphaned play areas and their ongoing management and maintenance is developed and implemented by suitable organisations
Leisure centres and services	Leisure centres reach levels of utilisation necessary to break even with continued growth in membership throughout the plan period Leisure services associated with well-being show growth in take up throughout the period
Parks, open spaces and street environment	Maintained to a high standard in accordance with environmental policies
Events	Programmes of events across the Dales for residents and visitors alike
Toilets	Continue to identify opportunities for re-opening toilets closed in the last five years working with community organisations and others
Car parks	An implemented strategy for increased car park revenue generation and space utilisation An implemented strategy for tariffing to attract residents and visitors to town centres
Waste and recycling	A prepared plan for the post-Serco period of waste and recycling collection
Emergency planning	Continued review and revision to maintain and improve the Dales resilience Identification of major threats to the Dales and strategies for eliminating
Community safety partnership	Maintain input and support of Community Safety Partnership

A financially sound, fair and responsive District Council

Overall aims

- The Council is the champion of the Derbyshire Dales community when working with partner organisations in the public and private sectors and in the provision of its own services.
- The Council supports particular vulnerable groups for which it has a responsibility by taking a lead even when unpopular decisions have to be made.
- The Council takes actions to ensure that the Derbyshire Dales are an attractive working and leisure environment, including leading by example with conditions for its own workforce.

A financially sound, fair and responsive District Council

Priorities

Consultation and engagement with residents

1. Undertake well publicized and designed consultation with residents about major policy changes and decisions that will affect them, the activities they pursue, the services we provide and the area in which they live.
2. Recognize that residents are often the eyes and ears of the Council whose evidence is to be taken into account in policy development and in decision making.
3. Ensure that all residents, and their Parish and Town Councils, understand how their communities will change during the implementation period of the Local Plan.
4. Ensure that access to DDDC services and information is provided to meet the needs of all individuals noting the difficulties some have with particular technologies and office locations.
5. Ensure management information is available to enable the effective management of functions and services

Sustainable finances and services

1. Manage financial affairs responsibly and sustainably using public resources prudently and effectively, while exploring opportunities to increase external income

DDDC staff terms and conditions

1. Work to ensure that staff terms, conditions, benefits, work-life balance and career development are regularly reviewed, in order to meet the needs of recruitment and retention, and to set an example to other local businesses and organisations

A financially sound, fair and responsive District Council

Outcomes

Consultation and engagement with residents

1. Acknowledged use of residents' local knowledge and expertise, noting that this is often to a recognised professional standard
 - Revised consultation process associated with planning applications
 - *Staff supported and enabled to follow the revised consultation process and its objectives*
2. Satisfaction survey results evaluate level of satisfaction with Council services and taken into account in subsequent service delivery
3. Information systems that make best (and cost effective) use of emerging technologies and approaches for interacting with residents and other stakeholders, and for managing services, functions, resources and staff

Sustainable finances and services

1. A financially sound District Council

DDDC staff terms and conditions

1. Actions taken to address recruitment and retention challenges



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

For assistance in understanding or reading this document or specific information about this Agenda or on the “Public Participation” initiative please call the Committee Team on 01629 761133 or email

committee@derbyshiredales.gov.uk

Local Plan Sub-Committee

Minutes of a Local Plan Sub-Committee meeting held at 6.00 pm on Thursday, 30th November, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Peter O'Brien - In the Chair

Councillors: Matt Buckler, Martin Burfoot, Nigel Norman Edwards-Walker, Gareth Gee, Susan Hobson, David Hughes, Lucy Peacock and Roger Shelley

Steve Capes (Director of Regeneration & Policy), Mike Hase (Policy Manager) and Tommy Shaw (Democratic Services Team Leader)

Note:

“Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council’s Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document.”

APOLOGIES

Apologies for absence were received from Councillor(s): Robert Archer

227/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Roger Shelley, Seconded by Councillor Gareth Gee and

RESOLVED (unanimously)

That the minutes of the meeting of the Local Plan Sub-Committee held on 27 September 2023 be approved as a correct record.

The Chair declared the motion **CARRIED**.

228/23 - PUBLIC PARTICIPATION

Councillor Vicky Raynes spoke on behalf of Tansley Parish Council regarding Item 5, Derbyshire Dales Local Plan – Settlement Hierarchy.

18:06 – Councillor Edwards-Walker entered the meeting.

229/23 - INTERESTS

There were no declarations of interest.

230/23 - LOCAL PLAN POLICY REVIEW

The Policy Manager introduced a report which provided Members with the details of key policy areas that the Local Plan review would seek to address in the future. The report informed Members of the requirement on each local planning authority to complete a review of the local plan every five years, starting from the adoption of the plan. In the case of the Derbyshire Dales, the review was required to be completed no later than December 2022, the commencement of this was formally endorsed by Council in November 2020.

The report informed Members of the work that had been completed to date, including the areas of work completed by consultants in order to ensure that the evidence base which underpinned the Derbyshire Dales Local Plan was up to date. It was noted that following this work a report was considered by Council which detailed the work undertaken and the areas which were determined as requiring modification to set a basis for future decisions on planning applications. A detailed schedule of all policies considered necessary to be revised were set out at appendix 1 to the report.

The key policy areas were summarised at paragraph 2.1 of the report, it was noted that whilst no detailed work had been completed on revisions to the wording of the policies in the Local Plan, given the comprehensive nature of the policy review it was considered that the areas identified remained valid and would continue to form the basis for future work on the Local Plan Policies.

It was moved by Councillor Martin Burfoot, Seconded by Councillor Gareth Gee and

RESOLVED (unanimously)

1. That the key topic areas as set in Paragraph 2.1, in addition to the topics listed below, be noted.
 - The relationship between development landscaping requirements and biodiversity net gain.
 - The retrofitting of existing properties to advance progression towards net zero goals.
 - Ensuring that infrastructure is adequate to support development, specifically drainage.
 - Ensuring that policies are endorsed and supported by residents, developers, and the planning inspectorate.
 - A clear definition of ‘Thriving and Flourishing Communities’ be established for use in the development of policies.

- That the equalities implications be considered throughout the process of policy development and implementation.
 - Renewable energy generation, at all spatial levels, to support the District in addressing the impacts of climate change.
 - Holiday and second homes, to enable the Local Plan to reflect the introduction in the Levelling Up Act of measures to bring their control within the scope of planning.
2. That future reports be presented to this Sub Committee for consideration, and which set out details of new and revised policy wording for inclusion in the Derbyshire Dales Local Plan review.

The Chair declared the motion **CARRIED**.

231/23 - DERBYSHIRE DALES LOCAL PLAN - SETTLEMENT HIERARCHY

18:37 – Councillor Matt Buckler entered the meeting.

The Policy Manager introduced a report which set out the outcomes of work that had been undertaken to review and update information relating to the assessment of the relative roles and functions of mid and lower tier settlements across the plan area and the extent to which they could contribute towards meeting future needs.

The report recommended that Members note the findings of the updated settlement hierarchy assessment and that the contents of the assessment would be used to inform the strategic development framework in the Derbyshire Dales Local Plan. The full Settlement Hierarchy assessment was set out in Appendix 1 to the report.

It was moved by Councillor Lucy Peacock, Seconded by Councillor Matt Buckler and

RESOLVED (unanimously)

1. That the Sub Committee notes the updated Settlement Hierarchy assessment as set out in Appendix 1.
2. That the evidence from the updated Settlement Hierarchy Assessment be taken into account in the development of a revised strategy and policies for the location and scale of development within the revised Derbyshire Dales Local Plan.
3. That a further report be presented to this Committee which utilises the evidence from the updated Settlement Hierarchy to develop an appropriate strategy for development across the plan area.

The Chair declared the motion **CARRIED**.

232/23 - DERBY, DERBYSHIRE AND EAST STAFFORDSHIRE GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT 2023

The Policy Manager introduced a report which provided Members with details of the Derby, Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment 2023.

The report sought Member endorsement for the contents of the assessment which was included at Appendix 1 to the report.

It was noted within the report that the assessment research had made use of several data sources including:

- An online survey and telephone interviews with key stakeholders regarding the accommodation needs of Gypsies, Travellers, Travelling Showpeople and boat dwellers.
- A review of the secondary information: a review of national and local planning policies and recently undertaken similar assessments, and analysis of secondary data.
- Surveys of Gypsies, Travellers, and Travelling Showpeople, covering a range of issues relating to accommodation and service needs.

It was also noted in the report that this updated evidence base would help the District Council to determine the extent to which Gypsy and Traveller site provision would need to be addressed in the future, through both policies and practical implementation.

It was moved by Councillor Gareth Gee, Seconded by Councillor David Hughes and

RESOLVED (unanimously)

1. The contents of the Derby, Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment 2023 be endorsed.
2. That the contents of the Derby, Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment be taken into account in the future review of the Derbyshire Dales Local Plan.
3. A further report be brought to this Sub Committee which sets out policies and proposals that address the consequences of the Derby, Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment.

The Chair declared the motion **CARRIED**.

233/23 - DERBYSHIRE DALES LOCAL PLAN - BUSINESS CASE FOR ADDITIONAL STAFFING RESOURCES

The Policy Manager introduced a report which sought Member endorsement for the securing of additional staffing resources for the Planning Policy Team to achieve the Progressive Alliance's 'fresh approach' to the Derbyshire Dales Local Plan review within the timescales required by the Government and approved in the Derbyshire Dales Local Development Scheme 2023-2026.

The report explained how the scope of the Local Plan review had recently been expanded and how the review had been prioritised highly by the leadership of the incoming administration. The current structure of the Planning Policy team was also covered within the report, this showed Members where the proposed additional resource would fit within the existing team and how this would provide the required improvement to resource capacity.

It was moved by Councillor Matt Buckler, Seconded by Councillor Martin Burfoot and

RESOLVED (unanimously)

1. That the need for the appointment of additional staff within the Planning Policy team is noted.
2. That the Local Plan Sub Committee supports the appointment of a Principal Planning Policy Officer.
3. That Council be recommended to approve a supplementary revenue budget of £13,922 for 2023/24 for a Principal Planning Policy Officer from 1st January 2024 to 31 March 2024, to be funded from the Revenue Grants Unapplied Reserve, and to note that the estimated annual cost of £55,688 from 1st April 2024 will be built into the Medium-Term Financial Plan, financed from the Neighbourhood Planning Grant and the Custom Build Register Grant, that sit within the Revenue Grants Unapplied Reserve, until exhausted.

The Chair declared the motion **CARRIED**.

Meeting Closed: 8.07 pm

Chair.

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Local Plan Sub Committee – 30th November 2023

Derbyshire Dales Local Plan – Business Case for Additional Staffing Resources

Report of Director of Regeneration and Policy

Report Author and Contact Details

Mike Hase, Policy Manager

01629 761251 or mike.hase@derbyshiredales.gov.uk

Wards Affected

All outside of the Peak District National Park

Report Summary

This report seeks support for additional staffing resources for the Planning Policy team to achieve the Progressive Alliance’s ‘fresh approach’ to the Derbyshire Dales Local Plan review within the timescales required by the Government and approved in the Derbyshire Dales Local Development Scheme 2023-2026.

Recommendations

1. That the need for the appointment of additional staff within the Planning Policy team is noted.
2. That the Local Plan Sub Committee supports the appointment of a Principal Planning Policy Officer
3. That if following further review it is considered necessary, delegated authority be given to the Director of Regeneration and Policy to appoint either a Graduate Planning Policy Officer or Planning Policy Officer.
4. That Council be recommended to approve a supplementary revenue budget of £13,922 for 2023/24 for a Principal Planning Policy Officer from 1st January 2024 to 31 March 2024, to be funded from the Revenue Grants Unapplied Reserve, and to note that the estimated annual cost of £55,688 from 1st April 2024 will be built into the Medium-Term Financial Plan, financed from the Neighbourhood Planning Grant and the Custom Build Register Grant, that sit within the Revenue Grants Unapplied Reserve, until exhausted.

List of Appendices

None

Background Papers

None

Consideration of Report by Council or Other Committee

Yes – the budget will require approval by Council.

Council Approval Required

Yes – Scheduled for Council 14th December 2023

Exempt from Public or Press

No

Derbyshire Dales Local Plan – Business Case for Additional Staffing Resources

1. Background

- 1.1 In November 2020 Council approved the start of a review of the Derbyshire Dales Local Plan, adopted in 2017. Since that time work has been ongoing on the review process, including updating the evidence base; a detailed assessment of the availability of land to meet potential future housing needs; and a review of the existing policies in the adopted Plan to ensure that they are up to date and in accordance with the National Planning Policy Framework (NPPF).
- 1.2 To date the focus of the review process has been on the implications that the updated evidence base has highlighted and the identification of areas stemming from proposed changes in emphasis in national policy and local priorities expressed by Members.
- 1.3 The review of the Local Plan was considered in a report presented to Council on 19th January 2022, where it was resolved that for the purposes of the legislation the review of the Derbyshire Dales Local Plan had been completed and that a number of the existing policies required modification to ensure that they were considered up to date.
- 1.4 The new administration elected in May 2023 has made it clear that it would take a ‘fresh approach’ to the Local Plan¹.
- 1.5 The Local Plan Sub Committee on 3rd July 2023 widened the scope of the Local Plan review and resolved as follows (Minute 37/23).

1. That the scope for the Local Plan and its policies be confirmed as:

- (a) To enable and strengthen flourishing communities within Derbyshire Dales.*
- (b) To ensure that the housing need in the Local Plan arises from the geographic area it covers, and that the proposed number and type of new housing units reflects a careful consideration of the actual likely needs of local people.*
- (c) To provide social and affordable housing where it is needed.*
- (d) To accommodate the requirements of a revised Economic Plan.*
- (e) To ensure a continued improvement in the biodiversity and natural capital of Derbyshire Dales.*
- (f) To ensure rapid progress towards net zero emissions in the Derbyshire Dales within the scope of the Local Plan.*
- (g) To ensure the Derbyshire Dales character in its landscape and townscapes is protected.*
- (h) To ensure the necessary infrastructures (grey, green and blue) and services are available for planned development.*
- (i) To ensure that the Plan will enable all residents to understand how their communities will change during the period of the Plan.*

¹ <https://www.derbyshiredales.gov.uk/your-council/news-and-social-media/latest-news/new-approach-for-derbyshire-dales-local-plan-review>

2. *That progress on the review of the Derbyshire Dales Local Plan to date be noted.*
 3. *That an update to the Icen Projects Housing Needs Assessment (2021) is commissioned and the results of that exercise be reported to a future meeting of this Sub-Committee.*
 4. *That a review of the current Settlement Hierarchy be undertaken to determine the extent to which communities across the Local Plan area are 'sustainable'. The results of this review be reported to a future meeting of this Sub-Committee.*
 5. *That consultants be commissioned to prepare advice to the District Council as local planning authority on the design policies and proposals of the Local Plan, including setting out the most appropriate approach to preparing Design Codes. The results of this commission to be reported to a future meeting of this Sub-Committee.*
 6. *That the commissions identified in this report as already commissioned be completed as appropriate and reported to future meetings of this Sub-Committee as is considered necessary.*
 7. *That Members meet with the Peak District National Park to explore what options might be available to improving the delivery of housing within the Peak District National Park area of Derbyshire Dales.*
 8. *That officers meet Peak District National Park officers to explore what options might be available to improving the delivery of housing within the Peak District National Park area of Derbyshire Dales.*
- 1.6 Discussions with Leading Members from the Progressive Alliance have indicated that the review of the Local Plan is one of their highest priorities, and they would like to see the review process expedited so far as is possible.
- 1.7 The Progressive Alliance draft Strategic Framework sets many policy areas that it wishes to see within a revised Local Plan, including more focus on sustainable communities, the delivery of more affordable housing to meet local needs, more emphasis on mitigating climate change, and ensuring high quality design of new development.
- 1.8 The current Planning Policy team consists of the following 2.1 FTE posts:
- Policy Manager 0.9 FTE (Scale 13)
 - Senior Planning Policy Officer 0.6 FTE (Scale 10)
 - Casual Senior Planning Policy Officer – 0.0 FTE (Scale 10)
 - Planning Policy Officer 0.6 FTE (Scale 7)
- 1.9 The work programme envisaged by the Progressive Alliance for the review of the Derbyshire Dales Local Plan involves the following:
- Reviewing & Updating the Evidence Base
 - Enhanced Public Consultation on Issues and Options
 - Preparation of a Draft Plan
 - Statutory Consultation & Examination in Public

2. Key Issues

- 2.1 The Government has recently published its proposals for reforms to Local Plans, a report on which was presented to the Local Plan Sub Committee on 27th September 2023. This indicates that **if Local Plans currently being prepared/reviewed are not submitted to the Secretary of State by 30th June 2025 then it will necessitate a new Local Plan to be prepared under the proposed new arrangements.**
- 2.2 Whilst there may be some advantages to the preparation of an entirely new plan under the proposed new arrangements, there is also some considerable risk to substantially delaying the adoption of the Derbyshire Dales Local Plan, which would be the case if a new Local Plan were necessitated.
- 2.3 Members of the Local Plan Sub Committee were advised of the June 2025 cut-off date and, on the basis of discussions held on Thursday 17th August, have accepted that this date is both reasonable and achievable for the submission of the Derbyshire Dales Local Plan, taking account of their aspirations for a ‘fresh approach’.
- 2.4 This deadline for the submission of the Derbyshire Dales Local Plan to the Secretary of State has been included in the Local Development Scheme approved by this Committee on 27th September 2023 (Minute 134/23)
- 2.5 At this time Icen Projects have been re-engaged to undertake an assessment of the future housing needs for Derbyshire Dales, and an Officer review of the Settlement Hierarchy has commenced to address the Progressive Alliance’s aspirations in relation to ‘thriving and flourishing communities’. A report on the latter is included on the agenda for this meeting.
- 2.6 A specification for consultants to provide advice on future design policy and codes was approved by the Local Plan Sub Committee on 27th September 2023. (Minute 135/23)
- 2.7 Future work prior to the submission of the revised Local Plan to the Secretary of State will necessitate undertaking public consultation, the preparation of a draft plan, and then formal statutory consultation on its contents.
- 2.8 The extent of work that has already commenced, and is still to be completed to address the aspirations of the Progressive Alliance in regard to the review of the Local Plan is significantly more than anticipated prior to the election of the new administration.
- 2.9 As such, additional resources are now required within the Planning Policy team to enable the review of the Derbyshire Dales Local Plan to be submitted to the Secretary of State by 30th June 2025 and adoption by December 2026.

3. Options

- 3.1 Four Options, set out below, have been considered to address the resourcing issue for the Planning Policy team.

- 3.2 **Option 1** - During previous periods of work related to the production of the Derbyshire Dales Local Plan to overcome 'humps' in workloads a Graduate Planning Policy Officer has been employed on a temporary contract. This arrangement has worked well in the past, and previous incumbents have been a valuable resource for the team and gained professional planning experience which they have used to further their careers.
- 3.3 One option, therefore, would be to once again employ a Graduate Planning Policy Officer on a full-time basis for the period up to 31st December 2026.
- 3.4 Such a post would be Grade 5 with annual costs of £30,829 including on-costs.
- 3.5 Whilst a Graduate Planning Policy Officer has proved to be a valuable arrangement previously it is considered that given the necessity to move at pace on the completion of the review of the Derbyshire Dales Local Plan the time required to oversee and provide training to a new graduate is likely to be counter-productive to achieving Members' goal.
- 3.6 **Option 2** – An alternative option would involve employing an additional Senior Planning Policy Officer, on a full time basis, who would have at least five years professional planning experience. This again would be a temporary appointment for the period to 31st December 2026.
- 3.7 Whilst inevitably there would be a period of bedding-in, this option would enable a suitable candidate to be much more productive and not require the same degree of supervision as a Graduate Planning Policy Officer. This option would allow the Policy Manager to focus on servicing Members requirements more effectively and delegate some of essential work associated with the review to the three Senior Planning Policy Officers.
- 3.8 Such a post would be a Grade 10 and with annual costs of £51,368 including on-costs.
- 3.9 **Option 3** – This would be similar to Option 2 but would involve employing a Principal Planning Policy Officer on a full-time basis, who would add in supervisory responsibility for the existing staff in the Planning Policy team. This post would provide support to the Policy Manager, add in resilience within the team and provide more capacity for engagement with both Members and other stakeholders at the level required.
- 3.10 Such a post could be either a temporary appointment for up to 31st December 2026 or a permanent position. It is worth noting however that recent attempts to recruit to temporary professional posts have proved fruitless.
- 3.11 This would be a Grade 11 post with annual costs of £55,688 including on-costs.
- 3.12 **Option 4** - This could be a combination of a Senior and/or Principal Planning Policy Officer, and a Graduate Planning Officer and/or Planning Policy Officer. Both posts would be full time and for a temporary period of two years.

- 3.13 This option would allow for a newly qualified graduate or a graduate with at least three years' experience to benefit from experience within the Planning Policy team. This would allow for the Principal/Senior Planning Officer to utilise their experience to the benefit of the Local Plan review. It would also allow them to provide supervision to the lesser experienced members of the team.
- 3.14 The annual costs of this option would be one of the following:
- Principal Officer (Grade 11) & Graduate Planning Policy Officer (Grade 5); £86,517 including on-costs
 - Senior Officer (Grade 10) & Policy Officer (Grade 7): £88,092 including on-costs
- 3.15 Other Options considered but not subject to any detailed consideration include the following:
- Do Nothing – Completion of Local Plan review unlikely to be completed within the required timescales.
 - Apprentice - Whilst attractive in principle, the level of experience and skills, required makes an apprentice unsuitable for the tasks envisaged. Notwithstanding this current disadvantage, an apprentice could potentially be added to the team in future.
 - Consultants/Contractors – Whilst this would enable a relatively quick appointment, whatever level a candidate may be appointed to. However from experience the consultants/contractors costs are likely to be significantly higher than employing staff directly, and the level of experience is not guaranteed to be any better than employing staff directly.
- 3.16 Taking all factors into account it is considered that on balance the most pragmatic option for now and into the future would be the appointment of a permanent full time Principal Planning Policy Officer.
- 3.17 All other posts within the Planning Policy team would retain their current job descriptions and person specifications, and not be subject to any change of grades.
- 3.18 Whilst it is anticipated that the appointment of a Principal Planning Policy Officer would enable the completion of the review of the Derbyshire Dales Local Plan as set out in the Local Development Scheme appropriate contingency arrangements should be considered. As such, in the event that further additional resources are required further consideration should be given to the appointment of either a Graduate Planning Policy Officer or a Planning Policy Officer. It is therefore recommended that delegated authority be given to the Director of Regeneration and Policy (in conjunction with the Corporate Leadership team) to appoint either a Graduate Planning Policy Officer or a Planning Policy Officer.

4. Timetable for Implementation

- 4.1 It is considered that recruitment of the additional resources should commence as soon as possible to ensure the timetable for completion of Local Plan review is met.
- 4.2 It is however anticipated that any new post is unlikely to be recruited until March 2024 at the earliest.

5. Policy Implications

- 5.1 All recruitment would be undertaken in accordance with the Recruitment policies.

6. Resources (Finance, HR, Estates and IT) Implications

- 6.1 The approach being taken by the Progressive Alliance to the review of the Derbyshire Dales Local Plan is such that there is much more direct involvement by Members in the process. This approach requires much more Officer engagement with Members than has happened previously.
- 6.2 The consequence of this is that whilst Members are much more actively involved in the Local Plan process, Officers (at the current time primarily the Policy Manager) are having to prepare for significantly more Member meetings, many of which have already been held outside of the formal nature of the Local Plan Sub Committee.
- 6.3 Paragraph 3.18 of this report states that the most pragmatic option for now and into the future would be the appointment of a permanent full time Principal Planning Policy Officer. The cost of such a Grade 11 post, including oncosts, is estimated as £55,688 a year.
- 6.4 It is suggested that funds from the Neighbourhood Planning and the Custom Build Register Grant, that sit within the Revenue Grants Unapplied Reserve totalling £135,932 be used to fund the proposals in this Business Case until exhausted. This would fund the Principal Planning Policy Officer post for more than two years (i.e. approximately to March 2026). Thereafter the cost would be funded from the General Reserve and taken into account when setting budgets for 2026/27 onwards. If approved, this would be built into the Medium-Term Financial Plan.
- 6.5 The financial risk of this report's recommendations is assessed as medium. However, the financial risks that could arise from an inadequate or delayed Local Plan could be high.

7. Legal Advice and Implications, Data Protection

- 7.1 There is a statutory duty for the District Council to prepare a Local Plan. Government proposals to reform the approach to the preparation of Local Plans as set out above. If the District Council does not have a revised Local Plan adopted by December 2026 in addition to the risk implications, there will be significant costs and time implications as a result of the delay the adoption of a new Local Plan

7.2 There are 4 decisions recommended to be taken in relation to this report. The legal risk of a challenge to the Council in taking the decisions in line with the recommendations has been assessed as low.

8. Equalities Implications

8.1 The appointment of any new post on the District Council establishment would be subject to the complying with the Public Sector Equality Duty, along with the District Council's normal recruitment policy.

9. Climate Change and Biodiversity Implications

9.1 Appointees to any of the posts set out in this paper will be responsible for reviewing and preparing the policies and proposals in the Derbyshire Dales Local Plan which seek to mitigate climate change and addressing the needs of biodiversity.

10. Risk Management

10.1 An appointment as soon as possible is required to enable the progress of the review of the Derbyshire Dales Local Plan to progress it to its final adoption. The longer that the Local Plan review takes to complete the greater the risk to the District Council that the future shape and direction of new development will not be plan-led, rather it will be determined by decisions made on un-coordinated planning applications, often on appeal.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/10/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	16/10/2023
Monitoring Officer (or Legal Services Manager)	Kerry France	20/11/2023

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**OPEN REPORT
COUNCIL**

Agenda Item 16

Council – 14 December 2023

REVENUE BUDGET MONITORING QUARTER 2 2023/24

Report of the Director of Resources

Report Author and Contact Details

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Wards Affected

District-wide

Report Summary

This report provides an update on the Council's revenue budget for 2023/24 and seeks approval for virements and the revised budget for 2023/24.

Recommendations

1. That the updated revised revenue budget for 2023/24, including the virements as identified in paragraphs 1.2 to 1.4 of the report, be approved.
2. That the forecast underspending of £795,579 for 2023/24 be received and agreed.
3. That any underspend at out-turn for 2023/24 be transferred to reserves as detailed in paragraph 1.18 of the report.
4. That the updated Medium Term Financial Plan (Appendix 5) be approved.

List of Appendices

Appendix 1 Approved Budget Changes since Revenue Budget Monitoring Quarter 1 Report (28th September 2023)

Appendix 2 Reserves Requests for approval at quarter 2

Appendix 3 Updated Revised Budget 2023/24

Appendix 4 Summary of Reserves – Forecasts for 2023/24 and 2024/25

Appendix 5 Updated Medium Term Financial Plan

Background Papers

None

Consideration of report by Council or other committee

N/A

Council Approval Required

Yes

Exempt from Press or Public

No

Revenue Budget Monitoring Quarter 2 2023/24

1. Background

- 1.1 On 2nd March 2023 Council set a net revenue budget of £13,667,041 for 2023/24. This was subsequently updated when the revised net revenue budget of £14,132,053 was approved by Council on the 28th September. After allowing for all transfers to and from earmarked reserves and all external funding, the forecast underspend at quarter 1 was £740,740.
- 1.2 Since the revised budget was formally approved, there has been a number of minor virements approved under delegated authority and larger virements approved by full Council, which has impacted directorate totals. These additional approved budget changes are summarised in Appendix 1 and have the overall effect of increasing the budget by £199,565.
- 1.3 Additional requests for the use of earmarked reserves are summarised in Appendix 2 these total £64,425 for 2023/24 and £166,440 for 2024/25 and 2025/26. The use of these reserves is for on-going approved Council projects where timing has been uncertain, and funds have previously been set aside within reserves.
- 1.4 The Council has been awarded grant funding by the Department of Levelling Up, Housing and Communities (DLUHC) to participate in a pathfinder study into housing conditions in the private rented sector. We are leading this project in partnership with Amber Valley Borough Council and Erewash Borough Council to undertake inspections of properties in this sector and scale, to identify any failing against Part 1 of the Housing Act 2004 and the Decent Homes Standards and to formulate a strategy to improve conditions. The project is fully funded until 31 March 2025. A supplementary budget for £204,624 has been requested for this and is included in Appendix 1.
- 1.5 The Council has been awarded grant funding by the Department of Levelling Up, Housing and Communities (DLUHC) to participate in a pathfinder study into housing conditions in the private rented sector. We are leading this project in partnership with Amber Valley Borough Council and Erewash Borough Council to undertake inspections of properties in this sector and scale, to identify any failing against Part 1 of the Housing Act 2004 and the Decent Homes Standards and to formulate a strategy to improve conditions. The project is fully funded until 31 March 2025. A supplementary budget for £204,624 has been requested for this and is included in Appendix 1.
- 1.6 The forecast out-turn position at Quarter 2 for the Council is an underspend of £795,579. This is based on estimates at 30th September 2023; updated forecasts will be reported throughout the financial year. Appendix 3 details the current forecast position and revised budget. A breakdown of the key variances can be found in the table below:

	£ 000's
Forecast overachievement of investment income	(963)
Increase in forecast tenants' rents	(47)
Overachievement of garden waste income	(48)
Underspend on elections budget	(70)
Anticipated reduction in planning application fees	100
Change of treatment of Government Grant - income budget to be removed	51
Increase in cost of Revenues and Benefits contract	51
Forecast reduction in recovery of rent allowance overpayments	25
Overachievement of car parking income	(25)
Above budget increase in ABC recharges	(34)
Forecast overspend on staffing budgets*	177
Other non-material variances	(13)
Total Quarter 1 Forecast underspend	(796)

*excludes (£15k) underspend on elections staffing to be transferred to elections reserve.

- 1.7 When the 2023/24 budget was set in March 2023 the Bank of England base rate was 4%; by 30 September 2023 this had risen to 5.25%. The Council had already exceeded its investment income budget at quarter 1 with income of £347k, at quarter 2 this figure is now £773k and it is anticipated that a further £427k can be achieved over the remainder of the financial year, giving a forecast budget surplus of £963k. This forecast is based on a number of assumptions and will be refined throughout the financial year, it currently assumes an average interest rate of 5% will be achieved on investments for the remainder of the financial year.
- 1.8 It is anticipated that the Council will make a net surplus on tenants' rental income of £47k over budget in 2023/24. This is due to an increase in Housing stock and better than anticipated occupation of properties.
- 1.9 During the year residents have continued to enter into subscriptions for garden waste collections. This has resulted in £48k additional income in excess of the current budget.
- 1.10 The elections budget is forecast to underspend by £70k due to a £15k underspend on elections staffing, £16k additional income above budget from town and parish councils, £39k underspend on stationery, printing and elections equipment and other minor underspends. It is proposed to transfer this amount to the elections reserve at year end to support the costs of future years' elections.
- 1.11 A pressure of £100k is anticipated on planning application fee income due to the increase in interest rates and the likely impact that may have on demand for the service.
- 1.12 A pressure of £51k on Local Council Tax Support has been identified due to a change in the treatment of this grant by Government for 2023/24 which was not identified at budget setting. As a result, the budget set for the receipt of this grant within Housing Benefits & Local Council Tax Support will not be achieved.

- 1.13 There is a forecast pressure of £51k on the Housing Benefit contract due to the implementation of a new structure, pressures from the 2023/24 final pay award and increased contributions to the pension fund. This pressure could be partially mitigated by vacancies in the service for 2023/24 and will be monitored throughout the year.
- 1.14 It is currently forecast that there will be a £25k reduction of income collected for Housing Benefit overpayments, based on the income collected to date in 2023/24 and the 2022/23 out-turn.
- 1.15 At quarter 2 car parking income is forecasting an overachievement of £25k based on current volumes.
- 1.16 Additional income of £34k is anticipated as a result of increased utilities charges to external partners at the Agricultural Business Centre, this is due to increases in electricity charges incurred by the Council to be passed onto partners; the increases in electricity charges were budgeted for in 2023/24, however the impact on the recharge was not reflected in the income budgets.
- 1.17 Staffing budgets are currently forecast to overspend by £177k (this excludes the £15k underspend on elections detailed in paragraph 1.8). This is mainly due to the forecast impact of the 2023/24 final pay award (agreed in November 2023), over and above the budgeted position. A breakdown of the current forecast out-turn for staffing budgets by directorate is included in the table below:

	Original Budget	Revised Budget	Forecast Out-turn	Variance
Chief Executive	332,777	332,777	328,672	(4,105)
Community and Environmental Services	3,144,339	3,200,492	3,235,957	35,465
Corporate Services	1,746,129	1,881,457	1,908,952	27,495
Housing	721,311	722,859	729,511	6,652
Regeneration and Policy	745,846	742,895	724,015	(18,880)
Regulatory Services	1,650,811	1,708,728	1,721,996	13,268
Resources	794,745	720,745	723,911	3,166
Provision for turnover	(95,000)	(113,652)	0	113,652
Total	9,040,958	9,196,301	9,373,014	176,713

Table includes temporary agency staff and recruitment advertising.

- 1.18 It is proposed that the £70,000 underspend on elections budgets detailed in paragraph 1.10 is transferred to the elections reserve at year end, £500,000 of the remaining underspend is transferred into a Waste Vehicles Replacement Reserve and the remainder, £225,579 is transferred to the Corporate Plan Priority Reserve. These transfers will be actioned at year-end, once the final out-turn position for 2023/24 has been determined.

2. Medium Term Financial Plan

- 2.1 The budget amendments highlighted in section 1 have been introduced into an update of the Medium-Term Financial Plan. Any one-off costs or income impacting

the 2023/24 Revised Budget have been reversed in 2024/25 so that no recurring impact is embedded.

- 2.2 The updated Medium Term Financial Plan is summarised in the table below and shown in detail in Appendix 5.

	Original Budget 2023/24 £'000s	Revised Budget 2023/24 £'000s	Forecast 2024/25 £'000s	Forecast 2025/26 £'000s	Forecast 2026/27 £'000s	Forecast 2027/28 £'000s
Net Spending Requirement	12,202	11,405	13,265	15,206	15,679	16,087
Funding	(12,202)	(12,202)	(12,843)	(13,745)	(12,276)	(11,687)
Savings to be achieved	0	(796)	422	1,461	3,403	4,400

- 2.3 A number of revisions relating to financial years 2024/25 to 2027/28 have been included in the current Medium Term Financial Plan to reflect the current position.

- 2.4 Adjustments have been made to 2024/25 inflation, to reflect the current forecast position, the below table outlines the changes in inflation rates.

	Inflation applied to 24/25 per revised MTFP	Inflation applied to 24/25 per approved budget March 2023
Pay Awards	5.00%	2.25%
Contracts	6.00%	3.10%
Fees and Charges	6.00%	3.10%
Waste Management Contract	6.00%	3.10%
Gas	-15.00%	3.10%
Electricity	6.00%	3.10%
Water	6.00%	3.10%
Fuel	6.00%	3.10%

- 2.5 Funding assumptions have also been updated to reflect the current forecast position however details of funding allocations will not be announced until the provisional settlement in December 2023, with the final settlement expected in early February 2024. The main change to funding assumptions since the approved budget in March 2023 is that funding reforms initially anticipated to take place in 2025/26 have been moved back to 2026/27 due to the likely timing of the next general election.

- 2.6 Detailed work on the 2024/25 budget is due to commence imminently and the Medium-Term Financial Plan for 2024/25 to 2028/29 will be presented to Council on 29 February 2024 for approval.

3. Options considered and recommended proposal.

3.1 The committee is requested to:

- receive and agree the quarter 2 forecast underspend of £795,579 as set out in section 1.6 to 1.18 of the report and detailed in Appendix 3 and the changes to the budget already approved detailed in Appendix 1;
- approve use of reserves requests set out in Appendix 2 and receive and agree the revised reserves position in Appendix 4;
- receive and agree the updated Medium Term Financial Plan detailed in section 2 and appendix 5.

4. Consultation

4.1 None.

5. Timetable for Implementation

5.1 If approved, the budget will be updated shortly after notification of Council approval and officers will have the authority to incur expenditure within revenue budgets.

6. Policy Implications

6.1 The Council's financial position is considered in determining all the priorities and allocating resources in the Corporate Plan.

7. Financial and Resource Implications

7.1 The forecast outturn on the revenue account for 2023/24 is currently a surplus of £795,579 against revised estimates at quarter 2. The position on the revenue account will continue to be monitored throughout the financial year and reported to Council quarterly. The report explains how these underspends have occurred and any recurring items will be considered when preparing the draft budget for 2024/25 and have been reflected in the updated Medium Term Financial Plan.

7.2 The updated Medium Term Financial Plan is based on a number of assumptions, such as inflation and the level of Government Funding. As the 2024/25 settlement is yet to be announced and there is significant uncertainty regarding future local government funding the financial risk is assessed as high.

7.3 The updated Medium Term Financial Plan, indicates that, without an improved Local Government Settlement, corporate savings will be required across the five-year period. While it is hoped that additional government funding will be received to help close this gap, if there is no increase in funding it will be a significant challenge to identify savings to balance the budget over this period. This financial risk is assessed as high.

7.4 The financial risk arising from the report's recommendations is assessed as high.

8. Legal Advice and Implications

- 8.1 The Council has a legal duty to set a balanced budget and has a general duty to act in the public interest in managing the custody of public funds.
- 8.2 The budget and forecasts have been prepared by qualified personnel using accepted principles to ensure proper accountability.
- 8.3 The legal risk of challenge of taking the decisions as recommended by this report has been assessed as low.

9. Equalities Implications

- 9.1 There are no direct equalities implications for this report.

10. Climate Change Implications

- 10.1 There are no direct climate change implications arising from the recommendations of this report.

10. Risk Management

- 10.1 Financial and legal risks are explained above. The key risks result from the need to make savings or raise additional revenue income in the medium term. "Financial Resilience" has been identified on the Council's Strategic Risk Register and has been assessed as high risk, pending the delivery of the required savings and the outcome of the Local Government Finance Settlement for 2024/25 and beyond. The consequences of failing to identify the required savings are shown as:

- Lack of resources available to deliver the core Council activities and priorities;
- Controls not performed or overlooked due to time and resource pressures;
- Cash flows are not available to maintain standards and quality of service provision;
- Increase in claims made against the Council;
- Initiatives, development programmes etc. (e.g. around capital enhancements, car park maintenance) may not be performed resulting in members of the public being hurt or public property damaged.

Report Authorisation

Approvals obtained from Statutory Officers:-

	Named Officer	Date
Chief Executive	Paul Wilson	05/12/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	04/12/2023

	Named Officer	Date
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	4/12/2023

Appendix 1 – Approved Budget Changes

2023/24 Approved Use of Reserves since Quarter 1 monitoring	
41,100	Use of General Reserve (Council 27/07/23) for Clean and Green Review
23,400	Use of Local Plan Reserve (delegated approval) for the Review of Derbyshire Dales Local Plan by Icen Projects Limited
2,043	Use of Local Plan Reserve (delegated approval) for additional temporary hours increase within service
25,000	Use of General Reserve (Council 28/09/23) - commission works on Travellers Site (once confirmed as viable) up to RIBA Stage 3
8,250	Use of General Reserve (Council 28/09/23) for a 2 year fixed term post to assist with Travellers Site project.
19,923	Use of General Reserve (Council 28/09/23) to support the Licensing Manager Recruitment
11,000	Use of General Reserve (Council 28/09/23) for a 2 year fixed term communication post for Ashbourne Reborn
10,000	Use of General Reserve (Council 28/09/23) for interim communications resource for Ashbourne Reborn
10,000	Use of General Reserve (Council 28/09/23) for external support for data protection
5,000	Use of General Reserve (Council 28/09/23) to establish an out of hours duty roster
30,000	Use of General Reserve (Council 28/09/23) for the outsourcing of asset valuations
4,319	Use of Revenue Grants Unapplied Reserve (delegated approval) to fund Idox consultancy services
9,530	Use of the IT reserve (delegated approval) to fund the maintenance costs for the Income Management System
199,565	
Supplementary budgets approved and actioned in 2023/24 from 01/07/23 to Quarter 2 monitoring:	
18,652	Increase in recruitment advertising budget for the recruitment to the Director of Corporate Services post
(18,652)	Increase in recruitment advertising budget for the recruitment to the Director of Corporate Services post
(2,557)	Movement of salary budget from Policy to Planning
5,114	Movement of salary budget from Policy to Planning
(2,557)	Movement of salary budget from Policy to Planning
1,128	Transfer BAC's budget to Accountancy to align with contract manager
(1,128)	Transfer BAC's budget to Accountancy to align with contract manager
204,624	Pathfinder project to look at standards in the private rented housing sector
(204,624)	Pathfinder project to look at standards in the private rented housing sector
0.00	

APPENDIX 2 – RESERVES REQUESTS FOR APPROVAL AT QUARTER 2

Reserves Requests requiring approval:		
54,425	use of revenue grants unapplied - to fund Housing Expenditure 2023/24	
10,000	One-off use of General Reserve for Ashbourne Air Quality Monitoring (report taken to Community and Environment Committee 7th December)	
64,425		
2024/25 and 2025/26 Reserves Requests requiring Approval		
70,000	Use of revenue grants unapplied to fund Housing Options Co-ordinator for 18 months (report taken to Community and Environment Committee 26th October)	
96,440	Use of revenue grants unapplied - Pathfinder funding	
166,440		

APPENDIX 3 – UPDATED REVISED BUDGET

	Forecast Out- turn 2023/24	Original Budget 2023/24*	Proposed Revised Budget 2023/24**	Variance from Original Budget 2023/24	Variance from Revised Budget 2023/24
Chief Executive	382,027	386,997	386,997	(4,970)	(4,970)
Community and Environmental Services	5,138,490	5,054,803	5,173,013	83,687	(34,523)
Corporate Services	3,144,400	3,127,730	3,190,103	16,670	(45,703)
Housing	714,421	554,032	755,544	160,389	(41,123)
Regeneration and Policy	1,027,342	766,766	1,060,553	260,576	(33,211)
Regulatory Services	1,817,180	1,598,209	1,696,496	218,971	120,684
Resources	2,339,604	2,081,137	2,133,338	258,467	206,266
Net cost of Services	14,563,464	13,569,674	14,396,043	993,790	167,421
Non-Service Items:					
Interest on Balances	(1,200,000)	(237,000)	(237,000)	(963,000)	(963,000)
Borrowing Interest Paid	225,150	225,150	225,150	0	0
Statutory Debt Repayment	100,849	100,849	100,849	0	0
Loan Premium Due	110,924	110,924	110,924	0	0
Income from Investment Properties	(102,556)	(102,556)	(102,556)	0	0
Net Revenue Expenditure	13,697,831	13,667,041	14,493,410	30,790	(795,579)
Appropriations to / from Reserves	(2,291,295)	(1,464,926)	(2,291,295)	(826,369)	0
Funding Requirement	11,406,536	12,202,115	12,202,115	(795,579)	(795,579)
Funded by:					
External Funding					
Retained Business Rates including S31 Grant, Payments to/from Pool	(3,977,147)	(3,977,147)	(3,977,147)	0	0
Business Rate Collection Fund (Surplus)/Deficit	201,550	201,550	201,550	0	0
CT Collection Fund (Surplus)/Deficit	100,322	100,322	100,322	0	0
Revenue Support Grant	(64,574)	(64,574)	(64,574)	0	0
Rural Services Delivery Grant	(471,000)	(471,000)	(471,000)	0	0
3% Funding Guarantee Grant	(626,887)	(626,887)	(626,887)	0	0
New Homes Bonus	(241,183)	(241,183)	(241,183)	0	0
Services Grant	(67,748)	(67,748)	(67,748)	0	0
Other Government Grants	0	0	0	0	0
Total External Funding	(5,146,667)	(5,146,667)	(5,146,667)	0	0
District Council Tax Requirement	(7,055,448)	(7,055,448)	(7,055,448)	0	0
Total Funding	(12,202,115)	(12,202,115)	(12,202,115)	0	0
Quarter 1 Forecast Surplus (reserves tfr at year-end)	795,579				
Total	(0)	0	0	(795,579)	(795,579)

*ICT and Data Protection have moved from Resources to Corporate Services since the budget was set in March 2023

**Includes proposed transfers to reserves requested in Appendix 2

APPENDIX 4 – SUMMARY OF RESERVES – FORECASTS FOR 2023/24 AND 2024/25

Revenue Funding	Balance at 31st March 2023	Contribution in 2023/24	Budgeted transfers (to)/from in 2023/24 Revenue	Requested transfers (to)/from reserves	Use in 2023/24 Capital	Forecast Balance at 31st March 2024	Budgeted Contribution in 2024/25	Approved transfers (to)/from in 2024/25 Revenue	Anticipated Use in 2024/25 Revenue	Estimated (Use)/contribution in 2024/25 Capital	Estimated Balance at 31st March 2025
	£	£	£		£	£	£	£	£	£	£
Revenue Balances											
General Fund Working Balance	(1,000,014)	0	0	0	0	(1,000,014)	0	0	0	0	(1,000,014)
General Reserve	(3,777,386)	0	0	255,326	0	(3,522,060)	0	33,000	0	0	(3,489,060)
	(4,777,401)	0	0	255,326	0	(4,522,075)	0	33,000		0	(4,489,075)
Capital Balances											
Capital Receipts	(1,977,814)	(400,000)	0	0	793,443	(1,584,371)	(110,000)	0	0	1,180,593	(513,778)
Capital Grants Unapplied	(1,900,813)	(5,574,601)	0	0	6,535,616	(939,798)	(13,969,744)	0	0	15,733,043	823,501
	(3,878,628)	(5,974,601)	0	0	7,329,059	(2,524,170)	(14,079,744)	0	0	16,913,636	309,722
Earmarked Reserves											
Business Rates Fluctuations Reserve	(1,675,496)	0	0	0	0	(1,675,496)	0	435,000	0	0	(1,240,496)
Capital Programme reserve	(956,984)	0	0	0	720,912	(236,072)	0	0	0	168,883	(67,189)
Carsington Improvements	(33,452)	0	0	0	0	(33,452)	0	0	0	0	(33,452)
Committed Expenditure Reserve	(538,005)	0	104,049	181,917	0	(252,039)	0	33,048	18,225	0	(200,766)
Corporate Plan Priority Reserve	(201,471)	0	0	0	0	(201,471)	0	0	0	201,471	0
Customer Innovation Project	(76,166)	0	76,166	0	0	(0)	0	0	0	0	(0)
Economic Development Reserve	(140,769)	0	54,931	0	0	(85,838)	0	0	0	48,000	(37,838)
Elections Reserve	(188,056)	0	167,757	0	0	(20,300)	0	(30,000)	0	0	(50,300)
Funding Uncertainties Reserve	(508,406)	0	0	0	0	(508,406)	0	0	0	0	(508,406)
Information Technology Reserve	(282,166)	0	0	9,530	155,737	(116,899)	0	10,000	0	39,263	(67,636)
Insurances Reserve	(464,473)	0	0	0	0	(464,473)	0	0	0	0	(464,473)
Investment Fund / Invest to Save Reserve	(562,510)	0	0	0	0	(562,510)	0	0	0	562,510	(0)
Recruitment and Retention Reserve	(150,000)	0	0	0	0	(150,000)	0	0	0	0	(150,000)
Local Plan Reserve	(113,879)	0	50,000	55,443	0	(8,435)	0	(30,000)	0	0	(38,435)
Member / Officer Indemnity	(25,000)	0	0	0	0	(25,000)	0	0	0	0	(25,000)
Major Repairs Reserve	(12,660)	0	(16,955)	0	0	(29,615)	0	(26,517)	0	0	(56,132)
Revenue Grants Unapplied	(9,305,465)	(397,473)	1,077,590	325,542	4,320,542	(3,979,264)	0	409,148	0	2,202,526	(1,367,590)
Vehicle Renewals reserve	(549,302)	0	(50,000)	0	329,000	(270,302)	0	(300,000)	0	552,133	(18,169)
Waste Fluctuations Reserve	(912,116)	0	0	0	0	(912,116)	0	525,188	0	0	(386,928)
Ashbourne Reborn Reserve	(175,000)	0	0	0	0	(175,000)	0	0	0	0	(175,000)
	(16,871,376)	(397,473)	1,463,538	572,432	5,526,191	(9,706,688)	0	1,025,867	18,225	3,774,786	(4,887,811)
TOTAL	(25,527,405)	(6,372,074)	1,463,538	827,758	12,855,250	(16,752,933)	(14,079,744)	1,058,867	18,225	20,688,422	(9,067,163)

*This appendix does not include the transfers of the forecast surplus detailed in section 1.18.

APPENDIX 5 – UPDATED MEDIUM TERM FINANCIAL PLAN

	Original Budget	Revised Budget	Forecast	Forecast	Forecast	Forecast	Forecast
	2023/24	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	£000s	£000s	£000s	£000s	£000s	£000s	£000s
Service Funding Requirement	13,570	13,570	14,595	14,392	14,706	15,061	15,470
Adjustment for Service Costs Funded from Strategic Reserves		816	(1,001)	0	0	0	0
Inflation							
Pay Awards		0	470	253	259	265	265
Contracts		0	89	50	52	53	53
Fees and Charges		0	(181)	(102)	(105)	(109)	(109)
General Inflation		0	0	0	0	0	0
Waste Management Contract		0	298	169	174	179	179
Gas		0	(7)	1	1	1	1
Electricity		0	21	12	12	13	13
Water		0	2	1	1	1	1
Fuel		0	7	4	4	4	4
Pressures / Savings - Recurring							
Potential increase in pension contributions following revaluation		0	0	0	150	0	0
Climate Change revenue income / savings from capital investments		0	0	0	(88)	0	(198)
Restructure of Regen and Policy		0	0	61	0	0	0
Clean and Green & Licensing Apprentices		0	4	(23)	0	0	0
Housing Apprentices		0	16	(17)	(16)	0	0
Environmental Health Graduate post		0	(16)	(24)	0	0	0
Removal of budget for CRM development fees - waste		0	(10)	0	0	0	0
Housing Rents income budget pressure/(growth)		(47)	(48)	(34)	0	0	0
Increase in external audit fees		0	73	0	0	0	0
Ashbourne Reborn Communications post		0	0	(11)	(33)	0	0
23/24 Pay award pressure over and above budget		177	(1)	0	0	0	0
Change of treatment of Government Grant - income budget to be removed		51	0	0	0	0	0
Increase in cost of Revenues and Benefits contract		51	0	0	0	0	0
Overachievement of garden waste income		(48)	10	0	0	0	0
Temporary post for Travellers site		0	24	0	(33)	0	0
Forecast reduction in recovery of rent allowance overpayments		25	0	0	0	0	0
Home Options Co-ordinator		0	47	(24)	(23)	0	0
Updated Base Service Funding Requirement for Next Year	13,570	14,595	14,392	14,706	15,061	15,470	15,680
Pressures / Savings - One off							
Underspend on elections budget		(70)	0	0	0	0	0
Anticipated reduction in planning application fees		100	0	0	0	0	0
Overachievement of car parking income		(25)	0	0	0	0	0
Above budget increase in ABC recharges		(34)	0	0	0	0	0
Ashbourne Air Quality Monitoring		10	0	0	0	0	0
Pathfinder programme expenditure funded from reserves		0	96	0	0	0	0
Other non-material variances		(13)	0	0	0	0	0
Net Cost of Services	13,570	14,563	14,488	14,706	15,061	15,470	15,680
Non Service Items: Debt Repayment etc.	97	(866)	(166)	234	234	234	234
Net Revenue Expenditure	13,667	13,697	14,322	14,941	15,295	15,704	15,915
Transfers to /(from) reserves relating to Collection Fund Accounting	0	0	(435)	0	0	0	0
Transfers to/(from) reserves for current year	(1,562)	(2,389)	(1,010)	(128)	(10)	(10)	(10)
Contributions to reserves for future years costs							
Election reserve annual contribution	30	30	30	30	30	30	0
Local plan reserve	0	0	30	30	30	30	0
Vehicle renewal fund	50	50	300	300	300	300	0
Major Repairs Reserve	17	17	27	33	33	33	0
Total Net Spending Requirements	12,202	11,405	13,265	15,206	15,679	16,087	15,905
Funded By:							
Revenue Support Grant	(65)	(65)	(69)	(65)	862	897	936
Business Rates Baseline Funding	(1,738)	(1,738)	(1,738)	(1,773)	(1,807)	(1,842)	(1,881)
Settlement Funding Assessment	(1,802)	(1,802)	(1,807)	(1,838)	(945)	(945)	(945)
Other business rates income, net of payment to pool	(2,239)	(2,239)	(2,805)	(2,717)	(2,727)	(1,857)	(1,200)
NDR Collection Fund (surplus)/deficit	202	202	235	0	0	0	0
Council Tax Collection Fund (surplus) / deficit	100	100	200	0	0	0	0
New Homes Bonus	(241)	(241)	(115)	0	0	0	0
Rural Services Delivery Grant	(471)	(471)	(471)	(471)	(471)	(471)	(471)
Lower Tier Services Grant	0	0	0	0	0	0	0
Services Grant	(68)	(68)	(57)	(57)	0	0	0
3% Funding Guarantee	(627)	(627)	(714)	(801)	0	0	0
Council Tax Second Homes Increase	0	0	0	(290)	(290)	(290)	(290)
Financing from Council Tax	(7,055)	(7,055)	(7,309)	(7,571)	(7,843)	(8,124)	(8,414)
Total Income	(12,202)	(12,202)	(12,843)	(13,745)	(12,276)	(11,687)	(11,320)
Corporate Saving Target	0	(796)	422	1,461	3,403	4,400	4,585

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**OPEN REPORT
COUNCIL**

Agenda Item 17

Council – 14 December 2023

CAPITAL PROGRAMME UPDATE

Report of the Director of Resources

Report Author and Contact Details

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Wards Affected

District-wide

Report Summary

This report:

- outlines spending for each project against the approved 2023/24 capital programme as at 30th September 2023, and
- seeks approval for an updated capital programme for 2023/24 to 2027/28 and associated financing. Two new projects are proposed for inclusion in the revised programme.

Recommendations

1. That the Capital Programme expenditure to 30th September 2023 is noted.
2. That re-phasing of existing projects for completion over the next 4 years is approved.
3. That new projects totalling £1,259,100, set out in paragraphs 2.12 to 2.15 of the report, are approved for inclusion in the programme.
4. That the revised capital programme for 2023/24 to 2027/28, as shown in Appendix A, totalling £37,770,410 is approved.
5. That financing of the Capital Programme from sources summarised at paragraph 3.21 and shown in Appendix A is approved.
6. That the balance of funds available over the 5-year programme, shown at Appendix B, is noted.

List of Appendices

Appendix A Revised Capital Programme 2023/24 to 2027/28

Appendix B Proposed financing of the Capital Programme 2023/24 to 2027/28

Background Papers

None

Consideration of report by Council or other committee

Not applicable

Council Approval Required

Yes

Exempt from Press or Public

No

Capital Programme Update

1. Background

- 1.1 At the Council meeting on 27th July 2023 Members approved a revised capital programme totalling £38,450,376, covering the financial years 2023/24 to 2027/28, as summarised in table 1 below:

Table 1: Capital Programme approved 27th July 2023

Financial year	£
2023/24	21,726,549
2023/24	14,746,357
2024/25	849,736
2025/26	1,077,736
2026/27	50,000
Total	38,450,378

- 1.2 This report provides information on the current financial position of spend against the 2023/24 Capital Programme as at 30th September 2023 and seeks approval for a revised capital programme for 2023/24 to 2027/28, taking account of the expected slippage into 2024/25 and including bids for 2 new projects and other changes.

2. Capital Expenditure for 2023/24

- 2.1 At Council on 23rd July a revised capital budget of £21,726,549 was approved for 2023/24.
- 2.2 As at 30th September 2023/24 expenditure including commitments against the budget was £3,633,566.43 as shown in Appendix A.
- 2.3 The forecast out turn for the 2023/24 capital programme determines that the amount in 2023/24 should be revised to £12,855,250, which is a difference of £8,871,299 from the budget approved in July 2023 as shown in Appendix A.

Table 2: Revised Capital financing arrangements for 2023/24

Sources of Financing	£
Capital Receipts	793,443
Capital Programme Reserve	720,912
S106 Contributions	4,096,942
Grants	6,535,616
IT Reserve	155,737
Vehicle Reserve	329,000
Revenue Grants Unapplied	223,600
Total	12,855,250

- 2.4 The expenditure and forecast out turn forecasted for each project is outlined at Appendix A, which provides explanations for under- and over-spends and

whether each project has concluded. Where projects are continuing beyond the end of 2023/24, budget underspends have been carried forward and added to the budget for 2024/25. It is proposed to carry forward £9,919,881 of the provisional underspend from 2023/24 into 2024/25.

2.5 As noted above, Slippage on schemes that are to be reprofiled into 2024/25 total £9,919,881 these are explained below:

- Project 281 – Social housing Scheme Tideswell: £412,500 funded by S106 contribution.
Project not yet commenced. Request to carry forward into 2024/25.
- Project 292 - Social Housing Scheme Wirksworth: £100,000 funded by S106 contribution
Delay due to tenancy issues.
- Project 304 – Over Hadden Bequeathed Improvements: £55,000 funded by S106 contribution.
No progress, possibility of electrical works to be completed.
- Project 360 – Vehicle Replacement programme: £166,133 funded by Vehicle Replacement Reserve.
Spend reflects the vehicle replacement programme. The remainder will be used for additional vehicles on completion of the Clean and Green service review.
- Project 625 – Bakewell Road, Matlock Development: £1,143,343 funded from reserves.
Project currently on hold; re-profiled into 2024/25, pending report to Council on 14 December 2023.
- Project 640 – Production Server (ESX) Replacement: £9,263 funded by ICT reserve.
Delivered and Installation in Progress.
- Project 643 – VDI Server Replacement: £30,000 funded by ICT Reserve.
To be moved into 2024/25. Dependant on vendor support.
- Project 659 – Longcliffe Waste Depot Tipping Room Floor: £11,350 funded by Capital Receipts Reserve.
On Target, some slippage expected to 2024/25.
- Projects 660 – Hurst farm Heritage Trail: £462,885 funded by Grant.
Delay to Tender Process, works expected to commence in quarter 4.
- Project 663 – Fleet Decarbonisation Scheme: £16,050 funded by £16k Grant & Capital Programme reserve.
Works costed. Expected to slip into 2024/25.
- Project 668 – Production SAN Storage : £1,714 funded by IT Reserve.
Remainder to slip into 2024/25

- Project 680/681 – Ashbourne Reborn: £3,356,784 funded by Grant/Capital Programme reserve. Slippage reflects the October 2023 monitoring return to Government.
- Project 682 – Rural Innovation Grants REPF: £168,000 funded by Grant applications not coming forwards at previous rates. Reprofiled into 2024/25.
- Project 679 Town Centres Sustainable Communities Programme: £33,333 funded by Grant. Reprofiled into 2024/25.
- Project 673 -Local Authority Housing Fund Round 1: £560,126 funded by Grant/S106 Contribution. On target, some slippage expected. Reprofiled into 2024/25.
- Project 684/685 Arc Leisure Matlock & Wirksworth Leisure Decarbonisation Schemes: £2,189,500, funded by capital grant £1,925,000 and capital receipts £264,000. This project was incorrectly added to the capital programme in 2023/24. The project is scheduled to commence in 2024/25.
- Project 686 Home Upgrade Grants (HUG) 2: £239,000 funded by Grant. Delayed start to project awaiting guidance from funder.
- Project 687 - Acquisition of four homes in Doveridge: £235,000. funded by S106 Contribution/Capital receipts. Works to commence in November 2023, with a scheduled completion date of November 2024.
- Project 688 -Social Housing Grant – Wash Green Wirksworth three affordable homes: £586,505. funded by Section 106. Pre-application works underway. Reprofiled into 2024/25
- Project 691 – Social Housing Grant Edgefold Road Matlock two properties: £143,395 funded by S106 Contribution/Grant Pre-application works underway. Reprofiled into 2024/25
- Project 691 – Lychgate Ashbourne Cemetery: £25,000 funded by Insurances Reserve. Works complete.

2.6 Several schemes that will be completing in 2023/24 are likely to overspend. The forecast overspend is £149,133 and is summarised as follows:

Table 3: Forecasted Overspends

Project Number	Project Title	Overspend £	Funding
290	SHG Calver	15,000	S106
298	Empty Homes – Council Houses	25,408	Capital receipts. It

			is likely that a grant will be received for this overspend.
303	Monyash Homes Renovation	79,255	S106
305	Housing Acquisitions - Tansley	11,861	S106
617	Ashbourne Memorial Gardens & Bandstand	8,155	Capital receipts
622	Climate Change Energy Efficiency - ABC	5,242	Capital programme reserve
631	Ashbourne Recreation Building Rationalisation	607	Capital programme reserve
636	Harrison way Northwood	3,372	Capital programme reserve
672	Hall Leys Park Matlock – Tennis courts	231	Grant

Other Revisions to the Capital Programme

- 2.7 The Ashbourne Reborn scheme totalling £15,222,659 has been amended in the capital programme to only reflect the Levelling Up funding and the Council's own contribution to the scheme. This has resulted in a decrease in the capital programme of £1,809,150. The profiling of the scheme reflects the latest submission to The Levelling Up Fund.
- 2.8 The Homes Upgrade Grant (HUG) 1 scheme was incorrectly added to the programme at £400,000 instead of £495,000. The extra amount of £95,000 is entirely grant funded.
- 2.9 The Energy Audit & Carbon Reduction Scheme spend is likely to cost more in 2023/24 than originally forecast. It is proposed to alter the profiling of this scheme to increase the 2023/24 programme by £8,700 to £44,000 and therefore reducing 2024/25 scheme by the same amount.

New Projects

- 2.10 As required by financial regulations, business cases for the proposed capital projects have been assessed firstly by the Capital Programme Working Group, who examined the business cases, scored the new bids and made recommendations to the Corporate Leadership Team. The Corporate Leadership

Team has proposed 2 new projects for inclusion in the capital programme, considering the Council's priorities, the availability of funding etc.

- 2.11 Due to a short turnaround required to return the grant funding agreement, the Devolution Retrofit project hasn't been presented to the Community and Environment Committee. A report was presented to the Corporate Leadership Team and the budget for the project, which is entirely grant funded, was approved by the Director of Resources and is included in this report for members' information, as permitted under financial regulation 2.14.2.
- 2.12 Proposed new bids are set out in in table 4 and in more detail below. Under financial regulations, where a bid for a capital project is for £30,000 or more, or is of a political nature, a report is required to the relevant policy committee (unless financial regulation 2.14.2 applies).

Table 4: New Projects that are proposed for inclusion in this revised capital programme.

Project Name	Budget Required £	Score	Funded by:	Approved By Committee
Local Authority Housing Fund Round 2	675,600	Not Scored	Grant £292,000, Section 106 £160,000. Revenue Grants £223,600	Community & Environment 7 th September 2023
Devolution Retrofit	583,500	Not Scored*	Grant £583,500	By Director of Resources under FR 2.14.2 and by this report
Total New bids	£1,259,100			

*Not scored as fully grant funded

Local Authority Housing Fund – Round 2

- 2.13 The objective of the project is to achieve the purchase of two homes by March 2024 and to accommodate two refugee families. The scope of the project is time and resource limited based on the funding available, our capacity to deliver and the timescale set by the Department for Levelling Up, Housing and Communities (DLUHC). The two homes will most likely be delivered in Ashbourne, given the support provided by the Ashbourne Refugee Community Support (ARCS) group and a reasonable supply of appropriately sized homes. The project itself is discretionary but there is an expectation that properties will be in ownership and occupied by the end of March 2024.
- 2.14 Capital and revenue finance (revenue grants that may be used to finance capital expenditure) to support the project are set out below and include;
- LAHF2 acquisition costs £126,000 per property being 40% of the total value. This limits the average purchase price to £315,000.
 - LAHF2 additional works and fees grant £20,000 per property (which can be added to the acquisition costs).

- Flexible Housing Fund Grant to support move on from bridging hotels, equal to £7,100 per person. So, a six-person household would attract a grant of £42,600.
- Homeless Prevention Grant awarded in 2023/24.
- Homes for Ukraine funding already provided via Derbyshire County Council.
- S106 income will be required but the amount would be reduced by using the Flexible Housing Fund, Homeless Prevention Grant and Homes for Ukraine funding.

Devolution Retrofit

- 2.15 The Devolution Retrofit project will deliver fully funded domestic energy efficiency improvements in private housing where residents are likely to be in fuel poverty. The project aims to improve 20 solid brick low EPC properties in an on gas IMD1 area. The project will improve the EPC ratings of the homes, leading to improved health and wellbeing, reduced energy bills and lower emissions.
- 2.16 The project will be financed from a capital grant funded from Nottingham City Council to the value of £583,500 and will be delivered by 30th September 2024.

Summary of changes to the capital programme

- 2.17 If the proposed new bids and changes are accepted, the capital programme for 2023/24 to 2027/28 will be decreased as shown in table 6 below.

Table 5: Increases to the capital programme

	£
New Bids (see table 5 & Appendix D)	1,259,100
Overspends	149,135
Underspends no longer required	(359,851)
Ashbourne Reborn – amended to show DDDC /Grant only <i>and change to Profiling</i>	(1,823,350)
Error in July Programme	95,000
Total reduction to programme	(679,966)

- 2.18 The updated programme is set out in appendix B and summarised in table 6 below.

Table 6: Summary of revisions to capital programme 2023/24 to 2027/28

	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £	Total £
Approved Programme 27th July 2023	21,726,547	14,746,357	849,736	1,077,736	50,000	38,450,376
New bids approved by Community & Environment Committee	1,155,600	103,500				1,259,100
Reprofiling of Projects from 2023/24 to 2024/25	(9,919,881)	9,919,881				0
Reprofiling of projects from 2024/25 to 2023/24	8,700	(8,700)				0
HUG 1 Grant Funding	95,000					95,000
Forecast Underspends not required	(359,851)					(359,851)
Ashbourne Reborn Profiling		(4,072,616)	2,249,266			(1,823,350)
Growth to Existing Projects	149,135					149,135
Total change to the programme	(8,871,297)	5,942,065	2,249,266	0	0	(679,966)
Revised capital programme for approval 14th December 2023	12,855,250	20,688,422	3,099,002	1,077,736	50,000	37,770,410

Financing Arrangements for the capital programme

2.19 The proposed financing arrangements are set out in table 7 below.

Table 7: Proposed financing arrangements 2023/24 to 2027/28

	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £	Totals £
Proposed Capital Programme (including New Bids)	12,855,250	20,688,422	3,099,002	1,077,736	50,000	37,770,410
Financed by:-						
Capital Receipts Reserve	793,443	1,180,593	80,000	80,000	50,000	2,184,036
Capital Programme Reserve	720,912	168,883	40,000	-	-	929,795
S106 Contributions	4,096,942	2,202,526	-	-	-	6,29,468
Grants	6,535,616	15,733,043	2,811,002	601,736	-	25,681,397
Economic Development Reserve		48,000	-	-	-	48,000
IT Reserve	155,737	39,263	-	-	-	195,000
Invest to Save Reserve		562,510	-	-	-	562,510
Corporate Plan Priority Reserve		201,471	-	-	-	201,471
Vehicle Reserve	329,000	552,133	168,000	396,000	-	1,445,133
Revenue Grants Unapplied	223,600	-	-	-	-	223,600
Borrowing	-	-	-	-	-	-
Total	12,855,250	20,688,422	3,099,002	1,077,736	50,000	37,770,410

2.20 A summary of reserve movements and balances is provided in Appendix B. This demonstrates that sufficient resources are available to finance the proposed capital programme. However, it also shows that if the capital programme

proposals set out in the report are accepted, sources of capital funding are forecast to reduce from £12.959m at 1st April 2023 to £1.826m by 31st March 2028. It should also be noted that grants and contributions, section 106 contributions and the amounts in other strategic reserves are set aside for specific purposes; if these are excluded the amount available for new capital schemes in the capital receipts reserve and the capital programme reserve is only circa £431,000. This reflects a prudent forecast of the capital receipts that might be received in the coming 5 years.

3. Options considered and Recommended Proposal

- 3.1 The changes to the capital programme, and associated financing, set out in this report are recommended for approval,
- 3.2 An alternative option would be to NOT approve the recommended changes, including the proposed new projects. This alternative option is rejected as this approach would not generate the benefits for each project, which are described in the business cases. Such an approach could mean that these elements of the Council's priorities and Corporate Plan actions would not be delivered (without their inclusion in the capital programme, there is no authority to incur expenditure).

4. Consultation

- 4.1 None at this stage. The need for consultation will be assessed for each project as more detailed planning takes place.

5. Timetable for Implementation

- 5.1 If approved, the budget will be updated shortly after notification of Council approval and officers will have the authority to incur expenditure within project budgets.
- 5.2 Timetables for tendering and completion of all schemes have been established and incorporated into the programme.

6. Policy Implications

- 6.1 Capital investment in the Council's assets is necessary to continue to provide effective services and to deliver the Council's corporate Plan and priorities. The Council's Capital Programme takes into account all the priorities and targets within the Corporate Plan and these are identified in the Capital Strategy. The proposed Capital Programme will assist in delivering Council services that are important to residents' well-being and the Dales economy.

Table 8 : Proposed capital programme 2023/24 to 2027/28 analysed by Corporate Plan Priority

Priority	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £	Total Capital Programme £
People	5,199	0	0	0	0	5,199
Place	1,591,144	490,285	0	50,000	0	2,081,429
Prosperity	10,330,918	19,470,027	2,851,002	601,736	0	33,253,683
Other	927,989	728,110	248,000	476,000	50,000	2,430,099
Total	12,855,250	20,688,422	3,099,002	1,077,736	50,000	37,770,410

Note* The new corporate plan is elsewhere on this agenda for this meeting, therefore these priorities will change.

- 6.2 It is important that the Capital Programme contains the appropriate budget within which projects should be managed. Approval of this report will provide financial approval and enable projects to commence / continue.

7. Financial and Resource Implications

- 7.1 While rising inflation presents a high financial risk to the overall capital programme, this report seeks to set accurate budgets for projects based upon previous tendering experience. Some of the larger projects include contingencies for price increases. Even with these measures in place, the risk of overspend cannot be eliminated and therefore the risk is assessed as 'medium'.

- 7.2 As explained in the report, sufficient resources are available to finance the proposed capital programme. However, the amount available in the capital receipts reserve and the capital programme reserve after funding this programme is forecast to reduce to around £431,000. This presents a high risk in terms of funding availability for future projects. The Council could, of course, consider borrowing for future capital schemes, but the resulting borrowing costs are unlikely to be affordable for the revenue account, given the Council's medium term financial position.

- 7.3 Staffing requirements and availability have been considered as part of the business cases and by the Corporate Leadership Team, as part of the process for new bids.

8. Legal Advice and Implications

- 8.1 The Council has a legal duty to set a balanced budget and has a general duty to act in the public interest in managing the custody of public funds. The accounts have been prepared by qualified personnel using accepted principles for to ensure proper accountability. The legal risk is therefore low.

9. Equalities Implications

- 9.1 Equality implications will be assessed for each project as more detailed planning takes place. An EIA on the location and range of planned housing is

recommended to ensure it is fairly distributed in the district and to ensure the range of housing types made available meet the needs of all residents e.g. bungalows and houses, larger homes for big families.

10. Climate Change Implications

10.1 The climate change implications of each of the bids has been assessed as part of the preparation of the business cases.

11. Risk Management

11.1 Financial and legal risks have been explained above.

11.2 Each project business case includes a risk assessment. The risks vary depending on the project, but common risks and mitigations include:

- Cost Inflation. Mitigation measures include inflation allowances and contingencies within the estimated project cost.
- Delays on site due to adverse weather conditions and delayed deliveries. Mitigation measures include undertaking the works outside of peak times to minimise the impact on the service.
- Delays due to staff resources/competing priorities. This risk is mitigated by good project planning and inclusion within action plans and scheduled workloads.
- Complaints, Bad Publicity etc. Publicity by appropriate notices and use of the website and social media will be used to update the public on the project and timescales.

Report Authorisation

Approvals obtained from Statutory Officers:-

	Named Officer	Date
Chief Executive	Paul Wilson	04/12/2023
Director of Resources/ S.151 Officer	Karen Henriksen	04/12/2023
Monitoring Officer	Helen Mitchell	04/12/2023

Appendix A - Capital Programme 2023/24 – 2027/28 For Approval 14th December

Priority	Project	Project Title	Expenditure at 30th September 2023	Approved Budget 2023-24 July	2023/24 Revised Budget December Council	Forecast Budget 2023/24 Over / Under	2023-24 Budget Carried Forwards (£)	2024/25 Current Budget (£)	Proposed Revised Budget 24/25 (£)	2025/26 (£)	2026/27 (£)	2027/28 (£)	Total capital programme	Financed by:-
Prosperity	270	Disabled Facilities Grant	159,008	858,472	600,000	-258,472	-	641,736	641,736	601,736	601,736	-	2,445,208	Grant
Prosperity	281	Social Housing Grant - Tideswell	-	412,500	-	-412,500	412,500	-	412,500	-	-	-	412,500	S106 Contributions
Prosperity	282	Social Housing Grant - Rural Village	-	75,000	75,000	0	-	-	-	-	-	-	75,000	S106 Contributions
Prosperity	290	Social Housing Grant - Calver	-	70,000	85,000	15,000	-	-	-	-	-	-	85,000	S106 Contributions
Prosperity	292	Social Housing Grant - Wirksworth	-	395,615	295,615	-100,000	100,000	-	100,000	-	-	-	395,615	S106 Contributions
Prosperity	298	Empty Homes - Council Houses	26,433	-	25,408	25,408	-	-	-	-	-	-	25,408	Capital Receipts
Prosperity	303	Monyash Homes Renovation	1,181	260,745	340,000	79,255	-	-	-	-	-	-	340,000	S106 Contributions
Prosperity	304	Over Hadden Bequeathed Improvements	-	60,000	5,000	-55,000	55,000	-	55,000	-	-	-	60,000	S106 Contributions
Prosperity	305	Housing Acquisitions - Tansley	864,503	839,498	851,359	11,861	-	-	-	-	-	-	851,359	S106 Contributions
Prosperity	307	Housing Acquisitions - Derby Road Ashbourne	42,100	45,019	45,019	0	-	-	-	-	-	-	45,019	S106 Contributions
Prosperity	308	Eyam/Wirksworth/Matlock Site Appraisals	3,050	4,398	4,398	0	-	-	-	-	-	-	4,398	S106 Contributions
Place	324	Bakewell - Riverbank Erosion	-	13,749	13,749	0	-	-	-	-	-	-	13,749	Capital Programme Reserve
Other	360	Vehicles	229,459	495,133	329,000	-166,133	166,133	386,000	552,133	168,000	396,000	-	1,445,133	Vehicle Renewals Reserve
Other	370	Capital Salaries	-	25,000	25,000	0	-	-	-	-	-	-	25,000	Capital Receipts Reserve
People	386	Wirksworth Steeple Arch Landscaping and Footpath works	400	2,199	2,199	0	-	-	-	-	-	-	2,199	Capital Receipts Reserve
People	495	Public Conveniences - Condition surveys	-	3,000	3,000	0	-	-	-	-	-	-	3,000	Capital Receipts Reserve
Place	527	Middleton Play Park	35	991	991	0	-	-	-	-	-	-	991	Grant
Other	562	DDCVS	30,000	30,000	30,000	0	-	30,000	30,000	30,000	30,000	-	120,000	Capital Receipts Reserve

Priority	Project	Project Title	Expenditure at 30th September 2023	Approved Budget 2023-24 July	2023/24 Revised Budget December Council	Forecast Budget 2023/24 Over / Under	2023-24 Budget Carried Forwards (£)	2024/25 Current Budget (£)	Proposed Revised Budget 24/25 (£)	2025/26 (£)	2026/27 (£)	2027/28 (£)	Total capital programme	Financed by:-
Prosperity	572	Blenheim Road - Ashbourne	-	15,379	-	-15,379	-	-	-	-	-	-	-	Capital Programme Reserve +£10k Economic Dev Reserve
Place	615	Ashbourne Pavilion Project	-	4,998	5,000	2	-	-	-	-	-	-	5,000	Capital Programme Reserve
Other	616	Hulland Ward Recreation Ground	22,000	22,000	22,000	0	-	-	-	-	-	-	22,000	Capital Receipts Reserve
Place	617	Ashbourne Memorial Gardens and Bandstand	104,638	99,641	107,796	8,155	-	-	-	-	-	-	107,796	Capital Receipts Reserve
Place	621	Climate Change: Energy Efficiency -Town Hall	180,978	397,998	397,998	0	-	-	-	-	-	-	397,998	Grant £450,000, Cap Programme Reserve
Place	622	Climate Change: Energy Efficiency - Agricultural Business Centre	96,073	96,786	102,028	5,242	-	-	-	-	-	-	102,028	Grant £112,505, Capital Programme Reserve £194,975
Prosperity	625	Bakewell Road, Matlock Development	-	1,143,343	-	-1,143,343	1,143,343	-	1,143,343	-	-	-	1,143,343	Capital Programme Reserve £ + Invest to Save Reserve £562,510+ Economic Development Reserve £48,000+ Corporate Priority Reserve £201,471+ Capital Receipts Reserve £178,529
Place	627	Extensive structural & roof repairs required at Hall Leys Park Clock Tower	358	2,604	2,604	0	-	-	-	-	-	-	2,604	Capital Programme Reserve £42,500 + Capital Receipts £20,000
Place	630	replacement	11,882	87,500	87,500	0	-	-	-	-	-	-	87,500	Capital Programme Reserve
Place	631	Ashbourne Recreation Building Rationalisation	6,679	19,041	19,648	607	-	-	-	-	-	-	19,648	Capital Programme Reserve
Other	633	Bakewell ABC Various	13,916	14,833	14,833	0	-	-	-	-	-	-	14,833	Capital Programme Reserve
Other	636	Harrison Way - Northwood	3,372	-	3,372	3,372	-	-	-	-	-	-	3,372	Capital Programme Reserve

Priority	Project	Project Title	Expenditure at 30th September 2023	Approved Budget 2023-24 July	2023/24 Revised Budget December Council	Forecast Budget 2023/24 Over / Under	2023-24 Budget Carried Forwards (£)	2024/25 Current Budget (£)	Proposed Revised Budget 24/25 (£)	2025/26 (£)	2026/27 (£)	2027/28 (£)	Total capital programme	Financed by:-
Other	640	Production Server (ESX) replacement	18,477	30,000	20,737	-9,263	9,263	-	9,263	-	-	-	30,000	IT Reserve
Other	641	Network switch replacement	-	65,000	65,000	0	-	-	-	-	-	-	65,000	IT Reserve
Other	642	Disaster Recovery (SAN replacement)	14,620	30,000	30,000	0	-	-	-	-	-	-	30,000	IT Reserve
Other	643	VDI Server Replacement	-	30,000	-	-30,000	30,000	-	30,000	-	-	-	30,000	IT Reserve
Other	645	Server 2016 Replacement	-	36,852	36,852	0	-	-	-	-	-	-	36,852	IT Reserve £20,000 & Capital Receipts £20,000
Other	646	Windows 2016 Server consultancy	-	20,000	20,000	0	-	-	-	-	-	-	20,000	IT Reserve
Place	647	Ashbourne Leisure Centre	-	3,833	3,833	0	-	-	-	-	-	-	3,833	Grant
Place	652	Matlock Bath Lovers Walk Shelter Rebuild	297	44,530	44,530	0	-	-	-	-	-	-	44,530	Capital Receipts Reserve
Prosperity	654	Energy Efficiency (off gas grid homes) HUG1	343,112	265,042	360,042	95,000	-	-	-	-	-	-	360,042	Grant
														Total Project Grant £330,000 Capital Receipts 22,290 & capital Programme reserve £57276
Prosperity	655	Energy Efficiency (on gas grid homes) LAD 3	58,558	159,665	100,165	-59,500	-	-	-	-	-	-	100,165	£57276
Place	656	Changing Places	-	34,725	34,725	0	-	-	-	-	-	-	34,725	Grant
Place	659	Longcliffe Waste Depot - Tipping Room Floor	-	25,000	13,650	-11,350	11,350	-	11,350	-	-	-	25,000	Capital Receipts Reserve
Place	660	Hurst Farm Heritage Trail	-	682,885	220,000	-462,885	462,885	-	462,885	-	-	-	682,885	HLF Grant
Place	661	Upgrading of play Area & Recreation Facilities in Tansley	-	32,783	32,783	0	-	-	-	-	-	-	32,783	S106 Contributions
Place	662	Wash-Down Facility Darley Dale Depot	-	12,560	12,560	0	-	-	-	-	-	-	12,560	Capital Receipts Reserve
Place	663	Fleet De-carbonisation Charging Point - Depot	7,793	50,000	33,950	-16,050	16,050	-	16,050	-	-	-	50,000	Grant £16,000 + Capital Programme Reserve £34,000
Place	664	EV Charging Infrastructure (car parks)	-	320,000	320,000	0	-	-	-	-	-	-	320,000	£256k funded, £64k Capital Receipts Reserve
Place	665	Car parks resurfacing	-	68,000	68,000	0	-	-	-	-	-	-	68,000	Capital Receipts Reserve
Place	666	Rationalisation of Storage Facilities at depot	-	4,568	4,568	0	-	-	-	-	-	-	4,568	Capital Receipts Reserve
Other	667	Wi-Fi Replacement	-	50,000	50,000	0	-	-	-	-	-	-	50,000	Capital Receipts Reserve
Other	668	Production SAN Storage	38,286	40,000	38,286	-1,714	1,714	-	1,714	-	-	-	40,000	Capital Receipts Reserve
Other	669	Back-up Storage, Server licences	-	-	-	0	-	30,000	30,000	-	-	-	30,000	Capital Receipts Reserve

Priority	Project	Project Title	Expenditure at 30th September 2023	Approved Budget 2023-24 July	2023/24 Revised Budget December Council	Forecast Budget 2023/24 Over / Under	2023-24 Budget Carried Forwards (£)	2024/25 Current Budget (£)	Proposed Revised Budget 24/25 (£)	2025/26 (£)	2026/27 (£)	2027/28 (£)	Total capital programme	Financed by:-
Place	670	Longford Flood Defence	20,000	20,000	20,000	0	-	-	-	-	-	-	20,000	Capital Receipts Reserve
Other	LCF	Leisure Centre Development - Freedom Hall Leys Park Matlock, Tennis Courts	-	7,909	7,909	0	-	-	-	-	-	-	7,909	Capital Programme Reserve
Place	672	Resurfacing	45,231	45,000	45,231	231	-	-	-	-	-	-	45,231	Grant
Prosperity	680	Ashbourne Reborn: Highways and Public Realm	164,918	3,563,751	736,393	-2,827,358	2,827,358	5,396,838	5,396,838	2,249,266	-	-	8,382,497	LUF Gant Total £8,402,284 Capital Programme Reserve £40,000
Prosperity	681	Ashbourne Reborn: Community Hub	-	946,330	416,904	-529,426	529,426	5,426,195	4,258,312	-	-	-	4,675,216	LUF Grant £4,971,225
Prosperity	674	Matlock Town Centre Public Realm	-	186,515	185,015	-1,500	-	529,000	529,000	-	-	-	714,015	Grant (UKSPF)
Prosperity	675	Community Resilience Grant (community grants) - UKSPF	-	-	-	0	-	36,000	36,000	-	-	-	36,000	Grant (UKSPF)
Prosperity	683	Community Resilience Grant (community grants) - REPF	-	27,000	27,000	0	-	63,000	63,000	-	-	-	90,000	Grant (REPF)
Prosperity	676	Rural Innovation Grants (business grants) - UKSPF	-	54,000	54,000	0	-	-	-	-	-	-	54,000	Grant (UKSPF)
Prosperity	682	Rural Innovation Grants (business grants) - REPF	-	318,000	150,000	-168,000	168,000	423,000	591,000	-	-	-	741,000	Grant (REPF)
Prosperity	677	Energy audit & carbon reduction Town Centres Sustainable Communities Programme – proposed to support Bakewell Road scheme	-	35,300	44,000	8,700	8,700	70,735	62,035	-	-	-	106,035	Grant (UKSPF)
Prosperity	679	Local Authority Housing Fund Arc Lesuire & Wirksworth Lesuire Centre Decarb Schemes	1,124,463	4,360,126	3,800,000	-560,126	560,126	-	560,126	-	-	-	4,360,126	Grant (REPF) 2,036,232 grant - remainder 106 Grant £1,925,500 264k cap receipts
Prosperity	684/685	HUG 2	-	2,189,500	-	-2,189,500	2,189,500	-	2,189,500	-	-	-	2,189,500	Grant Funding S106 Contributions / capital receipts
Prosperity	686	Acquisition of 4 homes in Doveridge	1,746	759,000	520,000	-239,000	239,000	1,138,500	1,377,500	-	-	-	1,897,500	S106 Contributions & 150k Grant (possibly a 30% Grant)
Prosperity	687	Social Housing Grant - Wash green Wirksworth x 3 Affordable Homes	-	586,505	-	-586,505	586,505	-	586,505	-	-	-	586,505	Capital Receipts
Other	689	Bradbourne - Small Sewer Site	-	45,000	45,000	0	-	-	-	-	-	-	45,000	Capital Receipts
Other	690	Garage Vehicle Lift	-	20,000	20,000	0	-	-	-	-	-	-	20,000	Capital Receipts
Prosperity	691	Social Housing Grant - Edgefold Road Matlock x2 Affordable Homes	-	288,395	145,000	-143,395	143,395	-	143,395	-	-	-	288,395	S106 Contributions 90k grant (possibly a 30% grant)
Prosperity	692	Harrisons Alms Houses Phase 3 Renovation of house to flats	-	195,000	195,000	0	-	-	-	-	-	-	195,000	S106 Contributions
Prosperity	693	John Higgs Almhouses - Smedley Street Matlock Automated Toilet Locking Facility - Ashbourne , Matlock & Bakewell	-	-	-	0	-	500,000	500,000	-	-	-	500,000	Capital Receipts
Other	694	Cemetery Paths	-	15,000	15,000	0	-	-	-	-	-	-	15,000	Capital Programme Reserve
Other	695	Lychgate Ashbourne Cemetery	-	45,000	45,000	0	-	25,000	25,000	25,000	25,000	25,000	145,000	Capital Receipts
Other	696	Parks and Recreation Grounds Paths (include Dimple)	-	25,000	-	-25,000	-	-	-	-	-	-	-	Insurance Reserve
Other	697	Ashbourne Fishpond Foot Bridge - Moved from project 651	-	75,000	75,000	0	-	50,000	50,000	25,000	25,000	25,000	200,000	Capital Receipts
Other	698		-	35,000	35,000	0	-	-	-	-	-	-	35,000	Capital Receipts
Prosperity	701	Local Authority Housing Fund - Round 2	-	-	675,600	675,600	-	-	-	-	-	-	675,600	Capital Grant £292k Revenue Grants £223,600
Prosperity	702	Devolution Retrofit	-	-	480,000	480,000	-	-	103,500	-	-	-	583,500	S106 £160,000 Capital Grant
-	-		-	-	-	0	-	-	-	-	-	-	-	
			3,633,566.43	21,726,549.00	12,855,250.00	-8,871,299.00	9,911,181.00	15,198,408.23	20,688,422.00	3,099,002.00	1,077,736.00	50,000.00	37,770,410.00	

PROPOSED FINANCING OF CAPITAL PROGRAMME 2023/24 to 2027/28

Where a '-' balance is given, this indicates that funds are available

Summary of balances	Capital Receipts*	Capital Programme Reserve	S106 (Housing)	Capital Grants	Carsington Grants	* Economic Dev Reserve	* IT Reserve	* Invest to save reserve	* Corp. Plan Priority Reserve	Vehicle Reserve	Revenue Grants Unapplied	Total
	£	£	£	£	£	£	£	£	£	£		
Opening Balance 1st April 2023	-1,977,814	-956,984	-6,225,855	-1,900,833	-33,452	-132,228	-195,000	-562,510	-201,471	-549,302	-223,600	-12,959,049
Revenue Commitments & other adjustments						54,931						54,931
in-year Contributions	-400,000		-397,473	-5,574,601						-50,000		-6,422,074
Capital Programme 23/24	793,443	720,912	4,096,942	6,535,616		0	155,737	0	0	329,000	223,600	12,855,250
Opening Balance 1st April 2024	-1,584,371	-236,072	-2,526,387	-939,818	-33,452	-77,297	-39,263	-562,510	-201,471	-270,302	0	-6,470,943
Revenue Commitments & other adjustments	0	0	0	0	0	0	0	0	0	0	0	0
in-year Contributions	-110,000			-13,969,744						-300,000		-14,379,744
Capital Programme 24/25	1,180,593	168,883	2,202,526	15,733,043		48,000	39,263	562,510	201,471	552,133		20,688,422
Opening Balance 1st April 2025	-513,778	-67,189	-323,861	-954,019	-33,452	-29,297	0	0	0	-18,169	0	-162,265
Revenue Commitments & other adjustments	0	0	0	0	0	0	0	0	0	0	0	0
in-year Contributions	-50,000			-4,588,502						-300,000		-4,938,502
Capital Programme 25/26	80,000	40,000	0	2,811,002	0	0	0	0	0	168,000		3,099,002
Opening Balance 1st April 2026	-483,778	-27,189	-323,861	-954,019	-33,452	-29,297	0	0	0	-150,169	0	-2,001,765
Revenue Commitments & other adjustments	0	0	0	0	0	0	0	0	0	0	0	0
in-year Contributions	-50,000			-601,736						-300,000		-951,736
Capital Programme 26/27	80,000	0	0	601,736	0	0	0	0	0	396,000		1,077,736
Opening Balance 1st April 2027	-453,778	-27,189	-323,861	-954,019	-33,452	-29,297	0	0	0	-54,169	0	-1,875,765
Revenue Commitments & other adjustments												
in-year Contributions												0
Capital Programme 27/28	50,000	0	0	0		0	0	0	0	0		50,000
Opening Balance 1st April 2028	-403,778	-27,189	-323,861	-954,019	-33,452	-29,297	0	0	0	-54,169	0	-1,825,765

*Funding agreed previously to be earmarked for capital schemes

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Agenda Item 18

Council – 14 December 2023

ASHBOURNE REBORN FINANCIAL RISK UPDATE

Report of the Director of Regeneration and Policy

Report Author and Contact Details

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Wards Affected

Ashbourne North and South

Report Summary

The report summarises activity and progress related to the *Ashbourne Reborn* Grant Funding Agreements for the Highways and Public Realm project and Link Community Hub project and associated financial risks.

Recommendations

1. That completion of the Grant Funding Agreements between the District Council and Derbyshire County Council for the Highways and Public Realm project and between the District Council and Ashbourne Methodist Church for the Link Community Hub project be noted.
2. That the increased financial risk to the District Council associated with the Grant Funding Agreement for the Highways and Public Realm project, and proposed measures to help mitigate this risk, be noted.

List of Appendices

None

Background Papers

- Ashbourne Reborn Governance and Delivery Report to Council 27 July 2023
- Ashbourne Reborn Programme Board Update Reports 27 September 2023, 26 October 2023 and 12 December 2023.

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

ASHBOURNE REBORN FINANCIAL RISK UPDATE

1. Background

- 1.1 Ashbourne Reborn is a £15.22m programme aimed at transforming Ashbourne town centre through significant improvements to highways and public realm and the development of the Link Community Hub. The programme is principally funded by the UK Government through a £13,373,509 funding allocation from the Levelling Up Fund, Round Two. The programme comprises the following projects:

Project 1: Public Realm & Highways Improvements led by Derbyshire County Council (DCC)- £8.804m

Project 2: Link Community Hub led by Ashbourne Methodist Church - £6.418m

- 1.2 Derbyshire Dales District Council is the Accountable Body for Ashbourne Reborn. This means that, although projects are being delivered by other delivery partners, the Council has responsibility for, inter alia:
- all financial matters (including but not limited to managing the programme budget, paying delivery partners and claiming funding from the Government to cover such payments)
 - all procurement matters (including but not limited to appointment, contracts and purchases made by delivery partners)
 - ensuring outputs and outcomes are achieved on time and to budget
 - other compliance matters (including but not limited to equalities duties and subsidy control)
 - discharging this accountability by monitoring, assuring, reporting and auditing to the Government's satisfaction.
- 1.3 Grant Funding Agreements are required to be completed to enable the defrayal of grant to delivery partners within the parameters set out by the Department for Levelling Up, Housing and Communities (DLUHC).
- 1.4 In parallel to the Grant Funding Agreement negotiations with DCC, to ensure progress could be maintained, a revised letter of intent from the District Council was issued in September to enable funding of appropriate elements of design work, subject to the Grant funding Agreement being progressed and the provision of related evidence prior to agreement of associated payments.
- 1.5 The process of reaching agreement took longer than anticipated with both delivery partners, and Grant Funding Agreements became the highest project and programme risk, with potential impacts on defrayal of grant payments, contractor procurement and delivery timeframes. They were therefore prioritised by District Council officers and partners in order to mitigate these risks.

- 1.6 A general progress report on the *Ashbourne Reborn* programme is set out in the Ashbourne Reborn Programme Board papers for 12 December meeting.

2 Key Issues

- 2.1 Delegated approval was granted at the November 2022 C&E Committee meeting to enable the approval of the Grant Funding Agreements (GFAs) by the Director of Regeneration and Policy, the Director of Resources and the Director of Corporate and Customer Services. However, risks associated with each agreement, identified through associated negotiations with delivery partners, resulted in the **desire need** to seek further **endorsement approval** of **their** approach.
- 2.2 Negotiations regarding the DCC agreement resulted in potential additional financial risk to the Council. Negotiations regarding the AMC agreement identified potential delivery risks. However, following lengthy negotiations, failure to complete both agreements also carried reputational and wider financial risks for the Council with unsustainable delays to programme delivery, risking LUF grant.

Link Community Hub Grant Funding Agreement

- 2.3 Delays on the AMC Grant Funding Agreement were latterly related to additional checks required by the central Methodist Church and the need to consider the process in the unlikely event that the current Ashbourne Methodist Church (AMC) Project Team could no longer deliver the project.
- 2.4 To address this issue as far as possible, the AMC Grant Funding Agreement includes a mechanism to pass on AMC's obligations should they cease to operate for any reason and confirmation of the associated process and relevant legal entities within the Methodist Church structure has been sought. Whilst not a legal guarantee, regarding the level of risk to the Council, legal advice has indicated that the approach is considered more secure than providing a grant to a small or medium sized company in the private sector.
- 2.5 In terms of financial risk associated with the AMC agreement, the following is noted. Whilst clawback provisions are excluded within the MOU with DLUHC, Government reserves the right to make appropriate adjustments to payments or withhold payments to the Council where significant concerns over delivery exist. AMC has accepted the financial risks associated with the delivery of the project. The GFA requires that grant payments will only be made against eligible expenditure incurred on the project. Should AMC be unable (for whatever reason) to complete the project, the GFA provides for the succession of obligations via the connexional structure of the Methodist Church which would be pursued by the Council. Should the works ultimately remain incomplete, the Council would work with DLUHC and the Church to identify attributable outputs and outcomes from completed project phases and seek agreement to conclude the project at this point.

Highways and Public Realm Grant Funding Agreement

- 2.6 Following delays over the summer and subsequent consultation required with DCC's legal and finance teams, key points for negotiation within the Grant Funding Agreement with DCC were focussed around responsibilities and apportionment of financial risk.
- 2.7 A Chief Officer level meeting was therefore held with DCC with a view to resolving outstanding matters. During this meeting it became clear that a mechanism for sharing risk was required for the Grant Funding Agreement to be finalised, which increased the financial risk to the District Council, and required Member consideration.
- 2.8 Principles set out within the negotiated Grant Funding Agreement reflect that DCC will be responsible for day to day risks associated with their management of the highways and public realm project, including management of the project within the agreed budget. However, if there are unavoidable cost overruns following escalation of the risks through the required governance processes and exhaustion of alternatives, DCC will accept the financial risks associated with highways, reflecting their statutory responsibilities. Following the same principle, the District Council will accept financial risks associated with public realm. It should be noted that the GFA sets out specific steps with the aim of managing risks of cost overruns as the project progresses through agreed management processes.
- 2.9 Unavoidable financial risks are likely to be associated with unforeseeable issues such as extreme weather events that could result in additional costs from contractors being unable to work on site or damage to exposed work areas, or the discovery of previously unidentified objects underground during construction. Subsequent de-scoping of later elements could help to recoup such costs but, if the unforeseen event is towards the end of the construction period, there may not be sufficient appropriate elements to descope. This could result in additional costs of closing work areas and making them safe, even if such costs could be limited, for example by not completing work to the maximum intended specification. Such circumstances also mean that only the exposed work areas are at risk at any one time, which helps to limit the extent of the risk.
- 2.10 Key areas of financial risk are explored in more detail in Section 7 – Financial Implications. However, risks of unforeseen cost overruns are proposed to be mitigated by:
- Value engineering and descopeing to remain on budget, subject to agreement through the project governance structure and, where necessary, with DLUHC.
 - Costing each element of the works package, as far as practicable, and programming/phasing construction, prioritising the core elements of the works package to enable descopeing of later elements in the event of unforeseen and unmitigable events leading to cost increases. To note, this approach may be limited by priorities around traffic management and limiting disruption through the construction period as well as the need to consider cost efficiencies in delivery.

- Break clauses/early termination clause within the main construction contract, should this become necessary.
- Effective use of Early Warning Notices.
- Exploration of other funding options, reflecting where appropriate the Parties' statutory responsibilities and resources.
- In the event that the above mitigations are unable to fully resolve all cost implications of unforeseen events, DCC will have responsibility for issues relating to highways and DDDC will have responsibility for the approach re: public realm, and will work with other landowners to provide a solution (to note Ashbourne Town Council own land at Millennium Square).

2.11 There is also a conceivable risk of grant payments from DLUHC ceasing. In this unlikely event, the accountable body would bear the associated financial risks, as set out in section 7.8. However, this would be unusual and contrary to the Memorandum of Understanding agreed with DLUHC.

Approval of the Grant Funding Agreements

2.12 At a meeting on 29 November 2023, following discussion at Chairs Briefing for Council and with senior officers at the internal Ashbourne Executive Group meeting, the Leader of the Council and Chair of the Ashbourne Reborn Programme Board were consulted on the key risks remaining on each GFA in order to give an Urgent Decision to approve the finalisation and signing of the Grant Funding Agreements to mitigate the financial and reputational risks of further delay.

2.13 Approval was granted and the Grant Funding Agreements for Ashbourne Reborn were signed and completed by all parties on 4 December 2023.

3 Options Considered

Alternative approaches considered in the negotiations

3.1 Accepting all the financial risk on a project delivered by another party is unacceptable and disproportionate when considering that DCC are responsible for and will benefit from the improved highways assets and save on routine maintenance costs that would otherwise have been incurred.

3.2 Delivering the highways and public realm project independently of DCC was considered at the outset. However, the Council has previously agreed with DCC that they should be the delivery partner for the highways and public realm project within the Ashbourne Reborn programme as they promoted the highways work within the original bid, have appropriate in-house expertise, are responsible for the highways assets and there are multiple benefits and efficiencies in delivering the public realm improvements as part of the same construction contract. The Council could consider delivering the work separately but does not have the internal capacity plus an alternative approach would significantly impact on the programme for delivery which cannot be sustained. An alternative approach would still require close partnership working with DCC, permission to work on the highway and DCC

approval of the work to their assets. It would also require the Council to accept financial risks in full.

- 3.3 Ceasing to deliver the project is an option but immediately ruled out as this would significantly limit improvements in Ashbourne and vision for an improved town centre, require repayment of grant funding to date to DLUHC and result in significant reputational damage locally and with DLUHC.
- 3.4 Continue to pursue negotiations with DCC to accept more risk based on their size, cash flow and ability to absorb costs. However, this is unlikely to change DCC's position in light of known financial challenges and would result in further delay in agreeing the Grant Funding Agreement or, in the worst case, the withdrawal of support for the project by DCC.
- 3.5 Appropriate apportionment of financial risk was considered the most appropriate option in the circumstances to reflect statutory responsibilities and resources related to the improved assets. In the event that all cost management options to remain within budget have been exhausted, this will result in DCC accepting financial risks of unforeseen costs associated with highways and DDDC accepting those related to public realm. To maximise the opportunities to mitigate these risks, appropriate strategies will be adopted in the approach to phasing of works to enable descoping if unforeseen cost pressures exceed contingency during construction.
- 3.6 Regarding the decision to complete the Grant Funding Agreements, the option was considered to delay the signing of the GFAs to enable a decision at the Council meeting on 14 December 2023. However, this would have exacerbated the financial constraints for the Link Community Hub project and limited progress, it would also have delayed progress with required procurement by DCC on the Highways and Public Realm Project and presented additional challenges in progressing grant expenditure within the timeframes set out to DLUHC. Weighing up reputational and financial risks and implications for partner relations should the Council be perceived to be holding back the (already delayed) agreements, the Urgent Decision procedure was agreed.

4 Consultation

- 4.1 Consultation and engagement with partners and respective legal advisors to resolve and conclude the Grant Funding Agreements as swiftly as possible was detailed and extensive.

5 Timetable for Implementation

- 5.1 While there have been some initial challenges, programme delivery currently remains on track for defrayal of the LUF grant by quarter 3 2025/26, subject to formal agreement with DLUHC. This was set out within the Quarterly Monitoring submission to DLUHC in October 2023 in response to their request for a realistic funding profile that considered the 2025/26 financial year.

- 5.2 Completion of the Grant Funding Agreements will help to avoid further programme delays.

6 Policy Implications

- 6.1 Ashbourne Reborn is one of the Council's Corporate Plan priorities within the 'prosperity' theme. The LUF proposals are closely linked to the Council's Economic Recovery Plan and Economic Plan. They support the Corporate Plan priority of '*Prosperity*'. In particular, the proposals directly contribute to the corporate target area: *Promote investment to stimulate the economy of our market towns*.

7 Financial and Resource Implications

- 7.1 Cost plans have been updated for both projects within *Ashbourne Reborn* following the completion of RIBA Stage 3 design. Costs have risen considerably since the LUF bid, with much higher than predicted levels of inflation and challenging market conditions. Alongside rising construction costs and costs of materials, project fees have also increased from the original estimates prepared by the consultant bid team. Ashbourne Reborn Project Boards continue to consider value engineering, prioritisation and, as a last resort, potential de-scoping activities to remain within budget. Any resultant recommendations that could have direct or cumulative implications for commitments made to the DLUHC will be escalated to the Programme Board for consideration when known.
- 7.2 Whilst capital and revenue budgets and associated governance structures are in place, the financial risks associated with Accountable Body status are significant and have been assessed as 'high'.
- 7.3 The Link Community Hub Project Board has identified a funding gap through the latest cost analysis. Work is ongoing at a project level to explore the extent to which this can be addressed through value engineering. However, in the absence of further funding it is likely that there will need to be some de-scoping. Associated implications for project outputs, outcomes and commitments to DLUHC are not yet fully understood but the potential requirement for a formal Project Adjustment Request will be kept under review.
- 7.4 The requirement for delivery partners to manage costs within the available LUF budget is a key element within the Grant Funding Agreements. District Council officers continue to work collaboratively with delivery partners to manage financial challenges and risks as the programme develops. Grant Funding Agreements do not commit the Council to any further financial commitment beyond the LUF grant and agreed match funding unless otherwise agreed.
- 7.5 To reflect the need for financial agility, support cashflow, and adequate resourcing to underpin delivery as the Accountable Body, an Ashbourne Reborn Reserve totalling £175,000 was previously brought forward for use in 2023/24 and 2024/25. While this is not a commitment to additional funding and this funding should not be considered as extra project resource, it is

anticipated that a substantial proportion of this funding should remain available to help accelerate the response in the event of an unforeseen event impacting on public realm and is reflective of the preparation and commitment to the effective delivery of *Ashbourne Reborn* from the Accountable Body.

- 7.6 Beyond the appropriate management of budgetary constraints, the financial risk of unforeseen issues such as extreme weather events, the discovery of archaeological remains or constraints that could not be predicted must also be acknowledged. The position taken by DCC in relation to unforeseen costs increases the financial risk to the District Council, as it required an agreed approach to risk sharing to enable the Grant Funding Agreement to be completed. Sharing of such risks as they arise is proposed to be informed by ownership of the asset, with a presumption that all parties will first seek to make sufficient cost savings through value engineering or descopeing. This means that, should all cost saving mechanisms be exhausted, the risk of unavoidable cost overruns related to highways will reside with DCC and those related to public realm will reside with the District Council, including but not limited to the historic Market Place and Victoria Square.
- 7.7 While it is impossible to predict the nature, extent and value of the impact of unforeseen issues, a number of scenarios have been considered to assess potential financial impact for the Council. For example, the total public realm construction cost estimates are currently approximately £3.5 million, not including fees or inflation but including some contingency. Assuming no contingency remained in a worst-case scenario, a 10% cost increase because of unforeseen issues would therefore be £350k, with 20% rising to £700k. However, all of the public realm will not be under construction at the same time, meaning that the impact of weather on an exposed site or the cost of construction delay due to external conditions would only be on part of the public realm, resulting in a proportion of the costs. In addition, if an issue is discovered or occurs early in the construction programme, there will still be an opportunity to recoup the costs by descopeing later stages where practical. Further information will also be sought on the cost of delays to the contractor.
- 7.8 The other potential financial risk for the accountable body identified within the Grant Funding Agreement with DCC is the unlikely event that grant funding ceases to be provided from the Levelling Up Fund. It would be highly unusual for Government to withdraw funding during construction but, should such circumstances arise, it is proposed that break clauses or early termination clauses within the main construction contract will be used as appropriate to limit the financial impact. Any area under construction at such time would need to be made safe or completed depending on the stage of the work and costs of materials purchased by the contractor would need to be reimbursed. As grant funding payments are made six months in advance and three months in arrears, a worst-case scenario would result in funding for a three-month period of construction and the above requirements to be supported by the Council. Reflecting the current funding profile, the maximum predicted spend over a three-month period on the highways and public realm project is approximately £1.8million.

However, this is considered an unlikely scenario that would be contrary to the Memorandum of Understanding with DLUHC.

8 Procurement Implications

- 8.1 The agreed Procurement Strategy for the Highways and Public Realm Project was received at the Programme Board meeting in September 2023. The corresponding Procurement document for the Link Community Hub has also been drafted and will be presented to the next possible Programme Board following final approval at Project Board level. Delivery partners are required to follow these procedures in procuring project activity.

9 Legal Advice and Implications

- 9.1 The Grant Funding Agreements with delivery partners have now been signed. Completion of these Grant Funding Agreements will enable defrayal of grant funding against eligible project expenditure. The AMC Procurement Strategy/Guidelines and Highways and Public Realm Terms of Reference are being finalised. The legal risk is assessed as medium.

10 Equalities Implications

- 10.1 None additional at this stage, but equalities remain an important consideration for detailed design. An Equality Impact Assessment (EIA) was prepared for the *Levelling Up Fund* bid and was submitted to the C&E meeting on 29th June 2022. A further equalities assessment will be required on final scheme proposals to assess the implications of any significant changes to the project.

11 Climate Change Implications

- 11.1 None additional at this stage, but Climate Change Implications remain an important consideration for detailed design. A Climate Change Impact Assessment was prepared for the *Levelling Up Fund* bid and was submitted to the C&E meeting on 29th June 2022. A further climate change assessment may be required on final scheme proposals to assess the implications of any significant changes to the project.
- 11.2 In terms of other environmental considerations, there are potential synergies between the traffic management element of Ashbourne Reborn and the air quality considerations for the area. The Ashbourne Reborn Highways and Public Realm Design Team have been requested to support compatibility between the two work areas, with further consideration of any related opportunities at officer level.
- 11.3 Where the delivery of Ashbourne Reborn can contribute to and complement activity to improve air quality, this will be reflected in the Air Quality Action Plan.

12. Risk Management

- 12.1 The highest remaining strategic risk following completion of the Grant Funding Agreements is currently considered to be Project Costs.
- 12.2 Governance and escalation procedures are in place for *Ashbourne Reborn*, including monthly review by Project Boards to support active risk management and early identification of emerging risks.

Report Authorisation

Approvals obtained from Statutory Officers:-

	Named Officer	Date
Chief Executive	Paul Wilson	05/12/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	05/12/2023
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	06/12/2023

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Agenda Item 19

Council – 14th December 2023

PUBLIC SECTOR BIODIVERSITY DUTY - UPDATE

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

Report Author and Contact Details

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Wards Affected

All Wards

Report Summary

This report provides a further update to Members about the Biodiversity Duty and sets out activities which the District Council has undertaken and is currently undertaking that contribute to meeting the new requirement.

Recommendations

1. That the specialist professional services quotation brief for the preparation of a biodiversity action plan at Appendix 1 be approved
2. That the updates on the preparation of the Local Nature Recovery Strategy be noted
3. That the updated timeframe for the delivery of Biodiversity Net Gain is noted
4. That the updates to the Initial Assessment of District Council activities linked to the Biodiversity Duty and Biodiversity Resolution at Appendix 2 are noted
5. That a delivery plan and costings are prepared for a collaborative project between the Council and the Derbyshire Swift Group to address the loss of swift nesting sites across the district and presented to the appropriate committee for consideration.

List of Appendices

- Appendix 1 Specialist professional services quotation brief for the preparation of a biodiversity action plan
- Appendix 2 Update of initial Assessment of District Council activities linked to the Biodiversity Duty and Biodiversity Resolution

Background Papers

- The Environment Act 2021
- Natural Environment and Rural Communities Act (NERC 2006)
- Biodiversity Net Gain DEFRA Consultation 2022
- National Planning Policy Framework July 2021
- National Planning Practice Guide
- Derbyshire Dales Local Plan 2017

Consideration of report by Council or other committee

Recommendation one has been considered and approved by the Biodiversity Subcommittee on 13 September and Community & Environment committee on 26 October 2023.

Recommendation five has been considered and approved by the Biodiversity Subcommittee on 24 October 2023.

Council Approval Required

No

Exempt from Press or Public

No

BIODIVERSITY DUTY – UPDATE

1 Background

- 1.1 The Natural Environment and Rural Communities Act 2006, (NERC Act 2006) which came into force on 30 March 2006 introduced in Section 40 a duty on public authorities to conserve biodiversity defined as in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- 1.2 The Environment Act brought into force in November 2021 introduced a wide range of responsibilities in relation to biodiversity some of which will fall directly to the County Council to implement but others of which fall to the District Council.
- 1.3 Section 102 amends the NERC Act 2006 by now making it a Biodiversity Duty for a public authority to conserve **and enhance** biodiversity in relation to its functions – it also sets out that a local authority it must have regard to any relevant Local Nature Recovery Strategy and any relevant species conservation strategy.
- 1.4 Section 103 requires local authorities to publish biodiversity reports which summarise action taken to comply with the wider duty – these should include what has been done in relation to biodiversity, information about biodiversity, and a summary of plans for carrying out the functions over a five-year period.
- 1.5 In addition, the Environment Act introduces mandatory ‘Biodiversity Net Gain’ (BNG) requirements which set a minimum of 10% BNG from development sites from January 2024 (amended from November 2023).
- 1.6 At a meeting on 26 January 2023 the Council resolved to support the recovery of nature across the Derbyshire Dales.
- 1.7 A report was brought to Council on 16 March 2023 that set out activities that the District Council has undertaken and is currently undertaking that contribute to meeting the new Biodiversity Duty. It recommended that a plan be prepared which sets out further actions the District Council should undertake to meet the requirements of the newly enhanced duty.
- 1.8 It was agreed that a further update would be presented to Members no later than 31 December 2023.

2 Preparation of a biodiversity action plan

- 2.1 In order to meet the enhanced Biodiversity Duty local authorities are required to complete a first consideration of what action to take for biodiversity by 1 January 2024 and agree policies and objectives soon after this.
- 2.2 At a meeting of the Biodiversity Sub-committee on 19 July 2023 it was agreed that a specification be prepared for a new biodiversity ‘action plan’ which sets out further actions the District Council should undertake to meet the requirements of the newly enhanced duty for the period 2024-2027
- 2.3 The indicative timeframes for preparation of this plan are:
 - By end December – consultant partner engaged
 - January 2024 – consultant partner meets with Officer Working Group and Chair/Vice Chair of Biodiversity Sub-committee
 - April 2024 – plan presented to Council

- 2.4 At a meeting of the Biodiversity Sub-committee on 13 September 2023 Members approved the specification in **Appendix 1** and a budget to commission the plan. The supplementary budget was approved as part of the Q1 revenue budget report at Council on 28 September 2023. The details of this budget are set out in 12.4. The specification received further approval at the Community & Environment Committee of 26 October 2023.

3 Biodiversity Verges and Open Space projects

- 3.1 In October 2020, Council supported the setting up of a Biodiversity Road Verge and Open Space Project. The project was proposed for three years to trial and explore different methods of increasing wildflowers throughout the Derbyshire Dales as a means of mitigating pollution and increasing the benefits to pollinating insects.
- 3.2 Community and Environment Committee considered a progress report on this project in December 2022 and were advised that, since its inception, 38 sites throughout Derbyshire Dales had been identified and managed for wildflowers. The report also identified how this project was engaging with Derbyshire County Council, Town and Parish Councils as well as local communities. A further 10 sites were included in 2023 - the final year of the project.
- 3.3 Elected Members approved a later request to join The Pathfinders Project in the summer of 2023. The Pathfinder Project was launched by Derbyshire County Council to specially trial a cut and collect management regime on highway verges that the Derbyshire Dales District Council manages on their behalf. This work was intertwined with that of The Biodiversity Project and saw the total amount of sites being managed for enhanced biodiversity rise to 101.
- 3.4 The Pathfinder Project has now ended, and the Clean and Green Manager is working closely with the Derbyshire Road Verge Project Officer (of Derbyshire County Council) on the raw data to evaluate the effectiveness of the project. As the evaluation is still ongoing, the Clean and Green Manager anticipates the presentation of this information to Members will be the Community & Environment Committee on 8 February 2024.
- 3.5 Nevertheless, the Clean and Green Manager recently attended the Biodiversity Sub-committee on 13 September 2023 and discussed the expectations of the upcoming report, and the following points were agreed:
- Merge the report with the Climate Change Officers report
 - Pathfinder results to be presented in the report with the option to merge any sites into the Biodiversity Project
 - The wider biodiversity action plan to incorporate public feedback, consultation and communication next April
 - Motion operation for management of grass verges for next year – keeping the wider verges tidy by keeping a band mown at the edge
 - Management proposal for a local DDDC site
 - Liaise with other Councils to see whether they are using native or non-native seed mixes
 - Work in partnership with other organisations – local community groups, schools, associations such as Derbyshire Beekeepers Association
 - Produce a ‘How to guide at home’
 - Review signage and explore larger options

- Investigate the DCC process for selecting changes for the mowing regimes next year on the back of the Pathfinder data

4 Local Nature Recovery Strategy (LNRS)

4.1 Preparation of the LNRS is a County Council duty. Each strategy will:

- Agree priorities for nature's recovery
- Map the most valuable existing areas for nature
- Map specific proposals for creating or improving habitat for nature and wider environmental goals

There will be 48 LNRSs covering the whole of England.

4.2 The benefits that the LNRS for Derbyshire is expected to provide are as follows:

- Strategically guide a locally led transformation in the way in which biodiversity is protected, restored and enhanced
- Enable funding and resources to be used more efficiently and effectively in the support of nature recovery
- Encourage all organisations and individuals interested in nature recovery to work effectively together to achieve agreed outcomes for nature
- Enable landowners and land managers to understand how their land can contribute to nature's recovery
- Offer opportunities to increase public connections to nature whilst supporting its recovery
- Support the application of the National Planning Policy Framework (NPPF) (conserving and enhancing the natural environment) in Derbyshire
- Inform the delivery of the duty on Derbyshire's local authorities to report on action taken to conserve and enhance biodiversity ("the general biodiversity objective" as set out in section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act) as revised by the Environment Act 2021)
- Maximise and quantify the value of BNG as a condition of planning permission to Derbyshire (Sections 98 to 101 Environment Act 2021)
- Tangible and significant contributions to the delivery of the Government's national "apex goal" of "thriving plants and wildlife" as set-out in the Environmental Improvement Plan (EIP) 2023

- 4.3 LNRSs will support development plans and provide closer alignment with the planning system, to enable not only better environmental outcomes, but also improve development planning in the long term. The Local Plans prepared by Local Planning Authorities must be consistent with national policy, as set out in the NPPF. LNRSs should be used by plan-makers to inform the way they address the NPPF requirement for plans to protect and enhance biodiversity.
- 4.4 The Levelling Up and Regeneration Bill (LURB) is making changes to the planning system which will lead to government updating the NPPF. These updates will include how LNRSs should be given weight in the plan-making process. In addition, the government has recently tabled an amendment to the LURB that would require all tiers of planning to 'take account of' LNRS, including specific elements of the strategies such as those areas identified as having potential to be of particular importance for biodiversity and other environmental benefits'
- 4.5 The Government has committed to publishing guidance for local planning authorities on how they should take account of LNRS and reflect them in local plans. This guidance is due to be published later in 2023. Working jointly with the new requirement for Biodiversity Net Gain, this is designed to help the planning system play a more proactive role for nature and the environment.
- 4.6 Derbyshire County Council is in the process of preparing an Information Memorandum to explain the process for preparing the LNRS over the period October 2023 to March 2025.
- 4.7 Derbyshire County Council has identified the persons and organisations it considers appropriate to involve in the preparation of the LNRS. The District Council is identified as a 'supporting authority', as defined in the Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023), in the preparation of the Local Nature Recovery Strategy for Derbyshire.
- 4.8 Derbyshire County Council will proactively seek to involve all supporting authorities in the preparation of the LNRS and will have regard to any opinions expressed by the authorities in relation to the strategy.
- 4.9 Supporting authorities have the power to object to a consultation draft of a LNRS or the responsible authority's preparation of it.
- 4.10 The management arrangements that Derbyshire County Council will use in the preparation of the LNRS is work in progress, anticipated to be completed by 31 December 2023. A draft outline governance structure has been provided but is currently subject to further work.
- 4.11 The final draft LNRS will be provided to Derbyshire County Council's neighbouring responsible authorities. At this time, Derbyshire County Council will notify them of the date on which the final LNRS will be published (this is expected to be 31 March 2025). The supporting authorities (apart from Natural England) will be asked by Derbyshire County Council to provide their formal political leadership written approval to the final LNRS Strategy for Derbyshire within 28-days of them receiving this approval request.

5 Biodiversity Net Gain

- 5.1 The concept of Biodiversity Net Gain (BNG) encourages developers to leave the natural environment in a 'measurably better state' than it was beforehand. BNG seeks to deliver 'measurable' improvements for biodiversity by creating or enhancing habitats in association with development.
- 5.2 The Environment Act 2021 introduces a mandatory requirement for a minimum of 10% BNG in the planning system, to "*ensure that new developments enhance biodiversity and create new green spaces for local communities to enjoy.*" BNG will be measured using DEFRA's biodiversity metric and habitats will need to be secured for at least 30 years. BNG means at least 10% when compared to the site's original status.
- 5.3 There are 3 ways a developer can achieve 10% BNG:
 - They can enhance and restore biodiversity on-site (within the red line boundary of a development site).
 - If developers can only achieve part of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market.
 - If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This must be a last resort. The government will use the revenue to invest in habitat creation in England.
- 5.4 On the 27 September 2023 DEFRA confirmed that the Government was delaying the introduction of the mandate to deliver 10% BNG on all sites. BNG was proposed to become part of the planning system in England in November 2023. However, DEFRA has said that under its 'updated timetable' developers will be required to deliver net gain on all sites from January 2024. It will apply to small sites from April 2024.
- 5.5 On 29 November 2023 DEFRA published further draft guidance including setting the roles and responsibilities of local planning authorities in delivering BNG.
- 5.6 Officers are currently working through this guidance to ensure that the appropriate development management processes and procedures are in place to assess, measure and secure the required BNG on planning applications submitted in line with the updated timetable.
- 5.7 The District Council has extended the existing Service Level Agreement with Derbyshire Wildlife Trust to include the assessment of eligible planning applications to ensure that assessment of BNG proposals are 'accurate, achievable and, where needed, off site measures have been identified'.
- 5.8 Officers are currently exploring the available options for monitoring and enforcement of the new BNG requirement. There is concern that the Council lacks the expertise or capacity to receive and check multiple monitoring reports from multiple sites. Site visits may be necessary to ensure that the necessary habitat management is taking place and to an appropriate standard. A further update will come back to Council as this theme of work is developed.

5.9 The adopted Derbyshire Dales Local Plan and the NPPF indicates support for developments which achieve a net gain in biodiversity; however at the present time this is not quantified. The introduction of the new statutory obligation therefore quantifies the minimum level of net gain required. The legislation does not limit net gain to 10%, but any variation to this requirement requires justification and also requires further assessment against development viability. The Local Plan Sub-committee is considering such a variation as part of the wider Local Plan review.

6 Update to initial assessment of activities

6.1 Members will be aware that Council on 26 January 2023 resolved to extend considerably beyond existing and planned biodiversity activities. A copy of the resolution is in the Minutes of that meeting.

6.2 In light of the resolution, an Officer Working Group consisting of the Director of Regeneration and Policy, Director of Regulatory Services, Policy Manager, Development Manager, Climate Change Officer, Community Development Manager and Hurst Farm Housing Estate Regeneration Manager continue to meet quarterly to consider the most appropriate way forward.

6.3 For each of the elements set out in the Council Resolution an assessment was undertaken in relation to current and potential future actions, including potential partnership arrangements and potential future resource requirements for any additional interventions. This was presented to Members on 16 March 2023.

6.4 An update to this assessment is set out in the **Appendix 2** to this report.

6.5 It is recommended that this additional (interim) activity be noted and that, subject to approval of recommendation one, this interim plan be superseded by the Biodiversity Action Plan.

7 Proposed collaborative project between the Council and the Derbyshire Swift Group

- 7.1 The proposal seeks to develop a collaborative project between the Council and a local Swift Conservation Project. In common with several other long-distance migratory bird species breeding numbers of the Common Swift have declined by more than 65% across the UK over the past 25 years. The main factor behind the decline of swifts appears to be the ongoing loss of suitable nest sites as building repair renovation and replacement gradually results in the loss of access holes to their nest sites within the fabric of buildings.
- 7.2 The matter of provision of integral nest sites for swifts through hollow chambers fitted into the fabric of a building (swift bricks) during new development was discussed by the Biodiversity Sub-committee on 13 September 2023. The sub-committee had received representation by residents in support of making swift bricks mandatory on new development. It was agreed that this discussion would be taken up through the Local Plan Sub-committee as part of the Local Plan review.
- 7.3 This proposal focuses on creating and replacing nesting sites on our existing housing and buildings. The opportunity presented is clearly at a significant scale and less time constrained than interventions on new built development. The installation of swift boxes – phase 3 of the proposed project - is a simple and relatively inexpensive process but it is important that these preceding phases are undertaken to ensure the interventions have the most impact.
- 7.4 As part of the newly enhanced Biodiversity Duty Councils are encouraged to 'help the public understand biodiversity and why it's important to conserve and enhance it' and to 'include the public in projects to improve biodiversity'. This 'pilot' project presents an opportunity for the Council to demonstrate early action following the nature recovery motion resolved in January 2023.
- 7.5 The proposed project was discussed and received unanimous support at the Biodiversity Sub-committee on 24 October 2023.
- 7.6 The proposal is for a two-year project in the first instance. Subject to securing funding for phase one of the project – data collection and surveying would begin in Spring 2024 as the swifts return to the UK. Prior to the phase one beginning the Council would work with the Swift Conservation Project to refine the aims of the project, explore sources of funding and develop funding bids.

8 Options Considered and Recommended Proposal

- 8.1 Recommendation one – An action plan could be prepared 'in house' but the Council lacks the relevant capacity and expertise to undertake this work at the present time.
- 8.2 The recommendation is that the quotation brief is approved and the Council appoints a consultant or consultants to undertake the work in accordance with the timeframes set out below.
- 8.3 Recommendation six – The proposal could be rejected but any project is unlikely to proceed at scale without the support of the Council.
- 8.4 The recommendation is that the project proposal is explored at this stage. This pilot project presents an early opportunity for the Council to engage in a partnership project while the action plan is developed.

9 Consultation

9.1 Consultation will be undertaken as part of the development of new projects as appropriate, including revisions to the policies in the emerging Derbyshire Dales Local Plan.

10 Timetable for Implementation

10.1 The timetables for each of the recommendations of this report are presented in the body of the report where appropriate.

11 Policy Implications

11.1 The achievement of the enhanced Biodiversity Duty will require that the District Council give it appropriate level consideration in the revised Derbyshire Dales Local Plan.

12 Financial and Resource Implications

12.1 The Council has been allocated additional burdens funding to enable local authorities to be prepared for the introduction of BNG. The following ring-fenced sums have been received from the Government –

- 2021/22 £10,040
- 2022/23 £26,807
- 2023/24 £26,807

Total grant funding £63,654.

12.2 From this grant funding, the Council has already incurred expenditure totalling £24,863, leaving available grant funding of £38,791.

12.3 The costs of meeting the requirements of the enhanced Biodiversity Duty are anticipated to be £58,791. This includes expenditure of £22,365 in 2023/24 via a Service Level Agreement (SLA) for services in relation to BNG from the Derbyshire Wildlife Trust. The SLA was enhanced in 2022/23 and again in 2023/24 to assist the District Council in being prepared for the implementation of BNG. The remaining £36,426 is expected to cover the costs of developing the Biodiversity Action Plan.

12.4 At the Council meeting on 28 September 2023, a supplementary revenue budget of £58,791 was approved for 2023/24. This is to be financed as follows:

- £11,984 from the grants unapplied reserve (the unspent balance of the grant for 2022/23)
- £26,807 grant receivable in 2023/24
- £20,000 from the General Reserve.

- 12.5 Any additional activities that support the achievement of the Biodiversity Duty will need to be assessed to ensure that they are capable of fitting within the Medium-Term Financial Plan and that consequent staffing requirements are capable of being resourced.
- 12.6 The financial risks associated with the recommendations of this report are assessed as low at present.

13 Legal Advice and Implications

- 13.1 This report relates to the enhanced Biodiversity Duty
- 13.2 Section 102 and Section 103 of the Environment Act 2021 – brought into effect on 1 January 2023 require that in carrying out its functions that the District Council must consider how it will conserve and enhance biodiversity.
- 13.3 The legislation also requires that the District Council must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective, and that it reports what actions it has taken to comply with its duties.
- 13.4 The preparation of this report before 31 December 2023 meets these requirements. Mechanisms will need to be put in place which in future years ensure that the reporting requirements of Section 103 are met
- 13.5 If decisions are taken as recommended at the beginning of this report the legal risk of challenge has been assessed as low.

14 Equalities Implications

- 14.1 The development of any new activities to meet this enhanced duty will need to have the equality implications identified as part of their development.

15 Climate Change Implications

- 15.1 Nature based solutions are a significant part of the response to limiting climate change. Climate change is a significant cause of biodiversity loss and so the two crises are inescapably linked. Improving biodiversity can support efforts to reduce the effects of climate change. Conserved or restored habitats offer the potential to both reduce and remove emissions by enhancing the ability of ecosystems to sequester carbon dioxide, or reverse the decline of an ecosystem so that it no longer emits harmful greenhouse gas emissions and once more becomes a ‘net sink’ of carbon. Resilient ecosystems can also reduce the disastrous impacts of a changing climate, such as flooding and storm surges.

16 Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	05/12/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	04/12/2023
Monitoring Officer	Helen Mitchell	6/12/2023

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SPECIALIST PROFESSIONAL SERVICES QUOTATION

DELIVERY OF A DERBYSHIRE DALES BIODIVERSITY ACTION PLAN

1. INTRODUCTION

At its meeting on 26th January 2023, Derbyshire Dales District Council resolved to support the recovery of nature across the Derbyshire Dales. The Council agreed to:

1. Develop and implement a Derbyshire Dales Nature Recovery Strategy and ensure it underpins all planning, development, and land management decisions, including the Local Plan
2. Improve access to nature by following the Natural England 'Nature Nearby' Accessible Natural Greenspace Guidance
3. Embed nature's recovery into all strategic plans, including the Local Plan, and all policy areas, not just those directly related to the environment. Ensure the Local Nature Recovery Strategy (LRNS) is well understood across the authority and complements other relevant plans and strategies
4. Integrate the targets, objectives, and outcomes of this motion, i.e. the biodiversity strategy and action plan, with those outlined in the Derbyshire Dales Carbon Reduction Plan, to ensure measures to tackle climate issues do not contravene the principles of enhancing biodiversity. Wherever possible, the council will invest in nature-based solutions to climate change to tackle the nature crisis and climate emergency together
5. Provide training and resources for councillors and council employees about the ecological emergency
6. Identify a council employee as the designated lead for coordinating council operations in relation to the ecological emergency

A report of the Working Group to Council in March 2023 reported the current activities the Council undertakes in relation to biodiversity summarised as an action plan – Annex One.

The Council subsequently set up a cross-party Biodiversity Sub-Committee to agree actions the Council should be taking to meet these commitments. An officer Working Group has also been formed with membership from service areas across the Council.

In May 2023 DEFRA [guidance](#) was published to support local authorities in understanding their responsibilities under the biodiversity duty as enhanced by Section 102 of the Environment Act 2021.

DEFRA has identified Derbyshire County Council as the responsible authority for delivering the Local Nature Recovery Strategy (LNRS) – points 1 and 3 above. The County Council intends to begin development of this strategy later in 2023.

The County Council prepared a Natural Capital strategy for Derbyshire in February 2023. The strategy 'describes the current status of the natural assets in the county and identifies where the natural capital is resilient and performing well in supporting the population. It identifies opportunities to adjust land management to increase the benefits felt from nature in Derbyshire'

This Council now wishes to prepare:

A Biodiversity Action Plan which identifies a series of clear and measurable actions that the Council should undertake to comply with the Biodiversity Duty. The plan should take into account existing and emerging local strategies but focus on the actions that the Council can take in the short to medium term. It is intended that the plan will build on the workstreams that are currently underway, identifying opportunities to enhance these and seeking new opportunities particularly where partnership working is possible. The plan should clearly set out the resource implications of continuing and new workstreams, identifying opportunities for funding. The term of the plan is proposed as 3 years (2024-27) to align with the current Council term.

The expectation is that a draft action plan will be developed from late December 2023 for approval by the Council in Spring 2024.

2. DETAILED REQUIREMENTS

The Council wishes to appoint consultants (a single firm or consortium headed by a single practice acting as lead consultant) to prepare a Biodiversity Action Plan:

The specific work that is required is as follows:

1. Initial advice and discussion around the scope and content of the Action Plan document. It is envisaged that this is by way of a meeting with senior officers.
2. Initial meeting with the Council's Biodiversity Sub-committee to gain an understanding of their approach to addressing the issue.
3. Guidance as to how the Council can most effectively meet our biodiversity duty considering current levels of activity, expertise and resource.
4. Recommendations on how the Council can communicate the value of biodiversity to our residents and businesses.
5. Consider how the Council can best influence the development of the LNRS, ensuring that the Action Plan complements the emerging strategy and relevant existing strategies.
6. Advice as to how the Council can embed nature recovery into all strategic plans, including the Local Plan, and policy areas.
7. Guidance as to what options are available to the Council in developing an approach to Biodiversity Net Gain (BNG) including a recommendation for how to evaluate land in Council ownership that may be appropriate for BNG or land that could be acquired.
8. Identification of opportunities to integrate work on biodiversity with the Councils Climate Change Strategy and Action Plan.
9. Identification of opportunities for internal training to ensure that there is a sound understanding of biodiversity across the Council.
10. Recommendation of an approach to meet the reporting requirements of the duty and how to positively communicate what the Council is doing.
11. Prioritisation, costing (to achieve/implement), resource estimation and advice on achieving the actions.
12. Identification and advice around appropriate community leadership actions relating to the activities of the Council, which are capable of contributing to the achievement of enhanced biodiversity across the district.
13. Prioritisation, costing and advice on achieving these community actions.
14. Amalgamation of the above into a clear and realistic Action Plan with measurable targets.
15. Presentation of the Action Plan to the relevant Sub-Committee

3. COSTS

Submissions should indicate the TOTAL price to complete the work, inclusive of all development time and materials. Please include all expenses such as travel, accommodation and subsistence in this price.

4. TIMESCALE FOR PROJECT COMPLETION

Twelve weeks from appointment - TBA

5. EVALUATION APPROACH

Bids will be evaluated on the basis of price and quality (to determine the most economically advantageous submission).

In assessing the answers to the following questions, the Council will be seeking evidence of the Potential Provider's suitability to deliver the requirements of the contract.

Responses to the specification will be evaluated in accordance with the Evaluation Approach detailed below. In the event that none of the responses are deemed satisfactory, the Council reserves the right to consider alternative procurement options.

The provision of false information will disqualify organisations from further consideration.

Scoring Principles

0	Unacceptable	Fails to meet the standard required - Response significantly deficient or no response.
1	Poor	Significantly fails to meet the standard required - Inadequate details provided and/or requirement/question not addressed or answered and/or proposals not directly relevant to stated requirement/question.
2	Limited	Fails to meet the standard required in most aspects - Limited or inadequate information provided in most areas. Only partially addressing the stated requirement/question.
3	Satisfactory	Meets the standard required in most aspects - Limited information provided in some areas. Only partially addressing the stated requirement/question.
4	Good	Meets the standard required - Information provided addresses the stated requirement/question.
5	Excellent	Meets the standard required - Comprehensive response provided in terms of the details and relevance to the stated requirement/question. Detailed evidence/ information provided to support the proposal/answer.

Scoring

Factor	Weighting
A clear understanding and interpretation of the tasks identified within this brief.	20
Robustness and suitability of the proposed approach/methodology.	15
Relevant knowledge, skills and experience of the team and experience within the team of undertaking (successfully) similar commissions.	15
Proven track record in delivering high quality work that corresponds with the requirements of the brief.	10
Price	40

The Council is not bound to accept the lowest submission. The assessment of the submissions will be undertaken by Officers from the Council.

6. DOCUMENTATION

Quotations should include an executive summary which should include:

- Narrative outlining your understanding of the tasks set out in the Brief and your timeline for completion;

- Proposed approach/methodology and detailed work programme;
- Breakdown of days and attendant costs for each consultant set against the principal tasks identified;
- Details of how any sub-contracted work will be managed;
- Experience, skills, team CVs;
- Details of appropriate referees who may be contacted, ideally these will be similar local authorities to Derbyshire Dales District Council and will include a summary of the work undertaken; and
- Evidence of appropriate insurance including a minimum of £1M professional indemnity and £10M public liability.

7. DEADLINE FOR SUBMISSIONS

A written proposal addressing the requirements above should be submitted to Tim Braund, Director of Regulatory Services by (date to be inserted), Any enquiries or clarifications about this contract opportunity should also be submitted via this route.

8. TERMS AND CONDITIONS

The successful consultants will be obliged to adhere to the Council's terms and conditions of contract.

The fee will be exclusive of VAT. No price fluctuations will be allowed unless agreed in advance by the Council's Client Officer.

9. ANNEXES

[Annex One](#) – current action plan

Annex Two – draft contract for information

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NATURE & CLIMATE

REF No.	ACTION	INITIAL ASSESSMENT	UPDATE DECEMBER 2023
NC1	Develop a Nature Recovery Network map to prioritise sites within the ecological network to provide a strategic base for the creation of a Nature Recovery Network	<ul style="list-style-type: none"> Derbyshire County Council have responsibility for LNRS and their anticipated Network Map will be incorporated in LNRS. County Council to lead; District Council to feed in as necessary. County Council to start 2023 but timescale not yet clear. 	<ul style="list-style-type: none"> No update
NC2	Increase space for wildlife and commit to the long-term maintenance and expansion of the Nature Recovery Network.	<ul style="list-style-type: none"> Clean and Green Team already active in parks/gardens – areas for wildlife, planting of shrubs suitable for pollinators etc. Installation of universal nesting boxes through home energy efficiency grant funded schemes e.g. homes in Matlock. Reduction in annual bedding by 75% over three years. Replaced by perennials Liaison with Trent Rivers Trust in Ashbourne recreation ground re Henmore Brook; potential further work with AshCom Hurst Farm Housing Estate Regeneration Scheme 	<ul style="list-style-type: none"> Universal nesting boxes to be installed at Matlock Town Hall as part of window replacement programme – December 2023 Community run social enterprise set up on Hurst Farm. Community Ranger and apprentice recruited who will now build a community volunteer group and start to undertake the first stages of management work on the woodland. Aim is to increase the health of the woodland and its habitats and linking in with surrounding habitats in the area, such as Lumsdale Woods. Work on Henmore Brook is programmed for summer/autumn 2024
NC3	Use the Nature Recovery Network map to inform the selection of Biodiversity Net Gain projects within the region.	<ul style="list-style-type: none"> See NC1 	<ul style="list-style-type: none"> See NC1
NC4	Maintain a commitment to achieve a net-gain to biodiversity across all development, meeting the Environment Act requirement of 10% biodiversity net-gain, ensuring compliance with the most up to date scheme from Defra	<ul style="list-style-type: none"> District Council pays Derbyshire Wildlife Trust (DWT) to assess planning applications Discussions ongoing with both DWT and DCC regarding an enhanced service from Nov 2023. DWT have developed offer and put forward amended Service Level Agreement. DCC unclear about potential offer Propose to enter into agreement with either DWT or DCC to assess applications against BNG metric. All relevant applications to be treated according to Regulations One-off New Burdens Grant of £10,040 provided by Government to fund this initially; two further funding grants announced 1st March 2023 	<ul style="list-style-type: none"> Full update provided in report – summary below – Delayed implementation until January 2024 The District Council has extended the existing Service Level Agreement with Derbyshire Wildlife Trust for the assessment of individual planning applications to include a specific assessment of BNG proposals to ensure they are ‘accurate, achievable and, where needed, off site measures have been identified’. Further one-off burdens funding has been received
NC5	Improve the landscape’s resilience to climate change, employing nature-based solutions to mitigate and adapt to the impacts of climate change on	<ul style="list-style-type: none"> District Council-owned parcels of land along the Derwent have been identified as having potential for Natural Flood Management schemes in partnership with DWT 	<ul style="list-style-type: none"> Awaiting updated land management plan from DWT for Rowsley Sidings site Through The Matlock and Upper Derwent Strategic Partnership (MUD) the Council has

APPENDIX 2 – Biodiversity resolution assessment (update)

REF No.	ACTION	INITIAL ASSESSMENT	UPDATE DECEMBER 2023
	the District, including carbon storage and sequestration, managing flood risk, improving water quality, and sustaining vital ecosystems.	<ul style="list-style-type: none"> • Tree planting has taken place in certain areas – Ashbourne (Feb 2023) – 170 trees planted on Fishpond Meadow (approx. 1,400 sqm) • Hurst Farm Housing Estate Regeneration Scheme • DWT seeking wider partnership agreements and funding to work in these areas under licence • DCC also have commitment to tree planting and are undertaking review of options for offsetting which includes sequestration • Also see NC2 	<p>supported a DWT bid to the DEFRA and Environment Agency - Natural Flood Risk Management Programme to implement natural flood management in the Upper Derwent Valley</p> <ul style="list-style-type: none"> • DWT also investigating possibility of including other smaller Council owned sites along the Derwent in bid to EA Natural Flood Management Programme • Hurst Farm – planning to install a natural swale system to capture run off and reduce flooding, as well as creating new habitat. A community tree seedling nursery is being set up as part of the community garden using seeds collected from the local woodland. The resulting trees will be used to replant after the required tree works in the Hurst Farm woodland.
NC6	After satisfying safety and visibility priorities, and building on the work of our Biodiversity Project, develop greenspace management regimes to maximise potential for biodiversity, carbon storage and sequestration.	<ul style="list-style-type: none"> • Existing Biodiversity Verge Project – Ongoing, 48 sites in 2023 • Working with DCC on Pathfinder project with a proposed target of 50km of road verges managed for biodiversity • Linking with Natural England Wye Valley nature recovery project looking for verges that will form links to their wildlife sites • Hurst Farm Woodland Management plan 	<ul style="list-style-type: none"> • Update is provided in the report • Hurst Farm social enterprise is working on updating the woodland management plan to create a yearly work plan to undertake with volunteers.
NC7	Carry out a carbon audit of DDDC countryside and open space sites to establish how carbon storage/sequestration could be improved.	<ul style="list-style-type: none"> • See NC1 – Nature Recovery Network map will help identify any areas to be prioritised • Vision Derbyshire Sequestration Project is exploring options for ‘offsetting’ through sequestration • Potential to undertake an internal review of District Council land assets in future years, should resources be made available, using current knowledge and available data sets e.g. DEFRA Magic Mapping, Natural England green infrastructure to provide new recommendations for improving biodiversity and sequestration potential • Potential to investigate the potential of the District Council becoming involved in the DWT Wild Peak project as a landowner, should resources be made available 	<ul style="list-style-type: none"> • Continuing to work with partners across Derbyshire authorities to explore options for carbon sequestration. Report provided to Climate Change Working Group for comments on options in October 2023 • Review of land assets (for BNG and/or sequestration) will likely form part of Biodiversity Action Plan
NC8	Adopt a peat-free policy for all council contracts and suppliers.	<ul style="list-style-type: none"> • Sustainable Procurement Policy already includes statement to this effect: We will ‘not purchase products for soil enrichment purposes that contain peat’ 	<ul style="list-style-type: none"> • No update

APPENDIX 2 – Biodiversity resolution assessment (update)

REF No.	ACTION	INITIAL ASSESSMENT	UPDATE DECEMBER 2023
		<ul style="list-style-type: none"> Contractor for annual bedding plants plant currently uses 70% peat free compost Potential for guidance and training on use of policy and to commit to update relevant contracts at point of review 	
NC9	Aim to achieve 'favourable condition' on all council-managed protected and designated nature sites (e.g., SSSIs (Site of Special Scientific Interest), LNRs (Local Nature Reserves), LWSs (Local Wildlife Sites)) by 2030.	<ul style="list-style-type: none"> The rangers fully expect Natural England (NE) will give High Tor & Pic Tor a 'favourable condition' status following feedback from recent visit but Natural England haven't updated their information yet. Discussion being held with DWT condition of Local Wildlife Sites they manage 	<ul style="list-style-type: none"> Latest visit feedback from NE '<i>impressed by the knowledge and enthusiasm of the team and the work that has been undertaken under the agreement. The grasslands at High Tor in particular appear to be doing really well and it's great to see the monitoring results demonstrating improvement in species diversity. The calaminarian grassland is a really special habitat to be proud of.</i>' Awaiting confirmation of official status

PEOPLE HEALTH AND WELL-BEING

REF No.	ACTION	INITIAL ASSESSMENT	UPDATE DECEMBER 2023
PH1	<p>Improve access to nature by following the Natural England 'Nature Nearby' Accessible Natural Greenspace Guidance</p> <p>Regard will be given to:</p> <ul style="list-style-type: none"> Areas with high levels of physical health problems. Areas with high levels of mental health problems. Areas where the amount and quality of accessible natural greenspace is below Natural England's targets 	<ul style="list-style-type: none"> A number of District Council sites already achieve 'Green Flag' award for accessible green space Work as part of Hurst Farm Housing Estate Regeneration Project is likely to be key in supporting areas with highest levels of physical and mental health problems and where access to greenspace is more difficult 	<ul style="list-style-type: none"> Applications for three Green Flags will be submitted by January 2024 Hurst Farm - following recruitment of a Countryside Ranger and apprentice, work has started to run activities around the woodland, community gardening and dry-stone walling engaging local residents.

STRATEGIC PLANNING AND DEVELOPMENT

REF No.	ACTION	INITIAL ASSESSMENT	UPDATE DECEMBER 2023
SP1	Embed nature's recovery into all strategic plans, including the Local Plan, and all policy areas, not just those directly related to the environment. Ensure the LNRS is well understood across the authority and complements other relevant plans and strategies.	<ul style="list-style-type: none"> Already embedded in Local Plan but review will extend to address BNG requirements Potential for a briefing on the future LNRS, linked to the wider training in SP3. Delivered by DCC or author of LNRS (subject to cost) Potential for Staff Briefing on Biodiversity Duty (nil cost) 	<ul style="list-style-type: none"> Local plan review ongoing, BNG requirements to be addressed Await LRNS progress Nature recovery and linking in with wider Matlock's existing nature sites is key to the Heritage Lottery funding received and forms integral part of the long term strategy of developing the Hurst Farm project

APPENDIX 2 – Biodiversity resolution assessment (update)

REF No.	ACTION	INITIAL ASSESSMENT	UPDATE DECEMBER 2023
		<ul style="list-style-type: none"> Ongoing need to identify other plans & strategies when reviewed as opportunity to incorporate biodiversity where appropriate 	
SP2	Integrate the targets, objectives, and outcomes of this motion, i.e. the biodiversity strategy and action plan, with those outlined in the Derbyshire Dales Carbon Reduction Plan, to ensure measures to tackle climate issues do not contravene the principles of enhancing biodiversity. Wherever possible, the council will invest in nature-based solutions to climate change to tackle the nature crisis and climate emergency together.	<ul style="list-style-type: none"> Acknowledged that the approved 'Climate change strategy and action plan' does not take a nature-based approach; its pathway to net zero is largely technology-led At Climate Change Strategy and Action Plan review point (2025?) – ensure nature-based solutions are reviewed and considered, including role of offsetting/sequestration in meeting net zero commitments Biodiversity impacts of decisions taken by Council are not formally considered; potential to incorporate high-level biodiversity impact assessments (where appropriate) into committee reports by modifying the climate change impact assessment 	<ul style="list-style-type: none"> Discussion ongoing as to future direction of climate change strategy Biodiversity Action Plan will review how best to integrate both themes of work Biodiversity impacts now considered alongside climate change impacts on all decision-making reports. Officer guidance provided – further training to be identified through Biodiversity Action Plan.
SP3	Provide training and resources for councillors and council employees about the ecological emergency	<ul style="list-style-type: none"> Principles of ecological emergency (links to climate emergency) are touched upon in carbon literacy course that senior leaders and some Councillors have undertaken Potential for all Councillors/Senior Leaders to complete Local Government Association e-Learning module 'Biodiversity for Councils' (nil cost) 	<ul style="list-style-type: none"> To be included in Biodiversity Action Plan

170

COLLABORATION, MONITORING, AND ACCOUNTABILITY

REF No.	ACTION	INITIAL ASSESSMENT	UPDATE DECEMBER 2023
CM1	Identify a council employee as the designated lead for coordinating council operations in relation to the ecological emergency.	<ul style="list-style-type: none"> South Derbyshire District Council advertised for an ecology officer at £38K plus on costs; were unable to recruit as ecologists are in demand from private practice at higher salaries Currently considered that the only practical and affordable way forward is to join with other councils in a partnership service as proposed by DWT and DCC 	<ul style="list-style-type: none"> No update

OTHER ACTIVITIES

APPENDIX 2 – Biodiversity resolution assessment (update)

REF No.	ACTION	INITIAL ASSESSMENT	UPDATE DECEMBER 2023
OT1	Derbyshire Wildlife Trust SLA	<ul style="list-style-type: none"> Currently costs £14,823 each year. Is this cost sustainable given MTFP? 	<ul style="list-style-type: none"> Additional BNG one off burdens money received
OT2	High Tor, Pic Tor, Lovers Walk Management	<ul style="list-style-type: none"> Ongoing role of Clean and Green Team 	<ul style="list-style-type: none"> No update
OT3	Tree Strategy & Management Plan	<ul style="list-style-type: none"> Ongoing work by Tree Officer and contractors 	<ul style="list-style-type: none"> Currently manage the risk that trees present in terms of personal harm or property damage. This involves felling or pruning of trees as necessary. Generally aim to plant at least 1 replacement for every tree removed in the same place. Timber resulting from the works is mostly left on site where this is appropriate, in the form of wood chip, lengths of timber left on the ground or in habitat piles. We also retain standing stems approx. 1-3m tall. This wood will provide valuable resource and habitat for wildlife as it decomposes. Ash dieback is killing many trees in our District and we are currently planning to remove severely affected trees. Recent surveys have indicated that approx. 550 ash trees should be removed which are located in higher risk locations.
OT4	Glyphosate reduction	<ul style="list-style-type: none"> Subject of separate report to Members 	<ul style="list-style-type: none"> In wider report

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