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## Community & Environment Committee

**Minutes of a Community & Environment Committee meeting held at 6.00 pm on Thursday, 26th October, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.**

### PRESENT

Councillor Martin Burfoot - In the Chair

Councillors: Peter O'Brien, Anthony Bates, Kelda Boothroyd, Matt Buckler, David Chapman, Peter Dobbs, Marilyn Franks, Gareth Gee, Susan Hobson, Dermot Murphy, Andy Nash, Steve Wain and Roger Shelley

Present as substitute - Councillors: Roger Shelley

Paul Wilson (Chief Executive), Tim Braund (Director of Regulatory Services), Robert Cogings (Director of Housing) 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."*

Councillor Martin Burfoot thanked all council officers, emergency services and volunteers involved in addressing and responding to the flooding events of the previous weekend suffered by residents and businesses.

### APOLOGIES

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

### 183/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Peter O'Brien, Seconded by Councillor Peter Dobbs and

**RESOLVED** (unanimously)

That the minutes of the meeting of the Community and Environment Committee held on 07 September 2023 be approved as a correct record.

The Chair declared the motion **CARRIED**.

### **184/23 - RECEIVE THE MINUTES OF SUB-COMMITTEE MEETINGS**

It was moved by Councillor Matt Buckler, seconded by Councillor Roger Shelley and

**RESOLVED** (unanimously)

That the minutes of the following Sub-Committee meetings be received:

- Local Plan Sub-Committee – 27 September 2023
- Biodiversity Sub-Committee – 13 September 2023

The Chair declared the motion **CARRIED**.

### **185/23 - PUBLIC PARTICIPATION**

There was no public participation.

### **186/23 - INTERESTS**

Item 8 – Biodiversity Action Plan Specification.

Councillor Matt Buckler declared a non-pecuniary interest in Item 8 due to his position at Derbyshire Wildlife Trust and so did not vote on the item.

**18:03** – Councillor Kelda Boothroyd entered the meeting.

### **187/23 - QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15**

**Councillor Steve Wain put forward the following questions to Councillor Martin Burfoot, Chair of the Community and Environment Committee:**

*“Chair.*

*Matlock has once again recently featured in the media regarding yet another flooding event and the serious issues the town has with parts of its ineffective infrastructure, exposed by, excessive housing development, inadequate planning assessment and a lack of knowledge of its hydrology and geology.*

*In July 2023 there was a Public Health incident around Presentation Avenue, Matlock, where the foul and surface drainage infrastructure surcharged during a significant rain fall event. A Care Centre was flooded with human waste and an adjacent Academy had human waste discharged into its Play Area. Later pupils were seen playing in the human waste. This is abhorrent and unacceptable.*

*Currently the foul waste from 300 homes is channelled through this drainage network. This includes properties on Bentley Close, Gritstone Road and Asker Lane. The waste water flow is exacerbated by joining combined surface and foul water flows on Chesterfield Road and the gradient on to Presentation Avenue.*

***It must be noted that the foul waste from an additional 78 houses proposed to be built adjacent to Gritstone Road, are projected to flow through the infrastructure under the Care Home and Academy.***

***Are you surprised, or shocked by this increased risk? I was, but not apparently the Derbyshire County Council LLFA, who appear to have failed to mention this in their most recent consultation response regarding the protracted Gritstone Road planning application.***

***In this document the LLFA also rescinded a holding objection relating to excessive water flows from the site, which they had imposed, in 2022. Again, no rationale was provided, in justification for this action.***

***Furthermore, in the same consultation they appear to abdicate responsibility and pass responsibility to our LPA, by recommending six conditions. Regularly these conditions appear to say, "construction shall not commence until a detailed assessment has been provided to, and approved by the LPA".***

***Who are the experts here? I know DDDC have qualified Planners, but by their own admission they are not drainage specialists!***

***In the above consultation response, the LLFA have also failed to specifically mention, or comprehensively comment upon, other significant issues highlighted by the community including:-***

- *the significant increase in size and safety concerns of the attenuation dams, which are now so large that they require a Panel Engineer to assess them,*
- *continuing to allow excessive surface water flows from the developed area (phase1), against original STW instruction,*
- *their willingness to proceed with culverting a significant length (230m) of surface water flow, against both their own and Environment Agency policy,*
- *culverting increased surface water flows under existing homes on Bentley Close, without knowledge of where the flows actually outfall,*
- *not commenting upon, or apparently assessing the increased impact of deforestation above the proposed site.*
- *Failing to fully take account of the risk to the recently reviewed, highly sensitive, Bentley Brook catchment and the impact upon the Knowleston Place Pump Station.*

***I sincerely hope that you are able seek further clarification from the LLFA and protect Officers and the Derbyshire Dales District Council from any Potential subsequent litigation, regarding flooding issues linked to this site and therefore I ask:-***

***1. Will the Chair of this Committee, on behalf of the local community, businesses and our Council, ensure Derbyshire County Council, Local Lead Flood Authority, provide an assurance that they have robustly assessed all the issues highlighted by the community regarding the entire hybrid site and provide full reasoning and documentation to support all their recommendations in the consultation document dated 22 September 2023?***

***2. Will you also ensure that the LLFA provide a comprehensive response, and documentation, to explain their irrational and potentially reckless decision to rescind the previous holding objection, in light of all the new documented evidence submitted by the community and STW?"***

**Councillor Martin Burfoot provided the following response:**

Dear Cllr Wain

Thank you for your questions relating to surface and foul water drainage issues in several neighbourhoods in the area north of Matlock town centre.

Firstly, I want to say that I share your view that it is disgusting and totally unacceptable that recent flooding events in the town have resulted in human waste being deposited in premises below Presentation Avenue, off Chesterfield Road.

Thank you for your continuing efforts, and those of your colleague councillors and local resident groups, to uncover what you all consider to be the cause of this, as well as those responsible.

I am sure you will understand that it would be inappropriate for me to comment in detail on any aspect of the current Gritstone Road / Wolds Farm planning application.

However, I believe it is vital that our Officers demand a full report from the Panel Engineer appointed by the County Council to examine the drainage aspects of that application, to enable our Planning Committee members to reach an informed decision, in due course. I consider that this and other similar applications should not be brought before the Planning Committee unless and until officers are fully satisfied that detailed plans of supporting infrastructure are approved, would be conditioned and in place prior to the commencement of any housing development.

Likewise, with regard to the need for a preliminary risk assessment of any large flood attenuation basins proposed, I will work with officers and relevant members, including you Cllr Wain, to insist that the Environment Agency examine that risk assessment should it be considered necessary under the Reservoirs Act.

Finally, I can assure you, Cllr Wain, that I will also work with officers to get an assurance from the County Council's Lead Local Flood Authority that all the issues and concerns highlighted by Matlock councillors and the local community have been robustly assessed and evidence provided to confirm and support their recommendations to this Council.

Cllr Martin Burfoot

Chair, Community and Environment Committee

**188/23 - ASHBOURNE AIR QUALITY MANAGEMENT AREA ACTION PLAN**

The Director of Regulatory Services introduced a report which summarised discussions at the first meeting of the Air Quality Action Plan Working Group core group, the report also proposed that further updating reports be provided to future meetings of this Committee.

At the meeting of the Community and Environment Committee held on 7 September 2023, it was resolved that an air quality action plan working group be re-established with a core group consisting of at least one officer from the District Council and two elected Members taken from the list set out in the report. It was also resolved at that meeting that the

preliminary findings of that group be reported to the next meeting of the Community and Environment Committee.

It was noted within the report that the core group met on 4 October 2023 and the discussions which took place were detailed. These discussions included the position regarding actions for inclusion within the action plan following public consultation, the public support for a 20-mph zone within the town, and the potential synergies between the air quality action plan and the ambitions of the Ashbourne Reborn programme. The timescales for the development of further discussions and preparation of an updated suite of options for the final draft action plan were also detailed within the report.

It was moved by Councillor Peter Dobbs, Seconded by Councillor Steve Wain and

**RESOLVED** (unanimously)

1. That the first meeting of the Air Quality Action Plan Working Group core group be noted.
2. That a further updating report be submitted to the December meeting of this Committee.

The Chair declared the motion **CARRIED**.

### **189/23 - BIODIVERSITY ACTION PLAN SPECIFICATION**

The Director of Regulatory Services introduced a report which sought Member approval for a specialist professional services quotation brief for the delivery of a Derbyshire Dales Biodiversity Action Plan. It was noted within the report that the resulting action plan would allow the Council to meet the requirements of the enhanced Biodiversity Duty as set out in the Environment Act 2021.

At a meeting of Council on 26 January 2023, it was resolved to support the recovery of nature across the Derbyshire Dales. A subsequent report to Council on 16 March 2023 advised Members of the Biodiversity Duty, and set out the activities being undertaken by the District Council which contributed to meeting the new requirement. This report also recommended that a plan be prepared to set out further actions which should be undertaken to meet the requirements of the newly enhanced Biodiversity Duty. Following this decision, the Biodiversity Sub-Committee agreed that a specification be prepared for a new biodiversity 'action plan'.

The quotation brief was approved by the Biodiversity Sub-Committee on 13 September 2023, following which it was referred to this meeting of the Community and Environment Committee for the appropriate approval.

It was moved by Councillor Steve Wain, Seconded by Councillor David Chapman and

**RESOLVED** (unanimously)

1. That the specialist professional services quotation brief at Appendix 1 be approved.
2. That the funding mechanism for the plan, as set out in paragraph 7, be approved.

3. That Council be recommended to approve a supplementary revenue budget in 2023/24 to reflect the proposed expenditure of £58,791 associated with the action plan for nature specification and work to prepare for the delivery of Biodiversity Net Gain (BNG). This would be financed by the transfer of £11,984 from the grants unapplied reserve, £26,807 grant receivable in 2023/24 and £20,000 from the General Reserve.

The Chair declared the motion **CARRIED**.

**19:15** – Councillor Andy Nash left the meeting.

### **190/23 - PRIVATE RENTED SECTOR STUDY**

The Director of Housing introduced a report which sought Member approval to recruit an additional Home-Options Officer on a temporary basis, and to engage consultants to develop an initial business plan for an Ethical Lettings Agency and direct provision of private rented homes.

The District Council, in partnership with Amber Valley Borough Council, received a £25,000 grant from the Local Government Association (LGA) and their Housing Advisors Programme at the end of 2021/22. The grant award followed a successful bid for funding to undertake research into the private rented sector across the areas covered by both authorities. Altair were appointed to undertake the research which took place between April 2022 and March 2023. The final report was received prior to the local elections in May, which resulted in a delay in reporting this information to Members. The recommendations proposed by Altair were set out in the report for Members to consider.

It was moved by Councillor Peter O'Brien, Seconded by Councillor Matt Buckler and

**RESOLVED** (unanimously)

1. That an additional Home-Options Officer be recruited on a temporary basis, funded by an earmarked reserve.
2. That the Director of Housing engage suitable consultants to develop an initial business plan for an Ethical Lettings Agency and direct provision of private rented homes that can be brought back to Members for further consideration.

The Chair declared the motion **CARRIED**.

**Meeting Closed: 7.30 pm**

**Chairman**