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## Community & Environment Committee

**Minutes of a Community & Environment Committee meeting held at 6.00 pm on Tuesday, 30th July, 2024 in the Council Chamber, Town Hall, Matlock, DE4 3NN.**

### PRESENT

Councillor Martin Burfoot - In the Chair

Councillors: Peter O'Brien, Kelda Boothroyd, Matt Buckler, Sue Bull, David Chapman, Marilyn Franks, Stuart Lees, Joanne Linthwaite, Andy Nash, Peter Slack, Sue Burfoot, Nigel Norman Edwards-Walker and Steve Flitter

Steve Capes (Director of Place and Economy), Robert Cogings (Director of Housing), David Cowley (Principal Environmental Health Officer), Lucy Harrison (Democratic Services Assistant), Christie Limb (Solicitor), Shaun Robson (Interim Development Manager), Laura Salmon (Environmental Health Officer) Ashley Watts (Director of Community and Environmental Services), Paul Wilson (Chief Executive) and Vikki Winfield (Neighbourhoods Manager)

### 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, Peter Dobbs, Susan Hobson, Dermot Murphy, Steve Wain and Nick Whitehead

### 100/24 - PUBLIC PARTICIPATION

In accordance with the procedure for public participation, Councillor Jo Wildgoose (Rowsley Parish Council), gave a statement on the provision of Gypsy and Traveler Sites within the District.

The following representation was received in writing prior to the meeting and was distributed to Members:

## **STATEMENT from Mr Darrell Yates, Local Resident**

### *“GRASS CUTTING TO OPEN SPACES MORLEDGE ESTATE*

*I fully understand and appreciate the requirements for reducing our impact on the planet, thus enabling our children and grandchildren to enjoy a healthy life.*

*However I have great concern that action taken to stop mowing some of the open grass areas has resulted in helping to make the Morledge estate something of an eyesore. These areas are unkempt and appear uncared for. Resulting in the estate looking rundown.*

*It appears that a minority of residents have through their strong voices and opinions resulted in being heard the loudest and their opinions have therefore been implemented. I sincerely trust that this is not the case?*

*Having spoken with many of the Morledge residents I am not aware of anyone who was approached for their opinion either before or after the actions were taken and implemented.*

*Going forward it is essential that the residents who are directly affected and have direct views of proposed and existing “no mow” areas are properly consulted. A straw poll taken by knocking on doors during working hours will not result in a fair opinion poll.*

*Finally I have lived all of my 76 years in rural Derbyshire and this is the first time I have been drawn into expressing my opinion which I know is also held by many other residents.*

*Yours sincerely*

*Darrell Yates”*

## **101/24 - INTERESTS**

Item 6 – Environmental Health Commercial Team Service Plan – Food Hygiene and Health and Safety at Work

Councillor Sue Bull declared a personal interest in the item due to running a Public House business.

Item 8 – The Introduction of Planning Performance Agreements as a Project Management Tool

Councillor Matt Buckler declared a non-pecuniary interest in the item due to being employed by Derbyshire Wildlife Trust, who provide biodiversity planning advice to the Council.

## **102/24 - QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15**

No questions were received.

## **103/24 - CAPITAL BIDS FOR INCLUSION INTO THE CAPITAL PROGRAMME 2024/25 TO 2028/29**

The Neighbourhoods Manager introduced a report which sought the Committee's approval for 2 new bids for capital projects to be referred to Council for inclusion in the District Council's Capital Programme.

The Council's Financial Regulations specified that new bids for inclusion in the capital programme should be presented to the relevant policy committee for approval, prior to being recommended for approval to Council.

Two new bids were put forward for Members' consideration, the Five Year Car Park Improvement Plan and the Bakewell Cemetery Extension. It was noted that the proposed projects could be financed from the Council's capital reserves and would not incur any borrowing. Further details of each project were set out in Appendix 1.

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

### **RESOLVED** (unanimous)

1. That the 2 proposed Capital Bids for years 2024/25 to 2028/29, summarised in the report and detailed in Appendix 1, be approved by this Committee and recommended to Council for inclusion in the capital programme.

The Chair declared the motion **CARRIED**.

**18:05pm – Councillor Edwards-Walker entered the Meeting.**

## **104/24 - ENVIRONMENTAL HEALTH COMMERCIAL TEAM SERVICE PLAN - FOOD HYGIENE AND HEALTH AND SAFETY AT WORK**

The Principal Environmental Health Officer introduced a report informing the Committee of the official interventions for food hygiene and health and safety at work undertaken by the Council's Environmental Health service during 2023/24 and predicted service demands for 2024/25.

Members were informed that the Council was required under the Food Law Code of Practice to submit a Service Plan to cover all areas of food law in the Competent Authority has a duty to enforce. The plan must set out how the Competent Authority intended to deliver and resource official food controls and other official activities in its area. A performance review must be carried out at least once a year, occurring on 1st April, with the findings directly provided to the Food Standards Agency. It was noted that service plans were an important part of the process to ensure that national priorities and standards were addressed and delivered locally.

The service plan for delivery of official controls was detailed at Appendix 1. Table 3, Interventions at food establishments, detailed the activities from 2023/24 and projections for the 2024/25. The grand total of planned interventions was 610, however the service also received reactive interventions.

It was moved by Councillor Matt Buckler, seconded by Councillor Marilyn Franks and

**RESOLVED** (unanimously)

1. That the service plan for delivery of official controls detailed at Appendix 1 to this report be approved.

The Chair declared the motion **CARRIED**.

**105/24 - ENFORCEMENT OF ELECTRICAL SAFETY STANDARDS IN THE PRIVATE RENTED SECTOR (ENGLAND) REGULATIONS 2020**

The Environmental Health Officer introduced a report noting that the Council was working closely with other Derbyshire districts/boroughs to improve the standards of private rented housing. It had been identified that it would be operationally effective to seek delegated authority to enable officers in the Public Health and Housing Team to enforce the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 came into force on 1<sup>st</sup> June 2020. The regulations applied to all new specified tenancies from 1<sup>st</sup> July 2020 and all existing tenancies from 1<sup>st</sup> April 2021.

Landlords were now required to have the electrical installations in their properties inspected and tested by a person who was qualified and competent, at least every 5 years. It was noted that landlords must provide a copy of the electrical safety report to their tenants, and if requested, to their local authority.

Under these Regulations, local authorities could require landlords to carry out vital remedial works or even arrange for repairs to be done and recover their cost from the landlord. They could decide the level of penalty for landlords who don't comply, up to £30,000, and could spend the proceeds on enforcement purposes, helping them to keep up the good work driving up standards in privately rented homes.

It was moved by Councillor Peter Slack, seconded by Councillor Matt Buckler

**RESOLVED** (unanimously)

1. That the Council adopts the Regulations and the Scheme of Delegation detailed at paragraph 3.1 of this report.
2. That the Civil Penalty Enforcement Policy in Appendix 1 to this report is adopted.

The Chair declared the motion **CARRIED**.

**106/24 - THE INTRODUCTION OF PLANNING PERFORMANCE AGREEMENTS AS A PROJECT MANAGEMENT TOOL**

The Interim Development Manager introduced a report which proposed the use of Planning Performance Agreements (PPAs) for appropriate planning cases. The report explained the benefits of PPAs as a project management tool that in appropriate cases could benefit the Council's planning service at pre-application and application determination. PPAs could provide additional discretionary income which would assist in covering the costs of both pre-application advice and application determination of complex planning applications.

It was highlighted that the Council recognised that it was essential to operate a consistently high performing development management service and understood that this was one of the drivers of local development and sustainable growth which could deliver the homes and jobs that were needed locally. As such it was important that the Council's planning team used the right tools to deliver its development management service.

Members were informed that a PPA was a voluntary agreement between a planning applicant and a local planning authority that set out the actions, resources and timescales for handling a particular planning application.

PPAs were now used by many Councils as a opportunity for the applicant to engage in more detailed discussions with a Council and to enable both sides to commit resources and timescales to the delivery of key development proposals.

The Planning Advisory Service considered there to be four key benefits of PPAs, these were outlined in section 1.6 of the report. Appendix 1 to the report detailed a Model PPA.

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

**RESOLVED** (unanimously)

1. That the Council agrees to use Planning Performance Agreements (subject to them being authorised by the Director of Place and Economy or the Development Manager only).
2. That the costs of engaging external consultants to provide this service would be fully passed onto applicants.

The Chair declared the motion **CARRIED**.

**107/24 - NATURE DELIVERY PLAN**

The Director of Community and Environmental Services introduced a report which presented a Nature Delivery Plan for 2024 to 2027. This new Nature Delivery Plan provided a framework for actions which would allow the Council to comply with the statutory duty.

Members were informed that 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. In November 2021 the Environment Act introduced a wide range of responsibilities in relation to biodiversity and Section 102 amended 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.

To meet the enhanced Biodiversity Duty, Local authorities were required to complete a first consideration of what action to take for biodiversity by 1<sup>st</sup> January 2024 and agree policies and objectives soon after this.

At the meeting of the Biodiversity Sub-Committee on 13<sup>th</sup> September 2023, Members approved the specification and a budget to commission a Nature Delivery Plan. The specification received further approval at the Community and Environment Committee on 26<sup>th</sup> October 2023 and Council on 14<sup>th</sup> December 2023.

Following tender process, SLR Consulting were appointed to produce the plan in early February and a draft was presented to the Biodiversity Sub-Committee on 18<sup>th</sup> April 2024. The plan had now been finalised and was attached at Appendix 1.

The Director of Community and Environmental Services noted his thanks to Jo Hill, for her work during her time at the District Council and the Chair endorsed this on behalf of Members.

It was moved by Councillor Stuart Lees, seconded by Councillor Matt Buckler and

**RESOLVED** (unanimously)

1. That the Nature Delivery Plan for 2024 to 2027 be approved.
2. That Council be recommended to approve additional revenue budget (2025/26) to reflect the proposed expenditure of £30,000 associated with the delivery of the actions set out in the Nature Delivery Plan.

The Chair declared the motion **CARRIED**.

### **108/24 - FIRST HOMES - LOCAL CONNECTION AND CHARGING FEES**

The Housing Needs and Research Officer introduced a report which informed Members of 'First Homes', a newly developed tenure designed by DLUHC to help first time buyers onto the property ladder by offering new homes at a discounted price.

The First Homes tenure launched in 2021, following consultation and early delivery pilot schemes, and was considered by government to meet the definition of 'affordable housing' for planning purposes. It was noted that the discounted market tenure should account for at least 25% of all affordable housing units delivered by developers through planning obligations.

The national criteria that First Homes must meet as per Government guidance was detailed in section 1.2 of the report. The Homes Written Ministerial Statement gave Local Authorities the power to exercise a degree of discretion within this national criteria if they wished to do so. As part of 106 agreements, Local Authorities could also apply additional local eligibility criteria such as a local connection test and priority towards key workers. It was noted that any local eligibility criteria or adjustment to national criteria only applied for a maximum of 3 months from when a home was first marketed, although, the time limits for marketing could change if the property had been marketed for more than 3 months before a practical completion. If a suitable buyer had not reserved a home in this time, the eligibility criteria would revert back to the national criteria.

It was moved by Councillor Andy Nash, seconded by Councillor Matt Buckler and

**RESOLVED** (Unanimously)

1. To implement an Interim Planning Policy for First Homes that includes a Local Connection requirement as proposed at paragraph 2.7 of this report.
2. To allow DDDC to charge developers a fee to cover the administrative costs of First Homes on a cost recovery basis only. This fee would be £1448 per property.

3. That the Director of Housing is given permission to sign the necessary legal documents within the Conveyancer Pack to allow First Homes purchases to proceed.

The Chair declared the motion **CARRIED**.

### **109/24 - AFFORDABLE HOUSING DELIVERY PROGRAMME**

The Director of Housing introduced a report which brought together the different elements of the affordable housing delivery program for Members to review and endorse.

Members were informed that affordable housing provision within the market towns and protected landscapes of the Derbyshire Dales remained challenging. The post covid period and the cost of living crisis, coupled with the historically low-wage economy of the district, had ensured local need for affordable housing continued to outstrip available supply.

The Council entered the market of Registered Providers in 2021 and now owned 40 properties, with 38 as social rent and 2 as shared ownership. These had been delivered primarily through utilising off-site S106 contributions, government grant via the Local Authority Housing Fund and Homes England Grant. Factors limiting the resources Registered Providers could spend on building new homes were detailed in section 1.2 of the report. Despite the challenges detailed, housing associations remained keen to deliver affordable homes in the Derbyshire Dales.

The outturn performance for 2023/24 delivered 51 homes, which was below the Council's rolling average of 67 homes per year. Table 1 of the report provided the details of the outturn. It was noted that 5 homes in Monyash were included to reflect the Council's own housing delivery. These properties were transferred from another registered provider and therefore did not represent new additions.

Table 2 detailed in section 1.6 of the report, set out the programme for 2024/25, which was projected to deliver up to 80 homes across a number of small to medium sized sites. Whilst S106 provision was only 22% of the programme for this year, 50% was by direct provision via housing associations. It was noted that the main risk to this programme was the Local Authority Housing Fund round 3 allocation (LAHF3). Members were informed that despite the Council's expression of interest submitted in March 2024, there had not yet been any confirmation that funding would be made available. Officers had already been working up opportunities in the event the LAHF3 grant was confirmed.

It was moved by Councillor Peter Slack, seconded by Councillor Joanne Linthwaite and

**RESOLVED** (unanimously)

1. That Committee endorses the priority list of schemes set out in paragraph 3.1.
2. That officers prepare affordable housing proposals for inclusion in the next round of the capital programme.

The Chair declared the motion **CARRIED**.

**Meeting Closed: 8.01 pm**

**Chairman**