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## **COUNCIL (Extraordinary Meeting)**

**Minutes of the Extraordinary Council meeting held at 6.00pm on Wednesday 19<sup>th</sup> January 2022 in the Wheeldon Hall, Highfields School, Lumsdale, Matlock DE4 5NA.**

### **PRESENT**

Councillor Sue Bull - In the Chair

Councillors: Jacqueline Allison, Robert Archer, Jason Atkin, Matthew Buckler, Martin Burfoot, Sue Burfoot, Neil Buttle, David Chapman, Tom Donnelly, Graham Elliott, Richard Fitzherbert, Steven Flitter, Chris Furness, Clare Gamble, Dawn Greatorex, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Dermot Murphy, Peter O'Brien, Garry Purdy, Mike Ratcliffe, Mark Salt, Andrew Shirley, Peter Slack, Andrew Statham, Alasdair Sutton, Colin Swindell, Steve Wain and Mark Wakeman.

Paul Wilson (Chief Executive), Steve Capes (Director of Regeneration & Policy), Rob Cogings (Director of Housing), Mike Hase (Policy Manager), Jim Fearn (Communications & Marketing Manager), Lee Gardner (Legal Services Manager), Jason Spencer (Democratic Services Manager) and Tommy Shaw (Business Support Assistant).

At the start of the meeting the Committee stood in a silent tribute to the former Leader of the Council Councillor Lewis Rose OBE who passed away on 6 January 2022.

### **APOLOGIES**

Apologies for absence were received from Councillors: Richard Bright, Paul Cruise, Helen Froggatt, Michele Morley and Claire Raw,

### **239/21 - PUBLIC PARTICIPATION**

#### **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.”*

#### **Item 4 – DERBYSHIRE DALES LOCAL PLAN REVIEW**

The following questions and statements were submitted in writing:

#### **STATEMENT and QUESTION from Mr Peter Dobbs, Ashbourne Local Resident**

*“The existing Local Plan does mention air pollution and how planning decisions should bear in mind their impact on air quality. However I would contend the guidance in PD9 is vague and perhaps less able to protect the health of residents than policy NBE15 from the 2007 plan that it replaced. Since the current Local Plan was written, the government has published revised guidance on “how planning can take account of the impact of new development on air quality.” In particular it says “All development plans can influence air quality in a number of ways, for example through what development is proposed and where, and the provision made for sustainable transport. Consideration of air quality issues at the plan-making stage can ensure a strategic approach to air quality and help secure net improvements in overall air quality where possible. It is important to take into account air quality management areas, ..... where there could be specific requirements or limitations on new development because of air quality.”\* With this in mind it is disappointing to note that there is no planned revision of the section on air quality (which is bundled with a section on unstable land) yet since the Plan was adopted there has been an AQMA declared in Ashbourne and other areas have worryingly high levels of the pollutant nitrogen oxide, with some pollutants like particulates not being measured at all.*

*Question; May I ask why a revision of this section of the Plan (PD9) was thought unnecessary?”*

#### **RESPONSE:**

**The primary aim of the Derbyshire Dales Local Plan is to ensure that the District Council sets out a framework for decisions on the use and development of land that seek to achieve sustainable development. The policies and proposals in the adopted Derbyshire Dales Local Plan seek to achieve this and were subject to independent scrutiny by a Planning Inspector in 2017 and found to be fit for purpose at that time.**

**As the report to Council sets out the District Council is required to complete a review of the Derbyshire Dales Local Plan by December 2022. The purpose of the report is to set out where it is considered changes in principle should be undertaken, and for Members to approve further work on more detailed changes to the policies and proposals in the Local Plan.**

#### **240/21 - INTERESTS**

No interests were declared.

#### **241/21 – DERBYSHIRE DALES LOCAL PLAN REVIEW (ITEM 4)**

The council received a report which outlined the work undertaken in respect of the review of the previously adopted Derbyshire Dales Local Plan. The report advised Members of aspects of the adopted Derbyshire Dales Local Plan that were considered necessary to modify, taking account of an updated evidence base, updated guidance in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance. A timeline was also presented which outlined the next stages of the review process.

It was moved by Councillor Garry Purdy, seconded by Councillor Jason Atkin and

**RESOLVED**

1. That the extent of work undertaken on the statutory review of the adopted Derbyshire Dales Local Plan be noted.
2. That those aspects of the Derbyshire Dales Local Plan set out in Appendix 1 of the report which were considered necessary to be modified be approved, as a basis for further more detailed work.
3. That the detailed further work on those aspects of the adopted Derbyshire Dales Local Plan identified in Appendix 1 be subject to scrutiny by the Local Plan Working Group prior to further reports to future meetings of council.
4. That for the purposes of Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 the review of the Derbyshire Dales Local Plan be determined as having been completed.
5. That the timetable for the ongoing modification of the Derbyshire Dales Local Plan as set out in Paragraph 3.10 be approved.

**Voting:**

<b>For</b>	28
<b>Against</b>	1
<b>Abstention</b>	4

The Chairman declared the motion **CARRIED**.

Councillor Robert Archer arrived at 6.10pm during consideration of this item.

**242/21 – RURAL AREA DESIGNATION – S157 HOUSING ACT 1985 (ITEM 5)**

The Council considered a report which sought Member approval for an application to be submitted to the Secretary of State for Rural Area Designation under s157 of the Housing Act 1985.

The report detailed the concept of First Homes Exception Sites, as a consequence of the previously introduced First Homes Scheme. These were described as housing developments which come forward outside of local or neighbourhood plan allocations to deliver affordable housing. The report also explained that First Homes Exceptions sites cannot come forward in areas designated as rural areas, as defined in Annex 2 of the National Planning Policy Framework.

It was therefore recommended to submit an application to the Secretary of State, to designate all areas that meet the criteria as Rural Areas under s157 of the Housing Act 1985. This was recommended in order to remove the potential for more speculative sites coming forward as First Home Exception sites, and thereby maintain the District Councils approach to providing affordable housing through Registered Providers either for affordable rent, social rent or shared ownership.

There was a discussion on whether the village of Tansley should be included in the application and noted that Tansley Parish Council would be will to assist in providing information to justify its inclusion.

Councillor Sue Burfoot moved the Officer recommendations with an amendment to include Tansley in the application for designation as a Rural Area. This was seconded by Councillor Steve Flitter and

- RESOLVED**
1. That, the Parishes set out in Appendix 2, with the addition of Tansley, be subject to an application the Secretary of State for designation as a Rural Area under Section 157 of the Housing Act 1985.
  2. That a further report be presented to Members which sets out the outcome of the application for Rural Area Designation.

**Voting:**

<b>For</b>	31
<b>Against</b>	0
<b>Abstention</b>	2

The Chairman declared the motion **CARRIED**.

**243/21 – SEALING OF DOCUMENTS**

It was moved by Councillor Gary Purdy, seconded by Councillor Jason Atkin and

- RESOLVED**  
(unanimously)
- That the common seal of the Council be affixed to those documents, if any, required to complete transactions undertaken by Committees or by way of delegated authority to officers since the last meeting of the Council.

**Meeting Closed: 8:05pm**

**Chairman**