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8 November 2017

To: All Councillors

As a Member or Substitute of the **Community & Environment Committee**, please treat this as your summons to attend a meeting on **Thursday 16 November 2017 at 6.00pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to be "Sandra Lamb".

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

7 September 2017

3. PUBLIC PARTICIPATION

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

4. INTERESTS

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

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

5. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

To answer questions from Members who have given the appropriate notice.

Page No.

6. DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION: 'PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACE'

4 - 31

To receive a report advising of the contents of the Department for Communities and Local Government consultation 'Planning for the Right Homes in the Right Place' and note the formal comments submitted to the Department for Communities and Local Government by the 9th November 2017 deadline.

7. DERBYSHIRE DALES BROWNFIELD LAND REGISTER

32 - 37

To receive a report advising members of the introduction of the Brownfield Land Register Regulations in April 2017 and to consider the recommendation to publish the Derbyshire Dales Register with sites in Part One but none in Part two of the Register for the reasons set out in paragraph 3.4 of the report.

8. DERBYSHIRE DALES SELF-BUILD AND CUSTOM HOUSEBUILDING REGISTER

38 - 46

To receive a report setting out the details of the statutory requirements in relation to a Self-Build and Custom Housebuilding Register and consider approval for limiting entry on to the register to those with a local connection and the necessary financial resources. Also, to approve an application fee for potential entries onto the register, subject to the recommendations listed in the report.

9. GREEN MAN TRAIL, MATLOCK BATH

47 - 49

To consider approval, in principle, of establishing a Green Man Trail in Derwent Gardens and Lovers' Walks, Matlock Bath, by the Matlock Bath Development Association Community Interest Company. Also, to consider delegation to the Head of Community and Environmental Services to approve the use of the land once discussions regarding siting and health and safety issues have been concluded.

10. AFFORDABLE HOUSING CAPITAL GRANT SUPPORT

50 - 53

To consider approval for funding to be allocated to assist in the purchase and delivery of affordable housing on 1 s106 site and 2 housing association development sites and, if agreed, that a report requesting capital funding be referred to Council in November 2017.

11. REVIEW OF STALL MARKETS

54 - 59

To consider approval of recommendations arising from the review of the stall markets.

12. LEISURE REVIEW UPDATE

60 - 62

To receive information on the progress of the Leisure Review and an outline of the specification for the future management of the Leisure Centres.

13. REQUEST FOR CONSENT TO PURCHASE FORMER COUNCIL PROPERTY AT 6 WEST END, BASLOW 63 - 64

To consider a request to waive the restrictive clause relating to 6 West End, Baslow to enable a purchase by prospective buyers currently residing outside of the County.

Members of the Committee - Councillors Jason Atkin, Jennifer Bower, Richard Bright, Sue Bull, Martin Burfoot, Albert Catt, Ann Elliott, Susan Hobson (Vice Chairman), Vicky Massey-Bloodworth, Tony Morley, Joyce Pawley, Mike Ratcliffe, Lewis Rose, OBE, Andrew Statham, Colin Swindell, Philippa Tilbrook, Jo Wild (Chairman)

Substitutes - Councillors Deborah Botham, David Chapman, Tom Donnelly, Richard FitzHerbert, Steve Flitter, Alyson Hill, Neil Horton, Angus Jenkins, Tony Millward, BEM, Jean Monks, Garry Purdy, Irene Ratcliffe, Mark Salt, Jacquie Stevens, John Tibenham

COMMUNITY AND ENVIRONMENT COMMITTEE
16 NOVEMBER 2017

Report of the Head of Regeneration and Policy

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION: ‘PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACE’

PURPOSE OF REPORT

This report advises on the contents of the Department for Communities and Local Government consultation, ‘Planning For The Right Homes In The Right Place’, and notes the formal comments submitted to the Department for Communities and Local Government by 9th November 2017 deadline.

RECOMMENDATION

That the response to the Department for Communities and Local Government consultation ‘Planning For The Right Homes In The Right Place’ is noted.

WARDS AFFECTED

All Wards

STRATEGIC LINK

The proposals contained within the Department for Communities and Local Government Consultation Paper set out a number of potential changes to the operation of the planning system, which may affect the way in which the District Council is able to facilitate the delivery of local housing and employment land, and therefore impact the District Council’s Corporate Plan priorities of business growth and affordable housing.

1 BACKGROUND

- 1.1 For a number of years, the number of homes being built has not been sufficient to meet the country’s needs. The Government wants to address this problem and has set a target of building a million new homes by 2015 with a further half million by 2022. Earlier this year, it published a Housing White Paper ‘Fixing our Broken Housing Market’ which sets out a number of proposals to accelerate housebuilding. In September 2017, it published a further consultation paper, ‘Planning For The Right Homes In The Right Place’ which seeks to ensure that all local authorities plan for the sufficient homes.
- 1.2 The consultation paper sought views on a number of proposals including a standardised methodology for calculating housing needs, a new approach to working with adjoining local authorities, ensuring that the housing mix is appropriate to the locality, how neighbourhood plans can best plan for housing, as well as proposals for a simplified and more transparent approach to viability assessments. It also sought

views on what criteria could be used to enable local planning authorities to access opportunities for higher planning fees.

- 1.3 This report sets out the District Council's response to the consultation paper – a copy of which is set out in Appendix 1 to this report – and seeks Members' endorsement. The closing date for the consultation was 9 November 2017, so the response was sent following consultation with and agreement from the Chairman of the Community and Environment Committee, and that of the Leader of the Council.
- 1.4 The Department for Communities and Local Government (DCLG) consultation paper published on 14th September 2017 sought views on:
- A proposed standard method for calculating local housing need, including transitional arrangements
 - Improving how authorities work together in planning to meet housing and other requirements across boundaries, through the preparation of a statement of common ground
 - How the new approach to calculating housing need can help authorities plan for the needs of particular groups and support neighbourhood planning
 - Proposals for improving the use of section 106 agreements, by making the use of viability assessments simpler, quicker and more transparent and
 - Seeking further views on how we can build out homes more quickly.

2 CALCULATION OF LOCAL HOUSING NEED

2.1 The DCLG suggested that the existing approach to assessing local housing need was too complex, lacked transparency, was too time consuming and too costly. It suggested that a standard approach to assessing local housing need would be simpler, quicker and more transparent. The proposed methodology has three steps:

1. Baseline: Annual Average Household Growth over a 10 year period using ONS future household growth in each area – this figure is considered to be the minimum local housing need figure
2. Adjustment for Market Signals: to ensure that sufficient affordable housing is delivered a formula using the work-based median house price ratio to median earnings ratio is provided as a means of uplifting the figure arising from Step 1. The formula being

$$\text{Adjustment factor} = \frac{\text{Local affordability ratio} - 4}{4} \times 0.25$$

Local Housing Need = (1 + adjustment factor) x projected household growth

3. Capped Level of Increase: to ensure that some areas do not result in significantly large increases in potential housing need, it is proposed to cap the level of housing increase according to the status of the Local Plan:
 - a) for those authorities that have adopted their Local Plan in the last five years, it is proposed that their new annual local housing need figure should be capped at 40% above the annual requirement figure currently set out in their Local Plan; or
 - b) for those authorities that do not have an up-to-date Local Plan (i.e. adopted

over five years ago), it is proposed that the new annual local housing need figure should be capped at 40% above whichever is higher of the projected household growth for their area over the plan period (using ONS' household projections), or the annual housing requirement figure currently set out in their Local Plan.

2.2 Utilising this methodology the DCLG published alongside the consultation paper a spreadsheet which gave an indicative local housing need requirement for each local authority area. For Derbyshire Dales, it indicated a figure of 230 dwellings per annum over the 10 years 2016-2026; however this excluded any additional consideration of economic growth, the nature of which is discussed in further detail below.

2.3 In terms of implementing the proposed new approach the consultation paper indicates local planning authorities should be able to rely on the evidence used to justify their local housing need for a period of two years from the date on which they submit their plan. The consultation paper also proposed a set of transitional arrangements as set out below:

Plan stage	Proposed transitional arrangement
No plan, or plan adopted more than five years ago and has not yet reached publication stage	The new standardised method should be used, unless the plan will be submitted for examination on or before 31 March 2018, or before the revised Framework is published (whichever is later).
Plan has been published, but not yet submitted	If the plan will be submitted for examination on or before 31 March 2018 or before the revised Framework is published (whichever is later), continue with the current plan preparation – otherwise, use the new standardised method.
Plan is at examination stage	Progress with the examination using the current approach.
Plan adopted in the last five years	Use the new standardised method when next reviewing or updating the plan.

Officer Comments

2.4 On the face of it, having a single national method for the assessment of local housing need would appear to be a benefit to the District Council in terms of time and cost savings. In terms of the elements in the formula the ONS, household projections have previously been seen in the NPPF as a starting point for the assessment of the District Council's Objectively Assessed Housing Need. The adjustment for market signals is consistent with the advice in the NPPF although the methodology now prescribes the uplift – for Derbyshire Dales this involves taking a price:income ratio of 8.9 and a 30% uplift of the baseline household projection.

2.5 The consultation paper states that local planning authorities can put forward a higher figure than that generated using the proposed formula, on the basis of, for example, employment ambition. However, the proposed standard methodology does not include any assumptions at all about how to take account of the economic aspirations for an area. It is anticipated that, unless there is further guidance, this area may well become one of the key areas for discussions at Local Plan Examinations in Public.

- 2.6 The lack of guidance on how to factor in any employment growth considerations in contributing to setting local housing need is the reason why the figure produced by DCLG is some 50 less than the housing need figure identified in the emerging Derbyshire Dales Local Plan of 284 dwellings per annum. If the latest assessment of employment needs for Derbyshire Dales were taken into account, there would be a reasonable correlation between the figure published in the emerging Derbyshire Dales Local Plan and the figure published by DCLG alongside their consultation paper.
- 2.7 Furthermore, the methodology only provides a District wide figure of housing need and does not provide for any opportunity to ensure that an appropriate level of housing need is identified for the National Park going forward. The DCLG does, however, say that in the case of National Parks local planning authorities should continue to identify a housing need figure locally, but in doing so have regard to the best available information on anticipated changes in households as well as local income levels. It is considered that the new assessment methodology or future advice in a revised NPPF should be much clearer and require that there should be an identified housing need for National Parks which would complement their statutory purposes.
- 2.8 The proposed transitional arrangements would enable the District Council to continue with a housing needs figure based upon existing advice relating to Objective Assessed Need and as submitted to the Inspector at the Examination in Public into the Derbyshire Dales Local Plan earlier this year. The proposals do not therefore impact upon the Council's programme towards Local Plan adoption.

3 STATEMENT OF COMMON GROUND

- 3.1 The DCLG states that for more effective joint working between local planning authorities on cross boundary matters, authorities should publish a Statement of Common Ground over a housing market area (or other agreed geographical area) with other local planning authorities that indicates how they intend to work together to meet housing needs that cut across authority boundaries.
- 3.2 The consultation paper sets out that the purpose of a Statement of Common Ground would be to:
- a) increase certainty and transparency, earlier on in the plan-making process, on where effective co-operation is and is not happening;
 - b) encourage all local planning authorities, regardless of their stage in plan-making, to co-operate effectively and seek agreement on strategic cross-boundary issues, including planning for the wider area's housing need; and
 - c) help local planning authorities demonstrate evidence of co-operation by setting clearer and more consistent expectations as to how co-operation in plan-making should be approached and documented
- 3.3 The consultation indicates that the Statement of Common Ground is not intended to replicate any stage of the plan-making process, nor should it be an additional burden on local planning authorities. Nor does the Government want the proposal to disrupt existing joint working arrangements where they are effective, with the starting point being agreed housing market areas as being the geographical area over which these

should be developed, unless there are alternative more appropriate geographical areas that should be used.

- 3.4 It proposes that local planning authorities should be signatories to those strategic issues covered in the Statement of Common Ground, with authorities being able to be signatories to more than one statement where appropriate. County Councils are specifically named as being necessary signatories to those relevant strategic matters relating to their areas of planning responsibility. The consultation paper makes it clear that the preparation of Statement of Common Ground does not obviate the need to demonstrate through the plan making process that the Duty to Co-Operate has been met.
- 3.5 It suggests that all local planning authorities should have an outline Statement of Common Ground in place within six months of the publication of a revised NPPF and a full Statement of Common Ground within 12 months of the publication of a revised NPPF:

Six months after publication of the policy in a revised National Planning Policy Framework

- The geographical area covered by the statement, and justification for the area
- Key strategic cross-boundary matters being addressed by the statement, including housing need for the area, and housing targets in any adopted plans (where known), and proposals for meeting any shortfalls
- Primary authorities responsible for the statement, and list of additional signatories (including matters to which each is signatory)
- Governance arrangements for the co-operation process, including how the statement of common ground will be maintained and kept up to date

After twelve months, the statement of common ground should also include (in addition to the above):

- Process for agreeing the distribution of housing need (including unmet need) across the wider area, and agreed distributions (as agreed through the plan-making process)
- A record of whether agreements have (or have not) been reached on key strategic matters
- Any additional strategic cross-boundary matters to be addressed by the statement which are not already addressed

Officer Comments

- 3.6 The Government's justification for the proposed introduction of Statements of Common Ground is that joint working between local planning authorities to meet the needs of a wider area (in terms of issues such as infrastructure and public services) are not working as effectively as they would like. It is implied that local planning authorities are "failing" to provide the appropriate infrastructure and public service needs of the wider area. In reality, much of this is not delivered by the local planning authorities; rather it is provided by other agencies such as the County Council/NHS/CCGs, where from experience they have found it difficult to deliver or plan for the scale of forthcoming residential development as set out in the Local Plans.

- 3.7 Whilst across some parts of Derbyshire there are currently more formal joint working arrangements based upon the former East Midlands Regional Plan housing market area groupings, this is not the case for Derbyshire Dales. The local authority, as was demonstrated at the Examination in Public into the Derbyshire Dales Local Plan, falls across three separate housing market areas.
- 3.8 Consequently the preparation of Statements of Common Ground would be a significant additional burden on the District Council, as it would have to reach agreement with at least ten neighbouring local authorities on the contents of Statements of Common Ground, and for which there are only likely to be limited cross boundary issues identified.
- 3.9 This would be an additional burden on local planning authorities on top of the requirements to satisfy the statutory requirement under the Duty to Co-Operate and as a statutory duty would be assessed at the beginning of a Local Plan Examination in Public.
- 3.10 Much of the approach to the preparation of Statements of Common Ground duplicates aspects of the Duty to Co-operate, and as such it is considered that there is nothing much to be gained from their introduction. Further development of the Duty to Co-operate is considered to be a more appropriate approach to adopt.
- 3.11 It would have been helpful if the consultation paper included an example or template of how the Government envisaged a Statement of Common Ground could look and feel.

4 PLANNING FOR A MIX OF HOUSING NEEDS

- 4.1 The consultation paper makes the point that it is important to plan for the right sort of housing as well as the correct number. It indicates that new guidance will need to be issued in light of the proposed new approach for assessing local housing need. It states that the Government would like to ensure that local planning authorities plan for the following housing and tenure types:
- older and disabled people;
 - families with children;
 - affordable housing;
 - self-build and custom-build development;
 - student accommodation;
 - travellers who have ceased to travel; and
 - private rented sector and build to rent housing.
- 4.2 It suggests that the total should be disaggregated by type of housing, before applying any constraints to delivery. The consultation paper points to a legal requirement on the part of the Government that requires them to provide guidance to local planning authorities on how to address the housing needs of older or disabled persons.

Officer Comments

- 4.3 From the experience of the Derbyshire Dales Local Plan, identifying the extent of housing need by type, size and tenure is a complex and costly process. Notwithstanding this, it is considered that in the context of the Derbyshire Dales

Local Plan, it was a worthwhile exercise as it has led to the introduction of a policy in the Local Plan which seeks to more appropriately address the future housing needs of the plan area. As such, the principle of disaggregating the overall housing figure into different types and tenures is to be welcomed. However, in order to ensure consistency of approach, and avoid significant areas of debate, it is considered that the Government should provide a robust methodology for disaggregation.

5 NEIGHBOURHOOD PLANS

- 5.1 The paper proposes to amend national policy so that local planning authorities are expected to provide neighbourhood planning groups with a housing need figure, where this is needed to allow progress to be made with neighbourhood planning. It sets out how local planning authorities may do this on the basis of a reasoned judgement, based upon the settlement strategy and housing allocations in their plan (so long as the plan is up-to-date).
- 5.2 The consultation paper suggests that one potential approach would be that local planning authorities are expected to set within their plans a housing figure for designated neighbourhood planning areas and parished areas within their local area. It goes on to state that the Government is considering providing guidance on a simple formula-based approach which apportions the overall housing need figure for the relevant local planning authority area based upon the latest figures calculated using the new standard formula.
- 5.3 The proposed formula would simply take the population of the neighbourhood planning area and calculate what percentage it is of the overall population in the local planning authority area. The housing need figure in the neighbourhood planning area would then be that percentage of the local planning authority's housing need.

Officer Comments

- 5.4 It is considered that there are two fundamental difficulties with this proposal. Firstly there should be a clear indication that providing a housing figure for a Neighbourhood Area is discretionary and not mandatory, as this will allow the local planning authority to determine to what extent it is appropriate for the Neighbourhood Plan Area to contain proposals for meeting housing need. As it stands, the language of the consultation paper suggests that this proposal would be mandatory.
- 5.5 Whilst some Neighbourhood Plans may wish to have more control over housing supply, for which it may be appropriate to include an identified level of housing need within them, for others this approach may not be appropriate.
- 5.6 The second issue with the approach suggested is that it is a very crude formula, and takes no account of differences in settlement, local environmental capacity, population trends, policy, the needs of individual communities, and the role that neighbourhood plans have in meeting the future strategic housing need of the local planning authority area.

6 VIABILITY ASSESSMENTS

- 6.1 The Government is considering the use of more standardised open book agreements, thereby reducing disputes and delays in the preparation of s106 agreements. The consultation paper acknowledges that the current approach to the

use of appraisals to demonstrate the viability of an individual site is highly complex, not easily understood and not transparent.

- 6.2 The consultation paper addresses two areas in relation to viability. Firstly in relation to plan-making and secondly in relation to decision taking.
- 6.3 In terms of plan-making, it proposes that local planning authorities should set out the types and thresholds for affordable housing contributions required; the infrastructure needed to deliver the plan; and expectations for how these will be funded and the contributions developers will be expected to make. This would make clear how the key strategic priorities that need to be planned for are to be delivered. These would be subject to testing to ensure the deliverability of the plan.
- 6.4 In terms of viability in respect of decision taking, the Government proposes to make clear in the National Planning Policy Framework that where policy requirements have been tested for their viability, the issue should not usually need to be tested again at the planning application stage. Applications that meet requirements set out in the plan should be assumed to be viable. It would remain for the decision maker to decide what weight is to be given to the material considerations in each case, including the impact on a scheme's viability. The consultation paper goes on to state that where viability assessment is still needed in the determination of planning applications, that it is proposed to update guidance to help make viability assessment simpler, quicker and more transparent.
- 6.5 The consultation paper comments that the Government intends to change policy so that local planning authorities should set out in their plans how they will monitor, report on and publicise funding secured through section 106 agreements, and how it is spent, following an open data approach.

Officer Comments

- 6.6 It is considered that the proposed changes in relation to viability in plan-making are no different to the approach that the District Council undertook during the preparation of the Derbyshire Dales Local Plan, whereby the extent of affordable housing and infrastructure provision was established prior to viability testing. The current test for Local Plans is to ensure that the Local Plan is capable of being delivered as a whole, and the normal approach is to undertake a high level strategic viability assessment that makes assumptions about the impact of infrastructure provision, land values and site costs on the deliverability of sites allocated in an emerging plan.
- 6.7 Although the proposition of not re-testing specific policy elements could have the effect of speeding up the determination of planning applications, because of the strategic nature of the viability assessment process for Local Plans, it could also have unintended consequences including the failure to deliver key strategic sites, where more accurate site specific information on costs and values might suggest that not all policy requirements can be met. As such it is considered that the current approach works well in terms of ensuring that the site is delivered and the most appropriate level of infrastructure is achieved.
- 6.8 Simplification and more transparency of viability assessments would, however be welcomed, as would guidance on how to make s106 agreements more accessible.

7 PLANNING FEES

- 7.1 The Government has previously stated its intention to increase planning fees by 20% for local planning authorities who invest in increased productivity. The consultation paper advises that this will be brought forward “at the earliest opportunity” through Parliament.
- 7.2 It has also indicated that a further 20% increase could be applied to those authorities who are delivering the homes their communities need. The consultation paper seeks views on the most appropriate criteria to enable this further fee increase to be applied.

Officer Comments

- 7.3 The Government is clearly seeking to increase the delivery of homes across the Country to close the gap between those that are needed and those that are actually being built. Whilst local planning authorities can approve planning applications for new residential development, since the majority of new build residential is private sector led it is very difficult for local planning authorities to be able to influence delivery rates. As such, it is considered that any increase in fees should not be wholly related to on-site completion rates, but should be a combination of criteria including the proportion of new residential development granted planning permission compared to annual requirements. It could also include a criteria related to speed of determination.

8 RISK ASSESSMENT

8.1 Legal

The proposals set out in the Consultation Paper are draft suggestions, and as such are not yet enshrined in National Planning Policy or legislation. Whilst they may become part of guidance or legislation in the future, at this time the legal risk is considered low.

8.2 Financial

At this time there are no financial risks associated with the contents of the consultation paper.

8.3 Corporate Risk

The consultation paper sets out a number of potential changes to the operation of the planning system in the future. Some of the changes may have an impact upon the District Council’s ability to continue to provide affordable housing in the future. However at this time the Corporate Risk is low.

9 OTHER CONSIDERATIONS

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

10 CONTACT INFORMATION

Mike Hase, Policy Manager
Tel: 01629 761251 E-mail: mike.hase@derbyshiredales.gov.uk

11 BACKGROUND PAPERS

Description	Date	Location
Housing White Paper	Feb 2017	Regeneration & Policy
Planning For The Right Homes In The Right Place	Sept2017	Regeneration & Policy

12 ATTACHMENTS

Copy of Consultation Response Proforma

BACK TO AGENDA

Consultation response proforma

If you are responding by email or in writing, please reply using this questionnaire pro-forma, which should be read alongside the consultation document. You are able to expand the comments box should you need more space

Your Details (Required fields are indicated with an asterix(*))

Family Name (Surname)*	Hase
First Name*	Mike
Title	Policy Manager
Address	Town Hall, Bank Road
City/Town*	Matlock
Postal Code*	DE4 3NN
Telephone Number	01629 761251
Email Address*	mike.hase@derbyshiredales.gov.uk

Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?* (please tick as appropriate)

- Personal View
- Organisational Response

Name of Organisation (if applicable)

Derbyshire Dales District Council

If you are responding on behalf of an organisation, please tick the box which best describes your organisation

- Local Authority (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)
- Neighbourhood Planning Body/Parish or Town Council
- Private Sector organisation (including housebuilders, housing associations, businesses, consultants)
- Trade Association / Interest Group/Voluntary or Charitable organisation

Other (Please specify)

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Proposed approach to calculating the local housing need

Question 1 (a)

do you agree with the proposed standard approach to assessing local housing need? If not, what alternative approach or other factors should be considered?

- Yes
- No
- Not sure / don't know

Please enter your comments here

On the face of it, having a single national method for the assessment of local housing need would appear to be a benefit to the District Council in terms of time and cost savings. In terms of the elements in the formula the ONS, household projections have previously been seen in the NPPF as a starting point for the assessment of the District Council's Objectively Assessed Housing Need. The adjustment for market signals is consistent with the advice in the NPPF although the methodology now prescribes the uplift - for Derbyshire Dales this involves taking a price:income ratio of 8.9 and a 30% uplift of the baseline household projection.

Question 1(b)

how can information on local housing need be made more transparent?

Please enter your comments here

The consultation paper states that local planning authorities can put forward a higher figure than that generated using the proposed formula, on the basis of, for example, employment ambition. However, the proposed standard methodology does not include any assumptions at all about how to take account of the economic aspirations for an area. It is anticipated that, unless there is further guidance, this area may well become one of the key areas for discussions at Local Plan Examinations in Public.

The lack of guidance on how to factor in any employment growth considerations in contributing to setting local housing need is the reason why the figure produced by DCLG is some 50 less than the housing need figure identified in the emerging Derbyshire Dales Local Plan of 284 dwellings per annum. If the latest assessment of employment needs for Derbyshire Dales were taken into account, there would be a reasonable correlation between the figure published in the emerging Derbyshire Dales Local Plan and the figure published by DCLG alongside their consultation paper.

Furthermore, the methodology only provides a District wide figure of housing need and does not provide for any opportunity to ensure that an appropriate level of housing need is identified for the National Park going forward. The DCLG does, however, say that in the case of National Parks local planning authorities should continue to identify a housing need figure locally, but in doing so have regard to the best available information on anticipated changes in households as well as local income levels. It is considered that the new assessment methodology or future advice in a revised NPPF should be much clearer and require that there should be an identified housing need for National Parks which would complement their statutory purposes.

Question 2

do you agree with the proposal that an assessment of local housing need should be able to be relied upon for a period of two years from the date a plan is submitted?

Yes

No

Not sure / don't know

Please enter your comments here

Question 3

do you agree that we should amend national planning policy so that a sound plan should identify local housing needs using a clear and justified method?

Yes

No

Not sure / don't know

Please enter your comments here

Question 4

do you agree with our approach in circumstances when plan makers deviate from the proposed method, including the level of scrutiny we expect from the Planning Inspectors?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Question 5(a)

do you agree that the Secretary of State should have discretion to defer the period for using the baseline for some local planning authorities? If so, how best could this be achieved, what minimum requirements should be in place before the Secretary of State may exercise this discretion, and for how long should such deferral be permitted?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Question 5(b)

do you consider that authorities that have an adopted joint local plan, or which are covered by an adopted spatial development strategy, should be able to assess their five year land supply and/or be measured for the purposes of the Housing Delivery Test, across the area as a whole?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Question 5 (c)

do you consider that authorities that are not able to use the new method for calculating local housing need should be able to use an existing or an emerging local plan figure for housing need for the purposes of calculating five year land supply and to be measured for the purposes of the Housing Delivery Test?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Question 6

do you agree with the proposed transitional arrangements for introducing the standard approach for calculating local housing need?

Yes

No

Not sure / don't know

Please enter your comments here

Statement of Common Ground

Question 7(a)

do you agree with the proposed administrative arrangements for preparing the statement of common ground?

Yes

No

Not sure / don't know

Please enter your comments here

The Government's justification for the proposed introduction of Statements of Common Ground is that joint working between local planning authorities to meet the needs of a wider area (in terms of issues such as infrastructure and public services) are not working as effectively as they would like. It is implied that local planning authorities are "failing" to provide the appropriate infrastructure and public service needs of the wider area. In reality, much of this is not delivered by the local planning authorities; rather it is provided by other agencies such as the County Council/NHS/CCGs, where from experience they have found it difficult to deliver or plan for the scale of forthcoming residential development as set out in the Local Plans.

Whilst across some parts of Derbyshire there are currently more formal joint working arrangements based upon the former East Midlands Regional Plan housing market area groupings, this is not the case for Derbyshire Dales. The local authority, as was demonstrated at the Examination in Public into the Derbyshire Dales Local Plan, falls across three separate housing market areas.

Consequently the preparation of Statements of Common Ground would be a significant additional burden on the District Council, as it would have to reach agreement with at least ten neighbouring local authorities on the contents of Statements of Common Ground, and for which there are only likely to be limited cross boundary issues identified.

This would be an additional burden on local planning authorities on top of the requirements to satisfy the statutory requirement under the Duty to Co-Operate and as a statutory duty would be assessed at the beginning of a Local Plan Examination in Public.

Much of the approach to the preparation of Statements of Common Ground duplicates aspects of the Duty to Co-operate, and as such it is considered that there is nothing much to be gained from their introduction. Further development of the Duty to Co-operate is considered to be a more appropriate approach to adopt.

It would have been helpful if the consultation paper included an example or template of how the Government envisaged a Statement of Common Ground could look and feel.

Question 7(b)

how do you consider a statement of common ground should be implemented in areas where there is a Mayor with strategic plan-making powers?

Please enter your comments here

Question 7(c)

do you consider there to be a role for directly elected Mayors without strategic plan-making powers, in the production of a statement of common ground?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Question 8

do you agree that the proposed content and timescales for publication of the statement of common ground are appropriate and will support more effective co-operation on strategic cross-boundary planning matters?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Question 9(a)

do you agree with the proposal to amend the tests of soundness to include that:

i) plans should be prepared based on a strategy informed by agreements over the wider area; and

ii) plans should be based on effective joint working on cross-boundary strategic priorities, which are evidenced in the statement of common ground?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Question 9(b)

do you agree to the proposed transitional arrangements for amending the tests of soundness to ensure effective co-operation?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Planning for a mix of housing needs

Question 10(a)

do you have any suggestions on how to streamline the process for identifying the housing need for individual groups and what evidence could be used to help plan to meet the needs of particular groups?

Please enter your comments here

From the experience of the Derbyshire Dales Local Plan, identifying the extent of housing need by type, size and tenure is a complex and costly process. Notwithstanding this, it is considered that in the context of the Derbyshire Dales Local Plan, it was a worthwhile exercise as it has led to the introduction of a policy in the Local Plan which seeks to more appropriately address the future housing needs of the plan area. As such, the principle of disaggregating the overall housing figure into different types and tenures is to be welcomed. However, in order to ensure consistency of approach, and avoid significant areas of debate, it is considered that the Government should provide a robust methodology for disaggregation

Question 10(b)

do you agree that the current definition of older people within the National Planning Policy Framework is still fit-for-purpose?

Yes

No

Not sure / don't know

Please enter your comments here

Neighbourhood Planning

Question 11(a)

should a local plan set out the housing need for designated neighbourhood planning areas and parished areas within the area?

- Yes
- No
- Not sure / don't know

Please enter your comments here

There should be a clear indication that providing a housing figure for a Neighbourhood Area is discretionary and not mandatory, as this will allow the local planning authority to determine to what extent it is appropriate for the Neighbourhood Plan Area to contain proposals for meeting housing need. As it stands, the language of the consultation paper suggests that this proposal would be mandatory.

Whilst some Neighbourhood Plans may wish to have more control over housing supply, for which it may be appropriate to include an identified level of housing need within them, for others this approach may not be appropriate.

Question 11(b)

do you agree with the proposal for a formula-based approach to apportion housing need to neighbourhood plan bodies in circumstances where the local plan cannot be relied on as a basis for calculating housing need?

- Yes
- No
- Not sure / don't know

Please enter your comments here

The approach suggested is a very crude formula, and takes no account of differences in settlement, local environmental capacity, population trends, policy, the needs of individual communities, and the role that neighbourhood plans have in meeting the future strategic housing need of the local planning authority area.

Proposed approach to Viability Assessment

Question 12

do you agree that local plans should identify the infrastructure and affordable housing needed, how these will be funded and the contributions developers will be expected to make?

Yes

No

Not sure / don't know

Please enter your comments here

Question 13

in reviewing guidance on testing plans and policies for viability, what amendments could be made to improve current practice?

Please enter your comments here

Question 14

do you agree that where policy requirements have been tested for their viability, the issue should not usually need to be tested again at the planning application stage?

Yes

No

Not sure / don't know

Please enter your comments here

It is considered that the proposed changes in relation to viability in plan-making are no different to the approach that the District Council undertook during the preparation of the Derbyshire Dales Local Plan, whereby the extent of affordable housing and infrastructure provision was established prior to viability testing. The current test for Local Plans is to ensure that the Local Plan is capable of being delivered as a whole, and the normal approach is to undertake a high level strategic viability assessment that makes assumptions about the impact of infrastructure provision, land values and site costs on the deliverability of sites allocated in an emerging plan.

Although the proposition of not re-testing specific policy elements could have the effect of speeding up the determination of planning applications, because of the strategic nature of the viability assessment process for Local Plans, it could also have unintended consequences including the failure to deliver key strategic sites, where more accurate site specific information on costs and values might suggest that not all policy requirements can be met. As such it is considered that the current approach works well in terms of ensuring that the site is delivered and the most appropriate level of infrastructure is achieved.

Question 15

how can Government ensure that infrastructure providers, including housing associations, are engaged throughout the process, including in circumstances where a viability assessment may be required?

Please enter your comments here

Question 16

what factors should we take into account in updating guidance to encourage viability assessments to be simpler, quicker and more transparent, for example through a standardised report or summary format?

Please enter your comments here

Question 17(a)

do you agree that local planning authorities should set out in plans how they will monitor and report on planning agreements to help ensure that communities can easily understand what infrastructure and affordable housing has been secured and delivered through developer contributions?

Yes

No

Not sure / don't know

Please enter your comments here

Question 17(b)

what factors should we take into account in preparing guidance on a standard approach to monitoring and reporting planning obligations?

Please enter your comments here

Question 17(c)

how can local planning authorities and applicants work together to better publicise infrastructure and affordable housing secured through new development once development has commenced, or at other stages of the process?

Please enter your comments here

Planning fees

Question 18(a)

do you agree that a further 20 per cent fee increase should be applied to those local planning authorities who are delivering the homes their communities need? What should be the criteria to measure this?

- Yes
- No
- Not sure / don't know

Please enter your comments here

The Government is clearly seeking to increase the delivery of homes across the Country to close the gap between those that are needed and those that are actually being built. Whilst local planning authorities can approve planning applications for new residential development, since the majority of new build residential is private sector led it is very difficult for local planning authorities to be able to influence delivery rates. As such, it is considered that any increase in fees should not be wholly related to on-site completion rates, but should be a combination of criteria including the proportion of new residential development granted planning permission compared to annual requirements. It could also include a criteria related to speed of determination.

Question 18(b)

do you think there are more appropriate circumstances when a local planning authority should be able to charge the further 20 per cent? If so, do you have views on how these circumstances could work in practice?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Question 18(c)

should any additional fee increase be applied nationally once all local planning authorities meet the required criteria, or only to individual authorities who meet them?

- Apply nationally
- Apply to Individual authorities only
- Not sure / don't know

Please enter your comments here

Question 18(d)

are there any other issues we should consider in developing a framework for this additional fee increase?

Please enter your comments here

Other issues

Question 19

having regard to the measures we have already identified in the housing White Paper, are there any other actions that could increase build out rates?

Yes

No

Not sure / don't know

Please enter your comments here

Your opinion is valuable to us. Thank you for taking the time to read the consultation and respond.

BACK TO AGENDA

COMMUNITY AND ENVIRONMENT COMMITTEE
16 NOVEMBER 2017

Report of the Head of Regeneration and Policy

DERBYSHIRE DALES BROWNFIELD LAND REGISTER

PURPOSE OF REPORT

To advise on the introduction of the Brownfield Land Register Regulations in April 2017 and the statutory duty to have the Register in place by 31st December 2017. The report recommends publication of the Register with sites in Part One but none in Part Two of the Register.

RECOMMENDATION

1. The Derbyshire Dales Brownfield Register Part One, as set out in Appendix One to this report, be approved for publication
2. The District Council does not include any sites on Part Two of the Derbyshire Dales Brownfield Register at this time, for the reasons set out in Paragraph 3.4 of the report.

WARDS AFFECTED

All outside the Peak District National Park

STRATEGIC LINK

The Brownfield Land Register will be a tool in the delivery of the District Council's Corporate Plan priority of affordable housing.

1 BACKGROUND

- 1.1 The Town and County Planning (Brownfield Land Registers) Regulations 2017 came into force in April 2017, with detailed guidance published on 28 July 2017. The Regulations require each local planning authority to prepare and publish a Register of Previously Developed Land¹ (Brownfield Land) by 31st December 2017, and maintain it annually thereafter.

¹ Previously Developed (Brownfield) Land is defined in the National Planning Policy Framework Annex 2: Glossary as "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time."

- 1.2 The intention of the Register is to provide up to date, publicly available information on previously developed (brownfield) land that is “suitable”, “available” and “achievable” for housing, irrespective of the planning status. The Government considers that, by adopting this approach, it will signpost suitable land for residential development and help housebuilders to unlock land for new homes.
- 1.3 The purpose of this report is to set out the criteria for the selection of sites to be included on the Register, and to seek authority to publish the Derbyshire Dales Brownfield Register by the statutory deadline of 31st December 2017.
- 1.4 The Derbyshire Dales Brownfield Register must be reviewed annually and any sites that no longer meet the criteria must be removed. It is anticipated that the annual review of the Brownfield Register will be integrated into ongoing Strategic Housing Land Availability Assessment (SHLAA) and Authority Monitoring Report processes.

2 REGISTER PART 1

- 2.1 The legislation specifies that the Register should be split into two parts. Part 1 is a comprehensive list of all brownfield sites of more than 0.25 hectares, that have capacity to accommodate residential development of 5 or more dwellings. Those sites included on Part 1 are considered to be suitable, available and achievable for residential development and will contribute to the five year housing land supply.
- 2.2 In addition to the requirements of the Regulations on site area and capacity, it is proposed that in order to demonstrate that a site is *suitable*, *available* and *achievable* the following criteria are used for the selection of sites onto Part 1:
 - a brownfield site allocated for residential development in the Derbyshire Dales Local Plan Pre Submission Draft (August 2016) as amended by Post EIP modifications August 2017, and the delivery of the site is identified within the District Council’s Housing Trajectory within the next five years; and/or
 - a brownfield site with capacity of more than five units, but less than ten units, that was identified as a site with potential for residential development through the Strategic Housing Land Availability Assessment (SHLAA) process but not allocated for residential development in the Derbyshire Dales Local Plan Pre Submission Draft; and/or
 - a brownfield site that has the benefit of planning permission for residential development; and/or
 - a brownfield site that has a resolution to grant permission for residential development.
- 2.3 On the basis of these criteria, the total number of sites proposed for inclusion on Part 1 of the Register is 27. This consists of ten sites allocated in the Derbyshire Dales Local Plan Pre Submission Draft (three with planning consent, two with current planning applications); an additional 13 sites with planning consent; a further two with a resolution to grant planning consent

subject to s106 agreement; and two sites currently subject to planning applications. The total area of land included on the Register is 247.59 hectares, with a capacity of 3,552 dwellings. A list of the sites proposed for inclusion on Part 1 of the Derbyshire Dales Brownfield Register is set out in Appendix 1 to this report.

- 2.4 The Government has published technical guidelines for the publication of the Register. The District Council must be satisfied that the Register it publishes complies with the relevant data standards. Whilst having to ensure compliance with the technical standards, local authorities can also publish the register in a more user-friendly format. It is proposed that Part 1 of the Derbyshire Dales Brownfield Register be published on the District Council's website in both a user-friendly format and in a format that meets the Government's technical standards.

3 REGISTER PART 2

- 3.1 The Regulations prescribe that, if appropriate, local planning authorities can include sites on a Part 2 of the Register. Part 2 sites are those which local planning authorities have deemed should be granted 'Permission in Principle' (PiP) – in effect where the local planning authority has resolved to grant planning permission for residential development on the site.
- 3.2 For any sites to be included on Part 2 of the Register the authority must set out:
- the minimum and maximum net number of dwellings (given as a range) which it considers the site is capable of supporting; and
 - where the development includes non-housing development, the scale of any such development and the use to which it is to be put.
- 3.3 To enable the development of any site on Part 2 of the Register to proceed, it must be subject to an application for 'technical details consent'. This would allow the local planning authority to consider the detailed matters associated the development of the site including the design, and relevant mitigation measures. Technical detail consent can be refused if the details proposed are not acceptable.
- 3.4 On the basis that the majority of sites identified in Appendix 1 to this report either have the benefit of planning permission or are allocated in the Derbyshire Dales Local Plan at this time, it is proposed not to identify any sites for inclusion on Part 2 of the Derbyshire Dales Brownfield Register.

4 RISK ASSESSMENT

4.1 Legal

The Derbyshire Dales Brownfield Register has been prepared in accordance with the legislation referred to in this report. The legal risk is low.

4.2 Financial.

The District Council has received £14,645 from the Government in New Burdens Grant to cover the costs associated with setting up a Derbyshire Dales Brownfield Register. Should the District Council decide to place any site on Part 2 of the Brownfield Register, it is anticipated that there could be substantial cost associated with the designation of Permission in Principle in the form of specialist advice, technical papers and support information. As it is recommended that no sites be included in Part 2, the financial risk is assessed as low at present.

4.3 Corporate.

The Derbyshire Dales Brownfield Land Register will assist in the implementation of the Derbyshire Dales Local Plan. Subject to approval of this report, the corporate risk associated with not having published a Brownfield Register Part 1 by the 31st December 2017 is low.

5 OTHER CONSIDERATIONS

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

C&E Brownfield Register oct2017 TR.docx

CONTACT INFORMATION

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BACKGROUND PAPERS

- Brownfield Land registers statutory guidance (28th July 2017) <https://www.gov.uk/guidance/brownfield-land-registers>
- Brownfield Land Registers Data Standard: Preparing and publishing a register (28th July 2017) <https://www.gov.uk/government/publications/brownfield-land-registers-data-standard>
- National Planning Policy Framework Annex 2 (27th March 2012) <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>

ATTACHMENTS

Appendix 1 Draft Derbyshire Dales Brownfield Land Register (Part One)

Brownfield Land Register (Part One) 2017

Site	SHLAA reference	Site Area (hectares)	Capacity	Local Plan Allocation	Planning Application
Dove Service Station, Ashbourne	SHLAA583	1.09	41		16/00700/OUT
Former Mirage Hotel, Ashbourne	SHLAA204	0.41	20	HC2 (b)	
Land At Ashbourne Airfield, Phase One	SHLAA266	39.35	367	HC2 (dd)	14/00074/OUT
Land At Ashbourne Airfield, Phase Two	SHLAA500	58.6	1100*	HC2 (c)	
The Mount, 4 North Avenue, Ashbourne	SHLAA7	0.32	14		09/00496/FUL 10/00015/WREP
Dairy House, Brailsford	SHLAA584	0.55	19		17/00015/FUL
Stancliffe Quarry, Darley Dale	SHLAA281	10.16	100***	HC2 (l)	
St Elphin's Park, Darley Dale	SHLAA28	6.31	130		06/00321/FUL
Highfield House, Hulland Ward	SHLAA530	0.39	8		15/00776/FUL
Old Hall Farm, Marston Montgomery	SHLAA279	0.98	22		16/00182/OUT
Land at RBS, Matlock	SHLAA344	0.35	24	HC2 (s)	
Former Permanite Works, West of Cawdor Quarry, Matlock	SHLAA384	1.75	50	HC2 (w)	16/00923/OUT
Harveydale Quarry, Matlock	SHLAA199	1.16	20		15/00305/OUT
Land at Cawdor Quarry, Matlock	SHLAA49	26.8	432	HC2 (cc)	08/00705/FUL 16/00923/OUT
Land at Halldale Quarry, Matlock	SHLAA435	15.66	220		14/00541/OUT
Trevelyan House, Matlock	SHLAA141	0.98	11		13/00779/FUL 14/00015/WREP PP-02833911 plus current
Land at Porter Lane, Middleton	SHLAA70	2.47	47		12/00261/OUT

Site	SHLAA reference	Site Area (hectares)	Capacity	Local Plan Allocation	Planning Application
					13/00584/REM
Riber Castle, Riber	SHLAA52	2.9	47		04/07/0609
Tansley Wood Mills, Lumsdale Road, Tansley	SHLAA80	3.52	42		08/00261/FUL
Whitelea Nursery, Tansley	SHLAA478	1.04	27	HC2 (y)	17/00850/FUL
Ladygrove Mill, Two Dales	SHLAA432	0.88	24		11/00545/EXF
Chequers Farm, Millers Green, Wirksworth	SHLAA83	3.28	10		08/00286/FUL
Haarlam Mill, Wirksworth	SHLAA217	3.3	30		15/00395/FUL
Land at Middle Peak Quarry, Wirksworth	SHLAA473	61.51	645**	HC2 (bb)	
Land at Middleton Road Quarry, Wirksworth	SHLAA269	9.46	150	HC2 (aa)	
Stafford House, Wirksworth	SHLAA560	0.65	33		16/00420/FUL
The Firs, Wyaston	SHLAA305	2.1	10		16/00340/OUT
Mushroom Farm, Rodsley Lane, Yeaveley	SHLAA572	0.62	9		16/00587/FUL

*Development at this site will extend beyond 2033, Assumed completion of circa 800 dwellings 2017-2033

**Development at this site will extend beyond 2033. Assumed completion of circa 540 dwellings 2017-2033

***Development at this site is recognised as not "deliverable" as defined by paragraph 5, schedule 2 of the 2017 Brownfield Land Regulations as "there is no reasonable prospect that residential development will take place on the land within 5 years of the entry date".

BACK TO AGENDA

COMMUNITY AND ENVIRONMENT COMMITTEE
16 NOVEMBER 2017

Report of the Head of Regeneration and Policy

DERBYSHIRE DALES SELF-BUILD AND CUSTOM HOUSEBUILDING REGISTER

PURPOSE OF REPORT

This report sets out details of the statutory requirements in relation to a Self-Build and Custom Housebuilding Register. The report seeks approval to limit entry onto the Register to those with a local connection who can demonstrate the financial resources to purchase a serviced plot. The report also seeks approval to charge an application fee for potential entries onto the Register, and an annual fee for retention of an entry on the Register.

RECOMMENDATION

1. The District Council introduce fees for applications to enter the Derbyshire Dales Self Build and Custom Housebuilding Register
2. The proposed fees set out in Paragraph 2.5 be subject to a period of six weeks public consultation
3. The District Council introduce local eligibility criteria for applicants to be entered the Derbyshire Dales Self Build and Custom Housebuilding Register
4. The proposed local eligibility criteria as set out in Paragraphs 4.7 and 4.10 be subject to a period of six weeks public consultation
5. The results of the public consultations be subject of a further report to this Committee
6. That a further report be presented to this Committee that sets out more details in respect of option for the provision of serviced plots as set out in Paragraph 5.4

WARDS AFFECTED

All outside the Peak District National Park

STRATEGIC LINK

The provision of serviced plots will help to facilitate the delivery of local housing, and therefore supports the District Council's Corporate Plan priority of affordable housing.

1 BACKGROUND

- 1.1 There has been considerable interest shown in recent years nationally by individuals wanting to build their own home. There are essentially two routes

to this: Self Build and Custom Build. Self Build is where someone directly organises the design and construction of their own home. This can include the commissioning of an architect or builder to assist with the construction process and the home owner overseeing the project. Custom Build is where an individual or association of individuals commission a specialist developer to carry out the majority of the work to help secure a plot and deliver their home.

- 1.2 To ensure that this sector was adequately represented the Government, through the Self-Build and Custom Housebuilding Act 2015, placed a duty on local authorities to keep and have regard to a register of people who are interested in self-build or custom-build projects. This requirement came into effect on 1st April 2016. To meet the requirements of the Act, the District Council set up a page on its website where those interested in Self Build and Custom Build could apply to be entered on the Register.
- 1.3 The Self-Build and Custom Housebuilding Regulations 2016, which came into effect on 31st October 2016, set out that applicants (either as individuals or associations) can only be eligible to be placed on the Register if as individuals (or in the case of associations all members) they are a British Citizen; a national of an EEA state other than the United Kingdom, or a national of Switzerland; 18 years and over; and seeking to acquire a serviced plot of land in the local authority area to build a house to occupy as their main residence.
- 1.4 The 2016 Regulations also gave local authorities discretion to charge a fee for applicants to be entered onto the Register, and discretion to introduce eligibility criteria for entry onto the Register, on the basis of a local connection or on the basis of sufficient financial resources to purchase land for their own self build or custom build housebuilding or both.
- 1.5 The Housing and Planning Act 2016, which also came into force on 31st October 2016, introduced a new requirement that local authorities must grant sufficient suitable development permissions on serviced plots of land to meet the demand for self-build and custom housebuilding in their area, as evidenced by the number of people on the Register. Government guidance on self build and custom housing was updated on 28 July 2017.
- 1.6 This report considers whether the District Council should charge fees for applicants to be entered and maintained on the Register, and whether the District Council should introduce eligibility criteria for entry onto the Register.
- 1.7 The report outlines options for how the District Council may meet its obligations to facilitate the demand for self-build and custom-build housebuilding across the local planning authority area.

2 FEE CHARGING FOR ENTRY ON THE REGISTER

- 2.1 The Regulations enable Local Planning Authorities to charge a fee for entry onto the register and a separate annual fee for remaining on it. The Act however only allows for fees to be set on a cost recovery basis. National

Planning Policy Guidance sets out that any fees charged must be proportionate, reflect genuine costs incurred, and should not act as a deterrent for people to be entered on or remain on the register.

- 2.2 The District Council can charge a different fee for associations to that charged for individuals and for those whose entry onto the register may count towards the number of plots of that the District Council has to grant planning permission for.
- 2.3 The administration of applications and the maintenance of the Register will involve the utilisation of significant officer time, the costs of which it is considered appropriate to recover in future. The introduction of fees will enable the District Council to determine the genuine level of demand for self-build and custom built housing across the local planning authority area. As such it is considered appropriate that fees are charged for entry and maintenance onto the Register.
- 2.4 The National Planning Policy Guidance (NPPG) advises that consultation should be carried out on proposed changes to the application process for entry onto the register before implementation, and that they should be reviewed periodically to ensure that they remain appropriate. It is proposed that a six week period of public consultation be undertaken prior to the introduction of any fees, and that the results of the consultation be reported to this Committee with the intention that the fee charging commence from 1st April 2018.
- 2.5 Taking account of officer time to administer applications, in particular the proposals set out later in this report in relation to assessing local eligibility criteria, it is considered that the following charging schedule be subject to public consultation:

• Application Fee	£50
• Registration Fee for Entry on Part 1	£100
• Registration Fee for Entry on Part 2	£25
• Annual Register Maintenance Fee Part 1	£100
• Annual Register Maintenance Fee Part 2	£25

- 2.6 It is proposed that Community Groups whose membership meets the legal eligibility criteria for entry onto the Register (for example, Community Land Trusts) should be exempt from paying the above application fees.

3 FORMAT OF THE SELF BUILD AND CUSTOM HOUSEBUILDING REGISTER

- 3.1 The Self-Build and Custom Housebuilding Regulations 2016 set out that the Register is required to be split in two Parts where eligibility criteria are introduced by the local authority. Those persons or associations that satisfy the eligibility criteria are placed on Part 1 of the Register, and those that fail are placed on Part 2 of the Register.

- 3.2 All entries on Part 1 of the Register are deemed appropriate entries whose demand the District Council would need to satisfy through the granting of relevant planning permission in accordance with the requirements of the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). Demand as evidenced by the second part of the register does not have to be taken into account in considering whether there were sufficient suitable development permissions.

4 LOCAL ELIGIBILITY CRITERIA

- 4.1 The Self-Build and Custom Housebuilding Regulations 2016 allow local authorities to set two eligibility criteria for entry onto the Register:
- Local Connection - does the applicant have sufficient local connections based on residency, having a family member residing in the local area and/or having an employment connection to the local area?
 - Financial Solvency – does the applicant have the financial resources to be able to purchase the land for either a Self-Build or Custom Build development?
- 4.2 The NPPG advises that the introduction of any eligibility criteria should only occur where there is a strong justification for doing so, and they must be proportionate and, in the case of the local connection criteria, be in response to a recognised local issue. The NPPG also advises that local authorities should consider consulting on their proposals before they introduce the tests and should review them periodically to ensure that they remain appropriate.

Local Connection Criteria

- 4.3 To date a significant number of the entries on the current Register have come from those living outside the District Council area who have a desire to live in the Derbyshire Dales, but have no location connection.
- 4.4 The introduction of a local eligibility requirement for entry onto the Register would allow the District Council, through its obligations under the Act, to provide serviced plots to meet local needs. Local connection criteria will ensure the register is not inflated by demands arising from outside the District, whereby individuals may be on multiple registers. Local connection criteria also have the beneficial effect of restricting plot values in a similar way to the provision of local needs affordable housing.
- 4.5 There are disadvantages to introducing local connection eligibility criteria. There is the potential for it to result in more complex planning permissions, and to make it more difficult for self-builders to obtain finance and mortgages if more restrictive conditions are imposed on the release of a plot for Self Build and Custom Build development.
- 4.6 On balance, however, it is considered that given the extent of demand for local needs housing and the benefits that may derive to those in need, this outweighs any disadvantages that may accrue. As such it is considered

appropriate to incorporate local eligibility criteria as part of requirements for inclusion on Part 1 of the Register.

4.7 The following are considered appropriate criteria for defining local eligibility and inclusion on Part One of the Register:

- applicants have been living in the District (including that area within the Peak District National Park) for at least five years prior to their application; or
- applicants have been working in full-time employment (greater than 16 hours per week) in the District for at least three years and continue to do so.

4.8 Failure to provide evidence to substantiate the local connection above will deem the applicant to have failed to meet the local eligibility criteria, and they will be placed on the Part 2 of the Register.

Financial Solvency Criteria

4.9 To date, no detailed information has been collected from those currently on the register about their ability to fund the purchase of land or construction of a Self-Build or Custom Build property. As a result, there is no means of determining to what extent the level of demand on the Register is realistic or merely aspirational. It is therefore considered appropriate, to ensure that the level of demand is realistic, that the District Council includes a financial solvency eligibility criterion for applicants to be included on the Register.

4.10 It is considered that the following information should be provided by applicants wishing to be included on the Register:

- Dated Valid Self Build Mortgage Offer or Other Loan Facility
- Proof of Savings
- Estate Agent Valuation for Existing Property
- Recent Residential Mortgage Statement for Existing Property
- Any Other Relevant Financial Information

4.11 Failure to provide some or all of this information will deem the applicant to have failed to meet the financial solvency criteria, and they will be placed on Part 2 of the Register.

4.12 To assess the extent of genuine demand, as part of the application process the District Council will collect from potential applicants information such as the potential/preferred plot location and plot size; the approximate cost of site sought; the type of dwelling and number of bedrooms preferred.

4.13 A flow chart in Appendix 1 sets out the proposed application and consideration process for entry onto the Register.

5 IMPLEMENTATION AND DELIVERY OF SELF BUILD AND CUSTOM BUILD PLOTS: DEMAND FOR SELF AND CUSTOM BUILD

5.1 The Self-Build and Custom Housebuilding Act 2015 (as amended) sets out that local authorities must grant sufficient suitable development permissions on serviced plots of land to meet the demand for self-build and custom housebuilding in their area as evidenced by the number of people on the Register over a three year rolling period commencing on 31st October 2016.

5.2 The table below sets out the timeframes and the level of demand for serviced plots on the Register:

Number of Entries on Derbyshire Dales Self Build and Custom Build Register

Base period for the Custom and Self Build register	Deadline for granting suitable planning permissions for self-build plots for the base period	Current no. of entries
Base period 1 (01/04/2016 - 31/10/2016)	31/10/2019	16
Base period 2 (01/11/2016 - 31/10/2017)	31/10/2020	45
Base period 3 (01/11/2018 - 31/10/2018)	31/10/2021	0

5.3 Although the Register suggests that there is currently demand for 61 serviced plots, it is considered that this should be re-evaluated over the period to the end of the proposed public consultation set out above to determine whether this is a genuine level of demand for Derbyshire Dales and not just aspirational. It is considered appropriate, in order to ascertain a genuine level of demand, that the current entries on the Register be subject to testing against the two eligibility criteria set out above.

5.4 Once the level of genuine demand has been established, then the District Council has to meet its obligations to grant planning permission for enough serviced plots to meet this demand. There are two possible routes available to meeting this statutory requirement:

- (1) That the District Council negotiates with applicants for residential development the provision of a number of self/custom build plots on such sites, in accordance with the requirements of Policy HC3 in the Derbyshire Dales Local Plan which states:

“Where there is a proven demand for self-build housing provision as demonstrated by the Council’s Self-Build Housing Register, developers will be encouraged to make provision for small builders or individuals or groups who wish to custom build their own home as part of all housing allocations included within this Local Plan. In determining the nature and scale of provision, the District Council will have regard to considerations of viability and site specific circumstances”.

- (2) That the District Council works pro-actively with local communities and agencies to promote self-build, to secure and provide serviced plots in a similar manner to which it has undertaken its approach to the securing land for affordable housing. This could involve, where available, making

use of any underutilised land in public sector ownership, or working with the community to identify and bring forward sites to satisfy demand. The new Community Led Housing Fund, approved by this Committee in March 2017, is designed to support development activity under the 'community led umbrella of activity'. This includes self and custom build, along with Community Land Trusts, alms houses, cooperative and co-ownership housing. It offers further opportunity for the delivery of self-build plots alongside other strands of Government policy at the local level, together with the District Council's work on empty homes and the brownfield land register.

- 5.5 It is considered that in relation to this second option that a further report should be presented to this Committee to set out details of how this may be achieved.
- 5.6 To ensure that there is a successful take-up of the serviced plots the District Council will seek to inform entries on the Register when suitable plots are available.
- 5.7 In order to measure progress in delivering the requirements for providing serviced plots, it is considered appropriate that headline data such as including the number of individuals or associations on the register; the number of plots sought; location preferences; plot size; and type of housing intended to be built; is published in the Authority Monitoring Report,

6 RISK ASSESSMENT

6.1 Legal

The statutory basis for the Register is set out in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The District Council has already implemented a Register in accordance with the statutory requirements. The proposals set out in this report seek to clarify the District Council's approach to entry onto the Register, and as such the legal risk associated with this element is low. The requirement to grant permission for serviced plots to meet the identified demand may require additional resources to achieve. As such it is considered that the legal risk for this element is low to medium.

6.2 Financial

Changes to the Derbyshire Dales self and custom build register are considered low financial risk. To assist local planning authorities meet their statutory duties in relation to Self and Custom Build Registers the Government has provided a new burdens grant for 2016/17 of £15,000, with a further grant due of £30,000 in the current financial year. Future grants over the two years will be worth an additional £45,000. It is considered that this funding will part fund the cost of the additional resources required to ensure that sufficient serviced plots are granted permission and implemented on the ground. As such the financial risk is low to medium.

6.3 Corporate.

The delivery of self-build and custom build properties will assist with meeting the Corporate Plan priority of delivering housing to meet local needs. The corporate risk is low.

7 OTHER CONSIDERATIONS

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

C&E Self and Custom Build Housing oct2017 CF.docx

CONTACT INFORMATION

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BACKGROUND PAPERS

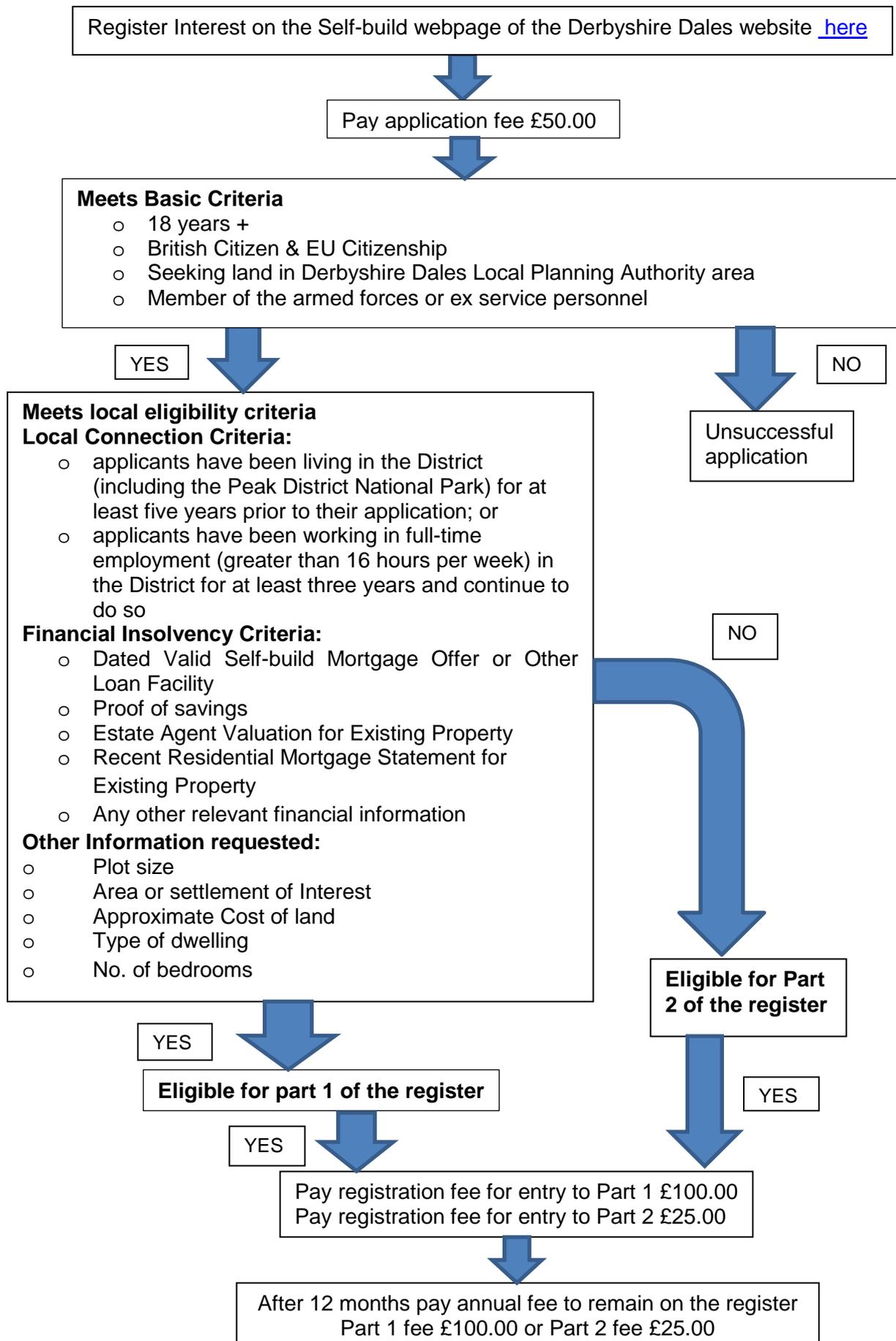
Description	Date	Location
The Self-build and Custom Housebuilding Regulations 2015 (as amended in 2016)	April 2016	G/4/H14
DCLG – Self and Custom Housebuilding: Planning Practice Guidance	28 July 2017	

ATTACHMENTS

Appendix 1 Flowchart – Changes to Registering Interest for Self-Build / Custom Build on the Derbyshire Dales Website

BACK TO AGENDA

**Appendix 1: Flowchart – Changes to Registering Interest for Self-Build/
Custom Build on the Derbyshire Dales Website**



COMMUNITY AND ENVIRONMENT COMMITTEE
16 NOVEMBER 2017

Report of the Head of Regulatory Services and the Head of Community and Environmental Services

GREEN MAN TRAIL, MATLOCK BATH

PURPOSE OF REPORT

This report seeks Members' approval for the principle of establishing a Green Man Trail in Derwent Gardens and Lovers' Walks, Matlock Bath, by the Matlock Bath Development Association Community Interest Company.

RECOMMENDATION

1. That the development of the Green Man Trail in Derwent Gardens and/or Lovers' Walk is approved in principle.
2. That the Head of Community and Environmental Services is delegated to approve the use of Derwent Gardens and/or Lovers' Walks for the Green Man Trail once discussions regarding siting and health and safety issues have been concluded.

WARDS AFFECTED

Masson

STRATEGIC LINK

The development of the Green Man Trail is intended to contribute towards the District Council's priority of business growth and job creation.

1 SUMMARY

- 1.1 The Matlock Bath Development Association Community Interest Company (CIC) has approached the District Council to seek approval to use Derwent Gardens and/or Lovers' Walks as an area to establish a 'Green Man Trail' of small sculptures. If the District Council is minded to support this project it will be necessary to give formal permission for the project through a 'Licence to Occupy' the land and to ensure that any health and safety/public liability issues are properly managed.

2 REPORT

- 2.1 In July 2017 Cllr Mrs Pawley, representing the Matlock Bath Development Association CIC approached a number of District Council officers about the potential to develop a 'Green Man Trail' as a tourist attraction in Matlock Bath. The areas of interest were Derwent Gardens and Lovers' Walks and since the issues presented by this proposal relate to land ownership and health and safety the District Council

services most affected were Community and Environmental Services, and Regulatory Services.

- 2.2 The Green Man Trail concept has been developed by Paul Casson-Yardley, a Rotherham based sculptor, and his partner Sue Casson and consists of a series of sculptures of the Green Man, a mythological figure, which are fastened to trees, bridges, rocks etc around an area to form a trail. Visitors are encouraged to follow the Trail by making question sheets which direct the visitor available to buy from local retailers. It is proposed that the Trail will be developed at the expense of the Matlock Bath Development Association CIC.
- 2.3 Officers have met with Cllr Mrs Pawley and agree that the development of the Trail presents an opportunity to Matlock Bath. Since both Derwent Gardens and Lovers' Walks are in the ownership of the District Council it will be necessary for formal permission for the use of these areas to be given through the issue of a Licence to Occupy. In addition, officers will also need to ensure that suitable arrangements are made to safeguard the health and safety of visitors to the Trail, bearing in mind the issues of deep, running water, steep slopes, uneven surfaces and the natural environment of these areas. Therefore, if the Committee agrees that this project should be pursued it is suggested that officers continue to work with the CIC and the artist to bring these matters to a conclusion, and that the Head of Community and Environmental Services is delegated to approve the use of the land once the discussions have been satisfactorily completed.

3 RISK ASSESSMENT

3.1 Legal

If approval is granted, the Council will require the Matlock Bath Development Association CIC to enter into a licence to occupy to ensure that the arrangement is properly managed and any liability and health & safety issues are addressed. The legal risk is assessed as low.

3.2 Financial

As stated in the report, it is proposed that the Trail will be developed at the expense of the Matlock Bath Development Association CIC. The cost of officer time for this project can be met from existing budgets. The financial risk is assessed as low.

4 OTHER CONSIDERATIONS

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

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

None

7 ATTACHMENTS

None

BACK TO AGENDA

COMMUNITY AND ENVIRONMENT COMMITTEE
16 NOVEMBER 2017

Report of the Head of Housing

AFFORDABLE HOUSING CAPITAL GRANT SUPPORT

PURPOSE OF REPORT

This report requests that funding be allocated to assist in the purchase and delivery of affordable housing on 1 s106 site and 2 housing association development sites.

RECOMMENDATION

That the contributions towards the purchase and delivery of affordable housing units outlined in this report be referred to Council in November 2017, to be considered for capital funding.

WARDS AFFECTED

All

STRATEGIC LINK

Enabling the development of affordable housing supports the District Council's priority of providing housing which meets local needs.

1 SUMMARY

- 1.1 As previously reported to Committee, there has been a rapid acceleration of private developer led sites in the Derbyshire Dales where the Council has successfully negotiated the provision of on-site affordable homes. Some of these sites also provide an off-site financial contribution in the form of payments to the Council which are then used to support our wider housing enabling activity.
- 1.2 The Housing Team has been working with Waterloo Housing Group (WHG), Nottingham Community Housing Association (NCHA), Peak District Rural Housing Association (PDRHA) and private developers to ensure on site homes can be bought by the 3 associations. The District Council's funding has given NCHA, PDRHA and WHG the confidence to invest more of their resources here rather than elsewhere. Two affordable housing schemes also require additional grant support in order to meet design requirements that have increased costs and affected scheme viability.
- 1.3 This report seeks to utilise S106 and capital grant funding to support 3 schemes as detailed below. The capital programme has £0.5 million of unallocated s106 contributions as at October 2017. In addition, the District Council has Capital Receipts of £888,628 as at 18 October 2017, which can assist with affordable housing developments in the Peak District National Park.

2 REPORT

- 2.1 There has been a rapid acceleration of private developer led sites in the Derbyshire Dales. In April 2015, when a report on the Affordable Housing Programme was presented to the Community Committee, 88 affordable homes had outline or detailed planning permission on developer led sites in Derbyshire Dales. As reported to Committee in June 2017, there were 373 affordable homes with outline or detailed planning permission. This figure is currently 361. The figure fluctuates due to schemes completing and new planning consents.
- 2.2 Derbyshire Dales District Council's funding is enabling housing associations to purchase a greater number of s106 units than their programme normally allows and has given housing associations the confidence to invest in the Derbyshire Dales rather than other areas. In order to ensure the purchase of onsite provision of affordable homes on s106 sites, it is proposed that Derbyshire Dales District Council provides funding to Nottingham Community HA for a site in Doveridge as set out in **Table 1** below.

Table 1: S106 schemes requiring Grant Contribution

Scheme	Planning Application No.	No. of Units	Housing Association	DDDC Grant Contribution Required
Doveridge	15/00389/OUT	11	NCHA	£135,000

- 2.3 In addition to the provision of affordable homes secured on s106 sites, the District Council also has a successful track record of working with housing associations who deliver homes in their own right. Two schemes are currently close to fruition but are struggling with viability due to design and unforeseen costs.
- 2.4 The District Council has been working with Lady Manners School, Westleigh Partnerships Ltd, Waterloo Housing Group, Peak District National Park Authority (PDNPA) and Bakewell Town Council to deliver 36 homes in Bakewell. As with a development of this size in a sensitive landscape, the scheme has not been without its difficulties. The quality of stone required by the PDNPA has added some cost to the project, though the PDNPA are prepared to use some s106 funding they have generated themselves to help meet the cost of the stone. The development is also affected by a local mine, which despite the best efforts of the developer, is sterilising part of the site. The subsequent redesign and stone has added additional costs to the revised layout which will be shared by the District Council, Westleigh and Waterloo Housing Group and PDNPA. The grant request from Derbyshire Dales District Council is £185,000.

- 2.5 The District Council owned site, known as Megdale Road, Matlock, has planning consent but the boundary treatment could be improved through the provision of a dry stone wall rather than the planned hedge. Originally the scheme plans showed a dry stone wall. Once the full costings of the scheme were understood, the developer replaced the stone wall with a hedge. During the Planning Committee, Members felt that the provision of a hedge to the frontage was a lower standard of boundary treatment than a dry stone wall. Whilst it is not a planning condition that a dry stone wall be provided, Members' views were clear that they wanted the affordable housing scheme to achieve a certain level of quality with a better boundary treatment. To this end, the Head of Housing was tasked with coming up with a solution with the developer and the housing association. The developer has provided a costed breakdown for the wall and it is proposed to meet this cost with s106 grant from the District Council of £22,000. This approach is consistent with other affordable housing schemes in order to improve the overall appearance of schemes and maintain a certain level of quality.
- 2.6 In summary, the total requested in this report for one s106 site and the two housing association developments is £342,000. This breaks down as £135,000 to assist NCHA with the purchase of affordable homes on one s106 site and a further £207,000 is requested to ensure the development of 2 housing association schemes.
- 2.7 This report shows the significant benefit to Derbyshire Dales resulting from Derbyshire Dales District Council's approach of taking off-site financial contributions, where appropriate, in lieu of affordable housing on private developer led sites. The funding requested in this report alone will ensure the purchase and delivery of an additional 59 affordable homes in the Derbyshire Dales. It also gives our partners the confidence to invest their resources in the Derbyshire Dales rather than elsewhere, thus boosting the wider development programme and resulting investment. The Affordable Housing Programme up to 2021 will bring over £20,000,000 of investment into the Derbyshire Dales.

3 RISK ASSESSMENT

3.1 Legal

The contributions from Section 106 Agreements are to be spent in accordance with the terms of those agreements. As such the legal risk is low.

3.2 Financial

The total capital expenditure contained within the three proposals is £342,000. Capital financing is currently available from unallocated Section 106 contributions and from capital receipts, subject to Council's approval at the meeting on 30th November. Given the pressures on the Council's resources, the financial risk is assessed as high.

4 OTHER CONSIDERATIONS

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

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

Date	Description	Location
2015	Community Committee 9 April 2015, Affordable Housing Development Programme	Head of Housing
2017	Community & Environment Committee 15 June 2017, Affordable Housing Development Programme	Head of Housing

BACK TO AGENDA

COMMUNITY & ENVIRONMENT COMMITTEE
16 NOVEMBER 2017

Report of the Head of Community & Environmental Services

REVIEW OF STALL MARKETS

PURPOSE OF REPORT

This report sets out the review of the stall markets, its findings and recommendations.

RECOMMENDATION

1. That Ashbourne (Thursday) Market becomes a self-erect seasonal market, opening in April and closing at the end of September annually
2. That Ashbourne (Thursday) Market close should it not achieve an average occupancy level of 70% or more by the end of June 2018
3. That Wirksworth Market is transferred to Wirksworth Town Council, subject to the terms set out in 2.3.1 below.
4. That Ashbourne (Saturday) Market is relocated to Shrovetide Walk in April 2018
5. That alternative options for the use of Matlock Indoor Market be considered

WARDS AFFECTED

Ashbourne North & South
Wirksworth
Matlock

STRATEGIC LINK

The Review embraces one of the District Council’s priorities, which is to revive stall markets, whilst continuing to seek efficiencies and innovative working practices.

1 BACKGROUND

1.1 The District Council has set a target in its Corporate Plan 2017/18 to increase overall stall occupancy at District Council markets to 70%. It is currently running at an average of 48%, with Ashbourne at 45% (Thursday) and 50% (Saturday), Wirksworth at 54% and Bakewell at 91%.

1.2 After the temporary closure of Ashbourne Thursday stall market it was re-opened in April on Shrovetide Walk. Initially occupancy was as high as 100%, however, it has fallen to as low as 30% towards the winter months.

1.3

	Operational Costs	Income	Difference
Ashbourne Thursday	£55,966	£5,000	-£40,966
Ashbourne Saturday		£10,000	

Bakewell	£107,262	£218,792	£111,530
Matlock	£27,833	£14,204	-£13,269
Wirksworth	£13,100	£3,358	-£9,742

1.4 In 2014 the management of markets was transferred to the Community Events Officers, who through the closer working relations with traders has implemented the following improvements:

- The introduction of Direct Debits and card payments
- Regular trader forums at Bakewell
- Regular dialogue with the National Market Traders Federation and the National Association of British Market Authorities
- Developed a new licence with input from traders
- Introduced a £10 per stall promotional offer at Ashbourne and Wirksworth, aimed at increasing and retaining trader attendance
- Introduced the dalesMARKETS branding
- Increased the Council's online presence through the creation and regular updates of the @dalesmarkets Facebook page (596 likes) and tweets on Twitter
- Created a 'Markets' page on the District Council's website which has the following number of visits:
 - Bakewell Stall Market 18,056
 - Markets (general page) 9,968
 - Ashbourne Stall Market 6,659
 - Matlock Indoor Market 3,342
 - Wirksworth Stall Market 2,179

2 REPORT

2.1 Ashbourne Market (Thursday)

The District Council moved the Thursday market to Shrovetide Walk on 6th April this year. Occupancy of the stalls was initially as high as 100%, however, it has fallen as the weather declines to as low as 30%.

2.1.1 Recommendation

The Ashbourne Market (Thursday) remains sited on Shrovetide Walk, becomes a seasonal market and operates from the beginning of April until the end of September and also operates a self-erect policy. The reduction in hours of work for the stall erectors will be addressed through the Change Management policy.

Although many specialist/artisan markets operate self-erect policies, there is a risk that it may prove unsuccessful for a weekly market. However, given the current financial challenge, it is not recommended that the Council continues to operate the service in the current format due to the high costs associated to the set-up and take down of the market.

If approved, the Community Events Officer will work on a new marketing strategy to promote the market. However, should take up not achieve an average of 70% occupancy or more by the end of June, the market will close.

2.2 Ashbourne Market (Saturday)

Occupation of stalls at Ashbourne (Saturday) market currently fluctuates between 23% and 81%.

In May 2107, a period of consultation took place to consider the relocation of the Saturday market to Shrovetide Walk.

The relocation was not supported by some traders and the Town Council but 67.86% of those completing the consultation online support the proposal.

Just over 68.47% would like to see the Market Place car park used for parking and/or events on Saturdays.

2.2.1 Recommendation

The Ashbourne Market (Saturday) is relocated to Shrovetide Walk with effect from the beginning of April 2017. This is a result of the consultation process, which will also make the Market Place available for car parking, bringing in an estimated additional income of £13,000 per annum. It will also support the introduction of a monthly artisan market on the Market Place, without affecting the licenced Saturday traders.

The introduction of a self-erect policy by the end of 2018/19 should also be considered.

2.3 Wirksworth Market

Wirksworth Market which operates on a Tuesday has seen the number of traders decline from 13 in 2012 to the current occupancy of 8. There was a relaunch in April 2015, done jointly with the District Council, Wirksworth Town Council and the NOW Group. The relaunch temporarily increased stallholder numbers; however, there is currently an average of 8 stalls out of a possible 27.

Wirksworth Market currently has an operational loss of approximately £9,800 per year.

2.3.1 Recommendation

That work starts on the transfer of Wirksworth Market to Wirksworth Town Council.

Positive and progressive discussions relating to the future of the market have taken place with Wirksworth Town Council, who has since declared an interest in taking on the market and re-locating it to the Memorial Gardens.

Relocating the market to the Memorial Gardens will provide a more suitable and accessible location (flat surface) and will enable the Market Place to be used for car parking, bringing in an estimated additional income of £5,200.

Wirksworth Town Council has asked for an initial level of support from the District Council in the following:

Capital & Set-up Costs

- A one off payment of £12,500 (approximately 50% of the overall cost) to assist with the works required to resurface the gardens to facilitate the relocation from the Market Place Car Park to the Memorial Hall/Gardens.

- Transfer of the existing market stalls from District Council ownership to Wirksworth Town Council.

Operational / On Going Costs

- A contribution of £15,000 over 3 years (£5,000 per year). This equates to approximately half of the current annual operational cost.
- Continued promotion of the market through the existing District Council marketing channels.
- Provision of concessionary parking for traders' vehicles in the District Council car parks e.g. Market Place or Barmote Croft etc. (1 space per trader for the duration of the markets operation).

2.4 Bakewell Market

Bakewell Market which operates on a Monday from Granby Road and Market Place continues to be successful, with an average occupancy of 91% over the past 3 months.

Bakewell Market is ranked the 21st most visited page on the District Council's webpage (ahead of Bakewell Farmers' Market in 24th place) out of over 2,500. The increase in visitor numbers in the past year can probably be attributed to referrals from the Markets Facebook page (created in August 2015), which is updated almost daily.

2.5 Matlock Indoor Market

Matlock Indoor Market currently has only two occupants, a butcher and a greengrocer.

The District Council have been approached by two interested parties wishing to use the venue for commercial means.

2.5.1 **Recommendation**

The District Council considers alternative options for use of this facility and continues to work with Matlock Community Vision in doing so.

3 **RISK ASSESSMENT**

3.1 Legal

The markets in Ashbourne, Wirksworth and Matlock were established by Royal Charter. The terms for relocation would be regulated by formal agreements. Whilst consultation has taken place, the legal risk is low to medium as the risk of a challenge cannot be fully mitigated.

3.2 Financial

Any additional income or savings in operational costs arising from this review will contribute towards the achievement of the Council's Corporate Savings Target. If approved by this Committee, the contribution of £12,500 to Wirksworth Town Council towards the cost of resurfacing will be referred to Council to request inclusion in the capital programme. The financial risk is assessed as low.

4 OTHER CONSIDERATIONS

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

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

None

7 ATTACHMENTS

Appendix 1 - Ashbourne Saturday Market Consultation Results

BACK TO AGENDA

Appendix 1

Ashbourne Saturday Market Consultation Results

Do you support moving Ashbourne Saturday Market to the area of land known locally as Civic Square?

- Answered: 112

ANSWER CHOICES	RESPONSES
Yes	67.86%
No	25.00%
Don't know	7.14%

Would you like to see the Market Place car park used for parking and/or events on Saturdays?

- Answered: 111
- Skipped: 1

ANSWER CHOICES	RESPONSES
Yes	68.47%
No	25.23%
Don't know	6.31%

Do you think moving the Saturday Market will negatively affect trade to the businesses around the Market Place and in the town?

- Answered: 111
- Skipped: 1

ANSWER CHOICES	RESPONSES
Yes	33.33%
No	54.95%
Don't know	11.71%

COMMUNITY & ENVIRONMENT COMMITTEE
16 NOVEMBER 2017

Report of the Head of Community & Environmental Services

LEISURE REVIEW - UPDATE

PURPOSE OF THE REPORT

To provide information on the progress of the Leisure Review, and outline the specification for the future management of the Leisure Centres.

RECOMMENDATION

1. That the progress of the Leisure Review be noted

WARDS AFFECTED

All wards

STRATEGIC LINK

Leisure Services support the District Council's Corporate Aim to promote quality of life and also makes a significant contribution to the safety and health of the community Derbyshire Dales. The review has reflected on the District Council's priorities, whilst also seeking to ensure that we deliver value for money and work effectively with partners.

BACKGROUND

- 1.2 In June 2017, Council considered and approved the specification presented, which highlighted the District Council's desired approach to management of its Leisure Centres. This specification included:
 - Contract Terms
 - Contract Length
 - Pricing Policy
 - Programming
 - Opening Hours
 - Maintenance and Lifecycle Cost
 - Energy
 - Surplus Share Agreement
 - Performance and Review

REPORT

- 2.1 On Friday 21 July 2017 the contract was advertised via the Official Journal of the European Union, Contracts Finder and Source Derbyshire inviting specialist Leisure Management Operators to apply for the contract.

2.2 The first stage of the process was for potential bidders to submit a request to participate (RTP) to ensure they are suitable applicants for contract of this size and nature. This includes a review of each bidder's status, financial standing and track record amongst other factors. Eight organisations passed this stage.

In addition to the clarification questions, a bidders open day was organised on 3 August to provide potential bidders with opportunity to ask site specific questions. The day was opened by the Leader of the District Council and the Chief Executive. Since the tour, several of the potential bidders have undertaken further site visits to review the operations in further detail along with assessing wet and dry plant room facilities. Return visits have been facilitated by the Active Communities Officer and the Community Development and Wellbeing Officer, supported by centre staff where required.

2.3 Following the RTP , the Invitation To Tender (ITT) phase began, which focuses on the actual contract and specification requirements and how each bidder intends to deliver this and at what cost. The ITT process closed at 11:00am on Monday 23 October, with 4 bids being received

2.4 The ITT phase is the period where potential bidders prepare their submissions and can ask 'clarification questions' via a live portal regarding the specification, contract, condition of the facilities. Over 100 clarifications questions were asked during this period and place significant demand on several departments within the District Council, as well as on colleagues from the County Council who are responsible for uploading information onto the live tender portal.

2.5 Evaluation of the bids commenced on 25 October, and will continue over a number of weeks, ending on 16 November. The evaluation panel consists of:

- Corporate Director
 - Head of Community & Environmental Services
 - Head of Resources
 - Community Development & Wellbeing Officer
 - Active Communities Officer
 - Facilities & Estates Manager*
 - Communications and Marketing Manager*
 - Damien Adams (FMG Consulting)*
- * specific method statements only

2.7 Once the evaluation process has concluded, Officers will enter 'bidder negotiations' with a select number of bidders before final revised bids for the contract are submitted. It is hoped that this process will allow both the bidders and the Council to discuss in more detail key elements of their submissions to arrive at a point where the contract is awarded to the bidder offering the most economically advantageous tender..

2.8 Despite the demands of the review and significant amount of clarification questions, the review is on track to meet the target 'Contract Award' date, as noted in 2.9.

2.9 Key dates include:

- Approval from Council to outsource the management of the Leisure Centres (w/c 5 December 2016)
- Procurement initiation (w/c 19 December 2016)
- Staff, user and Member consultation (w/c 29 March 2017)
- Finalise specification (w/c 19 June 2017)
- PQQ Return Date (w/c 21 August 2017)
- ITT Return Date (23 October 2017)
- Bidder Negotiations (w/c 27 November 2017)
- Final Evaluation (w/c 9 January 2018)
- Award contract (w/c 26 March 2018)
- Contract implementation (w/c 28 May 2018)

RISK ASSESSMENT

3.1 Legal

The procurement of the contract for the management of the Derbyshire Dales District Council leisure centres will be undertaken in accordance with the Councils financial regulations and the Public Contract Regulations 2015.

3.2 Financial

There are no financial risks as a direct result of this report. Any savings achieved as part of this review will contribute towards the corporate savings target of £1.6m. At this stage the financial risk is low.

4 OTHER CONSIDERATIONS

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

5 CONTACT INFORMATION

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6 BACKGROUND INFORMATION

None

7 ATTACHMENTS

None

BACK TO AGENDA

COMMUNITY AND ENVIRONMENT COMMITTEE
16 NOVEMBER 2017

Report of the Head of Corporate Services

REQUEST FOR CONSENT TO PURCHASE FORMER COUNCIL PROPERTY AT 6 WEST END, BASLOW

PURPOSE OF REPORT

To consider a request to waive the restrictive clause relating to 6 West End, Baslow to enable a purchase by prospective buyers currently residing outside of the County.

RECOMMENDATION

The Committee's view is sought on whether to waive the restrictive clause relating to 6 West End, Baslow, to enable particular buyers to purchase the property.

WARDS AFFECTED

Chatsworth

STRATEGIC LINK

The restrictive clause has links to the Council's objective to provide affordable housing. In this context the aim of the restrictive clause was to enable former social housing to be available to local people.

1 REPORT

- 1.1 Prospective purchasers, currently residing in Devon wish to purchase 6 West End, Baslow, which is a former Council house subject to what is known as the 'Peak Park Clause'. This requires that any potential purchaser must have lived or worked within the Peak District National Park or Derbyshire for a period of three years prior to the application to purchase.
- 1.2 The prospective purchasers do not fulfil the criteria set out in Section 157 of the Housing Act but are requesting that the clause be waived.
- 1.3 The purchasers currently live at an address in Devon where they have lived since 2015. Prior to that the couple lived at an address in Derbyshire, the last being in Chesterfield from 1992 to 2015. The purchasers have family connections in Belper, Birchover and Darley Dale.
- 1.4 No. 6 West End was on the market at £299,000 on 18 October 2017, and an offer was accepted from the prospective purchasers on 24 October. The purchasers requested waiver of the consent on 30 October.

- 1.5 The purchasers were aware of the restrictive clause and complain the clause as set out on the District Council's website is not clear and that they were unable to get clear advice from officers of the District Council. The complaint is being dealt with separately. However as an offer has been accepted, subject to contract, it would seem fair to accelerate the matter for determination by the Committee. Ordinarily such matters would only be brought to the Committee where a property appears to be stagnating on the market with little or no local interest within a reasonable time period.
- 1.6 Housing need in Baslow has not been assessed for some time. However a survey in Bakewell (just one parish away) in 2015 identified 119 households with a strong local connection in need of affordable housing.

2 RISK ASSESSMENT

2.1 Legal

Section 157 of the Housing Act 1985 (as amended) provides a limitation on disposals of former Council properties within the Peak District National Park without the written consent of the landlord. It is open to Members in their discretion to grant the appropriate consent under this Section.

Prospective purchasers are required to undertake their own due diligence before proceeding with a purchase and any expense incurred in proceeding with the purchase ahead of formal consent of the District Council is the responsibility of the purchaser

2.2 Financial

There are no financial considerations arising from the report.

3 OTHER CONSIDERATIONS

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

4 CONTACT INFORMATION

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5 BACKGROUND PAPERS

Email confirmation from prospective purchasers 30 October 2017

6 ATTACHMENTS

None

BACK TO AGENDA