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SPECIAL COUNCIL

Minutes of a Special Council Meeting held on Monday 8 August 2016 in the Council Chamber, County Hall, Matlock at 6.00 pm.

PRESENT Councillor Andrew Shirley - In the Chair

Councillors Jason Atkin, Deborah Botham, Martin Burfoot, Sue Burfoot, David Chapman, Phil Chell, Tom Donnelly, Ann Elliott, Graham Elliott, Steve Flitter, Helen Froggatt, Chris Furness, Alyson Hill, Neil Horton, Angus Jenkins, Vicky Massey, Tony Millward BEM, Jean Monks, Tony Morley, Joyce Pawley, Garry Purdy, Lewis Rose, OBE, Peter Slack, Andrew Statham, Jacquie Stevens, Colin Swindell, John Tibenham and Joanne Wild.

Dorcas Bunton (Chief Executive), Paul Wilson (Corporate Director), Sandra Lamb (Head of Corporate Services), Mike Hase (Policy Manager), Jim Fearn (Communications and Marketing Manager) and Jackie Cullen (Committee Assistant).

139 members of the public.

The Chairman advised the Council and members of the public that the meeting was being filmed by Officers. Members of the public who did not wish to be filmed were asked to make themselves known to the Chairman.

APOLOGIES

Apologies for absence were received from Councillors Richard Bright, Sue Bull, Albert Catt, Richard FitzHerbert, Susan Hobson, Irene Ratcliffe, Mike Ratcliffe, Mark Salt and Philippa Tilbrook.

134/16 – PUBLIC PARTICIPATION

In accordance with the procedure for public participation, the following members of the public addressed the meeting:

- Mr Peter Wild, local resident, spoke about the unsuitability of site HC2(u) Land off Gritstone Road/Pinewood Road, Matlock, with particular regard to the landscape sensitivity. Mr Wild requested that the site be withdrawn from the Draft Local Plan, and that further time be taken to ensure the Local Plan was correct.
- Mr Ellsworth, local resident, commented on the potential traffic impact on Matlock,

- citing the NPPF's comment that if a junction was operating at capacity, a local authority should not make things worse.
- Mr Rob Atkin asked why the Snitterton Fields site had been deleted from the Draft Local Plan yet site HC2(u) Land off Gritstone Road/Pinewood Road was still put forward for development, as the constraints of the two sites were comparable.
- Mrs Sally Scargill, local resident, spoke against the inclusion of site HC2(u) on the grounds of flooding and transport implications.
- Councillor Michael Crapper, representing Matlock Town Council, advised the Committee that the Town Council had held a public meeting at which the only site to receive numerous representations, and to which the Town Council had unanimously objected, was site HC2(u). Cllr Crapper also stated that concerns had been raised over the viability of the Cawdor Quarry site now that the Snitterton Fields site had been deleted.
- Mrs Julie Atkin, local resident, commented on the impact that development of site HC2(u) would have on the landscape and that the increased traffic would add to pollution (both air and noise) and stated that the site failed on sustainability grounds.
- Mr Colin Bradley, local resident, supported the proposal that the original Local Plan be put forward, comprising 28 sites, including site HC2(u).
- Emily Burton spoke about the effect of the plan on Matlock traffic, with particular emphasis on the negative impact on tourism. Ms Burton also noted that Matlock schools were already at capacity.
- Mr Luke Travis, resident, commented on the environmental impact of development on site HC2(u), and the risk of flooding.
- Mr Barry Travis, resident of Pinewood Road, commented on the impact on congestion with regard to development of site HC2(u).
- Mr Tresadern, Matlock resident, stated that site HC2(u) had previously been declared unfit for development and that it should be removed from the draft Local Plan.
- Mr Geoff Stevens reiterated that feelings amongst the Matlock residents were running high, and that as the DCC report had stated that no traffic mitigation was possible, and that the site had been opposed over the last 30 years or so, site HC2(u) should be removed from the draft Local Plan. Mr Stevens stated that all major junctions would be affected by the increase in traffic, and consequently the business community and the tourist industry.
- Mr Simon Chadwick, Agent for William Davis, spoke in support of the inclusion of site HC2(u) in order to meet the Council's housing requirements, and suggested that the flooding issues referred to by previous speakers could be addressed.
- Mr Darren Archer, on behalf of the Ashbourne Neighbourhood Plan Group, stated that Ashbourne's housing need had already been met by current planning permissions, and that the only shortage was that of smaller, affordable homes. Mr Archer questioned the deliverability of some of the sites and referred to Amber Valley in terms of failure of their local plan. Mr Archer suggested that the Council paused to explore unresolved issues, and clear them up prior to submitting the Local Plan.
- Mr John Youatt, Community & Renewables Planner, commented on the Local Plan situation at Lewes District Council, Sussex, in so far as the Inspector allowed a reduction in their OAN due to the development limits within the National Park. Mr Youatt also supported the proposal made previously on the development of a new village, which had been rejected as a commercially-led project but should be community-led. Mr Youatt requested that the Council review this proposal and set up a Community Land Trust.

- Mr Peter Fox, Ashbourne local resident, commented on the proposed Ashbourne by-pass which would potentially conflict with the proposed traveller site. Mr Fox also commented on the need to relocate badgers on the site.
- Cllr Vicki Raynes, on behalf of Tansley Parish Council, commented on the significant constraints to development at Tansley House Gardens (site HC2(z)) and requested its removal from the draft Local Plan. Cllr Raynes cited the NPPF criterion regarding sustainable development and asked what improvements would be made to Tansley's infrastructure. Cllr Raynes also requested that the recently inserted paragraph on page 44 of Appendix 1 to the report be removed as it was inaccurate.
- Diana Dakin, local resident, asked what the Council had done to encourage its local MP to speak up. Mrs Dakin also asked why no traffic impact study had been carried out on Church Street, Tansley.
- Mrs Doreen Burd, local resident, commented on the petition from residents at Normanhurst Park that had been circulated to all Councillors prior to the last meeting. Mrs Burd set out several reasons why site HC2(k) Land off Normanhurst Park should not be included in the draft Local Plan.
- Mr Allday, resident of Normanhurst Park, stated that the density of housing proposed for site HC2(k) Land off Normanhurst Park was not commensurate with the neighbouring houses. Mr Allday stated that this site was not included in the Darley Dale Neighbourhood Plan and should be removed from the draft Local Plan. Mr Allday presented the petition to the Chairman.
- Mr Frederick Burgess, local resident, supported the deletion of the Snitterton Fields and requested that site HC2(u) Land off Gritstone Road/Pinewood Road be withdrawn for similar reasons. Mr Burgess urged the Council to endorse the decision of the Local Plan Advisory Committee.
- Mr John Green advised that he had submitted a question as to why residential gardens were not protected from development, in line with NPPF guidelines that also state that they cannot be used towards housing targets. Mr Green asked why this policy had not been included in the draft Local Plan.
- Mr Gibbons, resident of Alfreton, supported the proposal for a new village(s) and suggested the figure of 1000 dwellings each at Brailsford and Hulland Ward, together with a new secondary school and by-pass. Mr Gibbons also queried the viability of building 'normal' housing at Middleton Peak Quarry on a limestone floor.

Late representations received after publication of the Agenda were circulated at the meeting.

135/16 – INTERESTS

Councillor Jason Atkin declared a non-pecuniary interest in site HC2(u) Land off Gritstone Road/Pinewood Road, Matlock, as development on this site could affect the wellbeing of 2 members of his family. To avoid the appearance of bias, Councillor Atkin withdrew from the meeting during discussion of the item.

Councillor Andrew Statham declared a pecuniary interest in site HC2(u) Land off Gritstone Road/ Pinewood Road, Matlock, as his family owned the neighbouring land. Councillor Statham was not present during the voting on this item.

Councillor Tony Millward, BEM, declared an interest in site HC2(c) Land at Ashbourne Airfield as a member of his immediate family lived next to the site and the matter had the potential to affect their wellbeing.

136/16– DERBYSHIRE DALES LOCAL PLAN – PRE-SUBMISSION DRAFT PLAN

Council considered the recommendations of the Local Plan Advisory Committee held on 27 July 2016 with a view to determining the contents of the Derbyshire Dales Local Plan Pre-submission Draft.

The Draft Derbyshire Dales Local Plan was subject to a six-week period of public consultation from 7th April to 19th May 2016. Representations received during the public consultation period were considered by the Local Plan Advisory Committee, who also considered updating reports on the evidence base and potential alternative sites for inclusion in the Local Plan. At the meeting of the Local Plan Advisory Committee held on 27th July, Members were requested to consider the contents of the Pre-Submission Draft Derbyshire Dales Local Plan, together with a programme of public consultation intended to commence on 11th August 2016 for a period of 6 weeks.

At that meeting it was resolved:-

“That the content of the Derbyshire Dales Local Plan Pre-Submission Draft Plan as set out in Appendices 1 and 2 to this report be recommended to Council for approval, including the changes set out in paragraph 2.10 of the report, but with the exception of site HC2(v) relating to land at Gritstone Road/Pinewood Road, Matlock, which is recommended for exclusion.” (Minute 133/16)

A copy of the report considered by the Local Plan Advisory Committee held on 27th July 2016 was set out in Appendix 1 to the report.

The criteria by which the District Council would be considered to have discharged their duties in respect of the Duty to Cooperate, the requirements of the relevant legislation, and the “soundness” of the Pre-Submission Draft Derbyshire Dales Local Plan were set out in the report, together with the National Planning Policy Framework (NPPF) definition of the soundness of a Local Plan, one of the key tests of which related to the provision of sufficient land for housing development, ensuring that the Local Plan met the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework, including identifying key sites which were critical to the delivery of the housing strategy over the plan period.

In this regard, Members were advised that in order for the Local Plan to be deemed to have been “positively prepared”, the strategy within the plan should meet in full, the objectively assessed development and infrastructure requirements of the area.

The recommendations to Council from the Local Plan Advisory Committee held on 27th July 2016 had the effect of reducing the overall level of housing supply identified in the Pre-Submission Draft Derbyshire Dales Local Plan to such an extent that the Local Plan would not fully meet the objectively assessed need for housing of 6,440 dwellings over the plan period 2013-2033. As such, the plan was at significant risk of failure. It was considered extremely unlikely, on the basis of the current evidence base, that a strategy which was of equal merit to the one recommended to the Local Plan Advisory Committee on 27th July 2016 could be achieved, and any further delay to the preparation of the Derbyshire Dales Local Plan also needed to be considered against the Government’s clearly stated objective of ensuring that Local Planning Authorities submitted a Local Plan

for examination by March 2017 and the potential sanctions that could be imposed if this objective was not met, as outlined in the report.

A motion was proposed by Councillor Lewis Rose OBE and seconded by Councillor Angus Jenkins as follows:

“That having regard to the issues set out in Section 2 of the report, Council approves the Pre-Submission Draft Derbyshire Dales Local Plan as contained in Appendix 1 with the inclusion of all sites listed at paragraph 6.2 of the Draft Plan including Policy HC2(u) Land off Gritstone Road/Pinewood Road, Matlock as a viable proposition for public consultation and submission to the Secretary of State.”

An amendment was then proposed by Councillor Martin Burfoot and seconded by Councillor Jacquie Stevens as follows:

“That having regard to the issues set out in Section 2 of the report, Council approves the Pre-Submission Draft Derbyshire Dales Local Plan as contained in Appendix 1 with the inclusion of all sites listed at paragraph 6.2 of the Draft Plan *excluding* Policy HC2(u) Land off Gritstone Road/Pinewood Road, Matlock as a viable proposition *and that* public consultation and submission to the Secretary of State *be deferred in order to re-examine sites previously put forward.*”

In addressing Members’ and Speakers’ queries, the Corporate Director noted the suggestion to proceed with the Draft Local Plan with a shortfall that was significantly lower in percentage terms than that presented in the previous Local Plan which had been withdrawn in 2014. It was also noted that with regard to the proposed Traveller Site in Ashbourne, Derbyshire Dales District Council did now have the agreement of Derbyshire County Council for the site, albeit with outstanding ecological issues which would be addressed prior to implementation of any permissions; there was still, as yet, no indicative alignment of the Ashbourne by-pass; with regard to Lewes District Council, the reduction in their OAN was not due solely to the existence of the National Park – there had been a range of circumstances leading to that decision; and with regard to the revised sustainability report of the Snitterton Fields site, relating to its similarities with site HC2(u) in terms of development constraints, it was reported that all sites that had resulted in a significant number of representations had been re-evaluated and any exclusion had been a result of lack of evidence regarding deliverability and viability.

With regard to potential CIL allocations, the Corporate Director advised that a report would be brought to the relevant committee in due course, and that it was for the Council to determine how it would be distributed across the district.

Councillor Steve Flitter requested a recorded vote on the amendment, which was seconded by Councillor Colin Swindell.

It was moved by Councillor Martin Burfoot, seconded by Councillor Jacquie Stevens and

Councillors Deborah Botham, Martin Burfoot, Sue Burfoot, Ann Elliott, Steve Flitter, Peter Slack, Jacquie Stevens and Colin Swindell (8)

VOTING:
For Councillors David Chapman, Phil Chell, Tom Donnelly, Graham Elliott, Helen Froggatt, Chris Furness, Alyson Hill, Angus Jenkins, Vicky Massey, Tony Millward BEM, Jean Monks, Tony Morley, Joyce Pawley, Garry Purdy, Lewis Rose OBE, Andrew Shirley, John Tibenham and Joanne Wild (18)

Against Councillor Neil Horton (1)

Abstentions

The Chairman declared the amendment defeated.

137/16 – MOTION TO CONTINUE

It was moved by Councillor Garry Purdy, seconded by Councillor Colin Swindell and

RESOLVED That, in accordance with Rule of Procedure 13, the meeting continue (unanimously) beyond 2 ½ hours to enable the business on the agenda to be concluded.

The original motion was then put to the vote and it was

RESOLVED That having regard to the issues set out in Section 2 of the report, Council considers the recommendation of the Local Plan Advisory Committee and determines the contents of the Pre-Submission Draft Derbyshire Dales Local Plan as a viable proposition for public consultation and submission to the Secretary of State.

VOTING:
For Councillors David Chapman, Phil Chell, Tom Donnelly, Graham Elliott, Helen Froggatt, Chris Furness, Alyson Hill, Angus Jenkins, Vicky Massey, Tony Millward BEM, Jean Monks, Tony Morley, Joyce Pawley, Garry Purdy, Lewis Rose OBE, Andrew Shirley, Jacquie Stevens, John Tibenham and Joanne Wild (19)

Against Councillors Deborah Botham, Martin Burfoot, Sue Burfoot, Ann Elliott, Steve Flitter, Peter Slack and Colin Swindell (7)

Abstentions Councillor Neil Horton (1)

The Chairman declared the motion carried.

MEETING CLOSED 8.39PM

CHAIRMAN