



This information is available free of charge in electronic, audio, Braille and large print versions on request.

For assistance in understanding or reading this document or specific information about these Minutes please call Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk

ENVIRONMENT COMMITTEE

Minutes of a Meeting held on Thursday 27 February 2014 in the Council Chamber, Town Hall, Matlock at 6.00pm

PRESENT Councillor Steve Bull - In the Chair

Councillors Sue Burfoot, Tom Donnelly, Ann Elliott, Steve Flitter, Chris Furness, Neil Horton, Cate Hunt, Angus Jenkins, Mike Ratcliffe, Peter Slack, Geoff Stevens MBE, Judith Twigg, Jo Wild.

Dorcas Bunton (Chief Executive), Peter Foley (Corporate Director) Paul Wilson (Corporate Director), Tim Braund (Head of Environmental Health), Keith Postlethwaite (Grounds Maintenance and Car Parks Manager), Mike Galsworthy (Estates Manager), Ashley Watts (Head of Community Development), Kelly Tuck (Solicitor) and Jackie Cullen (Committee Assistant).

7 members of the public.

APOLOGIES

Apologies for absence were received from Councillors Richard FitzHerbert, Lewis Rose OBE and Mrs Carol Walker. Councillors Tom Donnelly and Judith Twigg attended as Substitute Members.

PUBLIC PARTICIPATION

In relation to the Agenda item regarding the Agricultural Business Centre Bakewell;

Mr Alistair Sneddon, Bagshaws Limited, Bakewell spoke in favour of Council's recommendation and outlined the steps his company had taken so far to mitigate noise, and further steps they were willing to take to improve the situation.

Mr John Beach, a local resident, spoke regarding concerns over trees and hedging between neighbouring properties and the ABC.

334/13 – MINUTES

It was moved by Councillor Chris Furness, seconded by Councillor Geoff Stevens and

RESOLVED That the minutes of the meeting of the Environment Committee (unanimously) held on 28 November 2013 be approved as a correct record.

The Minutes were signed by the Chairman.

335/13 – AGRICULTURAL BUSINESS CENTRE, BAKEWELL

Correspondence received after preparation of the Agenda was circulated at the meeting.

A report was presented outlining the background and chronology of events leading to the current situation. The District Council's Environmental Health Section had been investigating complaints about excessive noise from the livestock markets and associated activities at the Agricultural Business Centre since at least 2006. These complaints referred to early morning starts, vehicle noise, impact noise, noise from livestock handlers, noise from the lorry wash, noise from the waste separator, animal noise, noise from overnight lairage and noise from dogs kept in vehicles.

In 2006 an investigation by the District Council's Environmental Health Officers indicated that noise levels were sufficiently intrusive as to have potential to amount to a statutory noise nuisance. On the basis that private individuals could potentially take nuisance action in their own right under section 82 of the 1990 Act, it was felt that the District Council remained vulnerable to the possibility of legal challenge.

Details of firms commissioned by the Council and their conclusions to investigations undertaken were set out in the report. It was concluded at the time that the most appropriate means of noise attenuation was a barrier enclosing the area where noise sources existed. The consultants also recommended more effective management controls as a way of reducing noise at source.

It was reiterated that public consultations had been undertaken throughout the process, and noise management works to date (as outlined in Appendix 1 to the report) had led to substantial reduction in noise, as discussed at the residents' meeting in November 2012. On 15th January 2014, a further meeting with residents likely to be affected by the noise was convened to provide an update on the matter. The general view of the meeting, with one or two exceptions, was one of continuing and strong public opposition to the proposals. Through the Ward Members it was also plainly evident that the proposed noise barrier is unacceptable to the neighbouring residents, in terms of its impact on their amenity and the local area.

Following the meeting there had been much publicity generated by the residents who strongly object to the proposals. Copies of all of the objections were included as Appendix 2 to the report. In addition a petition signed by 38 local residents had been received.

It had been acknowledged that the construction of a barrier would not address all the concerns of the local residents, and it was therefore proposed that a phased approach would provide a better solution. The Committee was advised that this would also include provision of evergreen hedging and shrubbery.

It also emerged that Bagshaws would like to carry out improvements to the market, to provide cover for animals currently stored and auctioned from the temporary penning on the car parking apron at the rear of the sheep shed.

In response to questions from the Committee, the Corporate Director agreed that public consultations should continue to be held regularly throughout deliberations. It was difficult to put a time scale on reaching an acceptable solution due to the variety of components to address, but that he hoped the 'phased approach' solution would be drawn up within three months and the financial implications would be reported to a future Committee meeting. It was felt that this approach would ensure the Council had taken the 'best practicable means' to reduce noise to a minimum.

It was moved by Councillor Judith Twigg, seconded by Councillor Geoff Stevens, and

RESOLVED
(Unanimously)

1. That having considered the Council's legal obligations and the work carried out so far, the option of a noise barrier at the ABC be discounted and the District Council continue to work in partnership with Bagshaws to draw up, within three months, a noise management plan which seeks to reduce noise from individual sources to a reasonably practicable level.
2. That the noise management plan includes reasonable timescales for implementing the recommended improvements.
3. That regular and ongoing dialogue takes place with residents affected by the activities at the ABC.
4. The financial implications of implementing the noise management plan be reported to a future meeting of this Committee.

336/13 – PETITION – TREE MANAGEMENT IN MATLOCK BATH

The Committee considered a report advising that a petition had been received from Matlock Bath Parish Council in regard to tree management issues in Matlock Bath. The report outlined the background to this matter and advised of the implications for the Council arising from this request.

The Corporate Director acknowledged that this matter had been a longstanding concern to Matlock Bath Parish Council, particularly with regard to iconic views which were being lost due to tree growth and that it was a legitimate concern.

However, the Council had been constrained in its ability to maintain Matlock Woods as they are notified as a Site of Special Scientific Interest and a Special Area of Conservation. As such, maintenance would have to be carried out in agreement with Natural England, as part of the management programme imposed under the Heritage Lottery funded Matlock Parks Project. Tree growth on the cliff faces cannot be cleared to any significant extent as they are remnant ancient woodlands.

It was therefore proposed to open dialogue between Matlock Bath Parish Council, the District Council and Natural England and to present a report to a future Committee meeting.

It was moved by Councillor Geoff Stevens MBE, seconded by Councillor Mike Ratcliffe and

RESOLVED
(Unanimously)

1. That Officers of the District Council meet with representatives of Matlock Bath Parish Council, Derbyshire County Council and Natural England, to explain the nature of the Parish Council's concerns and to seek an agreement in principle from all parties to the formulation of a Tree Management Strategy for Matlock Bath.
2. That subject to receiving the agreement of Natural England and Derbyshire County Council, a further report be presented to a future meeting of this Committee advising of the resources required to formulate and implement a Tree Management Strategy for Matlock Bath.

337/13 – FEES AND CHARGES 2014/15

A report was presented which provided details of existing and recommended fees and charges for services provided by the Leisure, Parks and Environmental Health Services.

The Committee was advised that there was an error in one of the charts in Appendix 3; an amended copy of Appendix 3 was distributed at the meeting.

The report proposed that fees and charges for all services are subject to an inflationary increase of approximately 3% with VAT applied as appropriate (current rate 20%).

Appendix 1 to the report detailed the existing fees and charges and those recommended for approval with effect from 1 April 2014 in respect of food hygiene, private sector housing and private water supplies.

Appendix 2 to the report detailed the existing fees and charges and those recommended for approval with effect from 1 April 2014 in respect of parks/recreation ground services.

Appendix 3 (amended) detailed the existing fees and charges together with those

recommended by the Leisure Review Team for approval with effect from 1 April 2014.

Leisure Services

The leisure service was in the process of undergoing a major service review. One of the issues recently considered by the review team was that relating to the structure of fees and charges for the service. The review team had taken a more in depth look at the structure of the fees and charges and concluded that certain elements could be amended to bring the Council closer into line with similar charges at other Derbyshire Authorities or to remove anomalies within the present system.

The Review Team recommended that in line with all other services, leisure fees and charges be subject to the annual inflationary increase of 3%.

Recommendations relating to fees and membership conditions within the Leisure Services were set out in the report.

In response to questions from Members regarding the proposed increase in fees and membership for concessionary rates, the Corporate Director advised that the recent Peer Challenge highlighted the fact that the Leisure Service facilities were very expensive to run, and the Council had to try and reduce the deficit between running costs and income.

It was moved by Councillor Geoff Stevens MBE, seconded by Councillor Chris Furniss and

RESOLVED That the fees and charges recommended in Appendices 1, 2 and 3 (as amended) to the report are approved and implemented with effect from 1 April 2014 until 31 March 2015.

Voting	For	10
	Against	4

338/13 – VILLAGE PARKING – SOFT WATER LANE, BRADWELL

The Committee considered a report considering a request for Village Parking Scheme Grant assistance from Bradwell Parish Council.

The Village Parking Scheme (VPS) was introduced in June 2000. The basis of the scheme was that the District Council may offer a range of assistance to Local Councils and Parish Meetings in dealing with parking problems within their rural localities.

Bradwell Parish Council had submitted an application for grant assistance in providing a residents' car park on disused land at Soft Water Lane. If approved, the resultant scheme would provide 12 off-street parking bays for local residents and alleviate traffic flow and highway safety on a constricted road and junction, most particularly at peak times associated with school travel.

The Parish Council would manage and maintain the car park and administer the annual letting of the residents' bays. It was expected, therefore, that the car park would be self-funding, once completed.

A sum of £15,000 was available for VPS grants in the Capital Programme for 2013/14. Approval of this request, for a maximum grant of £5,000 in the current financial year would therefore be contained within the existing budgetary provision.

It was moved by Councillor Chris Furness, seconded by Councillor Mike Ratcliffe and

RESOLVED That a grant of £10,000 be allocated from the Village Parking Scheme Fund to Bradwell Parish Council, paid over two successive years, with a maximum of £5,000 in each year.
(Unanimously)

339/13 – MATLOCK BATH ILLUMINATIONS

A report was presented considering the outturn from the 2013 event and to agree the approach to the 2014 event.

An overview of the 2013 event was set out in the report.

The 2013 event attracted in the order of 33,100 visitors to Derwent Gardens/Lovers' Walks, as follows:

- 21,600 Paying customers.
- 11,500 Free (Children under 16 yrs/Disabled & Carers/Matlock Bath Residents)

It is estimated that in excess of 100,000 visitors were attracted to the village itself during the 8 weeks/9 weekends of the event.

The overall positions on income received to date as well as anticipated expenditure, were set out in the report.

Overall Financial Outturn for the 2013 Event

	Budget	Actual
Expenditure	124492	116752
Income	<u>117479</u>	<u>102962</u>
	7017	13790
Estimated additional car parking income	<u>15000</u>	<u>15000</u>
Net surplus	7983	1210

Approach to the 2014 event

Proposals for staging the 2014 event were set out in the report, covering the main

electrical and groundworks contract, stewarding, concessions, traders' donations and sponsorship. The Committee was advised that the 2014 event would run from 6th September to 25th October, shortening the event by one weekend, and that a combined Liaison/Traders' Meeting would be held in December 2014.

In response to questions from the Committee, the Head of Community Development advised that in order to attract visitors on Sundays, when no firework displays were to be staged, alternative entertainment was being considered.

It was moved by Councillor Chris Furness, seconded by Councillor Peter Slack and

RESOLVED
(Unanimously)

1. That the outturn of the 2013 event be noted.
2. That the approach to the 2014 event as outlined in section 2 of the report be endorsed.

340/13 – LAND AND PROPERTY DISPOSALS – SITE TO FRONTAGE OF ARC LEISURE, MATLOCK

The Committee considered a report recommending the agreement of revised terms for the freehold disposal of the site at the frontage of Arc Leisure, Matlock.

The report was presented as an item of urgent business to enable consideration of a matter in the District Council's commercial interest. The Vice Chairman of the Environment Committee had agreed to that reason for urgency. The report also represented an item of urgent business in terms of the Council's Constitution where additionally, the matter could not wait until the next meeting of the natural Committee. The Chairman of the Corporate Committee had been consulted on the matter and was in agreement.

A plan was attached at Appendix 1 to the report.

The site to the frontage of Arc Leisure Matlock was one of a number of sites recommended for disposal to the 15 January 2013 meeting of Corporate Committee.

It was resolved at that Committee that the freehold of the site be offered for sale on the open market by an estate agent experienced in the sale of such sites. The purchasers would be responsible for the District Council's reasonable legal costs by way of a buyer's premium of 3% of the purchase price.

The site was placed on the open market with Salloways of Derby in March 2013 and whilst there had been some interest in the site from other parties, an offer to purchase the freehold of the site was received last autumn from agents representing Premier Inn.

The original offer of £400,000 was subject to contract, planning consent, board approval and due diligence checks.

This matter was considered at the 13th October 2013 meeting of Community

Committee as an urgent item and the offer above was accepted subject to contract, planning consent and board approval. A 6 month exclusivity period was granted during which Premier Inn would complete due diligence checks, aim to get board approval, complete ground condition surveys, instruct solicitors, exchange contracts and submit a planning application.

Following the various due diligence checks and site investigations, Premier Inn have established that, due to the topography of the site, they will face some extra construction costs in building the proposed 58 bedroom hotel into the rising ground to the south west of the site. As a result they had submitted a revised offer for the site, for which they had obtained full board approval, of £375,000 subject to contract and subject to the conditions as set out in the report.

Discussions had taken place with Premier Inn about them taking over maintenance responsibility for the boundary to the A6 and the verge/planting to Morledge Road and the Arc entrance road. In order to achieve this and safeguard the District Council's interest in the entrance to Arc, it was recommended that the Head of Resources be delegated to negotiate the inclusion of such areas in the main sale area either on a freehold or leasehold basis subject to appropriate controls being included.

The level of the offer was considered by the Council's Valuer to be the best price reasonably obtainable for the site and was recommended for acceptance by the Council's Agents. The recommendation to accept the offer was therefore provided without prejudice to the consideration of any subsequent application for planning permission that may be submitted to the Council in its role as Local Planning Authority. Other than various general expressions of interest in development sites/opportunities across the District, no specific offer had been received for the site other than that included in this report.

The Committee was advised that Premier Inn would encourage public participation with regard to the design of the premises, and were mindful that the Arc should remain the key focal point of the site; they would therefore make every effort to build sympathetically with regard to the aesthetics of the Arc.

The Estates Manager advised that further site investigations were still to be carried out by Premier Inn, but he did not foresee any problems or extra costs arising therefrom.

It was moved by Councillor Councillor Geoff Stevens, MBE, seconded by Councillor Judith Twigg and

RESOLVED
(Unanimously)

1. That the freehold disposal of the site to the frontage of Arc Leisure Matlock as shown on the plan attached at Appendix 1 is agreed on the terms outlined in section 2 of this report.
2. That the Head of Resources be delegated to negotiate the inclusion of some or all of the boundary/verge/planting areas with the subject site on the terms indicated in paragraph 4.5 of this report.

3. That Members note that the agreement of this Committee representing the Council as land owner is entirely without prejudice to any future decisions of the Council in its role as Local Planning Authority.

341/13 – LOCAL LAND CHARGES

The Committee considered a report that provided an update on the position in relation to Local Land Charges litigation and (ii) the proposed centralisation of Local Land Charges Services.

In December 2010, a number of companies had been established to reclaim Local Land Charge search fees from Local Authorities. Derbyshire Dales District Council had worked, through the Local Government Association (LGA), with a number of other local authorities, who were all affected to a greater or lesser extent.

The LGA sought advice and representation for all member authorities from Bevan Brittan Solicitors, who had subsequently reduced the value claimed by approximately £10million, whilst the costs across all authorities had amounted to approximately one third of that amount. The cost to Derbyshire Dales District Council was £6,351.53 to date.

The LGA membership had also supported East Sussex Council to lodge an appeal against a decision of the Information Commissioner, due to the potential impact upon local authorities across the country in not being able to charge for officer time when calculating fees for providing information. The appeal had progressed exceptionally well, after receiving Counsel's submissions on behalf of East Sussex the Information Commission and the claimant group had conceded that Councils were correct in recharging for staff time. This had two important implications, firstly it made the Local Land Charges service viable going forward and secondly it meant that the claim by the remaining claimants in the Land Charges case would be significantly reduced from their starting figure.

The claims against Derbyshire Dales District Council were ongoing, although one claim was on the point of settlement. The Committee was advised that litigation was still ongoing, but the first part of the claim had been settled in the sum of £19,000. The government made a one off payment of £34,355.83 to all authorities towards costs reclaimed; if the value of the remaining claims exceeded this amount a further report would be placed before this committee.

Since 2010 the Land Registry had been in discussions regarding the potential for full or part centralisation of Local Land Charge Services. A pilot project had taken place involving seven authorities and the Land Registry was currently proposing to take over the statutory Local Land Charges Register and register services, whilst leaving the local authority with responsibility for completing enquiries of the local authority (form CON29), effectively splitting the interdependent service currently provided by Local Land Charges. Derbyshire Dales District Council currently charged £30 for a Local Land Charges register search (LLC1) and £67 for the CON29.

These proposals were currently in the consultation stage and all local authorities were encouraged to respond; the Committee was advised that the Chief Executive would respond on the Council's behalf before the closing date for responses – 9 March 2014. A copy of the consultation document is attached at Appendix 1 to the report. The aims of the proposals set out in the consultation and the consequences to the Council if the proposals go ahead are set out in the report.

The Local Land Charges Institute, of which this Council is a member, had written to all member councils with a copy of their response to the consultation, copy attached at Appendix 2 to the report.

A further report would be placed before this Committee when more information became available.

It was moved by Councillor Judith Twigg, seconded by Councillor Steve Flitter and

- RESOLVED** 1. That the report is noted.
(Unanimously)
2. That authority is delegated to the Chief Executive to respond to the Land Registry Consultation on Wider Power and Local Land Charges on behalf of Derbyshire Dales District Council.

342/13 – PAY POLICY STATEMENT

A report was presented setting out an amendment to the Council's Annual Pay Policy Statement and recommending formal adoption by Council.

The Localism Act, November, 2011, required relevant authorities to prepare and publish an annual pay policy statement. The relevant provisions came into force on 15 January 2012 and the Council agreed the first Pay Policy Statement on 2nd February 2012. There was a continuing need to review the policy on an annual basis.

The Council was asked to consider the Pay Statement for the 2014/15 financial year as attached in Appendix 1 to the report. This policy complied with all ancillary employment and equalities legislation and satisfied the statutory requirement.

It was moved by Councillor Geoff Stevens MBE, seconded by Councillor Tom Donnelly and

- RESOLVED** That Council is recommended to approve the annual Pay Policy
(Unanimously) Statement

MEETING CLOSED 7.41 PM

CHAIRMAN