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Date: 24 February 2016

Dear Councillor,

**Environmental and Development Services Committee**

A Meeting of the **Environmental and Development Services Committee** will be held in the **Council Chamber**, on **Thursday, 03 March 2016 at 18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Conservative Group**

Councillor Watson (Chairman), Councillor Muller (Vice-Chairman) and Councillors Mrs. Brown, Coe, Mrs. Hall, MacPherson, Mrs. Patten, Roberts and Stanton.

**Labour Group**

Councillors Chahal, Southerd, Taylor and Tilley.



## **AGENDA**

### **Open to Public and Press**

- 1** Apologies and to note any substitutions appointed for the meeting.
- 2** Minutes
  - Environmental and Development Services 19th November 2015 **4 - 8**  
Open Minutes
  - Environmental and Development Services 7th January 2016 Open **9 - 12**  
Minutes
- 3** To note any declarations of interest arising from any items on the Agenda
- 4** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 5** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 6** Reports of Overview and Scrutiny Committee
- 7** CORPORATE PLAN 2009 -15 PERFORMANCE MANAGEMENT **13 - 23**  
REPORT
- 8** DERBY AND DERBYSHIRE MINERALS LOCAL PLAN UPDATE **24 - 42**
- 9** KEY PERFORMANCE INDICATORS – LICENSING DEPARTMENT **43 - 44**
- 10** COMMITTEE WORK PROGRAMME 2015-16 **45 - 46**

### **Exclusion of the Public and Press:**

- 11** The Chairman may therefore move:-  
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the

remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

**12** Exempt Minutes

Environmental and Development Services 19th November 2015

Exempt Minutes

Environmental and Development Services 7th January 2016 Exempt Minutes

**13** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.



## ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

19<sup>th</sup> November 2015

### **PRESENT:-**

#### **Conservative Group**

Councillor Watson (Chairman), Councillor Muller (Vice-Chairman), Coe Mrs. Brown, Mrs Hall, MacPherson, Mrs Patten, Stanton and Wheeler (substituting for Councillor Roberts).

#### **Labour Group**

Councillors Chahal, Southerd, Taylor and Tilley.

#### **In Attendance**

### EDS/49 **APOLOGIES**

Apologies for absence from the meeting were received from Councillor Roberts (Conservative group)

### EDS/50 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received.

### EDS/51 **MINUTES**

The Open Minutes of the Meetings held on the 1<sup>st</sup> October 2015 were approved as a true record.

### EDS/52 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from members of the public had been received.

### EDS/53 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

### EDS/54 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

The Committee was informed that there were no Overview & Scrutiny Committee reports for it to consider.

**MATTERS DELEGATED TO COMMITTEE**EDS/55 **LOCAL PLAN PART 2**

The Planning Policy Manager presented the report to Committee to seek permission to undertake Regulation 18 (preparation of a local plan), and Regulation 19 (publication of a local plan) consultations before the submission of the Plan to the Secretary of State for consideration through an examination.

The Plan needs to allocate sufficient sites for 600 dwellings, this is part of the overall strategy to deliver 12,618 dwellings and the housing sites will be selected from those that are held on the Strategic Housing Land Availability Assessment database (SHLAA). For the initial consultation, those assessed sites that fall within Green Belt, Flood Zone 3b, mainly covered by tree protection order(s) or are not adjacent or in close proximity to an existing settlement boundary, have been considered as not deliverable and Policy H22 will be critical in making decisions on the Part 2 housing sites. Discussion have taken place around the need for a new secondary school within the District and the County Council undertook a consultation earlier this year regarding site options, but are not yet in a position to select a preferred location for the school.

**RESOLVED:**

***1.1 That the Committee agreed to a consultation being undertaken for a period of 8 weeks on the Local Plan Part 2 document (Appendix A).***

***1.2 That the Chair of the Committee, the Planning Policy Manager and the Planning Services Manager be authorised to agree the final consultation document.***

EDS/56 **HERITAGE LOTTERY FUND - SWADLINCOTE TOWNSCAPE UPDATE**

The Planning Policy Manager presented the report to Committee to inform them that the official confirmation of the HLF (Heritage Lottery Fund) bid was received on 26th October. With the agreement from the Committee, the scheme will run for a period of three years, starting in early 2016. The scheme included the cost of employing a Townscape Heritage Officer from January 2016, to manage the scheme alongside existing Officers at the Council.

A discussion took place regarding the size and selection process of the Project Board and Grant Panel. Clarification was also sought on the formal voting process, as members of both the board and panel would include District and County Councillors and Officers. The Planning Policy Manager responded that the HLF the terms of reference would be looked into and findings of both queries would be feed back to the Committee.

**RESOLVED:**

**1.1 That the Committee agreed to the establishment of a HLF Project Board and Grants Panel.**

**1.2 That the Committee agreed to the continuation of the project.**

**1.3 That point 3.9 of the report be amended to read, ‘To ask the Committee to give consideration to the Members that are to be included in the Panel and the Board’.**

EDS/57 **ADOPTION OF CCTV IN PRIVATE HIRE VEHICLES POLICY**

The Senior Licensing Officer presented the report to Committee and informed them that at the Private Hire Driver’s Forum in March 2015, an agreement was put into place that the Licensing Authority would put a Policy in place for owners to comply with when installing CCTV in licensed private hire vehicles. All licensed private hire drivers and operators had to date received a copy of the policy, no responses were received during the consultation period.

**RESOLVED:**

***That Members approve the CCTV in Private Hire Vehicles Policy (“the Policy”).***

EDS/58 **ADOPTION OF DOG DAY CARE BOARDING ESTABLISHMENT CONDITIONS**

The Senior Licensing Officer presented the report to Committee and explained that the Council is responsible for issuing licences to the proprietors of businesses falling within the definition of an animal boarding establishment and ensuring compliance with the Act.

**RESOLVED:**

***That the Committee approved the conditions contained in Appendix 1 of the report relating to dog day care boarding establishments to come into effect upon adoption by Council.***

EDS/59 **PROPOSED CHANGES TO THE SOUTH DERBYSHIRE OFF STREET PARKING ORDER**

The Environmental Health Manager presented a report to the Committee highlighting that South Derbyshire District Council owns nineteen car parks, all of which offer free parking to residents and visitors to South Derbyshire. Because of high levels of demand for some of these car parks, rules to control the behaviour of vehicle owners was introduced in the form of the South Derbyshire District Council (Off-Street parking)(Civil Enforcement and Consolidation) Order 2008. Following recent complaints, about East End and parks, a review of the current controls in the form of a consultation took place to determine what changes needed to be implemented.

**RESOLVED:**

***That the Committee approved the proposed alterations to the parking rules in the East End Car Park, Civic Way, Swadlincote and Station Road car park, Hatton.***

EDS/60 **BODY WORN VIDEO CAMERAS**

The Environmental Health Manager presented a report to the Committee explaining that the use of BMVs (Body Worn Cameras) had become commonplace in those aspects of the public service where Officers face conflict situations and where evidence is regularly challenged. Management are confident that they will significantly benefit the effectiveness of the Warden Service and lead to improvements in safety. Some risks associated with the use of BMVs have been identified, however the mitigation measures proposed, including the adoption and compliance with the Policy and Procedure in relation to the use of body worn video cameras, will address these risks.

**RESOLVED:**

***1.1 That the Committee approved the proposed use of Body Worn Video Cameras by the Councils' Safer Neighbourhood Wardens.***

***1.2 That the Committee approved the Policy for the use of Body Worn Video Cameras.***

EDS/61 **SOUTH DERBYSHIRE ECONOMIC DEVELOPMENT STRATEGY**

The Economic Development Manager presented the report to Committee to update Members of the review and consultation of the strategy. The previous Economic Development Strategy and Statement set the vision and direction for a successful period in which the number of jobs and businesses has grown and unemployment has fallen in South Derbyshire. With recent changes in economic development structures and policies, and local economic conditions, the refresh of the District's Economic Development Strategy is very apropos.

**RESOLVED:**

***That the Committee supports the development of a new South Derbyshire Economic Development Strategy and the incorporation of Members views of the strategy.***

EDS/62 **CORPORATE PLAN 2009-15: PERFORMANCE MANAGEMENT REPORT (1 JULY – 30 SEPTEMBER 2015)**

The Directors of Community and Planning Services and Housing and Environmental Services presented the report to Committee to inform them that during the second quarter (1 July to 30 September) all targets for relevant projects and performance measures were achieved or were on track to be achieved apart from GP07 – Progress the South Derbyshire Local Plan.

**RESOLVED:**

***That the Committee considered and approved the progress against performance targets.***

EDS/63 **COMMITTEE WORK PROGRAMME 2015/16**

The Director of Housing and Environmental Services presented the report to the Committee.

**RESOLVED:-**

***That the Committee considered and approved the work programme.***

EDS/64 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

***The Committee were informed that no exempt questions from Members of the Council had been received.***

**RESTRUCTURING THE DIRECT SERVICES OPERATION**

***That the Committee approved the restructuring of the Direct Services operation as detailed within the report.***

The meeting terminated at 7:30 pm

COUNCILLOR P. WATSON

CHAIRMAN



## ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

7<sup>th</sup> January 2016

### PRESENT:-

#### Conservative Group

Councillor Watson (Chairman), Councillor Muller (Vice-Chairman), Mrs. Brown, Mrs Hall, Murray (substituting for Councillor MacPherson), Mrs Patten, Roberts, Smith (substituting for Councillor Coe) and Stanton.

#### Labour Group

Councillors Chahal, Southerd, Taylor and Tilley.

### EDS/67 APOLOGIES

Apologies for absence from the meeting were received from Councillors Coe and MacPherson (Conservative Group).

### EDS/68 DECLARATIONS OF INTEREST

Councillor Smith declared a personal interest in Item 7 on the agenda by way of being a resident in Hartshorne.

### EDS/69 MINUTES

The Open Minutes of the Meetings held on the 20<sup>th</sup> August 2015 were approved as a true record.

### EDS/70 QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10

Two questions were received from Mr Jenkinson in relation to Item 7.

### EDS/71 QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no questions from Members of the Council had been received.

### EDS/72 REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE

The Committee was informed that there were no Overview & Scrutiny Committee reports for it to consider.

Councillor Smith left the Chamber at 6.05pm.

**MATTERS DELEGATED TO COMMITTEE**

EDS/73 **HARTSHORNE CONSERVATION AREA ANALYSIS**

The Conservation Officer presented the report to Committee, seeking approval to commence a consultation process, which, if approved, would commence in February 2016 for a period of six weeks.

The Chairman invited Mr Jenkinson to ask his first question:

*Who actually nominated the two sites proposed and who drew the plans, as there are anomalies in the plans that should be explained.*

Councillor Stanton entered the Chamber at 6.10pm.

The Chairman responded to the queries made, confirming that in response to a request from members of the residents association, officers had undertaken an initial review of the village and were now requesting approval for a consultation on the areas identified by that exercise. He further confirmed that any anomalies could be dealt with as part of the consultation process.

Mr Jenkinson enquired, in his supplementary question, who would be consulted.

The Planning Policy Manager confirmed that details relating to the consultation would be placed on the Council's website, along with letters issued to residents of the parish, the parish council, residents association and other relevant stakeholders, in line with how Local Plan consultations are conducted.

The Chairman invited Mr Jenkinson to ask his second question:

*Do you not think the Hartshorne Village Residents Association (HVRA) should have advised Hartshorne Parish Council of their proposals? The HVRA's Chairman had at least two opportunities to do when he attended Parish Council meetings after their proposals had been lodged.*

The Chairman responded that this query does not fall within the remit of the Council, that it cannot become involved in matters between the Hartshorne Residents Association and Parish Council.

Councillor Taylor requested that a copy of the initial request be made available to Members. The Planning Policy Manager confirmed that this would be done.

Councillor Tilley enquired that as the request had been made by a recognised group was due process being followed, perhaps better dealt with as part of the Local Plan process. The Director of Planning and Community Services confirmed that such matters are considered on

request, the aim being to make it a transparent process, hence the recommendation seeking approval for a consultation exercise.

Councillor Southerd queried the timing and seemingly piecemeal nature of the exercise, suggesting it would be better to consider such matters across the whole district. The Chairman stated that as there are already conservation areas in the district, the process is known and as a request had been made, the Council was obliged to consider it. The Director of Planning and Community Services referred to a relatively recent application in Melbourne, but offered to draft a policy for presentation at a future committee.

Councillor Mrs Brown expressed her opinion that there is an obligation to consider and consult on applications made, deeming this the responsible action. Councillor Southerd felt it best to undertake a district-wide, policy-led exercise conducted by officers, citing a need for a conservation plan.

**RESOLVED:**

***That the Committee agreed to a consultation being undertaken on the consideration of a Conservation Area for the area around the Screw Mill and an Area of Special Character for the upper town part of Hartshorne.***

Councillor Smith returned to the Chamber at 6.25pm.

EDS/74 **DIESEL ROAD ROLLER**

**RESOLVED:**

***Members approved that the Diesel Road Roller be gifted to Burton & South Derbyshire College.***

EDS/75 **SERVICE BASE BUDGETS 2016 / 2017**

The Director of Finance and Corporate Services presented the report to Committee, highlighting issues relating to income, expenditure, costs, risks, fees and charges.

Comments and queries raised by Members relating to the waste collection contract, variance of terms, financial provision for any variation or other financial risks, the risk to service provision, planning appeal costs, the neighbourhood warden establishment given the increasing population in the district and dog licensing / numbers were all noted and responded to.

**RESOLVED:**

***1.1 That the proposed revenue income and expenditure for 2016/17 for the Committee's Services as detailed in Appendix 1 to the Report be considered and referred to the Finance and Management Committee for approval.***

***1.2 That the proposed fees and charges for 2016/17, as detailed in Appendix 3 to the Report be considered and approved.***

EDS/76 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED:-**

*That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.*

**MINUTES**

*The Exempt Minutes of the Meeting held on the 20<sup>th</sup> August 2015 were approved as a true record.*

**EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

*The Committee were informed that no exempt questions from Members of the Council had been received.*

The meeting terminated at 6.55pm.

COUNCILLOR P. WATSON

CHAIRMAN

<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 7</b>
<b>DATE OF MEETING:</b>	<b>3 MARCH 2016</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY &amp; PLANNING SERVICES / DIRECTOR OF HOUSING AND ENVIRONMENTAL SERVICES / CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>STUART BATCHELOR (ext. 5820) MIKE HAYNES (ext. 5775) FRANK MCARDLE (ext. 5700)</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>CORPORATE PLAN 2009-15: PERFORMANCE MANAGEMENT REPORT (1 OCTOBER – 31 DECEMBER 2015)</b>	
<b>WARD (S) AFFECTED:</b>	<b>All</b>	<b>TERMS OF REFERENCE: EDS</b>

## 1.0 Recommendations

1.1 That progress against performance targets is considered and approved.

## 2.0 Purpose of Report

2.1 To report details of progress during the period 1 October to 31 December 2015, in relation to the Council's Corporate Plan 2009 –2015, which are relevant to this Committee under the '*Sustainable Growth & Opportunity*' theme. Please note that until the new Corporate Plan is agreed, the progress for Quarter 3 is measured against performance targets set in the Council's Corporate Plan for period 2009 –2015.

## 3.0 Detail

3.1 This Committee is responsible for overseeing the delivery of the following outcomes:

- *Developing economic and employment opportunities within the District*
- *Increasing recycling resulting in less waste being sent to landfill*
- *Sustainable planning*

3.2 Details are provided in the following appendices:

- Appendix A - Progress against key projects.
- Appendix B - Progress against performance measures.
- Appendix C - Managing risks

3.3 During the third quarter (1 October to 31 December) all targets for relevant projects and performance measures were achieved or were on track, apart from GM04 – percentage of all household waste recycled and composted. More details can be found in Appendix B.

#### **4.0 Financial Implications**

4.1 None directly.

#### **5.0 Corporate Implications**

5.1 None directly.

#### **6.0 Community Implications**

6.1 The Council aspires to be an “excellent” Council in order to deliver the service expectations to local communities. This report demonstrates how priorities under the ‘*Sustainable Growth & Opportunity*’ theme contribute to that aspiration.

## Appendix A: Sustainable Growth & Opportunity: Projects 2015/16 Q3

<b>GP 01 - Enhance the vitality of the district's town centres</b>			
Quarter	Task	Progress	Status
1	3 x Events supported	Three Farmers' Markets held, together with a Market at South Derbyshire Festival of Leisure. Expanded Festival of Transport supported attracting several thousand visitors. 'Love Your Local Market' event held to coincide with the National Association of British Market Authorities initiative.	Achieved
2	3 x Events supported	Three Farmers' Markets held, together with a pilot Antique, Collectables & Vintage Fair. Swadlincote town centre Scarecrow Hunt supported, with more than 40 businesses and organisations taking part.	Achieved
3	3 x Events supported	Two farmers' markets held, together with a Christmas Market with associated entertainment. International Food and Drink Festival held over three days attracting thousands of visitors. #SwadOffers, a promotional initiative staged to coincide with the national Small Business Saturday 'shop local' campaign, reached over 10,000.	Achieved
4	3 x Events supported		

<b>GP 02 – Deliver the National Forest Partnership Action Plan</b>			
Quarter	Task	Progress	Status
1	1 x Edition of 'What's On'	Summer & Autumn edition of 'What's On in South Derbyshire' published. The National Forest Walking Festival 2015 supported, with visitor numbers up on last year. 13,683 enquiries handled by Swadlincote Tourist Information Centre.	Achieved
2	1 x Event representation	South Derbyshire was promoted at visitor events over the summer including Derbyshire Day and The National Forest Wood Fair. 9,581 enquiries were supported by Swadlincote Tourist Information Centre.	Achieved
3	1 x Edition of 'What's On' and 1 x Guide published	Autumn and Winter edition of 'What's On in South Derbyshire' published. National Forest and Beyond visitor guide prepared. 6,655 enquiries handled by Swadlincote Tourist Information Centre.	Achieved
4	1 x Edition of 'What's On'		

## Appendix A: Sustainable Growth & Opportunity: Projects 2015/16 Q3

<b>GP 03 – Promote inward investment and business development</b>			
Quarter	Task	Progress	Status
1	1x Event Supported, 1x Publication prepared	Jobs and Careers Fair staged in larger venue, offering over 1,000 jobs and involving local primary and secondary schools for the first time. New edition of South Derbyshire Investment Gazette prepared.	Achieved
2	1x Publication prepared	Business Breakfast held at Mercia Marina, with more than 60 attendees. Rural Business Event supported at Hilton with D2N2 (Local Enterprise Partnership) to promote the new grant scheme for rural businesses. "Thinking of Starting a Business?" workshop held at Sharpe's. New edition of South Derbyshire Vacant Commercial Property Bulletin published.	Achieved
3	1x Event Supported, 1 x Publication prepared	Over-subscribed Business Awards event held. Business marketing skills workshop supported with D2N2 (Local Enterprise Partnership). Well attended social media training workshop staged with Swadlincote and District Chamber of Commerce. New edition of South Derbyshire Investment Gazette prepared.	Achieved
4	1 x Publication prepared		

<b>GP 06 – Deliver the key actions contained within the Contaminated Land Inspection Strategy</b>			
Quarter	Task	Progress	Status
1	Publish the Q1 contaminated land inspection report. Complete 1 phase 1 study of a high priority site.	Contaminated Land Inspection Strategy quarterly progress report submitted to E&DS Committee. SDDC directed Phase I study undertaken.	Achieved
2	Publish the Q2 contaminated land inspection report. Complete 2 Phase I studies of high priority sites.	Contaminated Land Inspection Strategy quarterly progress report submitted to E&DS Committee. SDDC directed Phase I study undertaken at Travis Perkins, based at the George Holmes Business Park in Swadlincote.	Achieved



## Appendix A: Sustainable Growth & Opportunity: Projects 2015/16 Q3

GP 06 – Deliver the key actions contained within the Contaminated Land Inspection Strategy			
Quarter	Task	Progress	Status
3	Publish the Q3 contaminated land inspection report, Complete 3 Phase I studies of high priority sites.	Contaminated Land Inspection Strategy quarterly progress report submitted to E&DS Committee. SDDC directed Phase I study undertaken at ex landfill site known as Gravel Hill Sand Quarry in Hartshorne. Recommendations to be progressed as per Contaminated Land Inspection Strategies ACUMEN appraisal.	Achieved
4	Publish the Q4 contaminated land inspection report, Complete 4 Phase I studies of high priority sites		

GP 07 – Progress the South Derbyshire Local Plan			
Quarter	Task	Progress	Status
1	Start the additional work requested by the Local Plan Inspector Continue work on drafting the Local Plan Part 2	Work has continued on the production of the viability and infrastructure as requested. Joint working with the other Housing Market Area authorities has continued and additional sustainability Appraisal work has been progressed. Research and drafting of Part 2 policies has continued.	Achieved
2	Complete and submit the additional work requested by the Local Plan Inspector Amended SA for Part 2 Plan sent to key stakeholders	The additional work has been completed and submitted. A joint hearing date has been agreed and an additional housing site included in the Plan for consultation. Work on Part 2 Plan continues but not ready for consultation.	Not Achieved
3	Undertake Local Plan reconvened hearings Start to finalise Local Plan Part 2	Reconvened hearings were held at the beginning of December. The Local Plan Part 2 consultation started on December 15.	Achieved

## Appendix A: Sustainable Growth & Opportunity: Projects 2015/16 Q3

<b>GP 07 – Progress the South Derbyshire Local Plan</b>			
Quarter	Task	Progress	Status
4	Undertake modifications consultation and receive Inspectors report regarding soundness of the Plan Plan the consultation for the Local Plan Part 2		

<b>GP 08 – Supporting our local communities in neighbourhood planning</b>			
Quarter	Task	Progress	Status
1	Support interested communities	Designation of Repton Parish as a Neighbourhood Development Plan area approved at Committee. Meeting held with Melbourne regarding the information available for them to use in the production of its Neighbourhood Plan.	Achieved
2		A Neighbourhood Development Grant has been secured from the DCLG to support the Development Plan process for Melbourne. Funding is also being sought for Repton. Approaches have been made to other parishes to commence the neighbourhood planning process. None have been taken up so far.	Achieved
3		A Neighbourhood Development Grant has been secured from the DCLG to support the Development Plan process for Repton. Repton and Melbourne are now starting to consult with the public.	Achieved
4			

## Appendix B Sustainable Growth & Opportunity Performance Measures 2015/16 Q3 (1 October – 31 December 2015)

Outcome	Measure	Actual / Out turn 2014/15	Target Quarter 3 2015/16	Actual Quarter 3 2015/16	Quarter Status	Annual Target 2015/16	Status	Comments/ Remedial Action
GO 1 - Developing economic and employment opportunities	GM 01 - Total Rateable Value of business premises <b>(Proxy measure)</b>	£1,635,963	N/a	£56,490,053	Proxy	N/a	Proxy	
	GM 02 - Unemployment Rate <b>(Proxy measure)</b>	0.9%	N/a	0.5%	Proxy	N/a	Proxy	December 2015 data
GO 2 - Increasing recycling resulting in less waste being landfilled	GM 03 - Household waste collected per head of population (in Kgs). Cumulative.	508.75	<510 (annual target)	132 kgs	Green	<510	Green	
	GM 04 - Percentage of all household waste recycled and composted	49.89%	>50% (annual target)	44.1%	Red	>50%	Green	Quarter three is historically lower performing due to a drop in garden waste and an increase in black bin waste from the festive season. Green bin recycling remained at a consistent level. Still on target for the year as a whole.
	GM 05 - Percentage of kerbside collected household waste recycled and composted	N/a	N/a	N/a	N/a	N/a	N/a	Indicator is too similar to GM04 and does not add any value. Proposal is to delete this indicator.

## Appendix B Sustainable Growth & Opportunity Performance Measures 2015/16 Q3 (1 October – 31 December 2015)

Outcome	Measure	Actual / Out turn 2014/15	Target Quarter 3 2015/16	Actual Quarter 3 2015/16	Quarter Status	Annual Target 2015/16	Status	Comments/ Remedial Action
GO 3 - Sustainable Planning	GM 06- Net additional commercial / employment floor space created (hectares) <b>(Proxy measure)</b>	15.81 hectares	N/a	N/a	Proxy	3.1 hectares (excluding the Derby Urban Area)	Proxy	Monitoring will be undertaken during 2015/16, with a figure to be reported at the end of the financial year.
	GM 07 - Net additional homes provided <b>(Proxy measure)</b>	420	N/a	N/a	Proxy	726	Proxy	Monitoring will be undertaken during 2015/16, with a figure to be reported at the end of the financial year.
	GM 08 - Speed of Planning applications	N/a	85%	89%	Green	85%	Green	
	GM 09 - Number of quality development schemes delivered	100%	N/a	N/a	Amber	90%	Amber	Monitoring will be undertaken during 2015/16, with a figure to be reported at the end of the financial year.

**Appendix B Sustainable Growth & Opportunity Performance Measures 2015/16 Q3 (1 October – 31 December 2015)**

Outcome	Measure	Actual / Out turn 2014/15	Target Quarter 3 2015/16	Actual Quarter 3 2015/16	Quarter Status	Annual Target 2015/16	Status	Comments/ Remedial Action
	GM 10- Satisfaction with the Planning application process	N/a	N/a	N/a	N/a	N/a	N/a	New survey being carried out to gauge satisfaction with the planning application process. To be reported back.

**Appendix C: Sustainable Growth & Opportunity - Managing Risks– As at 30 June 2015**

<b>Risk Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigating Action</b>
Failure of tourism partnership <i>(Main Responsible Officer – Chief Executive)</i>	Tolerate the risk	Low	The partnership and its forward development should be reviewed annually, in discussion with partners.
Failure of Tourist Information Centre partnership <i>(Main Responsible Officer – Chief Executive)</i>	Tolerate the risk	Low	Annual review of risk
Failure of economic development partnership <i>(Main Responsible Officer – Chief Executive)</i>	Tolerate the risk	Low	Annual review of risk
Increase in fuel costs resulting in budget overspend <i>(Main Responsible Officer – Director of Housing and Environmental Services)</i>	Tolerate the risk	Medium	Ensure routes are fully optimised Monthly monitoring and reporting of actual spend against budget
Suitability of household waste for composting <i>(Main Responsible Officer – Director of Housing and Environmental Services)</i>	Treat the risk	Low	Keep abreast of on-going national discussions and maintain relations with partner contractors.
Failure of Sharpe’s Pottery Museum <i>(Main Responsible Officer – Director of Planning and Community Services)</i>	Tolerate the risk	Medium	Annual review of risk
Reduced Planning Fees <i>(Main Responsible Officer – Director of Planning and Community Services)</i>	Tolerate the risk	Low	Six monthly monitoring
Judicial review and/or appeals against Planning decisions <i>(Main Responsible Officer – Director of Planning and Community Services)</i>	Treat the risk	Low	Annual review of risk
Poor quality performance data <i>(Main Responsible Officer – Directors and Head of Communications)</i>	Treat the risk	Low	Reviewed quarterly as part of the performance reporting process.



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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 8</b>
<b>DATE OF MEETING:</b>	<b>03 MARCH 2016</b>	<b>CATEGORY</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY AND PLANNING</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>KEVIN EXLEY (EXT 8717)</b> <a href="mailto:Kevin.exley@south-derbyshire.gov.uk">Kevin.exley@south-derbyshire.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>DERBY AND DERBYSHIRE MINERALS LOCAL PLAN</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>DISTRICT</b>	<b>TERMS OF REFERENCE: EDS03</b>

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## **1.0 Recommendations**

That Members note that hydrocarbons are likely to be restricted to block SK43 (around Shardlow, Elvaston and Ambaston) given that no further PEDL areas are currently located in the District and having regard to the likely unsuitability of Coal deposits in the District for non-conventional gas extraction

That Derbyshire County Council and Derby City Council, in their role as Minerals Planning Authority, (MPA) be informed that:

- That Members Support Option 1 in respect of Issue two and identify only those areas that are licenced for hydrocarbon exploration drilling and production within the Minerals Local Plan.
- That Members Support Option 2: Identify constraints for current PEDL areas and also for those parts of the Plan area where hydrocarbon resources are known to be present given that the effects of some types of hydrocarbons developments could take place outside of areas currently licenced for hydrocarbon development.
- That Members support the need for a hydraulic fracturing policy (rather than a general hydrocarbons policy) on the basis that this type of development could give rise to impacts that are significantly different to other forms of hydrocarbons extraction.
- That Members note the methodology used by the MPA to inform the site selection of sand and gravel sites and the findings in respect of site suitability for sand and gravel working.
- This Authority notes and supports the MPAs proposal to exclude from the Minerals Local Plan those sites identified as having low potential for working based on the combined assessment of economic, social and environmental effects.

## **2.0 Purpose of Report**



- 2.1 To inform Members on the proposals, as updated, set out in the current consultation on the Minerals Local Plan being undertaken by the Minerals Planning Authorities for Derbyshire, (Derby City Council and Derbyshire County Council).
- 2.2 Responses are required to be submitted to Derbyshire County Council by the 3<sup>rd</sup> April 2016. A copy of the draft documents are available online at [www.tiny.cc/MinsPlan](http://www.tiny.cc/MinsPlan)

### **3.0 Executive Summary**

- 3.1 The Minerals Local Plan will set out the detailed planning strategy and policies to enable the delivery of minerals development within Derby and Derbyshire to 2030. The Plan will seek to ensure that sufficient opportunities for mineral development are provided in order to maintain the adequate and steady supply of minerals to support growth, regeneration and economic development, whilst protecting the environment and local communities from any significant adverse impacts from extraction.
- 3.2 The current consultation has been updated to provide additional information regarding sand and gravel site assessments and the assessment methodology, as well as supporting papers in respect of a range of hydrocarbon topics including conventional oil and gas, unconventional oil and gas (including fracking) and gas from coal as well as the publication of a Sustainability Appraisal Scoping report. This information supplements the consultation materials issued by the MPA in early 2015 and considered by this Committee on the 20 August 2016. This report having previously considered a series of thematic based papers considering issues such as sand and gravel, hard rock; coal and brick clay and fireclay as well as overarching issues such as cumulative impacts of minerals working and a strategy for the River Valleys. The result of this updated consultation will inform the emerging Draft Minerals Local Plan and will be used to develop the vision, objectives, strategies and policies (including allocations) to be included in the Plan.
- 3.3 Once adopted the Minerals Local Plan will provide the main policy guidance for assessing planning applications for minerals and hydrocarbon development in Derbyshire and Derby City.

### **4.0 Detail**

- 4.1 The County of Derbyshire has a wide ranging mix of mineral resources. Minerals extraction and development has, for a long time, been a part of the Derbyshire Landscape and an important part of the Local Economy. The County Council and City Council jointly (as the Minerals Planning Authorities for Derbyshire) are seeking to bring forward a Minerals Local Plan to set out the future scale and location of minerals working in Derby and Derbyshire to support economic growth whilst protecting the environment and local communities.

4.2 The preparation of the Plan commenced in 2009 when a stakeholder event was held by the Authorities to scope in issues to be addressed in the Plan. An Issues and Options Consultation was then held in 2010. This was followed by a number of drop in sessions which were held in the autumn of 2012 in respect of sand and gravel extraction. A further consultation was held on the Local Aggregate Assessment (LAA) which identified the amount of aggregate minerals (crushed rock and sand & gravel) that each MPA will need to provide to maintain continuity of production for a seven year period was consulted upon in 2012. A rolling consultation was then held over the summer and autumn of 2015 considering a range of thematic topics such as sand and gravel, hard rock; coal and brick clay and fireclay as well as overarching issues such as cumulative impacts of minerals working and a strategy for the River Valleys. This consultation has continued to remain open and a number of additional supporting papers mainly in respect hydrocarbons and climate change and sand and gravel site assessments were published for consultation by the MPA at the end of 2015 and early in 2016.

#### **Climate Change Supporting Paper**

4.3 This supporting paper has been updated from that previously published in June 2015 to highlight that the County Council has a Climate Change Charter Adopted in 2014. It also has been updated to emphasise the importance to wildlife of ensuring that water is managed so that waterbodies, water courses and wetlands are receiving and storing water for the benefit of wildlife and highlights that creating space for flood waters can also provide new habitats for wildlife. Beyond these minor additions there have been now substantive amendments to the Climate Change Supporting Paper previously published.

#### **Towards a Strategy For Hydrocarbons**

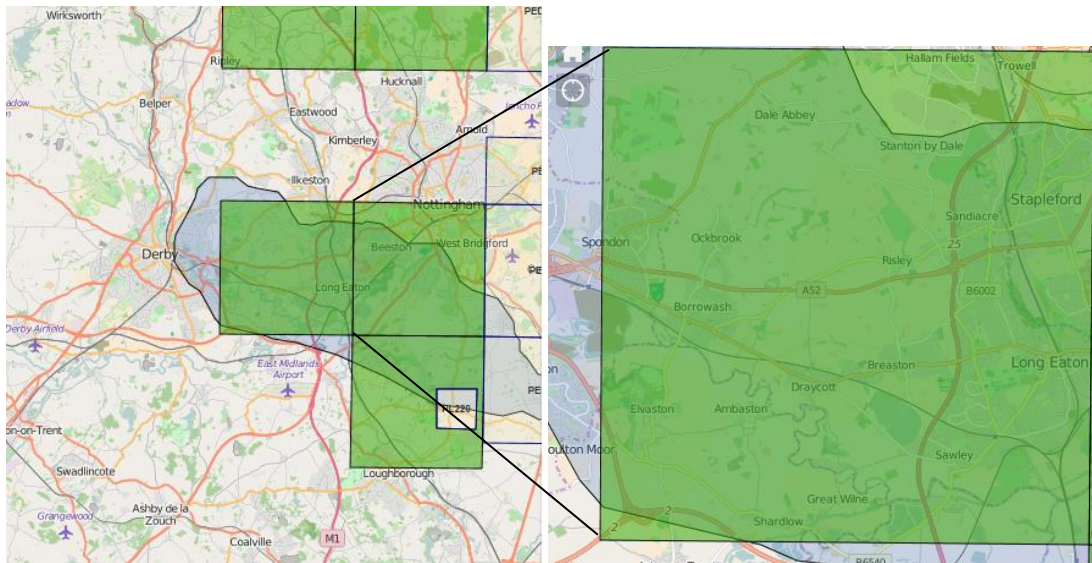
4.4 Hydrocarbons are simple organic compounds which contain hydrogen and Carbon. They are frequently used for energy production and are therefore an important mineral resource. However like all minerals development they can contribute to the prosperity of the area and the national economy, although they can have detrimental effects on local communities and the environment. The Minerals Local Plan will include policies which can balance the need for such developments against the likely environmental and social impacts of development.

4.5 The County Council have published a range of documents setting out their potential approach towards hydrocarbons. Perhaps the most significant of these being 'Towards a Strategy for Hydrocarbons'. This document sets out a range of issues and options for delivering appropriate development. These issues and options are considered later in this report. Ahead of this, however, it is worth trying to put into context the extent to which hydrocarbons development could take place in South Derbyshire within the Plan period to 2030. Much of this information is provided in a number of supporting papers to the consultation as follows:

- Conventional Oil and Gas Supporting Paper
- Gas from Coal Supporting paper
- Unconventional Gas -Shale Gas Supporting Paper

- 4.6 In respect of conventional oil and gas in Derbyshire this tends to be located in the East of the County in the East Midlands Petroleum Province. Historically there has been oil and gas exploitation at Heath and Calow (gas), and Hardstoft (oil) and exploratory wells have been sunk at four other sites at Whitwell, Bramley Moor, Golden Valley and Sawley. None of these locations are located in South Derbyshire. The Conventional Oil and Gas Supporting Paper indicates that geological conditions are such that it is possible that further oil or gas accumulations, in commercial quantities, could be found in the area east of Calow, Hardstoft and Ironville. It then goes on to note later that recent developments have been intermittent and small-scale. The scale of resources remaining underground in Derbyshire are also very limited in national and global terms, but the need to maximise the development of indigenous sources of energy and the move towards carbon reduction means that future development proposals are likely and remain an issue for the new Minerals Local Plan to address. However, given that historically there has been no commercial conventional oil and gas exploitation in South Derbyshire and that prospective areas highlighted in the supporting paper are some distance from the District it is reasonable to conclude that there is only limited potential for conventional oil and gas to be extracted in South Derbyshire.
- 4.7 Unconventional hydrocarbons refer to oil and gas which comes from sources such as shale or coal seams which act as the reservoir as opposed to conventional oil and gas which is extracted from Sandstone and Limestone.
- 4.8 Extraction of shale gas can be through a variety of methods. By either a single and direct vertical well to the shale bed being drilled or horizontal drilling in which the well trajectory is turned horizontally, sometimes running for thousands of feet along a layer of rock. A single horizontal well can access a much larger volume than a vertical well, reducing the number of wells that need to be drilled, and thereby the overall cost of production.
- 4.9 Whereas conventional gas is found in reservoirs, shale gas is trapped in small gaps in the shale. The shale therefore has to be broken down to allow access to these pockets of gas. Hydraulic fracturing or “fracking” is a relatively new technique for extracting gas from shale. It is a technique that uses fluid, usually water, pumped at high pressure into the rock to create narrow fractures which form pathways allowing the gas to flow into the well bore and up to the surface. The water normally contains small quantities of other substances to improve the efficiency of the operation, which can include sand as well as chemicals and lubricants.
- 4.10 On the 18 August 2015, the Oil and Gas Authority (OGA) announced the latest licence approvals granted under the 14 onshore Oil and Gas Licensing Round. Only one area within South Derbyshire was offered in this Round, this is located on the north eastern fringe of the District around Elvaston, Ambaston and Shardlow.

Fig 1: Licence Area for SK43



4.11 There are currently no other areas where licences for oil or gas extraction (from conventional or unconventional sources) have been issued in South Derbyshire. This block however does fall within a Shale Prospective Area (the blue outline that is visible in the above maps) and the oil and gas exploration company awarded this licence has indicated that it will be testing the potential of the deeper, shale formations. There is therefore some potential for exploration, appraisal and where commercially workable reserves are found unconventional extraction in this block in South Derbyshire. However it is worth emphasising that this Block (SK43) covers a large area most of which is located in Erewash. On this basis should economically recoverable reserves be identified anywhere in this block development may not be South Derbyshire.

### **Gas from Coal**

- 4.12 Coalbed Methane (CBM) is methane gas extracted from unworked coal seams. Whilst Coal Mine Methane and Abandoned Mine Methane (CMM and AMM) collects methane uses the gases that escape from underground coal seams during mining operations, creating serious risks from explosions and other health hazards. In order to minimise these risks working mines are ventilated, and the methane is sometimes extracted and used for energy production.
- 4.13 The supporting statement on Gas from Coal, published by the MPA indicates that there are no working mines within the South Derbyshire Coalfield and therefore no potential for CMM developments. According to independent reports collated by the British Geological Survey, AMM and CBM prospects are poor due to low measured seam methane contents of only 1.3m<sup>3</sup>/tonne of coal. Having reviewed the supporting statements issued by the MPA, and having regard to the potential for hydrocarbons development in South Derbyshire it is worth noting that there is limited potential gas from coal or conventional hydrocarbons due to the unsuitability of resource and lack of currently licenced areas. The area where there could be most potential for hydrocarbons extraction is to the north of the A50 and east of the A6 in South Derbyshire.

This area, although licenced has not been subject to either unobtrusive environmental and geological reviews, or appraisal and as such may not represent a commercially workable area. However there is limited potential that drilling for appraisal or extraction could come forward in this area within the Plan period although it's worth restating that most of this block lies outside of the District.

- 4.14 Having considered the potential for hydrocarbons this report will now consider the six issues identified by the MPA in respect of oil and gas in their 'Towards a Strategy for Hydrocarbons' document and the options identified to deliver their strategy.

**Issue 1: Emerging approach to the provision for hydrocarbons**

- 4.15 As indicated above, the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) require minerals planning authorities to plan for the steady and adequate supply of minerals, to identify and include policies for the steady and adequate supply of minerals, to identify and include policies for the extraction of mineral resources of local and national importance in their area and set out environmental criteria against which planning applications will be assessed.

- 4.16 It is intended that the new MLP will adopt an approach to the provision of hydrocarbon minerals in accordance with the policy guidance of the NPPF and NPPG. The Plan, as a minimum, will identify on a plan the areas currently subject to Petroleum Licences and also any operational sites at the time of publication but will not seek to identify specific sites for future development due to the limitations of the existing information. The Plan may be able to identify areas where hydrocarbons resources are present and where development could be undertaken. The Plan will also set out criteria for the assessment of planning applications. The NPPG indicates the use of separate criteria policies for each of the three phases of development (exploration, appraisal and production) but in practice there may be little or no difference in the criteria that could be used for the first two phases. The number and form of criteria policies to be included in the Plan will be determined following consultation.

**Issue 2: Identification of hydrocarbon resources within the plan area**

- 4.17 The NPPG states that the exploratory, appraisal or production phase of hydrocarbon extraction can only take place in areas where the Department of Energy and Climate Change (or any successor) has issued a licence under the Petroleum Act 1998. The new Minerals Local Plan will identify Petroleum License Areas and any existing oil and gas extraction sites which are present in the Plan area. In addition the NPPG also encourages MPAs to make provision for hydrocarbons by the use of published data on the location of conventional and unconventional hydrocarbons, use of ordnance survey based policies maps and available data on existing wells. It states that this approach will allow mineral planning authorities to highlight areas where proposals for hydrocarbon extraction may come forward, as well as managing potentially conflicting objectives for use of land. The NPPG also suggests that potential new working sites could be identified where these have been brought forward by the industry. It does not advocate the need to create mineral safeguarding areas

specifically for the extraction of conventional and unconventional sources of hydrocarbons given the depth of the resource, the ability to utilise directional drilling and the small surface area requirements of well pads.

4.18 Having regard to the above the MPA have identified three options in respect of this Issue:

- Option 1: Identify on a plan the information required by new Government guidance – that is current Petroleum Exploration Development Licence areas and existing working sites.
- Option 2: In addition to Government guidance requirements - Identify on a plan the extent of other areas where conventional and unconventional oil and gas resources are known to be present.
- Option 3: In addition to Government guidance requirements - Identify on a plan the extent of other areas where conventional and unconventional oil and gas resources are known to be present and other areas where geological conditions indicate that further resources of hydrocarbons may be found.

### **Comment**

4.19 Having identified these broad options the MPA then goes on to state that there are practical limitations concerning the extent to which the new Minerals Local Plan can identify areas where hydrocarbon extraction may be possible and also potentially acceptable. The level and accuracy of information which is currently available about the location, scale and the economic viability of the remaining hydrocarbon resource is very limited. In the absence of detailed information about an specific areas and how the hydrocarbon would be extracted it is difficult to assess the acceptability of working the resource. Given the above it is recommended that Option 1 be supported. To identify further areas where hydrocarbons may theoretically be present, but are outside of a licensed block and of unknown commercial value (and hence suitability) could just stand to blight local communities, and offer no realistic prospect of stimulating additional appraisal or exploitation of resources. Option 1 would represent a practical option within the information currently available and would satisfy the requirements of current Government guidance.

### **Issue 3: Area of the Plan in which constraints will be identified**

4.20 The NPPF states that constraints should be identified for those parts of the Plan area that are within Petroleum Exploration and Development Licence (PEDL) areas. Current PEDL areas in Derbyshire and Derby do not cover the whole of the Plan area and it is possible that further licences could be issued over the Plan period. The options identified by the MPA in respect of this issue are as follows:

- Option 1: Identify constraints for current PEDL areas only.
- Option 2: Identify constraints for current PEDL areas and also for those parts of the Plan area where hydrocarbon resources are known to be present.

4.21 Option 1 would accord with current Government guidance but it is possible that further PEDL licences could be granted during the Plan period to 2030 which could require the Plan to be reviewed and updated. Option 2 would provide a comprehensive picture of constraints for all areas where hydrocarbon extraction

could possibly take place and would avoid the need for further consultations in the future if and when new PEDLs were issued.

### **Comment**

4.22 Although it may be appropriate to limit the areas identified as having hydrocarbon potential in respect of hydrocarbons (see option 2 above), the County Council and indeed other local governance agencies hold comprehensive information regarding potential constraints to hydrocarbons and indeed all types of development across the County. Given that further licences could be issued in due course, that the quality and extent of constraints data is likely to be extensive and recognising that development to serve proposals for hydrocarbons extraction within a licenced block could impact on areas outside of the licenced block option 2 would represent the most appropriate approach to identifying constraints.

4.23 In respect of the constraints identified by the MPA which need to be reflected in any policies to control hydrocarbon development, it is worth noting that Landscape, Biodiversity/Ecology, Heritage, Archaeology, Geology/Geomorphology, Water Protection/Flood Zones, Green Belt and Contaminated Land are identified as potential constraints. It is worth noting that block SK43 which falls partially in South Derbyshire is located in an area of high flood risk, is within the Nottingham - Derby Greenbelt and has the potential to affect areas of heritage or archaeological significance including Elvaston Castle Park and Garden as well as Local Nature Reserves and County Wildlife Sites. Moreover it is also noted that the MPA plan to have regard to social, economic and cumulative constraints. Again such an approach should be welcomed as it could allow the effects of any hydrocarbons development (should these come forward) to be considered in combination with wider development projects being brought forward in the vicinity as well as the likely community impacts and economic case for development to be considered during the planning application process.

### **Issue 4: The use of criterion based policies for conventional and unconventional hydrocarbon developments**

#### **a) The use of separate policies for each stage of hydrocarbon developments**

4.24 The NPPF states that mineral planning authorities should include criteria policies in minerals local plans to assess and determine development proposals. NPPG states that planning permission is required for each of the separate phases of the overall development; that is exploration, appraisal and production and that minerals local plans should include criteria based policies for each of the phases. The MLP will therefore include criteria based policies covering all these stages of development. However, based on the experience gained by the MPA from processing previous mineral development proposals there are unlikely to be significant differences between the issues which are relevant to the exploration and appraisal stages. Indeed these stages are often combined in to one planning application.

- Option 1: Include only two separate criteria policies; one for exploration and appraisal and another for production.

- Option 2: Include separate criteria policies for each of the three stages of development.

**Comment**

4.25 Whilst there is no reason for separating out policies for the different stages of hydrocarbons appraisal/development, combining policies could simplify the Plan. However care would be need to ensure that that policies are sufficiently robust and detailed to provide the necessary protections to local communities and the natural environment appropriate to the stage of development and activity planned. Clearly if a policy to control exploration and appraisal is amalgamated this would need to be appropriate in scope and have sufficient detail to provide the necessary safeguards against environmental effects associated with both stages of hydrocarbons development.

**b) The use of additional criteria policies for oil or gas, for conventional or unconventional sources or for different extraction technologies**

4.26 With regard to the use of criteria policies, National Guidance does not differentiate between the various sources of hydrocarbons or the different methods of production. For example, it does not indicate whether plans should include separate criteria based policies for the extraction of oil or gas, for hydrocarbons from conventional or unconventional sources, or for methods of extraction utilising different technologies (e.g. hydraulic fracturing or coal bed gasification). Developments in these different categories raise different issues which could merit the inclusion of additional criteria policies specific to those forms of development. This consultation presents a number of options as follows:

- Option 1: Include only two or three separate criterion based policies for the three phases of hydrocarbon developments (as determined by the responses to the options above).
- Option 2: Include a separate set of criterion based policies for the phases of each of the different types of hydrocarbon (e.g. conventional oil and natural gas, gas from coal measures and gas from unconventional sources such as the hydraulic fracturing of shale deposits).
- Option 3: In addition to Option 1 include only an additional set of criterion based policies specifically for hydraulic fracturing.

**Comment**

4.27 Whilst it is acknowledged that Option 1 broadly represents the approach advocated in Government guidance, the inclusion of one set of criteria policies for the phases of all forms of hydrocarbon developments would provide a succinct framework for the assessment and determination of development proposals, there are substantial differences between the different hydrocarbons extraction methods identified by the MPA. These, as a matter of fact, do have different impacts on the environment and these should merit the inclusion of criteria policies specifically tailored to each type of extraction method. And whilst a single policy could seek to control and guide all types of development this could potentially make any policy unwieldy and difficult to implement, or even undermine its effectiveness. As a minimum Members may wish to request that a separate policy for hydraulic fracturing (fracking) be included in the Plan – (option 3) not least because this technology could result in impacts



some distance from actual physical development on the ground in a way which is unlikely with conventional extraction techniques and any policy should seek to reflect this.

**Issue 5: The range of criteria to be included in the policies for conventional and unconventional hydrocarbons.**

4.28 The NPPG clarifies the issues which are matters for other regulators and which mineral planning authorities should not take into account in their assessment of development proposals. Criteria based on these matters would therefore not be appropriate for inclusion in the policies. The issues which are identified to be matters for other regulatory regimes include seismic risks, well design, construction and integrity, operation of other surface equipment on the well pad, mining waste, chemical content of hydraulic fracturing fluid, flaring and venting, off-site disposal of water and well decommissioning.

4.29 The issues below are those identified by the MPA as being potentially suitable criteria against which to consider any planning applications.

- Criteria for noise associated with the operation.
- Criteria for the assessment of dust.
- Criteria for the assessment of the impact on air quality.
- Criteria for assessing lighting.
- Criteria for the assessment of the level of visual intrusion into the local setting, and the wider landscape caused by the placement of any building or structure within the application site area.
- Criteria for the assessment of the impacts on landscape character.
- Criteria to assess the importance of archaeological and heritage features.
- Criteria to assess the generation and impact of traffic.
- Criteria to assess the level of risk of contamination of land.
- Criteria to assess the impact on soil resources.
- Criteria to assess the impact on the best and most versatile agricultural land.
- Criteria for flood risk.
- Criteria to assess the impact on the water environment.
- Criteria for land stability and subsidence.
- Criteria to assess the impact on internationally, nationally or local designated wildlife sites, protected habitats and species, and ecological networks.
- Criteria to assess impact on nationally protected geological and geomorphological sites and features.
- Criteria to establish site restoration and aftercare requirements.

**Comment**

4.30 This is a comprehensive list of potential criteria to be considered in assessing the likely effects of development. However there may also be limited potential for odour effects from new developments. This should be added as a potential issue with an air quality policy. In addition it could also be appropriate to assess harm to the openness of the greenbelt which covers much of Block SK43.

**Issue6: Criteria to be applied to proposals for the hydraulic fracturing of shale gas.**

4.31 The MPA have stated through this consultation that hydraulic fracturing is an aspect of mineral working that must be addressed in the Minerals Local Plan. Whilst hydraulic fracturing proposals could be assessed and determined using a set of policies which apply to all hydrocarbon developments, consultees could view it as such a major issue that it merits individual consideration.

**Comment**

4.32 For the reasons set out already in this report, including the nature of effects, which can vary from other types of hydrocarbon development, as well as the potential for this form of development to have effects beyond licensed area. On this basis Members may wish to request that should this form of development, should come forward within the Plan period in Derbyshire, it be considered through a specific policy, or set of policies to ensure that impacts can be carefully scrutinised or controlled through a policy targeted at 'fracking' proposals rather than general hydrocarbons development.

**Sand and Gravel Site Assessments**

4.33 Members may recall that they previously considered the MPAs approach to site selection in August 2015. Since then further information on the MPAs approach to site selection have been published. This additional information consists of a methodology for 'scoring' the sites as well as completed site assessments including their 'score' against the proposed methodology.

- SG01 - Extension to Willington Quarry (Cemex)
- SG02 - Northern extension to Swarkestone Quarry (Tarmac)
- SG03 - Southern extension to Swarkestone Quarry (Tarmac)
- SG04 - Extension to Elvaston Quarry (Tarmac)
- SG05 - Chapel Farm, Great Wilne (Tarmac)
- SG06 - Repton/Foremark (Hansons)
- SG07 - Foston (Hansons)
- SG08 - Egginton (Hansons)

4.34 Location Plans of these sites are available at Appendix 1 and appraisal matrices can be found at [www.tiny.cc/MinsPlan](http://www.tiny.cc/MinsPlan)

4.35 As previously stated at paragraph 5.15 of the Report to EDS Committee dated 20 August 2015 the County Council has not sought to weight individual sites based on location. As a result no sites are identified as less appropriate for development on the basis of which general area or river valley they fall within. However, it is worth noting that the MPA does set out a preference for extensions rather than the opening up of new sites partially on the basis of guidance included in the National Planning Policy Guidance.

4.36 Also included in the Scoring Methodology adopted by the MPA are a range of economic, social and environmental considerations. This methodology is weighted heavily towards environmental considerations and indeed these comprise more than half the total points which can be scored by a site (56 points), against a maximum of 29 points for social issues and 24 for economic

considerations. A summary of the site assessment criteria, is set out at Appendix 2 of this report.

- 4.37 The site assessment methodology prepared by the MPA considers the relative merits shortcomings of sand and gravel working in the Trent and Derwent Valleys and the Lower Dove Valley. In essence this report concludes that the main differences between the two broad areas are that:
- The Dove Valley has not experienced the impacts of mineral working to the extent which the Trent and Derwent valleys have. The landscape in the Dove Valley therefore remains largely intact.
  - There are opportunities for extensions to existing quarries in the Trent and Derwent valleys but not in the Dove Valley.
  - This, however, results in ongoing cumulative impact of quarrying on communities in the Trent and Derwent valleys, whereas this is not an issue in the Dove valley.
  - Also, birdstrike is not so much of an issue in the Dove Valley, whereas it is in the majority of the Trent and Derwent valleys.
- 4.38 Based on the site analysis undertaken using the proposed methodology outlined by the Authority the sites proposed for sand and gravel workings, all of which are in South Derbyshire, have been assigned the following rankings:
- SG01 Willington – High Overall Potential for working
  - SG02 Swarkestone North – Medium potential for working
  - SG03 Swarkestone South - Medium potential for working
  - SG04 Elvaston - Medium potential for working
  - SG05 Chapel Farm – Low potential for working
  - SG06 Repton/Foremark - Low potential for working
  - SG07 Foston - Medium potential for working
  - SG08 Egginton - Low potential for working
- 4.39 It is worth noting that in the analysis of results set out in the Sand and Gravel Sites Assessment documents that *“sites with high potential are deemed as potential allocations in this Minerals Plan. Sites in the medium category may have the potential to be considered as allocations if there are insufficient sites in the "High" category to meet the remaining requirement, or if during the Plan period, monitoring indicates that the allocated sites are not being, or will not be, delivered as anticipated. Sites with low potential will not be considered for allocation in the plan, and are likely to be protected from mineral extraction”.*

#### **Comment**

- 4.40 The methodology adopted by the MPA seeks to score the economic, social and environmental performance of potential sites. However whilst economic and social scores have been simply added together and these ranked, with the highest scoring sites receiving the highest ranking indicating the suitability of sites to meet minerals need the environmental scores for the sites have been added up and this used to indicate a low, medium or high environmental performance. This has then been considered together with work being undertaken to map environmentally sensitive areas in the Trent Valley and an environmental ranking assigned each site. These economic, social and environmental ranking have then been combined and an overall total assigned

to each site. This has then been used to rate individual sites as having low, medium, or high potential for working, as illustrated below:

Figure 2 Site performance against Assessment Methodology

Ref.	Site	Economic score	Economic ranking	Social score	Social ranking	Environmental score	Environmental ranking	Combined ranking total	Overall potential for working
SG01	Willington	20	6.5	22	8	4	5.5	20	High
SG02	Swarkestone – North	20	6.5	17	2.5	12	8	17	Medium
SG04	Elvaston	20	6.5	19	5	4	5.5	17	Medium
SG03	Swarkestone – South	20	6.5	17	2.5	4	5.5	14.5	Medium
SG07	Foston	15	1	20	7	4	5.5	13.5	Medium
SG05	Chapel Farm	17	2.5	19	5	2.5	2.5	10	Low
SG08	Egginton	17	2.5	19	5	1.5	1	8.5	Low
SG06	Repton/Foremark	18	4	11	1	2	2.5	7.5	Low

Low potential for working= 3-10

Medium potential for working = 11-17

High potential for working = 18-24

4.41 The approach adopted by the County Council to assess the likely environmental performance of potential sites is complex. However it is likely to provide an holistic approach to protecting those areas of the Trent and Dove Valleys identified as being the most environmentally sensitive by including within the site assessment methodology some consideration of those areas which have been identified as more sensitive in respect of ecology, the historic environment and landscape. Such an approach to differentiate between areas of lower and higher sensitivity is obviously very useful where it can steer development away from the most sensitive locations.

4.42 However as noted in paragraph 5.19 of the previous report to this committee on the emerging Minerals Local Plan (dated 20 August 2015), although an approach to steer development away from the most environmentally sensitive locations should be supported it is likely that development will be steered towards the eastern part of the Trent Valley where evidence indicates that there is greater capacity to accommodate further minerals sites. Clearly this could lead to cumulative impacts given that extensive minerals working have taken place in this broad area in the past (and indeed working is still taking place at a number of sites). It is therefore crucial that both successive effects (for example arising from extensions to existing sand and gravel sites) and simultaneous effects (arising from the additive effects of a number of sites in relatively close proximity) be considered through the plan-making process and appropriate policies included in the Plan to ensure that local communities and the local environment are not unacceptably impacted by minerals development

4.43 Finally it is worth reiterating that the MPA is seeking to use an sequential approach to selecting minerals sites, with those with the highest or of moderate potential (based on economic, social and environmental considerations) being selected for inclusion in The Minerals Local Plan to meet identified need. The documentation produced by the County Indicates that a further 3.75million tonnes of sand and gravel needs to be provided for through the plan period. This could be met by the inclusion of one or perhaps more likely two additional sites being allocated given the annual and total production figures outlined in the site appraisals. In light of this it would seem appropriate to discount, at this early stage of the Plan preparation process, those sites performing worst against the assessment criteria as proposed by the MPA.

## **5.0 Financial Implications**

5.1 None.

## **6.0 Corporate Implications**

6.1 Proposals will have a short to medium-term impact negative impact on a number of the Councils Corporate objectives. Not least those to enhance the quality of life for all South Derbyshire Residents and to protect the environment now and for the benefit of future generations. However, the policies included in the plan should help ameliorate the worst effects of minerals development during extraction and in the longer term proposals could allow progress against both these objectives depending on the after use of sites.

## **7.0 Community Implications**

7.1 Proposals will have a significant negative impact of a number of local communities within the District particularly in the short-term to medium term. The after use of site can have a significant beneficial impact to local communities in the longer-term through the provision of new green infrastructure including recreational or leisure uses.

## **8.0 Background Papers**

8.1 Report to Environmental and Development Services – [Derby and Derbyshire Minerals Local Plan](#) (Dated 20/08/2015) ref EDS32.

8.2 [Towards a Strategy for Hydrocarbons](#) (16 November 2015)

8.3 [Conventional Oil and Gas Supporting Paper](#) (16 November 2015)

8.4 [Gas from Coal Supporting Paper](#) (16 November 2016)

8.5 [Unconventional Gas - Shale Gas Supporting Paper](#) (16 November 2016)

8.6 [Climate Change Supporting Paper Update](#) (12 January 2016)

8.6 [Sand and Gravel Site Assessments](#) (27 January 2016)

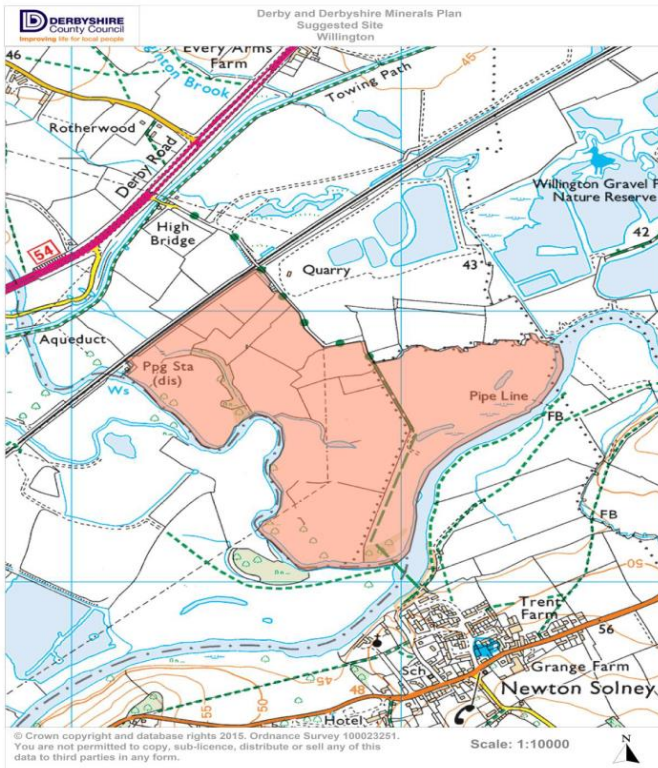
8.7 [Sand and Gravel Site Assessments](#) (12 January 2016)

8.8 [Sand and Gravel Sites - Assessment Methodology](#) (14 January 2016)

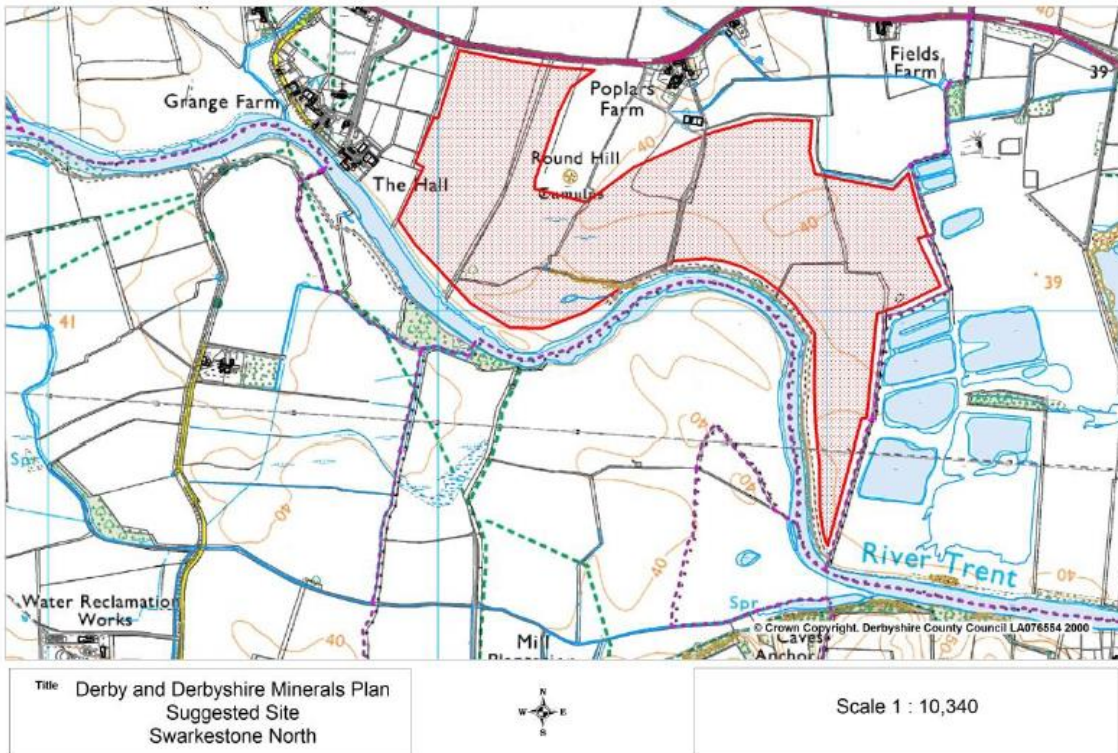
(note 8.2—8.8 all available by following the link or at: [www.tiny.cc/MinsPlan](http://www.tiny.cc/MinsPlan))

# APPENDIX 1: SITE LOCATION PLANS

Site Name: Willington  
 Reference Number: SG01  
 Proposed By: Cemex

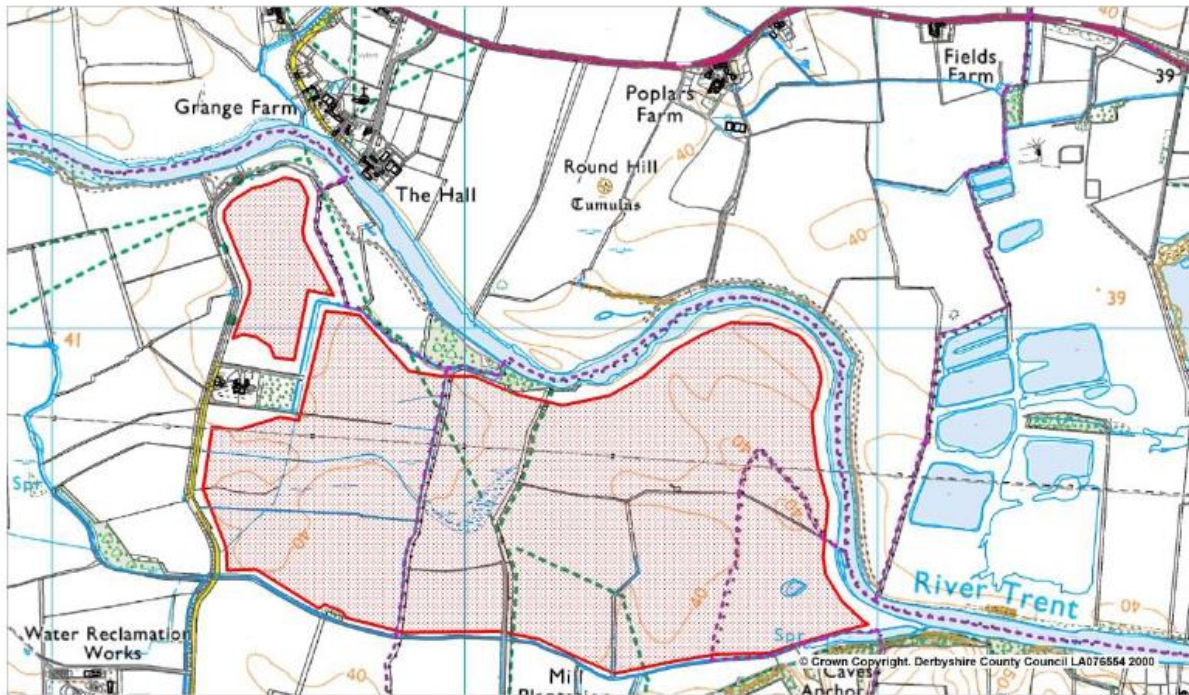


Site Name: Swarkestone North  
 Reference Number: SG02  
 Proposed By: Tarmac



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Site Name: Swarkestone South  
Reference Number: SG03  
Proposed By: Tarmac



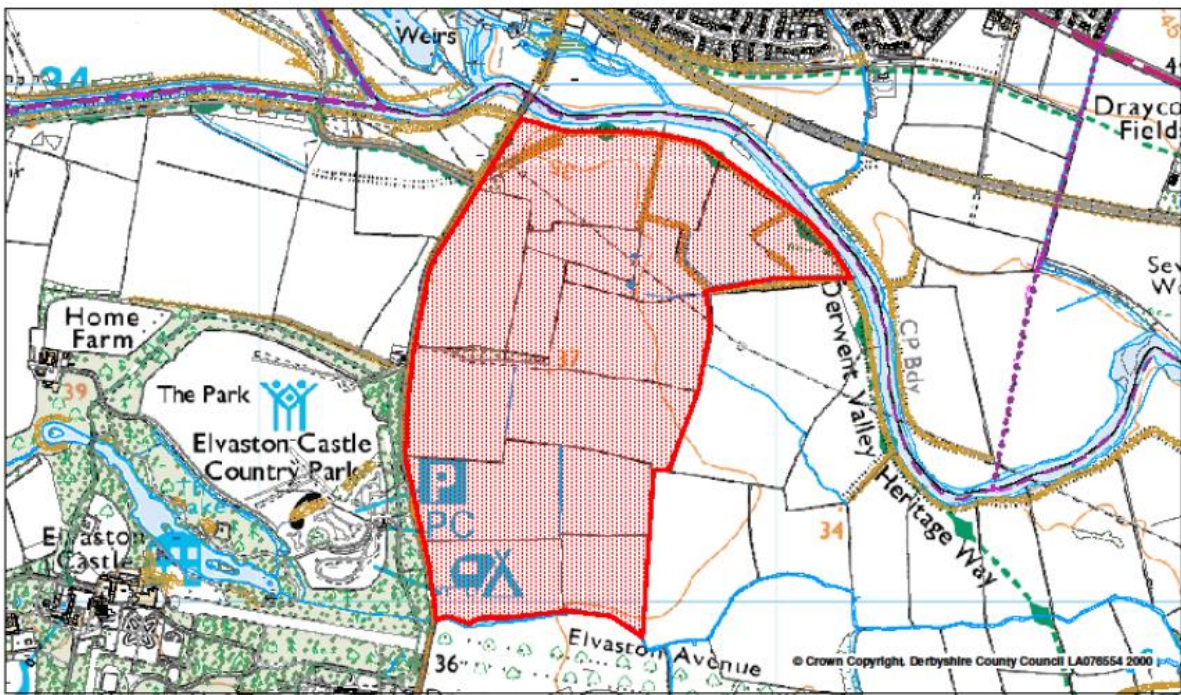
Title Derby and Derbyshire Minerals Plan  
Suggested Site  
Swarkestone South



Scale 1 : 10,340

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Site Name: Elvaston  
Reference Number: SG04  
Proposed By: Tarmac



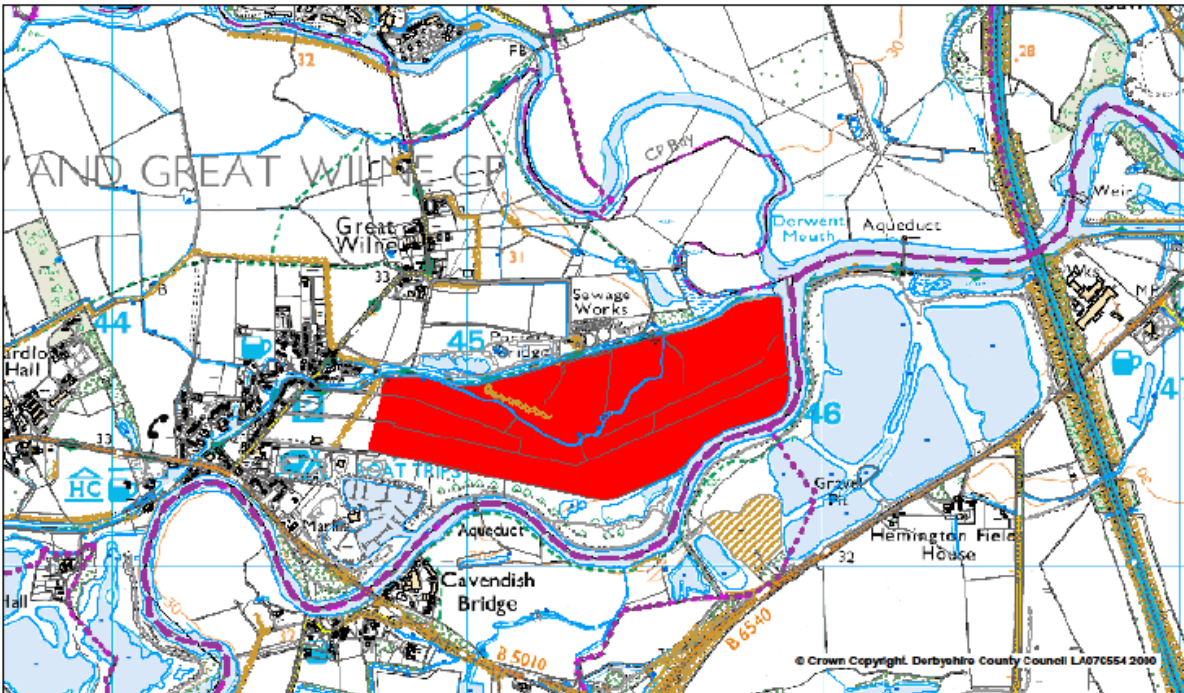
Title Derby and Derbyshire Minerals Plan  
Proposed Site  
Elvaston



Scale 1 : 8,211

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Site Name: Chapel Farm  
 Reference Number: SG05  
 Proposed By: Tarmac

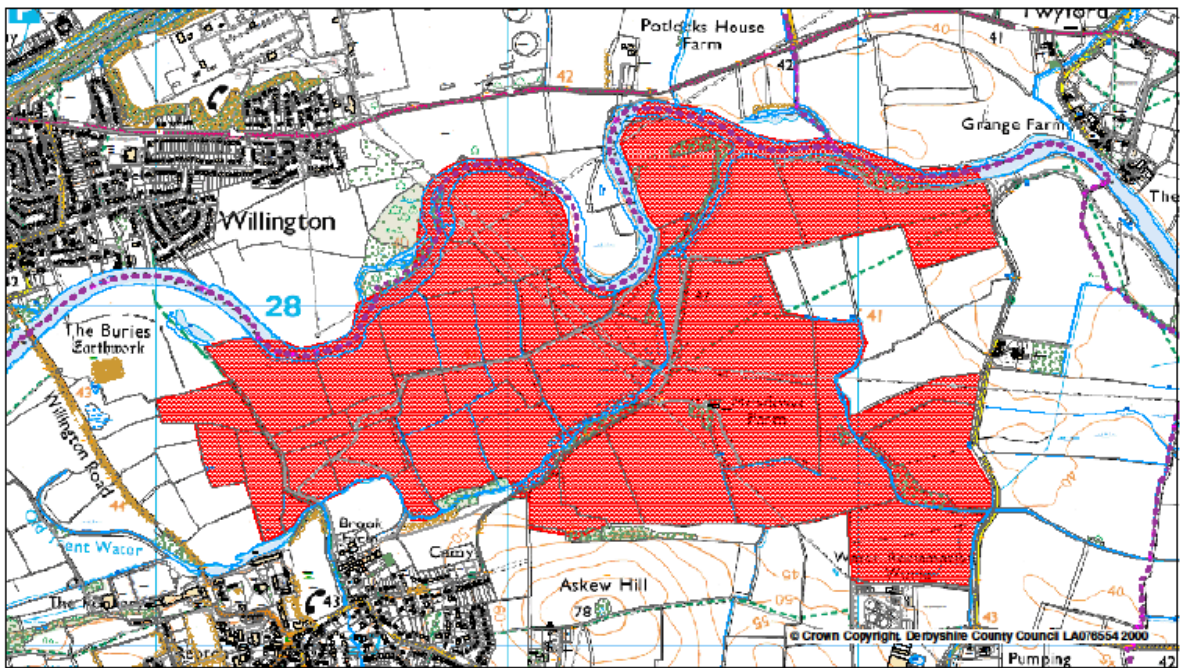


The Derby and Derbyshire Minerals Plan  
 Suggested Site  
 Chapel Farm

Scale 1 : 12,000

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Site Name: Repton/Foremark  
 Reference Number: SG06  
 Proposed By: Hansons



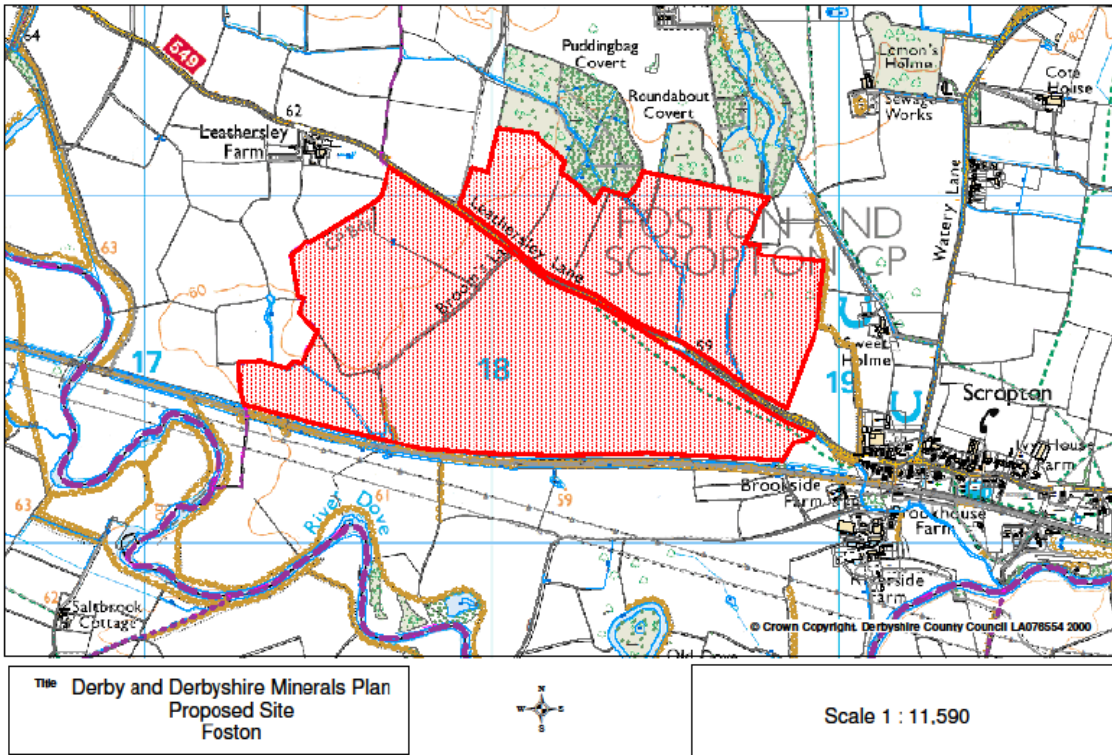
The Derby and Derbyshire Minerals Plan  
 Suggested Site  
 Foremark

Scale 1 : 12,070

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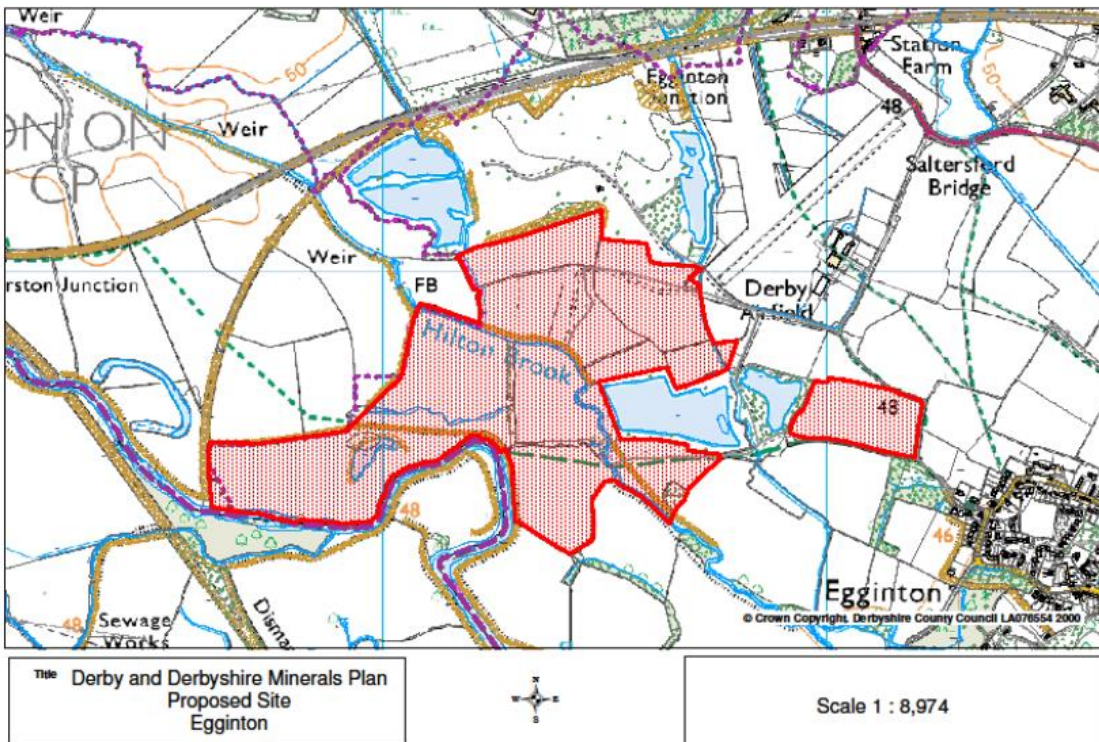


Site Name: Foston  
 Reference Number: SG07  
 Proposed By: Hansons



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Site Name: Egginton  
 Reference Number: SG08  
 Proposed By: Hansons



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## **APPENDIX 2 SUMMARY OF SAND AND GRAVEL SITE CRITERIA**

### **ECONOMIC CRITERIA**

Existing Infrastructure (i.e. will existing infrastructure be reused)  
Sterilisation of Resources  
Employment (i.e. retention of existing jobs)  
Access arrangements to the site (i.e. classification of road serving site or whether new access will be required)  
Transport – mode of transport to market  
Transport – distance to markets  
Resources: Yield

### **SOCIAL CRITERIA**

Visual Intrusion  
Noise  
Nuisance - Dust  
Air quality/ Human health  
Transport – Local Amenity  
Benefits from the proposed after-use  
Cumulative impact  
Airport Safeguarding Birdstrike Issue –potential risk to aircraft safety

### **ENVIRONMENTAL CRITERIA**

Water Environment – Flood Risk  
Water Environment –groundwater  
Water Environment – aquifer protection  
Ecology – existing impacts from mineral extraction  
Ecology – UK, regional and local BAP priority species and habitats  
Ecology – ecological coherence: Natural Areas/ Wildlife Corridors/linkages  
Ecology – Habitat creation  
Landscape – existing impacts from mineral extraction  
Landscape – Existing infrastructure  
Landscape – Strength of Landscape Character  
Landscape/– visual impact  
Historic Environment –designated sites and settings  
Historic Environment – Archaeology  
Historic Environment –historic landscape  
Best and most versatile agricultural land

A full version of the site assessment criteria for Sand and Gravel sites can be found in the [Sand and Gravel Sites - Assessment Methodology](#) (14 January 2016)

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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>3<sup>rd</sup> MARCH 2016</b>	<b>CATEGORY: DELEGATED/ RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>EMMA McHUGH (EXT: 5716)</b> <a href="mailto:emma.mchugh@south-derbys.gov.uk">emma.mchugh@south-derbys.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>KEY PERFORMANCE INDICATORS – LICENSING DEPARTMENT</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: EDS</b>

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**1. Recommendations**

1.1 That Members note the performance of the Licensing Department in relation to the Key Performance Indicators

**2. Purpose of Report**

2.1 To provide Members with an update on the Licensing Department and the Key Performance Indicators

**3. Detail**

3.1 As part of the audit of the Licensing Department held in 2014, service standards were put in place with regards to target times for the processing of complete applications and dealing with any complaints received by the Department.

3.4 The Licensing Department will provide a quarterly update as to the Department's performance against the service standards. The results for the previous two quarters are:

**Private Hire Licensing**

<b>Type of Licence Application</b>	<b>August to October 2015</b>	<b>November 2015 to January 2016</b>
Private Hire Vehicles (5 days)	98%	90%
Private Hire Drivers (10 days)	94%	96%
Private Hire Operators (5 days)	100%	91%

**Licensing Act 2003**

<b>Type of Licence Application</b>	<b>August to October 2015</b>	<b>November 2015 to January 2016</b>

Personal licence (10 days).	100%	100%
Grant of premises licence (15 days after grant)	100%	100%
Variation of designated (15 days after grant)	100%	100%
Transfer of premises licence holder (15 days after grant)	100%	100%
Variation of premises licence (15 days after grant)	100%	100%
Minor variation of premises licence (15 days after grant)	100%	100%
Temporary event notice (1 day)	100%	100%

### **Enforcement**

<b>Type of Application</b>	<b>August to October 2015</b>	<b>November 2015 to January 2016</b>
Acknowledgement of complaint within 2 days	100%	100%
Letter detailing works required within 10 days	100%	100%
Notify complainant of outcome of investigation within 10 days	100%	100%

#### **4. Financial Implications**

4.1 There are no financial implications to the Council.

#### **5. Corporate Implications**

5.1 The service standards demonstrate that we support local businesses whilst protecting local residents which contribute directly to the corporate vision to make South Derbyshire a better place to live, work, and visit, and to the theme of sustainable growth and opportunity and safety and security.

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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 10</b>
<b>DATE OF MEETING:</b>	<b>3<sup>rd</sup> MARCH 2016</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY AND PLANNING SERVICES/ DIRECTOR OF HOUSING AND ENVIRONMENTAL SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>STUART BATCHELOR (Ext. 5820) MIKE HAYNES (Ext. 5775)</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>WORK PROGRAMME 2015/16</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: N/A</b>

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## **1.0 Recommendations**

1.1 That the Committee considers and approves the updated work programme.

## **2.0 Purpose of Report**

2.1 The Committee is asked to consider the updated work programme.

## **3.0 Detail**

3.1 Attached at Annexe 'A' is an updated work programme document. The Committee is asked to consider and review the content of this document.

## **4.0 Financial Implications**

4.1 None arising directly from this report.

## **5.0 Background Papers**

5.1 Work Programme.

**Environmental & Development Services Committee – 3<sup>rd</sup> March 2016  
Work Programme 2015/16**

<b>Work Programme Area</b>	<b>Date of Committee meetings</b>	<b>Anticipated completion date</b>	<b>Submitted to Council target date</b>	<b>Contact Officer (Contact details)</b>
Economic Development Strategy	14 <sup>th</sup> April 2016			Mike Roylance Economic Development Manager (01283 595 725)
Public Spaces Protection Order – Consultation Feedback and Decision	14 <sup>th</sup> April 2016			Matt Holford Environmental Health Manager (01283 595856)
Open Space, Sport and Community Facility Strategy	14 <sup>th</sup> April 2016			Zoe Sewter Open Space and Facility Development Manager (01283)595753)
Local Development Scheme	14 <sup>th</sup> April 2016			Nicola Sworowski Planning Policy Manager (01283 595983)
Heritage Lottery Fund Grants Panel – Swadlincote Townscape	14 <sup>th</sup> April 2016			Nicola Sworowski Planning Policy Manager (01283 595983)