

Date: 8 August 2018

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, 16 August 2018 at 18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To:- **Conservative Group**

Councillor MacPherson (Chairman), Councillor Roberts (Vice-Chairman) and Councillors Billings, Mrs Brown, Mrs Coe, Mrs Hall, Mrs Patten and Wheeler

Labour Group

Councillors Chahal, Dunn, Taylor and Tilley

Independent / Non Grouped Member

Councillor Coe

AGENDA

Open to Public and Press

- 1** Apologies and to note any Substitutes appointed for the Meeting.
- 2** To receive the Open Minutes of the following Meeting:

Environmental and Development Services Committee 31st May 2018 Open Minutes **4 - 9**
- 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 2016-21 PERFORMANCE REPORT (1 APRIL- 30 JUNE 2018) **10 - 27**
- 8** ELVASTON CASTLE MASTERPLAN **28 - 32**
- 9** EAST MIDLANDS AIRPORT DRAFT NOISE ACTION PLAN **33 - 40**
- 10** HIGHWAYS ENGLAND A38 DERBY JUNCTIONS SCHEME – STATEMENT OF COMMUNITY CONSULTATION **41 - 43**
- 11** LOCAL VALIDATION REQUIREMENTS **44 - 118**

12	FINDERN PUBLIC SPACES PROTECTION ORDER	119 - 129
13	ENVIRONMENTAL SUSTAINABILITY GROUP	130 - 134
14	COMMITTEE WORK PROGRAMME	135 - 141

Exclusion of the Public and Press:

- 15** 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.
- 16** To receive the Exempt Minutes of the following Meeting:
Environmental and Development Services Committee 31st May
2018 Exempt Minutes
- 17** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

31st May 2018

PRESENT:-

Conservative Group

Councillor MacPherson (Chairman), Councillor Roberts (Vice-Chairman) and Councillors Billings, Mrs Brown, Mrs Coe, Harrison (substituting for Councillor Mrs Patten), Ford (substituting for Councillor Mrs Hall) and Wheeler

Labour Group

Councillors Chahal, Southerd (substituting for Councillor Dunn), Taylor and Tilley

EDS/1 **APOLOGIES**

Apologies for absence from the meeting were received from Councillors Coe Mrs Hall, Mrs Patten, (Conservative Group) and Councillor Dunn (Labour Group)

EDS/2 **MINUTES**

The Open Minutes of the Meeting held on 19th April 2018 were noted, approved as a true record and signed by the Chairman.

EDS/3 **DECLARATIONS OF INTEREST**

Councillor Ford declared a personal interest in Item 16 of the Agenda by virtue of an acquaintance of his owning the Screw Mill. He advised that he would vacate the Chamber whilst the item is discussed.

EDS/4 **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/5 **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/6 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

As Chairman of the Overview and Scrutiny Committee, Councillor Swann informed Members that following their initial review of the Waste Collection Street Scene and Grounds Maintenance budget, a further report by the Direct

Services Manager would be submitted to this Committee at a future date. The update was duly noted.

Councillor Swann left the Meeting at 6.10pm

MATTERS DELEGATED TO COMMITTEE

EDS/7 **CORPORATE PLAN 2016-21: PERFORMANCE REPORT 2017/18**

The Strategic Director (Service Delivery) presented the report to Committee highlighting performance, key actions and areas identified in the risk register.

Councillor Taylor queried whether the removal of some of the Council's bring-sites across the District had impacted the reported statistics on recycling. The Director advised that any impact on the removal of such sites would be difficult to measure as data was not collected in this way. Other factors such as manufacturers introducing more light-weight packaging and a reduction in the number of newspapers being bought have an impact on recycling rates. The Director updated Members that re-procurement of the recycling contract could provide an opportunity to consider the impact of removing a bring-site.

RESOLVED:

Members noted progress against performance targets.

EDS/8 **SERVICE PLANS 2018/19**

The Strategic Director (Service Delivery) presented the report to Committee.

RESOLVED:

That the Service Plans for Service Delivery and the Chief Executive's Directorate be approved as the basis for overall service delivery over the period 1 April 2018 to 31 March 2019.

EDS/9 **KEY PERFORMANCE INDICATORS – LICENSING DEPARTMENT**

The Senior Licensing Officer presented the report to Committee.

RESOLVED:

Members noted the performance of the Licensing Department in relation to the Key Performance Indicators.

EDS/10 **CHARITABLE COLLECTIONS POLICY – REQUEST FOR EXCEPTION**

The Senior Licensing Officer presented the report to Committee.

Councillor Taylor queried the association between the Charity in question and its request to allow Shetland ponies to accompany its collectors. The Senior Licensing Officer clarified that the Charity raises money for disadvantaged children, and no direct link could be established.

Members raised concerns [Page 5 of 11](#) to public safety, animal welfare and potential risks. Some commented that although the work of the Charity is recognised, it was felt that Shetland ponies accompanying collectors was not appropriate and therefore the recommendation could not be supported.

A proposal to overturn the Officer's recommendation was supported by the Committee.

RESOLVED:

Members considered a request for an exception to the Charitable Collections Policy (attached at Appendix 1) and refused to allow Phoenix Children's Foundation to have Shetland ponies accompanying their collectors during a street collection.

Abstentions: Councillors Mrs Brown and Harrison

EDS/11 **ADOPTION OF SECTION 27 OF THE POLICING AND CRIME ACT 2009 - LICENSING OF SEXUAL ENTERTAINMENT VENUES**

The Senior Licensing Officer presented the report to Committee informing Members that no representations had been received during the initial consultation period.

Clarification was sought on estimated costs and the location of such establishments. The Senior Licensing Officer responded explaining that costs had been calculated to cover the amount of Officer time that would be required in processing the application and taking it through the committee process. The Officer highlighted that adoption as recommended would allow consideration of locality when reviewing such applications.

RESOLVED:

- 1.1 Members resolved to adopt section 27 of the Policing and Crime Act 2009 (the '2009 Act') and reaffirmed adoption of the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the '1982 Act') to come into effect from 1st August 2018.***
- 1.2 Members authorised Officers to take the necessary steps to confirm the resolution to adopt the 2009 Act and reaffirmation of the 1982 Act.***
- 1.3 Members approved that the Sex Establishments and Sexual Entertainment Venue Policy comes into effect from 1st August 2018.***
- 1.4 Members approved the proposed fees for sex establishments.***

EDS/12 **ENFORCEMENT AND COMPLIANCE REPORT**

The Environmental Health Manager presented the report to Committee, highlighted details of the Council's use of its powers to take appropriate enforcement action.

Councillor Taylor commented that, considering the growth in the District, the number of Neighbourhood Wards employed by the Council. This had not increased in line with this and he raised concern regarding staffing resource particularly in view of police cuts and increase in anti-social behaviour. The

Environmental Health Manager responded that the role of the wardens has widened and resources are being reviewed.

Clarification was sought on the type of noise complaints reported and action that can be taken. The Environmental Health Manager responded that noise is quantified through data gathered on its nature, decibels, frequency, and duration.

Councillor Billings welcomed the report thanking those involved in resolving the recent issues in Hilton.

RESOLVED:

1.1 The Committee noted the contents of the report, that the Council is using its regulatory powers in a way proportionate to the demands for all regulatory services it provides.

1.2 It was approved that the Committee receives an annual report summarising the use of the Councils regulatory powers.

EDS/13 **REPTON NEIGHBOURHOOD DEVELOPMENT PLAN**

The Community Partnership Officer presented the report to Committee.

Councillor Ford, as the local County Councillor, welcomed the report and its recommendations acknowledging the work of the Repton Parish Council.

RESOLVED:

1.1 Members considered the Repton Neighbourhood Development Plan together with the Examiners Report and recommended changes.

1.2 Members agreed to the recommended changes identified by the independent Examiner.

1.3 Members agreed to the amended Repton Neighbourhood Development plan proceeding to Full Council to consider taking to the plan to referendum.

EDS/14 **REVISED LOCAL DEVELOPMENT SCHEME**

The Planning Policy Officer presented the report to Committee.

RESOLVED:

Members endorsed the Local Development Scheme (at Appendix 1) for publication.

EDS/15 **DRAFT STATEMENT OF COMMUNITY INVOLVEMENT FOR CONSULTATION**

The Planning Policy Officer presented the report to Committee.

RESOLVED:

Members approved the Draft Statement of Community Involvement (at Appendix 1) for public consultation.

Councillor Ford left the Chamber at 7.00pm.

EDS/16 **HARTSHORNE CONSERVATION AREA AND AREA OF SPECIAL LOCAL CHARACTER**

The Conservation Officer presented the report to Committee which was welcomed by Members.

RESOLVED:

The Committee agreed not to designate the Screw Mill area of Hartshorne as a Conservation Area due to its lack of architectural and historic merit.

The Committee agreed not to designate the Upper Town Area as an Area of Special Local Character due to the degree of change and alteration in this area.

Councillor Ford returned to the Chamber at 7.05pm.

EDS/17 **EAST MIDLANDS AIRPORT DRAFT NOISE ACTION PLAN**

The Planning Policy Officer presented the report to Committee. Clarification was sought and provided on the membership of the Working Panel.

Councillor Southerd accepted the invitation and advised that a Member from the Labour Group would be nominated for this Panel in due course.

RESOLVED:

Members approved that a cross-party Member Working Panel be established with authority for determining a Committee resolution in response to the forthcoming East Midlands Airport Draft Noise Action Plan. This response would then be presented to a future meeting of this Committee for information.

EDS/18 **DEVELOPMENT FRAMEWORK DOCUMENT FOR INFINITY GARDEN VILLAGE**

The Planning Policy Officer presented the report to Committee advising that the document had been drafted collaboratively by this Council with Derbyshire County Council, Derby City Council, the site's developers and the Infinity Garden Village Liaison Group. Members were informed that at its Meeting on 8th March 2018, the Infinity Garden Village Liaison Group had been shown the document and were integral in shaping it.

Councillor Ford commented that the complexities of the matter required this pro-active approach in order to progress.

RESOLVED:

1.1 Members endorsed the draft Development Framework Document (DFD) for Infinity Garden Village and grant delegated authority to the Planning Services Manager and Chairman of this Committee to agree the final version following continued dialogue with Derby City Council and Derbyshire County Council.

1.2 Members granted delegated authority to the Planning Services Manager and Chairman of this Committee to agree any future revisions to the document which fall within the scope of adopted planning policies as set out in the Local Plan Part 1 (LP1) and Local Plan Part 2 (LP2).

EDS/19 **COMMITTEE WORK PROGRAMME**

RESOLVED:

Members considered and approved the updated work programme.

EDS/20 **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 19th April 2018 were received.

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

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

PLANNING SERVICES REVIEW (Paragraph 1)

Members approved the recommendations contained in the report.

The meeting terminated at 7.30pm.

COUNCILLOR A MACPHERSON

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	16th AUGUST 2018	CATEGORY: DELEGATED
REPORT FROM:	LEADERSHIP TEAM	OPEN DOC:
MEMBERS' CONTACT POINT:	ALLISON THOMAS (EXT. 5775) FRANK McARDLE (EXT. 5700)	
SUBJECT:	CORPORATE PLAN 2016-21: PERFORMANCE REPORT (1 APRIL – 30 JUNE 2018)	
WARD (S) AFFECTED:	ALL	TERMS OF REFERENCE: G

1.0 Recommendations

1.1 That progress against performance targets is considered.

2.0 Purpose of Report

2.1 To report progress against the Corporate Plan for the period April 1 to June 30 under the themes of People, Place, Progress and Outcomes.

3.0 Detail

3.1 The Corporate Plan 2016 – 2021 was approved following extensive consultation into South Derbyshire's needs, categorising them under four key themes: People, Place, Progress and Outcomes. The Corporate Plan is central to our work – it sets out our values and visions for South Derbyshire and defines our priorities for delivering high-quality services.

3.2 This Committee is responsible for overseeing the delivery of the following key aims:

People

- *Use existing tools and powers and take appropriate enforcement action*
- *Reduce the amount of waste sent to landfill*
- *Develop the workforce of South Derbyshire to support growth*

Place

- *Facilitate and deliver integrated and sustainable housing and community infrastructure*
- *Enhance understanding of the planning process*
- *Help maintain low crime and anti-social behaviour levels in the District*
- *Connect with our communities, helping them feel safe and secure*
- *Deliver services that keep the District clean and healthy*

Progress

- *Work to attract further inward investment*
- *Unlock development potential and ensure the continuing growth of vibrant town centres*
- *Work to maximise the employment, training and leisure uses of The National Forest by residents and increase the visitor spend by tourists*

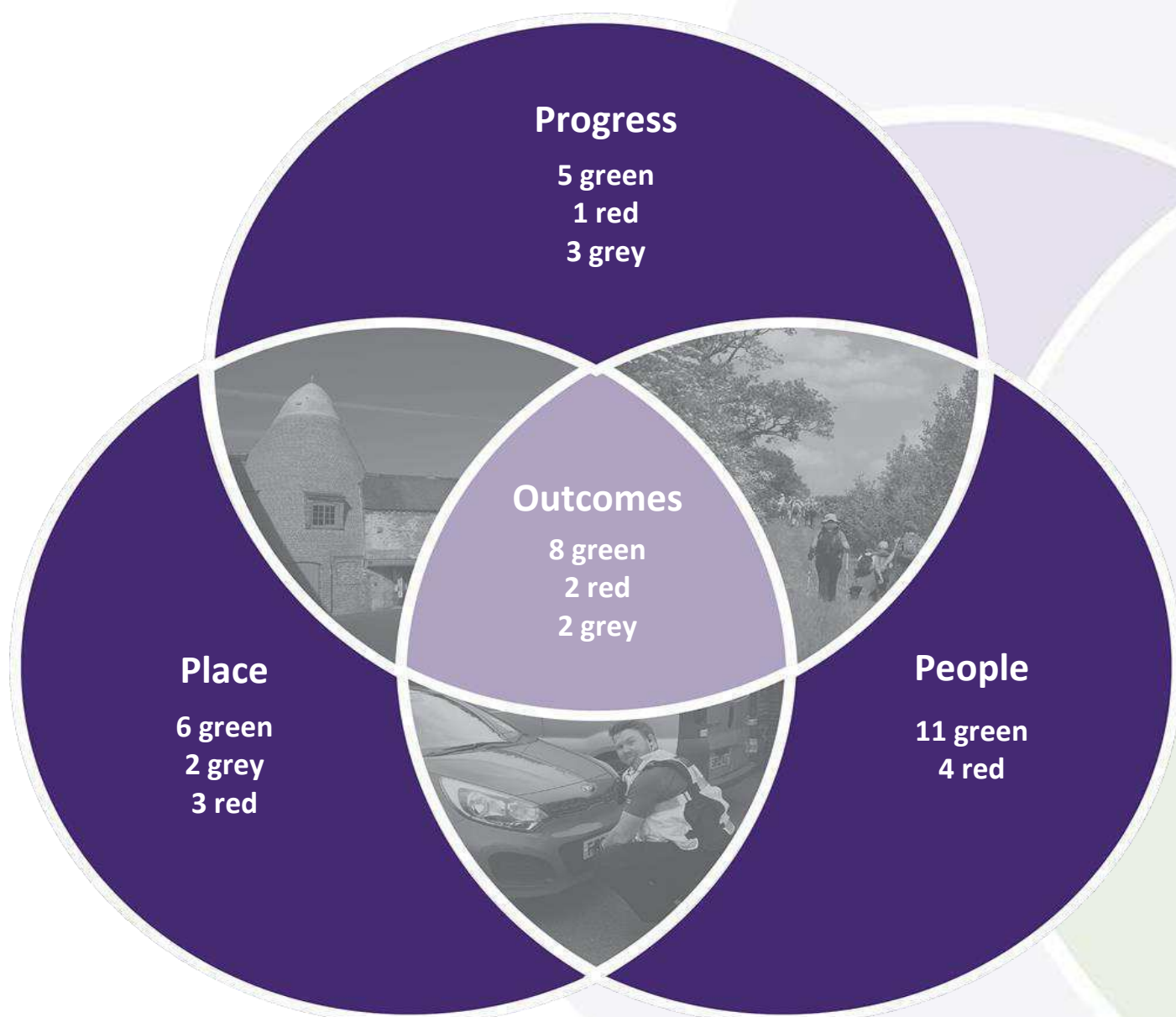
- *Help to influence and develop the infrastructure for economic growth*
- *Provide business support and promote innovation and access to finance*

These aims are underpinned by outcomes including financial health, improved customer focus, good governance, enhanced environmental standards and maintaining a skilled workforce.

3.3 Of the 17 measures and projects under the jurisdiction of the Environmental and Development Services Committee, 10 are green, four red and three grey.

3.4 More information can be found in the Performance Board in **Appendix A**. A detailed breakdown of performance for Environmental and Development Services is available in the Success Areas and Action Plan documents (**Appendices B and C respectively**), while associated risks are contained in the risk registers in **Appendices D and E**.

4.0 Overall Council performance – Quarter one (April 1 to June 30, 2018)



There are 30 green, seven grey and 10 red Council projects/measures in quarter one.

5.0 Financial and 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 People, Place, Progress and Outcomes themes contribute to that aspiration.

7.0 Appendices

Appendix A – Performance Board

Appendix B – Environmental and Development Services: Success Areas

Appendix C – Environmental and Development Services: Action Plan

Appendix D – Economic Development Risk Register

Appendix E – Service Delivery Risk Register

Ref	Aim	Project	Annual target	Q1 Target	Q1 performance	Q1 detail
O1	Maintain financial health	Generate ongoing revenue budget savings and identify ways to generat income.	O1.1 Identify £1m of budget savings and additional income by March 31, 2023. F&M	No action required.	N/A	The budget outturn reported to Committee on July 26 showed additional income and underspending on the General Fund for 2017/18. Consequently, the General Reserve is £1m greater than budgeted, which helps to sustain the longer-term financial position and ease pressure on future savings. As planned, a review and updated Medium Term Financial Plan will be reported to Committee in October.
O1	Maintain financial health	Maximise rental income	O1.2 Rent arrears as a % of the rent due. F&M H&CS	<2.5%	1.84%	The current tenant rent arrears outstanding at the end of quarter one is £221,828, the annual amount of rent due is £12,053,603. Current tenant rent arrears have decreased by 6% (£14,299) since the start of the financial year. This performance indicator can be benchmarked with the Council's peers via Housemark and it will be shared during quarter two.
O2	Maintain proper corporate governance	Compile and publish an Annual Governance Statement in accordance with statutory requirements.	O2.1 An unqualified opinion in the Annual Audit Letter. F&M	Annual target.	Annual target.	The auditor's opinion was reported to the Audit Sub-Committee on July 25. This concluded that, in all material aspects, the Council's arrangements were satisfactory, except for contract management and procurement issues in Housing and Environmental Services. This conclusion was due to the fact that outstanding issues raised in 2016/17 were not all fully embedded, although significant progress on 23 of 32 actions had been made and implemented. The remainder will be completed by September 2018.
O3	Enhance environmental standards.	Demonstrate high environmental standards.	O3.1 Uphold strong environmental management standards. E&DS	Produce an options appraisal of environmental management systems.	Achieved.	Options appraisal produced and issued as a paper to Leadership Team.
O4	Maintain a skilled workforce.	Strengthen measures and support employees to reduce absence due to sickness/ill health.	O4.1 The average working days lost per employee. F&M	Less than 8 days per year (2 days per quarter). To be broken down into short and long term sickness absence.	2.55 days. 461 days long term (60%), 303.50 short term (40%)	See Action Plan.
O4	Maintain a skilled workforce.	Further improve frontline services and develop a Council which is fit for the future.	O4.2 Use the decision-making methodology identified by the Local Government Association review. F&M	Report approved by the Council on proposed changes to the current staffing structure.	See Action Plan.	See Action Plan.
O5	Maintain customer focus.	Ensure services remain accessible to residents and visitors.	Expand services in the Customer Contact Centre and maintain facilities for face to face enquiries where required. F&M	O5.1 80% of telephone calls answered within 20 seconds.	80.8%	Call options reduced from seven to five in April, enabling customers to get through to the Council quicker. This has been introduced following feedback.
O5	Maintain customer focus.	Ensure services remain accessible to residents and visitors.	Expand services in the Customer Contact Centre and maintain facilities for face to face enquiries where required. F&M	O5.2 Call abandonment rate of less than 8% (Number of visitors to Civic Offices to be recorded).	3.70%	April proved an extremely busy month due to annual billing, with 7,087 calls. This continued in May (6,850), traditionally the start of debt recovery action. June was a much steadier month (6,387 calls). Achieving the two targets is testament to the work of the Team. Visitors to Civic Offices over the quarter - 8,382.
O5	Maintain customer focus.	Improve the way in which Housing Services gathers, reports and acts on customer satisfaction data.	O5.3 To gather customer satisfaction data in a cost-effective way and use the data to manage and improve services. H&CS	Review the method of collection for all satisfaction across Housing Services. Finalise Star Survey.	Achieved.	The Council has undertaken a review of all satisfaction surveys distributed by Housing Services during 2017-2018. This saw 2,588 satisfaction responses collated across 13 areas. Eight key surveys were set a target, all of which were achieved. 85% of surveys are returned through hard copy, the remainder via the telephone. The STAR Satisfaction Survey was posted out on June 26. The first reminder letter has been sent, with the second to be distributed on Friday, August 3. The closing date for all surveys to be returned is August 24.
O5	Maintain customer focus.	Delivering a first class Repairs Service (strategic review of repairs and improvements).	O5.4 To provide a value for money service that fully meets the needs of our tenants and delivers high levels of customer satisfaction. H&CS	In partnership with an external provider, complete strategic review of the repairs and improvements service.	Achieved.	The Housing Quality Network (HQN) has completed the data review, as well as staff and tenant consultation. The first draft of HQN's findings is expected by the end of August.
O6	Minimise business risks and realise the benefits of technological opportunities.	Continue to strengthen ICT and technological platforms.	O6.1 Build IT infrastructure resilience to support change and minimise business risks. F&M	Infrastructure review, including testing for Windows 10 devices. Q1-3 New back-up and disaster recovery process. Q1-2 Refocus ICT structure and operational management.	Achieved.	Back up disaster recovery (DR) software solution has been agreed after competitive exercise. Hardware has been specified and will be procured shortly. A DR rehearsal has taken place at Oakland Village in Swadlincote, with the project on track for delivery in quarter three. Testing is in place for Windows 10 and a mixture of new and existing ICT equipment. ICT Operations has refocused its delivery model and recruitment has taken place to remove agency. An existing vacancy has been re-evaluated through JEQ process to support tasks highlighted in the digital strategy. Recruitment is underway.
O6	Minimise business risks and realise the benefits of technological opportunities.	Establish a corporate approach and responsibility for business change and improvement, standardising evaluation and delivery of projects across the Council.	O6.2 Agree and deliver business change programme to support core objectives. F&M	Establish strategic board for change management. Establish Corporate Change Management Group and Project Management Office (PMO).	Achieved.	A new process for Business Improvement and Change Management has been designed and delivered. The process incorporates the establishment of the Strategic Improvement Board and Corporate Change Management Group, which have both convened and considered the first submission. The PMO has been designed but will not be operational until after DMA review.
PE1	Enable people to live independently	Provide an efficient and well-targeted adaptation service (including Disabled Facilities Grants) and make better use of previously adapted dwellings.	PE1.1 % of residents satisfied with the quality of their new home. H&CS	90%	90%	During quarter one, 20 new home satisfaction surveys were returned. All tenants were satisfied with the quality of their new home, with the exception of two. Officers have since visited both tenants, who were satisfied with the final outcome.
PE1	Enable people to live independently	Improve the quality and make best use of existing Council housing stock to meet current and future needs.	PE1.2 Average time taken to re-let Council homes (excluding major voids). H&CS	<21 days	26	See Action Plan.
PE1	Enable people to live independently	Improve the quality and make best use of existing Council housing stock to meet current and future needs.	PE1.3 Average length of time for current voids. H&CS	<21 days	41	See Action Plan.
PE2	Protect and help support the most vulnerable, including those affected by financial challenges.	Maintain regular contact with tenants, with a focus on those identified as vulnerable.	PE2.1 Total number of tenancy audits completed. H&CS	250	275	This is the final year of our three year target to carry out an annual audit on each tenancy by the end of March 2019. This indicator achieved the annual target in both 2017 and 2018 and we are on target to complete all audits by March 2019.
PE2	Protect and help support the most vulnerable, including those affected by financial challenges.	Maintain regular contact with tenants, with a focus on those identified as vulnerable.	PE2.2 Number of successful introductory tenancies. H&CS	97%	96%	See Action Plan.
PE2	Protect and help support the most vulnerable, including those affected by financial challenges.	Process Benefit claims efficiently.	PE2.3 Average time for processing new Benefit claims. F&M	<18 days	17.6 days.	Within target but essential staff training for Universal Credit (UC) roll out reduced the level of resources available for processing. Discussions with third party (Capita) to provide draw down support and further automation of some repetitive processes as Universal Credit roll-out gathers momentum and adds pressure on meeting KPI in future quarters.
PE2	Protect and help support the most vulnerable, including those affected by financial challenges.	Process Benefit claims efficiently.	PE2.4 Average time for processing notifications of changes in circumstances. F&M	<8 days	7.2 days.	Increase in workload due to referrals from HM Revenues and Customs regarding cases with potential undeclared income creating overpayments. Discussions with third party (Capita) to provide draw down support and further automation of some repetitive processes as Universal Credit roll-out gathers momentum and adds pressure on meeting KPI in future quarters.

PE2	Protect and help support the most vulnerable, including those affected by financial challenges.	Process Benefit claims efficiently.	PE2.5 Successful roll out of Universal Credit in South Derbyshire. H&CS F&M	Infrastructure put in place for shared roll out. Publicise in partnership with Derby City. Contact all affected tenants, explore auto-payment options and promote transactional bank accounts.	Achieved.	Infrastructure in place for roll out of Universal Credit in July 2018 for new claimants in postcodes served by Derby Jobcentre. Council tenants notified of potential change to benefits received and impact on rent due. Pre go-live staff training has commenced but has impacted benefit staff availability for processing day-to-day work. Secure IT access plan, to allow online form completion by claimants, completed.
PE2	Protect and help support the most vulnerable, including those affected by financial challenges.	Deliver a respite solution across South Derbyshire, saving the NHS bed days and cost (£).	PE2.6 Deliver the Pilot Hospital Avoidance Scheme. H&CS F&M	Identify two units and gain approval for scheme suitability. Gain approval at April Better Care Fund board for use of funding.	Achieved.	Better Care Funding Board of £100k has been agreed for 2018/19 to set up a Hospital Avoidance Scheme in the District to reduce delayed transfers of care from hospital and prevent admissions through housing interventions and the provision of respite accommodation. Two units of accommodation will be handed over to Derbyshire County Council's Adult Care Department initially (with a further two planned within six months if successful), one of which has already been identified. The scheme was approved at the Housing and Community Services Committee in June and Finance and Management Committee in July, alongside other schemes that are being created to promote independence, tackle health inequality and mitigate poor housing conditions.
PE3	Use existing tools and powers to take appropriate enforcement action.	Reduce the impact of empty homes on our communities.	PE3.1 Number of empty home intervention plans for dwellings known to be empty for more than two years. H&CS	Q1 ≥0	0	15 properties are currently going through a phased intervention process. 10 have recently been served with legal notices to force the owners to communicate with the Council.
PE4	Increase levels of participation in sport, health, environmental and physical activities.	Delivery of sport, health, physical activity and play scheme participations.	PE4.1 Throughput at Etwall Leisure Centre, Green Bank Leisure Centre and Rosliston Forestry Centre. H&CS	Rosliston: 50,000 Leisure centres:172,108	Leisure centres - 271,333. Rosliston - N/A	Strong performance at leisure centres. Due to technical issues, the data for Rosliston Forestry Centre is not available for quarter one. Due to the prolonged period of warmer weather, it is anticipated visitor numbers should be well above target.
PE4	Increase levels of participation in sport, health, environmental and physical activities. H&CS	Increase physical activity in South Derbyshire.	PE4.2 Delivery of the Physical Activity, Sport and Recreation Strategy. H&CS	Increased participation in the National Forest Walking Festival.	1,505	Turnout has already topped the 2017 walking festival, with figures from four walks still to be confirmed. Positive feedback received from walkers and walk leaders alike. Evaluation report currently being created.
PE5	Reduce the amount of waste sent to landfill.	Minimise waste sent to landfill.	PE5.1 Household waste collected per head of population (kg). E&DS	<130kgs	114kgs	Estimated June figures for kerbside recycling based on previous outturns. Figure may be slightly worse as overall waste tonnages have risen. Confirmed figure to be reported in quarter two.
PE5	Reduce the amount of waste sent to landfill.	Minimise waste sent to landfill.	PE5.2 % of collected waste recycled and composted. E&DS	>55%	52% (estimate)	See Action Plan.
PE6	Develop the workforce of South Derbyshire to support growth.	Encourage an increasing sense of value and self-worth within individuals and their communities in the urban core of South Derbyshire.	PE6.1 Deliver the RISE project to help young people to flourish and achieve their potential. H&CS	Officially launch project with ambassador and award-winning film director Deborah Haywood.	Achieved.	RISE Awards held on June 20, with ambassadors in attendance. A number of nominations and awards were given to worthy recipients. Positive feedback was received and plans for future events are taking shape.
PL1	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	Increase the supply and range for all affordable housing provision.	PL1.1 Total number of affordable dwellings delivered. Target of >150 for the year. H&CS	Annual target	69	69 affordable homes were delivered during the first quarter, 15 from Riverside (in Mickleover), nine from Derwent (Boulton Moor), 32 from Trent and Dove (various sites) and 13 from Nottingham Community Housing Association (NCHA).
PL1	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	Increase the supply and range for all affordable housing provision.	PL1.2 Number of new homes added to the HRA (this indicator incorporates new builds and also acquired properties into the HRA). H&CS	Proxy	N/A	Six Council houses are being built at Lullington Road, Overseal, during this financial year (contractor has been appointed, with surveys and ground work underway). Start on site is estimated for Autumn 2018.
PL1	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	Deliver key supplementary documents to adopted South Derbyshire Local Plan, parts 1 and 2.	PL1.3 Relevant documents adopted. E&DS	Committee approval of draft Statement of Community Involvement and Local Green Spaces Document for consultation.	Achieved.	The Local Green Spaces Sustainability Appraisal scoping consultation was approved by the Environmental and Development Services Committee on April 19, with consultation now complete. The draft Statement of Community Involvement was approved for consultation on May 31.
PL1	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	Speed of determining planning applications.	PL1.4 Number of decisions made in time over number of decisions made. E&DS	90%	93%	During quarter one, 219 decisions were made. 204 of these were made within statutory time limits of eight or 13 weeks or within an extension of time agreed with the applicant.
PL1	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	Proactive monitoring and support of housing delivery.	PL1.5 Maximise delivery of housing units. E&DS	Housing survey completed.	Achieved.	Monitoring undertaken on housing sites in April 2018. All inputting and survey work now complete. Housing delivery is ahead of the target set out in the Council's published housing trajectory (available in the Housing Position Paper, which can be viewed on the Council's website).
PL1	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	Further improve the design quality of development in South Derbyshire.	PL1.6 Proportion of good quality housing development schemes (defined using Build for Life criteria) approved. E&DS	90% (annual target)	86%	See Action Plan.
PL3	Help maintain low crime and anti-social behaviour (ASB) levels	Deliver a programme of proactive interventions to reduce environmental crime and anti-social behaviour.	PL3.1 Downward trend in fly-tipping incidents. E&DS	<180	186	See Action Plan.
PL3	Help maintain low crime and anti-social behaviour (ASB) levels	Reduce anti-social behaviour (ASB) in Swadlincote Centre (Civic Way) Local Super Output Area.	PL3.2 Number of ASB incidents in Swadlincote Centre (reported as a rolling figure). H&CS	<400 incidents (Number of complaints that get issued to a police officer to investigate)	391 (annual rolling figure)	There has been a marked reduction on Police recorded anti-social behaviour calls in Swadlincote Town Centre over the last two months. In April there were 37 calls (34 in April 2017), in May there were 18 (53 in May 2017) and in June there were 16 (26 in June 2017). This compares to 52 in February 2018 and 61 in March 2018. The temporary closure of Swadlincote McDonalds, which tends to generate high levels of calls, has impacted on this. The restaurant is open again, with security guards and new CCTV in place to deal with any issues.
PL4	Connect with our communities, helping them feel safe and secure.	Review and deliver the Safer South Derbyshire Community Safety Partnership Plan.	PL4.1 Review and update existing plan. Develop and deliver action plan. H&CS	Work with schools to develop delivery plan for community safety input in schools in 2019/20.	Achieved.	Secondary schools consulted about priority input for 2018/19. Sexting and cyber safety is still a pressing concern, more so than the traditional Child Sexual Exploitation presentation format. Input on bullying, especially cyber bullying, has also been requested. There is also a strong desire to continue the Prison! Me! No Way! days, depending on funding.
PL5	Support provision of cultural facilities and activities.	Champion and develop cultural experiences that enrich people's lives.	PL5.1 Promote participation in cultural activities and provide quality facilities to support communities. H&CS	Increase attendance (300 in 2017) at 'eUReka' (sic), a mix of music, art, sport and food, for 11 to 19-year-olds at Eureka Park in Swadlincote.	150	See Action Plan.
PL6	Deliver services that keep the District clean and healthy.	Provide clean and green streets, neighbourhoods and open spaces.	PL6.1 Invest additional resources in street scene services and maintain and improve standards as the District grows. E&DS	Adopt policies and gain approval for additional resources.	Achieved.	Additional resources were approved at the Finance and Management Committee in March. Officers began recruitment in quarter one and all additional resources are now in place. Service standards setting out the specification of works for Street Scene were approved at the Environmental and Development Services and Housing and Community Services committees in April. Performance measures are currently being developed for approval at the end of quarter two.

PR1	Work to attract further inward investment.	Showcase developments and investor opportunities in South Derbyshire.	PR1.1 Net additional commercial/employment floor space created. E&DS	Number of square metres. (Proxy). Annual target, to be reported in quarter two.	N/A	N/A
PR2	Unlock development potential and ensure the continuing growth of vibrant town centres.	Drive forward Swadlincote Town Centre Vision and Strategy.	PR2.1 Undertake a five-year progress review of strategy. E&DS	Undertake review of actions/achievements.	Achieved.	Wide ranging review of actions/achievements undertaken by Town Centre Vision Group, an internal coalition involving Economic Development, Planning, Environmental Health, Communities and Community Safety. Findings will go before the Environmental and Development Services Committee later this year.
PR2	Unlock development potential and ensure the continuing growth of vibrant town centres.	Ensure the continuing growth of vibrant communities and town centres.	PR2.2 Vacant premises in Swadlincote, Hilton and Melbourne (proxy). E&DS	Proxy. To be reported twice a year.	N/A	N/A
PR2	Unlock development potential and ensure the continuing growth of vibrant town centres.	Improve access to employment, training, services and attractions within our town centres for both residents and visitors.	PR2.3 Pursue the development of transport solutions for a West Link (Swadlincote, Newhall, Ashby, Melbourne, East Midlands Airport) in collaboration with East Midlands Enterprise Gateway. E&DS	N/A	N/A	N/A
PR3	Work to maximise the employment, training and leisure uses of The National Forest by residents and increase the visitor spend by tourists.	Increase awareness of entrepreneurship as future career option.	PR3.1 Promote entrepreneurial opportunities to improve employability skills and raise awareness of self-employment. E&DS	Increase participation in Love Your Local Market Enterprise Fortnight.	161	161 pupils participated in Love Your Local Market. Pupils developed their business ideas and discussed them with advisors from the South Derbyshire Business Advice Service. They then had market stalls on three market days in Swadlincote during Love Your Local Market fortnight to offer their products and services to the public and raise money for charity.
PR5	Provide support to businesses and the not for profit sector and promote innovation and access to finance, including in rural areas	Maximise the prosperity of businesses through the delivery of the Better Business Regulation Partnership action plan.	PR5.1 Food businesses which have a Food Hygiene Rating score of five. E&DS	>83%	82.90%	See Action Plan.
PR5	Provide support to businesses and the not for profit sector and promote innovation and access to finance, including in rural areas	Maximise the prosperity of businesses in South Derbyshire.	PR5.2 Registered food businesses active in the District. E&DS	≥810	839	Small growth in new registered businesses in quarter one. Improvements are indicative of the continuous work the Council does with our local food business community to support new businesses and provide support and guidance on hygiene conformance.
PR5	Provide support to businesses and the not for profit sector and promote innovation and access to finance, including in rural areas	Maximise the prosperity of businesses in South Derbyshire.	PR5.3 Guidance offered to businesses or people thinking of starting a business (through the South Derbyshire Business Advice Service). E&DS	40	58	58 advisory sessions took place. Four well-attended business events were also held: Marketing workshop at Sharpe's Pottery Museum, Meet the Buyer event for construction sector businesses in Derby, Thinking of Starting a Business workshop at the Old Post Centre in Newhall and Exporting to Japan event at the Toyota plant at Burnaston.
PR5	Provide support to businesses and the not for profit sector and promote innovation and access to finance, including in rural areas	Support capital projects within the not for profit sector in South Derbyshire.	PR5.4 Deliver the Community Partnership Scheme and award capital funding totalling £250k to meet local need. H&CS F&M	Public launch. Workshop held to support organisations with applications.	Achieved.	The public launch was carried out in May/June and included a press release, social media posts, a landing page on the Council website and information provided at each of the six Area Forums. The workshop was held on May 17 at Gresley Old Hall.

Environmental and Development Services Strategic and Service Success Areas Quarter one - 2018/19

Appendix B



93%

Target - 90%

Planning applications decided within targeted time limits.



58

Target - 40

Businesses and budding entrepreneurs offered business advice.



Street scene

Enhancing standards

Additional resources invested into services and new standards created.



839

Target - >810

Increase in food businesses active in the District.



Vision

Swadlincote Town Centre

Review of actions/achievements of five year town centre vision and strategy completed.

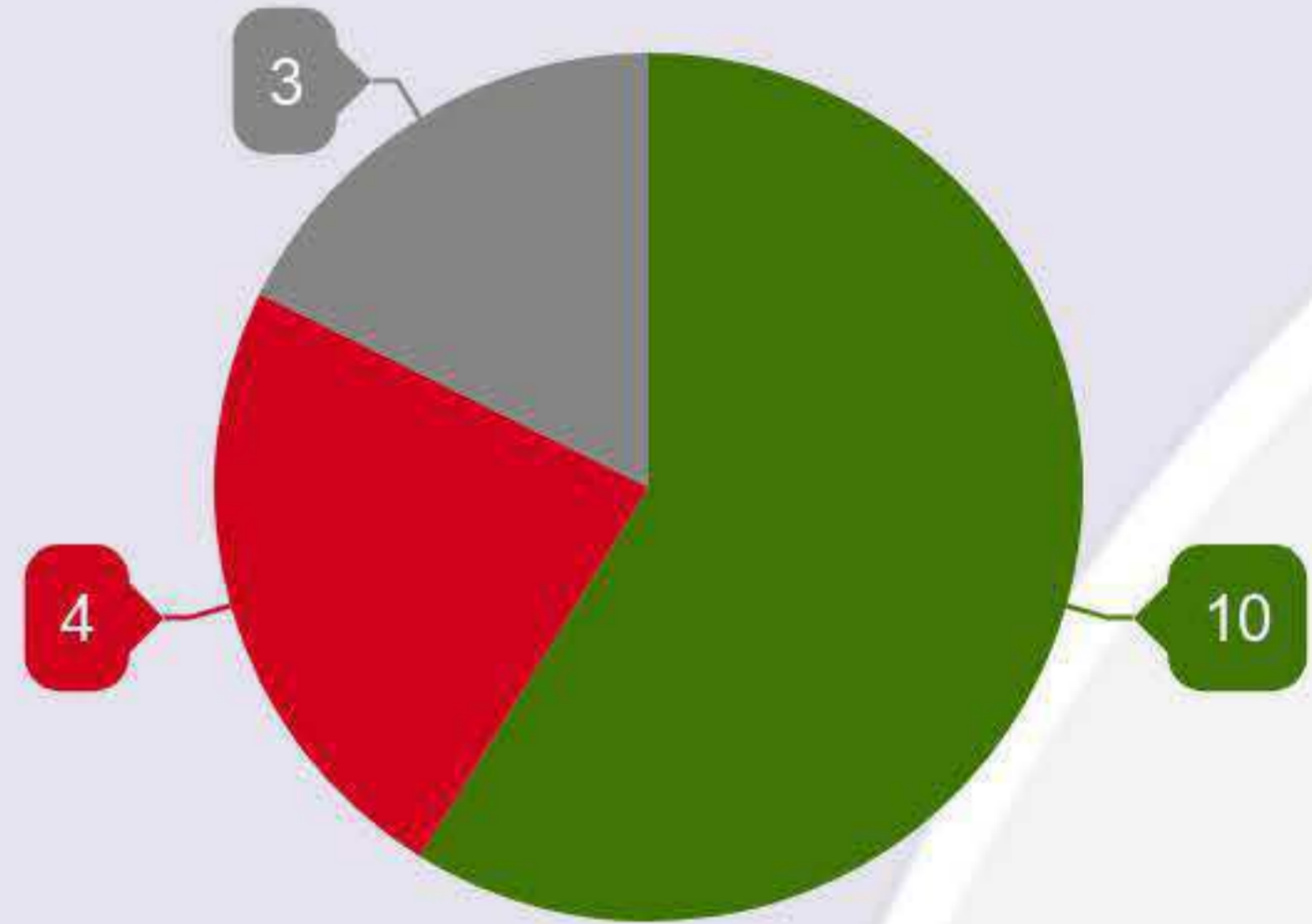


114kgs

Target - <130kgs

Household waste collected per head of population. Figure is an estimate and will be confirmed.

E+DS Performance Overview



Green (58.82%) Red (23.53%) Grey (17.65%)



161

Young traders

Number of pupils participating in Love Your Local Market in Swadlincote town centre.



Green spaces

Sustainability appraisal

Scoping consultation undertaken. Draft Statement of Community Involvement approved.



Support

Networking opportunities

Exporting to Japan workshop held at Toyota UK. Three other events also held to offer support to local firms.



Standards

Appraisal

Environmental management options appraisal has been undertaken.

Appendix C



52%

% of collected
waste recycled
and
composted.

Target - 55%

Theme - People. Action – PE5.2 % of collected waste recycled and composted.

Quarter one target: 55%
Annual performance: 52% (estimated figure)

Background – The current recycling and composting schemes have been in place since 2013 and 1996 respectively.

At the start of both schemes, recycling and composting increased significantly. Since then, performance has stabilised.

Outturn for previous years has been around 48%. The general trend nationally has been for tonnages to slightly decline.

Key actions underway - The Council will continue to liaise with the Derbyshire Waste Partnership on promoting recycling and composting. It will also work with the current contractor on ensuring compliance from residents on presenting acceptable materials.

Opportunities/risks: Work is set to commence on re-procuring a new recycling collection contract which supports the Council's vision to achieve higher levels of recycling and is future proofed to manage potential changes in waste management legislation.

We will also further explore joint working with other collection authorities and Derbyshire County Council as the Waste Disposal Authority.



86%

Proportion of
good quality
housing
development
schemes

Target - 90%

Theme - Place.
Action – PL1.6 Proportion of good quality housing development schemes (defined using Build for Life criteria) approved.

Target: 90% (2017/18 outturn)
Performance: 86%
Trend (compared to last year) – 88% (2016/17)

Background – Applications are assessed using 20 criteria. These cover various aspects of a scheme, including environment and the community, design and construction and parking. To be classed as a good quality scheme, the development must meet a minimum of 14 out of the 20.

Approved Reserved Matters applications assessed: 7 (six scored 14 or more).

The scheme that did not score 14 has issues on site (e.g. open space and sustainable drainage systems (SuDS) design).

Key actions underway - Ongoing work with developer (Persimmon) to resolve both design quality and construction quality and accuracy.

Opportunities/risks: Opportunity to use the new South Derbyshire Design Guide to provide more robust backup when negotiating for improvements in design quality.



185

Downward
trend in fly-
tipping
incidents

Target - <180

Theme - Place

Action – PL3.1 Downward trend in fly-tipping incidents

Target: Fewer than 180 recorded incidents of fly-tipping in quarter one

Performance: 185 recorded incidents.

Trend (compared to last quarter) – Fly-tipping incidents in April and May were the highest for six years, although there was a clear drop in incidents in June.

Key actions underway:

- The Environmental Health Team is seeking approval to declare a Public Spaces Protection Order (PSPO) to allow the Council to prohibit access to a known fly-tipping hotspot in Findern. If approved this could directly reduce incidents by up to 20 a year. Similar powers could be used elsewhere if there is sufficient evidence to justify it and the locations are suitable.

- Social media is being utilised to raise awareness of when the Council has been issuing Fixed Penalty Notices (FPNs). It is hoped that by carefully crafting messages within Facebook posts, the Council can create a regular flow of community interest in all of the issues which link to fly-tipping. This includes the offences themselves, householder duty of care, recycling, wildlife protection etc.

- Potential prosecution files for fly-tipping offences are likely to be submitted for consideration by the Strategic Director (Service Delivery) and Legal Services in the near future.

- Press releases are regularly issued to raise awareness. Recently the Council has received press and radio coverage following releases relating to prosecutions, householder duties and fixed penalties.

Opportunities: There is an opportunity to show the Council is ahead of other local authorities in its use of relevant powers and interventions. The Environmental Health Team is considering opportunities to re-invest the income from the FPNs back into providing more support and expertise into the Team.

Risks: Fly-tipping investigations and clean-ups are time consuming. Therefore, the more time officers spend investigating these offences, the less time can be spent on other matters such as dog control and noise nuisance. Performance may slip in these areas.



82.9%

Food
businesses
which have a
Food Hygiene
Rating score of
five

Target - 83%

Theme - Progress

Action – PR5.1 Food businesses which have a Food Hygiene Rating score of five

Target: 83%

Performance: 82.9%

Trend (compared to last quarter) – The Environmental Health Team has overseen a steady improvement in the hygiene rating of food businesses over the past five years (2013/14 - 75.7%, 2014/15 - 76.1%, 2015/16 - 78.6%, 2016/17 - 84.1% and 2017/18 - 83.4%).

The number of businesses with a five rating has increased. However, there has been a greater proportionate increase in the premises rated three or four which are considered to be either 'good' or 'generally satisfactory'. The Team has also seen a small but significant increase in businesses rated 0, 1 and 2 and in need of improvement.

Key actions underway: A busy schedule of more than 250 proactive food inspections is mapped out for the rest of the year. This does not including any additional inspections which may be required when a new business starts or an existing business is taken over by a new owner. Any of these inspections could result in changes to the rating scores.

The Team will take direct action to ensure that any business which drops to a zero, one or two rating will be subject to further interventions.

If underperformance continues through quarter two, the Team intends to monitor any underlying causes of businesses dropping from a five rating to a four or three to establish if further resources need to be directed to boost their performance.

Opportunities: There may be opportunities to direct three and four rated businesses towards third party support through the Growth Hub and other business support networks.

Risks: The Team is working to meet statutory targets for the large number of annual inspections it must undertake. This leaves minimal time to work with businesses currently rated 3 and 4 in order to get them up to a 5. Availability of Team resources is a risk to this target.

There are four actions for Environmental and Development Services



Economic Development Risk Register

Theme/aim	Risk description	Likelihood	Impact	Risk Treatment	Mitigating action	Responsible officer
Progress/Work to maximise the employment, training and leisure uses of The National Forest by residents and increase the visitor spend by tourists	Failure of tourism partnerships leading to an adverse impact on businesses in local visitor economy	Low	Medium	Treat	<ul style="list-style-type: none"> Proactive engagement in partnerships and with individual partners Commitment of officer time and resources to partnership activities Monitoring of projects and performance 	Mike Roylance
Progress/People/Place	Failure of the South Derbyshire Partnership, leading to non-delivery of the community's vision and priorities as set out in the Community Strategy and Action Plan	Low	Medium	Treat	<ul style="list-style-type: none"> Proactive support for partnership Commitment of officer time and resources to partnership facilitation Engagement of partners in policy making and project design and delivery 	Mike Roylance

Progress/Work to attract further inward investment	Downturn in the local economy leading to a loss of jobs, business failures, and a reduction in income to the Council (e.g. Business Rate income; Take-up of commercial properties, etc)	Medium	High	Treat	<ul style="list-style-type: none"> Monitoring of economic trends Economic Development Strategy designed to increase robustness of local economy Delivery of economic development activities, including provision of South Derbyshire Business Advice Service 	Mike Roylance
Progress/Work to maximise the employment, training and leisure uses of The National Forest by residents and increase the visitor spend by tourists	Failure of Sharpe's Pottery Heritage & Arts Trust, leading to a loss of service to visitors and residents through the Tourist Information Centre	Medium	High	Treat	<ul style="list-style-type: none"> Officer advice and support available to Trust Member involvement in Trust Board Monitoring of services and performance, including Service Level Agreement and Work Programme 	Mike Roylance

Service Delivery DMT Risk Register

Risk Code	Theme/aim	Risk description	Likelihood	Impact	Risk Treatment	Mitigating action	Responsible officer
Strategic Risks							
SD1	Outcomes Maintain Financial Health	Loss of income to the Housing Revenue Account through 1% rent reduction for general needs tenancies until 2020/21.	Low	High	Treat 8	Income policies/processes are being revised. Invested in I.T. solutions to maximise opportunities to collect income and support those in financial difficulty. Increased focus on collection of rent and other housing debt.	Housing Services Manager
SD2	Outcomes Maintain Financial Health	Failure to collect financial contributions or to enforce the delivery of obligations within Section 106 Agreements.	Low	High	Treat 8	Implementation of new software is underway. The Planning Services review sets out the role of Planning Policy in monitoring and administering Section 106 agreements. A full review of roles and working procedures to be completed in 2018.	Planning Services Manager

SD3	<p>People Protect and help support the most vulnerable, including those affected by financial changes.</p>	Failure to comply with basic safety standards in flats/blocks with communal areas.	High	High	Treat 16	<p>Process underway to update safety procedures for Fire, Gas, Electricity, Legionella and Asbestos to ensure the Council has appropriate controls in place to manage risks. Progress made so far includes:</p> <ul style="list-style-type: none"> • Fire Safety contractor appointed • Gas servicing 100% compliant • Electrical testing contractor appointed • Legionella - sheltered schemes testing in place, void properties shower heads/deadlegs removed • Asbestos contract in procurement 	Housing Services Manager
SD4	<p>People Protect and help support the most vulnerable, including those affected by financial changes.</p>	Loss of income to the Housing Revenue Account through full roll out of Universal Credit from November 2018.	Medium	High	Treat 12	<p>Welfare Reform Group, including key internal/external partners, meets on a monthly basis to manage roll-out against an agreed action plan.</p> <p>Invested in I.T. solutions to maximise opportunities to collect income and support those in financial difficulty.</p> <p>Allocations Policy review to take place during 2018 will take into account benefit entitlements of different client groups.</p>	Housing Services Manager

SD5	<p>People Protect and help support the most vulnerable, including those affected by financial changes.</p>	<p>Sustainability of the voluntary sector – Recent NHS funding cuts have taken place which will impact on several adult health and wellbeing related support services run by the Council for Voluntary Service.</p>	High	Medium	<p>Treat 12</p>	<p>Council for Voluntary Service (CVS) currently campaigning against cuts and has a short window to evidence the impact of the cuts.</p> <p>Council annually supports CVS through voluntary sector funding.</p> <p>Continue partnership working with CVS and rest of voluntary sector.</p>	Communities Manager
SD6	<p>People Increase levels of participation in sport, health, environmental and physical activities.</p>	<p>Reduction of Council funding into Sport and Health Service Unable to source external funding to service.</p> <p>Reserve fund being depleted for sources other than Sport and Health service delivery.</p>	Medium	Medium	<p>Treat 9</p>	<p>Forward budget planning over a number of years.</p> <p>Lobby to maintain current funding contribution that the Council makes towards the service and for an increased contribution if Elected Members want the current levels of service to be maintained.</p> <p>Continually seek external funding opportunities.</p>	Sport and Health Partnership Manager
SD7	<p>Place Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.</p>	<p>Not achieving the maximum delivery of affordable homes with the resources/options for delivery available.</p>	Low	Medium	<p>Treat 6</p>	<p>Homes and Communities Agency (HCA) grant programme 2017-21 through the Shared Ownership and Affordable Homes Programme (SOAHP).</p> <p>Negotiation of 30% affordable homes on all new sites.</p> <p>Enable deliver of 100% affordable sites in conjunction with Registered Providers.</p> <p>Support Registered Providers through bidding process.</p>	Strategic Housing Manager/ Planning Services Manager

						<p>Utilise Commuted Sums/Right to Buy receipts where possible and Housing Revenue Account (HRA) reserves and headroom.</p> <p>New build Council Housing.</p>	
SD8	<p>Place Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.</p>	<p>Insufficient supply of affordable homes to meet Council needs relating to allocations and homelessness.</p>	Low	Medium	Treat 6	<p>Up-to-date housing needs data.</p> <p>Ensure delivery of affordable units through Section 106 and planning conditions.</p> <p>Work with Homes England to deliver Council new builds.</p> <p>Review Allocations Policy to reflect need and available stock.</p> <p>Acquisition of on-site affordable homes directly from developer.</p>	Strategic Housing Manager
SD9	<p>Place Support provision of cultural facilities and activities.</p>	<p>Failing Infrastructure at Rosliston Forestry Centre.</p>	Medium	Medium	Treat 9	<p>Review condition survey as part of strategic planning.</p> <p>Make invest to save business cases.</p> <p>Improve Project Portfolio Management (PPM).</p> <p>Engage tenants.</p> <p>Keep senior management team informed.</p> <p>Six monthly review of risk.</p>	Cultural Services Manager

SD10	Place Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	Failure to meet Housing Delivery targets set out in the five year supply.	Low	High	Treat 8	Monitoring/review of performance carried out in quarter one. Active pursuit of schemes and opportunities. Develop action plan.	Planning Services Manager
SD11	Place Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	Failure of IT infrastructure that supports Planning Systems, LLPG and Land Charges.	High	High	Treat 16	Working with IT Services to ensure the most fit for purpose solution is selected. Procurement of a new software system underway. Business Case considered and approved by Corporate Change Management Group (CCMG) and by Finance and Management Committee on July 26. This will provide the funding to support the implementation of a new system as quickly as possible.	Planning Services Manager
SD12	People Protect and help support the most vulnerable, including those affected by financial changes.	Potential funding shortfall for the Community Safety Partnership. The Safer South Derbyshire Partnership currently obtains annual funding totalling £60,000 from the Derbyshire Police and Crime Commissioner and Derbyshire Police.	Low	Medium	Treat 6	There is no long term commitment to continue this funding. The Council is in the second year of a three year funding agreement with the Police and Crime Commissioner (PCC) for £25,000 per year Community Safety Funding. The Council receives £35,000 per year Basic Command Unit funding from the Chief Superintendent. This is received annually with no long-term commitment.	Communities Manager

						If the funding finished alternative ways of funding schemes such as the Safer Homes Scheme and the Safer Neighbourhoods Grant scheme would need to be sought.	
SD13	<p>Place Support provision of cultural facilities and activities throughout the District.</p> <p>People Increase levels of participation in sport, health, environmental and physical activities.</p>	Failure to deliver against external funder requirements at the Melbourne Sports Park (MSP) - particularly in relation to the sink fund for the artificial grass pitch/ongoing drainage issues.	High	High	Treat 16	<p>Regular Steering Group meetings. MSP Board has acknowledged issue and sought Council support.</p> <p>Monitoring and evaluation meeting with key funder scheduled.</p> <p>Specialist consultants have been engaged and have identified optimum drainage solution.</p> <p>Melbourne Sporting Partnership and Melbourne Rugby Club engaged in partnership work about requirements and solutions.</p> <p>Committee report outlining issues and requesting investment to resolve prepared.</p>	Cultural Services Manager/ Sport and Health Partnership Manager
SD14	<p>People Reduce the amount of waste sent to landfill.</p>	Impact on delivery rounds of diverting all residual waste to Sinfin Waste Plant.	High	Medium	Treat 12	<p>Ongoing discussions with Derbyshire County Council (DCC) to allow for some waste deliveries to continue into current site.</p> <p>Amendments to collection rounds to minimise impact on costs, with no effect on residents.</p>	Direct Services Manager

REPORT TO:	ENVIRONMENTAL & DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	16th AUGUST, 2018	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	RICHARD STEWART 595730 richard.stewart@south- derbys.gov.uk	DOC:
SUBJECT:	ELVASTON CASTLE MASTERPLAN	REF:
WARD(S) AFFECTED:	ASTON	TERMS OF REFERENCE: EDS03 & EDS11

1.0 Recommendations

- 1.1 That the Committee notes the contents of the Elvaston Castle Masterplan, and the key considerations within this report.

2.0 Purpose of Report

- 2.1 To make the Committee aware of the proposed Masterplan, and the possible future developments at Elvaston Castle.

3.0 Executive Summary

- 3.1 Derbyshire County Council has recently prepared and locally consulted on a Masterplan for Elvaston Castle. This report sets out the vision for the development of the site, and its main components. The main considerations for the Council in terms of its planning function will be to balance the impact of the proposals on the heritage assets at Elvaston, impact on the green belt, biodiversity and highway safety, which will require careful consideration and detailed justification, as will any elements of Enabling Development proposed in order to support the Masterplan.

4.0 Detail

- 4.1 The castle and gardens are on the national Historic England Heritage at Risk Register and have been for some time. The risk is based partly on the vacancy of a number of the buildings, lack of historic maintenance, albeit the County Council has recently been investing in addressing this, and high usage which has resulted in accelerated decay. The Masterplan provides an overall vision to enable a long-term viable use for the estate which would address the current issues and bring the estate back into a viable use.

- 4.2 The Masterplan sets out six 'guiding principles' which it intends will direct all future management decisions, whoever is responsible for the estate;

1. Freehold of the Estate will be retained by Derbyshire County Council (DCC);

2. A competent single management body (SMB) will control the overall governance of the estate with the balance of conservation, heritage and access at its core. ;
3. Financial sustainability will be fundamental to the delivery of the vision, facilitated by a business model that provides on-going reinvestment in the long-term stewardship of the Estate without eroding its significance;
4. The historic, landscape and biodiversity significance will be protected, conserved and, where sustainable, enhanced;
5. Public access to the gardens, parkland and house will be provided and maintained; the parkland at least will be free at the point of entry on foot. The stories and rich heritage will be understood, shared and celebrated;
6. People, community involvement and partnership working will be at the heart of all activities.

4.3 DCC is now working in partnership with the Elvaston Castle and Gardens Trust (ECGT) with the ambition of handing the running of the Estate to the Trust as the 'competent single management body'. This masterplan represents the joint ambition of the ECGT and DCC for Elvaston. The Trust itself has the following charitable objectives:

1. Conservation, protection and improvement of the physical and natural environment of Elvaston Castle, estate, gardens and surrounding area;
2. Education of the public in the conservation, protection and improvement of the physical and natural environment;
3. Development of the capacity and skills of members of the public so that they are better able to identify and help to meet their needs and participate more fully in society;
4. The provision of facilities for recreation or other leisure time occupation in the interests of social welfare and improving life conditions.

4.4 As part of the Masterplan the estate would have a varied and mixed use throughout with a central hub offering conference/event facilities and residential uses within the main castle, retail and commercial units within the courtyards and outbuildings and a degree of conversion and new build forming part of a scheme for Enabling Development. Phase one of the scheme would concentrate on this central hub area of the site with new access and car-parking created to provide a sustainable and long-term viable use and attraction. Phase Two would include conservation and restoration of the gardens.

4.5 Enabling development (ED) is a high test and a robust justification and financial breakdown would be required as part of any submission and be the minimum necessary to ensure the future of the estate.

4.6 The site is wholly within the Green Belt (GB) and as such the impact of any new development on the openness of the GB requires careful consideration. By definition, inappropriate development is harmful to the GB and should not be approved except in 'very special circumstances'. It is likely that elements of the proposed development will need to demonstrate that 'very special circumstances' need to be considered in any formal decision.

4.7 Some significant elements of the proposed Masterplan to highlight include:

4.7.1 New access: This would run across the Registered Historic Park and Garden (RHPG). It would need to be demonstrated that the option chosen is the least harmful option and that justification is provided for it over the other options considered and the

necessity of relocating the car park and access to ensure the future of the estate. The Masterplan notes that the new access drive would be carefully designed to minimise its impacts, details of such will need to form part of any application taking the RHPG designation, impact on the GB and character into account. It also needs to be noted that the existing traffic situation within the area and especially at the A6 roundabout will require careful consideration and include discussions with Highways England, Derby City Council and the County Council as local Highway Authority.

- 4.7.2 Castle: Is proposed to use the ground floor of the Castle for functions/conferences/events with upper floors providing residential or hotel type accommodation; a long-term viable use that would see the building be brought back into use and provide a future source of income for maintenance of the Castle is envisaged.
- 4.7.3 New café: A new build café is proposed, which would require clear and convincing justification, especially as the estate has a wealth of historic structures including around this central courtyard area; therefore any new development such as the café will need to be justified and any potential harm considered in terms of its impact on the GB and heritage assets. It will need to be demonstrated that the use of the existing buildings for such purposes have been taken into consideration, and discounted for justifiable reasons.
- 4.7.4 Lower Stable Yard and Museum Buildings: These areas are proposed for retail, commercial and mixed uses. Generally the most appropriate use for any historic buildings is that for which it was intended. Any new uses for these buildings would need to be robustly justified, especially if there is a requirement for new buildings associated with the previous use of the buildings.
- 4.7.5 Kennels and saw yard residential area: Conversion of existing buildings is proposed to provide 4 units, and enabling development (ED) in the form of 12 new dwellings. The conversions would need to be considered in light of the proposals themselves which would need to maintain the significance of the buildings and the benefit of bringing these back into a long-term viable use. Consideration will need to be given as to how the area would be sub-divided which could have a further impact. The setting of these listed buildings, the location within the RHPG, and impact on the GB will need to be considered as part of any application. The ED would need to be appropriately justified.
- 4.7.6 Home Farm: Located outside the Registered Historic Park and Garden, but a historic farm complex. Currently the site is un-used and falling into disrepair. The re-use of the complex would be positive. Consideration will need to be given to sub-division of plots and the impact of residential conversion on the character of the complex. This area has also been highlighted for ED, which would need to be adequately justified and any proposals considered against GB policies.
- 4.7.7 Historic Gardens: As one of the key areas of significance and interest in the estate the proposed restoration is positive, although would require significant capital investment.

5.0 Corporate Implications

- 5.1 The Elvaston Castle Masterplan could contribute to the Corporate Plan's vision to 'make South Derbyshire a better place to live, work and visit' and in particular to the themes of:
- People: Keeping Residents happy, healthy and safe

- Place: Creating vibrant communities to meet residents' needs
- Progress: Encouraging inward investment and tourism opportunities

The key aims include:

- Increase levels of participation in sport, health, environmental and physical activities
- Support provision of cultural facilities and activities throughout the District
- Work to attract further inward investment

- 5.2 The Economic Development Manager generally welcomes the proposals for the estate, highlighting that the site has much untapped potential for job creation and for contributing to the local visitor economy, and as a local recreation facility in particular encouraging overnight stays.
- 5.3 As a visitor facility, the Estate is well positioned in terms of proximity to the major road network, to large urban centres and to East Midlands Airport, and it could be an attractive destination in a very accessible location, offering an historic country house and gardens, with an associated retail and food and drink offer, plus the potential for on-site accommodation and the hosting of large public events. However, expectations of a visitor attraction in terms of quality continue to rise, and encompass convenient access and parking, the food and drink provision, toilets and facilities, children's play areas, signage and interpretation, and the retail offer. These areas offer significant opportunities for employment creation and business development.
- 5.4 The South Derbyshire Economic Development Strategy 2016-2020 includes the ambition 'To promote the development of the area's key sectors, such as manufacturing and tourism' and the Action to 'Protect the area's natural and historical assets and continue to develop the tourism product (e.g. Rosliston Forestry Centre, Elvaston Castle, Sharpe's Pottery Museum, visitor trails).
- 5.5 The Cultural Services Manager welcomes the Masterplan proposals put forward for the site. The site remains of strategic importance within the District overall and the North-East in particular as a key feature within the Green Infrastructure that provides access to high quality open space and opportunities for sport and recreation. This is crucial in making a contribution to the health and wellbeing of communities by encouraging active recreation, providing a venue for a day out and the pursuit of specialist activities, and as a location for inspiring events. The 'pull' of Elvaston as an improved venue will help with the tourism offer of the area, attract people from further afield and thus help to boost the local economy.

Given the planned development adjacent to the site its status becomes even more important. Projected growth in the District and beyond means that investment and support is required to help protect and enhance important sites as an increase in local residents and visitor numbers begin to put pressure on existing infrastructure, site capacity, and management requirements. The Masterplan addresses these issues whilst also looking to improve financial sustainability.

6.0 Community Implications

- 6.1 The Masterplan could help to meet the visions and aims of the Sustainable Community Strategy. Helping to ensure communities are vibrant and active where there is a strong sense of community, through encouraging increased community involvement and volunteering in the Elvaston Castle and Gardens Trust, improving the management of open space and the attractiveness of South Derbyshire

and increasing the number of people taking part in cultural activities. The development could help to create sustainable development, with a high quality development that minimised impact on the environment.

7.0 Conclusions

- 9.1 Overall the intention to bring the estate back into a more active and long-term use with a public focus is positive and a number of elements of the Masterplan would result in an enhancement to the site including the restoration of the Grade II* Castle and Registered Historic Park and Garden. The long-term sustainable vision would enable a number of assets to be removed from the national and local buildings at risk register.
- 9.2 Whilst limited detail has been provided due to the nature of the Masterplan and it will be these details that will indicate the degree of impact and harm that may arise from the proposed in terms of heritage assets, the Green Belt and potential conflict with the Development Plan. These matters would need to be balanced against the proposed enhancements, public benefits and very special circumstances associated with the proposal. A full and robust ED proposal will need to be submitted which details the financial aspects of the proposal allowing for the minimum ED necessary in order to repair the listed building(s) and minimum works necessary to bring any structures back into a long-term viable use.

10.0 Background Papers

- 10.1 Elvaston Castle Estate Master Plan: <https://www.derbyshire.gov.uk/site-elements/documents/pdf/leisure/countryside/countryside-sites/country-parks/elvaston/future/elvaston-castle-estate-master-plan.pdf>
- 10.2 Elvaston Castle Essential Repairs Report: https://www.futureelvaston.co.uk/files/downloads/11-05-06%20Elvaston%20Vol%201%20Intro%20and%20Exec%20Summary_tcm44-174384.pdf
- 10.3 Elvaston Castle Report on Future Options and Opportunities: <https://www.futureelvaston.co.uk/files/downloads/Jones%20Lang%20Laselle%20Options%20report%202013.pdf>
- 10.4 Historic England's guidance (Enabling Development and the Conservation of Significant Places, 2008: <https://content.historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation-of-significant-places/enablingwebv220080915124334.pdf/>
- 10.5 Historic England 'At Risk' Register: <https://www.historicengland.org.uk/advice/heritage-at-risk/search-register/results?q=Elvaston&searchtype=har>
- 10.6 The South Derbyshire Economic Development Strategy 2016-2020: <https://www.south-derbys.gov.uk/assets/attach/1526/Economic%20Development%20Strategy%202016%20-%202020.pdf>
- 10.7 The South Derbyshire Corporate Plan 2016-2021: <https://www.south-derbys.gov.uk/assets/attach/5029/Corporate%20Plan.pdf>

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 9
DATE OF MEETING:	16th AUGUST 2018	CATEGORY: DELEGATED
REPORT FROM:	ALLISON THOMAS, STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	RICHARD GROVES (01283) 595738 richard.groves@south-derbys.gov.uk	DOC: s:/local plan/committee reports/eds34
SUBJECT:	EAST MIDLANDS AIRPORT DRAFT NOISE ACTION PLAN	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS17

1.0 Recommendation

- 1.1 That the response to the East Midlands Airport Draft Noise Action Plan consultation determined by the cross-party Member Working Panel on behalf of this Committee be noted.

2.0 Purpose of Report

- 2.1 To inform the Committee of the response to the East Midlands Airport Draft Action Plan consultation determined by the cross-party Member Working Panel.

3.0 Detail

- 3.1 The Department for the Environment, Food and Rural Affairs (DEFRA) has required that all major airports review their Noise Action Plans (NAPs) in 2018. The purpose of NAPs is to prevent and reduce environmental noise where necessary. Under the regulations, affected airports must provide performance information and assess how effectively they are controlling the effect of noise arising from aircraft landing and take-off.
- 3.2 The Committee will recall that at its meeting on 31 May 2018 it was resolved to establish a cross-party Member Working Panel with authority to determine the Council's response to the consultation (minute EDS/17 refers).

4.0 Conclusions

- 4.1 The cross-party Member Working Panel met on 18th July, 2018 to agree a response to the consultation, which is included at Annexe A of this report.

5.0 Financial Implications

5.1 There are no financial implications for the Council.

6.0 Corporate Implications

6.1 The East Midlands Airport Draft Noise Action Plan has implications for the following key aim of the Corporate Plan:

- “Enhance environmental standards”: the Draft Noise Action Plan addresses the issue of potential noise exposure for local residents.

7.0 Community Implications

7.1 Aviation has implications for the following themes of the Sustainable Community Strategy:

- “Healthier Communities”: aircraft noise and emissions can potentially be harmful to human health.
- “Sustainable Development”: aviation activity can impact upon the environment in terms of noise and emissions.

8.0 Background Papers

“East Midlands Airport Draft Noise Action Plan”

May 2018

9.0 Appendices

Annexe A: Consultation Response

Overall Comment

The Council welcomes the social and economic benefits which East Midlands Airport (EMA) brings to the local community and beyond, however, the anticipated growth in both passenger and cargo flights must be inextricably linked to no growth in aircraft noise, particularly at night. The Council is disappointed to note the growth of almost 1sqkm in the area contained within the 48dB Lnight contour between 2011 and 2016 and objects to the forecast of further growth in the size of the area contained within the contour as implied in the Draft Noise Action Plan (NAP) Supplementary Information, Appendix E.

EMA proposes a number of operational and technical measures intended to lessen the noise impact of this growth in night-time operations, but it is clear from the noise forecasts that these will be insufficient to prevent further growth in noise levels in the short to medium-term.

The Council needs to be confident in the reliability and achievability of the targets and commitments set out in the NAP. In this context the long delay in the withdrawal of scheduled non-Chapter 4 compliant aircraft operations at night gives cause for concern. The Council considers that the Plan should contain a clear strategy for noise reduction which should include targets for the withdrawal of noisier non-Chapter 4 and, later, non-Chapter 14 compliant night-time aircraft operations.

The Council's comments on the detail of the Draft NAP are set out in its responses to the individual proposed actions.

Omissions from the Draft Noise Action Plan

The EU Environmental Noise Directive Annex V sets out minimum requirements for a NAP. Among these is that each action plan should contain estimates in terms of the reduction of the number of people affected by noise (annoyed, sleep disturbed or other) at the end of the Plan period. The Draft NAP omits to do so and it is considered that estimates of this should be included in the final version.

The Draft NAP omits to set out forecast growth in numbers of air traffic movements, which are needed to fully understand forecast changes in noise levels. These are set out in terms of overall numbers forecast in EMA's Sustainable Development Plan, but the Council considers that the final version of the NAP should contain separate forecasts for growth in air traffic movements during the night (11.00pm-7.00am), evening (7.00pm-11.00pm) and daytime (7.00am-7.00pm) periods.

The Draft NAP Supplementary Information document (Appendix F) contains mapping showing noise contours for the 24 hour period (Lden), night-time (Lnight) and day time (Laeq 16 hr) for 2011 and 2016. Mapping showing noise

contours for the evening period (Levening) is missing and it is considered that this should be included in the final version.

The EU Environmental Noise Directive Annex V requires that NAPs set out a long-term strategy explaining how reductions in noise, which can be harmful to health, will be achieved. The Draft NAP sets out a range of individual actions to address noise levels to mitigate impacts, but an overarching strategy for long term noise reduction is absent. The Council considers that the final version of the NAP should include such a strategy, explaining how the individual actions will contribute toward the achievement of noise reduction objectives and setting out proposed timescales for implementation.

Comments on Proposed Actions

NAP1: Noise envelope. This should be identified as a “Limit Value” to more clearly correspond with EU Environmental Noise Directive requirements. It is noted that whilst this represents a legally binding limit on the extent of night noise, there is no reason why the NAP should not set a more challenging limit to reflect technological progress and the noise limitation benefits this can bring.

NAP2: Chapter 4 operation: It is noted that despite EMA originally setting a target for the withdrawal of scheduled non-Chapter 4 compliant aircraft movements at night by 2012, these operations still accounted for 11% of night-time operations in 2016 and are forecast to account for 5% of movements in 2025. The continuing slippage in the timing of this measure is disappointing and it is considered that the NAP should set a new timescale for its early implementation. In regard to the introduction of Chapter 14 compliant aircraft operations, it is further considered that the NAP should provide greater clarity on its expectations concerning the timescales for the introduction of these aircraft for freight operations.

NAP3: Noisy aircraft penalty: Proposals to improve the accuracy of noise monitoring are supported as are proposals to reduce the maximum noise limit for departing aircraft of less than 100 tonnes from 83dB to 81dB.

NAP4: QC4, QC8 and QC16 surcharges: The introduction of a noise surcharge per QC4 aircraft for departures between 23:00 and 07:00, is supported, however, it is considered that the NAP should go further by introducing a complete ban within these hours on scheduled QC4 aircraft departures. It is also considered that the text should be amended to clearly indicate that the existing ban on scheduled QC8 and QC16 aircraft departures is to be retained. Where, in exceptional circumstances, night-time departures by such aircraft are permitted to take place, surcharges should be set at a level sufficiently high to fulfil their purpose as a deterrent.

NAP5: Review effectiveness of noise related charges: It is noted that the 2013/18 NAP proposed a similar action and it is understood that that this was not implemented.

1. Night-time operations should incur a premium: It is agreed that all night-time operations, both cargo and passenger, should incur a premium;
2. Chapter 3 aircraft that continue to operate at night should incur a premium: As stated in response to NAP2, it is considered that a timescale should be set for an early ban on night-time air traffic movements by non-Chapter 4 compliant aircraft;
3. Chapter 14 aircraft that operate at night should receive an incentive: It is understood that ICAP Chapter definitions allow heavier aircraft to make louder noise. Therefore, the incentivising of Chapter 14 aircraft may potentially have the perverse consequence of discouraging the use of quieter non-Chapter 14 compliant aircraft. It is considered that it would be more effective to relate noise charges directly to the noise levels generated by each aircraft.

NAP6: Continuous descent approach (CDA): It is noted that the 95% target for CDAs has not been met in recent years, performance having fallen to 92% since 2013. This proposed action seeks to regain and maintain the target, but bearing in mind the benefits of satellite navigation and automation technology it is considered that this target should be raised further still to 100%. The proposal to review the criteria for CDAs once the Sustainable Aviation “low noise arrival” study is complete is supported. However, it is considered that the NAP should set timescales for this action.

NAP7: Steeper approaches: The proposal to evaluate the feasibility and noise benefits of steeper approaches and, if proven, to take forward airspace change proposals, is supported. However, it is considered that the NAP should set timescales for this action.

NAP8: Specified arrival routes: It is noted that airspace changes are planned and will take place in the next five years both north and south of EMA, leading to changes in arrival routes. EMA proposes to explore the options for specified arrival routes using new satellite-based navigation technology as a means of reducing noise impacts and if proven to take forward airspace change proposals. This is supported.

NAP9: Low power, low drag approaches: Improving compliance with published procedures in this regard, including a review of operating instructions following the outcome of the Sustainable Aviation “Low Noise Arrival” work is supported. However, it is considered that the NAP should set timescales for this action.

NAP10: reduced engine taxi: No comments

NAP11: Use of aircraft ground power: No comments

NAP12: Use of intersection departures: It is noted that to reduce noise disturbance at Kegworth, aircraft taking off in a westerly direction are expected to use an “intersection departure” taking off from a point further to the west along the runway. The Draft NAP proposes to increase their use, particularly taking off in a westerly direction, at night. In the absence of data setting out the impacts on South Derbyshire residents it is not possible to draw firm conclusions in regard to this practice. It is requested that such data and accompanying analysis be provided for future reference.

NAP13: Departure track keeping: It is noted that EMA proposes to increase the departure “on-track” performance target from 90%, which is currently being met, to 98%. Bearing in mind the benefits of satellite navigation and automation technology, it is considered that this target should be raised further still to 100%. The mapping included in the Supplementary Information document Appendix D is difficult to decipher and it is requested that it be replaced by clearer versions in the final NAP.

NAP14: Explore options to improve effectiveness of Noise Preferred Routes (NPRs): The identification of priorities for changing the route and/or reducing the width of the airport NPRs to minimise people overflown as a basis for airspace change options analysis is supported. However, it is considered that the NAP should set timescales for this action.

NAP15: Continuous Climb Departures (CCD): The proposal to explore opportunities to increase use of continuous climb departures and to seek to implement airspace change as required is supported. However, it is considered that the NAP should set timescales for this action.

NAP16: Sound Insulation Grant Scheme (SIGS): The Draft NAP explains that the eligibility for SIGS starts at 55dB (night) and proposes to continue to operate the scheme. This is supported, however it is understood that homes lying within the 90dBA SEL threshold are also eligible for SIGS and it is considered that this should also be referred to in the text of the final document. It is also considered that, for information, the NAP should include mapping showing the extent of the area eligible for funding under this scheme.

NAP17: Community Fund: The proposal to continue to donate all the money raised as a result of environmental penalties to the EMA Community Fund to assist local community projects is supported. However, given that no funding has been raised in this way over the past three years, it is considered that requirements to be met by operators in order to avoid such penalties should be set at a more challenging level.

NAP18: Peak noise events report: The proposal to establish and share a new report that identifies the noisiest 10% of aircraft night operations as a basis for exploring options to reduce noise is supported in principle. However, it is considered that the report should be comprehensive, identifying the impacts of 100% of aircraft operations.

NAP19: Preferred runway direction: In the absence of data setting out the impacts on South Derbyshire residents of westerly orientated aircraft operations it is not possible to draw firm conclusions in regard to this practice. It is requested that such data and accompanying analysis be provided for future reference.

NAP20: Training flights report: The proposal to monitor and report performance to identify trends and any compliance issues and to address these as necessary is supported. It is considered that training flights should be exclusively for pilots and operators running flights to and from EMA.

NAP21: Low noise arrivals report: The proposal to review the current CDA reporting procedures in light of the Sustainable Aviation “Low Noise Arrival” work, to implement changes where agreed and to report progress is supported. However, it is considered that the NAP should set timescales for this action.

NAP22: Initiate a “Quiet Flight Performance” reporting system: The proposal to establish an airline noise performance report is supported in principle, but rather than simply measuring compliance with airport policies and procedures, should be strongly orientated toward actual noise impacts on the ground and presented in a way that can be easily understood by local communities. It is suggested that it would make sense to combine this with the comprehensive report suggested in the Council response to Draft NAP18.

NAP23: Establish a collaborative environmental management group: This proposal to bring together airline, airport and air traffic control representatives to identify root causes of common environmental impacts and to evaluate and manage potential solutions is supported. However, the NAP should clarify reporting and accountability arrangements, including the relationship of the group to the Independent Consultative Committee (ICC).

NAP24: Stakeholder reference groups: The proposal to establish such groups, which will include community representatives, to develop options for and take forward any airspace change proposals to reduce noise is supported. However, it is considered the NAP should provide clarity as to how these groups will relate to the ICC, including reporting arrangements.

NAP25: Review complaints and enquiries process: This proposal, aimed at improving the transparency and effectiveness of EMA’s enquiries and complaints handling procedure with the involvement of community groups is supported. However, it is considered that the NAP should set timescales for implementation.

NAP26: Provide an effective noise complaint and enquiries process: The continuation of the range of ways in which people can make enquiries or complaints about aircraft noise is supported. It is considered, however, that more should be done to manage the expectations of the local population, including the advance publication of schedules both for passenger and freight operations and, where possible, details of any exceptional, unscheduled operations.

NAP27: Provide effective engagement with communities: EMA's efforts to engage with local communities, including through liaison with South Derbyshire District Council (SDDC) and affected parish councils, are very much appreciated and their proposed continuation is supported. Elected Members from SDDC would wish to continue the long established practice of holding an Annual Liaison Meeting with representatives of EMA and to be invited to any presentations or consultation events that may be of relevance to them.

NAP28: Carry out regular community survey: Annual community surveys on the effectiveness of aircraft noise management and other issues and the sharing of the results with the ICC and community groups and use to inform future noise actions are supported.

NAP29: Noise related community investment: The reporting of noise related community investment is supported.

NAP30: Review effectiveness of the Community Relations Programme: The continued development of the Community Relations Programme to reflect best practice is supported.

NAP31: Provide educational and skill development material on aircraft noise: This proposal, to represent part of EMA's "Inspiring Young People" programme, is supported.

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 10
DATE OF MEETING:	16th AUGUST 2018	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	RICHARD GROVES (01283) 595738 richard.groves@south-derbys.gov.uk	DOC: s:/local plan/committee reports/eds35
SUBJECT:	HIGHWAYS ENGLAND A38 DERBY JUNCTIONS SCHEME – STATEMENT OF COMMUNITY CONSULTATION	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS17

1.0 Recommendations

- 1.1 That the response to the Highways England consultation on the A38 Derby Junctions Scheme - Statement of Community Consultation, determined by the Chair and Vice Chair of this Committee on behalf of this Committee, be noted.

2.0 Purpose of Report

- 2.1 To inform the Committee of the Council's response to the Highways England (HE) consultation on the A38 Derby Junctions Scheme - Statement of Community Consultation (SoCC) determined by the Chair and Vice Chair of this Committee on behalf of this Committee.

3.0 Detail

- 3.1 Earlier this year, HE announced its "preferred route" for the A38 Derby Junctions Scheme. The scheme is classified as a Nationally Significant Infrastructure Project under the Planning Act 2008, which requires that the applicant publish a SoCC setting out and inviting responses to proposed consultation techniques and methods. Owing to the short statutory timescale for this consultation it was resolved at the meeting of this Committee on 19th April 2018 that authority to determine a resolution to this consultation be delegated to the Chair and Vice Chair of this Committee (minute EDS/116 refers).

4.0 Conclusions

4.1 The resolution in response to the consultation, determined by the Chair and Vice Chair of this Committee, is included at Annexe A of this report.

5.0 Financial Implications

5.1 There are no direct financial implications for the Council.

6.0 Corporate Implications

6.1 The A38 Derby Junctions Scheme has implications for the following key aims of the Corporate Plan:

- “Facilitate and deliver a range of integrated and sustainable housing and community infrastructure”. The build-out of the entirety of Local Plan Part 1 housing allocation H19 “Land West of Mickleover” is dependent upon the completion of the proposed works to the A38 junctions, in particular the Kingsway junction, to address highway capacity constraints.
- “Help to influence and develop the infrastructure for economic growth” and “work to attract further inward investment”. The accessibility of the District is a key consideration for business investors and the alleviation of traffic congestion through the implementation of this scheme will therefore be important to the future success of the local economy.

7.0 Community Implications

7.1 The A38 Derby Junctions Scheme has implications for the following theme of the Sustainable Community Strategy:

- “Sustainable development”: Motorised transport that utilises the internal combustion engine can create noise and air pollution, but improvements to accessibility can enable development and provide economic and employment benefits.

8.0 Background Papers

“A38 Derby Junctions – Preferred Route Announcement”

Highways England, 2018

“It is requested that:

- (i) the parish councils in the A38 corridor within South Derbyshire, these being Burnaston, Egginton, Etwall, Findern and Willington, be included as consultees, to be written to inviting feedback;*
- (ii) the consultation documents be made available for inspection at Etwall Library and that*
- (iii) South Derbyshire District Council be kept informed of the activities of the stakeholder working group through invitations to meetings and provision of meeting minutes.*

This would reflect the fact that, although the scheme will take place entirely within Derby City, these parish councils would be likely to be the most affected within South Derbyshire in terms of impacts on trips being made both during and after construction. Placing the consultation documents in Etwall Library would provide those living within the above mentioned parishes the opportunity to view and respond to the details, were they unable to access the material online. Including South Derbyshire District Council as an invitee to the stakeholder working group and as a recipient of meeting minutes would allow the Council to keep abreast of and influence developments in regard to these strategically significant proposals.”

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 11
DATE OF MEETING:	16th AUGUST 2018	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	CHRIS NASH Ext. 5926	DOC:
SUBJECT:	LOCAL VALIDATION REQUIREMENTS	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That the Committee endorses the draft Local Validation Requirements document ('the LVR') and grants delegated authority to the Planning Services Manager to:
- a) undertake public consultation on the LVR for a period of no less than 6 weeks;
 - b) in consultation with the chair of this Committee, considers the responses received and makes appropriate adjustments where necessary and justified; and
 - c) in consultation with the chair of this Committee, formally adopts the LVR before publishing it on the Council's website.

2.0 Purpose of Report

- 2.1 In order to efficient and promptly determine applications for planning permission and related consents, certain information must be supplied before officers and consultees can begin assessing the proposals. This information needs to be received before an application can be validated and for the period to make a decision to commence.
- 2.2 Each application type has minimum information requirements, usually set out in subordinate legislation to the Town and Country Planning Act 1990 ('TCPA') and Planning (Listed Buildings and Conservation Areas) Act 1990 ('PLBCA'). Some forms of application can however require additional information in order to properly understand and assess the impacts of the development.
- 2.3 This report outlines the legal basis for the LVR, the legal and policy framework for its creation, the consultation requirements involved doing so, the changes to legislation and the planning system since the Council's LVR was last published, and how this document will support the Planning Services Review.

3.0 Detail

Legal and policy context

- 3.1 Section 62 of the TCPA and section 10 of the PLBCA, along with subordinate legislation, allow the Council to request information as long as it is:
- reasonable having regard, in particular, to the nature and scale of the proposed development; and
 - about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 3.2 As a consequence, aside from the mandatory requirements, items specified on a local list must be requested on a case by case basis, having regard to the nature and scale of development, including the constraints and planning policies which are applicable to the site concerned.
- 3.3 The Town and Country Planning (Development Management Procedure) (England) Order 2015 ('DMPO') states that local planning authorities should have a local list that is no more than two years old and that the list should be reviewed every two years.
- 3.4 Paragraph 44 of the National Planning Policy Framework (NPPF) sets out the Government's policy on local validation requirements:

"Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question".

- 3.5 Planning Practice Guidance (PPG) offers advice on the preparation of the LVR:

"Step 1: Reviewing the existing local list

Local planning authorities should identify the drivers for each item on their existing local list of information requirements. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how adopted policy should be implemented.

Having identified their information requirements, local planning authorities should decide whether they need to revise their existing local list. Where a local planning authority decides that no changes are necessary, it should publish an announcement to this effect on its website and republish its local list.

Step 2: Consulting on proposed changes

Where a local planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation.

Step 3: Finalising and publishing the revised local list

Consultation responses should be taken into account by the local planning authority when preparing the final revised list. The revised local list should be published on the local planning authority's website".

The need for the LVR

- 3.6 The Council's LVR has not been reviewed for many years and consequently cannot be relied upon where there is a dispute over validation of an application. This creates a risk that determination of applications can be delayed, as well as a risk that applicant's may lodge an appeal against non-validation. Where applications are instead validated without the necessary information, the likelihood of objection from consultees is increased, leading to refusal of permission and potential for an appeal.
- 3.7 A number of new application types have been introduced in recent years, such as prior approvals and permissions in principle. The legal requirements relating to relevant demolition consent, design and access statements and other matters have also changed. These changes have increased uncertainty for both applicants/agents and officers in submitting and validating applications.
- 3.8 Furthermore, some 28% of applications are 'invalid' upon receipt, often missing drawings, supporting information or a fee. A proportion of these are invalid due to the need for more specialist reports, such as flood risk assessments or ecology surveys.
- 3.9 In order to improve the 'first time' validation rate, the LVR at **Appendix 1** has been prepared to aid applicants and agents in making applications, offering confidence in the level of information expected to accompany their application. The document sets out both nationally (mandatory) and locally set requirements to offer a 'one stop shop' to obtain the necessary information. In addition, links to supporting web resources to inform and enhance the information supplied have also been included.
- 3.10 The LVR accounts for new types of applications introduced and changes to the mandatory requirements, in recent years. These have proven to be time consuming for officers when validating applications – especially at a time of increasing focus on the speed of applications and delivery of development.
- 3.11 The LVR also explains what each document should contain, and the standard of information expected, so to minimise the need for amendments and associated reconsultation during the course of the application.
- 3.12 The Council's Planning Services is implementing a new staffing structure and looking to new software so to improve the efficiency and success of the service. This follows the Planning Services Review, previously reported to this Committee, which made a number of recommendations. This included reviewing roles and responsibilities of staff, and the processes in which the service operates.
- 3.13 It was identified that administrative and technical support for the development management part of the service required review. The new staffing structure will see the creation of three Planning Technician posts, with the post holders tasked with the validation of planning applications, amongst other duties. In preparation for this, it has been identified that there is a need for consistency when it comes to validating planning applications. Speed is also an important factor, with it necessary to issue

consultations and notifications as soon as possible. The adoption of the LVR will assist with the implementation of these changes.

Consultation requirements

3.14 The legislation does not specify how consultation must be carried out; however, the Planning Policy Guidance (PPG) indicates that it must involve the local community, including applicants and agents.

3.15 With this in mind, it is intended to consult in the following manner:

- Publish a news release on the Council's website, inviting consideration of the draft LVR and submission of responses;
- Target agents and applicants regularly submitting applications to the Council; and
- Target consultees involved in planning applications, so to ascertain in the level of information is proportionate and suitable to provide informed responses to officers.

3.16 A six week consultation is proposed, after which responses received will be considered. Where those responses highlight a conflict with legislation or make suggested changes which would enhance the effectiveness of the LVR, changes would be made as set out in recommendation (b).

3.17 In order for the LVR to take effect, it must be adopted and published on the Council's website. Recommendation (c) seeks delegated authority to carry out this action.

4.0 Financial Implications

4.1 The endorsement of the LVR and subsequent adoption of it would assist in reducing time and resources spent on the validation of applications, whilst also providing financial benefits to applicants and agents who can focus their supporting information accordingly.

4.2 The adoption of the LVR would also facilitate the implementation, in part, of recommendations of the Planning Services Review, contributing to a wider improvement in efficiencies in the service.

4.3 There would be an administrative cost in carrying out the consultation, but this is absorbed within the existing Planning Services budget.

5.0 Corporate Implications

5.1 Approval of the recommendations set out above would support the timely delivery of development across the District, including those allocations made within the LP1 and LP2.

5.2 Approval of the recommendations set out above would also assist in ensuring that 90% of planning applications are determined within time (corporate target PL1.4)

6.0 Community Implications

6.1 The LVR will be subjected to public consultation, targeting those who are most likely to rely upon it.

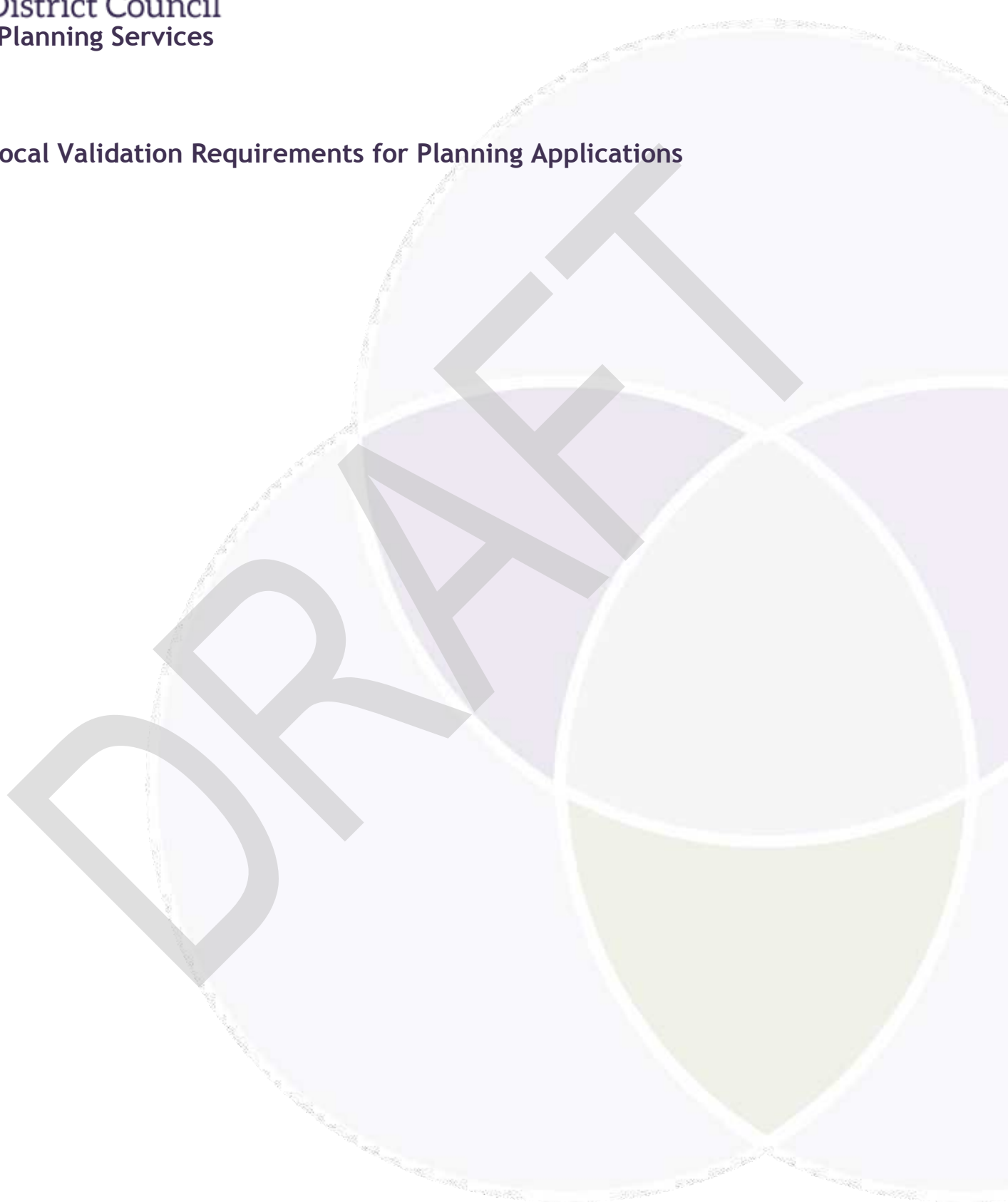
7.0 Background Information

7.1 The adopted LP1 and LP2 can be viewed at www.south-derbys.gov.uk/our-services/planning-and-building-control/planning/planning-policy/local-plan/adopted-local-plan.

7.2 Further guidance is available in the Planning Practice Guidance at www.gov.uk/guidance/making-an-application#Local-information-requirements.

Appendix 1 – Draft Local Validation Requirements document (July 2018)

Local Validation Requirements for Planning Applications



July 2018

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Introduction

In order to promptly and accurately determine applications for planning permission and related consents, certain information must be supplied to the Local Planning Authority (LPA) before it can begin assessing the proposals. This information needs to be checked before an application can be validated and for the period to make a decision to commence. This document is prepared to aid in the efficient validation of applications, setting out both the statutory, or mandatory, requirements as well as the locally set requirements.

Section 62 of the Town and Country Planning Act 1990 ('the 1990 Act') and section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA') along with subordinate legislation allow the LPA to request information as long as it is:

- reasonable having regard, in particular, to the nature and scale of the proposed development; and
- about a matter which it is reasonable to think will be a material consideration in the determination of the application.

Paragraph 44 of the [National Planning Policy Framework](#) (NPPF) sets out the Government's policy on local validation requirements:

"Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question".

As a consequence, aside from the mandatory requirements, items specified on the local list will be requested on a case by case basis, having regard to the nature and scale of development, including the constraints and planning policies which are applicable to the site concerned.

Applicants should note that information provided can assist interested parties in understanding the proposals and in making representations. A lack of suitable detail can often lead to uncertainty and, in turn, objection, raising the likelihood of delay in dealing with an application, or refusal of it.

This document was the subject of consultation and was adopted on XXXXXXXX. It replaces any previous local validation requirements. The document is available at www.south-derbys.gov.uk/planning and will be reviewed in 2020, or sooner if necessary.

If further clarification is needed on any matter referred to in this document, then please contact Planning Services by emailing planning@south-derbys.gov.uk.

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1. Overarching requirements

The standard application forms

- 1.1 Planning applications can be processed quickly when the standard application forms are used, as these capture much of the information needed in order to understand and assess the proposals. This is particularly the case when the application is made electronically, through the [Planning Portal](#), and this is the preferred method of application. These forms are mandatory for a number of application types, as outlined in the following sections.

Dual applications

- 1.2 It is possible to make more than one type of application on a single form. These are known as dual applications. Applicants should have regard to each of the relevant sections of this document where making a dual application.

Retrospective applications

- 1.3 Legislation allows for some [applications to be made retrospectively](#)¹. These applications often come about following a complaint to the Local Planning Authority about unauthorised development. Such applications will be validated having regard to the provisions of the Town and Country (Development Management Procedure) Order ('the DMPO') and the content of this document, bearing in mind what information is proportionate and necessary to enable a proper assessment of the development to be made.
- 1.4 It should be noted that prior notifications and prior approvals cannot be applied for retrospectively. This also applies to notifications for works to trees in conservation areas or removal of hedgerows.

Planning fees

- 1.5 Most applications attract a fee. This must be paid before the application can be considered valid. The [fees schedule](#) is published on the Planning Portal. Care should be taken to calculate the correct fee when submitting a proposal which comprises various types of development, such as a mixed commercial floorspace and residential scheme.

Information to support applications

- 1.6 The development proposed, type of application made and the factors influencing the site all mean that each application will attract differing requirements for supporting information. Hence, sites for similar types of development close to each other may require varying degrees of documentation. A glossary is provided at [Annex A](#) which describes the documents which might be requested and, where relevant, provides useful links to other websites to assist with submission of adequate information.
- 1.7 Applicants are also strongly encouraged to seek [pre-application advice](#) from the Local Planning Authority, as this will help to focus development proposals and outline the information likely to be required to enable assessment of the application.

¹ Pursuant to [section 73A of the 1990 Act](#) Page 55 of 141

Digital files

- 1.8 When providing an application electronically, the following standards should be adhered to:
- **File types:** documents should be provided as pdf files. This is to adhere to accessibility standards, given Office and CAD software packages are not always freely available. Dwg files are not acceptable.
 - **File names:** each document should be logically and clearly labelled to assist in the statutory publication of an application (e.g. Site Layout - 9453_07 Rev A.pdf). In the case of applications which seek the approval of details required by a condition(s), the filename should be prefixed with 'C01' or 'Condition 1' and thereafter labelled in the above manner.
 - **File security:** documents should be provided so they are editable ('unsecured'). This is to allow the redaction of any sensitive information prior to publication on the statutory planning register.

Following these criteria aids in the swift validation of an application and assists both officers and third parties to quickly identify those documents relevant to their interests and provide comments accordingly.

Paper copies

- 1.9 In the case of applications submitted on paper, 2 copies of the application form and supporting documents (the original and one copy) will be necessary. Where an application is accompanied by an Environmental Statement, a copy for each Parish Council affected along with a further 2 copies must be provided.

Disputes

- 1.10 If there is disagreement with the Local Planning Authority's request for information, there is a [procedure to resolve such disputes](#). However, even if the application is accepted as valid by the Planning Inspectorate, this can add considerable delay to assessment of the application. Informal negotiation is clearly in the interests of both parties, and [pre-application](#) discussions can be a useful way for an applicant and Local Planning Authority to agree what information is required before an application is submitted.

Privacy and data protection

- 1.11 Inclusion of personal data, such as signatures or personal email addresses and phone numbers, should be avoided where possible. Nonetheless, the Local Planning Authority must have sufficient information in order to process the application, so contact details are unavoidable. Every attempt will be made to redact sensitive information, such as signatures on paper forms.

Confidentiality

- 1.12 Certain documents may be required which will inevitably contain commercially sensitive or confidential information – such as financial appraisals or statements relating to personal circumstances. These documents still form part of the statutory application register. Paragraph 57 of the NPPF indicates that all viability assessments should be made publicly available. If you wish for a document to be treated in confidence, it must be marked accordingly and exceptional justification provided to outline the reasons for handling it in this manner.
- 1.13 The decision whether to publish the document will be the Local Planning Authorities, having regard to the sensitivity of the information, the likely impacts of its publication and the significance of the proposal. If published, we will seek to redact the document in part if possible. Notwithstanding this, the full document will likely need to be circulated in a controlled fashion to selected consultees so they may offer advice to case officers, in the interests of determining the application.

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2. Householder applications

2.1 The most common planning application is that for householder development. This captures extensions and alterations to existing dwellinghouses, including the erection of outbuildings and creation of dropped kerbs and driveways. Usually, the most important considerations in dealing with these applications are the impact of the development on the living conditions of neighbouring residential properties, the impact of the design on the host dwelling and the street scene, and any impact on parking provision and highway safety.

National requirements

2.2 The following items are required:

- the completed **application form**;
- the **appropriate fee**, unless an exemption applies;
- a **site location plan**;
- other plans and drawings or information necessary to describe the subject of the application (see the local requirements below).

Local requirements

2.3 The following documents are likely to be required:

- **floor plans**;
- **elevation drawings**;
- **roof plans**;
- a **layout plan**, accurately showing the position of adjoining properties and their windows;
- for proposals involving the provision or alteration of a vehicular access; a **block plan** showing the position and materials for the lowered kerb and hard surfaces;
- for proposals for annexes; a **supporting statement** to outline how the annexe would be inseparable from the host dwelling through physical or other means;
- for proposals affecting protected or significant trees, a **tree survey**.

2.4 The above documents are defined at [Annex A](#) where other documents are also defined, which, dependent upon the site and the nature of the proposals, may also be requested.

Policy Drivers

2.5 These requirements are based on the need to establish whether the proposal accords with Development Plan policies, in particular policies SD1, BNE1, BNE4 and INF2 of the Local Plan Part 1 and policies H26, H27, H28, BNE5, BNE7 and BNE10 of the Local Plan Part 2, and as supported by the Design Guide Supplementary Planning Document (SPD) and provisions of the NPPF and Planning Practice Guidance (PPG).

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3. Prior approval for larger householder extensions

- 3.1 For a limited time the Town and Country Planning (General Permitted Development) Order 2015 ('the GPDO') allows householders to obtain approval for [a single storey rear extension](#) which exceeds the usual allowances. The GPDO requires a specified level of information.

Specified requirements

- 3.2 The following items are required:

- A **written description of the development** including:
 - the depth of the extension beyond the rear wall of the original dwellinghouse (where the extension is joined to an existing extension, this information must be provided in respect of the total depth);
 - the maximum height of the extension;
 - the height of the eaves of the extension;
 - the developer's contact details; and
 - a list of the addresses of any adjoining premises.

This information is best provided on the standard **application form**.

- A **site location plan**;
- A **block plan** showing the proposed extension along with any existing extension to which it will be joined.

Local requirements

- 3.3 The Council has the power to refuse prior approval if it considers there is insufficient information to establish whether the proposed development complies with the [conditions, limitations or restrictions](#) applicable to the development. Therefore, applicants are advised to provide as much information as possible, with **floor plans** and **elevation drawings** strongly recommended.
- 3.4 The above documents are defined at [Annex A](#) where other documents are also defined, which, dependent upon the site and the nature of the proposals, may also be requested. This is likely to include any of the documents set out at paragraph 2.3.

Policy Drivers

- 3.5 These requirements are based on the need to establish whether the proposal accords with the applicable conditions, limitations or restrictions as set out in the GPDO; and Development Plan policies, in particular policies SD1 and BNE1 of the Local Plan Part 1 and policy H27 of the Local Plan Part 2, as supported by the Design Guide SPD and provisions of the NPPF and PPG.

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4. Full applications

4.1 This type of application should be used where there is no specific form to cater for the proposed development. This includes change of use applications.

National requirements

4.2 The following items are required:

- the completed **application form**;
- the **appropriate fee**, unless an exemption applies;
- a **site location plan**;
- other plans and drawings or information necessary to describe the subject of the application (see the local requirements below);
- for major developments, or for the erection of 1 or more dwellings or for 100m² or more of floorspace in a conservation area; a **design and access statement**;
- for development considered to be [EIA Development](#), as defined by the Regulations²; an **environmental statement**;
- For applications for the installation of 2 or more wind turbines or a single turbine where the hub height exceeds 15 metres; a **statement of community involvement**.

Local requirements

4.3 The following documents are likely to be required:

- **floor plans**;
- **elevation drawings**;
- **roof plans**;
- a **layout plan**, accurately showing the position of adjoining properties and their windows, as well as any provision or alteration of a vehicular access and hard surfaces;
- for developments filling a gap between existing buildings; a **street scene drawing(s)**, particularly where the development is visible from the public realm;
- for major residential developments; a **drawing schedule**;
- for major residential developments of 10 or more dwellings, a **planning obligations statement**;
- for major developments, a **drainage strategy**;
- for developments within the River Mease catchment which create dwellings or commercial floorspace; a **drainage strategy** specifying the method and destination for disposal of surface and foul water, including porosity tests where soakaways are proposed.

4.4 Depending on constraints affecting the site, the following documents are often required so to enable consultation with interested parties, including statutory consultees:

- a **planning statement**;
- for major developments not in accordance with the [Development Plan](#); a **statement of community involvement**.

² The [Environment Impact Assessment Regulations 2017](#) (as amended)

- for development within [flood zone](#) 2 or 3, or where the site exceeds 1 hectare in site area in flood zone 1, a **flood risk assessment** supported by evidence for the [sequential test](#) and [exception test](#) where necessary;
- for development at high risk from [coal mining legacy](#), a **coal mining risk assessment**;
- for development influenced by an area of known contamination, a **land contamination assessment**;
- for development involving the conversion of an agricultural building; a **structural survey**;
- for development influenced by protected, veteran, significant or a high number of trees and/or priority or important hedgerows; an **arboricultural impact assessment**;
- for development [within or influencing](#) a Site of Special Scientific Interest (SSSI), a nature reserve or Local Wildlife Site (LWS), or has [suitable habitat for protected and priority species](#); a **preliminary ecological appraisal**;
- for development likely to generate [significant levels of traffic](#); a **transport statement or transport assessment**;
- for development likely to generate notable use of or demand for sustainable modes of transport; a **framework travel plan**;
- for development affecting a [designated or undesignated heritage asset](#), including the setting of assets and [archaeological potential](#); a **heritage impact assessment**;
- for development affecting an archaeological entry on the [Historic Environment Record](#); a **geophysical survey**;
- for development leading to the loss of [grade 1, 2 or 3 agricultural land](#); a **soil quality survey**;
- for major development within a [minerals safeguarding area](#) (Map 3 of the Minerals Local Plan); a **minerals extraction feasibility study**;
- for development which, in the opinion of the Local Planning Authority, is likely to have notable visual or landscape impacts; a **landscape and visual impact assessment**;
- for development leading to the loss of playing fields or public open space (whether publically adopted or not); a **sports and open space analysis**;
- for development leading to the loss of a community facility, including Assets of Community Value (ACV); a **community facilities analysis** supported by evidence of marketing of the facility;
- for proposed main town centre uses outside of a [recognised town or local centre](#); a **retail sequential assessment**;
- for proposed retail, office and leisure development of over 2,500m² of floorspace not in accordance with the Development Plan and outside of an existing town or local centres; a **retail impact assessment**;
- for development likely to be affected by road, rail or air traffic noise, or noise from commercial premises, or where the development is likely to generate noise impacts on adjoining property; a **noise impact assessment**;
- for development likely to generate notable lighting impacts on adjoining property or bat foraging lines, or sky glow; a **lighting strategy**;
- for development likely to generate notable traffic movements and/or emissions within influencing distance of an Air Quality Management Area (AQMA); an **air quality assessment**;
- for high rise development or commercial premises over 8m to the eaves; a **daylight and sunlight assessment**;
- for development likely to generate notable demand on utility services, such as water, drainage, gas, electricity and telecommunications; a **utilities assessment**;

- where the level of affordable housing or financial contributions fall below that required by Development Plan policies; an 'open book' **viability appraisal** (also see paragraphs 1.12 and 1.13);
- for creation of a rural worker's dwelling(s); a **rural enterprise statement**;
- for tourism, business or employment development within rural areas; a **business plan**;

4.5 The above documents are defined at [Annex A](#) where other documents are also defined, which, dependent upon the site and the nature of the proposals, may also be requested.

Conditions

4.6 It should be recognised that the Local Planning Authority may need to apply conditions to any planning permission. This may be as a result of inadequate detail having been provided, such as omission of eaves and verge details, or specification of materials. As far as practicable, such information should be submitted as part of the application to negate the need for further conditions. This assists in enabling the swift implementation of the development.

Policy Drivers

4.7 These requirements are based on the need to establish whether the proposal accords with Development Plan policies as set out in the Local Plan Part 1 and Local Plan Part 2, as supported by SPDs and provisions of the NPPF and PPG.

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5. Outline applications

- 5.1 This application type should be used where the principle of development needs to be established. It is ideally suited to major developments where the design of the site is yet to be confirmed, but the certainty of a development opportunity is needed.
- 5.2 Detail of access, appearance, layout, scale and landscaping can be deferred to a later date. These are known as 'Reserved Matters' and are defined at [Annex A](#). An outline application can be made seeking consideration of none or some of the Reserved Matters, but not all. Where an application is made seeking consideration of some of the Reserved Matters, regard should be had to the information requirements set out in section 6.
- 5.3 Outline applications are not appropriate where the full detail of a proposal is necessary in order to establish whether the principle of development can be supported, such as extensions to buildings, dual applications (see paragraph 1.2), proposals in conservation areas, barn conversions or for changes of use.
- 5.4 The Council may also invoke its powers under the DMPO to require the submission of details for one or more of the Reserved Matters. In many cases, access will need to be considered whilst layout and scale can be important for infill and backland developments.

National requirements

- 5.5 The following items are required:
- the completed **application form**;
 - the **appropriate fee**, unless an exemption applies;
 - a **site location plan**;
 - where access is a Reserved Matter, a **layout plan** indicating the area or areas where access points will be situated;
 - other plans and drawings or information necessary to describe the subject of the application (see the local requirements below);
 - for major developments, or for the erection of 1 or more dwellings or for 100m² or more of floorspace in a conservation area; a **design and access statement**;
 - for development considered to be [EIA Development](#), as defined by the Regulations³; an **environmental statement**;
 - For applications for the installation of 2 or more wind turbines or a single turbine where the hub height exceeds 15 metres; a **statement of community involvement**;
 - for developments within the River Mease catchment which create dwellings or commercial floorspace; a **drainage strategy** specifying the method and destination for disposal of surface and foul water, including porosity tests where soakaways are proposed.

Local requirements

- 5.6 The following is likely to be required:
- where layout is a Reserved Matter; an **illustrative masterplan**;

³ The [Environment Impact Assessment Regulations 2017](#) (as amended)

- where Reserved Matters are to be considered; detailed **layout plans, floor plans and elevation drawings** (in so far as relevant to the Reserved Matter(s) applied for);
- for residential led developments which are likely to delivered in phases; a **phasing masterplan**;
- for major developments where layout, scale or appearance are to be considered; a **drawing schedule**;
- for major residential developments of 10 or more dwellings, a **planning obligations statement**;
- for major developments, a **drainage strategy**.

5.7 Depending on constraints affecting the site, the following documents are often required so to enable consultation with interested parties, including statutory consultees:

- Any of the documents listed at paragraph 4.4, having regard to whether any Reserved Matters are to be considered.

5.8 The above documents are defined at [Annex A](#) where other documents are also defined, which, dependent upon the site and the nature of the proposals, may also be requested..

Policy Drivers

5.9 These requirements are based on the need to establish whether the proposal accords with Development Plan policies as set out in the Local Plan Part 1 and Local Plan Part 2, as supported by SPDs and provisions of the NPPF and PPG.

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6. Applications for Approval of Reserved Matters

- 6.1 These applications follow a grant of outline permission and, where reserved under that permission, set out the detail of the development – the access, appearance, landscaping, layout and scale. Applications for Reserved Matters can be made separate to one another and in respect of part of the site only (i.e. for development delivered in phases).
- 6.2 The Reserved Matters are defined in more detail in the DMPO⁴, but in brief, these are:
- Access considers the accessibility to and within the site for vehicles, cycles and pedestrians, looking at the position and treatment of the access(es) and how these fit into the surrounding access network;
 - Appearance means the visual aspects of a building or place within the site, including its form, architecture, materials, decoration, lighting, colour and texture. This Reserved Matter has a close relationship to layout;
 - Landscaping considers the treatment of land (not buildings) and includes boundary treatments/enclosures; soft landscaping such as trees, hedges, shrubs or grass; formation of banks, terraces or other earthworks; provision of gardens, courts, squares, water features, sculpture or public art; and provision of other amenity features. This Reserved Matter has a close relationship to layout;
 - Layout means the way in which buildings, routes and open spaces within the site are provided, situated and orientated in relation to each other and to buildings and spaces adjoining the development; and
 - Scale means the height, width and length of each building proposed within the site in relation to its surroundings.

National requirements

- 6.3 The following items are required:
- Sufficient information to allow the Local Planning Authority to identify the outline permission, best provided on the standard **application form**.
 - the **appropriate fee**, unless an exemption applies;
 - detailed **layout plans, floor plans, elevation drawings** and information (in so far as relevant to the Reserved Matter(s) applied for);
 - for major developments, or for the erection of 1 or more dwellings or for 100m² or more of floorspace in a conservation area; a **design and access statement**.

Local requirements

- 6.4 The following is likely to be required (in so far as relevant to the Reserved Matter(s) applied for):
- any **assessments, studies, plans or drawings** as may be required by conditions attached to the outline permission (see [Annex A](#) for relevant definitions);
 - for major developments, a **dwellings schedule** (grouping the total number of dwellings by number of bedrooms and tenure) or **floorspace schedule** (listing the floorspace amounts and uses per unit created), as the case may be;

⁴ www.legislation.gov.uk/ukxi/2015/595/article/2 Page 69 of 141

- for major developments where layout, scale or appearance are to be considered; a **drawing schedule**;
- where layout is to be considered, **swept path drawings** for delivery and service vehicles (in particular showing swept paths for refuse wagons used by South Derbyshire District Council).

6.5 Depending on the constraints affecting the site, the following documents are often required so to enable consultation with interested parties, including statutory consultees:

- a **design assessment** to demonstrate how the submission accords with Development Plan policies and SPDs;
- for high rise development or commercial premises over 8m to the eaves; a **daylight and sunlight assessment**;
- where the level of affordable housing or financial contributions fall below that required by Development Plan policies; an 'open book' **viability appraisal** (also see paragraphs 1.12 and 1.13).

6.6 The above documents are defined at [Annex A](#) where other documents are also defined, which, dependent upon the site and the nature of the proposals, may also be requested.

Conditions

6.7 It should be recognised that the Local Planning Authority may need to apply conditions to any approval of Reserved Matters. This may be as a result of inadequate detail having been provided, such as omission of eaves and verge details, or specification of materials. As far as practicable, such information should be submitted as part of the relevant Reserved Matter to negate the need for further conditions, in addition to what may already exist attached to the outline permission. This assists in enabling the swift implementation of the development following the approval of Reserved Matters.

Policy Drivers

6.8 These requirements are based on the need to establish whether the proposal accords with Development Plan policies, in particular policies SD1, H20, H21, BNE1, BNE2, BNE3 and INF2 of the Local Plan Part 1 and policies BNE7 and BNE10 of the Local Plan Part 2, as supported by SPDs and provisions of the NPPF and PPG.

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7. Applications for Permission in Principle

- 7.1 As of 1 June 2018, it is possible to seek Permission in Principle (PiP) for housing-led development. The PiP consent route has 2 stages: the first stage establishes whether a site is suitable in principle and the second stage is when the detailed development proposals are assessed. This latter stage is known as the Technical Details Consent (TDC).
- 7.2 Non-residential development may also be given PiP providing housing occupies the majority of the floorspace of the overall scheme and it is compatible with the residential development, such as a small proportion of retail, office space or community uses.
- 7.3 A PiP application cannot be made for major development, development which is [EIA Development](#) or likely to have significant effects under the [Habitat Regulations](#).

National requirements

- 7.4 The following items are required:
- the completed **application form**;
 - the **appropriate fee**, unless an exemption applies;
 - a **site location plan**;

Local requirements

- 7.5 There are no local requirements applicable to this type of application.

Policy Drivers

- 7.6 These requirements are based on the need to establish whether the proposal accords with Development Plan policies as set out in the Local Plan Part 1 and Local Plan Part 2, as supported by SPDs and provisions of the NPPF and PPG.

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8. Applications for Technical Details Consent

8.1 These applications follow a grant of Permission in Principle and seek approval for all technical and detailed matters. They are, in effect, a full planning application except that the principle of the development, and its parameters, has already been set. Applications for Technical Details Consent cannot be made in phases, and must provide details relevant to the whole site.

National requirements

8.2 The following items are required:

- the completed **application form**;
- the **appropriate fee**, unless an exemption applies;
- a **site location plan**;
- where access is a Reserved Matter, a **layout plan** indicating the area or areas where access points will be situated;
- other plans and drawings or information necessary to describe the subject of the application (see the local requirements below);
- for major developments, or for the erection of 1 or more dwellings or for 100m² or more of floorspace in a conservation area; a **design and access statement**;
- for development considered to be [EIA Development](#), as defined by the Regulations⁵; an **environmental statement**;
- For applications for the installation of 2 or more wind turbines or a single turbine where the hub height exceeds 15 metres; a **statement of community involvement**.

Local requirements

8.3 The following documents are likely to be required:

- **floor plans**;
- **elevation drawings**;
- **roof plans**;
- a **layout plan**, accurately showing the position of adjoining properties and their windows, as well as any provision or alteration of a vehicular access and hard surfaces;
- for developments filling a gap between existing buildings; a **street scene drawing(s)**, particularly where the development is visible from the public realm;
- for major residential developments; a **drawing schedule**;
- for major residential developments of 10 or more dwellings, a **planning obligations statement**;
- for major developments, a **drainage strategy**
- for developments within the River Mease catchment which create dwellings or commercial floorspace; a **drainage strategy** specifying the method and destination for disposal of surface and foul water, including porosity tests where soakaways are proposed.

⁵ The [Environment Impact Assessment Regulations 2017](#) (as amended)

- 8.4 Depending on constraints affecting the site, the following documents are often required so to enable consultation with interested parties, including statutory consultees:
- Any of the documents listed at paragraph 4.4.
- 8.5 The above documents are defined at [Annex A](#) where other documents are also defined, which, dependent upon the site and the nature of the proposals, may also be requested.

Policy Drivers

- 8.6 These requirements are based on the need to establish whether the proposal accords with Development Plan policies as set out in the Local Plan Part 1 and Local Plan Part 2, as supported by SPDs and provisions of the NPPF and PPG.

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9. Applications for Listed Building Consent

- 9.1 These are applications for works to [listed buildings](#), including listed curtilage structures, which are either made separate to or in conjunction with a planning application, recognising that internal works and some extensions to property may require listed building consent (LBC), but not planning permission.
- 9.2 The Local Planning Authority has a statutory duty to have special regard to the impact of the proposed works on the special architectural or historic importance of the listed building⁶. Hence the implications of the works need to be fully understood, and this can only come from a detailed and informative submission by the applicant.
- 9.3 Additionally, in order to avoid the need for conditions to be attached to any consent granted, submissions should provide as much information as possible, including detailed drawings of joinery, eaves/verges/cills and lintels, brickwork patterns, etc. and details of the materials to be used.

National requirements

- 9.4 The following items are required:

- the completed **application form**;
- a **site location plan**;
- other plans and drawings or information necessary to describe the subject of the application (see the local requirements below);
- a **design and access statement** which explains the design principles and concepts that have been applied to the works, and how these principles and concepts take account of:
 - (i) the special architectural or historic importance of the building;
 - (ii) the particular physical features of the building that justify its designation as a listed building; and
 - (iii) the building's setting;

and (unless where the proposal relates to interior works only) how issues relating to access to the building have been dealt with, including:

- (iv) what alternative means of access have been considered,
- (v) what, if any, consultation has been undertaken and what account has been taken of such consultation, and
- (vi) how Development Plan policies relating to access have been taken into account.

Local requirements

- 9.5 The following documents are likely to be required:

- **floor plans**;
- **elevation drawings**;
- **roof plans**;

⁶ [Section 66](#) of the Planning (Listed Buildings and Conservation Areas) Act 1990

- a **schedule of works**, clearly setting out the methodology for works affecting the existing fabric of the building and timescales/order for carrying out the works including any temporary means of support, etc.

9.6 The above documents are defined at [Annex A](#) where other documents are also defined, which, dependent upon the site and the nature of the proposals, may also be requested.

Policy Drivers

9.7 These requirements are based on the need to establish whether the proposal accords with Development Plan policies, in particular policies BNE2 of the Local Plan Part 1 and policy BNE10 of the Local Plan Part 2, as supported by the Design Guide SPD and provisions of the NPPF and PPG.

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10. Applications for Relevant Demolition Consent

- 10.1 It is often necessary to obtain Relevant Demolition Consent (RDC) when making an application within a [conservation area](#) which involves demolition of an unlisted, unscheduled or ecclesiastical building. This applies to:
- buildings within a conservation area with a volume of more than 115m³; and
 - gates, fences, walls or railings within a conservation area more than 1m in height next to a highway (including a public footpath or bridleway) or public open space; or more than 2m high elsewhere within a conservation area.
- 10.2 Notwithstanding the above, RDC is not needed when the building is required to be demolished by: a condition on a planning permission, as part of implementing that permission;
- a section 106 agreement;
 - an enforcement notice;
 - a discontinuance (etc.) order under section 102 of the 1990 Act;
 - a proper maintenance of land notice under section 215 of the 1990 Act; or
 - a demolition order or compulsory purchase order under Part 9 of the Housing Act 1985.
- 10.3 The Local Planning Authority has a statutory duty to pay special attention to the impact of the demolition on the desirability of preserving or enhancing the character and appearance of the conservation area⁷. Hence the implications of the works need to be fully understood, and this can only come from a detailed and informative submission by the applicant.

National requirements

- 10.4 The following is required:
- the completed **application form**;
 - a **site location plan**;
 - other plans and drawings or information necessary to describe the subject of the application (see the local requirements below).

Local requirements

- 10.5 The following documents are likely to be required:
- in the case of buildings, a **calculation of the volume of the building(s)** subject of the application;
 - in the case of gates, fences, walls or railings, a **specification of the height of the gates, fences, walls or railings(s)** subject of the application;
 - a **layout plan** clearly identifying the building(s) and/or gates, fences, walls or railings subject of the application;
 - a **heritage impact assessment** to justify the proposed demolition, having regard to the significance of the structure affected and the impact of the demolition on the character and appearance of the conservation area.
- 10.6 The above documents are defined at [Annex A](#) where other documents are also defined, which, dependent upon the site and the nature of the proposals, may also be requested.

⁷ [Section 72](#) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Policy Drivers

- 10.7 These requirements are based on the need to establish whether the proposal accords with Development Plan policies, in particular policies BNE2 of the Local Plan Part 1 and policy BNE10 of the Local Plan Part 2, as supported by the Design Guide SPD and provisions of the NPPF and PPG.

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11. Applications for Advertisement Consent

11.1 It is necessary to have Advertisement Consent to display a sign or advert. Exemptions or deemed consent provisions under [Schedules 1 and 3](#) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 allow for many forms of signs and adverts to be displayed without the need for express consent. Where express consent is required, regard should be had to the following guidance.

11.2 It should also be noted that an application for the renewal of an express consent may not be made more than 6 months before the date on which the existing consent is due to expire.

National requirements

11.3 The following is required:

- the completed **application form**;
- the **appropriate fee**, unless an exemption applies;
- a **site location plan**;
- other plans and drawings or information necessary to describe the subject of the application (see the local requirements below).

Local requirements

11.4 The following is likely to be required:

- a **layout plan** or **block plan** clearly identifying the position/location of the proposed signs/adverts on the site and/or building(s) or structure(s);
- **elevation drawings** of the sign(s)/advert(s);
- in the case of illuminated signage; **elevation drawings** and **specification** of the method of proposed lighting.

11.5 The above documents are defined at [Annex A](#) where other documents are also defined, which, dependent upon the site and the nature of the proposals, may also be requested.

Policy Drivers

11.6 These requirements are based on the need to establish whether the proposal accords with Development Plan policies, in particular policies BNE1 of the Local Plan Part 1 and policies BNE9 and BNE11 of the Local Plan Part 2, as supported by the Design Guide SPD and provisions of the NPPF and PPG.

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12. Applications for works to trees subject to a Tree Preservation Order

- 12.1 Anyone wishing to cut down, top, lop or uproot trees subject to Tree Preservation Order (TPO) must first apply to the Local Planning Authority for consent unless the proposed work benefits from [an exception](#). Where an exception applies, consent is not needed but notice of those works may need to be first given to the Local Planning Authority.
- 12.2 It is important that applications for works make clear exactly what the proposed work is and provides adequate information to support the case.

National requirements

- 12.3 The following is required:
- the completed **application form**;
 - a **site location plan** which identifies the tree or trees to which the application relates;
 - a **specification of the work** for which consent is sought;
 - a **statement of the reasons** for the works; and
 - **substantiated evidence** describing any structural damage to property or in relation to tree health or safety, as applicable.

Local requirements

- 12.4 The following is likely to be required:
- for works involving the removal of trees; a **tree survey** and **arboricultural method statement**;
 - for works involving the pruning of trees; **photos or diagrams** marked with pruning points, crown lifting height and/or extent of crown reduction.
- 12.5 The above documents are defined at [Annex A](#) where other documents are also defined, which, dependent upon the site and the nature of the proposals, may also be requested.

Policy Drivers

- 12.6 These requirements are based on the need to establish whether the proposal accords with Development Plan policies, in particular policies BNE3 and BNE4 of the Local Plan Part 1 and policy BNE7 of the Local Plan Part 2, as supported by the Tree Works Supplementary Planning Guidance and provisions of the NPPF and PPG.

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13. Applications for works to trees in Conservation Areas

13.1 Anyone wishing to cut down, top, lop or uproot trees within a conservation area will often need to first notify the Council of this intent. This is known as a section 211 notice⁸. Where the tree(s) are also protected by a TPO, then the guidance under section 12 should be followed instead.

13.2 Notwithstanding the above, a notification is not required for:

- the cutting down, topping or lopping or uprooting of a tree whose diameter does not exceed 75mm; or
- the cutting down or uprooting of a tree, whose diameter does not exceed 100mm, for the sole purpose of improving the growth of other trees (e.g. thinning as part of forestry operations).

In either case, the diameter of the tree is to be measured over the bark of the tree at 1.5 metres above ground level. Where a tree has more than one stem at a point 1.5m above ground level, if any stem at that point exceeds 75mm or 100mm respectively, the tree shall be treated as exceeding the relevant diameter. There are also further [exceptions for the need to submit a notification](#).

13.3 It is important that applications for works make clear exactly what the proposed work is and provides adequate information to support the case. Where the works are not properly justified, the Local Planning Authority may place a TPO on the tree(s) to prevent the works taking place.

National requirements

13.4 The following is required:

- A **written notification** describing:
 - the work proposed and including sufficient particulars to identify the tree or trees, including where a number of trees or operations are involved, it made clear what work is proposed to which tree;
 - the date of submission of the notification.

This information is best provided on the standard **application form**.

Local requirements

13.5 The following items are strongly encouraged:

- a **site location plan** which identifies the tree or trees to which the application relates by way of reference numbers (e.g. T1, T2, etc.);
- a **specification of the work** for which consent is sought, which may include **photos or diagrams** marked with pruning points, crown lifting height and/or extent of crown reduction for works involving the pruning of trees;
- a **statement of the reasons** for the works;
- **substantiated evidence** describing any structural damage to property or in relation to tree health or safety, as applicable.

⁸ [Section 211](#) of the 1990 Act

Policy Drivers

- 13.6 These requirements are based on the need to establish whether the proposal accords with Development Plan policies, in particular policies BNE3 and BNE4 of the Local Plan Part 1 and policy BNE7 of the Local Plan Part 2, as supported by the Tree Works Supplementary Planning Guidance and provisions of the NPPF and PPG.

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14. Applications for removal of a hedgerow

14.1 A hedgerow is a boundary line made up of bushes, which can include trees. It is controlled by the [Hedgerow Regulations 1997](#) if it is more than 20m long with no gaps greater than 20m in length, or less than 20m long but meets another hedge at each end. Such a hedgerow is protected if it is on or next to:

- land used for agriculture or forestry;
- land used for breeding or keeping horses, ponies or donkeys;
- common land;
- a village green;
- a site of special scientific interest;
- a protected European site such as a special area of conservation or special protection area;
- a national nature reserve;
- a local nature reserve; or
- Crown land.

14.2 Anyone wishing to remove a protected hedgerow must first apply to the Local Planning Authority so they may determine if the hedgerow is 'important' in the definition of the Hedgerow Regulations.

National requirements

14.3 The following is required:

- a **written notification** in the form as set out in Schedule 4 to the Hedgerow Regulations, best provided on the standard **application form**;
- a **statement of reasons** for the works, confirming whether the applicant is the owner, tenant or manager of the hedgerow, or the relevant utility company eligible to remove it;
- **evidence** that the hedge is less than 30 years old;
- a **site location plan** which identifies the hedgerow(s) to be removed.

Policy Drivers

14.4 These requirements are based on the need to establish whether the proposal affects an important hedgerow as defined by the Hedgerow Regulations; and Development Plan policies, in particular policies BNE2, BNE3 and BNE4 of the Local Plan Part 1 and policies BNE7 and BNE10 of the Local Plan Part 2, as supported by the provisions of the NPPF and PPG.

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15. Prior notification under permitted development rights

- 15.1 The Town and Country Planning (General Permitted Development) Order 2015 ('the GPDO') allows for the carrying out of development without the need for express planning permission from the Local Planning Authority. This is known as 'permitted development'.
- 15.2 Some forms of permitted development require a prior notification to be submitted to the Local Planning Authority. The restrictions and limitations, and the triggers for making a prior notification, are [set out in the GPDO](#).
- 15.3 Prior notifications can be necessary for the following forms of development:
- agricultural development involving the erection, extension or alteration of a building, creation of a farm track or road, creation of a tank or the deposition of waste;
 - forestry development involving the erection, extension or alteration of a building, or creation of a forestry track or road;
 - demolition of a building (one which is not listed or within a conservation area);
 - erection of telecommunications equipment/masts;
 - temporary flexible uses under Part 4 Class D of Schedule 2 to the GPDO;
 - installation, alteration or replacement of solar thermal or PV equipment on a building which generates more than 50kW electricity or 45kW thermal energy.
- 15.4 These are submitted to enable the Local Planning Authority to decide whether it requires further detail to be provided in respect of the siting, design and appearance of certain types of development, or how certain developments are to proceed. This is known as prior approval.

National requirements

- 15.5 For agricultural development involving (a) the erection, extension or alteration of a building, (b) the formation or alteration of a private way, (c) the carrying out of excavations or the deposit of waste material, or (d) the placing or assembly of a tank in any waters; or for forestry development involving (a) the erection, extension or alteration of a building, or (b) the formation or alteration of a private way; the following is required:
- a **written description** of the proposed development and of the materials to be used, best provided on the standard **application form**;
 - a **site location plan** showing the proposed development;
 - the **appropriate fee**, unless an exemption applies.
- 15.6 For the demolition of a building(s) the following is required:
- a **written description** of the proposed development and **justification for the demolition**, best provided on the standard **application form**;
 - the **appropriate fee**, unless an exemption applies;
 - a **statement that a site notice has been displayed** on or near the land on which the building to be demolished is sited.

The site notice must contain (a) the name of the applicant, (b) a description, including the address, of the building or buildings to be demolished, (c) a statement that the applicant has applied to the Local Planning Authority for a determination as to whether prior approval will be required as to the method of demolition and any restoration of the site, (d) the date on which the applicant proposes to carry out the demolition, and (e) the name and address of the Local Planning Authority. The site notice must also be signed and dated by or on behalf of the applicant.

15.7 For telecommunications development the following is required:

- a **written description** of the proposed development, along with the developer's contact address and confirmation that notice has been served on landowners and/or agricultural tenants; best provided on the standard **application form**;
- where the development consists of the installation, alteration or replacement of a mast within 3km of the perimeter of an aerodrome, **evidence of notification** of the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as the case may be;
- a **site location plan** showing the proposed development;
- the **appropriate fee**, unless an exemption applies.

15.8 For temporary flexible uses the following is required:

- a **written statement** confirming the site/premises (clearly identified by way of postal address and/or a **site location plan**), the date the flexible use will begin, and what that use will be.

15.9 For installation, alteration or replacement of solar thermal or PV equipment the following is required:

- a **written description** of the proposed development and contact details of the developer, best provided on the standard application form;
- a **site location plan** showing the proposed development;
- the **appropriate fee**, unless an exemption applies.

15.10 In all the above cases, the Local Planning Authority is expected to consider the siting, design and/or external appearance of the development, and, in the case of solar thermal or PV equipment, the impact of glare on occupiers of neighbouring land. As a consequence, it may be necessary to seek prior approval of these details. It is therefore advisable to provide as much information as possible to avoid the need for prior approval.

Policy Drivers

15.11 These requirements are based on the need to establish whether the proposal accords with Development Plan policies, in particular policies SD1, BNE1, BNE2 and BNE4 of the Local Plan Part 1 and policies BNE5, BNE6, BNE10 and INF11 of the Local Plan Part 2, as supported by the Design Guide SPD and provisions of the NPPF and PPG.

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16. Prior approval under permitted development rights

- 16.1 The GPDO allows for the carrying out of development without the need for express planning permission from the Local Planning Authority. This is known as 'permitted development'.
- 16.2 Some forms of permitted development require an application to be submitted to the Local Planning Authority so it may decide whether to grant or refuse prior approval. The restrictions and limitations, and the triggers for making an application are [set out in the GPDO](#), and these must be complied with in order to make an application under this provision. Please see section 3 for larger householder extensions.
- 16.3 Prior approval is necessary for the following forms of development:
- change of use from retail, betting office, pay day loan shop or casino to restaurant or cafe together with building or other operations for the provision of ventilation and extraction equipment and facilities for the storage of rubbish;
 - change of use from a betting office or pay day loan shop or from Class A1 (shops) or Class A2 (financial and professional services) of the Use Classes Order to a use falling within Class D2 (assembly and leisure).
 - change of use from a betting office, pay day loan shop or laundrette or from Class A1 (shops) or Class A2 (financial and professional services) of the Use Classes Order, or from a mixed use comprising these uses, to a dwellinghouse(s) together with building operations reasonably necessary to convert the building;
 - change of use from an amusement arcade/centre or a casino, to a dwellinghouse(s) together with building operations reasonably necessary to convert the building;
 - change of use from Class B1(a) (offices) to a dwellinghouse(s);
 - change of use from Class B1(c) (light industrial) to a dwellinghouse(s);
 - change of use from Class B8 (storage or distribution centre) to a dwellinghouse(s);
 - change of use from an agricultural building to a dwellinghouse(s) together with building operations reasonably necessary to convert the building;
 - change of use from an agricultural building to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Use Classes Order;
 - change of use from an agricultural building, or from Class B1 (business), Class C1 (hotels), Class C2 (residential institutions), Class C2A (secure residential institutions) or Class D2 (assembly and leisure) of the Use Classes Order, to a state-funded school or a registered nursery;
 - the provision of temporary school buildings on vacant commercial land (last used for Class B1 (business), Class C1 (hotels), Class C2 (residential institutions), Class C2A (secure residential institutions) or Class D2 (assembly and leisure) of the Use Classes Order or as a school) and the use of that land as a state-funded school for up to 3 academic years;
 - the temporary use of land or buildings for commercial film-making and the provision of temporary structures, works, plant or machinery required in connection with that use;
 - the erection or construction of a collection facility within the curtilage of a shop.

National requirements

16.4 The following is required:

- a **written description** of the proposed development and, where building or other operations are involved, the building or other operations, and the developer's contact details, best provided on the standard **application form** (where currently available);
- a **site location plan** showing the proposed development;
- the **appropriate fee**, unless an exemption applies;
- for development within [flood zone](#) 2 or 3, or in an area within flood zone 1 which has critical drainage problems and has been notified to the Local Planning Authority as such, or is for the temporary use of land or buildings for commercial film-making; a **flood risk assessment** supported by evidence for the [sequential test](#) and [exception test](#) where necessary;
- in the case of a change of use from Class B1(c) (light industrial) to a dwellinghouse(s); **supporting evidence** to demonstrate that the building was used solely for a storage or distribution centre use on 19 March 2014; and
- in the case of a change of use from Class B8 (storage or distribution centre) to a dwellinghouse(s); **supporting evidence** to demonstrate that the building was used solely for a storage or distribution centre use on 19 March 2014 and that it was/will have been used solely for this purpose for no less than 4 years prior to the development commencing;
- in the case of a change of use from an agricultural building(s) of less than 150m² floorspace to a flexible use; a **supporting statement** setting out the date the site will begin to be used for any of the flexible uses and the nature of the use or uses;
- in the case of a change of use resulting in the creation of dwellinghouses, a **supporting statement** specifying the net increase in dwellinghouses proposed by the development;
- in the case of a change of use from an agricultural building to a dwellinghouse(s); a **supporting statement** specifying (i) the number of smaller dwellinghouses proposed, (ii) the number of larger dwellinghouses proposed, (iii) if previous dwellings have been created under permitted development provisions, the number of smaller and larger dwellinghouses which have been previously created⁹.

Local requirements

16.5 The national requirements reflect the minimum level of information which is required in order to validate an application for prior approval. However, the Local Planning Authority is expected to assess the impact of the development on a number of interests, such as highway safety or flood risk, or the siting, design or external appearance of the development. As a consequence, the following are likely to be required, in so far as relevant to the prior approval concerned:

- **floor plans;**
- **elevation drawings;**
- **roof plans;**
- a **layout plan**, accurately showing the location of any curtilage to be created and the position of adjoining properties and their windows;

⁹ See the definition of smaller and larger dwellinghouses in [Article 10](#) of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018

Where relevant, it is encouraged that these details are provided at the point of submitting an application for prior approval, so not to delay the determination of it.

- 16.6 Where constraints and/or consultation with third parties indicate an elevated level of concern, the following are also likely to be required (in so far as relevant to the scope of considerations for that development set out under the GPDO):
- a **transport statement**;
 - a **flood risk assessment**;
 - a **land contamination assessment**;
 - a **noise assessment**;
 - an **odour assessment**;
 - an **air quality assessment**;
 - a **lighting assessment**;
 - a **retail impact assessment**;
 - a **waste handling method statement**;
 - for developments within the River Mease catchment which create dwellings or commercial floorspace; a **drainage strategy** specifying the method and destination for disposal of surface and foul water, including porosity tests where soakaways are proposed;
 - in the case of changes of use from Class B1(c) (light industrial) or Class B8 (storage or distribution centre) to a dwellinghouse(s); an **impact assessment** of whether the introduction of, or an increase in, residential use in the area would have an adverse effect on the sustainability of the provision of storage or distribution services and/or industrial services.

These documents are defined at [Annex A](#). Where requested, these details should be provided promptly so not to delay the determination of the application. Ideally, [pre-application advice](#) should be sought to establish what assessments or reports are needed.

Policy Drivers

- 16.7 These requirements are based on the need to establish whether the proposal accords with Development Plan policies, in particular policies SD1, SD2, SD3, SD4, BNE1, BNE2, BNE4 and INF2 of the Local Plan Part 1 and policies BNE5, BNE7, BNE10 and BNE11 of the Local Plan Part 2, as supported by the Design Guide SPD and provisions of the NPPF and PPG.

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17. Applications for Lawful Development Certificates

- 17.1 There are 2 types of Lawful Development Certificate (LDC). A Local Planning Authority can grant an LDC confirming that:
- (a) an existing use of land, operational development or activity being carried out in breach of a planning condition is lawful for planning purposes under section 191 of the 1990 Act; or
 - (b) a proposed use of buildings or land, or operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes under section 192 of the 1990 Act.
- 17.2 Provision has recently been made under the Planning (Listed Buildings and Conservation Areas) Act 1990 establish whether proposed works to a listed building, where those works would not affect the character of the listed building, would be lawful under section 26 of that Act.
- 17.3 In all cases, the [onus is on the applicant](#) to provide the evidence to substantiate their claim for an LDC.

National requirements

- 17.4 The following is required:

- the completed **application form**;
- a **site location plan** which identifies the tree or trees to which the application relates;
- the **appropriate fee**, unless an exemption applies;
- **substantiated evidence** verifying or supporting the proposed or existing use, operation or activity.

Local requirements

- 17.5 The following is likely to be required:

- for applications made under section 191; any statements of fact to be in the form of a **statutory declaration**;
- for applications made under section 191 where multiple components of the development are claimed; the **site location plan** to be further shaded, outlined or hatched in varying colours for each component;
- for applications made under section 192 involving extensions, alterations or other operational development (in so far as relevant to the proposal):
 - **floor plans**;
 - **elevation drawings**;
 - **roof plans**;
 - a **layout plan**, accurately showing the dimensions of the development, site boundaries and any ancillary features, such as car parking, circulation spaces and amenity areas.

- 17.6 The above documents are defined at [Annex A](#) where other documents are also defined, which, dependent upon the site and the nature of the proposals, may also be requested.

Policy Drivers

- 17.7 These requirements are based on the need to establish whether the proposal accords with legislation, in particular the 1990 Act and related and subordinate legislation, as well as any conditions attached to planning permissions applicable to the site.

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18. Applications for variation or removal of condition(s) (including material minor amendments)

18.1 This type of application facilitates the variation or removal of a condition(s) on an extant or implemented planning permission. This also allows for material minor-amendments to planning permissions, where a condition listing the approved plans/drawings exists.

National requirements

18.2 The following is required:

- the completed **application form**;
- the **appropriate fee**, unless an exemption applies;
- for development considered to be [EIA Development](#), as defined by the Regulations¹⁰; an **environmental statement** or, if a Screening Opinion dictates, an addendum to the original environmental statement;
- for applications for the installation of 2 or more wind turbines or a single turbine where the hub height exceeds 15 metres; a **statement of community involvement**.

Local requirements

18.3 The following is likely to be required:

- a **planning statement** setting out the reasons for the application;
- an update to any **preliminary ecological appraisal** (and subsequent ecological surveys) where the appraisal/survey(s) accompanying the host permission is more than 2 years old;
- an update to any **arboricultural impact assessment** survey where the appraisal/survey(s) accompanying the host permission is more than 5 years old;
- if there has been a material change in site circumstances; **any of the documents listed at paragraph 4.4**, having regard to the nature of the application made and the condition concerned (e.g. the removal of an hours of operation condition could require a noise assessment to consider noise impacts overnight);
- for material minor-amendments to designs:
 - **floor plans**;
 - **elevation drawings**;
 - **roof plans**;
 - a **layout plan**, accurately showing the position of any ancillary features, such as car parking, circulation spaces and amenity areas, as well as adjoining properties and their windows;
 - for developments filling a gap between existing buildings; a **street scene drawing(s)**, particularly where the development is visible from the public realm;
 - for major residential developments; a **drawing schedule**;
- where the level of affordable housing or financial contributions fall below that required by Development Plan policies; an 'open book' **viability appraisal** (also see paragraphs 1.12 and 1.13).

18.4 The above documents are defined at [Annex A](#) where other documents are also defined, which, dependent upon the site and the nature of the proposals, may also be requested.

¹⁰ The [Environment Impact Assessment Regulations 2017](#) (as amended)

Policy Drivers

- 18.5 These requirements are based on the need to establish whether the proposal accords with Development Plan policies as set out in the Local Plan Part 1 and Local Plan Part 2, as supported by SPDs and provisions of the NPPF and PPG.

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19. Applications for non-material minor amendments

- 19.1 Development must take place in accordance with conditions attached to a planning permission. These often specify approved plans and drawings. However, new issues may arise or preferences may alter which require modification of the approved proposals. Where the changes are minor and have little consequence, they may be considered 'non-material'.
- 19.2 There is no statutory definition of non-material. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to an application for a non-material minor amendment¹¹. Whether an amendment is non-material will be the opinion of the Local Planning Authority.
- 19.3 Further advice is available in [Planning Practice Guidance](#).

National requirements

- 19.4 The following is required:

- the completed **application form**;
- the **appropriate fee**, unless an exemption applies.

Local requirements

- 19.5 The following is likely to be required:

- Where seeking alterations to approved plans/drawings:
 - **floor plans**;
 - **elevation drawings**;
 - **roof plans**;
 - a **layout plan**, accurately showing the position of any ancillary features, such as car parking, circulation spaces and amenity areas, as well as adjoining properties and their windows;
 - for developments filling a gap between existing buildings; a **street scene drawing(s)**, particularly where the development is visible from the public realm;
 - for major residential developments; a **drawing schedule**.
- Where the application seeks to remove or alter existing conditions:
 - a **supporting statement** to justify the basis for the application and how the effect of the removal or alteration would be non-material.

- 19.6 The above documents are defined at [Annex A](#) where other documents are also defined, which, dependent upon the site and the nature of the proposals, may also be requested.

Policy Drivers

- 19.7 These requirements are based on the need to establish whether the proposal accords with Development Plan policies as set out in the Local Plan Part 1 and Local Plan Part 2, as supported by SPDs and provisions of the NPPF and PPG.

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¹¹ Under [section 96A of the 1990 Act](#)

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20. Applications for approval of details required by condition(s)

- 20.1 Conditions attached to permissions and consents may command the submission and approval of details before a certain trigger is reached, such as prior to occupation, before construction of a particular element of the development or before development commences. In these cases, it is necessary to apply to the Local Planning Authority for approval of the detail(s) required by that condition(s).
- 20.2 It is also possible, through an application made in this regard, to seek written confirmation that one or more conditions imposed on a planning permission have been satisfied.
- 20.3 Further guidance is available in South Derbyshire's [Use and Discharge of Planning Conditions](#) document or in [Planning Practice Guidance](#).

National requirements

20.4 The following is required:

- an **application in writing** giving sufficient information to enable the host planning permission to be identified, best provided on the standard **application form**;
- **plans and drawings**, or **assessments and reports**, relevant to the condition(s) applied for;
- the **appropriate fee**, unless an exemption applies.

Local requirements

20.5 The following is likely to be required:

- a **pro-forma** which clearly identifies:
 - the relevant condition(s);
 - the document(s) submitted in respect of that condition(s) and a description thereof; and
 - if relevant, the assessment, report, plan or drawing reference number(s) (and revision number(s)) relevant to that condition(s).
- a **conditions tracker** where the condition(s) relates to a site which is being delivered in phases, outlining the status of each condition attached to the permission and the documents which have been submitted and/or approved as of the date of the application, including to which phase(s) of the site they relate.

Policy Drivers

- 20.6 These requirements are based on the need to establish whether the proposal accords with Development Plan policies as set out in the Local Plan Part 1 and Local Plan Part 2, as supported by SPDs and provisions of the NPPF and PPG, and to enable swift approval of details submitted in line with the aims of the NPPF.

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Annex A

Glossary and advice

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The following pages provide a glossary of (a) the planning terminology used throughout the document and (b) the documentation listed this validation requirements document split into two groups: (1) forms, schedules and plans, and (2) statements, assessments and reports.

General glossary

the 1990 Act	The Town and Country Planning Act 1990
Air Quality Management Area (AQMA)	A designated area which is currently or at risk of not achieving national air quality objectives by the relevant deadlines.
Asset of Community Value (ACV)	A building or other land listed on a register held by the Local Authority where its main use has recently been, or is presently used, to further the social wellbeing or social interests of the local community and could do so in the future. 'Social interests' include cultural, recreational and sporting interests.
Development Plan	The statutory policy framework upon which planning applications are assessed, comprising strategic plans, local plans and neighbourhood plans (as may be relevant to the site concerned)
the DMPO	The Town and Country (Development Management Procedure) Order 2015 (as amended)
EIA Development	Development which is listed in schedule 1, or listed in schedule 2 and in the opinion of the LPA or secretary of state is likely to have significant impacts, of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
the GPDO	The Town and Country Planning (General Permitted Development) Order 2015 (as amended)
the LBCA	The Planning (Listed Buildings and Conservation Areas) Act 1990.
Local Planning Authority (LPA)	The county, district, borough, unitary or metropolitan authority responsible for the application concerned.
Local Wildlife Site (LWS)	An identified area selected locally for its nature conservation value, taking into account the most important, distinctive and threatened species and habitats.
Major application	A development of 10 or more dwellings; 1,000m ² or more of floorspace; or other developments where the site area is 1 hectare or greater.
National Planning Policy Framework (NPPF)	The government's planning policies for England, as revised in July 2018, including guidance on how these are expected to be applied.

Permission in Principle (PiP)	Permission for housing-led development which has established solely the principle of using the land for that use (including associated ancillary uses). It cannot be used for major or EIA development, or development which is likely to have significant impacts under the Conservation of Habitats and Species Regulations 2017.
Planning Practice Guidance (PPG)	The government's guidance on how Development Plan documents should be created and how planning applications should be handled, pursuant to legal requirements and policies contained in the NPPF.
Public realm	Land which is accessible by the general public or certain groups of persons, such as residents habiting dwellings off a private road. This includes roads, footpaths, railways, waterways and water bodies, greenways, parks and squares.
Relevant Demolition Consent (RDC)	Permission granted for the demolition of unlisted buildings and structures within a conservation area which exceed certain sizes.
Reserved Matters	Matters of access, appearance, landscaping, layout and scale, as summarised at paragraph 6.2 and more fully explained in the DMPO.
Screening Opinion	A formal decision of the LPA that the development is or is not likely to have significant effects in the terms of the Environmental Impact Assessment Regulations 2017.
Site of Special Scientific Interest (SSSI)	A formal conservation designation for an area which is of particular interest because of its fauna, flora or geological or physiological features. In other words, these areas have extremely high conservation value.
Supplementary Planning Document (SPD)	An adopted policy document which supplements one or more planning policies within the Development Plan.
Technical Details Consent (TDC)	An application required following the approval of Permission in Principle or designation of a site on a brownfield register held by the LPA. This application seeks approval of technical matters such as flood risk, drainage and transport impacts, as well as the detailed layout and design of the development, and must relate to the entire site.

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Validation requirements glossary: forms, schedules and plans

<p>Application form (including ownership certificates)</p>	<p>As a general rule, an application form will not be accepted if it is incomplete in any way and not on the latest version of the form as published at the Planning Portal. The latter issue can be avoided by using the Planning Portal to submit an application or downloading the latest forms at www.south-derbys.gov.uk/planning.</p> <p>An ownership certificate will often need to be completed stating the current ownership of the land to which the application relates, and whether there are any tenant farmers of it. A declaration must also be signed. In order for the form to be accepted, the correct certificate and declaration must be completed.</p> <ul style="list-style-type: none"> ▪ Certificate A should only be completed if the applicant is the sole owner of the land to which the application relates (i.e. the applicant is the freeholder and there are no leaseholders with seven years or more remaining on their leases). ▪ Certificate B should be completed if the applicant is not the sole owner, but knows the names and addresses of all the other owners. A Notice must also be completed and sent to all known owners. ▪ Certificate C should be completed if the applicant does not own all of the land to which the application relates, and does not know the name and address of all of the owners. A Notice must also be completed and sent to all known owners, whilst a further Notice needs to be published in a local newspaper. ▪ Certificate D should be completed if the applicant does not own all of the land to which the application relates, and does not know the names and addresses of any of the owners. A Notice needs to be published in a local newspaper. <p>There are three types of notice: Notice 1, Notice 2 and the Householder Notice.</p>
<p>Appropriate fee</p>	<p>Planning fees in England are set nationally by the government¹². Guidance on fees is available in the PPG whilst the fees schedule is published on the Planning Portal.</p>
<p>Block plan</p>	<p>A plan at 1:500 or 1:1000 scale (metric) showing the footprint of the proposed development, the existing built footprint within the site, the site boundaries and neighbouring buildings and roads.</p>

¹² The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended) [Page 105 of 141](#)

Conditions tracker	A full list of conditions on the host permission relevant to the application made which outlining the status of each condition and the documents which have been submitted and/or approved as of the date of the application, including to which phase(s)/area(s) of the development they relate.
Drawing schedule	A full list of plans and drawings submitted, setting out the description of each plan/drawing, its reference number and issue date, and which is capable of revision throughout the course of the application.
Elevation drawing	A drawing at 1:100 or 1:200 scale (metric) showing the external elevations of the building(s) or structure(s). The position of windows and doors must be shown, whilst any elevations hidden by another elevation, in full or in part, must be shown separately with the obscuring elevation removed. Ideally, proposed materials should be indicated. Where proposals seek the use of roof spaces, cross sections must be included which clearly show the position of any openings in the roof slope and the floor to ceiling heights.
Floor plan	A plan at 1:50 or 1:100 scale (metric) showing the internal layout of existing and proposed spaces within a building, including the use of each of those spaces. The position of windows and doors to all external elevations must be shown.
Illustrative masterplan	An indicative plan of how the site is likely to be set out showing appropriate zones, and potential layouts within, for different uses across it. Movement routes and access points should also be shown along with existing features.
Layout plan	A plan at 1:200 or 1:500 scale (metric) showing the layout of the proposed development, means of access, existing buildings within and adjacent to the site (including position of windows on neighbouring residential property), existing trees and hedgerows, areas of hard and soft landscaping, water bodies, boundary treatments/enclosures, roads and footpaths on and off the site, and other structures and relevant features.
Other plans or drawings (e.g. for approval of details required by condition)	These are likely to be specifically required by a condition attached to a permission or consent, and to provide further detail of building features or site works, such as eaves and verges, drainage layouts, proposed levels/sections or landscaping details. All plans must be provided to scale (metric). Depending on the detail required, acceptable scales may include 1:2, 1:5, 1:10, 1:20, 1:50, 1:100, 1:200 and 1:500. The most appropriate scale to enable assessment of the application should be chosen.
Phasing masterplan	A indicative plan setting out the intended order of delivery of the site, inclusive of supporting infrastructure such as a roads, footpaths, open spaces and drainage features.

Pro-forma (for applications seeking approval of details required by conditions)	A schedule of the planning conditions subject of the application; the document(s) submitted in respect of each condition(s) and a description thereof; and, if relevant, the assessment, report, plan or drawing reference number(s) (and revision number(s)) relevant to each condition(s). This must be capable of revision throughout the course of the application. A template pro-forma can be found in South Derbyshire's Use and Discharge of Planning Conditions document.
Roof plan	A plan at 1:100 or 1:200 scale (metric) showing the roof slopes from a bird's eye view. This is particularly important where the elevation drawing does not show all roof slopes (e.g. flat roofs or a valley hidden by an outer ridgeline). Ideally, proposed materials should be indicated.
Site location plan	A plan on an up-to-date Ordnance Survey base accurately showing surrounding property and roads at a scale (metric) of 1:1250 or 1:2500 (or 1:5000 or 1:10000 in exceptional circumstances). The direction of north must be shown, with the site outlined in red and any other land within the applicant's control outlined in blue. Where new property is to be established under the proposals, the red line must include all land necessary to access the site, up to the edge of the public highway.
Street scene drawing	A drawing at 1:100 or 1:200 scale (metric) showing the main elevation(s) of the building(s) or structure(s) in context with neighbouring buildings. This is normally required for infill or backland development, or on major developments which front open spaces and public routes; and should be provided along a section(s) taken through the site or along a public route/space, such as a road, with true gradients of the land shown. The alignment of the section(s) should be shown on a 1:1250 or 1:2500 inset.
Swept path drawing	A plan at 1:500 or 1:1000 scale (metric) showing the layout of the site and tracking of domestic and service vehicles over estate roads, shared driveways and vehicular accesses. As a minimum, this must include swept paths for refuse wagons used by South Derbyshire District Council.

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Validation requirements glossary: statements, assessments and reports

Air quality assessment	A technical assessment of existing air quality conditions and prediction of likely impacts on air quality arising from proposed development. Further advice is available in the Planning Practice Guidance and from the Council's Environmental Health section.
Arboricultural impact assessment	Informed by an arboricultural or tree survey, this considers how a proposed development and existing and proposed trees will co-exist and interact throughout the lifetime of the development. It is necessary to satisfy the Local Planning Authority that factors such as root protection, changes in levels, installation of services, material storage, and so on have been given due consideration during the design process and that these items will not prove detrimental to important trees. Future issues, such as the need to prune or remove trees because they cast excessive shade or encroach upon property, should also be addressed.
Arboricultural (or tree) survey	An assessment of existing trees and, where relevant, hedgerows, accurately plotting these on a layout plan and assessing their value, condition, health and longevity in a cross-referenced schedule, in accordance with British Standard 5837 (or any equivalent Standard which might replace it).
Business plan	A statement setting out the intended purpose and operation of the development, including evidence of need for the development, intended occupiers and catchment, method(s) of marketing of the business(es), initial and ongoing financial considerations, and management and maintenance considerations.
Coal mining risk assessment	An assessment to identify site specific coal mining risks relative to the development proposed which also explains the proposed mitigation strategy to demonstrate that the site can be made safe and stable for the proposed development. More information is available on the Coal Authority's website .
Community facilities analysis	An analysis of existing community facilities within the surrounding area of the site, relative to the size and function of the community facility to be affected/lost (e.g. the loss of a local shop may draw a smaller catchment than the loss of a doctors surgery), along with justification for impact, supported by evidence of marketing of the facility where relevant. Community facilities are defined in the glossary to the Local Plan .

Daylight and sunlight assessment	An assessment, including visual representations, of the shading effect of the development on adjoining property and, where relevant, property created within the development. This should follow the tests laid out in the Building Research Establishment (BRE) document ' Site Layout Planning for Daylight and Sunlight '.
Design and access statement	<p>A statement about the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt with. The statement must:</p> <ul style="list-style-type: none"> (a) explain the design principles and concepts that have been applied to the development; (b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account; (c) explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account; (d) state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and (e) explain how any specific issues which might affect access to the development have been addressed. <p>The statement should also follow the advice and checklist in the Design Guide SPD.</p>
Environmental statement	A statement to consider and assess the likely impacts of the development and whether it would or would not have significant effects on the environment. This must contain the information specified in regulation 18(3) of the Regulations and must meet the requirements of regulation 18(4). It must also include any additional information specified in schedule 4 to the Regulations which is relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected. Further advice is available in the Planning Practice Guidance .

<p>Flood risk assessment</p>	<p>An assessment of the flood risk to and from a development site, demonstrating how flood risk will be managed now and over the development’s lifetime, taking climate change and urban creep into account, and with regard to the vulnerability of its users. The objectives of a flood risk assessment are to establish:</p> <ul style="list-style-type: none"> ▪ whether a proposed development is likely to be affected by current or future flooding from any source; ▪ whether it will increase flood risk elsewhere; ▪ whether the measures proposed to deal with these effects and risks are appropriate; ▪ the evidence for the local planning authority to apply (if necessary) the Sequential Test, and; ▪ whether the development will be safe and pass the Exception Test, if applicable. <p>More advice is available in the Planning Practice Guidance.</p>
<p>Framework travel plan</p>	<p>A written plan setting out methods to promote and encourage the use of sustainable modes of transport by occupiers/users of the whole development, including what new public transport provision is to be provided. The plan should take account of:</p> <ul style="list-style-type: none"> ▪ policy INF2 of the Local Plan Part 1; ▪ the scale of the proposed development and its potential for additional trip generation; ▪ existing intensity of transport use and the availability of public transport; ▪ proximity to nearby environmental designations or sensitive areas; ▪ impact on other priorities/strategies (such as promoting walking and cycling); ▪ the cumulative impacts of multiple developments within a particular area; ▪ whether there are particular types of impacts around which to focus the plan (e.g. minimising traffic generated at peak times); and ▪ relevant national policies, including the decision to abolish maximum parking standards for both residential and non-residential development. <p>More advice is available in the Planning Practice Guidance.</p>
<p>Geophysical survey</p>	<p>A survey created by ground-based physical sensing techniques to result in archaeological imaging or mapping. The most appropriate technique(s) (magnetometry, electrical resistance or ground penetrating radar) should be used for the site concerned.</p>

Heritage impact assessment	<p>An assessment which is proportionate to the heritage asset concerned and the development proposed. This should consider:</p> <ul style="list-style-type: none">a) documents relating to the heritage asset, including the statutory listing entry or conservation area character statement, as appropriate, as well as the historic environment record, historical mapping and photographs, publications and archives, and local history groups and civic societies;b) a description of the building/structure/site and its setting (this may include important views towards and from the heritage asset);c) a summary of the building/structure/site's architectural, archaeological or historical significance;d) a justification for the development, considering why the proposals are required; whether there are alternative methods or locations to achieve the development; what the public benefits would be; whether the development would harm the heritage asset or put it at risk in any way; are there ways of avoiding or mitigating the impacts on the heritage asset; and whether the scale, design and materials proposed are appropriate. <p>Where enabling development is proposed, this assessment should consider the implications of the development and be supported by a viability appraisal in order to demonstrate the quantum proposed is appropriate. More information is available in the Planning Practice Guidance and from Historic England.</p>
Land contamination assessment (phase 1 site investigation)	<p>An assessment of current and historical uses of a site and land adjoining and influencing it. This should take account of and landfill within the vicinity of the site, and be supported by gas monitoring data if necessary. The assessment should be based on a desktop study and ground survey involving trial bore holes and pits where necessary, and identify measures needed to remediate or mitigate against the findings so to ensure a new pollutant-pathway-receptor linkage is not created.</p> <p>Further advice is available in the Planning Practice Guidance and from the Council's Environmental Health section.</p>

Landscape and visual impact assessment	An assessment which identifies the effects of the development on views and on the landscape itself, taking into account the various receptors of those effects and ascertaining the degree of harm or benefit which arises. The assessment should be carried out in line with the Landscape Institute's published Guidelines for Landscape and Visual Impact Assessment (currently the 3rd edition, April 2013, or 'GLVIA3') including consideration of cumulative effects and the significance of effects.
Lighting strategy	A technical assessment to identify the impact on adjoining property, the natural environment and night sky from lighting of a development site. The assessment should be accompanied by analysis light spill and glare that might arise on adjoining land, wildlife habitat and/or transport routes, and identify measures to mitigate adverse impacts.
Minerals extraction feasibility study	An assessment of the feasibility and viability of extraction of mineral resources, including the likely suitability of those resources, prior to the development of the site.
Noise impact assessment	An assessment prepared by a suitably qualified person, assessing the impact of the development on the existing environment and/or the impact of existing neighbouring and transport uses on the occupiers of the development. The assessment should first establish, by way of a site specific noise survey, the existing noise environment before assessing the impact of and upon the development and recommending mitigation measures where necessary. Further advice is available in the Planning Practice Guidance and from the Council's Environmental Health section.
Planning obligations statement (heads of terms for a section 106 agreement)	A statement summarising the types of financial contributions and on or off-site infrastructure improvements necessary to make the development acceptable in planning terms. This should have regard to adopted guidance . Where meeting the threshold set in policy H21 of the Local Plan Part 1 , the statement must also set out the intended affordable housing provision, including the mix of types and tenure. Regard should be had to the Affordable Housing SPD . This statement should ideally be accompanied by an undertaking by the applicant to cover the Local Planning Authority's reasonable legal costs in preparing the section 106 agreement.
Planning statement	A statement which identifies the context and need for a proposed development. In particular it is expected to provide information and argument to show how the proposed development accords with relevant Development Plan policies, Supplementary Planning Documents and Guidance, the NPPF and PPG. It can also include the details of any pre-application consultation.

<p>Preliminary ecological appraisal</p>	<p>An appraisal informed by a desk based assessment and site walkover study identifying the location of any statutorily or local designated areas and habitats, recognised for their local, regional or national ecological or geological interest. The desk based assessment and site walkover study should also consider habitat of the site and that immediate adjoining it, and the potential for species which are of principal importance or protected, noting that some may use the site for hibernation, mating, migration or foraging purposes. The appraisal should establish the significance of the identified habitats and evaluate the impacts, both on and off-site, of the development arising from the construction and occupation/use phases of the development. Measures to compensate for or mitigate adverse impacts, including loss of habitat and biodiversity must be outlined, whilst it should also be demonstrated that the development would result in a net gain in biodiversity.</p> <p>Where the preliminary ecological appraisal indicates the need for further targeted surveys, such as bat or nesting bird surveys, these should be included as an addendum and/or separate reports.</p>
<p>Retail impact assessment</p>	<p>An assessment to establish whether the impact of certain out of centre and edge of centre proposals over time (up to 5 years or 10 for major schemes) on existing town and local centres is not significantly adverse. The impact should be assessed in relation to all town and local centres that may be affected, which are not necessarily just those closest to the proposal and may be in neighbouring authority areas.</p>
<p>Retail sequential assessment</p>	<p>An assessment of available premises within or on the edge of town and local centres in an agreed area of search. This area should be agreed in advance with the Local Planning Authority. If the proposal has particular market and locational requirements which mean that they may only be accommodated in specific locations, then a robust justification for this ‘filtering’ of available premises must be provided. Land ownership does not provide such a justification. The scope for flexibility in the format and/or scale of the proposal must also be outlined. More advice is available in the Planning Practice Guidance.</p>
<p>Rural enterprise statement</p>	<p>A supporting statement to demonstrate that the development is essential to the functional needs of the enterprise, including evidence of a sound business plan and/or financial status of the enterprise, and evidence that the essential need cannot be met elsewhere in the locality. Attention should be given to policies BNE6 and/or H25 of the Local Plan Part 2.</p>

Soil quality survey	A survey of the soil quality across the site informed by sampling of it, with the site, or areas of it, then categorised under the Agricultural Land Classification (ALC) grades. This survey should have regard to Natural England's revised criteria for grading the quality of agricultural land .
Sports and open space analysis	An analysis of existing sports facilities and playing pitches (whether publically adopted or not) and open space of public value within the surrounding area of the site (whether publically adopted or not), relative to the size and function of the facility or space to be affected/lost, along with justification for impact, supported by evidence of marketing of the facility where relevant. Open space includes not just land, but also inland bodies of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and outdoor recreation.
Statement of community involvement (SCI)	A document which sets out how the developer/applicant has engaged with and consulted local communities and stakeholders, such as local authorities, statutory undertakers, consultees to the planning process and surrounding business, in the preparation of the application, and how responses have been taken account of in shaping the proposals.
Statutory declaration	A declaration under the Statutory Declarations Act 1835 of matters of fact made by a person to allow that person to declare something to be true for the purposes of satisfying a legal requirement or regulation when no other evidence is available. This can be made before anyone who is authorised by law to hear it (for example, a solicitor or legal executive), or before any Justice of the Peace. In addition, officers of the armed services with the equivalent rank of major and above may authenticate a statutory declaration.
Structural survey	A survey of the construction makeup and condition of an existing building undertaken by a suitably qualified survey, identifying likely impact of the development on that structure and in particular the capacity of the building to sustain the changes proposed. The survey should also identify a schedule of works/repairs needed to undertake the development including measures such as underpinning, structural support, demolition, partial removal, rebuilding, repair and maintenance.

<p>Transport assessment</p>	<p>An assessment which considers:</p> <ul style="list-style-type: none">▪ the proposed development and site layout (particularly proposed transport access and layout across all modes of transport);▪ information about neighbouring uses, amenity and character, and existing functional classification of the nearby road network;▪ data about existing public transport provision, including provision/frequency of services and proposed public transport changes;▪ the travel characteristics of the proposed development, including movements across all modes of transport that would result from the development and in the vicinity of the site;▪ likely trips from committed development in the area;▪ data about current traffic flows on links and at junctions (including by different modes of transport and the volume and type of vehicles) and identification of critical links and junctions on the highways network;▪ the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the site has been identified as within a high accident area;▪ the likely associated environmental impacts of transport related to the development, particularly in relation to proximity to environmentally sensitive areas (such as AQMAs or noise sensitive areas);▪ measures to improve the accessibility of the location (such as provision/enhancement of nearby footpath and cycle path linkages) where necessary to make the development acceptable in planning terms;▪ parking facilities in the area and the parking strategy of the development;▪ ways of encouraging sustainability by reducing the need to travel; and▪ measures to mitigate the residual impacts of development (such as improvements to the public transport network, introducing walking and cycling facilities, physical improvements to existing roads). <p>In general, assessments should be based on normal traffic flow and usage conditions (e.g. non-school holiday periods, typical weather conditions, lack of planned roadworks) but it may be necessary to consider the implications for any regular peak traffic and usage periods (such as rush hours). The timeframe that the assessment covers should be agreed with the local highway authority/ies in advance.</p>
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Transport statement	A 'lighter touch' evaluation compared to a transport Assessment, to be used where this would be more proportionate to the potential impact of the development (i.e. in the case of developments with anticipated limited transport impacts). The choice between a transport assessment and transport statement should be agreed with the local highway authority/ies in advance.
Tree survey	See 'arboricultural survey'
Utilities assessment	An assessment of the existing capacity of utility services, such as water, drainage, gas, electricity and telecommunications; whether those services can support the proposed development and, if relevant, what mitigation/off-site improvements to the network are necessary.
Viability appraisal	An 'open book' appraisal of the economics of delivering the proposed development on the site concerned, using the latest available build costs as published by BCIS and property values relevant to the locale. Profit levels should be reflective of the level of risk associated with a site and the tenure mix proposed. The appraisal must be accompanied by an undertaking by the applicant to cover the Local Planning Authority's costs in engaging the district valuer. Please also see paragraphs 1.12 and 1.13.
Waste handling method statement	A statement which provides a structured approach to waste minimisation, recovery, re-use and management during the construction and demolition of buildings, structures and infrastructure, taking account of the Waste Management Plan for England .

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**South
Derbyshire**
District Council

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICE COMMITTEE	AGENDA ITEM: 12
DATE OF MEETING:	16th AUGUST 2018	CATEGORY: RECOMMENDED
REPORT FROM:	ALLISON THOMAS – STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	MATT HOLFORD – ENVIRONMENTAL HEALTH MANAGER	DOC:
SUBJECT:	FINDERN PUBLIC SPACES PROTECTION ORDER	REF:
WARD(S) AFFECTED:	FINDERN	TERMS OF REFERENCE: EDS14, HCS10

1. Recommendations

- 1.1 That the Committee approves the proposed declaration of a Public Spaces Protection Orders (PSPO) at Staker Lane, Findern.

2. Purpose of Report

- 2.1 To provide the Committee with the outcomes of a recent consultation on a proposed Public Spaces Protection Order in Findern;
- 2.2 To seek approval to declare a Public Spaces Protection Order in Findern;
- 2.3 To confirm the protocol for the more rapid implementation of some forms of PSPO where they are required quickly or are only local relevance.

3. Background

- 3.1 The Anti-Social Behaviour Crime and Policing Act 2014 (“the Act”) introduced various discretionary powers for the police and local authorities to take new actions to tackle anti-social behaviour.
- 3.2 Sections 59 to 75 of the Act offer councils powers using Public Spaces Protection Orders to stop individuals or groups from committing anti-social behaviour in a public place.
- 3.3 Before making a PSPO the Council must be satisfied that the behaviour being restricted;
- Is having, or be likely to have, a detrimental effect on the quality of life of those in the locality;
 - Is persistent or continuing in nature;
 - Is unreasonable, and
 - The impact of the behaviour justifies the restrictions being proposed.

- 3.4 The PSPO can control the unreasonable behaviour by imposing conditions on the use of a specified area which will apply to everyone. Statutory guidance issued by the Home Office advises that a PSPO is “*designed to make public spaces more welcoming to the majority of law abiding people and communities and not simply restrict access*”.
- 3.5 Once declared a PSPO can last up to 3 years. After this it must either be extended or it is automatically revoked. The controls contained in a PSPO can be varied or removed at any time.
- 3.6 Where the conditions of a PSPO are breached there are two possible sanctions. Firstly, a Fixed Penalty Notice (FPN) can be issued which, if paid, discharges the liability for the offence. If the offence is not admitted or the FPN is not paid then the offence can be taken to a Magistrate’s Court to seek a prosecution. Where a PSPO is used for restricting alcohol consumption, a FPN will only be issued to an individual if they fail to comply with a request to cease drinking or surrender the alcohol.
- 3.7 FPNs can be issued by police officers, Police Community Support Officers (PCSOs), council officers or anyone else authorised by the Council. Prosecutions can only be taken by the Council. FPN’s issued in relation to alcohol consumption will be issued by either a PCSO or police officer.
- 3.8 The contents of a PSPO can be challenged in the High Court within 6 weeks of it being made. The challenge can be either on the basis that the Council did not have the power to make the relevant restriction, that the relevant tests stated in para 3.3 above are not met or that the procedural requirements for creating a PSPO were not met.

4. PSPOs in South Derbyshire

- 4.1 Levels of anti-social behaviour in South Derbyshire are relatively low. Nevertheless the Council has made proactive use of the power to deal with specific issues or locations of anti-social behaviour and to continue to apply pre-existing controls on how people use our parks and open spaces.
- 4.2 To date the Council has declared six PSPOs, all of which are published on the Council’s website. These consist of;
- A districtwide PSPO requiring dog owners to clean up after their dog;
 - A requirement for dogs to be kept on leads in some parks;
 - A ban on dogs in some children’s play areas;
 - A PSPO making registered owners responsible for litter thrown from their vehicle;
 - The Swadlincote Town Centre PSPO to control aspects of town centre anti-social behaviour (ASB);
 - Eureka Park PSPO to control aspects of ASB in Eureka Park.

5. Issues at Staker Lane, Findern

- 5.1 A small area of land formed by an access ramp off Staker Lane near to the A50 in Findern has been a repeated location for incidents of fly-tipping and other forms of anti-social behaviour over recent years. Having attempted a number of forms of intervention to prevent this officers have reluctantly concluded that the only viable means of preventing misuse of the land is to prevent access by unauthorised vehicles. The land will still need to be accessed by District and County Council vehicles as well as by a local landowner and their tenants.

- 5.2 The Council has undertaken a consultation exercise in accordance with the statutory guidance. A copy of the consultation paper is attached to this report.
- 5.3 In total, 13 responses to the consultation were received. All responses were in favour of the proposed declaration of a PSPO to prevent access onto the land. The only adverse comments were;
- Concerns that the impact of the barrier will move fly-tipping to other locations rather than preventing it;
 - Complaints made that the fly-tipping is as a result of the policy of some Councils to charge for waste disposal at recycling sites (this is not the case in Derbyshire) and charges by district council's for bulky waste collections.
- 5.4 Importantly, the Council received comments in support of the proposal from the landowner (Highways England), the agent acting on behalf of the owner of the private land affected by the ramp, Derbyshire Constabulary, local Councillors and Findern Parish Council.

6. Delegated Powers for Future PSPOs

- 6.1 PSPOs can potentially be very wide in scope or used to deal with local or short-term problems, such as this.
- 6.2 Local or short-term problems will often require a relatively rapid response by the Council. In order to enable the Council to respond rapidly to acute or localised issues of ASB, this Committee decided, following a previous report dated 20th August 2015, that some PSPOs should be adopted without the need for full Committee approval.
- 6.3 The conditions for adoption of a PSPO without full Committee approval are that:
- The full statutory consultation process has been completed and no significant objections have been made;
 - The nature of the ASB is acute or localised;
 - Both the Chair of this Committee and the Chair of Housing and Community Services (H&CS) Committee agree to the proposed PSPO.
- 6.4 Arguably all of these criteria apply to the proposed Findern PSPO, however as the shortened PSPO process has not previously been invoked then it was considered appropriate in this case to bring the proposed PSPO to Committee and to remind Committee of the criteria which apply for the more rapid declaration of a PSPO.

7. Financial Implications

- 7.1 Minor. Quotations have been obtained for the installation of the proposed gate to the access ramp. It is estimate that the costs of the installation will be recovered within 12-18 months through the savings due to the reduced number of fly-tips the Council is required to remove and dispose of at this location.

8. Corporate Implications

- 8.1 The proposals align with the "Place" Corporate Plan Theme and the key aim to "help maintain low crime and anti-social behaviour levels".

9. Community Implications

- 9.1 None

10. Conclusion

- 10.1 The proposed PSPO will enable the Council to install a gated entrance to a ramped access road off Staker Lane, Findern. It is expected that the gated entrance will significantly reduce incidents of fly- tipping and ASB in this area.
- 10.2 The proposal to jointly authorise the Chair of this Committee and Chair of H&CS to approve the declaration of a PSPO where the matter requires an acute response or is localised in impact will enable the Council to more rapidly deal with some forms of ASB.

Proposed Public Spaces Protection Order, Staker Lane, Findern

Consultation

March 2018

1.0 Introduction

Public Spaces Protection Orders (PSPO) are a control measure, created by the 2014 Anti-Social Behaviour, Crime and Policing Act, intended to deal with specific nuisances or problems in a defined area that are “detrimental to the local community’s quality of life”.

The Council has already created a number of PSPOs to deal with a variety of forms of anti-social behaviour such as dog fouling, dog nuisance, littering and anti-social consumption of alcohol.

All of the Councils existing PSPOs can be seen on our [website](#).

The purpose of this consultation report is to seek views on our intention to declare a further Public Spaces Protection Order in relation to a small area of land consisting of a ramped access road to a private field off Staker Lane in Findern.

2.0 Background

The location of the ramped access road on Staker Lane is illustrated in the following Figures.

It lies approximately 1km to the north of Findern and to the north-east of the roundabout serving the A38. The entrance point to the land is 100m along the northerly carriageway on Staker Lane from the A38 roundabout. The OS reference of the location is 430600 : 332300.

Figure 1: Site Location

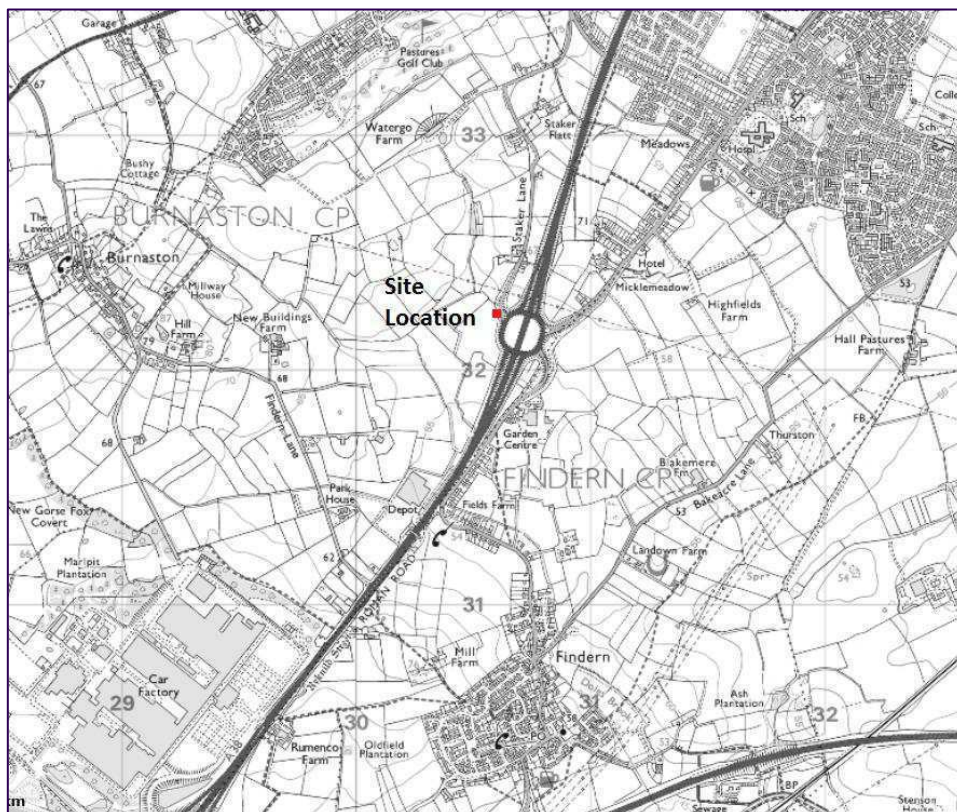


Figure 2: Detailed Site Location

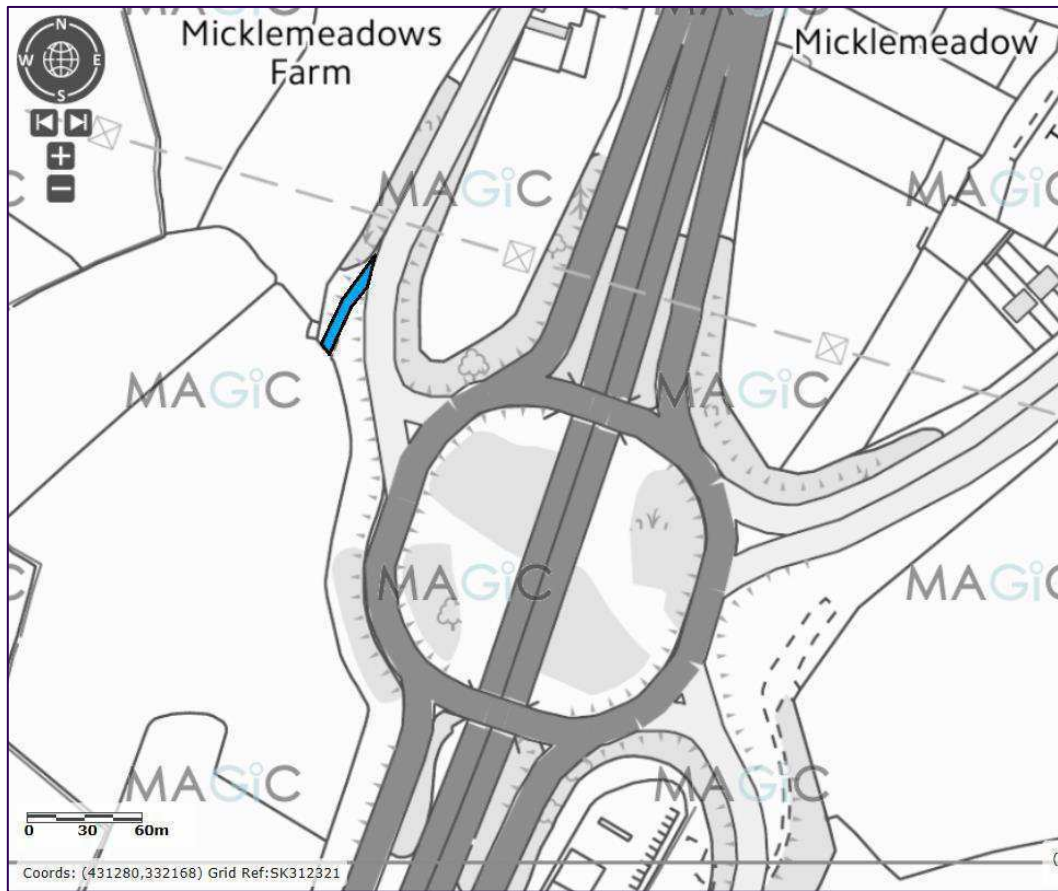


Figure 3: Image of Site Entrance off Staker Lane



The location is easily accessed off the road network, is hidden from view and not overlooked by any occupied properties. For a number of years the site has been the subject of repeated incidents of fly tipping. South Derbyshire District Council has been required to remove fly tipped material on multiple occasions from the site. The costs of removal plus investigation of the offences to the public purse over the last three years is in excess of £2,000. The site has also been subject to vehicles being abandoned and set on fire and we have evidence of the use of the location for drug dealing.

Due to the frequency of fly tipping incidents, the District Council has previously put up warning signs to dissuade potential offenders from fly tipping. This made no difference to the frequency of offences.

In December 2015 the Council started to periodically deploy surveillance equipment to gather evidence of offences. Since December 2015 the cameras have captured evidence of 16 separate offences, which has led to two prosecutions under section 34 of the Environmental Protection Act for the illegal disposal of waste and four further fixed penalty notices. These criminal sanctions have received widespread local publicity and yet still the frequency of incidents of fly tipping has not reduced.

The land is understood to be used by a local farmer to access his fields and fly tipped material frequently inhibits access to the farmed land. In 2017 a large accumulation of waste soil was dumped on the land which prevented the farmer from getting access to his land and caused him significant lost time and costs.

Some illustrative examples of offences on the access road are shown below.



3.0 Proposals

The effect of the proposed Order would be to restrict vehicle access onto the ramped road by the installation of one lockable gate at the point of access to the land off Staker Lane. The gate shall remain locked for 24 hours a day except for private access to the agricultural fields by authorised key-holders and for the purposes of cleaning, maintenance and emergency access. Any unauthorised tampering with the locked gate will be a breach of the PSPO and may result in either a fixed penalty notice of £100 or prosecution.

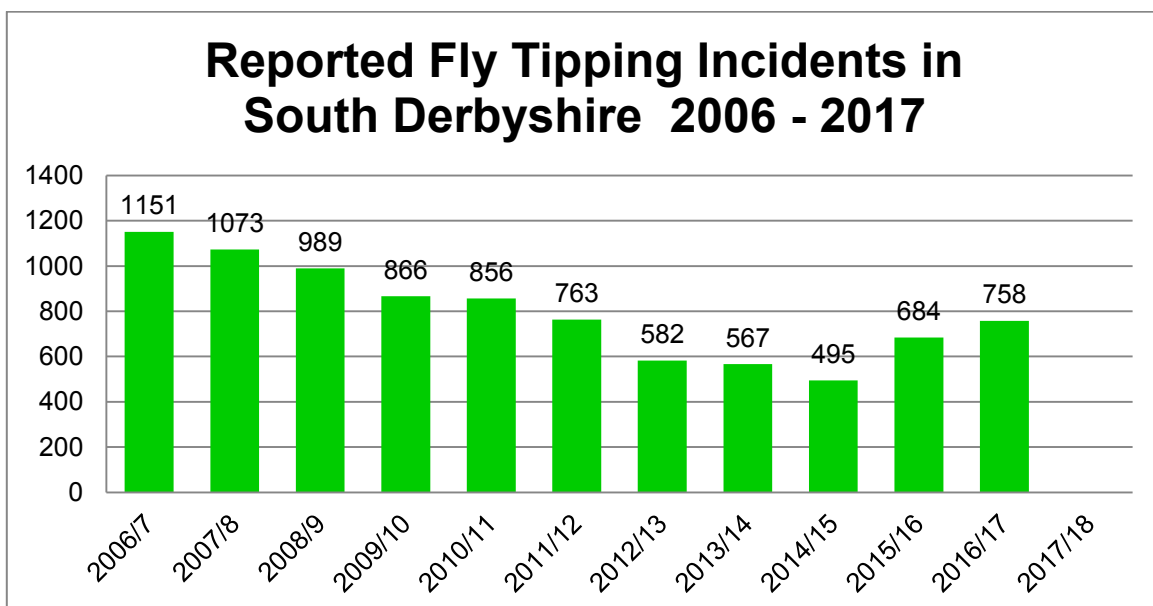
We do not currently propose to make it an offence for unauthorised persons (such as dog walkers or ramblers) to access the land without permission. However, we would be able to vary the proposed PSPO at a later date to include this if it is considered necessary.

Responsibility for the maintenance of the gate and the keeping of the key will lie with South Derbyshire District Council. We would propose to issue a copy of the key to the authorised key-holders.

The intended outcome of the PSPO is to give the Council legal authorisation to block off the entry to unauthorised vehicles and therefore to inhibit the use of the land for the illegal activities described in section 2.0.

4.0 Potential Benefits

Stopping fly tipping in South Derbyshire is one of the Councils key priorities. Incidents of fly tipping had been consistently reducing in South Derbyshire over the past decade. However, in 2015 both locally and nationally we observed an upward trend in incidents. Nobody has been able to offer a clear insight about the underlying reasons for these trends.



Our 2017/18 Corporate Action Plan contains a target to reduce fly tipping in the District. Our focus to date has been on removing fly tipping as soon as possible to prevent it acting as a magnet for more tipping, and to use all of the tools and powers available to us to punish those who we catch committing the offences. This proposed PSPO offers a more direct intervention to prevent fly tipping.

We estimate that this location alone contributes roughly 2% of the reported incidents of fly tipping every year in South Derbyshire. In gating the entrance we hope to directly contribute to reducing fly tipping incidents in South Derbyshire.

5.0 Potential Adverse Effects

We recognise that gating the access route will have potential adverse impacts. Those identified are summarised below along with the proposed mitigating factors:

Adverse Effect	Mitigation
The proposed gate will prevent access into the working field for the land owner and any tenants	The land-owner / relevant tenants will be authorised key-holders
The proposed gate will prevent access onto land designated as public highway by both Derbyshire County Council and Highways England	DCC and HE will be authorised key-holders
The gated access would prevent legitimate access onto public land by law-abiding members of the public	Our surveillance evidence indicates that a significant proportion of the vehicles accessing the land are associated with criminal activity. We do not propose to prevent pedestrian or cycle access onto the land
The gate will cause fly tipping and criminality to be displaced to other locations	We believe that this location is particularly attractive for fly tipping and criminal activity because of its location close to the main road network and out of sight. It is therefore known and targeted as an easy location. We anticipate that by removing it as an easy fly tipping spot, potential offenders are more likely to seek legitimate ways of disposing of rubbish rather than fly tipping elsewhere.
The gate cannot be constructed flush with the highway and therefore offenders will continue to fly tip in the recess between Staker Lane and the gate	We will continue to deploy surveillance equipment at the entrance point to catch offenders who persist in using the location to fly tip
The site will still be used for illegal activity by offenders accessing it on foot rather than by car	Our surveillance evidence indicates that very little criminality is associated with pedestrian footfall through the land.

5.0 Consultation Process

The access road is registered as plot DY47070 to the Secretary of State for Transport, however Highways England have advised that it does not form part of the operational trunk road boundary. It is understood that the ramp was constructed solely to retain access to the parcel of land adjacent to Staker Lane.

Highways England and Derbyshire County Council have informally advised that they have no objection in principle to the proposal, but that this could only be confirmed on receipt of the full proposals.

The consultees who are being directly contacted in relation to this proposal are:

- Derbyshire Police and Crime Commissioner
- Highways England
- Derbyshire County Council
- SDDC Ward Councillors
- Adjacent land owners and their agents
- Findern Parish Council

The consultation proposals will also be published on the Councils website for public comment.

Specifically we would like to know from consultees:

1. Do you agree with the proposal to install a locked gate at the access to the ramped access road off Staker Lane?
2. If 'no' please explain why?
3. Do you have any alternative or additional proposals to prevent fly tipping and criminality on the land which could be considered as part of the PSPO?

The Phase 2 consultation will be open until **30th April 2018**.

Please email your responses to environmental.health@south-derbys.gov.uk or write to us at

PSPO Consultation, Environmental Health Department, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Document Control

Version	Date	Author(s)	Brief Description of Change(s)
2	08.02.2018	MH	

REPORT TO:	ENVIRONMENTAL & DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 13
DATE OF MEETING:	16th AUGUST 2018	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	ALLISON THOMAS 595775 allison.thomas@south-derbys.gov.uk	DOC:
SUBJECT:	ENVIRONMENTAL SUSTAINABILITY GROUP	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS01

1.0 Recommendations

- 1.1 That the Committee endorses the establishment of a Corporate Environmental Sustainability Group to co-ordinate and improve the Council's environmental performance.

2.0 Purpose of Report

- 2.1 To seek endorsement for the creation of a Corporate Environmental Sustainability Group to co-ordinate the Council's work on improving its environmental credentials and performance.

3.0 Detail

- 3.1 Since 2008 South Derbyshire District Council (SDDC) has implemented an Environmental Management System under the nationally accredited ISO:14001 framework. As part of this work it committed to ensure that environmental objectives were embedded and integrated into its Corporate and Service Plans to support and enhance its environmental performance.
- 3.2 In 2017/18 the Council committed to review its ISO:140001 accreditation with a view to assessing its effectiveness in driving environmental improvements. This assessment has concluded that there is a significant reputational benefit in retaining a nationally accredited system as it outwardly signals the Council's commitment to improving its environmental performance and impacts. However, in order to drive forward this work in earnest those benefits would only be fully realised if the Council adopts a collaborative corporate approach. It is, therefore, proposed that a Corporate Environmental Sustainability Group is established to champion this work. Its role would be to ensure the Council's ISO 140001 accreditation is retained going forward. It would also be responsible for developing and implementing measures that demonstrably improve the Council's environmental performance and support the delivery of the Council's strategic environmental objectives as set out in its Environment Policy which include:

- Reducing the Council's environmental impacts on issues such as climate change, resource depletion, ecological damage, as well as on locally disruptive factors such as noise, traffic and maintenance
- Preventing pollution, minimising waste it produces and the energy it uses in all parts of the organisation in an attempt to continually improve the environmental system and enhance environmental performance,
- Helping all employees to reduce, reuse or recycle office materials, manage energy and water efficiently, reduce council transport impacts and adopt practical environmental purchasing guidance and systems,
- Consistently communicating, documenting and monitoring the Council's performance and raising awareness within the Council itself and with communities and partners.

3.3 Terms of reference for this group have been developed and are attached at Appendix 1 to this report. The initial area of focus for the group would be on the continued retention of the Council's ISO:14001 accreditation. The next external assessment is scheduled for October 2018. A further report on the outcomes of this assessment and an update on the Group's work programme will be reported to this Committee at a later date.

4.0 Human Resources Implications

4.1 The work of this group would be led by the Strategic Director – Service Delivery with the support of the Environmental Protection Officer within the Environmental Health Team. No additional staffing resources would be directly required although ongoing support and commitment from across a number of Teams within the Council would be a pre-requisite to delivering performance improvements.

5.0 Corporate Implications

5.1 The establishment of a Corporate Environmental Sustainability Group would contribute to the Corporate Plan's vision to 'make South Derbyshire a better place to live, work and visit'.

The key Corporate Plan aims linked to the Group include: O3. "Enhance environmental standards", PE5. "Reduce the amount of waste sent to landfill" and PL6. "Deliver services which keep the District clean and healthy

5.0 Community Implications

6.1 The work of the Group will support the key priority of the Sustainable Community Strategy to make South Derbyshire "A better place to live, work and visit at the heart of the National Forest" and in particular the underpinning themes of;

- Healthier communities:
- Safer and Stronger Communities:
- Sustainable Development.

6.0 Conclusions

7.1 The establishment of the proposed Corporate Environmental Sustainability Group will ensure our commitment to the principles of environmental management under ISO:14001 remain clear. More importantly it will also enable the Council to tap into

the energy and ideas within its own workforce to help translate the concepts within the ISO standard into tangible and meaningful improvements in sustainability in its own activities.

7.0 Background Papers

8.1 None

Corporate Environmental Sustainability Group

Terms of Reference

- 1) To review the Council's Corporate approach to environmental sustainability
- 2) To identify good practice and areas for improvement where the Council can lead by example
- 3) To identify the Council's current Corporate policies, plans, objectives and procedures in respect of its own environmental sustainability with view to determining whether they could be strengthened
- 4) To support the Council's retention of the ISO140001 Environmental Management System.
- 5) To develop a corporate action plan for improving the Council's environmental performance
- 6) To develop performance measures and targets to measure the impact of the action plan.
- 7) To develop opportunities to work in partnership with other public sector agencies to achieve greater environmental improvements than the Council could working alone.
- 8) To develop a corporate Communication's plan to convey the Council's work on environmental sustainability to staff, elected members and other relevant stakeholders
- 9) To develop an associated training programme to support the delivery of the action plan.

Group membership:

Strategic Director – Service Delivery

Strategic Director - Corporate Resources

Direct Services Manager

Environmental Health Manager

Environmental Development Manager

Property Services Manager

Head of Organisational Development

Environmental Protection Officer

Economic Development Officer

Initial areas of focus:

- Issues raised as a result of the ISO140001 external accreditation process – October 2018
- Council's Energy Consumption
- Council's Water Management
- Staff Travel – core and grey fleet miles
- Internal Waste Management
- Procurement

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 14
DATE OF MEETING:	16th AUGUST 2018	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:		DOC:
SUBJECT:	COMMITTEE WORK PROGRAMME	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: G

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 Committee – 16th August 2018 Work Programme

Work Programme Area	Date of Committee meetings	Contact Officer (Contact details)
Reports Previously Considered by Last Three Committees		
Corporate Plan 2016-21: Performance Report (1 October – 31 December 2017)	1 st March 2018	Keith Bull Head of Communications (01283) 228705
Enforcement and Compliance report	1 st March 2018	Matt Holford Environmental Health Manager (01283) 595856
Key Performance Indicators – Licensing Department	1 st March 2018	Emma McHugh Senior Licensing Officer (01283) 595716
Drakelow Park Update	1 st March 2018	Tony Sylvester Planning Services Manager (01283) 595743
Designation of a Neighbourhood Area	1 st March 2018	Ian Hey Community Partnership Officer (01283) 228741
Swadlincote Heritage Trail	1 st March 2018	Kate Allies Environmental Development Manager (01283) 228741

'Towards a Minerals Local Plan' Consultation	19 th April 2018	Richard Groves Planning Policy Officer (01283) 595738
Local Green Spaces Sustainability Appraisal Scoping Consultation	19 th April 2018	Kevin Exley Planning Policy Officer (Sustainability) (01283) 228717
Highways England A38 Derby Junctions Scheme – Statement of Community Consultation	19 th April 2018	Richard Groves Planning Policy Officer (01283) 595738
Consultation on Draft National Planning Policy Framework	19 th April 2018	Kevin Exley Planning Policy Officer (Sustainability) (01283) 228717
Feasibility Study for a Business Improvement District (BID) for the National Forest	19 th April 2018	Mike Roylance Economic Development Manager (01283) 595725
Service Policies	19 th April 2018	David Hucker Interim Director (01283) 595775
Swadlincote Townscape Heritage Lottery Fund – Grants Panel Membership	19 th April 2018	Liz Knight Conservation Officer (01283) 595983
Corporate Plan 2016-21: Performance Report Q4	31 st May 2018	Keith Bull Head of Communications (01283) 228705

Service Plans	31 st May 2018	Keith Bull Head of Communications (01283) 228705
Local Development Scheme	31 st May 2018	Karen Beavin Planning Policy Team Leader (01283) 595749
Draft Statement of Community Involvement	31 st May 2018	Karen Beavin Planning Policy Team Leader (01283) 595749
Repton Neighbourhood Development Plan	31 st May 2018	Ian Hey Community Partnership Officer (01283) 228741
Hartshorne Conservation Area	31 st May 2018	Liz Knight Conservation Officer (01283) 595983
East Midlands Airport Noise Action Plan	31 st May 2018	Richard Groves Planning Policy Officer (01283) 595738
Southern Derby Area Development Framework Document	31 st May 2018	Tony Sylvester Planning Services Manager (01283) 595743
Charitable Collections Policy – Request to Consider Application of Policy	31 st May 2018	Emma McHugh Senior Licensing Officer (01283) 595716

Adoption of Sexual Entertainment Venues	31 st May 2018	Emma McHugh Senior Licensing Officer (01283) 595716
Key Performance Indicators – Licensing Department	31 st May 2018	Emma McHugh Senior Licensing Officer (01283) 595716
Enforcement and Compliance Report	31 st May 2018	Matt Holford Environmental Health Manager (01283) 595856
Provisional Programme of Reports To Be Considered by Committee		
Corporate Plan 2016-21: Performance Report Q1	16 th August 2018	Keith Bull Head of Communications (01283) 228705
Masterplan for Elvaston Castle Consultation	16 th August 2018	Tony Sylvester Planning Services Manager (01283) 595743
East Midlands Airport Draft Noise Action Plan	16 th August 2018	Richard Groves Planning Policy Officer (01283) 595738
England A38 Derby Junctions Scheme – Statement of Community Consultation	16 th August 2018	Richard Groves Planning Policy Officer (01283) 595738

Local Validation Requirements	16 th August 2018	Chris Nash Principal Area Planning Officer (01283) 595926
Findern Public Spaces Protection Order	16 th August 2018	Matt Holford Environmental Health Manager (01283) 595856
Environmental Sustainability Group	16 th August 2018	Allison Thomas Strategic Director (Service Delivery) (01283) 595775
Key Performance Indicators – Licensing Department	27 th September 2018	Emma McHugh Senior Licensing Officer (01283) 595716
Local Green Spaces DPD	27 th September 2018	Karen Beavin Planning Policy Team Leader (01283) 595749
Draft Waste Local Plan	27 th September 2018	Richard Groves Planning Policy Officer (01283) 595738
Boulton Moor Development Framework Document	27 th September 2018	Karen Beavin Planning Policy Team Leader (01283) 595749
Gambling Act 2005 Statement of Licensing Policy	27 th September 2018	Emma McHugh Senior Licensing Officer (01283) 595716

Corporate Plan 2016-21: Performance Report Q2	15 th November 2018	Keith Bull Head of Communications (01283) 228705
Private Hire Licensing Convictions Policy and Conditions	15 th November 2018	Emma McHugh Senior Licensing Officer (01283) 595716
Corporate Plan 2016-21: Performance Report Q3	28 th February 2019	Keith Bull Head of Communications (01283) 228705