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Date: 13<sup>th</sup> January 2016

Dear Councillor,

**Council**

A Meeting of the **Council** will be held in the **Council Chamber**, on **Thursday, 21 January 2016** at **18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Conservative Group**

Councillor Atkin (Chairman), Councillor Murray (Vice-Chairman) and Councillors Billings, Mrs Brown, Mrs Coe, Coe, Mrs Coyle, Mrs Farrington, Ford, Grant, Mrs Hall, Harrison, Hewlett, MacPherson, Muller, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Stanton, Swann, Watson, Wheeler and Mrs Wyatt.

**Labour Group**

Councillors Bambrick, Chahal, Dunn, Pearson, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor, Tilley, and Wilkins.

## AGENDA

### Open to Public and Press

- 1 Apologies
- 2 Presentation: Mr John Everitt, Chief Executive of the National Forest Company
- 3 Presentation: Sainsbury's Waste Less, Save More
- 4 Minutes  
  
Council 5th November 2015 Open Minute **6 - 13**
- 5 To note any declarations of interest arising from any items on the Agenda
- 6 To receive any announcements from the Chairman, Leader and Head of Paid Service
- 7 To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 8 To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.  
Notice of Question **14 - 14**
- 9 To authorise the sealing of the documents.  
  
SEALED DOCUMENTS **15 - 15**
- 10 LOCAL PLAN PART 1 - MODIFICATIONS CONSULTATION **16 - 127**
- 11 COUNCIL TAX REDUCTION SCHEME REGULATIONS 2016 **128 - 131**

<b>12</b>	COMMUNITY GOVERNANCE REVIEW - TERMS OF REFERENCE	<b>132 - 140</b>
<b>13</b>	CONSTITUTION – UPDATED DOCUMENTS	<b>141 - 224</b>
<b>14</b>	To receive and consider the Open Minutes of the following Committees:	
	Overview and Scrutiny Committee 21st October 2015 Open Minutes	<b>225 - 229</b>
	Planning Committee 27th October 2015 Open Minutes	<b>230 - 235</b>
	Licensing and Appeals Sub-Committee 10th November 2015 Open Minutes	<b>236 - 237</b>
	Planning Committee 17th November 2015 Open Minutes	<b>238 - 242</b>
	Environmental and Development Services Committee 19th November 2015 Open Minutes	<b>243 - 247</b>
	Housing and Community Services Committee 26th November 2015 Open Minutes	<b>248 - 251</b>
	Finance and Management Committee 3rd December 2015 Open Minutes	<b>252 - 254</b>
	Standards Committee 8th December 2015 Open Minutes	<b>255 - 256</b>
	Overview and Scrutiny Committee 9th December 2015 Open Minutes	<b>257 - 260</b>
	Licensing and Appeals Sub-Committee 10th December 2015 Open Minutes	<b>261 - 261</b>
	Planning Committee 15th December 2015 Open Minutes	<b>262 - 267</b>

Licensing and Appeals Sub-Committee 18th December 2015 Open Minutes	268 - 269
Environmental and Development Services Committee - Special Budget 7th January 2016 Open Minutes	270 - 273
Repton Area Forum 13th October 2015 Open Minutes	274 - 279
Melbourne Area Forum 29th October 2015 Open Minutes	280 - 285
Newhall Area Forum 4th November 2015 Open Minutes	286 - 289
Etwall Area Forum 11th November 2015 Open Minutes	290 - 294
Swadlincote Area Forum 12th November 2015 Open Minutes	295 - 298
Linton Area Forum 18th November 2015 Open Minutes	299 - 302
<b>15</b> To review the compositions of Committees, Sub-Committees and Working Panels for the remainder of the municipal year.	
<b>16</b> To review the compositions of Substitute Panels.	
<b>17</b> To review the representation on Outside Bodies.	

**Exclusion of the Public and Press:**

- 18** The Chairman may therefore move:-  
That in accordance with Section 100 (A) of the Local Government Act 1972 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.
- 19** To confirm the Exempt Minutes of the Council Meeting held on 5th

November 2015 (CL/81-CL/84).

Council 5th November 2015 Exempt Minutes

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

**21** To receive and consider the Exempt Minutes of the following Committees:

Licensing and Appeals Sub-Committee 10th November 2015 Exempt Minutes

Planning Committee 17th November 2015 Exempt Minutes

Environmental and Development Services Committee 19th November 2015 Exempt Minutes

Housing and Community Services Committee 26th November 2015 Exempt Minutes

Finance and Management Committee 3rd December 2015 Exempt Minutes

Licensing and Appeals Sub-Committee 10th December 2015 Exempt Minutes

Licensing and Appeals Sub-Committee 18th December 2015 Exempt Minutes

Environmental and Development Services Committee 7th January 2016 Exempt Minutes

MINUTES of the MEETING of the  
SOUTH DERBYSHIRE DISTRICT COUNCIL  
held at the Civic Offices, Civic Way, Swadlincote  
on Thursday 5<sup>th</sup> November 2015  
at 6.00pm

**PRESENT:-**

**Conservative Group**

Councillor Atkin (Chairman), Councillor Murray (Vice Chairman), Councillors Billings, Mrs Brown, Mrs Coe, Coe, Mrs Coyle, Mrs Farrington, Ford, Grant, Mrs Hall, Harrison, Hewlett, MacPherson, Muller, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Stanton, Swann, Watson and Wheeler.

**Labour Group**

Councillors Bambrick, Chahal, Dunn, Pearson, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor and Wilkins.

CL/62 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Mrs Wyatt (Conservative Group) and Tilley (Labour Group).

CL/63 **PRESENTATION**

The Chairman welcomed Ms Kerry Bailey from Digital Derbyshire to the meeting. Ms Bailey gave a presentation to Members about the Digital Derbyshire programme, its roll-out and a progress update on Phase 1. Fibre broadband is now available to close to 70,000 premises in the District, South Derbyshire recording the highest take-up rate in the County. The contract for Phase 2 was signed earlier this year, accessing more funding, the aim being to extend coverage to 98% of Derbyshire. Members were encouraged to extol the benefits of fibre broadband to both home users and businesses.

Queries and comments raised by Members relating to areas in the District with no current provision, funding, capacity issues, commercial partnerships, alternative provision, escalation of provision and cable materials were noted and responded to.

The Chairman and Members thanked Ms Bailey for her presentation.

CL/64 **OPEN MINUTES OF THE COUNCIL**

The Open Minutes of the Council Meeting held on 24<sup>th</sup> September 2015 (Minute Nos. CL/45-CL/58) were approved as a true record.

Councillor Rhind referred to Minute No.CL/53 and asked whether the cost to the Council was known. The Chief Executive advised that the full sum was yet

to be established and Council would be notified once all the information was available.

CL/65 **DECLARATIONS OF INTEREST**

Council was informed no declarations of interest had been received.

CL/66 **ANNOUNCEMENTS FROM THE CHAIRMAN, LEADER AND HEAD OF PAID SERVICE**

The Chairman of the Council outlined the various engagements he had attended since the last Council on 24<sup>th</sup> September 2015, namely at the Scropton Riding School for the Disabled, celebrating its 50<sup>th</sup> Anniversary, at Elmbridge Tyres, to a seminar dealing with the migrant situation on the invitation of the Bishop of Derby, at the International Food, Drink and Craft Fair in Swadlincote, the Royal British Legion Bikers annual ride, at the High Sherriff's legal service in Derby Cathedral, to a Royal Logistical Corps reception at Chatsworth House, to the National Arboretum in Alrewas, to the Civic Service in Ticknall, to the South Derbyshire Sports Awards, to the Burton Mail Business Awards, to the 35<sup>th</sup> Anniversary Burton Hospital League of Friends dinner, to a production of the 'Pirates of Penzance' at Buxton Opera House in support of the charities Age UK and Foundation Derbyshire and to Coton-in-the-Elms to unveil and dedicate a memorial to armed forces personnel who lost their lives during the First World War.

The Leader of the Council updated Council with the latest position relating to Syrian refugees. He informed Council that Derbyshire County Council are the lead authority for the area and held a meeting on 4<sup>th</sup> November 2015, which the Director of Housing and Environmental Services attended. The County Council is to arrange a meeting in the coming weeks, also involving other parties such as Health, Police and Social Services, to discuss a coordinated programme across Derbyshire. Further details will be reported to Council at the appropriate time.

The Leader also thanked the Officers and Members who assisted Councillor Mrs Wyatt at the last Planning Committee on 27<sup>th</sup> October 2015, drawing particular attention to Vicky Smith.

The Head of Paid Service thanked Members for their assistance in the recent Corporate Plan Workshop process. A further meeting, to commence at 6.00pm, was proposed, to cater for those Members unable to attend the daytime events, allowing them to also actively contribute to the process. Members thanked the Chief Executive for this additional opportunity for all Members to participate.

The Head of Paid Service also confirmed that the Agenda order had been amended to better accommodate the open and exempt reports relating to the Devolution Deal.

CL/67 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council was informed that no questions had been received.

CL/68 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

The following question has been received, on notice, from Councillor Richards to the Chairman of the Council;

*"The government recently brought forward the date to December 2015 for transferring to the new system of "Individual Electoral Registration" - one year earlier than previously planned, it is estimated that nearly two million people could drop off the register for no good reason.*

*I believe that's unnecessary, and wrong, what is this Council doing to persuade residents in South Derbyshire to register in order that they are not deprived of their democratic right to vote in future elections?"*

The Chief Executive, as Electoral Registration Officer, emphasised that the Council was endeavouring to address the matter. The Legal and Democratic Services Manager referred to press releases that had been issued, leaflets and posters displayed in Council buildings and distributed to other organisations. She emphasised the use of social media and the retention of a member of staff in the Elections office until December 2015 to assist with this project. A briefing paper was also made available for Members.

Members debated the matter, asking questions relating to action being taken to reach all individuals and national coverage. The Chief Executive stressed that nationally it was the responsibility of the Electoral Commission, but that at a local level, the Council was progressing matters.

CL/69 **SEALED DOCUMENTS**

09.09.15 11177 Transfer – 12 Elmsdale Road, Hartshorne  
21.09.15 11194 Transfer – 101 Elmsleigh Drive, Midway  
21.09.15 11199 Transfer – 143 Salisbury Drive, Midway

**RESOLVED:**

***That the Sealed Documents listed, for which there is no specific authority, be duly authorised.***

CL/70 **THE ANNUAL AUDIT LETTER FOR SOUTH DERBYSHIRE DISTRICT COUNCIL**

The representative of the Council's external auditors, Grant Thornton, presented the report to Council. Reference was made to the thriving nature of the area, the good financial health of the Council and the clean opinions given against the statutory audit provisions. Particular attention was drawn to the Efficiency Dividend, in terms of governance, value for money, proportionality



and affordability, requesting that the Council give due consideration to such matters if it was looking to repeat the process in the future.

Councillor Richards submitted a question regarding the legality of the Efficiency Dividend. The auditor emphasised legality was not being questioned in his report, given that the Council had taken appropriate legal advice. He advised that the Council should give the matter thorough consideration if it was to be repeated at a future time.

**RESOLVED:-**

***That the Annual Audit Letter for 2014/15 be considered and approved.  
(Abstentions: Councillors Dunn and Shepherd).***

CL/71 **REPORT OF THE INDEPENDENT REMUNERATION PANEL**

Dr Hall introduced the Report to Council and outlined the background to the Panel's meetings and its recommendations. Dr Hall confirmed that Members retain the right to determine remuneration and the requirement to consider the Panel's findings in doing so. He also commented that whilst some hold the view that the level of allowances should make being a councillor attractive, the guidance states that the allowances should only ensure that councillors do not incur financial disadvantage as a result of undertaking this role.

Councillor Wheeler noted the Review of Members' Allowances and thanked the Panel for its work. He did, however, express a view that the Panel had had insufficient data to work with, the outcomes not truly reflective of the work undertaken by Members. Councillor Wheeler therefore proposed that Council resolve the following:-

- a) That a further Independent Remuneration Panel be convened to sit in Autumn 2016 and report to Council before the end of October 2016.
- b) In order to inform that Panel, Council to review, update and, where necessary, create role profiles for Chairman and Vice-Chairman of Council, Leader and Deputy Leader, Chairmen and Vice-Chairmen of Committees and Sub-Committees, Leader and Deputy Leader of the Opposition Group, and Elected Members, including their responsibilities as members of Committees and Sub-Committees. These profiles to be agreed by Council by the end of July 2016.
- c) Council to review the report of the 2016 Independent Remuneration Panel before the end of 2016 with any resulting amendments to the Scheme for Member Remuneration to be implemented on 1<sup>st</sup> January 2017 unless Council agrees any Panel recommendation to the contrary.
- d) Pending c) above, all Members' Allowances, including Special Responsibility Allowances and Civic Allowances remain at their current level up to 1<sup>st</sup> January 2017, subject to indexation at the same percentage applied annually to the pay of local government staff, implemented in April 2016 (linked to spinal column point 49 of the NJC Scheme), backdated to the date of the Annual Council meeting on 21<sup>st</sup> May 2015.
- e) Council accepts the recommendations of the October 2015 Panel regarding Travel and Subsistence.

Councillor Richards sought and received clarification on the reference to the Chair of the Licensing and Appeals Sub-Committee in the report. Similarly, the Chief Executive queried the proposals regarding the telephone allowance, it being confirmed that it was proposed that it continue at the current rate until 1<sup>st</sup> January 2017.

**RESOLVED:-**

*That the proposals outlined above be approved.*

*(Abstentions: Councillors Rhind and Richards).*

CL/72 **LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY**

The Senior Licensing Officer presented the Report to Council.

**RESOLVED:-**

*That the Council's Licensing Act 2003 Statement of Licensing Policy ("the Policy") be approved and adopted.*

CL/73 **GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY**

The Senior Licensing Officer delivered the Report to Council.

**RESOLVED:-**

*That the Council's Gambling Act 2005 Statement of Licensing Policy ("the Policy") be approved and adopted.*

CL/74 **LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REVIEW LETTER 2015 AND UPDATE ON RECENT DEVELOPMENTS TO THE OMBUDSMAN SERVICE**

The Chief Executive presented the Report to Council.

**RESOLVED:-**

*That the Local Government Ombudsman's Annual Review Letter 2015 be accepted.*

CL/75 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

**RESOLVED:-**

*That the open minutes of the following Committees be approved as a true record:-*

<i>Etwall Joint Management Committee</i>	<i>13.07.15</i>	<i>EL/26-EL/30</i>
<i>Licensing and Appeals Sub-Committee</i>	<i>03.09.15</i>	<i>LAS/12-LAS/14</i>
<i>Finance and Management</i>	<i>03.09.15</i>	<i>FM/32-FM/42</i>
<i>Planning</i>	<i>15.09.15</i>	<i>PL/66-PL/81</i>
<i>Licensing and Appeals Sub-Committee</i>	<i>24.09.15</i>	<i>LAS/17-LAS/19</i>
<i>Finance and Management-Special</i>	<i>24.09.15</i>	<i>FM/48</i>
<i>Etwall Joint Management Committee</i>	<i>28.09.15</i>	<i>EL/31-EL/36</i>
<i>Finance and Management-Special</i>	<i>30.09.15</i>	<i>FM/49-FM/57</i>
<i>Licensing and Appeals Sub-Committee</i>	<i>01.10.15</i>	<i>LAS/21-LAS/23</i>
<i>Environmental &amp; Development Services</i>	<i>01.10.15</i>	<i>EDS/39-EDS/48</i>
<i>Planning</i>	<i>06.10.15</i>	<i>PL/82-PL/91</i>
<i>Housing and Community Services</i>	<i>08.10.15</i>	<i>HCS/31-HCS/39</i>
<i>Finance and Management</i>	<i>15.10.15</i>	<i>FM/58-FM/67</i>

Councillor Richards, in making reference to Minute No.HCS/37 of the 8<sup>th</sup> October 2015 Housing and Community Services Committee, raised a matter relating to the recent issue of a rent collection letter, the policy relating to these practices and his concerns regarding the level of customer service encountered. The Chief Executive, with the Director of Housing and Environmental Services, advised they would investigate the matter.

CL/76 **THE COMPOSITION OF COMMITTEES, SUB-COMMITTEES & WORKING PANELS FOR THE REMAINDER OF THE MUNICIPAL YEAR**

Council was informed that Councillor Mrs Wyatt would substitute Councillor Atkin on the Audit Sub-Committee.

CL/77 **COMPOSITION OF SUBSTITUTE PANELS**

Council was informed that no changes had been made to the composition of the substitute panels since its last meeting.

CL/78 **REPRESENTATION ON OUTSIDE BODIES**

Council was informed that no changes had been made to the composition of the substitute panels since its last meeting.

Councillor Taylor left the Meeting at 7.20pm.

CL/79 **DEVOLUTION DEAL**

The Chief Executive introduced the Report to Council, stressing that its contents were already somewhat out of date due to further communications received as recently as that afternoon, matters evolving very rapidly. Whilst the previously discussed Derby and Derbyshire (D2) Combined Authority is no longer an option, other options were being considered and authorisation was being sought for the Chief Executive and Leader to continue discussions.

The Leader expressed a view that a discussion on the Devolution Deal was overdue, but that South Derbyshire is the first authority in Derbyshire or Nottinghamshire to debate the subject in full Council. Such debate, he felt,

was hindered by two issues. Firstly, information on anything other than the 'asks' of government has been very limited or non-existent and secondly, papers relating to the subject are classed as privileged and cannot therefore be distributed to Members, although it would appear that some have been leaked to the press elsewhere in the country. The papers listed under exempt were only released by the County Council the previous day and these were expurgated versions of the originals. Whilst the Leader felt this situation was highly unsatisfactory, the Council was obliged to treat confidential or privileged papers accordingly. The Leader invited Members to book an appointment to read the documentation in his possession.

The Leader summarised the current situation as he saw it, emphasising that further detail was awaited. One combined authority, not two, for Derby, Derbyshire, Nottingham and Nottinghamshire, along with an elected mayor, was being proposed, but the governance arrangements of a combined authority and the powers of an elected mayor were not known. When further information was known, the Leader recommended discussion in full Council, preceded by a full briefing to Members.

The Leader stated that the County Council had proposed that authority be delegated to the Chief Executive and himself to agree a deal in principle, for later ratification by Council. The Leader explained why this proposal had been turned down. Firstly, he did not think it constitutionally proper to ask for delegated authority on a matter where Council could not be fairly clear on what might be agreed. Secondly, the Leader expressed concern with the words 'in principle', querying whether Council would have the power to reverse any decisions once any agreements in principle had been announced and perhaps acted upon. Thirdly, the Leader stressed that a devolution deal is a crucial issue for the Council and the communities it serves and as such, it should not be agreed by a small group, but openly and in public by all elected Members.

Councillor Richards acknowledged the fluidity of the situation and the need for greater detail, expressing concern that the devolution deal becomes ever bigger and agreeing with the Leader regarding adhering to the proper process. Councillor Southard emphasised that without more detail Members were unable to discuss the matter fully, expressing the view that caution be applied.

**RESOLVED:-**

***That the Chief Executive, in consultation with the Leader, be authorised to continue to engage in discussions with the Government and to bring back to the Council any proposals put forward by the Government for a Combined Authority and Devolution Deal.***

Councillor Ford left the Meeting at 7.50pm.

**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 for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined under the paragraphs of Part 1 of Schedule 12A of the Act as indicated in the reports of Committees.*

**DEVOLUTION DEAL**

*The two annexe documents, as received the day before, were discussed by Members.*

**EXEMPT MINUTES OF THE COUNCIL**

*The Exempt Minutes of the Council Meeting held on 24<sup>th</sup> September 2015, (Minute Nos. CL/59-CL/61) were approved as a true record.*

Councillor Bambrick left the Meeting at 7.55pm.

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NUMBER 11**

*Council was informed that no questions had been received.*

**EXEMPT MINUTES**

*Council received and considered the Exempt Minutes of its committees.*

**RESOLVED:-**

*That the Exempt Minutes of the following Committees be approved as a true record:-*

<i>Licensing and Appeals Sub-Committee</i>	<i>03.09.15</i>	<i>LAS/15-LAS/16</i>
<i>Finance and Management</i>	<i>03.09.15</i>	<i>FM/43-FM/47</i>
<i>Licensing and Appeals Sub-Committee</i>	<i>24.09.15</i>	<i>LAS/20</i>
<i>Planning</i>	<i>06.10.15</i>	<i>PL/92-PL/93</i>
<i>Housing and Community Services</i>	<i>08.10.15</i>	<i>HCS/40-HCS/43</i>
<i>Finance and Management</i>	<i>15.10.15</i>	<i>FM/68-FM/71</i>

The meeting terminated at 8.00pm.

COUNCILLOR N ATKIN

CHAIRMAN OF THE DISTRICT COUNCIL

The following question has been received, on notice, from Councillor Taylor to the Leader of the Council;

*Is the Leader satisfied with the current allocation and process for the distribution and laying of Remembrance Day wreaths on behalf of South Derbyshire District Council?*

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<b>REPORT TO:</b>	<b>COUNCIL</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>21<sup>st</sup> JANUARY 2016</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>DEMOCRATIC SERVICES 01283 595848 / 595722</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>SEALED DOCUMENTS</b>	<b>REF: J. BEECH</b>
<b>WARD(S) AFFECTED:</b>	<b>VARIOUS</b>	<b>TERMS OF REFERENCE: N/A</b>

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## **1.0 Purpose of Report/Detail/Recommendation**

1.1 To authorise the Sealed Documents listed below, which have no specific authority:-

<u>Date</u>	<u>No. of Seal</u>	<u>Nature of Document</u>
27.10.15	11238	Transfer – 17 Brookdale Road, Hartshorne
02.12.15	11253	Transfer – 8 Poplar Avenue, Midway
16.12.15	11268	Transfer – 10 Appletree Road, Hatton

## **2.0 Financial Implications**

2.1 None.

## **3.0 Corporate Implications**

3.1 None.

## **4.0 Community Implications**

4.1 None.

## **5.0 Background Papers**

5.1 Seal Register

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<b>REPORT TO:</b>	<b>COUNCIL</b>	<b>AGENDA ITEM: 10</b>
<b>DATE OF MEETING:</b>	<b>21<sup>st</sup> JANUARY 2016</b>	<b>CATEGORY:</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY AND PLANNING SERVICES STUART BATCHELOR</b>	<b>OPEN PARAGRAPH NO:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>NICOLA SWOROWSKI (EXT.5983) <a href="mailto:nicola.sworowski@south-derbys.gov.uk">nicola.sworowski@south-derbys.gov.uk</a></b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>LOCAL PLAN PART 1 - MODIFICATIONS CONSULTATION</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

1.1 To agree that the modifications to the Local Plan Part 1 are required in order to finalise the Plan (make 'sound') and that a consultation on the modifications can take place.

## **2.0 Purpose of Report**

2.1 The report is submitted to provide Members with an up to date position on the Local Plan Part 1 and to seek endorsement on the necessary main modifications resulting from consultation responses and hearing sessions.

## **3.0 Detail**

### **Background**

3.1 South Derbyshire's Local Plan was reconvened for discussion on the 8<sup>th</sup> and 9<sup>th</sup> December 2015. This was to consider the additional work that had been requested by the Inspector at the previous hearing sessions but also the inclusion of an additional strategic site as agreed by members on the 24<sup>th</sup> September 2015.

3.2 As agreed by Members at the Council of 3<sup>rd</sup> July 2014, Officers of the Council were delegated powers to consider and agree modifications to the submitted Local Plan Part 1 during the examination process.

3.3 It has been necessary for Officers to agree and suggest changes to the Plan in order to make the Plan sound. These changes have come through consultation responses and also through the hearing sessions where agreements were often reached across the table as to the best way forward. The changes are classed as either main modifications or additional (minor) modifications. Main modifications are required to be consulted upon whereas additional modifications are not. However the recommendation for this report is that whilst we will consult on the main modifications the suggestion is to also publish the additional modifications alongside though not for



consultation. The main modifications are listed in the document at Appendix A and the additional modifications are at appendix B. There are 81 main modifications listed. Main modifications are required to ensure that the Plan is sound and legally compliant.

- 3.4 Two of the main modifications have already been considered by the Council which is the increase in housing target to a maximum of 12,618 dwellings and also the additional strategic housing site at Land West of Mickleover.
- 3.5 Through the hearing sessions that Amber Valley Borough Council undertook in 2014 it became evident that changing the Plan start date mainly because of the additional work undertaken around the housing numbers was the most appropriate action. Officers were not able to undertake this change prior to submission of the Local Plan but agreed from the first hearing sessions that this change would be made.
- 3.6 Members agreed on the 2<sup>nd</sup> March 2015 to increase the housing target within the range of 12,539 – 12,618 dwellings which was an increase of 198 – 277 dwellings. The upper limit of this target was considered through the sustainability appraisal work and policies such as the Sustainable Growth Strategy (S1) and Housing Strategy (S4) have modifications suggesting changes to that effect.
- 3.7 The Settlement Hierarchy policy (H1) was discussed through the first set of hearings and has been changed to take account of the conclusions reached. The hierarchy as modified in MM24 makes clear that for development outside of allocations the Hierarchy will be used based on the tiers: Urban Areas, Key Service Villages, Local Service Villages and Rural Villages and Rural Areas. Exception or cross subsidy sites (i.e. outside of the settlement boundary) will be allowed subject to limits set within this policy.
- 3.8 Around the housing sites the two key modifications to highlight are the removal of the cricket ground in Etwall from policy H10 which included this alongside the site off Willington Road.
- 3.9 The other change is the addition of the strategic site at Land West of Mickleover. Modification MM41 contains the policy for the housing site and includes a map for the site. This site was discussed at the hearings in December 2015 and changes were made to elements of the policy that was consulted on in October 2015. A signed statement between the developers of the site and the Council was presented to the Inspector with a revised policy. The changes focussed on the transport assessment of the site and vehicular access through the site for public transport penetration but not the whole site being accessed off Ladybank Road. The Environment Agency requested an additional criterion regarding surface water run-off which has therefore been added to the policy.
- 3.10 A more general point around the housing policies are that where applications have been granted permission and the numbers are different to those suggested through the Plan, then the policy has been changed to reflect this, as suggested by the Inspector. This affects the allocations in Hilton, Aston, Repton, Etwall and the Depot site in Swadlincote.
- 3.11 In terms of employment the strategic change is to add the words ‘a minimum’ in front of the 53 hectares in policy S5 to ensure alignment with the NPPF.
- 3.12 Two of the employment site policies also have suggested modifications. These relate to Land at Sinfin Moor (policy E4) and Dove Valley Park (policy E5). These

modifications listed as MM48 and MM50 are to offer greater flexibility and to be more positive about these new employment sites coming forward in the District.

- 3.13 In the initial hearings it was discussed that an additional policy regarding Rural Development should be considered to allow for appropriate diversification projects in rural areas. Through a statement of Common Ground with Derbyshire County Council the new policy was agreed and through main modification MM52 it will become policy E7.
- 3.14 These highlight some of the key main modifications. Where tables or maps require changing because of changes within the text of the Plan or more up to date information as available then these are also listed as modifications.
- 3.15 Alongside this consultation will be the Sustainability Appraisal that will be updated to take account of the modifications. The most recent Sustainability Appraisal was published and consulted on in October 2015 which considered the additional strategic site.
- 3.16 The next steps subject to approval of this report are to consult on the modifications document (Appendix A) for a period of six weeks. This will involve contacting those on our database to inform them of this consultation which will be on the Council's website with notices published in the local press. Following this period the responses are considered by the Inspector in order to finalise her report for a period of around three weeks. The Council will then have two weeks to complete a fact check of the report, followed by which the Inspector has a further three weeks in which to submit the report to the Local Authority. If the report confirms that the Local Plan is sound, it is then for the Council to formally adopt the Plan.

#### **4.0 Financial Implications**

- 4.1 None arising directly from this report.

#### **5.0 Corporate Implications**

- 5.1 A lack of an up to date Local Plan has the potential to impact on themes within the Corporate Plan as the Local Plan sets out development requirements up to 2028. An adopted Local Plan is a corporate priority as it will provide the Council with a clear plan for development and provide a robust defence in terms of planning appeals.

#### **6.0 Community Implications**

- 6.1 An adopted Local Plan will ensure that development across the District is achieved in as sustainable manner as possible and in a way that provides the infrastructure of community facilities for both the new residents but also existing residents.

#### **7.0 Background Papers**

- 7.1 Submission Local Plan Part 1 (August 2014)

#### **Appendix**

- A Schedule of Main Modifications to South Derbyshire Submission Local Plan Part 1  
B Additional Modifications to South Derbyshire Submission Local Plan Part 1



**South  
Derbyshire**  
District Council  
Community and  
Planning Services

# Schedule of Main Modifications to South Derbyshire Submission Local Plan Part 1



This document details the Councils proposed main modifications to the South Derbyshire Pre-Submission Local Plan Part 1.

This schedule supersedes all previous schedules of proposed modifications submitted by the council.

The proposed main modifications are listed in the order they appear in the Pre-Submission version of the Plan, with the exception of the policy maps which are grouped towards the end of the table. For each amendment, information on the proposed change and the reason for the change is given.

Modifications proposed are shown in bold and underlined, where text is proposed for removal it has been struck through, and any comments are in italics.

- **Insertion of text**
- ~~Removal of text~~
- *For information*

## Main Modifications

Modification Ref.	Document Page No.	Policy/ Paragraph/ Table	Modified text (deleted text shown as <del>struck through</del> , additional text shown in <b>bold</b> and SDDC comments shown in <i>italics</i> ). Modifications that arose through the Examination process are also <u>underlined</u> .	Reasons for modification	Source of modification (including representation no. if applicable)
Key Diagram					
MM1	After contents page		<p><i>Update the Key Diagram to include:</i></p> <ul style="list-style-type: none"> <li>• <i>Housing allocations</i></li> <li>• <i>Employment allocations</i></li> <li>• <i>Proposed major infrastructure</i></li> <li>• <i>Settlements according to hierarchy policy</i></li> </ul>	For clarity and show proposed developments on Key Diagram	SDDC
Chapter 1: Introduction					
MM2	2	1.1	Decisions on planning issues affect everyone's lives. The Local Plan deals with the proposals for the amount and location of future housing, employment and infrastructure in its widest meaning for the period from <del>2008</del> <b>2011</b> to 2028 in a comprehensive and holistic manner. Having a plan in place will ensure that development does not come forward in a piecemeal manner but through a plan-led process.	Reflect the most up to date strategy.	SDDC
MM3	2	1.10	<p>The Local Plan is to be written in two parts as follows:</p> <p>Part 1 – <del>to cover the strategic housing and employment allocations. It also includes strategic plan policies and key development management policies.</del> <b><u>Is the strategic part of the Plan. It contains strategic policies comprising of: housing and employment allocations, spatial policies and development</u></b></p>	To address English Heritage and National Trust concerns about the need to provide clarity that all the policies in the Part 1 of the Plan were considered to be strategic.	Statement of Common Ground signed between English Heritage, National Trust and SDDC (SD/EX/17)

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			<b><u>management policies.</u></b>		
MM4	2	1.12	<p>The Local Plan Part 1 contains <b><u>strategic policies for the District:</u></b></p> <p>Chapters 1 and 2 – includes Introductions to the Local Plan and a Spatial Portrait, which describes the District.</p> <p>Chapter 3 – sets out the Vision for the District and strategic objectives that will enable the Vision to be met.</p> <p>Chapter 4 – includes <del>the strategic policies that set out the overarching</del> <b><u>spatial</u></b> policies for development in the District.</p> <p>Chapter 5 to 9 – includes <del>key</del> development management policies.</p>	To address English Heritage and National Trust concerns about the need to provide clarity that all the policies in the Part 1 of the Plan were considered to be strategic.	Statement of Common Ground signed between English Heritage, National Trust and SDDC (SD/EX/17)
MM5	4	Additional paragraph after 1.18	<b><u>Whilst South Derbyshire is part of the Derby HMA, the further functional links into Ashby de la Zouch in North West Leicestershire and Burton upon Trent in East Staffordshire should be recognised. Swadlincote and the southern part of the District are influenced both by Burton and Ashby. Whilst parts of North West of the District closest to the East Staffordshire border are influenced by Burton.</u></b>	Change to clarify the links between South Derbyshire and Ashby de la Zouch and Burton upon Trent.	SDDC

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Chapter 3: A Vision and Local Plan Objectives for South Derbyshire					
MM6	11	3.1	<ul style="list-style-type: none"> <li>South Derbyshire has the fastest growing population in Derbyshire and market needs suggest that around <del>13,500</del> <b>12,618</b> additional homes are needed between 2008<del>11</del> and 2028.</li> </ul>	Change to reflect most up to date strategy.	SDDC
MM7	12	3.4	The below sets out the vision for South Derbyshire over the period <b>from 2011 up to 2028</b> :	Change to reflect most up to date strategy.	SDDC
			The strategy for growth will have delivered at least an additional <del>13,454</del> <b>12,618</b> homes over the <del>preceding twenty year</del> <b>plan</b> period and ensured the District's housing stock is better aligned to the needs of – and available to – everyone, irrespective of their stage of life, income or circumstances.	Change to reflect most up to date strategy.	SDDC
			To accommodate growth, brownfield land and disused buildings will be brought back into beneficial use and major <b>sustainable</b> urban extensions <del>to immediately to the south and south east of Derby</del> will have been developed, <del>accommodating a minimum of 6,800 additional homes and</del> providing a wide range of accommodation to meet the expanding housing needs of the City of Derby and South Derbyshire. The growth potential of Derby and	To reflect the current strategy	SDDC

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			these new urban extensions in particular, will have been unlocked through transport and other infrastructure improvements such as the provision of a new secondary school and other required local amenities.		
Chapter 4: Spatial Strategy – A Plan for Growth					
MM8	15	4.7	Fundamental to the strategy is the HMA's recognition that <del>neighbouring</del> Derby City is unable to make provision for all its own housing needs within its own boundary. <b><u>The City is only able to provide 11,000 dwellings over the period to 2028.</u></b>	To clarify that as well as it meeting its own housing needs, South Derbyshire is helping Derby City meet its assessed need.	SDDC
MM9	16	4.8	This means a collective approach is needed to ensure development needs across the wider Derby area are properly met. <b><u>As a result, over the plan period at least 12,618 dwellings will be built within the District, of which 9,605 dwellings are to meet South Derbyshire's objectively assessed housing need and 3,013 dwellings are in part to meet Derby City's unmet objectively assessed housing need.</u></b>  As part of that approach <b><u>this collective approach</u></b> , the authorities have worked together to ensure that optimum possible use is made of derelict and other previously developed sites and premises, to ensure		



Modification Ref.	Document Page No.	Policy/ Paragraph/ Table	Modified text (deleted text shown as <del>struck through</del> , additional text shown in <b>bold</b> and SDDC comments shown in <i>italics</i> ). Modifications that arose through the Examination process are also <u>underlined</u> .	Reasons for modification	Source of modification (including representation no. if applicable)
			opportunities for brownfield regeneration are taken. This will reduce the need for the loss of greenfield land particularly on the edge of Derby City, <u>although</u> to achieve the planned growth across the HMA will mean the unavoidable loss of some greenfield land.		
MM10	17-18	S1	South Derbyshire will promote sustainable growth to meet its objectively assessed housing and commercial needs in the plan period of <del>this Local Plan</del> <b>2011 – 2028</b> .	To better reflect the requirements of the NPPF.	WYG Planning and Environment (097/ 5371) Commercial Estates Group (114/5536) Garden Centre Group (125/5569)  SDDC
		S1	The two parts of the Local Plan will ensure that the economic, social and environmental objectives set out in this Plan are fully addressed; <del>by the overarching policy:</del>	The split between South Derbyshire and Derby City's housing need has been removed and added to the policy's explanatory text.	

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		S1 i)	<p>Ensuring that South Derbyshire's objectively assessed housing need is met alongside providing additional housing to ensure that Derby City's needs are also met. The housing split is as follows:</p> <ul style="list-style-type: none"> <li>a) <del>10,903 as South Derbyshire's need as assessed</del></li> <li>b) <del>2,551 to allow Derby City to meet its assessed need</del></li> </ul> <p>Generating a total of <del>13,454 dwellings to be built in the plan period.</del></p> <p><b><u>Over the plan period (2011 – 2028) at least 12,618 dwellings will be built within South Derbyshire.</u></b> The housing sites required will be met on a mixture of brownfield and greenfield sites with <del>brownfield land preferred where possible.</del> <b><u>encouragement given to the re-use of previously developed land.</u></b></p>		
		S1 (v)	<p><del>Through this strategy being put in place it</del> <b><u>It</u></b> is essential that the District's heritage assets,</p>	To better reflect the requirements of the NPPF	English Heritage (032 5146)

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			landscape and rural character are <del>recognised</del> <b>protected, conserved</b> and enhanced, <del>where possible, whilst accepting that some change is necessary to allow for the strategy to be delivered.</del>		National Trust (028/5113)
MM11	20	Title below 4.22	South Derbyshire Housing Growth <del>2008-2011</del> – 2028	Change to reflect the most up to date strategy.	SDDC
MM12	20/1	S4	<p>Provision will be made in this Plan for at least 13,454 net additional dwellings over the Plan period. The dwellings will be split between the Local Plan Part 1 and the Local Plan Part 2 as follows:</p> <p>i) Part 1 – Sites allocated to accommodate at least 12,404 dwellings as strategic sites.</p> <p>ii) Part 2 – the remaining dwellings, around 600, to be dealt with as non-strategic sites across the District including an assumed windfall of 450 dwellings across the Plan period.</p> <p>All of the above allocation in Part 2 will be made in regard to the settlement hierarchy (policy H1).</p> <p>The Council will maintain a five year rolling land supply of specific deliverable sites with additional buffers in accordance with the NPPF.</p>	<p>Change for consistency.</p> <p>Removal of Part 2 housing split between the settlement hierarchy categories.</p>	SDDC

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			<p><b>Provision will be made in this plan for at least 12,618 additional dwellings over the plan period.</b></p> <p><b>The dwellings will be split between the Local Plan Part 1 and 2 as follows:</b></p> <p><b><u>A Part 1 – Strategic sites (greater than 99 dwellings) allocated to accommodate the majority of the housing target.</u></b></p> <p><b><u>B The Part 1 allocations are to be made according to the following strategy:</u></b></p> <p><b><u>Urban Areas – Swadlincote, edge of Derby and the edge of Burton upon Trent</u></b></p> <p><b><u>Key Service Villages – strategic sites in Aston on Trent, Etwall, Hatton, Hilton and Repton.</u></b></p> <p><b><u>C Local Plan Part 2 –600 dwellings will be allocated across non-strategic sites (less than 100 dwellings).</u></b></p> <p><b><u>D The Council will maintain a five year rolling land supply of specific deliverable sites with additional buffers in accordance with the</u></b></p>		

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			<b><u>NPPF.</u></b>												
MM13	21	4.27	The HRS study and the <del>subsequent</del> update <b><u>through the SHMA</u></b> concluded there is a demographic need for 35,354 additional homes for the period 2008 – 2028 throughout the Derby HMA. <b><u>However this was updated again through sensitivity testing undertaken in March 2014 which considered the updated period 2011 – 2028 and found that the total housing need in the HMA was considered to be 33,388 dwellings.</u></b> The following table shows the distribution of the assessed housing need across the Derby HMA authorities:	Update.	SDDC										
MM14	21	Table 1	<i>Update table to reflect most up to date information</i>  Table 1: Housing target across the Derby HMA 2008 <del>11</del> -2028 <table border="1"> <thead> <tr> <th>Local Authority</th> <th>Housing Target 2008<del>11</del>-2028</th> </tr> </thead> <tbody> <tr> <td>South Derbyshire</td> <td><del>13,454</del><b><u>12,618</u></b></td> </tr> <tr> <td>Amber Valley</td> <td><del>9,400</del><b><u>9,770</u></b></td> </tr> <tr> <td>Derby City</td> <td><del>12,500</del><b><u>11,000</u></b></td> </tr> <tr> <td>Total</td> <td><del>35,354</del><b><u>33,388</u></b></td> </tr> </tbody> </table>	Local Authority	Housing Target 2008 <del>11</del> -2028	South Derbyshire	<del>13,454</del> <b><u>12,618</u></b>	Amber Valley	<del>9,400</del> <b><u>9,770</u></b>	Derby City	<del>12,500</del> <b><u>11,000</u></b>	Total	<del>35,354</del> <b><u>33,388</u></b>	Table lists current position but will need updating once information is available to reflect most up to date housing strategy	SDDC
Local Authority	Housing Target 2008 <del>11</del> -2028														
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Total	<del>35,354</del> <b><u>33,388</u></b>														
MM15	22	4.31	It should be noted that in planning for an additional <del>13,454</del> <b><u>12,618</u></b> dwellings in South	Change to reflect most up to date strategy.	SDDC										

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			Derbyshire, the following need to be subtracted to give a reflection of what is required from the Local Plan moving forward: <ul style="list-style-type: none"> <li>• Dwellings which have already been completed since 1 April <del>2008</del> <b>2011</b></li> <li>• Unimplemented planning permissions for dwellings as at <del>1 April 2012</del> <b>the point being monitored from</b> and unimplemented sites already allocated in the South Derbyshire Local Plan 1998.</li> </ul>												
MM16	25	S5	Provision across a range of sites, including allocations, will be made for the development of <b>a minimum</b> 53 ha net additional land for industrial and business development in support of the <b>Economic Strategies of the Council and the D2N2 Local Enterprise Partnership and the Council's Economic Strategy</b> .	Typo, change for clarity and to provide flexibility.	SDDC										
MM17	26	Table 2	<i>Update table 2 to reflect the most up to date information</i> <table border="1" data-bbox="750 1136 1326 1388"> <thead> <tr> <th>Area</th> <th>% of Housing Growth</th> <th>Employment <b>Land Need 2008-2028</b></th> <th><b>Developed 2008-2011</b></th> <th><b>Outstanding Requirement 2011-2028</b></th> </tr> </thead> <tbody> <tr> <td>Derb</td> <td>55.8</td> <td>154ha</td> <td></td> <td></td> </tr> </tbody> </table>	Area	% of Housing Growth	Employment <b>Land Need 2008-2028</b>	<b>Developed 2008-2011</b>	<b>Outstanding Requirement 2011-2028</b>	Derb	55.8	154ha			To reflect the re-basing of the Local Plan to 2011.	SDDC
Area	% of Housing Growth	Employment <b>Land Need 2008-2028</b>	<b>Developed 2008-2011</b>	<b>Outstanding Requirement 2011-2028</b>											
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			<table border="1"> <tr> <td>y Urban Area</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Remainder of Amber Valley</td> <td>25.1</td> <td>69ha</td> <td></td> <td></td> </tr> <tr> <td>Remainder of South Derbyshire</td> <td>19.1</td> <td>53ha</td> <td><b><u>10.73ha</u></b></td> <td><b><u>42.27ha</u></b></td> </tr> <tr> <td>Total</td> <td></td> <td>276ha</td> <td></td> <td></td> </tr> </table>	y Urban Area					Remainder of Amber Valley	25.1	69ha			Remainder of South Derbyshire	19.1	53ha	<b><u>10.73ha</u></b>	<b><u>42.27ha</u></b>	Total		276ha				
y Urban Area																									
Remainder of Amber Valley	25.1	69ha																							
Remainder of South Derbyshire	19.1	53ha	<b><u>10.73ha</u></b>	<b><u>42.27ha</u></b>																					
Total		276ha																							
MM18	26	4.49	<p>Since <del>2008</del> there has been <del>13.09</del> hectares of land developed in the ‘<del>remainder of South Derbyshire</del>’ area, therefore the remaining requirement is just less than 40 hectares. Details of how this is to be achieved are set out in Policy E1.</p>	To reflect the re-basing of the Local Plan to 2011.	SDDC																				

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			<p><b><u>The March 2014 housing sensitivity analysis resulted in an upward revision of the housing target and subsequent adjustments to the split of the housing between the three areas. However, the HMA local authorities concluded that any resultant change to the extent of the employment land requirement across the HMA as a whole and within each of the three areas would be negligible in scale. Therefore, no further adjustments have been made.</u></b></p> <p><b><u>In the “Remainder of South Derbyshire” area, development completed between 2008 and the Local Plan base date of 2011 measured 10.73 ha. Deducting this from the overall requirement of 53 ha leaves a total of 42.27 ha to be developed during the plan period. Details of employment land allocations can be seen in Chapter 6.</u></b></p>		
MM19	29	S8	<p>There is a presumption against inappropriate development within the Green Belt <del>and unless very exceptional circumstances exist.</del>  <del>D</del>development proposals received within the Green Belt will be assessed against national policy.</p>	To improve consistency with NPPF	SDDC
Chapter 5: Housing					



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MM20	34	Table 3	<p><i>Delete the existing Table 3 and replace with up to date information for 'Land Supply within Swadlincote and Villages Area':</i></p> <table border="1"> <thead> <tr> <th>Strategic Site allocations – Swadlincote and Villages</th> <th>No. of Dwellings</th> </tr> </thead> <tbody> <tr> <td>Land north of William Nadin Way/west of Depot</td> <td>600</td> </tr> <tr> <td>Land in the vicinity of Church Street/ Bridge Street &amp; Moat Street</td> <td>350</td> </tr> <tr> <td>Broomy Farm</td> <td>400</td> </tr> <tr> <td>Depot housing site, Darklands Road, Swadlincote</td> <td>158*</td> </tr> <tr> <td>Drakelow Power Station, Drakelow</td> <td>2,239 (1)</td> </tr> <tr> <td>Land off The Mease, Hilton</td> <td>485*</td> </tr> <tr> <td>Former Aston Hall Hospital</td> <td>74*</td> </tr> <tr> <td>Land of Longlands, Repton</td> <td>124*</td> </tr> <tr> <td>Willington Road, Etwall</td> <td>199*</td> </tr> <tr> <td>Land to the north east of Hatton</td> <td>400</td> </tr> <tr> <td>Other</td> <td></td> </tr> <tr> <td>Part 2 site allocations</td> <td>600</td> </tr> <tr> <td>Windfalls</td> <td>450</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td>Note (1) Around 1,200 dwellings expected to be built out during</td> <td></td> </tr> </tbody> </table>	Strategic Site allocations – Swadlincote and Villages	No. of Dwellings	Land north of William Nadin Way/west of Depot	600	Land in the vicinity of Church Street/ Bridge Street & Moat Street	350	Broomy Farm	400	Depot housing site, Darklands Road, Swadlincote	158*	Drakelow Power Station, Drakelow	2,239 (1)	Land off The Mease, Hilton	485*	Former Aston Hall Hospital	74*	Land of Longlands, Repton	124*	Willington Road, Etwall	199*	Land to the north east of Hatton	400	Other		Part 2 site allocations	600	Windfalls	450			Note (1) Around 1,200 dwellings expected to be built out during		Change to reflect most up to date housing trajectory	SDDC
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			Plan Period. *Dwelling numbers changed on allocated land through planning applications from submitted Plan		
MM21	36	5.14	<del>The Strategy favours the allocation of sites to the south and south east of Derby, these being the most suitable broad locations with respect to future secondary school provision, in addition to those which already have planning permission, in meeting future housing needs.</del>	Remove the sentence as provides no clarity	SDDC

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MM22	36	Table 4	<p><i>Delete the existing Table 4 and replace with up to date information for 'Land Supply on the Derby Urban Edge':</i></p> <table border="1"> <thead> <tr> <th>Strategic Site allocations – Edge of Derby City</th> <th>No. of Dwellings</th> </tr> </thead> <tbody> <tr> <td>Highfields Farm</td> <td>1,040*</td> </tr> <tr> <td>Boulton Moor (Phase 1, 2 &amp; 3)</td> <td>1,950</td> </tr> <tr> <td>Chellaston Fields</td> <td>500</td> </tr> <tr> <td>Wragley Way</td> <td>1,950 (1)</td> </tr> <tr> <td>Primula Way, Sunny Hill</td> <td>500</td> </tr> <tr> <td>Holmleigh Way, Chellaston</td> <td>120*</td> </tr> <tr> <td>Hackwood Farm</td> <td>290</td> </tr> <tr> <td>Land West of Mickleover</td> <td>1,650 (2)</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td colspan="2">           Note (1) Around 1,000 dwellings are expected to be built out during Plan Period.            (2) Around 1,400 dwellings are expected to be built out during Plan Period.            *Dwelling numbers changed on allocated land through planning applications from submitted Plan         </td> </tr> </tbody> </table>	Strategic Site allocations – Edge of Derby City	No. of Dwellings	Highfields Farm	1,040*	Boulton Moor (Phase 1, 2 & 3)	1,950	Chellaston Fields	500	Wragley Way	1,950 (1)	Primula Way, Sunny Hill	500	Holmleigh Way, Chellaston	120*	Hackwood Farm	290	Land West of Mickleover	1,650 (2)			Note (1) Around 1,000 dwellings are expected to be built out during Plan Period. (2) Around 1,400 dwellings are expected to be built out during Plan Period. *Dwelling numbers changed on allocated land through planning applications from submitted Plan		Change to reflect most up to date housing trajectory	SDDC
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MM23	38	Insert paragraph after 5.17	<b><u>5.18 The settlement boundaries will be reviewed through Part 2 of the Plan as many will need re-drawing due to growth that has either taken place or is expected to take place through the allocations made (in both parts of the Plan). It does not mean that any new opportunities that arise will not be considered by the Council but the intention is to manage development within the District.</u></b>	Change for clarity	SDDC

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MM24	37-38	H1	<p><del>A The location of further residential development will be determined in accordance with the following settlement hierarchy:</del></p> <p><del><b>iv) Urban Areas</b> – Development of a range of scales up to and including strategic sites and affordable and cross subsidy exception sites of up to 25 dwellings will be promoted in appropriate sites within and adjoining Swadlincote including Woodville and as extensions to the urban areas of the City of Derby and Burton upon Trent.</del></p> <p><del>It is anticipated that 200 dwellings will be allocated within these locations in Part 2 of the Local Plan.</del></p> <p><del><b>iv) Key Service Villages</b> – Development of a range of scales up to and including small strategic sites and affordable and cross subsidy exceptions sites of up to 25 dwellings will be promoted in appropriate sites and according to individual settlement circumstance within the following settlements:</del></p>	<p>Change reflecting that the number of services within Stanton has decreased since the publication of the Pre-Submission Local Plan Part 1, and that the number within Coton in the Elms has increased. Linton changed tier from Local Service Village to Key Service Village.</p> <p>Change to correct typos and an omission.</p> <p>Change to simplify policy.</p>	<p>Chave Planning Ltd on behalf of Gainsborough Property (096/5369) and Antony Asbury Associates on behalf of Barratt/David Wilson Homes (038/5194)</p> <p>Planning Prospects on behalf of St Modwen (111/5495)</p> <p>Gladman Developments Ltd. (104 5414) Gladman Developments Ltd. (104 5415) Gladman Developments Ltd. (104 5416) Grasscroft Homes and Properties Ltd. (105 5430) Grasscroft Homes and Properties Ltd. (105 5431) Barrats/David Wilson Homes (5194)</p>

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			<p><del>Aston on Trent</del>  <del>Overseal</del>  <del>Etwall</del>  <del>Repton</del>  <del>Hatton</del>  <del>Shardlow</del>  <del>Hilton</del>  <del>Willington</del>  <del>Melbourne</del></p> <p><u>iv) Local Service Villages – Development of a local scale (up to 15 dwellings) and local scale affordable and cross subsidy exceptions sites of up to 15 dwellings to be promoted in appropriate sites and according to individual settlement circumstance within the following settlements:</u></p> <p>Findern  Newton Solney  Hartshorne  Rosliston  Linton  Stanton  Ticknall  Weston on Trent</p>		

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			<p><del>Netherseal</del></p> <p><del>It is anticipated that sites for 404 dwellings will be allocated in Key and Local Service Villages through Part 2 of the Local Plan.</del></p> <p><del>v) Development of limited infill and conversion of existing buildings and local scale affordable and cross subsidy exception sites of up to 12 dwellings will be promoted on appropriate sites and according to individual settlement circumstance within the following settlements, classed as Rural Settlements:</del></p> <p><del>Ambaston</del>  <del>Egginton</del>  <del>Radbourne</del>  <del>Barrow upon Trent</del>  <del>Elvaston</del>  <del>Scropton</del>  <del>Foremark</del>  <del>Stanton by Bridge</del>  <del>Bretby</del>  <del>Foston</del>  <del>Smisby</del>  <del>Burnaston</del>  <del>Ingleby</del>  <del>Sutton on the Hill</del></p>		

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			<p> <del>Cauldwell</del>  <del>Kings Newton</del>  <del>Swarkestone</del>  <del>Church Broughton</del>  <del>Lees</del>  <del>Thulston</del>  <del>Coton In The Elms</del>  <del>Long Lane</del>  <del>Trusley</del>  <del>Coton Park</del>  <del>Lullington</del>  <del>Twyford</del>  <del>Dalbury</del>  <del>Marston on Dove</del>  <del>Drakelow Village</del>  <del>Milton</del>  <del>Walton on Trent</del> </p> <p> <del>It is anticipated that sites for around 96 dwellings allocated in Rural Villages through Part 2 of the Local Plan.</del> </p> <p> <del>vi) Rural Areas – dependant on limited infill and conversion of existing buildings will be acceptable within any settlement not classed elsewhere in the hierarchy.</del> </p> <p> <b><u>The Settlement Hierarchy is based on the</u></b> </p>		



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			<p><b><u>range of services and facilities that are offered by each settlement. The level of development for each settlement will be of a scale appropriate to the size and role of that settlement. As planning applications are received the merits of each individual site will be assessed through the Development Management process.</u></b></p> <p><b><u>The distribution of new development outside of allocations over the period of this Plan will be in accordance with the Settlement Hierarchy below:</u></b></p> <p><b>1 <u>Urban Areas – the urban areas of Swadlincote including Woodville, adjacent to Derby and adjacent to Burton upon Trent</u></b></p> <p><b>2 <u>Key Service Villages</u></b></p> <table border="0" data-bbox="741 1098 1160 1273"> <tr> <td><b><u>Aston on Trent</u></b></td> <td><b><u>Etwall</u></b></td> </tr> <tr> <td><b><u>Hatton</u></b></td> <td><b><u>Hilton</u></b></td> </tr> <tr> <td><b><u>Melbourne</u></b></td> <td><b><u>Overseal</u></b></td> </tr> <tr> <td><b><u>Repton</u></b></td> <td><b><u>Shardlow</u></b></td> </tr> <tr> <td><b><u>Willington</u></b></td> <td><b><u>Linton</u></b></td> </tr> </table> <p><b><u>For the above two tiers, development of all sizes within the settlement boundaries will be</u></b></p>	<b><u>Aston on Trent</u></b>	<b><u>Etwall</u></b>	<b><u>Hatton</u></b>	<b><u>Hilton</u></b>	<b><u>Melbourne</u></b>	<b><u>Overseal</u></b>	<b><u>Repton</u></b>	<b><u>Shardlow</u></b>	<b><u>Willington</u></b>	<b><u>Linton</u></b>		
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			<p><b><u>considered appropriate and sites adjacent to settlement boundaries as an exceptions or cross subsidy site as long as not greater than 25 dwellings.</u></b></p> <p><b><u>3 Local Service Villages</u></b></p> <p><b><u>Coton in the Elms          Findern</u></b></p> <p><b><u>Hartshorne                  Mount Pleasant</u></b></p> <p><b><u>Netherseal                  Newton Solney</u></b></p> <p><b><u>Rosliston                    Ticknall</u></b></p> <p><b><u>Weston on Trent</u></b></p> <p><b><u>For the above tier, development of sites within the settlement boundary will be considered appropriate and sites adjacent to settlement boundaries as an exceptions or cross subsidy site as long as not greater than 15 dwellings.</u></b></p> <p><b><u>4 Rural Villages</u></b></p> <p><b><u>Ambaston                    Barrow upon Trent</u></b></p> <p><b><u>Bretby                        Burnaston</u></b></p> <p><b><u>Cauldwell                    Church Broughton</u></b></p> <p><b><u>Coton Park                   Dalbury</u></b></p> <p><b><u>Drakelow Village          Egginton</u></b></p> <p><b><u>Elvaston                     Foremark</u></b></p> <p><b><u>Foston                        Ingleby</u></b></p> <p><b><u>Kings Newton              Lees</u></b></p> <p><b><u>Long Lane                    Lullington</u></b></p>		

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			<p><u>Marston on Dove</u>      <u>Milton</u>  <u>Radbourne</u>            <u>Scropton</u>  <u>Smisby</u>                    <u>Stanton</u>  <u>Stanton by Bridge</u>    <u>Sutton on the Hill</u>  <u>Swarkestone</u>          <u>Thulston</u>  <u>Trusley</u>                    <u>Twyford</u>  <u>Walton on Trent</u></p> <p><u>For the above tier development of a limited nature will be allowed</u></p> <p>i. <u>within the settlement boundary where applicable or adjacent to as an exceptions or cross subsidy site as long as not greater than 15 dwellings.</u></p> <p>ii. <u>Or of limited infill and conversions of existing buildings where no settlement boundary.</u></p> <p><u>5 Rural Areas – areas outside of the defined settlements listed above.</u></p> <p><u>Due to the lack of services and facilities and defined settlement boundaries, only development of limited infill and conversions of existing buildings will be acceptable.</u></p>		
MM25	40	H2 B	<u>viii) Developer Contributions to be made</u>	Statement of Common	Statement of Common

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			<b><u>towards the provision of a new Household Waste Recycling Centre in the Swadlincote area.</u></b>	Ground signed for the requirement to be included within the policy.	Ground signed Derbyshire County Council and SDDC – SD/EX/48
MM26	42-43	H3 B (ii)	<b><u>Residential development of the Moat Street site will only be permitted when the provision of an appropriate replacement facility site has been secured;</u></b> <del>Consideration needs to be given to the provision of a new football ground on the Bridge Street site of an acceptable standard in terms of quality, with contributions achieved where viable.</del>	To achieve consistency with the NPPF	Sport England (100/ 5383) North West Leicestershire District Council (108/5442) Sport England (100/5383) SDDC
		H3 B (iii)	<del>Consideration will also need to be given to any undue adverse impact on nearby occupiers which may require mitigation of the visual impact to be put in place.</del> <b><u>Measures will be used to protect the separate identity of Albert Village and the amenity of nearby occupiers by mitigating against undue adverse visual impacts;</u></b>		
		H3 (vi)	Provide high quality cycle and pedestrian links both within the development and connecting to existing and proposed networks, including NCN63 Burton to Leicester route <b><u>and the CONKERS circuit.</u></b>	For clarification	The National Forest Charitable Trust (119/5563)
		H3 B	<b><u>vii) Developer Contributions to be made towards the provision of a new</u></b>	Statement of Common Ground signed for the	Statement of Common Ground signed Derbyshire

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			<b><u>Household Waste Recycling Centre in the Swadlincote area.</u></b>	requirement to be included within the policy.	County Council and SDDC – SD/EX/48
MM27	46	H4 B	<b><u>vii) Developer Contributions to be made towards the provision of a new Household Waste Recycling Centre in the Swadlincote area.</u></b>	Statement of Common Ground signed for the requirement to be included within the policy.	Statement of Common Ground signed Derbyshire County Council and SDDC – SD/EX/48
MM28	48	H5 A	Residential development on land at the Council Depot for around <del>158</del> 165 dwellings.	Up to date housing position on site following a planning application for decreased numbers on the allocation	SDDC
		H5 B	<b><u>v) Developer Contributions to be made towards the provision of a new Household Waste Recycling Centre in the Swadlincote area.</u></b>	Statement of Common Ground signed for the requirement to be included within the policy.	Statement of Common Ground signed Derbyshire County Council and SDDC – SD/EX/48
MM29	50	H6 B	<b><u>vii) Developer Contributions to be made towards the provision of a new Household Waste Recycling Centre in the Swadlincote area.</u></b>	Statement of Common Ground signed for the requirement to be included within the policy.	Statement of Common Ground signed Derbyshire County Council and SDDC – SD/EX/48
MM30	52 – 53	H7 A	Residential development on land at the Council Depot for around <del>485</del> 375 dwellings.	Up to date housing position on site following a planning application for increased numbers on the allocation	SDDC
		H7 B i)	The provision of a <del>two form entry</del> primary school on site to address the capacity issues of <b><u>current</u></b> primary school provision within Hilton;	Change to update policy wording.	SDDC

		H7 B (viii)	<b><u>The opening up of an existing culvert through the site and the creation of appropriate easements</u></b> An appropriate easement along watercourses on the site, free of built development.	Typo (comma insertion) and change to strengthen policy	SDDC
		H7 B	<b><u>ix) Developer Contributions to be made towards the provision of a new Household Waste Recycling Centre in the Swadlincote area.</u></b>	Statement of Common Ground signed for the requirement to be included within the policy.	Statement of Common Ground signed Derbyshire County Council and SDDC – SD/EX/48
MM31	55	H8 A	Residential development on land at the Council Depot for around <del>74</del> <b>100</b> dwellings.	Up to date housing position on site following a planning application for decreased numbers on the allocation.	SDDC
		H8	<b><u>vii) The development shall protect and enhance the setting of heritage assets.</u></b>	Changes ensure compliance with the NPPF.	Statement of Common Ground signed between English Heritage and SDDC – SD/EX/19
		H8	<b><u>viii) Developer Contributions to be made towards the provision of a new Household Waste Recycling Centre in the Swadlincote area.</u></b>	Statement of Common Ground signed for the requirement to be included within the policy.	Statement of Common Ground signed Derbyshire County Council and SDDC – SD/EX/48
MM32	58	H9	Residential development on Land at Longlands, Repton for around <del>100</del> <b>124</b> dwellings	Up to date housing position on site following a planning application for increased numbers on the allocation site	SDDC
		H9 B	<b><u>viii) Developer Contributions to be made towards the provision of a new Household Waste Recycling Centre in the Swadlincote area.</u></b>	Statement of Common Ground signed for the requirement to be included within the policy.	Statement of Common Ground signed Derbyshire County Council and SDDC – SD/EX/48
MM33	60	H10	Policy H10: Land south of Willington Road <del>and</del>	Removal of reference to	SDDC

			land south of Sutton Lane, Etwall	Sutton Lane site which was deleted at the Submission stage.	
MM34	60	5.47	Land to the south of Willington Road, lies to the south east of Etwall village and currently comprises agricultural fields. The site is adjacent to the built up area of Etwall and will be contained by Willington Road to the northeast of the site and by residential development to the west of the site. <del>A separate site on Sutton lane lies to the north of Etwall village and is currently in use as a cricket ground and includes a pavilion. The two sites together make up</del> Policy H10: Etwall Village provides a range of services and facilities, including John Port Secondary School.	Removal of reference to Sutton Lane site which was deleted at the Submission stage.	SDDC
MM35	60	5.49	<del>Together these sites offer the opportunity to provide better facilities and improve existing facilities in the village.</del>	Removal of Reference to site removed from Plan at Submission stage.	SDDC
MM36	60 - 61	H10 A	Residential development on land at Willington Road and land at Sutton Lane, Etwall for around <del>114</del> <b>199</b> dwellings in total.	Up to date housing position on site following a planning application for increased numbers on the allocation	SDDC
		H10	B The Council will require the below listed site specifics and accordance with other Local Plan policies:  <del>iv)</del> For land at Willington Road:  a) Provision of a replacement cricket pitch and pavilion, which should be an improvement in relation to the existing pitch and pavilion; b) <del>i)</del> That the development shall not adversely	To meet the objections of English Heritage and others and statement of Common Ground signed for the requirement to be included within the policy.	Mr and Mrs Brown (002/5007/5008/5009) Mrs P M Smith (006/5027/5028/5029) A Jenner (037/5187/5188) J Lawrence (039/5198/5199/5200) J Bonardt (047/5215) Etwall Parish Council (054/5237/5238/5239)

		<p>affect the setting of Etwall Lodge;</p> <p>e) <u>ii)</u> High quality pedestrian connections will be made from the site into the village of Etwall.</p> <p><b><u>iii) Developer Contributions to be made towards the provision of a new Household Waste Recycling Centre in the Swadlincote area.</u></b></p> <p><del>iv)</del> For land at Sutton Lane:</p> <p>a) Land is provided for the extension of Etwall cemetery; the present cemetery is at capacity and needs to expand;</p> <p>b) The character and setting of the Conservation Area and adjacent listed buildings shall be preserved;</p> <p>c) The southern edge of the site will require a green buffer and landscaping to help soften the housing development against the rural landscape and create a new village edge;</p> <p>d) High quality pedestrian links will be enhanced between the site and the village centre and between the site and the cemetery</p> <p>e) The existing hedgerow to be retained as far as possible.</p>		<p>Mr P Price (056/5248/5249/5250) P Price (057/5251/5252/5253) S Hollingworth (058/5254/5255/5256) A Hollingworth (059/5257/5258/5259) L Hollingworth (060/5260/5261/5262) J Hollingworth (061/5263/5264/5616) H Bonard (062/5266/5267/5268) P Lee (063/5269/5270/5271) A Lee (064/5272/5273/5274) Mrs Seggon (065/5275/5276/5277) D James (066/5278/5279/5280) C Beddows (067/5281/5282/5283) T Cutts (068/5284/5285/5286) M Vickers (069/5287/5288/5289) E Kemps (070/5290/5291/5292) T Kemps (071/5293/5294/5295) G Compson</p>
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					(072/5296/5297/5298) Mr F Casey (073/5299/5300/5301) Mrs J Casey (074/5302/5303/5304) Mr J Gatenby (075/5305/5306/5307) M J Gatenby (076/5308/5309/5310) Mr R Gatenby (077/5311/5312/5313) Mrs Bonnard (078/5314/5315/5316) C Bennett (079/5317/5318/5319) C A Bennett (080/5320/5321/5322) R Faulkner (081/5622/5323/5324) I Faulkner (082/5326/5327/5328) Mrs C Bryers (083/5329/5330/5331) B Madden (084/5332/5333/5334) J Madden (085/5335/5336/5337) Mr P Smith (086/5338/5339/5340) Mr J Clark (087/5619/5620/5342) J Clark (088/5344/5345/5346)
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					<p>Mr D Kemps (089/5347/5348/5349) R Kemps (090/5350/5351/5352) Mr J Sandland (091/5353/5354/5355) M Clutterbuck (092/5356/5367/5368) Mr York (093/5359/5360/5361) Mrs York (094/5362/5363/5364) Mr A Jenner (126/5570/5571/5572)</p> <p>Statement of Common Ground signed between SDDC and Derbyshire County Council –SD/EX/48</p>
MM37	64	H11 B	<b><u>x) Developer Contributions to be made towards the provision of a new Household Waste Recycling Centre in the Swadlincote area.</u></b>	Statement of Common Ground signed for the requirement to be included within the policy.	Statement of Common Ground signed Derbyshire County Council and SDDC –SD/EX/48
MM38	66	H12B	<b><u>viii) Developer Contributions to be made towards the provision of a new Household Waste Recycling Centre in the Swadlincote area.</u></b>	Statement of Common Ground signed for the requirement to be included within the policy.	Statement of Common Ground signed Derbyshire County Council and SDDC – SD/EX/48
MM39	72	H14 B	<b><u>iv) The development shall protect and enhance the setting of heritage assets</u></b>	Change ensure compliance with the NPPF.	Statement of Common Ground signed between English Heritage and SDDC – SD/EX/19
MM40	84 - 87	H19, H20, H21	<i>Policy numbers changed to take account of</i>	Change to reflect additional	SDDC

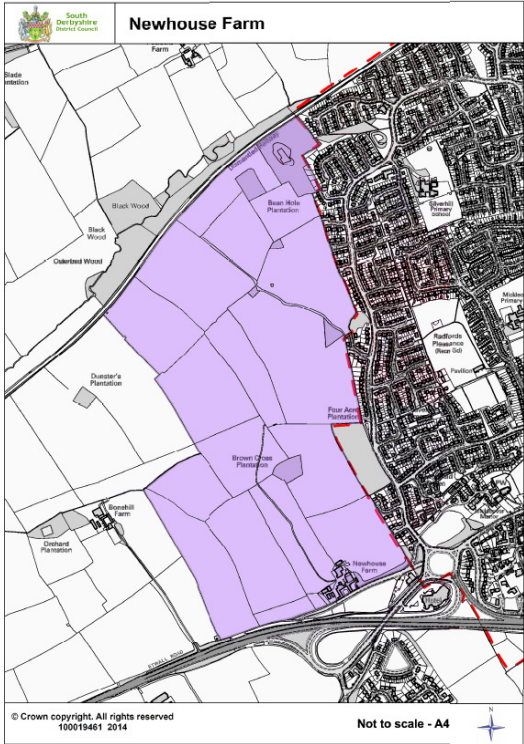
			<p><i>additional housing site policy – Land west of Mickleover which is to be H19.</i></p> <p><i>H19 -&gt; Policy H20 Housing Balance</i></p> <p><i>H20 -&gt; Policy H21 Affordable Housing</i></p> <p><i>H21 -&gt; Policy H22 Sites for Gypsies and Travellers and for Travelling Showpeople</i></p>	<p>housing site policy from submission version.</p>	
MM41	84	H19	<p><b><u>Land West of Mickleover is a sustainable urban extension to Derby City. The site lies to the west of the built up area of Mickleover. The A516 (Etwall Road) runs to the south of the site and to the north of the site is a former railway line which is a Sustrans route.</u></b></p> <p><b><u>The site can deliver around 1,650 dwellings in total though slightly less is expected to be delivered during the plan period, around 1,400 dwellings.</u></b></p> <p><b><u>The site is in a good location in relation to access to services and facilities. Though the site offers the opportunity to deliver new infrastructure due its critical mass.</u></b></p> <p><b><u>Policy: 19 Land to the west of Mickleover</u></b></p> <p><b><u>A Residential development on Land to the West of Mickleover will provide for around 1,650 dwellings.</u></b></p> <p><b><u>B The Council will require the below listed site specifics and</u></b></p>	<p>Policy to support additional strategic site</p>	<p>SDDC</p>

			<p><b><u>accordance with other Local Plan policies:</u></b></p> <p><b><u>i That South Derbyshire District Council and the developers work together with both Derby City and Derbyshire County Council to ensure that the proposals offer a holistic vision for an urban extension to be delivered in a comprehensive manner. Delivery mechanisms will need to be established to ensure the necessary level of coordination to effectively deliver the infrastructure and facilities to support the development;</u></b></p> <p><b><u>ii A jointly prepared development framework by South Derbyshire District Council and the developers shall be produced that sets out guiding principles for the site;</u></b></p> <p><b><u>iii The provision of a one form entry primary school on site with the provision of land for a two form entry should it be required;</u></b></p> <p><b><u>iv A new district centre offering a range of shops and facilities shall be provided that is commensurate with the</u></b></p>		
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		<p><b><u>needs of the community. The scale and nature of these facilities will be determined by evidence submitted with a future planning application;</u></b></p> <p><b><u>v The provision of a community centre. The ownership and management of this centre will be considered in more detail as part of a future planning application;</u></b></p> <p><b><u>vi Consideration of a GP surgery on site subject to discussions with the Southern Derbyshire Clinical Commissioning Group;</u></b></p> <p><b><u>vii High quality pedestrian and cycle routes shall be provided within the site and links between the site and existing residential development and the adjacent Sustrans route;</u></b></p> <p><b><u>viii The northern and western edge of the site will require a significant green buffer to help soften the housing development against the landscape;</u></b></p> <p><b><u>ix The urban extension shall protect and enhance where possible the wider setting of Radbourne Hall and other heritage assets;</u></b></p>		
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			<p><u>x Any application for planning permission will be supported by an assessment of the impact of development traffic on the strategic and local road network, including the cumulative impact of development proposed in three aligned Core Strategies. The scope of the assessment should be agreed with the local planning authority in consultation with the relevant transport network operators and service providers. The application will also be supported by an access strategy and a package of necessary measures to mitigate any significant impact of the development, including off-site highways improvements, necessary developer contributions and other measures to encourage non-car modes of transport; including necessary enhancements to local bus services.</u></p> <p><u>xi Vehicular access to that part of the allocation to the north of the public footpath route that runs from Greenside Court to the dismantled railway line shall be from Ladybank Road. There shall be</u></p>		
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			<p><b><u>no vehicular link, except for emergency vehicles and potential bus access, from the remainder of the allocation to Ladybank Road.</u></b></p> <p><b><u>xii Improvements to existing green infrastructure shall be made within the site along with provision of new green infrastructure on the site;</u></b></p> <p><b><u>xiii The Greenway to the north of the site and Ladybank Plantation to the east are local wildlife sites whose nature conservation interest should be protected and links to the surrounding green infrastructure network maintained or enhanced.</u></b></p> <p><b><u>xiv Surface water run-off should be attenuated to existing Greenfield rates up to a 1 in 100 year plus climate change event to ensure development does not exacerbate flood risk downstream.</u></b></p>		
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			 <p>* Allocation modified to include farm, which was not in the October 2015 consultation.</p>		
MM42	84-85	H20 A	<p>A The Council will seek to secure up to 30% of new housing development as affordable housing as defined in the NPPF on sites of over 15 dwellings or 0.5 hectares.</p>	<p>To ensure consistency with the remainder of the Plan.</p>	<p>Gladman Developments Ltd (104/5411/5412/5413) SDDC</p>



		H20 B iii)	The tenure mix and dwelling type on the site will be <b>based on the SHMA or other up to date housing evidence in conjunction with</b> agreed by the Council in consultation with the Council's Strategic Housing team having regard to the SHMA;	Discussed at examination to offer more flexibility	SDDC
		H20 C	Rural exception sites <b>that are kept in perpetuity as affordable housing</b> for local people <del>that are kept in perpetuity,</del> will be permitted adjoining existing <b>Key Service Villages, Local Service Villages and Rural Villages, the settlements on small sites (less than 25 number of dwellings to be in regard to accordance with Policy H1 settlement hierarchy)</b> as an exceptional circumstance to normal policy where:	To provide clarity	Gladman Development Ltd (104/5411/5412/5413) SDDC  SDDC
Chapter 6 : Employment and the Economy					
MM43	89	E1	<b>C Further development will also be supported at Dove Valley Park and Land at Sinfin Moor, in accordance with Policies E4 and E5</b>	Change following signing of Statement of Common Ground.	Statement of Common Ground between Dove Vally Park Ltd and SDDC - SD/EX/38
MM44	89	6.2	As noted in Chapter 4, net total employment land need for the plan period <b>in the remainder of South Derbyshire, beyond the Derby Urban Area, is 42.27 ha.</b> <del>is 53 ha.</del> In the interests of sustainability and to ensure that an attractive choice of sites can be offered to prospective investors, it has been determined that there should be some additional employment growth to balance planned housing growth.	To reflect the re-basing of the Local Plan to 2011.	SDDC
MM45	95	6.5	<del>The addition of these sites to the land supply on strategic sites brings the total provision for the</del>	To reflect the re-basing of the Local Plan to 2011.	SDDC

			period 2008 – 2028 to around 80 ha. <b><u>For the remainder of the District beyond the Derby Urban Area the additional employment sites in the plan period will bring the total provision to around 82 hectares.</u></b>		
MM46	96	E2	<p>A The development of land for uses defined by classes B1(b), B1(c), B2 and B8 of the Use Classes Order will be permitted where:</p> <p>(i) the site lies within or on the edge of the Swadlincote urban area, <b><u>Derby or Burton upon Trent, or</u></b> a Key or a Local Service Village; and the <del>proposal is in scale with existing built development and will not give rise to undue impacts on the local landscape, natural environment or cultural heritage assets; or</del></p> <p>(ii) the proposal is for the expansion of an existing business; or</p> <p>(iii) the proposal is for the redevelopment of established industrial or business land or premises; <del>or</del></p> <p>(iv) <del>the site lies outside settlements and the proposal is for the reuse or adaption of an existing building of substantial construction for small scale industrial and business use, including B1(a) office use, or the</del></p>	Additional Policy (Rural Diversification E7) written to address the concerns around this part of the policy.	SDDC (National Trust 028/5116)

			<p>replacement of an existing building with a well designed new building of equivalent scale;</p> <p>B The above criteria apply to sites other than those identified under employment policies E1, E3, E5 and E6. <b><u>All proposals under part A should be in scale with existing built development and should not give rise to undue impacts on the local landscape, natural environment or cultural heritage assets.</u></b></p>		
MM47	97	6.17-6.22	<p>6.17 Over the past fifty years the countryside has undergone significant economic change, resulting in a decline in agricultural employment and providing an impetus for rural economic diversification. In addition, much of South Derbyshire has taken on a dormitory role, providing residential accommodation away from the place of work and the provision of opportunities for employment-related development in rural areas can help to minimise the need to travel.</p> <p>6.18 The reuse or adaptation of existing redundant rural buildings can often be a means of providing suitable premises for small business at low cost whilst avoiding harm to the environment. Re-use for employment purposes will generally be preferable to use for other purposes as it can make the greatest contribution towards addressing economic needs and</p>	<p>The element of Policy E2 these paragraphs refer to, have been removed from the policy. Paragraphs 6.17, 6.18, 6.19 and 6.21 moved to explanation for policy E7.</p>	SDDC

			<p>enhancing the sustainability of rural communities.</p> <p>6.19 Such uses may be particularly well suited to listed and other buildings of historic merit, as they may involve less external change and internal subdivision than other alternative uses.</p> <p>6.20 As a general guide, the most suitable industrial and business uses outside strategic development locations in rural areas will be small in scale, providing for the employment needs of local residents and thereby minimising the need to travel. In the context of this policy, “small scale” will be taken to mean 1000m<sup>2</sup> or less, including buildings and any outdoor areas associated with the industrial or business use such as vehicle parking and loading/unloading areas. However, a flexible approach will be taken, particularly where premises are located within or close to significant areas of housing or where the opportunity exists to bring otherwise redundant rural buildings back in to use.</p> <p>6.21 Where an established building is unsuitable for industrial and business use, it may be appropriate to consider its replacement.</p> <p>6.22 In the southern part of the District, The</p>		
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			National Forest has had a major positive impact on rural economic development and will continue to provide important opportunities for diversification including the establishment of new employment related to forestry, conservation, leisure and tourism.		
MM48	99	E4	<u>A</u> Land at Sinfin Moor is <del>protected against</del> <b>identified for</b> development that would <del>compromise its use</del> <b>beyond 2018</b> for Use Classes B1(b), B1(c), B2 and B8 purposes as an extension to planned new employment development <del>within Derby City</del> at Sinfin Moor.	Change following signing of Statement of Common Ground.	Statement of Common Ground signed between SDDC and Pegasus Planning on behalf of Christ Church, Oxford (034) - SD/EX/40
MM49	99	6.26	Land measuring <del>some</del> <b>around</b> 30ha is identified as <del>an</del> <b>having the potential to create a comprehensive, coordinated and well integrated</b> extension to Derby City's proposed Infinity Park <b>at Sinfin Moor. This site has the potential to deliver a part of the South Derby Integrated Transport Link and the Council envisages its delivery once a satisfactory transportation mitigation scheme has been identified and demonstrated to be deliverable. Whilst not expected to, the development of the site should not prejudice committed employment or residential development elsewhere in the area. The development of the site will be dependent upon the identification and implementation of further transport mitigation measures to accommodate the growth in travel that would be generated.</b>	Change following signing of Statement of Common Ground.	Statement of Common Ground signed between SDDC and Pegasus Planning on behalf of Christ Church, Oxford (034) - SD/EX/40

MM50	99	E5	<p><del>A Where large premises to meet the needs of single industrial and business occupants cannot be accommodated within the strategic sites identified under Employment Policy E1, provision will be made for such development on land measuring up to 28.3 ha to the north of Dove Valley Business Park.</del></p> <p><b><u>Land measuring 28.3ha, to the north of Dove Valley Business Park, is allocated for the development of large scale industrial and business units only, as defined by classes B2 and B8 of the Use Classes Order. The minimum gross internal floor area per unit will be 15,000 sqm.</u></b></p>	Change following signing of Statement of Common Ground.	Statement of Common Ground signed between Dove Valley Park and SDDC – SD/EX/38
MM51	99-100	6.27- 6.30	<p>6.27 Dove Valley Business Park has proven attractive to investors by virtue of its location in the A50 corridor, the established direct highway connection to that road and the availability of plots.</p> <p><del>6.28 A sufficient quantity of land has been identified on remaining plots at that site and Drakelow, Hilton and Swadlincote to meet the needs of the District. The sites listed under policy E1 are capable of accommodating most industrial and business development need of South Derbyshire. However, it is recognised that there is demand for the development of units of an exceptionally large scale for businesses in the manufacturing and logistic sectors, particularly in the A50 corridor, and it is important that land be</del></p>	Change following signing of Statement of Common Ground (though paragraph numbers have changed since signing)	Statement of Common Ground signed between Dove Valley Park and SDDC – SD/EX/38

			<p><b><u>identified to accommodate such needs.</u></b></p> <p>6.29-However, where no suitable opportunities can be identified within the strategic allocations, the availability of land of a suitable size and configuration to accommodate such large scale end users may offer an opportunity to attract investment that might otherwise be lost to the District. Such investment would contribute towards the national objective of supporting economic growth. <b><u>To ensure that the site is developed for its intended purpose, individual units should have a minimum gross internal floor area of 15,000 sqm. Development on the site shall be designed to mitigate potential adverse visual impacts, by such means as careful siting of buildings, control of building heights and appropriate landscaping.</u></b></p> <p><del>6.30 Development on this site shall be designed to mitigate potential adverse visual impacts, by such means as the careful siting of buildings, control of building heights and appropriate landscaping.</del></p>		
MM52	100	After the explanation of policy E6	<p><b><u>Policy E7: Rural Development</u></b></p> <p><b><u>Development proposals which diversify and expand the range of sustainable employment activities on land outside of settlement boundaries will be supported by the Council</u></b></p>	Inclusion of policy following Statement of Common Ground and discussion at the Hearings in November/December 2014.	Statement of Common Ground between Derbyshire County Council and SDDC – SD/EX/48

			<p><b><u>provided they support the social and economic needs of the rural communities in the District.</u></b></p> <p><b><u>The Council will support proposals for the re-use, conversion and replacement of existing buildings and development of new buildings where:</u></b></p> <ul style="list-style-type: none"> <li><b><u>i) it is supported by a sound business case;</u></b></li> <li><b><u>ii) the local highway network is capable of accommodating the traffic generated;</u></b></li> <li><b><u>iii) development will not give rise to any undue impacts on neighbouring land;</u></b></li> <li><b><u>iv) it is well designed and of a scale commensurate with the proposed use</u></b></li> <li><b><u>v) visual intrusion and the impact on the character of the locality is minimised.</u></b></li> </ul> <p><b><u>Explanation</u></b></p> <p><b><u>Over the past fifty years the countryside has undergone significant economic change, resulting in a decline in agricultural employment and providing an impetus for rural economic diversification. In addition, much of South Derbyshire has taken on a dormitory role, providing residential accommodation away from the place of work. Farm diversification can assist in supporting</u></b></p>		
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		<p><u>economic viability and can provide jobs, helping to maintain the vitality of rural areas and reducing the need to travel.</u></p> <p><u>The reuse or adaption of existing redundant farm buildings can be a means of providing suitable premises for small business at low cost whilst avoiding harm to the environment. Re-use for employment purposes would generally be preferable to use for other purposes as it can make the greatest contribution towards addressing economic needs and enhancing the sustainability of rural communities. Such uses may be particularly well suited to listed and other buildings of historic merit, as they may involve less external change and internal subdivision than other alternative uses.</u></p> <p><u>Proposals for the economic diversification of farms should be of an appropriate scale, providing for the employment needs of local residents and thereby minimising the need to travel. A flexible approach will be taken, particularly where the opportunity exists to bring otherwise redundant buildings back into use. Where an established building is unsuitable for industrial and business use, it may be appropriate to consider its replacement.</u></p> <p><u>Where no alternative means of accommodating a business use as part of a</u></p>		
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			<p><u>farm diversification scheme can be found, it may be possible to develop a new, well designed building of a commensurate scale to the use. To ensure its long term viability as business accommodation, a planning application for development of this kind should be accompanied by a full business plan and the building should be so designed as to be suitable for use by other potential business occupiers.</u></p> <p><u>For all forms of development outside of settlement boundaries, it is important that the scale of development proposals is appropriate to its surroundings to ensure that visual intrusion and impact on the character of the locality are minimised.</u></p> <p><u>Proposals for leisure and tourism development are addressed by Policy INF10.</u></p>		
Chapter 7: Sustainable Development					
MM53	101	Chapter 7	<p><i>Insert the following as the introduction to the Sustainable Development Chapter:</i></p> <p><b><u>The Brundtland Report released by the World Commission on the Environment and Development defined sustainable development as:</u></b></p> <p><b><u>“Development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.</u></b></p> <p><b><u>The key priorities for delivering sustainable development are set out in the UK</u></b></p>	To provide an introduction into the purpose of the policies in the Sustainable Development Chapter of the Local plan	SDDC Barton under Needwood Parish Council (042/5592)

			<p><b><u>Government’s Sustainable Development Strategy (Securing the Future) published in March 2005. These are:</u></b></p> <ul style="list-style-type: none"> <li>▪ <b><u>Sustainable Consumption and Production</u></b></li> <li>▪ <b><u>Sustainable Communities</u></b></li> <li>▪ <b><u>Natural Resource Protection and Environmental Enhancement</u></b></li> <li>▪ <b><u>Climate Change and Energy.</u></b></li> </ul> <p><b><u>The National Planning Policy Framework states that ‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development’. The policies included in this chapter will help ensure that future growth contributes towards the delivery of sustainable growth within the District.</u></b></p>		
MM54	101	7.1-7.5	<p>7.1 The UK Government, through the Climate Change Act (2008) has pledged to cut carbon dioxide emissions by 80% in 2050 when compared with 1990 emissions. In order to achieve this challenging target government, businesses and individuals will need to work together to reduce the amount of energy we use and increase the amount of energy we generate from low and zero carbon sources.</p> <p>7.2 Although many people have sought to improve the efficiency of their existing homes and businesses, the government is keen to ensure that new buildings are constructed to higher standards in the future in order that</p>	Deletion due to change in Government policy.	SDDC

			<p>occupants will be able to use less energy and emit less greenhouse gases. This is shifting greater costs and responsibility onto developers and it is likely that some of the increase in the cost of building to higher energy efficient standards (estimated by the government at being between £3,000 and £8,000 per house) will be passed on to the customers purchasing properties.</p> <p>7.3 In July 2007 the Government's Building a Greener Future: Policy Statement announced that all new homes would be zero carbon from 2016. In December 2008 the Government published Definition of Zero Carbon Homes and Non-Domestic Buildings Consultation which proposed an approach to deliver low carbon buildings (accepted in July 2009) based on:</p> <ul style="list-style-type: none"> <li>- Improved energy efficiency</li> <li>- A minimum level of carbon reduction to be achieved by the use of on-site (or near-site) Low and Zero Carbon (LZC) Technologies</li> <li>- 'Allowable solutions' (for example, off-site renewable electricity via direct physical connection, and exports of low carbon or renewable heat to surrounding developments)</li> </ul> <p>7.4 The Government also requires that all new non-domestic buildings should be zero carbon from 2019 (with earlier targets for schools and other public buildings).</p>		
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			7.5 The targets for achieving zero carbon in buildings will be achieved via changes to the Building Regulations in 2013 and 2016 (2019 for commercial buildings)		
Chapter 8: Built and Natural Environment					
MM55	117	BNE1 A ii)	All proposals for major <b>new</b> development should perform highly when <b>will be</b> assessed against the Council's Design SPD;	Minor change to strengthen the policy	Nathaniel Lichfield on behalf of Commercial Estates Group (114/5547)
MM56	123-124	BNL3 A	The Local Planning Authority will support development which contributes <b>to the protection, enhancement, management and restoration of</b> <del>towards protecting, or improving</del> local biodiversity or geodiversity and delivering net gains in biodiversity wherever possible by:	Change to strengthen the policy	SDDC
		BNL3 A iii)	<b>Developing and maintaining</b> a District-wide <b>ecological</b> network of <b>SSSIs and</b> local wildlife sites <b>together with</b> <del>and</del> corridors <b>and stepping stone sites</b> to support the integrity of the biodiversity network,; prevent fragmentation, deliver ecosystem services and enable biodiversity to respond and adapt to the impacts of climate change.	Minor change to strengthen the policy	SDDC
		BNL3 B	Planning proposals that could <b>have a direct or indirect effect on</b> affect sites <b>with</b> identified as having potential or actual ecological or geological importance <b>including:</b> <ul style="list-style-type: none"> <li>- <b>Internationally important sites</b></li> <li>- <b>Nationally important sites (such as SSSIs)</b></li> <li>- <b>Sites of County importance (such as Local Nature Reserves, Local Wildlife Sites and Local Geological Sites)</b></li> </ul>	Minor change to strengthen the policy	SDDC

			<ul style="list-style-type: none"> <li>- <b><u>Ancient woodlands, veteran trees and hedgerows</u></b></li> <li>- <b><u>Priority habitats and species</u></b></li> </ul> <p>will need to be supported by appropriate surveys or assessments sufficient to allow the Authority to fully understand the likely impacts of the scheme and the mitigation proposed. Where mitigation measures, or exceptionally, compensation cannot sufficiently offset the significant harm resulting from the development <b><u>and/or where the development can potentially be located on an alternative site that would cause less or no harm</u></b>, planning permission will be refused.</p>		
Chapter 9: Infrastructure					
MM57	131	INF1	<p>A New development that is otherwise in conformity with the Local Plan but generates a requirement for infrastructure will normally be permitted if the necessary on and off-site infrastructure required to support and mitigate the impact of that development is either:</p> <ul style="list-style-type: none"> <li>i) Already in place, or</li> <li>ii) There is a reliable mechanism in place to ensure that it will be delivered in the right place, at the right time and to the standard required by the Council and its partners.</li> </ul> <p><del>B The Council will prepare a new Planning Obligations SPD to cover infrastructure and</del></p>	Change to improve clarity	SDDC

			<p>service requirements, including site-specific infrastructure, to be delivered through S106 Planning Obligations. <b><u>The Council will revise its Planning Obligations SPD to cover infrastructure and service requirements, including site-specific infrastructure, to be delivered through S106 Planning Obligations. Furthermore, once a Community Infrastructure Levy has been adopted, the Council will also operate a Community Infrastructure Levy Charging Schedule, to secure funding from new development towards infrastructure provision.</u></b></p> <p><del>C</del> Furthermore, should a Community Infrastructure Levy be adopted, the Council will also operate a Community Infrastructure Levy Charging Schedule, to secure funding from new development towards infrastructure provision, including strategic projects.</p> <p><del>D</del> <b>C</b> Where appropriate, the Council will permit developers to provide the necessary infrastructure themselves as part of their development proposals, rather than making financial contributions.</p> <p><del>E</del> <b>D</b> Whilst <del>it</del> is expected that development is appropriately supported and its effects mitigated, in the interests of sustainability<sup>72</sup>.</p> <p><del>€</del> <b>T</b>he viability of developments will also be</p>		
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			considered when determining the extent and priority of <del>development</del> <b>developer</b> contributions in line with the Infrastructure Delivery Plan.		
MM58	144	INF7 B	Within the Trent Valley, <b>or other locally determined Nature Improvement Area</b> , the District Council will support and help deliver the landscape scale change as promoted by the Lowland Derbyshire and Nottinghamshire Local Nature Partnership.	Change to improve the long term flexibility of the policy.	SDDC
MM59	146	INF8 (Ai-iv)	<p><b>i) Work with Partners to help deliver the National Forest Strategy 2014-2024 and any subsequent Strategy</b></p> <p><del>i) ii) Provide opportunities for diversification of the economy, especially in relation to the woodland economy and tourism, including overnight accommodation;</del></p> <p><del>ii) iii) Create an attractive, sustainable environment;</del></p> <p><del>iii) iv) Provide a range of leisure opportunities for local communities and visitors: and</del></p> <p><del>iv) v) Achieve 33% woodland cover in the National Forest.</del></p>	Modification to update policy to reflected publication of new National Forest Strategy	SDDC
MM60	151	INF10	<p>A Tourism development, including overnight accommodation <b>and visitor attractions</b>, will be permitted:</p> <p>i) Within or adjoining the urban area or the Key Service Villages</p>	Modifications to conform with NPPF	SDDC National Forest Company (055/5244) Chave Planning Ltd on behalf of Mr and Mrs Woodward (120/5564)



			<p>or;</p> <p>ii) In the remainder of the District where an appropriate level of accessibility on foot, by cycle and public transport can be provided and the development is either: <b><u>In other appropriate locations where identified needs are not met by existing facilities.</u></b></p> <p><b><u>B The District Council will seek to maximise opportunities to deliver new, or improve existing sustainable access arrangements including public transport provision, walking and cycling provision where appropriate.</u></b></p> <p><b><u>C In all cases the District Council will expect new tourism development to be</u></b></p> <p>a) <b><u>i)</u></b> provided through the conversion or re-use of existing buildings or;</p> <p>b) <b><u>ii)</u></b> is accommodation of a reversible and temporary nature <del>and there is a meaningful and demonstrable link with the proposed location,</del> <b><u>or</u></b></p> <p><b><u>iii) sustainable and well designed with a demonstrable need with the proposed location.</u></b></p> <p><b><u>D New tourism development that is likely to give rise to undue impacts on the local landscape, natural environment or cultural</u></b></p>		<p>National Forest Charitable Trust (119/5562) National Trust (028/5121)</p>
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			<b>heritage assets will be refused.</b>		
MM61	152	9.72	9.721 <del>In terms of t</del> <u>Tourism development of a permanent nature, in locations</u> not within or on the edge of an urban area or Key Service Village, it <del>should be temporary and of a nature such that it would be unsuitable as a permanent residential dwelling.</del> <b><u>will normally be permitted where identified needs are not met by existing facilities, subject to all other relevant policies in the Local Plan. Any such development should be sustainable and well designed.</u></b> <del>This would allow for sites to be developed as tourism accommodation but being reversible in nature would ensure the site did not need to be changed permanently if the tourism need no longer existed in that area.</del>	To more accurately reflect the wording of Policy INF10.	SDDC
Appendix 3 Housing Trajectory					
MM62	157	Appendix 3	<i>Delete Appendix 3 from the plan.</i>	Up to date housing trajectory will be contained within Annual Monitory Report and Assessment of 5 Year Housing Land Supply document.	SDDC
Policies Maps					
MM63	41	H2 Map of William Nadin Way, Swadlincote	<i>Amendment to the site boundary for housing allocation H2 to ensure that the golf course land is not included within the boundary of the housing site.</i>	Change reflecting updated maps received.	SDDC 105/5422 and 105/5433 (DPD on behalf of Grasscroft Homes and

					Properties Ltd.)
MM64	62	Map of H10	<i>Amend map title: Land south of Willington Road and land south of Sutton Lane, Etwall</i>	Change for consistency	SDDC
MM65	62	Map of H10	<i>Delete site at Sutton Lane, Etwall</i>	Change for consistency	SDDC
MM66	65	Map of H11	<i>Amend boundary to include a small area of land on the western edge of the allocation.</i>	Change reflected updated map received	SDDC Savills UK Ltd on behalf of Taylor Wimpey UK (SD/EX/42)
MM67	90	Map E1	<i>Show Tetron Point sites as "E1D", <b>not E1C</b></i>  <i>Divide E1A into two sites. Identify the site adjoining Swadlincote Lane as E1G. Keep the remainder as E1A.</i>  <i>Correct the map title accordingly.</i>	To reflect the most up to date evidence	SDDC
MM68	93	Employment Policy 1: Strategic Employment Land Allocation	<i>Title of plan should be amended to:</i>  Employment Policy 1: Strategic Employment Land Allocations – <del>E1D</del> <b>E &amp; E5</b> Dove Valley Business Park, Foston  <i>Identify on the map E5 Dove Valley Business Park – the boundary will incorporate the established business premises at Heath Top, Church Broughton</i>  <i>Identify the land allocated as E1E and E5</i>	Change following Statement of Common Ground.	Statement of Common Ground signed between Dove Valley Park Ltd and SDDC – SD/EX/38
MM69	99	Map of E4 Land at Sinfin Moor	<i>Include a map showing the Strategic Location for Sinfin Moor Employment Site Extension to support policy E4</i>	Change following Statement of Common Ground.	Statement of Common Ground signed between SDDC and Pegasus Planning on behalf of

					Christ Church, Oxford - SD/EX/40
Proposal Maps					
MM70	Aston Area Proposals Map		<i>Map to show the area added to the Green Belt</i>	Change for clarity	National Trust (28/5122) and English Heritage (32/5607)
MM71	Aston Area Proposals Map		<i>Map to show the area to be deleted from Green Belt</i>	Change for clarity	SDDC
MM72	Etwall Area Proposals Map		<i>Delete Policy H10 site at Sutton Lane, Etwall</i>	Change for consistency	SDDC
MM73	Hilton Area Proposals Map		<i>Include <b>E1E Dove Valley Business Park</b> in the table</i>	Change for consistency	SDDC
MM74	Hilton Area Proposals Map		<i>Include the small slither of unallocated land between the two sites for the Exceptional Employment Location allocation.</i>	Drafting error	SDDC
MM75	Hatton Area Proposals Map		<i>Amend boundary to include a small area of land on the western edge of the allocation</i>	Change reflected updated map received	SDDC Savills UK Ltd on behalf of Taylor Wimpey UK (SD/EX/42)
MM76	Southern Villages Proposals Map		<i>Amend site boundaries of H6 and E1F to correspond with respective Policy Maps.</i>	Change for consistency	SDDC
MM77	Swadlincote Proposals Map		<i>Indicate Employment site E1G</i>	Drafting error	SDDC
MM78	Swadlincote Proposals Map		<i>Include <b>E1C/E6 Woodville Regeneration Area</b> in the table</i>	Change for consistency	SDDC
MM79	Woodville		<i>Include <b>E1C/E6 Woodville Regeneration Area</b> in</i>	Change for consistency	SDDC

	Proposals Map		<i>the table</i>		
MM80	Aston Area Proposals Map		<i>Amend the boundary for E4 Strategic Employment Location to ensure it corresponds with the map accompanying Policy E4.</i>	Change for consistency	SDDC
Implementation and Monitoring Table (Submission Document C3)					
MM81		INF3	Determination of <del>planning</del> application <b>for a Development Consent Order</b> by the Secretary of State for Transport.	Ensure that reference is made to the correct delivery mechanism.	Statement of Common Ground between Goodman Shepherd and SDDC – SD/EX/20



**South  
Derbyshire**  
District Council  
Community and  
Planning Services

# Additional Modifications to South Derbyshire Submission Local Plan Part 1



This document details the Council's additional modifications to South Derbyshire's Submission Local Plan. The additional modifications are listed in the order they appear in the Pre-Submission version of the Plan, with the exception of the policy maps which are grouped towards the end of the table. For each amendment, information on the proposed change and the reason for the change is given.

Modifications proposed are shown in bold and underlined, where text is proposed for removal it has been struck through, and any comments are in italics.

- **Insertion of text**
- ~~Removal of text~~
- *For information*

## Additional Modifications

Updates to paragraph numbers are not included within the modifications table, however will be made to reflect the proposed changes within this modifications document and will run in chronological order.

Modification Ref.	Document Page No.	Policy/ Paragraph/ Table	Modified text (deleted text shown as <del>struck through</del> , additional text shown in <b>bold</b> and <u>underlined</u> , SDDC comments shown in <i>italics</i> ).	Reasons for modification	Source of modification (including representation no. if applicable)
Front Cover					
M1	N/A	N/A	South Derbyshire Pre-Submission Local Plan Part 1	To update the Plan	SDDC
Contents					
M2	N/A	N/A	Policy S1: <del>Strategic</del> <b>Sustainable</b> Growth Strategy	Typo	SDDC
M3	N/A	N/A	5 Housing <del>Policy</del>	Typo and minor change for consistency	SDDC
M4	N/A	N/A	8 Built and Natural Landscape <b>Environment</b>	Typo and minor change for consistency	SDDC
M5	After contents page	About this consultation and Consultation Period	<i>Deletion of page</i>	The page is in regards to the Pre-Submission Local Plan Part 1 Consultation which is no longer relevant	SDDC
Chapter 1: Introduction					
M6	3	1.15	It is the intention of the Council to write supplementary planning documents (SPD's) on topic's that require further detailed information beyond that in the Local Plan policies. These will cover:  Design: <b>Guidance for assessing and proposing all types of development</b>	Typo and to improve clarity	National Trust (052/5223)



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			<p>Car Parking Standards: <b><u>Guidance on car parking standards and requirements on all developments</u></b></p> <p>Cycling &amp; Greenway: <b><u>Guidance and proposals on strategic multiuser routes for walkers, cyclists, horse riders and those with mobility difficulties.</u></b></p>		
M7	5	1.20	<p><i>Insert the following explanation about Draft Local Plan and Pre Submission Local Plan Consultations, after the explanation about the Preferred Growth Strategy consultation:</i></p> <p><b><u>DRAFT LOCAL PLAN PART 1 2013</u></b></p> <p><b><u>The Draft Local Plan Part 1 sets out Housing and Employment provision required across the District up to 2028, together with Strategic and Development Management Policies. The consultation also included the Draft Sustainability Appraisal, Draft Consultation Statement and Draft Infrastructure Plan.</u></b></p> <p><b><u>The Sustainability Appraisal assesses the likely significant social, economic and environmental effects of all the reasonable options we have considered, including the preferred strategy and policies. Produced alongside it was a Habitats Regulation Assessment (HRA).</u></b></p>	Change for consistency and to explain the content of Local Plan accompanying documents	SDDC

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			<p><b><u>The Infrastructure Delivery Plan sets out the infrastructure that is required across the District in order to help accommodate the growth of the District up to 2028.</u></b></p> <p><b><u>The Consultation Statement sets out the consultation we have undertaken, how we undertook it and a gives a summary of the responses received and how they have been considered for each stage of the Local Plan process.</u></b></p> <p><b><u>PRE-SUBMISSION LOCAL PLAN 2014</u></b></p> <p><b><u>Following the consultation on the Draft Local Plan Part 1, the necessary changes were made and the Pre-Submission Local Plan Part 1 consulted upon. The accompanying documents (including the Sustainability Appraisal, the Infrastructure Delivery Plan and the Consultation Statement) were also updated where required. Representations made during this consultation were regarding soundness or legal and procedural compliance, including whether the Plan was in conformity with the Duty to Co-operate.</u></b></p>		
M8	5	1.22-1.25	<b><u>1.22 The Sustainability Appraisal, (and associated Habitat Regulations Screening Assessment), Consultation Statement and</u></b>	Paragraph 1.22 rewritten due to reference to Pre-Submission Consultation and	SDDC

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			<p><b><u>Infrastructure Delivery Plan were consulted upon in later consultations. In order to ensure that the objectives and targets included in the Plan are met , it is important to monitor the performance of Plan policies. We have identified a range of indicators which are set out in the Implementation and Monitoring table. These indicators include measurable targets which if not achieved will trigger further action to enhance plan performance. A monitoring report will be published each year that measures progress against the indicators.</u></b></p> <p><del>1.23 The Sustainability Appraisal assesses the likely significant social, economic and environmental effects of all the reasonable options we have considered, including the preferred strategy and policies. Produced alongside it was a Habitats Regulation Assessment (HRA).</del></p> <p><del>1.24 The Infrastructure Delivery Plan sets out the infrastructure that is required across the District in order to help accommodate the growth of the District up to 2028.</del></p> <p><del>1.25 The Consultation Statement sets out the consultation we have undertaken, how we undertook it and a gives a summary of the</del></p>	<p>paragraphs 1.23-1.25 have moved position within the Local Plan</p>	

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			<del>responses received and how they have been considered for each stage of the Local Plan process.</del>		
Chapter 4: Spatial Strategy – A Plan for Growth					
M9	15	4.5	The NPPF makes clear the Government's intention to increase the number of homes built and that Local Plans should be prepared in order to meet objectively assessed <u>housing</u> needs. <b><u>Objectively assessed housing need is essentially the number of homes required within a period of time and in order to calculate it requires an understanding of the population trends and projections, household growth (including migration), workforce and economic needs and existing housing stock. The starting point for estimating household need is CLG household projections, which is recognised by the NPPG.</u></b> <del>with sufficient flexibility to adapt to rapid change whilst reviewing any adverse impact doing so would have.</del>	Clarity	SDDC
M10	18	S2	When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to seek solutions, which mean that proposals secure development	Typos (two comma insertions)	SDDC

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			<p>that improves the economic, social and environmental conditions in the area.</p> <p>Planning applications received by the Council that accord with the policies in the Local Plan Part 1 &amp; 2 (and where relevant, with policies in neighbourhood plans) will be dealt with positively and without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:</p> <ul style="list-style-type: none"> <li>i) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the national planning policy framework taken</li> <li>ii) as a whole; or</li> </ul> <p>ii) specific policies in that framework indicate that development should be restricted.</p>		

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M11	18	4.15	<p>In 2010 the Government announced the need for an industry led examination of housing standards, to find a way to simplify them. <del>Through its review of housing standards in 2013, the Government is seeking to restrict local planning authorities from setting higher standards than are set out in building regulations in respect of the technical or functional performance of new buildings. As part of this review the government is also seeking to wind down the use of the code of sustainable homes.</del> <b><u>this review the Government has acknowledged that it is not always possible or desirable to require a single national standard for all new development, and that local discretion is, in some circumstances, necessary. The Housing Standards Review proposed the introduction of new powers in the Building Act which will enable different levels of performance where these are necessary to meet certain local circumstances. As part of the review the Government has also deleted the Code for Sustainable Homes.</u></b></p>	Change to update policy	SDDC
M12	19	4.16	<p>However, the <del>g</del>Government's proposed approach to housing standards does not restrict developers from bringing forward, or adopting their own voluntary standards to ensure that new developments are sustainable and</p>	Change to update policy	SDDC

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			contribute to the delivery of sustainable homes and businesses.		
M13	19	S3	<p>The Council will support developers in bringing forward more sustainable homes and commercial properties by supporting the <del>delivery of the g</del><b>Government's 'nationally described standard set'</b> under the planning policy framework and <del>by working collaboratively with developers, or other organisations wishing to bring their own environmental or social sustainability standards to market for utilisation on a voluntary basis.</del> <b><u>drive towards improved housing standards including in respect of access, space standards, security, water and external waste storage where specific justification exists for seeking higher standards locally than set out in Building Regulations.</u></b></p> <p><b><u>The Council will work collaboratively with developers, and other organisations wishing to bring their own environmental or social sustainability standards to market for utilisation on a voluntary basis.</u></b></p> <p>The Council supports the progression towards zero carbon development.</p> <p>In order to meet targets for zero carbon development the Council will encourage</p>	<p>Change to update policy</p> <p>Change to reflect Government Policy</p>	SDDC

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			<del>developers to maximise carbon reductions on site. However, where it is not achievable the Council will support the use of 'allowable solutions'.</del>		
M14	19	4.17	<del>Nonetheless,</del> <b><u>The environmental performance of new buildings is not determined solely by the technical specification of the building itself. Other factors such as site wide infrastructure delivery (such as the integration of sustainable drainage systems), or the delivery of biodiversity gain on site could make a meaningful contribution to improving the quality and environmental performance of individual buildings. The Plan as a whole seeks to ensure that development delivers sustainable development at the building and site scale to ensure the delivery of homes fit for the future.</u></b>	For clarity	SDDC
M15	19-20	4.18	<del>The Government has defined that the definition of zero carbon will be set at 70% of regulated emissions. A combination of fabric improvements to the building's structure (such as improvements to insulation and air tightness), to make homes more energy efficient, and renewable technologies will be used to reduce carbon emissions on site. Where these measures which together are known as carbon compliance measures, fail to reduce regulated emissions to the extent required by</del>	Deletion due to change in Government Policy	SDDC



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		4.19	<p><del>the building regulations there will be a mechanism to allow developers to make a payment to an "allowable solutions" provider that will reduce emissions elsewhere.</del></p> <p><b>Allowable Solutions are a new concept. It is currently expected that the developer will make a payment to an Allowable Solutions provider, who will take the responsibility and liability for ensuring that Allowable Solutions, which may be small to large scale carbon saving projects, deliver the required emissions reductions. Allowable Solutions are central to the overall policy of ensuring that achieving zero carbon is affordable, hence the per unit of carbon saved is likely to be set cheaper than Carbon Compliance measures capable of delivering similar carbon savings on site.</b></p>		
		4.20	<p><del>Allowable solutions are likely to be a key component of the Government's drive to secure zero carbon homes and commercial buildings. Allowable solutions could consist of:</del></p> <ul style="list-style-type: none"> <li><del>—On site measures (but not duplicating compliance measures)</del></li> <li><del>—Near site measures (within the Planning Authority area within which a specific development is built)</del></li> <li><del>—Off site measures (outside the Planning Authority area within</del></li> </ul>		

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		4.21	<p><del>which a specific development is built)</del></p> <p>It is expected that Carbon Compliance and Allowable Solutions measures will both be needed to meet the zero carbon Building Regulations in 2016, and each will need to be submitted, checked and verified as part of Building Control approval and are likely to be controlled by a regulatory regime other than planning.</p>		
		4.22	<p>The Council accepts that this is a complex and quickly evolving area of policy and will provide further information through the Design SPD. This support getting to grips with the concept of 'allowable solutions' and providing a directory of local and national providers.</p>		
M16	20	4.23	<p>The Localism Act and the NPPF introduce a requirement for local authorities to plan on a larger than local scale under the statutory Duty to Co-operate. This means that adjoining councils should work together to meet the development needs collectively of the area, particularly where these needs cannot be wholly met within the local authority area. <b><u>As part of the Derby HMA</u></b> <del>As stated earlier</del> South Derbyshire has worked in an aligned manner with Derby City and Amber Valley Borough Council since 2009.</p>		

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M17	22	4.29	The proposed distribution reflects the fact that the least constrained options for physical extensions to Derby predominately, <b>but not entirely</b> , lie in South Derbyshire. The distribution also reflects that Amber Valley has many constraints including the Derwent Valley World Heritage Site and Green Belt surrounding their Market Towns though does have a significant development opportunity at Cinderhill, near Denby.	Change for clarity	SDDC
M18	22	4.30	The proposed distribution also reflects the fact that the amount of growth proposed in Amber Valley <del>is somewhat higher than the adjusted trend projection as otherwise that Borough would be planning for virtually no</del> <b>plans for</b> employment growth <b>as opposed to virtually none</b> at all.	Change for clarity	SDDC
M19	22	4.32	Allowance is also made for estimated future losses of existing dwelling stock of over <del>150</del> <b>200</b> dwellings between 2011 and 2028.		
M20	22	4.33	<del>In particular, a substantial amount of dwellings already have planning permission on three large sites adjoining Derby following a conjoined Public Enquiry in 2008 and also at former Drakelow Power Station site.</del>	Out of date	SDDC
M21	23	4.35	Despite the recent global economic downturn, many headline economic indicators, such as	Typo	SDDC

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			unemployment and economic activity, remain positive. However, pockets of deprivation persist both in urban and rural parts of the District. The population of the southern parishes generally has lower levels of educational achievement and skills than that of the northern parishes and whilst the north of the District has benefited from good communications and the creation of new employment along the A50 corridor, progress in the south of the District has been slower. However, the presence of The National Forest in the south of the District has assisted greatly in the improvement of the local environment and thus the attraction of investment and expansion of the visitor economy. Likewise recent large scale public and private sector investment in Swadlincote town centre has greatly enhanced and expanded the town's retail core.		
M22	23	4.39	<del>The Local Enterprise Partnership, known as D2N2, encompasses Derby, Derbyshire, Nottingham and Nottinghamshire areas. The vision of D2N2 is to make the area more prosperous, better connected and increasingly competitive and resilient. In realising this vision, D2N2 has identified a goal of creating 55,000 new jobs by 2023. The LEP will focus on advanced transport manufacturing, medical/bio science, food and drink</del>	To explain the LEP strategy, which was submitted to Government after the Pre-submission Local Plan was made available for consultation.	SDDC

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			<p><del>manufacturing, construction, the visitor economy and low carbon goods/services. Most of these sectors are already well represented in South Derbyshire.</del></p> <p><b><u>The Local Enterprise Partnership (LEP), D2N2, covers Derbyshire and Nottinghamshire. Its Strategic Economic Plan makes the case for Government funding from the Single Local Growth Fund to help meet its objectives. This will be combined with EU and local funding, from the public and private sectors.</u></b></p> <p><b><u>The vision of the LEP is to make the area more prosperous, better connected and increasingly competitive and resilient. In realising this vision, the LEP will focus on transport manufacturing, life sciences, food and drink manufacturing, construction, the visitor economy, low carbon goods and services, transport and logistics and creative industries.</u></b></p> <p><b><u>The Strategic Economic Plan aims to create 55,000 jobs between 2013 and 2023. A range of measures is proposed to assist in achieving this. In regard to land use related activity, the Plan seeks to ensure the provision of sites and premises both to allow indigenous businesses to grow and to attract inward investment. It also seeks the provision of transport and</u></b></p>		

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			<p><b><u>broadband infrastructure to support growth and to accelerate the delivery of housing, which is seen as an important component of economic growth. The delivery of commercial and residential development will be partly achieved by helping partners to address constraints to implementation.</u></b></p> <p><b><u>Priority actions will include the development of Infinity Park at Sinfin Moor in Derby, which will focus on advanced engineering sectors, including aerospace, rail and automotive manufacturing. The South Derby Integrated Transport Link, flood alleviation, and other infrastructure works will assist in the delivery of employment space, information and communication technology, business and technology support.</u></b></p> <p><b><u>There will also be place-based projects to help deliver key sites through targeted access and other infrastructure measures. These will include the Woodville - Swadlincote Regeneration Route, aimed at assisting in the delivery of development at Occupation Lane in Woodville, and other strategic connectivity interventions to bring forward employment land in the southern Derby area. It also identifies infrastructure to unlock strategic growth opportunities in the wider Derby area,</u></b></p>		

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			<p><b><u>including access to the proposed Drakelow Park development.</u></b></p> <p><b><u>In regard to tourism and leisure across the LEP area as a whole, the Plan identifies a need for capital investment in visitor attractions.</u></b></p>		
M23	24	Title above 4.41	<del>South Derbyshire's Economic Strategy</del>	Remove title for consistency	SDDC
M24	24	4.41	<del>The Councils'</del> <b><u>South Derbyshire's</u></b> economic vision is:	For clarity	SDDC
M25	25	4.45	The "Derby HMA Employment Land Review: Forecasts Update" provides the starting point for calculating the overall employment land requirement. This updates demand forecasts set out in the Derby Housing Market Area Employment Land Review, published in 2008, taking account of economic changes and population growth assumptions using a range of forecast approaches It is considered by the HMA authorities that the most appropriate methodology for determining the overall employment land requirement for the HMA is the "policy-on labour supply scenario". This takes ONS figures for jobs growth in the area and adjusts them to take account of the HMA housing growth target, <del>which implies growth in the number of residents in work by 21,300 over the period 2008-2028.</del> The Employment policy can be seen at Policy E1.	To provide clarity	SDDC
M26	26	4.51	Growing reliance upon the private car has given	Typo	SDDC

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			rise to highway congestion; increased air pollution; reduced physical activity; community severance and other detrimental impacts. The NPPF <del>in</del> indicates that planning should seek to reduce the need to travel and encourage modal shift away from the use of cars and heavy good vehicles towards public transport, cycling, walking and rail freight. The objectives of transport policy are to support economic growth and reductions in greenhouse gas emissions and congestion.		
M27	27	S6	<b>A</b> The Council will seek to:	Formatting error	SDDC
		S6	<b>B</b> This will be achieved by seeking:	Formatting error	SDDC
		S6 'B' ii)	the provision of new or enhanced walking, cycling, public transport and rail freight services and infrastructure and, where needs cannot be met by the aforementioned means, highways and car/lorry parking infrastructure; and	Typo (comma insertion)	SDDC
M28	29	S8 i)	a triangular parcel of land measuring around 12.5 hectares immediately to the east of the A6 and south west of Thulston, will be included within the Green Belt	Typo (comma insertion)	SDDC
		S8	In addition, Green Belt boundaries will be reviewed through the Local Plan Part 2, to amend any existing anomalies since the adoption of the Green Belt.	Typo (comma insertion)	SDDC
M29	29	4.63	The southern part of the Nottingham-Derby Green Belt lies within South Derbyshire's administrative boundary and covers the north east corner of the District, covering the villages	Typo (comma insertion)	SDDC



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			of Elvaston, Thulston, Ambaston and to the edge of Shardlow.		
M30	30	4.67	The Study concluded that there may be opportunity to amend the Green Belt boundary specifically in the Boulton Moor area, due to the construction of the A50 and A6. The Study states that these roads now form a physical feature on the landscape and an area bounded by London Road and the A6 spur appears landlocked and no longer contributes to the openness of the Green Belt. In addition, an area of land south west of Thulston now appears to perform a Green Belt role and could be incorporated into it.	Typo (comma insertion)	SDDC
M31	30	4.69	In addition, the NPPF seeks to enhance the beneficial use of the Green Belt.	Typo (comma insertion)	SDDC
<b>Chapter 5: Housing</b>					
M32	33	5.1	The scale and distribution of housing growth within the District <b>from 2011</b> to 2028 is a key policy area, with resulting implications for other policy areas in the Local Plan. As a fast growing District, housing in South Derbyshire is in high demand and the policies below seek to ensure that new housing is delivered whilst balancing the needs of existing and future residents in terms of accessibility to jobs and services.	Clarity on plan period	SDDC

Modification Ref.	Document Page No.	Policy/ Paragraph/ Table	Modified text (deleted text shown as <del>struck through</del> , additional text shown in <b>bold</b> and <u>underlined</u> , SDDC comments shown in <i>italics</i> ).	Reasons for modification	Source of modification (including representation no. if applicable)
M33	33	5.2	The housing site policies within this chapter include site specific requirements, individual to the particular site to which the policy refers. Each housing site allocation included in this Local Plan will be subject to the <b>normal process of</b> granting of planning permission and the necessary conditions and planning obligations. <del>As such, whilst</del> <b>not all possible</b> contributions <b>to are listed</b> , for example, <del>primary and secondary school provision are not listed</del> in the specifics of a policy, such contributions <b>as education, transport and health</b> would be expected, as would be the case for any such planning application, whether the site be allocated in the Local Plan or not.	Change for clarity	SDDC
M34	33	5.3	Each of the housing site allocations are shown on a map alongside the policy. The site <del>area of</del> each allocation as <b>boundary</b> indicated on the maps illustrates the full site, not just the developable area. As such landscaping, additional buffers, open space and roads will be included within the site area shown.	Change for clarity	SDDC
M35	33	Add additional paragraph following paragraph 5.3	<b><u>It is a requirement of the NPPF that the expected supply of market and affordable housing is set out in a housing trajectory for the plan period. In order that this can be kept up to date, it will be published in a housing supply paper rather than as part of this Plan.</u></b>	Change for clarity	SDDC

M36	35	5.9	In general, our transport assessment work indicates that road congestion around the City is a key issue, and it will be important to mitigate the effects of development so far as possible. Although development in all locations poses problems in this regard, there is greater potential for serving major new development by a choice of modes of transport, <b>particularly</b> to the south and south east of the City. Bus patronage in particular appears to be much more difficult to achieve on sites to the west of the A38.	Change for clarity	SDDC
M37	36	5.13	School Place planning work undertaken jointly with Derbyshire County Council and Derby City Education Authorities and also local schools shows that at least one new secondary school <b>is required</b> . <del>with a capacity of up to around 2,000 pupils or 2 smaller schools of up to 1,000 pupils will be needed within the Plan Period.</del> The Council's work with the County and City is ongoing and potential locations are in the process of being filtered down to the most appropriate location <del>or locations</del> . Funding options are also being considered. The location of the new secondary school will be identified in the Local Plan Part 2. Information will be updated through the Education position paper on the Council's website.	To reflect updated position.	SDDC

M38	36	5.15	Development to the south and south east of the City is also capable of being contained within firm southerly defensible boundaries offered by the A50 where the landscape is better able to accommodate major development, in contrast to <b>some</b> areas further west which would result in more obvious intrusions into attractive open countryside.	Change for clarity	SDDC
M39	37	5.17	The overall strategy for the distribution of housing <b><u>for the period of this Plan is led by allocations that will be made through both parts of the Plan.</u></b> <del>is guided by a Settlement Hierarchy.</del> <b><u>However, it is accepted and in line with the NPPF that other sites will need to be considered throughout the lifetime of the Plan and Policy H1 will ensure that development is directed towards the more sustainable settlements.</u></b> The Settlement Hierarchy provides a greater degree of specificity to the location of future housing supply for the strategic sites in Part 1, the small site allocations in Part 2 and for future windfall planning applications. This has been informed by a comprehensive assessment of all settlements together with other potential development locations throughout the District, and their capacity to accommodate development by virtue of the range of services and facilities they offer.	Change for clarity	SDDC
M40		H1 A	<i>Linton village has moved from a Local Service Village to a Key Service Village following a</i>	Change following a recent planning inquiry.	SDDC

			<i>recent planning inquiry.</i>		
M41	39	5.23	Access to the site will be off William Nadin Way for the parcels of land to the east of the site and Park Road for the other two parcels of land to the north east and east <u>west</u> of the site. <b><u>The site is likely to be phased with the largest parcel of land, to the east of the site, to come forward first.</u></b>	Typo and Change for clarity	SDDC Grasscroft Homes and Properties Ltd (105/5420)
M42	50	5.34	The site relates well to the existing urban area of Burton <u>up</u> on Trent. The development will be phased and it is crucial that a comprehensive approach to <b>the</b> delivery of the site is undertaken to ensure that infrastructure is delivered at the right time.	Typos	SDDC
M43	50	H6 B iv)	The provision of one or two local retail centres commensurate with the size of <b>the</b> development, to provide for <b>the</b> day to day needs of the wider neighbourhood. The local centres should be the focal points within the development as a whole;	Typo	SDDC
M44	52	5.37	The site is predominantly used as an employment site for storage purposes and was allocated in the adopted Local Plan (1998) for industrial and businesses use redevelopment.	Typo	SDDC
M45	52	5.38	Parts of the site currently lies within areas at <u>a</u> higher risk of flooding, although works around Scropton, Hatton and Egginton will redefine the actual flood risk locally.	Typos (including comma insertion)	SDDC
M46	53	H7 B (vi)	Retain existing woodland and deliver additional planting and habitat creation to screen the site from the south and west, with these areas being opened up for public access wherever possible;	Typo (comma insertion)	SDDC

		H7 B (vii)	Development should reflect the location of Egginton Junction Gravel Pit County Wildlife Site and should, where possible enhance nature conservation interests of that site;	Typo (comma insertion)	SDDC
M47	55	5.41	<del>Careful</del> <b>Careful</b> design of the site will ensure that housing development reflects the character of the Aston on Trent, the surrounding landscape and any potential impact on the County Wildlife Site.	Typos	SDDC
M48	55	H8 B (vi)	High quality pedestrian and cycle links within the site and connecting to adjacent development;	Typo	SDDC
M49	57	5.44	Repton is rural in nature and rich in character. There is archaeological potential and a pillbox <b>(non-designated heritage asset)</b> on the site. There are no <b>designated</b> historic assets on the site, but there are a number of Listed Buildings close by and Repton Conservation Area lies to the east of the site.	For clarification that there is no designated heritage assets on the site.	SDDC
M50	63	5.53	<del>The site will be accessed of Derby Road and /or through the existing Salt Box Café access on Station Road.</del> <b><u>The site will be accessed from Derby Road and /or appropriate access off Station Road. However development of a new access to serve the manufacturing site to the south will provide a wider community benefit by removing some of the HGV traffic on Station Road.</u></b>	Minor change for clarity	Savills (036/5180/5181/5182) Severn Trent (051/5219) Nestle UK (010/5033) SDDC

M51	64	H11 B vi)	Consideration will be given to the provision of a combined access to the site and to a large manufacturing plant in Hatton; <b>Ensure the provision of a combined access to the site and to a large manufacturing plant and nearby sewage treatment works. New road infrastructure should be designed to reflect and protect the amenity of existing and proposed residential properties;</b>	Minor change for clarity	SDDC Nestle UK (010/5033) Severn Trent (051/5219)
		H11 B ix)	<b>Consideration of</b> Protection of heritage assets in the area.	To reflect most up to date evidence	SDDC Savills 036/5178
M52	66	H12 A	Residential development on land at Highfields Farm for up to <del>1,200</del> <b>1,041</b> dwellings	To reflect most up to date information	SDDC
M53	68	5.58	Land at Boulton Moor will provide 2,750 dwellings over the lifetime of the <del>p</del> Plan. There will be 1,058 dwellings located at Boulton Moor Phase 1 (this was granted planning permission through the Conjoined <del>E</del> Inquiry in 2008) and 700 and 190 dwellings at Boulton Moor Phase 2 and Boulton Moor Phase 3 <b>respectively</b> , all within South Derbyshire's administrative boundary.	Typos (including comma insertion)	SDDC
M54	68	5.59	As previously stated, Boulton Moor Phase 1 was granted planning permission in 2008. When consented, consideration was given to the infrastructure requirements of phases 1 and 2. Due to the addition of Boulton Moor Phase 3 and Snelsmoor Grange within in Derby City (an additional 990 dwellings), it is important that infrastructure and mitigation packages are reviewed and optimised as appropriate, in light of the larger scale urban expansion now being proposed.	Typo (two comma insertions)	SDDC

M55	68-70	H13 B i)	That South Derbyshire District Council, Derby City and developers continue to work together to ensure that the proposals offer a holistic vision for a <del>new suburb</del> <b>an urban extension</b> which is delivered in a comprehensive manner across the local authority boundaries. Delivery mechanisms will need to be established to ensure <del>that</del> the necessary level of coordination to effectively deliver the infrastructure and facilities to support the development;	Typo and change for consistency	SDDC 106/5438 (Barton Willmore)
		H13 B iv)	A cross boundary approach <del>to</del> the provision of affordable housing shall be developed/undertaken;	Typo	SDDC
		H13 B vi)	The provision of sustainable transport measures, including contributions to the delivery of a new park and ride and bus service to serve <del>this</del> the wider urban extension site;	Typo	SDDC
		H13 B viii)	<del>Cross boundary</del> Flood mitigation measures, to address fluvial; and surface water issues relating to Thulston Brook watercourse and ground water levels;	Minor change for clarity	SDDC 106/5438 (Barton Willmore)
		H13 B ix)	<del>A cross boundary</del> <b>An appropriate</b> flood risk assessment shall be submitted with any application;	Minor change for clarity	SDDC 106/5438 (Barton Willmore)
		H13 B xiii)	A new district centre shall be provided, anchored by a <del>small/medium sized</del> supermarket complemented by a range of smaller units providing for day to day needs of the wider neighbourhood;	Minor change to improve flexibility of policy	106/5438 (Barton Willmore) SDDC
		H13 B xiv)	The scale of the anchor store will <b>be</b> commensurate with the needs of the new community, the level of growth anticipated and the need to maintain the vitality and viability of	Typo	SDDC



			other centres.		
		H13 B xv)	The provision of <u>a</u> two form entry primary school to cover phases 1 and 2, with separate primary provision to serve the site in Derby;	Typo (including comma insertion)	SDDC
		H13 B xvi)	The urban extension as a whole shall <del>not adversely impact upon</del> <b>protect and enhance the setting of nearby</b> Elvaston <del>Historic</del> <b>Registered</b> Park and Garden <b>(including its settlement)</b> , and other heritage assets, and will contribute towards softening the settlement edge around Boulton Moor;	Changes ensure compliance with the NPPF.	Statement of Common Ground signed between English Heritage and SDDC – SD/EX/19
		H13 B xviii)	<del>Developer contributions to be made towards improvements to the A50/A514 and A50/A38 junctions</del> <b>In order</b> to safeguard the operation of the Strategic Road Network. <b><u>an assessment of the impact of development traffic will be carried out and developer contributions will be sought.</u></b>	Minor modification for clarity	SDDC 106/5438 (Barton Willmore)
M56	72	H14 B ii)	Consideration should be given to some retail development on the site that is commensurate to the size of development and surrounding area, but does not affect the viability and vitality of existing retail in the area;	Typo (comma insertion)	SDDC
		H14 B iii)	Developer contributions <b>are</b> to be made towards improvements to the A50/A514 and A50/A38 junctions to safeguard the operation of the Strategic Road Network;	Typos	SDDC
M57	74	5.64	The sites <del>lies</del> on the southern edge of the built up area of Derby, extending southwards from the Stenson Fields estate to the A50.	Typos	SDDC
M58	74	5.66	The site is in a good location in relation to access to services and facilities, with close proximity to public transport and the Sinfin	Typo (comma insertion)	SDDC

			District Centre.		
M59	74-75	H15 B ii)	Developer contributions <b>are</b> to be made towards improvements to the A50/A514 and A50/A38 junctions to safeguard the operation of the Strategic Road Network;	Typo	SDDC
		H15 B v)	High quality pedestrian and cycle links should be provided across the site and to the nearby residential, retail, <b>and</b> employment developments <del>and</del> <b>together with</b> recreational areas;	Typo and minor change for clarity	SDDC
		H15 B vii)	A new on-site local shopping centre shall be provided which should be commensurate in size to the needs of the community, taking into account the surrounding retail provision available.	Typo (comma insertion)	SDDC
M60	77	H16 B i)	The south and west boundary of the site will require a green buffer and landscaping, to help soften the housing development against the rural landscape and create a new defensible boundary;	Typo (comma insertion)	SDDC
		H16 B ii)	<del>An a</del> Appropriate sound attenuation/noise mitigation from the railway line to the east of the site shall be provided.	Typo	SDDC
		H16 B iv)	Developer contributions <b>are</b> to be made towards improvements to the A50/A514 and A50/A38 junctions to safeguard the operation of the Strategic Road Network.	Typo	SDDC
M61	79	H17 A	Residential development on the Land at Holmleigh Way will provide for around <del>150</del> <b>120</b> dwellings within South Derbyshire.	Update	SDDC
		H17 B iii)	Avoidance of areas of flood risk <del>on-site</del> to the north and south of the site due to Cuttle Brook;	Minor change for clarity	SDDC
		H17 B vii)	Developer contributions <b>are</b> to be made	Typo	SDDC

			towards improvements to the A50/A514 and A50/A38 junctions to safeguard the operation of the Strategic Road Network.		
M62	81	5.73	The sites offers an opportunity to deliver a sustainable urban extension along with land in Derby City, as the site is South Derbyshire alone is not sustainable. As such, the site will only be developed subject to Derby City Council allocating the adjacent land for housing in their Local Plan <del>—at time of the writing a decision on allocation had not been made.</del>	Minor change to update paragraph.	SDDC
M63	81	5.74	The Highways Agency had previously stated concerns regarding any development to the west of Derby due to the impact it would have on the A38. Since our Preferred Growth Strategy consultation, the Government have announced its intention to support Highways Agency schemes including improvements to the A38 junctions, subject to value for money and viability considerations.	Typo (two comma insertions)	SDDC
M64	81	5.75	The site <b>only</b> being developed <del>only</del> in combination with the Derby City site allows for a more sustainable site to be developed; where better services and facilities can be provided that either site alone cannot provide. The site will also offer potential local highways improvements, better linkages across the Mickleover to Egginton Greenway and additional primary school provision which will benefit new and the existing residents of Mickleover. <b><u>Some elements of the policy listed below may be provided on the Derby City site but for completeness, they are all listed.</u></b>	Typo and minor changes for clarity	SDDC 095/5366 (Miller Homes)

M65	82	H18 B iv)	The site should provide high quality links into the existing cycle route, rights of ways and also the residential area to the south through a pedestrian/cycle bridge provided across the Mickleover to Egginton Greenway, <b>which is likely to be in Derby City</b> . The Greenway is a local wildlife site whose nature conservation interest should be protected and links maintained with the surrounding green infrastructure network;	Typo and minor change for clarity	SDDC 095/5366 (Miller Homes)
		H18 B v)	Development in South Derbyshire should connect to any housing development or housing allocation to <b>the</b> east of the site within Derby City;	Typo	SDDC
		H18 B vi)	The development should embrace high design standards that reflect the rural landscape beyond the site, particularly along Radbourne Lane and to the west of the site within South Derbyshire;	Typo (comma insertion)	SDDC
		H18 B viii)	A new local centre on site to help meets the needs of the site;	Typo	SDDC
		H18 B ix)	Improvements to the junction <del>if the</del> <b>of</b> Station Road and Radbourne Lane;	Typo	SDDC
M66	84	H19 E	The Council will also promote a mix of housing that is suitable and adaptable for different groups of people such as single occupiers, people with disabilities, people wanting to build their own homes and the ageing population of the District. <del>Further detailed information on this will be in the Design SPD.</del>	The removal of this sentence from the policy and the addition of further detail regarding SPD in Para 1.15 is intended to improve clarity	Home Builders Federation (052/5223)

M67	85	H20 B ii)	The viability of any proposed scheme which will be assessed <del>though</del> <b>through</b> independent viability assessments;	Typo	SDDC		
		H20 C (iv)	the development is in a scale relative to the settlement size and facilities available particularly public transport and does not have any <b>unacceptable</b> adverse impacts on the natural and built environment.	To better conform with national policy	Planning and Design Group on behalf of Hallam Land Management (113/5511)		
M68	86	5.81	<del>It is not the purpose of the SHMA to suggest what an affordable housing target should be but it does consider that across the HMA in the plan period it is likely that on average 25% affordable housing will be achievable. This obviously means that some of the backlog needs to be met and some sites will of course provide much than the suggested average of 25%.</del>	Removed completely as added no clarity.	SDDC		
<b>Chapter 6: Employment and the Economy</b>							
M69	89	E1	<i>Title: Strategic Employment Land Allocations <b>2011 – 2028</b></i>	To reflect the most up to date evidence	SDDC		
			<i>Amend table as follows:</i>				
			Policy No			Location	Area (ha)
			NEW LAND				
			E1A			Cadley Hill, Swadlincote	8 3
E1B	Hilton	7					
E1C	Woodville Regeneration	12					

			Area				
			COMMITTED LAND				
			E1D			Tetron Point	8.08
			E1E			Dove Valley Business Park	19.27
			E1F			Former Drakelow Power Station	12
<b>E1G</b>	<b>Cadley Hill, Swadlincote</b>	<b>5</b>					
M70	89	6.4	In the Swadlincote urban area new land at Cadley Hill (8.3 ha) and the Woodville Regeneration Area (12 ha). The extent of the latter is subject to securing public infrastructure funding toward the development of the proposed Swadlincote Regeneration Route which will have a bearing on the mix of uses on the site.	To reflect the most up to date evidence	SDDC		
M71	95	6.11	Further land has been allocated for employment-led regeneration at <b>on a regeneration site in</b> Woodville, although it is currently unclear what the overall mix of uses is likely to be (see Policy SD9 E6).	Typo and minor change for simplicity	SDDC		
M72	95	6.13	The South Derbyshire Economic Development Strategy identifies a shortage of start-up and grow-on business accommodation in the District. To help meet this need, conditions will be attached to future planning consents for development of the strategic employment sites at Hilton, the former Drakelow Power Station, Cadley Hill, Tetron Point <b>Dove Valley Park</b> and the Woodville Regeneration Area requiring the	To accurately reflect the content of policy E1	SDDC		

			provision of an element of smaller units of up to 100m2 in size and “grow-on” units of up to 500m2 in size, and/or small, serviced plots allowing owner occupiers to develop bespoke accommodation to meet their needs. Such provision will help support the establishment, expansion and retention of businesses within the District. As a minimum, ten percent of the land/floorspace within the total area of each site should be developed for these purposes.		
M73	100	E6	A Woodville Regeneration Area is protected for employment-led redevelopment, supported by the Woodville-Swadlincote Regeneration Route, to enable the economic, social and environmental regeneration of Woodville and Swadlincote.	Typo	SDDC
M74	100	6.33	Regeneration of this site could also contribute towards enhancing the existing urban environment in Woodville, providing new and improved green spaces, community facilities and tree planting, reflecting its key location in the Heart of The National Forest. <b><u>To help ensure that proposals contribute toward meeting economic needs, the Council will endeavour to secure the timely completion of industrial and business development on the site.</u></b>	Minor change for clarity	SDDC
Chapter 7: Sustainable Development					
M75	102	7.6	A key objective of the South Derbyshire Local Plan is to sustainably manage growth so that it avoids harmful effects on the amenity of existing and future occupiers and to nearby	Typo	SDDC

			properties.		
M76	105	7.15	New development should minimise the risk of flooding to people, property and the <del>E</del> environment.	Typo	SDDC
M77	105	SD3 A ii)	Supporting activities by the Water Companies to reduce demand for water and in turn suppress sewerage and discharge effluent volumes by ensuring that water consumption is no more than 110 litres per person per day (including external water use) as estimated using the Water Calculator methodology <sup>1</sup> or all water fittings do not exceed the performance set out in <del>€</del> Table <del>XX</del> 5 below;	Incorrect reference number to the subsequent table included in the text	SDDC
		SD3 A iii)	Working with the County Council (as <del>L</del> Lead Local Flood Authority and <del>SUDS Approval Body</del> ) or <b>other appropriate body</b> ), to ensure new developments incorporate sustainable drainage schemes that reduce the demand for potable water supplies and mimic natural drainage, wherever practicable. In bringing forward SUDS, as a means of managing surface water run-off, developers will be expected to design schemes to improve river water quality and <del>reduc</del> ing pressure on local drainage infrastructure and deliver biodiversity gain on sites;	For clarification	SDDC
M78	106	7.18	Meeting tighter water quality targets will be challenging in the face of supply and demand uncertainties associated with climate change and housing and employment growth over the Plan period. Planning Authorities have a key role to play in supporting the Environment Agency, Water Companies and local communities to meet these Water Framework	Typo	SDDC



			Directive targets, tougher water quality targets		
M79	107	7.21	As such, <del>w</del> Whilst water resources available within the South Staffordshire Water Resource Zone could meet demand as a whole, local infrastructure and environmental <del>al</del> constraints summarised above justify the need for suppressing water demand (and hence waste water discharges) across communities in this water resource zone also.	Typo	SDDC
M80	108	7.24	The Flood and Water Management Act (2010) designates the County Council as the 'Lead Local Flood Authority' in Derbyshire. One of the new statutory duties for the County Council is to <b>advise the District Council on the adequacy of proposals to manage surface water on development sites.</b> <del>become a SUDS Approval Body (SAB). They will be responsible for determining SUDS applications for new developments and adopting and maintaining the appropriate schemes. The District Council will work with Derbyshire County Council to secure effective Sustainable Drainage Schemes and appropriate management in new development.</del>	Change to reflect Government Policy.	SDDC
M81	108	7.30	In many rural parts of the District, it is not always possible for new or existing development to connect to the mains sewer network. <del>How ever</del> <b>However</b> a proliferation of private foul water treatment plants could increase diffuse pollution and lead to a deterioration in water quality.	Typos	SDDC
M82	112	7.41	In respect of <del>B</del> biomass generation the Council recognises that the National Forest can play a	Typo	SDDC

			key role both in terms of contribution of wood fuel and helping to stimulate wood fuel and biomass markets locally.		
Chapter 8: Built and Natural Environment					
M83	115 & Title Page	N/A	<del>Natural</del> <b>Built</b> and <del>Built</del> <b>Natural</b> Environment	Typo and minor change for consistency	SDDC
M84	116-117	BNE1 A i) f)	National Forest: Within The National Forest, new development should be encouraged to follow National Forest Design Charter <sup>1</sup> and <del>Planting Guidance</del> <sup>2</sup> <b>Guide for Developers &amp; Planners</b> <sup>2</sup> and fully reflect the forest context;	Minor change to strengthen policy	SDDC
		BNE1 (Footnote)	<i>Amend internet link included at a bottom of page 116 as link is broken</i> The Design Charter can be viewed at: <sup>4</sup> <a href="http://www.nationalforest.org/document/information/design_charter.pdf">http://www.nationalforest.org/document/information/design_charter.pdf</a> <del>The Design Charter can be viewed at:</del> <sup>1</sup> <a href="http://www.nationalforest.org/document/information/design_charter.pdf">http://www.nationalforest.org/document/information/design_charter.pdf</a>	Minor change to update footnote	SDDC
		BNE1 (Footnote)	<i>Amend internet link included at a bottom of page 117 as inaccurate Link</i> <sup>2</sup> The Planting Guidance can be viewed at: <a href="http://www.nationalforest.org/woodlandcreation/development/">http://www.nationalforest.org/woodlandcreation/development/</a> <b>The Guide for Developers &amp; Planners can be viewed at:</b> <sup>2</sup> <a href="http://www.nationalforest.org/document/information/develop.pdf">http://www.nationalforest.org/document/information/develop.pdf</a>	Minor change to update footnote	SDDC
		BNE1 A i) g)	Visual attractiveness: New development should be visually attractive, appropriate, respect important landscape/townscape <del>landscape, townscape</del>	Minor change to strengthen policy	National Trust (028/5117)

			<b>and historic</b> views and vistas, contribute to achieving continuity and enclosure within the street scene and possess a high standard of architectural <b>and landscaping</b> quality;		
		BNE1 A i) i)	Cross boundary collaboration: New areas of growth that span administrative, land ownership, developer parcel or phase boundaries <del>shall</del> <b>should</b> be considered and designed as a whole through a collaborative working approach;	Typo and minor change for consistency	SDDC
		BNE1 A i) k)	Resource Use: New development <del>shall</del> <b>should</b> be designed to facilitate the efficient use of resources and support the reuse and recycling of waste throughout the lifecycle of all developments from design, construction, use and after use. New development <del>shall</del> <b>should</b> provide adequate space for the storage of waste and where appropriate the treatment or collection of waste.	Typo and minor change for consistency	SDDC
M85	118	8.24	The design of residential areas has a big impact on people’s everyday lives and quality of life. New housing also accounts for a large proportion of new development within the District, providing a good opportunity to reflect the District’s special character. It is therefore very important that the design of new housing is of a high quality. The <del>District</del> Council recognises that volume housebuilders often use standardised house types, but these nationally generic solutions will not meet the requirements of our Design Principles. Standardised house types, if used, will be	Typo	SDDC

			expected to be tailored to the local <del>con</del> <del>text</del> <b>context</b> and character of the area. 'Building for Life' is a well-founded and commonly understood methodology for assessing the design of new residential areas, and all new housing development will be expected to perform well against it, or any successor standards.		
M86	119	8.27	Where new areas of development span administrative boundaries, joint collaborative working between Local Planning Authorities and <del>at so</del> <b>also</b> between different developers will be encouraged. In order to <del>ad here</del> <b>adhere</b> to the Design Principles within this policy, with particular reference to movement, legibility and community cohesion, land ownerships and development sites should not prejudice the development of neighbouring land or create landlocked sites.	Typo	SDDC
M87	123	8.44	To supplement this strategic policy the Council will <del>look to</del> develop further heritage policies through the <del>Part 2</del> Local Plan <b>Part 2</b> and other relevant planning documents <del>such as supplementary planning documents</del> . This will ensure that clear policies are included within the Council's development framework to guide how the presumption in favour of sustainable development will <b>be</b> applied locally in respect of heritage issues.	To address English Heritage and National Trust concerns about the need to provide clarity that all the policies in the Part 1 of the Plan were considered to be strategic.	Statement of Common Ground signed between English Heritage, National Trust and SDDC – SD/EX/17
M88	123	BNE3	Policy <del>BNE3</del> <b>BNE3</b> Biodiversity	Typo and minor change for consistency	SDDC
M89	125	8.50	Ancient woodland, together with ancient/veteran trees, represents and	Typo	SDDC

			irreplaceable semi natural habitat that does not benefit from full statutory protection. The National Planning Policy Framework is supportive of ancient woodland and ancient trees and states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient <del>wood-land</del> <b>woodland</b> and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.		
M90	126	BNL4	Policy <del>BNL4</del> <b>BNE4</b> Landscape Character and Local Distinctiveness	Typo and minor change for consistency	SDDC
		BNL4 C	In bringing forward proposals developers will be expected to demonstrate that close regard has been paid to the landscape types and landscape character areas identified in The Landscape Character of Derbyshire. Proposals should have regard to the woodland and tree planting, landscape management and habitat guidance set out in this document and demonstrates that mitigation proposals are appropriate to the character of the landscape.	Typo	SDDC
M91	126-7	8.52	The NPPF includes as part of its core principles, that planning takes account of the different roles and character of different areas recognising the intrinsic character and beauty of the countryside and <del>contributes</del> <b>its contribution</b> towards conserving the natural environment.	Typo	SDDC
M92	127	8.55	The Council will expect all developments to demonstrate how they respect local landscape character and where practicable <del>contributes</del>	Typo	SDDC

			<b>contribute</b> towards enhancing landscape character.		
Chapter 9: Infrastructure					
M93	129	9.2	As strategic sites are developed for housing, the necessary infrastructure needs to be in place in time to meet the needs of the existing and new (local) population. The necessary infrastructure requirements resulting from the development of the strategic sites identified in the Local Plan will be identified, costed, sources of funding identified and timetabled to fit with the development of the strategic site itself. This information <del>will be</del> <b>is</b> set out in the Infrastructure Delivery Plan (IDP), <b>which is a living document</b> . Any gaps in funding will be identified and factored in to the Districts Community Infrastructure Levy (CIL). CIL enables funding to be pooled and then used to fund the infrastructure necessitated by new development. The <del>National Planning Policy Framework (NPPF)</del> states that local planning authorities should set out strategic priorities for their areas to deliver the provision of health, community and cultural infrastructure and other local facilities.	Change for clarity	SDDC
M94	131	9.9	The purpose of infrastructure planning is to establish what infrastructure is required to support proposed development, <del>it's</del> <b>its</b> likely cost, how it can be funded, who is responsible for its delivery and the timescale over which delivery can happen.	Typo	SDDC
M95	133	INF2	<i>Policy lettering and numbering will be amended to remove ambiguity when referring to sections</i>	Typo	SDDC

			<i>of the policy.</i>		
M96	137	9.24	The transfer of freight from road to rail can help to relieve road congestion, reduce emissions and improve highway safety. The site of a former railhead at Cadley Hill, Swadlincote offers rail freight opportunities on adjacent land, which is in employment use. This policy seeks to ensure that this opportunity is not lost by protecting the railway sidings and their connections onto the running lines. <b><u>The protection of the site for rail freight shall not apply if it can be demonstrated that rail freight use is not feasible or deliverable.</u></b>	Change to allow flexibility.	Statement of Common Ground signed between SDDC and Harworth Estates – SD/EX/43
M97	138	9.30	<b><u>The Strategic Rail Freight Interchange Policy Guidance and the draft National Policy Statement for National Networks</u></b> , published by the Department for Transport, sets out <b><u>the drivers of need for strategic rail freight interchanges and</u></b> criteria to be taken into account for decision making on applications for development of this type.	Change to reflect the up to date national planning policy position with respect to SRFI	Statement of Common Ground signed between SDDC and Goodman Shepherd – SD/EX/20
M98	139	INF4 A i)	<b><u>Woodville</u></b> - Swadlincote Regeneration Route	Change for consistency	SDDC
M99	142	INF6 A i)	Require that development that increases the demand for community facilities* and services either:	Change to allow for clarification	SDDC
		INF6 (end)	<b><u>*see Glossary for definition of community facilities</u></b>	Change for clarification	SDDC
M100	140	9.39	The Swarkestone Bridge and Causeway is a <del>Scheduled</del> <b>Scheduled</b> Ancient Monument and is not suited to the volume and mix of traffic using it.	Typo	SDDC
M101	142	9.44	The Council will seek to restrict the loss of existing built facilities to non-community uses	Change for compliance with NPPF	Sport England (100/5384)

			unless it can be shown that there is no demand for retention of the site or unless an alternative facility is provided that is suitable for all users. <del>The Council will expect proposals for the change of use of a built community facility to be accompanied by evidence that it has been marketed proactively and competitively for a period of not less than 12 months on the open market.</del>		
M102	143	INF7 A iv)	Support the development of a the Green Infrastructure Network as proposed by the 6Cs Green Infrastructure Strategy, linking together Key Strategic Routes of regional and sub-regional importance and providing for, in appropriate locations, visitor infrastructure that improves accessibility.	Typos	SDDC
M103	144	9.47	South Derbyshire contains a wealth of green spaces such as river valleys and floodplains, woodlands, historic parks and gardens, public rights of way, wildlife sites and nature reserves. These spaces provide various benefits including biodiversity, visual amenity, sport and recreation. The purpose of this policy is to ensure that green spaces are conserved, <b>and</b> enhanced.	Typo	SDDC
M104	144	9.48	However, it is not just large scale or strategic GI, which plays an important role in contributing towards a wider network of green space. Individual elements or features such as important hedgerows and trees, play spaces or ponds can be equally important <b>in</b> helping to bring wildlife and amenity benefits into the heart of communities. For this reason the	Change for clarity	SDDC



			<p>Council considers that even modest developments can contribute towards the <del>protecting</del> <b>protection</b> and enhancing <b>enhancement of</b> the District's GI network. <del>Therefore the</del> <b>The</b> Council will expect <del>that</del> all schemes for new housing and commercial development <del>should, as far as possible,</del> <b>to</b> protect existing green infrastructure and landscape elements, <b>as far as possible</b> and bring forward development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and <del>to</del> increase <b>the</b> provision of, and access to, green infrastructure.</p>		
M105	146-147	INF8 (A)	<p>Within the National Forest, as defined on the <del>relevant Area Profile Maps,</del> <b>Proposals Map,</b> South Derbyshire District Council will work with The National Forest Company and other local authorities and partners to:</p>	Modification for Clarity	SDDC
		INF8 B	<p>Within the National Forest all residential schemes over 0.5ha and industrial, commercial and leisure developments over 1ha will be expected to incorporate tree planting and landscaping in accordance with National Forest Planting Guidelines <b>(as set out in Table 6)</b>.</p> <p>Landscaping will generally involve woodland planting, but can <del>also</del> <b>also</b> include the creation and management of other appropriate habitats, open space provision associated with woodland and the provision of new recreational facilities with a woodland character. The appropriate mix of landscaping features will depend upon the</p>	Typo and modification for clarity	SDDC

			setting characteristics, opportunities and constraints that individual sites present. <b><u>The District Council recommend that early discussions are held with the National Forest Company. Further information is available from the National Forest Company's Guide for Developers and Planners<sup>1</sup>.</u></b>		
		INF8	<b><u><sup>1</sup><a href="http://www.nationalforest.org/woodlands/woodlandcreation/development">http://www.nationalforest.org/woodlands/woodlandcreation/development</a></u></b>	Footnote added to bottom of page to signpost location of Guide for Developers and Planners	SDDC
		INF8 C	In exceptional circumstances, a commuted sum may be agreed where planting and landscaping cannot be accommodated within or close to the development site. <del>This will be used to either purchase land for tree planting; to create new woodland and/or other habitats; to provide public access to it and maintain those works for a minimum of five years.</del> <b><u>This will be used for tree planting (including urban tree planting); purchasing land for tree planting; creating new woodlands and maintaining those works or other agreed projects for a minimum of five years</u></b>	Modification to update policy to reflected publication of new National Forest Strategy	SDDC
		INF8 E	The Council will work with developers, the National Forest <b>Company</b> and other stakeholders to improve access to the <del>forest</del> <b><u>Forest</u></b> from new development sites and existing built up areas and deliver a step change in the quality of new development and the existing urban areas with an emphasis upon the use of Forest related construction materials where appropriate.	Typo and change for consistency	SDDC

M106	148	Table 6	In exceptional circumstances where the planting guidelines cannot be met, a commuted sum should be paid instead. <del>This is at a guideline rate of £10,000 per hectare of the gross development area.</del> <b><u>This should reflect the most up to date guideline rate identified by the National Forest as set out in the Guide for Developers and Planners.</u></b>	Update	SDDC
M107	147	9.56	The National Forest is a nationally designated area which covers an area of 200 square miles and extends from Charnwood Forest near Leicester to the east to the Needwood Forest near Yoxall in the west. Since its inception the National Forest Company has supported <del>wood</del> <b>land</b> <del>and</del> <b>woodland</b> creation increasing forest cover from 6% to <del>19%</del> <b>20%</b> across the forest area by planting 8 million trees to date.	Minor change to update Policy	SDDC
Appendix 2: List of Evidence Base					
M108		Appendix 2	This is a list, though not exhaustive, of the evidence that has been used and gathered by South Derbyshire and also on a Derby HMA wide basis: <del>Draft</del> Infrastructure Delivery Plan, <del>2013</del> <b>2014</b> <del>Draft</del> Consultation Statement, <del>2013</del> <b>2014</b> Sustainability Appraisal Housing Requirement Study, 2013 Housing Site Summaries Strategic Housing Land Availability Assessment, <del>2012</del> Strategic Housing Market Assessment (SHMA), 2008 Derby Strategic Housing Market Assessment	To provide an up to date evidence base list	SDDC

		<p>Update Report, 2013</p> <p>Gypsies and Travellers Accommodation Assessment (GTAA), 2008</p> <p>Employment Site Summaries</p> <p>Derby Housing Market Area Employment Land Review, 2008</p> <p>Derby Housing Market Area Employment Land Review Forecast Update, 2013</p> <p>South Derbyshire Economic Development Strategy, 2008</p> <p>South Derbyshire Economic Development Statement, 2013</p> <p>Strategic Distribution Site Assessment Study for the Three Cities Sub Area of the East Midlands, 2010</p> <p>Retail and Leisure Study, 2005</p> <p>Swadlincote Town Centre Vision and Strategy, 2012</p> <p>Derby Urban Area Modelling – Final Report, 2012</p> <p>Derby HMA Transport Position Statement, 2012</p> <p>Strategic Flood Risk Assessment, 2008</p> <p>6Cs Green Infrastructure Strategy, 2010</p> <p>Habitats Regulation <b>Screening</b> Assessment <del>Screening Statement, 2010-2014</del></p> <p>Lowland Derbyshire Biodiversity Action Plan, 2011-2020</p> <p>National Forest Biodiversity Action Plan, 2004</p> <p>South Derbyshire Open Space Assessment Report, 2005</p> <p>South Derbyshire Outdoor Sports Facilities Assessment Report, 2005</p> <p>Derbyshire Landscape Character Assessment</p>		
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		<p>Cleaner, Greener Energy Study Report 1 – Local Development Framework Evidence Base, 2009</p> <p>Derby Housing Market Area Water Cycle Study, 2010</p> <p>Technical Assessment of the Derby Principle Urban Area Green Belt Purposes, 2012</p> <p>South Derbyshire Playing Pitch Strategy, 2011</p> <p><b><u>Derbyshire Economic Strategy Statement – Final Consultation Draft</u></b></p> <p><b><u>The D2N2 Local Strategic Partnership – Strategic Economic Plan</u></b></p> <p><b><u>Derby HMA CIL Viability Assessment, 2014</u></b></p> <p><b><u>Derbyshire Local Transport Plan, 2011</u></b></p> <p><b><u>Derbyshire Infrastructure Plan, 2013</u></b></p> <p><b><u>Landscape Character of Derbyshire, 2014</u></b></p> <p><b><u>The National Forest Strategy, 2014</u></b></p> <p><b><u>Review of Objectively Assesses Housing Need in light of 2012-based Subnational Population Projections – 2014</u></b></p> <p><b><u>Swarkestone and Stanton by Bridge Bypass Engineering Feasibility Study, 2009</u></b></p> <p><b><u>Derby Urban Area Potential Core Strategy Sites Traffic Impact Assessment, 2012</u></b></p>		
Glossary	Term of definition			
M109	Community Facilities	<p>Facilities used by local communities for leisure and social purposes including community centres and meeting places, local shops, sports venues, leisure centres, cultural buildings, public houses, places of worship and play areas.</p> <p><b><u>Facilities used by local communities for leisure and social purposes where the primary</u></b></p>	Change for clarity and to ensure conformity with paragraph 28 of the NPPF.	SDDC

			<b><u>purpose of the facility is for the public benefit. Examples of community facilities would include, but not exclusively, village halls, community centres and meeting places, places of worship, cultural buildings, non-profit sporting facilities and play areas.</u></b>		
<b>Policies Maps</b>					
M110	44	Map of Land at Church Street/Bridge Street/Moat Street, Church Gresley	<i>Add District Boundary to site plan.</i>	For clarity	SDDC
M111	92	Map of Woodville Regeneration Area	<i>Amend the site boundary so that land within North West Leicestershire is not included.  The indicative line of the Woodville – Swadlincote Regeneration route to be added.</i>	Drafting error	SDDC
M112	94	Map of E1F Former Drakelow Power Station	<i>Amend the site boundary to correspond with the boundary of the contiguous housing allocation</i>	Drafting error	SDDC
M113	51	Map of Drakelow Park, Drakelow	<i>Amend the site boundary to correspond with the boundary of the contiguous employment allocation</i>	Drafting error	SDDC
<b>Proposal Maps</b>					
M114	Proposals Map	Title and index map page	<del>Proposals</del> <b><u>Policies</u></b> Maps	Change for clarity	SDDC
M115	Proposals Map		<i>The following changes made to all the Proposals maps:</i> <ul style="list-style-type: none"> <li>• <i>An ordnance survey base added</i></li> <li>• <i>The exact boundaries of conservations</i></li> </ul>	Minor change for clarity	SDDC Pegasus Planning on behalf of Christ Church, Oxford (0134/5165 )

			<p><i>area will be added</i></p> <ul style="list-style-type: none"> <li><i>Flood zone boundaries added</i></li> <li><i>The adopted 1998 Settlement boundaries will be added , with the proviso that settlement boundaries will be updated within the Local Plan Part 2</i></li> <li><i>Reference to Derby City's Preferred Growth Strategy Housing Sites amended to Derby City's Draft Core Strategy housing sites</i></li> </ul>		
M116	Southern Villages Proposals Map		<i>Show location of potential new passenger railway station at Drakelow.</i>	Drafting error	National Forest Company (055/5243) SDDC
M117	Stenson Area Proposals Map		<i>Show location of potential new passenger railway station at Stenson.</i>	Drafting error	SDDC
M118	Swadlincote Proposals Map		<i>Show alignment of Woodville – Swadlincote Regeneration Route</i>	Drafting error	SDDC
M119	Swadlincote Proposals Map		<i>Amendment to the site boundary for housing application H2, to ensure that the golf course land is not included within the boundary of the housing site.</i>	Drafting error	DPD on behalf of Grasscroft Homes and properties Ltd (105/5422 and 5433)
M120	Swadlincote Proposals Map		<i>Inclusion of a symbol to denote the proposed protected station site at Drakelow.</i>	Drafting error	National Forest Company (55/5591)
M121	Woodville Proposals Map		<i>Show alignment of Woodville – Swadlincote Regeneration Route</i>	Drafting error	SDDC

<b>REPORT TO:</b>	<b>COUNCIL</b>	<b>AGENDA ITEM: 11</b>
<b>DATE OF MEETING:</b>	<b>21st JANUARY 2016</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF FINANCE &amp; CORPORATE SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>KEVIN STACKHOUSE (01283 595811)</b> <a href="mailto:Kevin.stackhouse@south-derbys.gov.uk">Kevin.stackhouse@south-derbys.gov.uk</a>	<b>DOC:</b> u/ks/revenues and benefits/council tax support scheme/scheme1617/local scheme regulations 2016
<b>SUBJECT:</b>	<b>COUNCIL TAX REDUCTION SCHEME REGULATIONS 2016</b>	<b>REF</b>
<b>WARD (S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

## 1.0 Recommendations

- 1.1 Under Section 10 of the Local Government Finance Act 2012, a Local Council Tax Support Scheme for South Derbyshire is adopted for the financial year commencing 1<sup>st</sup> April 2016.
- 1.2 Regulations are approved and cited as the Council Tax Reduction Scheme Regulations (South Derbyshire District Council Local Scheme 2016) and come into force on 21st January 2016.
- 1.3 These regulations amend the Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013, as amended, set out in the Schedule to those Regulations for the purposes of paragraph 4 of Schedule 1A to the Local Government Finance Act 1992, by:
- Continuing the insertion of Section 18a Class G: exempt persons who are not pensioners.
  - Continuing the insertion of Section 18b Class H: persons who are not pensioners.
  - Continuing the amendment to Regulation 32 to vary the maximum entitlement in prescribed cases, i.e. to give effect to the designation of war pensioners and the disabled as protected groups (in addition to pensioners under the Prescribed Requirements) and to reduce benefit entitlement in non-protected groups by 8.5% for persons on passported benefit and by 10% in all other cases.
  - Continuing the amendment to Schedule 8 (20) to ensure the disregard of war pensions, to include other payments made under the Armed Forces Compensation Scheme.



- Continuing the insertion at Part 12 Chapter 6 the provision to increase the period of extended payments (as defined in the Regulations) from 4 to 8 weeks.

1.4 That the amounts of pensions, tax credits, income related and non-income related social security benefits and allowances, component parts, applicable amounts, premiums and deductions are updated in accordance with the 2013 Regulations in 1.3 above as set out in Circular A13/2015

## **2.0 Purpose of Report**

2.1 To adopt the detailed regulations for the proposed Local Council Tax Reduction Scheme for South Derbyshire for 2016/17.

2.2 This is based on the recommendation of the Finance and Management Committee of 15th October 2015. After considering options available, the Committee recommended that the scheme in place for 2015/16 should be continued into 2016/17, with no changes.

2.3 As a billing authority, the Council is statutorily required to adopt a local scheme before 31<sup>st</sup> January 2016. The Regulations will come into force immediately and will be effective from 1<sup>st</sup> April 2016.

## **3.0 Detail**

### **Council Tax Reduction Scheme**

3.1 The South Derbyshire regulations are based on the previous national scheme that applied to Council Tax Benefit prior to 2013/14.

3.2 In summary, the Local Scheme incorporates the previous parameters and thresholds for calculating Council Tax Reduction for claimants, adjusted to reflect new parameters, as follows:

- That working age claimants currently receiving 100% benefit are deducted 8.5% from their entitlement calculated under the Local Scheme.
- That all other working age claimants are deducted 10% from their entitlement calculated under the Local Scheme.
- That full Council Tax Reduction for claimants entering work is extended from 4 weeks to 8 weeks in the Local Scheme.

3.3 Within the Local Scheme, certain claimants are protected and continue to receive the same level of support as existed under the previous national scheme. Protection is afforded to the following groups:

- All claimants of pensionable age (this is a statutory requirement).
- All households who qualify for benefit through disability premiums.
- All war widow and war disabled claimants.
- All military compensation payments are fully disregarded in calculating Council Tax Reduction.

3.4 The Local Scheme will also apply to all new claimants after 1<sup>st</sup> April 2016.

3.5 The regulations are extremely detailed and are covered in over 200 pages. They can be accessed, together with supporting information and guidance, on the Council's web site in the Benefits Section at:

[http://www.south-derbys.gov.uk/council\\_and\\_democracy/benefits/default.asp](http://www.south-derbys.gov.uk/council_and_democracy/benefits/default.asp)

#### **4.0 Financial and Corporate Implications**

4.1 These implications were considered in detail by the Finance and Management Committee in October 2015. The cost of the Local Scheme is currently being contained within the Council's Budget and it is anticipated that this will continue for 2016/17.

4.2 The Finance and Management Committee receive regular monitoring reports which keep under review actual claimants and costs. This will continue in 2016/17 with any changes being considered ahead of the budget round for 2017/18.

#### **5.0 Community Implications**

5.1 The proposals will have an impact upon residents of the District who currently claim support or in the future may become eligible under the Local Scheme.

5.2 Due to no changes being proposed, no formal consultation has been undertaken for the 2016 Local Scheme.

5.3 It is noted that a full consultation exercise was undertaken over a 12 week period from August to November 2012 which informed the basis of the original 2013 Local Scheme.

5.4 Following the adoption of the 2016 Local Scheme, this will be communicated to all stakeholders.

5.5 The other precepting bodies in South Derbyshire have been notified of the Council's proposals have raised no issues with this approach.

## **6.0 Background Papers**

6.1 Report to Finance and Management Committee on 15<sup>th</sup> October 2015:

<http://south-derbys.cmis.uk.com/south-derbys/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1857/Committee/391/Default.aspx>

6.2 The Prescribed Requirements (2013):

<http://www.legislation.gov.uk/uksi/2013/3181/contents/made>

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<b>REPORT TO:</b>	<b>FULL COUNCIL</b>	<b>AGENDA ITEM: 12</b>
<b>DATE OF MEETING:</b>	<b>21<sup>st</sup> JANUARY 2016</b>	<b>CATEGORY:</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>FRANK McARDLE 01283 595702</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>COMMUNITY GOVERNANCE REVIEW: TERMS OF REFERENCE</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>NEWHALL AND STANTON</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 Members approve the Community Governance Review Terms of Reference, as detailed at **Appendix 1** to the Report.

## **2.0 Purpose of Report**

- 2.1 To advise Members of the legal process whereby the Council can review and make changes to local governance arrangements within the whole or part of its District.

## **3.0 Detail**

- 3.1 The Review has been instigated following the submission of a valid petition from the Newhall and Stanton Parish Council Campaign Group requesting that a Parish Council be constituted for the area of Newhall and Stanton. As this area does not already exist as a parish, the petition is treated to also include a request for a parish to be constituted.
- 3.2 In accordance with the Local Government and Public Involvement in Health Act 2007, the Council is responsible for undertaking any review within its electoral area. In addition to the Terms of Reference, all decisions will be made by Full Council prior to any Reorganisation of Community Governance Order being made.
- 3.3 Local governance arrangements will be determined following a consultation. Details of the parties to be consulted are contained in the Terms of Reference document (Appendix 1).
- 3.4 A timetable detailing the actions required within the permitted twelve month period is contained within the Terms of Reference document (Appendix 1).

#### **4.0 Financial Implications**

4.1 There are no direct financial implications from this report, but the consultation process will incur the Council administrative and postage costs.

#### **5.0 Corporate Implications**

5.1 There are none relating to this report.

#### **6.0 Community Implications**

6.1 The Review and subsequent recommendations will determine the local governance arrangements for the Newhall and Stanton ward.

#### **7.0 Background Papers**

7.1 Newhall and Stanton Parish Council Campaign Group Petition.



# COMMUNITY GOVERNANCE REVIEW OF NEWHALL AND STANTON

## TERMS OF REFERENCE

### Introduction

On 21<sup>st</sup> January 2016, South Derbyshire District Council (“the Council”) approved these Terms of Reference created for the purposes of undertaking a Community Governance Review covering the unparished area of Newhall and Stanton.

A Community Governance Review (“the Review”) is a legal process whereby the Council can review and make changes to local governance arrangements within the whole or part of its District.

These arrangements will be determined following consultation with local people and will aim to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

### Legislation and Guidance

In undertaking the Review and implementing any outcome, the Council will be guided by the following legislation and guidance:-

- Part 4 of the Local Government and Public Involvement in Health Act 2007, as amended;
- The relevant parts of the Local Government Act 1972;
- The Local Government (Parishes and Parish Councils) (England) Regulations 2008;
- The Local Government Finance (New Parishes) (England) Regulations 2008; and
- The Guidance on Community Governance Reviews issued jointly by the Department for Communities and Local Government and the Local Government Boundary Commission for England (March 2010) (“the Guidance”).

### **Aim of the Review**

In carrying out the Review, the Council aims to ensure that decisions affecting community governance within the Newhall and Stanton area are reflective of the identities and interests of the community and are both effective and convenient.

Other important considerations are the impact on community cohesion, the size, population and boundaries of the area and what (if any) arrangements have already been made or could be made for the purposes of community representation or community engagement.

### **Who is undertaking the Review?**

The Council is responsible for undertaking any review within its electoral area.

All interested persons and bodies have the opportunity to submit representations throughout the process for consideration by Full Council (a meeting of all 36 South Derbyshire District Councillors) before any decisions are made.

### **Why is the Council undertaking the Review?**

The Review has been instigated following the submission of a valid petition from the Newhall and Stanton Parish Council Campaign Group requesting that a Parish Council be constituted for the area of Newhall and Stanton. As this area does not already exist as a parish, the petition is treated to also include a request for a parish to be constituted.

### **How will the Council undertake the Review?**

Specifically, the Council will consider the following:-

- Whether or not a parish be constituted for the area under review and if so the name and style of the parish;
- Whether or not, as a result of the Review, the area of any existing neighbouring parish needs to be retained, merged, altered or abolished;
- Whether or not any parish should have a Parish Council or any alternative and, if so, determine the electoral arrangements, i.e, the ordinary year of election, the size, the number of Councillors to be elected, the division of the parish into wards and the parish boundaries;
- Whether or not any grouping provision should be made; and
- Whether or not any other local community governance arrangements should be made.

### Why constitute a Parish?

The Council recognises that all communities have individual local issues and any decisions made will reflect those issues and be in the best interests of Newhall and Stanton.

Government guidance states that the advantage of constituting an area as a parish is that parishes reflect distinctive and recognisable communities of interest with their own sense of identity. It further states that this identity and community lends strength and legitimacy to the parish structure, creates a common interest in local affairs, encourages participation in elections, leads to representative and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense a civic values, responsibility and pride.

### What does a Parish Council do?

Parish Councils are the most local form of government. They collect money from council tax payers (via the District Council) known as a 'precept' and this is used to invest in the area to improve services or facilities. Parish Councils can take different forms, but are usually made up of local people who stand for election as a Parish Councillor to represent their area. They can be the voice of the local community and work with other tiers of government and external organisations to co-ordinate and deliver services and work to improve the quality of life in the area.

### Alternative styles

Parishes may have alternative styles to 'Parish'. The alternative styles are 'community', 'neighbourhood' or 'village'. In addition, it should be noted that the style 'town' is still available to a parish. However, for as long as the parish has an 'alternative style', it will not also be able to have the status of a 'town' and vice versa. The use in these terms of reference to parish does not preclude one of the alternative styles being adopted.

### Timetable for the Review

<b>Action</b>	<b>Dates</b>
Terms of Reference agreed by Full Council	Thurs 21 <sup>st</sup> January 2016
Publication of Terms of Reference	25 <sup>th</sup> January 2016
Consultation process – Invitation of initial submissions	1 <sup>st</sup> February 2016 to 13 <sup>th</sup> March 2016
Last date for submissions	13 <sup>th</sup> March 2016



Analysis/evaluation of submissions received and preparation of options available to Full Council	14 <sup>th</sup> March 2016 to 24 <sup>th</sup> April 2016
Draft decision made by Full Council	Thurs 19 <sup>th</sup> May 2016
Publication of draft decision	23 <sup>rd</sup> May 2016
Consultation on draft decision	23 <sup>rd</sup> May 2016 to 3 <sup>rd</sup> July 2016
Last date for submissions	3 <sup>rd</sup> July 2016
Analysis/evaluation of submissions received and preparation of options available to Full Council	4 <sup>th</sup> July 2016 to 14 <sup>th</sup> August 2016
Final decision made by Full Council	Thurs 22 <sup>nd</sup> September 2016
Publication of final decision and notification to interested parties	26 <sup>th</sup> September 2016
Preparation and publication of any Reorganisation of Community Governance Order	26 <sup>th</sup> September 2016

This programme and timeline may be adjusted after representations have been received by local people in response to the initial public consultation. This will allow the Council a degree of flexibility in the interests of ensuring that it manages the review process efficiently. Any adjustments to the programme and timetable will be published on the Council's website.

### **Electorate Forecasts**

When considering any electoral arrangements arising as a result of this Review, the Council will consider any change in the number or distribution of electors which is likely to occur within five years from commencement of this Review. This data is as follows:-

<b>District Area</b>	<b>Polling District</b>	<b>Electorate 2016</b>	<b>Electorate 2021</b>
Newhall	NSA	1635	1635
Newhall	NSB	740	740
Newhall	NSC	2057	2507
Newhall	NSD	1318	1318
Newhall	NSE	445	750

## Consultation

The Council has a duty under the Local Government and Public Involvement in Health Act 2007 to consult with the local government electors in the area under review and any other interested person or body. Throughout the process all representations will be taken into account before decisions are made.

The Council will:-

- Publish a release in the local press informing residents of the Review and inviting responses;
- Publish information on the Council's website;
- Consult with the residents of the Newhall and Stanton area;
- Consult with the South Derbyshire District Councillors for the Newhall and Stanton area and the neighbouring areas;
- Consult with the Derbyshire County Councillors for the Newhall and Stanton area and the neighbouring areas;
- Consult with the Member of Parliament for the District;
- Consult with Derbyshire County Council;
- Consult with any neighbouring Parish Councils and community representative groups; and
- Consult with any other person or body which appears to the District Council to have an interest in the Review.

The initial consultation period will end on 13th March 2016. Any representations must be received by that date or they may not be considered when the options are prepared for Full Council.

There will then be a further period of time for people to comment on the draft decision before the final decision is made.

The Council recognises that the development of strong, sustainable communities depends on residents' active participation in decision making and making a positive contribution to improving the place where they live. The Council is therefore committed to engaging effectively with the communities it serves and to enabling local people to participate meaningfully in decisions that affect their lives, where all people feel able to take an active part in influencing service delivery.

The Council welcomes all representations from any persons or bodies with a local interest who may wish to comment or make proposals on any aspect of the matters under review.

Please send any representations to:-

- [cgreview@south-derbys.gov.uk](mailto:cgreview@south-derbys.gov.uk); or
- South Derbyshire District Council  
Legal and Democratic Services Section  
Community Governance Review  
Civic Offices  
Civic Way  
Swadlincote  
Derbyshire  
DE11 0AH

If you have any queries relating to the Review, please contact us either by e-mail at [democraticservices@south-derbys.gov.uk](mailto:democraticservices@south-derbys.gov.uk) or by telephone on 01285 595722 / 01285 595848.

Further information about the Review is available on the Council's website and social network pages, detailed below:-

- [www.south-derbys.gov.uk/communitygovernance](http://www.south-derbys.gov.uk/communitygovernance)
- [www.twitter.com/south-derbys](http://www.twitter.com/south-derbys)

### **Completion of the Review**

The Council will clearly publish the outcome of decisions taken as a result of the review and the reasons behind those decisions, so as to conduct the process transparently, making local people and other interested parties aware of the decisions reached. Press releases will be issued at key points as detailed in the above timetable and key documents will be on deposit at the Council's offices.

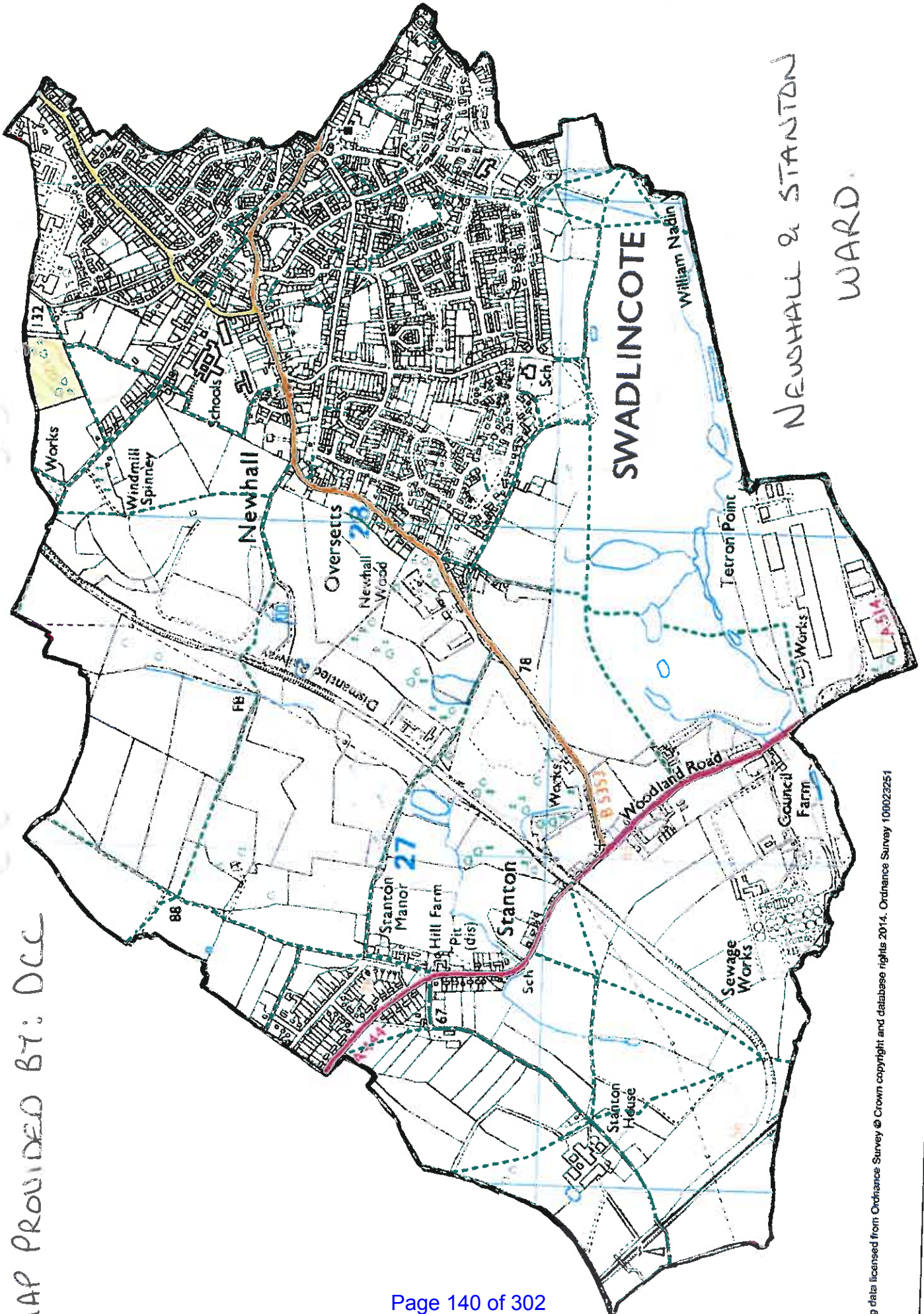
### **Order and commencement**

In the event of a Reorganisation of Community Governance Order being made, the provisions of such an Order will take effect from 1<sup>st</sup> April 2017 for financial and administrative purposes, depending upon the outcome of the Review.

### **Date of Publication of these Terms of Reference**

25<sup>th</sup> January 2016

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REPORT TO:	COUNCIL	AGENDA ITEM:13
DATE OF MEETING:	21 <sup>ST</sup> JANUARY 2016	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN
MEMBERS' CONTACT POINT:	ARDIP KAUR (EXT. 5715) (ardip.kaur@south-derbys.gov.uk)	DOC:
SUBJECT:	CONSTITUTION – UPDATED DOCUMENTS	REF:
WARD(S) AFFECTED:	ALL	

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### **1.0 Recommendations**

- 1.1 That Council approve and adopt the Codes and Protocols at **Appendices A - E** to this report to form Part 5 of the Council's Constitution.
- 1.2 That Council approve and adopt the Responsibilities for Functions (Committees) documents attached at **Appendix F** to this report to form Part 3 of the Council's Constitution.
- 1.3 That Council approve and adopt the current Management Structure document attached at **Appendix G** to this report to form Part 7 of the Council's Constitution.

### **2.0 Purpose of Report**

- 2.1 To consider documents that form part of the Council's Constitution.

### **3.0 Detail**

- 3.1 Members are asked to consider and approve the attached documents which will form part of the Council's Constitution.
- 3.2 The Codes and Protocols included at Appendices A – E are as follows;
  - Protocol for the use of IT by Members;
  - Employee Code of Conduct;
  - Protocol for Member/Employee Relations;
  - Monitoring Officer Protocol;
  - Appointment Procedure for Chief Executive and Directors.
- 3.3 The Responsibilities for Functions documents forms part of the Council's Constitution. The opportunity has been taken by the Corporate Management Team to review the documents and amend accordingly.
- 3.4 The Management Structure document has been updated in line with organisational change.

#### **4.0 Financial Implications**

4.1 None directly arising from this report.

#### **5.0 Corporate Implications**

5.1 The approved documentation will provide a clear and effective resource within the Council's Constitution

#### **6.0 Community Implications**

6.1 None arising directly from this report.

#### **7.0 Background Papers**

Protocol for the use of IT by Members

Employee Code of Conduct

Protocol for Member/Employee Relations

Monitoring Officer Protocol

Appointment Procedure for Chief Executive and Directors

Responsibilities for Functions (Committees)

Management Structure Chart



**South  
Derbyshire**  
District Council

# **PROTOCOL FOR THE USE OF INFORMATION TECHNOLOGY BY MEMBERS OF SOUTH DERBYSHIRE DISTRICT COUNCIL**

**Version 1.4  
August 2013**

**PROTOCOL FOR THE USE OF INFORMATION  
TECHNOLOGY BY MEMBERS OF SOUTH  
DERBYSHIRE DISTRICT COUNCIL**

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## **1. Introduction**

The I.T. Protocol, which follows, is in force for a number of reasons, the most important of which are:-

- To protect the Authority and its Members from prosecution. This can involve Data Protection, software usage, security and virus issues.
- To protect the assets owned by the Authority. These assets include not only software and hardware but also data.
- To standardise the working environment. This will allow every computer to operate the same, wherever you are located.
- To streamline iPad procedures, giving users a faster response to faults.
- To enable Members to carry out their duties safely and more effectively.

Remember the I.T. Protocol is a tool to help all users of Information Technology and is not intended to restrict you in carrying out your normal Council activities.

The Protocol will be widely distributed either electronically or via hard copy.

**From a Member's point of view it must be understood that until you have accepted the Protocol, you will not be allowed to access the Council's I.T. infrastructure.**

The following Protocol must be read/understood and Members must sign to acknowledge that they abide by the requirements of this Protocol before any Council owned I.T. equipment is supplied to them or any access to I.T. systems enabled.

Any breach of the Protocol may amount to a breach of the Members' Code of Conduct. In addition, any breach could lead to the equipment being recovered by the Council.

If you require clarification of any issue about the use of I.T., please contact Democratic Services on 01283 595848, who will be more than happy to assist.

When you are clear that you understand the requirements of the Protocol and agree to abide by it, you will be requested to sign the declaration at Appendix D upon collection of the equipment or when access to I.T. systems is enabled.

The Protocol will be monitored and reviewed periodically to consider any appropriate amendments necessary.

## **2. Remote Access to Authority I.T. Systems**

In order to gain access to the iPad a PIN number is required. The PIN number used to access the iPad should be of a complex nature (i.e. not 9999 or 1234 etc.)

In order to gain remote access to the SDDC systems, such as outlook web access and exempt information in CMIS it is necessary to have a valid username, password. Any equipment provided by the Council must not be used for illegal purposes or in any way which could bring the Council into disrepute and must not be used to operate a private business.

The Council Member must not allow any unauthorised person to access the Council's systems using their iPad and must keep all passwords secure. For more information on good practice on password control, please refer to Appendix A. It should be noted that anything stored on the iPad is not backed up by the Council. Backups should be undertaken regularly by synchronising with the central iTunes PC. Doing so will safeguard all files, documents, and apps that have been downloaded to your device. This can be done at the Civic Offices, by the Members of Democratic Services. Where additional BT lines have been installed at home locations, you will be responsible for all call charges not relating to connection with an Authority-based host system. If you have had a separate broadband line installed, this line should not be used for voice calls.

## **3. Hardware Issued by the Authority**

The iPad and all associated equipment and applications belong to and remain the property of the Council.

The iPad will be expected to be used for all democratic work, including use at Council meetings and reading/annotating agendas, reports, minutes and accessing SDDC emails via the iPad

You must take all reasonable steps to ensure the iPad is kept secure and protected from theft/damage. Particular care should be taken with regard to ensure that they are not left on view in cars or on public transport etc.

The Member will grant access to the iPad and other equipment to any authorised employee or agent of the Council at reasonable times for the purpose of service, repair or audit.

If a Member ceases to be a Member of the Council, the iPad and all equipment must be returned to the Council within 10 working days.

No personal applications should be installed on the iPad under any circumstances by Members. If any additional applications are required, this can be requested via Democratic Services initially, to establish the need on individual and collective bases. Subject to the necessary funding to cover any applications. Each request will be evaluated on its merits.

The storage or processing of personal data (e.g. details of names and addresses) may be unlawful if not notified to the Data Protection Commissioner. Members

should refer any queries on Data Protection issues to the Director of Finance & Corporate Services, Kevin Stackhouse, who is also the Council's Data Protection Officer.

In the event of damage to any part of the equipment, you should inform the I.T. Service Desk immediately on extension 5705 (01283 595705).

In the event of theft or loss of the iPad, the user of the iPad should report the incident to the Police to obtain a crime reference/lost property number and then provide this information to the IT Service Desk on extension 5705 (01283 595705).

In respect of hardware issued for external connection to the Authority, the Council will insure and keep insured the hardware concerned.

In the event of the installed virus protection software discovering a virus on the hardware, you should follow the virus procedure as laid out below:-

### **Reporting the Action on Finding a Virus**

- If a user sees or thinks that a virus is affecting the operation of software and/or hardware, switch off the hardware affected. Phone the I.T. Service Desk immediately, which will advise you what action to take.
- Do not try to ignore the fact that a virus may be affecting your files – it will not clear itself and will continue to infect other software files/hardware.

## **4. Internet Usage and External E-Mail**

**Any Member accessing the Internet for search/browsing or e-mail must ensure they adhere to the following rules:**

- Do not access any www area that could be construed as unfit, obscene or would otherwise be considered as inappropriate for a Member of the Council. www sites visited by any user (Member or officer) when connected to the Council server are recorded, monitored and will be available for audit, if necessary.
- If you accidentally enter any area which could be construed as unfit, obscene or inappropriate you must leave it immediately and inform the I.T. Service Desk. Be aware that your computer records which sites you have accessed.
- Care must be taken when downloading files via the Internet. Computer viruses may be contained in files and/or e-mails and can severely damage the operation of the laptop. If the installed virus protection software detects any viruses, please follow the instruction on page 3.
- If you receive unsolicited e-mail (e.g. junk or chain mail), do not forward such items to other recipients.

- Never leave the computer unattended whilst you are using the Internet. The session will be your responsibility. Also, the computer should not be left switched on and unattended for security purposes.
- Use the Internet and its facilities in a responsible way.
- Detailed E-mail guidelines and Internet guidelines are attached at Appendices B and C respectively.

## **5. Use and Care of the Equipment**

The iPad and associated software and the I.T. System access supplied to you is primarily for your use as an elected Member of South Derbyshire District Council.

This includes all the work you do as a Councillor at present, for example:-

- Communicating with officers, other Members, MP's, government officials, partner organisations and members of the public.
- Dealing with official correspondence.
- Researching issues relevant to your work as a Councillor and/or matters raised by a constituent in your Ward.
- Communicating and obtaining information in support of approved personal training and development activities.
- Viewing and obtaining material for discussion by a political group on the Council, as long as that relates to the work of the Council and not the political party.
- Formulating policy and the decision-making process of the Council or other organisation on which you have been formally appointed to represent the Council.

### **Use for Party Political Purposes/Party Political Publicity**

Under the Members' Code of Conduct, there is an absolute restriction on Members using or authorising the use by others of the resources of the Council ('resources' includes land, premises and any equipment such as PC's, laptops, copiers, scanners, printers, paper and software and the time, skills and help of anyone employed by the Council) for political purposes.

There is also a clear statutory ban on the use of Council property for **any purpose connected with party political publicity**, either at election time or at any other time. Publicity is defined as any communication, in whatever form, addressed to the public at large or to a section of the public. This will include press releases and letters to the media. At election time there are also detailed restrictions on the use of Council property for other party political purposes as well as publicity. The safest course is to avoid the use of Council I.T. equipment for any purely **party political purpose** at **any** time.

This includes all the work you do in connection with:-

- Constituency party meetings, Ward party meetings etc. or communications to party members collectively in their capacity as party members.
- Processing names and addresses of your constituents for electioneering purposes.

## **Personal Use**

The iPad & broadband connection may be used for personal purposes provided that:-

- it is not detrimental to corporate interests
- it does not cause any disruption, disturbance, inconvenience or degradation of the service
- it does not interfere with the work of the Council
- it does not involve unacceptable use of the Council's system
- the set up of the equipment and connection is not changed in any way
- any Council supplied broadband connection can only be used with Council equipment

Examples of unacceptable use are:-

- breach of confidentiality
- breach of security rules/guidelines, e.g. breaking through security controls
- representing values which are contrary to any Council policy
- promoting any private or personal interests such as selling personal possessions, property or promoting a social activity not related to the Council
- deliberate accessing or attempting to access, viewing, downloading, displaying, printing or distributing from the internet of what is considered to be material likely to incite criminal behaviour
- using or transmitting abusive, defamatory, libellous, profane or offensive language
- the importation of computer viruses and similar software through unauthorised downloading of files and programmes from external sources
- running software that is not approved by the Council
- loading software applications directly onto any of the Council's systems without approval
- knowingly causing congestion and disruption of networks and systems
- deliberate accessing or attempting to access, viewing, downloading, displaying, printing or distributing of what is considered to be offensive, obscene, sexually explicit or pornographic from the internet
- sending e-mail messages and/or attachments that cause offence or are considered to be harassment on the grounds of gender, race, ethnic or national origin, disability, family status, age, religious belief, class or sexuality. Examples are messages that contain sexual innuendoes, racially biased jokes or obscene language.
- Using 4g for personal use

This is not an exhaustive list.

## **Monitoring of Communications**

You need to be aware that the Council has the capability to monitor all use of the internet and intranet and logs and retains the records.

The reason that monitoring takes place is to ensure that the standards and rules set by the Council and legislation are complied with.

We record or monitor:-

- details of websites visited or attempted to be visited
- pages accessed
- files downloaded
- graphic images examined
- any file attachments (e.g. pictures or word documents)

The Council has the capability to monitor, log and retain e-mail correspondence.

Any potential viruses within e-mail and internet traffic passing through or outside the Council's systems are scanned for.

### **General Issues**

Any messages or information you send to someone outside the Council, or statements that reflect on the Council (this is either in a personal capacity or on business use through an electronic network such as bulletin boards, on-line services or the internet) wherever appropriate you must make it clear that the views expressed are personal and may not necessarily reflect those of South Derbyshire District Council.

You must not use anonymous mailing services to conceal your identity when mailing through the internet, falsify e-mails to make them appear to originate from someone else, or provide false information to any internet service which requests name, e-mail address or other details.

### **Care of the Equipment**

Members are required to take all reasonable care of the Authority's equipment. Members should not eat, drink or smoke over the equipment.

Lending the iPad to any third party is strictly forbidden

Elected Members should never delete any of the SDDC supplied Apps. It should be noted that these will be updated or changed over time and ICT can do this remotely

Users are allowed to connect their iPads to their home or third party wifi networks, and this should be done where appropriate to minimise the cellular usage

### Strictly forbidden Activity

Illegal installation transmission of copy write materials

### Malfuction of Equipment

Malfuction or any other technical problem with the iPad should be reported to the ICT service desk, under no circumstances should repairs be organised without consultation with IT.

## **6. The Law**

### **Data Protection**

You are responsible for complying with the Data Protection Act 1998 which covers information held in electronic and paper-based form about individuals. It is a criminal offence to collect and process personal data on your laptop unless the use is registered with the Data Protection Registrar. Details of registration should reflect Internet use. The Director of Finance & Corporate Services has copies of all the Council's Data Protection registrations and can give you advice.

The Data Protection Act 1998 considerably increases the obligation on users of personal data, such as:

- banning sending personal data to non-European Economic Area countries with inadequate protection for data subjects;
- prohibition on processing certain 'sensitive data' such as someone's marital status or ethnic origin.

### **Computer Misuse**

The Computer Misuse Act 1990 covers unauthorised or malicious use of any computer system. It is the law used to prosecute hackers and people who write and distribute computer viruses deliberately.

It is a criminal offence to access, or attempt to access, any computer system you are not authorised to access. This law protects against employees and members of the public who deliberately cause damage to systems and data. The Act also makes it illegal for a person to deliberately delete data or sabotage systems to the detriment of the Council.

### **Harassment**

You can commit harassment either by using e-mail or send a harassing message to someone or by downloading and distributing material from the Internet which constitutes harassment because it creates an intimidatory working environment. Harassment and discrimination are unlawful under the Protection from Harassment Act 1997, the Sex Discrimination Act 1975, the Disability Discrimination Act 1995 and the Race Relations (Amendment) Act 2000.

As with any form of harassment under the anti-discrimination legislation, the intention of the parties is irrelevant. The problem with e-mail is that, with the lack of visual clues, offence may be caused where none was intended.

### **Obscene Material**

Publishing legally 'obscene' material is a criminal offence under the Obscene Publications Acts 1959 and 1964. This includes electronic storing and/or transmitting obscene materials that would tend to deprave and corrupt or paedophilic material.

### **Defamation or false statements**

The liability for defamation or false statements applies to electronic communication just as it does to more traditional forms of communication. Anyone who e-mails a libellous or false e-mail message or posts such a message on the Internet will be responsible for it and liable for any damage it causes to the reputation of the victim.

In addition to the liability of the individual who made the libellous or false statement, the Council may also be held liable. This could be either under the normal principles of:-

- **Indirect** liability because the Council is considered responsible - known as 'vicarious liability'; or
- **Direct** liability as a publisher because of providing the link to the Internet and e-mail system.

An untrue statement that damages the reputation of a person or company by causing people to think worse of them will generally be defamatory. Similarly, a false statement intended to cause damage to a person or their economic interests can bring a claim for damages.

Do not put anything on an e-mail or an attachment, which you would not put in a normal letter on Council headed paper. Treat e-mail as you would a postcard going through the open post.

## **Copyright**

Although any material placed on the Internet or in public discussion areas is generally available, the originator still has moral and, possibly, legal rights over it. You should not copy it without acknowledging the original source and, where appropriate, gaining their permission. This applies even if you modify the content to some extent. Please note that any official material placed on a website is subject to copyright laws.

Copyright laws are different for each piece of software. In general, the copyright to every piece of software run on a system is owned by whichever company or person wrote it. The Council has a legal duty to make sure sufficient licences of the correct type are present to cover the use of all software. You must be aware of these issues and make sure that the Council has correct licences for any software you are using.

## **Contracts**

Electronic communication, such as e-mail, is generally regarded as an informal means of communication but it is, nevertheless, capable of creating or varying a contract in just the same way as a written letter. You should be careful not to create or vary a contract accidentally.

## **Disclaimer**

Despite putting confidential disclaimers and, where appropriate, personal disclaimers, on external communications, there is still nevertheless a legal connection to the Council. Always remember that any statement you make may still be construed as representing the Council.



## 7. iPad Usage Guidance

### Background

- South Derbyshire District Council provides Members with an individual iPad which gives an opportunity to reduce costs and improve productivity.
- All iPads and associated equipment remain the property of South Derbyshire District Council (SDDC)
- All applications (apps), files and documents stored on the iPad are the property of South Derbyshire District Council
- iPads are provided to meet the business needs of the Council and appropriate usage tariffs will be selected accordingly.
- Violation of the Acceptable Use Policy may be subject to but not limited to; action under the Member Code of Conduct, repossession, removal of content.
- All other South Derbyshire District Council District Council codes, guidelines and policies apply in addition to the iPad usage policy.

### User Responsibilities:

- Wi-Fi connections should be used wherever possible to avoid additional usage charges. The Civic Offices (in Council Chamber & Members room) Wi-Fi will be preconfigured and the Ipad can easily setup for home Wi-Fi or where this is provided in other locations such as Café's, hotels. If assistance is required please contact Democratic Services on 01283 595848.
- The iPad should not be used abroad.Usage charges are not covered by UK tariffs, are expensive and insurance cover does not stretch out of the UK.
- The iPad screen is made of glass and therefore is subject to cracking and breaking if misused. Never drop nor place heavy objects (books, laptops, etc.) on top of the iPad. The iPad should be kept in the "survivor" cover at all times.
- Only a soft cloth is to be used to clean the iPads screen.
- Defacing of the iPad, including the SDDC ID tag, in any way is prohibited (stickers, markers, etc.).
- To extend battery life, users should always turn off and secure their iPad after work is completed.
- Do not subject the iPad to extreme heat, cold or moisture (do not store in vehicles).
- When carrying the iPad in a vehicle or on public transport every effort should be made to keep the device secure i.e. do not leave on display
- Backups should be undertaken regularly by synchronising with the central iTunes PC. Doing so will safeguard all files, documents, and apps that have been have downloaded to your device. This can be done at the Civic Offices, by the Members of Democratic Services
- Items deleted from the iPad cannot be 'undeleted'
- Preloaded apps must not be deleted and they should be updated periodically.

This will be done remotely by the IT team.

- The whereabouts of the iPad should be known at all times. It is the user's responsibility to keep their iPad safe and secure.
- One stylus and charger will be issued with the iPad, if either are lost Members will be expected to replace these at their own cost
- Malfunctions with the iPad should be reported to the IT Service deskdesk on 01283 595705. Under no circumstances should arrangements be organised for repairs to be undertaken.

### **Lost, Damaged or Stolen iPad :**

In the event of theft or loss of the iPad, the user of the iPad should report the incident to the Police to obtain a crime reference/lost property number and then provide this information to the IT Service Desk on extension 5705 (01283 595705).

Lost iPads that cannot be recovered are capable of being remotely wiped, and this will be done remotely once notified. Wiping the device will restore the device back to factory settings.

### **Prohibited Uses Include:**

#### **Accessing Inappropriate Materials -**

All material viewed and stored on the iPad must be in accordance with the IT protocol and values of South Derbyshire District Council. Users must exercise the same prohibited uses as the use of South Derbyshire District Council computers and laptops. Users are not allow to send, access, upload, download, or distribute offensive, profane, threatening, pornographic, obscene, or sexually explicit materials. Downloading other browsers is not permitted. Proxy sites are also prohibited.

#### **Illegal Activities -**

Use of South Derbyshire District Council District Council's internet/E-mail accounts for financial or commercial gain or for any illegal activity.

#### **Violating Copyrights -**

Content viewed by users using the iPad must be in compliance with copyright laws.

#### **Cameras -**

Users must use good judgement. The user agrees that the camera will not be used to take inappropriate, illicit or sexually explicit photographs or videos, nor will it be used to embarrass anyone in any way. Cameras must not be used in meetings without the permission of the chairman.

#### **Messaging -**

Messages must not be sent during meetings. The device should only be used during meetings to access CMIS unless express permission is given by the chairperson to use for research during the meeting.

#### **Misuse of Passwords/Unauthorized Access -**

Users must set a passcode to their iPad to prevent other people from misusing their iPad..

#### **Excessive Usage**

The Council has acquired I pads under a contract which allows for up to 1 gb of data a month to be downloaded through the mobile network. This should be sufficient to cover all work requirements. Unless there are exceptional work requirements that cause the limit of 1 gb to be exceeded then data usage above that level will be charged to the individual member concerned. WIFI should be used at all times where possible.

### **Malicious Use/Vandalism**

Any attempt to destroy hardware, software or data.

The iPads provided to members and officers should not be used to access personal social media sites such as Facebook and Twitter. It is however permissible for Members and officers to use the iPads provided for social media for legitimate business reasons such as communicating with residents or maintaining SDDC corporate sites. It is recommended that Members have separate social media accounts for Council business

### **Jailbreaking –**

Jailbreaking is the process which removes any limitations placed on the iPad by Apple. Once jailbroken, users are able to download additional applications, extensions and themes that are not otherwise available. Jailbreaking results in a less secure device and is strictly prohibited.

### **Other Information**

Users may suggest additional apps or facilities, if there is a clear business justification these will be considered by Senior management for adoption. Given that a common set of apps will have to be provided to all Members it is important that we seek to minimise the number of apps that are agreed for adoption given that increasing the number of standard apps will result in the I pads becoming less effective for Members.

A wireless access point is provided in the Members area for their convenience. No printer provision is to be provided.

## **3. Responsibilities**

The Councils ICT section is responsible for:

- Providing SDDC supplied iPads to a recognised standard build that can access the Internet and emails to the device from the users SDDC email account.
- ensuring any incidents in relation to this ipad acceptable use protocol are referred to Democratic Services and investigated

The Democratic Services team are responsible for:

- Providing basic training and instruction on their use

- Providing advice and support to staff and Members iPad users
- Investigation of any suspected misuse of devices

## APPENDIX A

### **GOOD PASSWORD GUIDELINES**

Members should adopt the following guidelines for allocating and managing their passwords:-

1. Keep passwords confidential.
2. Do not keep a paper record of passwords.
3. Take care in the siting of keyboards to minimise casual observation.
4. Do not include passwords (or user-ids) in any automated logon process, for example as part of the AUTOEXEC.BAT FILE or stored in a function key.

## **APPENDIX B**

### **E-MAIL GUIDELINES**

These guidelines apply equally to internal and external e-mail.

If you use the e-mail system, you must follow these guidelines.

#### **Never . . .**

1. Use the e-mail system for knowingly doing anything illegal under English law, or for unacceptable purposes that could be construed as unfit, obscene or would otherwise be considered as inappropriate for a Member of the Council.
2. Transmit confidential, personal or other sensitive information on e-mail unless you can apply appropriate 'encryption' - putting messages into code - to protect it.
3. Abuse others - even in response to abuse directed at you.
4. Use e-mail to harass or threaten others in any way.
5. Use anonymous mailing services to conceal your identity or falsify e-mails to make them appear to originate from someone else.
6. Access anyone else's mailbox unless they have given you proxy or authorisation rights. Unauthorised access is a breach of security.

#### **Don't . . .**

7. Use the 'Reply All' function unless everyone in the original message needs to know your response.
8. Print out messages unless they are really important.
9. Send large e-mails or attachments. It's not an economical or sensible way to handle large documents and it can halt the e-mail system. It is better to put the file on the network and direct people to it.
10. Create e-mail congestion by sending trivial messages or by copying e-mails to those who don't need to see them.
11. Forward confidential or restricted items on e-mail sent to you personally without the originator's permission.

#### **Remember . . .**

12. E-mails may be read by a far wider audience than originally intended, because of the ease of forwarding messages to new recipients.
13. E-mail is not guaranteed to arrive at its destination within a particular time, or at all.

14. Not to send a message in capital letters. It is the electronic version of **shouting**.
15. Always put appropriate disclaimers on your messages.
16. Any advice you give on e-mail has the same legal standing as any other written advice.
17. Before sending an e-mail, ask yourself how you would feel if your message were read out in Court.
18. Not to assume that the message has been read just because it has been sent.
19. Avoid sending graphics - it may look nice but it takes up valuable computer storage space and increases processing time.
20. It's easier to change and distribute messages and documents in the e-mail environment than it is in a purely paper-based one. Use these two categories to indicate the confidentiality of the message or document being sent. Put the category at the start of the 'subject' line. Most messages and their attachments don't need a confidentiality status. If no category is given, the assumption is that the message and/or document has no confidentiality status and can be changed and forwarded as required.

**Confidential** Message and/or document marked 'confidential'. This should not be freely copied. Distribution should be limited to a 'need-to-know' basis.

**Restricted** Message and/or document marked 'restricted'. Printing, copying and distributing of the document should be closely monitored by the originator and the recipient, and should not happen without the originator's consent. Editing should only be done with the originator's consent.

21. Beware of sending "joke e-mails" or chain e-mails. Whilst you may consider the material not to be inoffensive, a different person may not.

#### **Do . . .**

22. Maintain your e-mail mailbox properly:-
  - Open all e-mails at least daily or make sure that a re-direction is set up if you are away for more than a day.
  - Only keep messages that are necessary for current business needs.
  - Store all e-mail messages necessary for permanent business records in your personal folders, according to current record retention policies.
  - Delete insignificant, obsolete and unnecessary messages, return/read receipts and attachments, daily. Clear your 'deletion' folder daily to get rid of unwanted items.
23. Use a password protected screen saver if your laptop is in an area where unauthorised users could easily access it.

24. Make sure you use the correct address when sending mail. If the e-mail fails to reach its destination, it may be lost or fall into the wrong hands. Double-check the address when you send important messages.
25. Always get confirmation of receipt for important e-mails.
26. Make and keep hard copies of very important e-mails sent and received.
27. Reply promptly to all e-mail messages requiring a reply. Where a prompt detailed response is not possible, send a short e-mail acknowledging receipt and giving an estimate of when a detailed response will or should be sent.
28. Only print an e-mail if you need a hard copy for filing - don't waste paper.
29. Develop orderly filing systems for messages you need to retain.
30. When responding, concern yourself only with your response. Don't reproduce the message sent to you unless it is really necessary. This makes messaging more effective and conserves network resources.
31. Keep messages brief and to the point. Some people find it harder to read from the screen than they do from paper.
32. Always enter a subject title to your e-mail. Make sure that the 'subject' field of the message is meaningful. This helps everyone file and search for his or her messages more effectively.
33. Try to use one message for one subject. Multiple subjects within a single message make it difficult for the recipient to respond effectively, and to file the message.
34. Think whether all your intended recipients really want or need to receive the message and any attachments.

**If in doubt . . .**

Contact Democratic Services



## **APPENDIX C**

### **INTERNET GUIDELINES**

If you use a connection to the Internet, you must follow the requirements of these guidelines.

#### **Never . . .**

1. Use the Council's Internet access for knowingly doing anything which is illegal under English law, or the law of any other relevant country, or for unacceptable purposes such as accessing any www area that could be construed as unfit, obscene or would otherwise be considered as inappropriate for a Member of the Council.
2. Divulge personal information such as addresses and telephone numbers over the Internet.
3. Use the Council's Internet facilities to deliberately propagate any virus, worm, Trojan horse, or trap-door program code.
4. Knowingly use the Council's Internet facilities to disable or overload any computer system, network, or equipment or attempt to disable, defeat or circumvent any systems intended to protect the privacy or security of another user, including the Council's 'firewall' security systems.

#### **Don't . . .**

5. Leave Internet connections unattended.
6. Release protected information through a newsgroup or chat line - whether or not the release is inadvertent, it comes under all the penalties under existing data security policies and procedures.
7. Order or pay for personal goods and services using Council equipment on the Internet.

#### **Remember . . .**

8. You must not provide false information to any Internet service which requests your name, e-mail address or other details.
9. If you accidentally access unsuitable material, you must disconnect from the site immediately and inform the senior officer in I.T. Services.

#### **Do . . .**

10. Only use Internet browser software provided and configured by the Council, and only use officially provided access mechanisms.
11. Immediately report any security problems or breaches to the I.T. Service Desk.

**APPENDIX D**

**Important**

**Please sign and return to Director of Finance & Corporate Services**



**SOUTH DERBYSHIRE DISTRICT COUNCIL**

**Declaration**

I, Councillor \_\_\_\_\_ acknowledge receipt of the Protocol for the Use of Information Technology by Members of South Derbyshire District Council.

I confirm that I have read the Protocol and agree to abide by it.

I have received an iPad, asset number .....

**SIGNED** \_\_\_\_\_

**PRINT NAME** \_\_\_\_\_

**DATED** \_\_\_\_\_



**South  
Derbyshire**  
District Council

# EMPLOYEE CODE OF CONDUCT

November 2014

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## **1 Introduction and Scope**

- 1.1 The purpose of the Employee Code of Conduct (the Code) is to supplement an employee's terms and conditions of employment and to clarify the standards of conduct and behaviours expected as a Local Government employee. The Code draws together policies of the Council and relevant legislation and aims to assist employees to perform their duties to the best of their abilities.
- 1.2 Employees are required to familiarise themselves with the Code and the documents it refers to. It cannot cover every eventuality. If employees are in any doubt as to whether they might breach the Code they should consult their manager.
- 1.3 The Code applies to all employees of the Council and casual workers.
- 1.4 A breach of the Code may lead to disciplinary action (including dismissal). Additionally, where appropriate a breach of the Code may be pursued through the processes of the Law.
- 1.5 The Code has been agreed with the recognised Trade Unions.

## **2. Standards**

- 2.1 Local government employees are expected to give the highest possible standard of service to the public. An employee must:
  - Perform their duties with honesty, integrity, impartiality and objectivity.
  - Never use their authority or position for personal gain or to enable colleagues or any one else to gain personally.
- 2.2 Employees are expected, where it is part of their duties, to provide appropriate and timely advice to Elected Members (see the Member/Employee Protocol on the Intranet), other employees and representatives from partner organisations with impartiality.
- 2.3 Employees are expected to behave in a professional and respectable manner whilst performing their duties. Any behaviour that is found to be unacceptable will be subject to disciplinary action.
- 2.4 It is important that employees understand that perception is important. The public has the right to expect the highest levels of integrity and accountability from employees. Employees should always provide services and perform their duties to the highest possible standards. Actions by employees which would lead to loss of confidence through perception are as important as any others.
- 2.5 Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any

deficiency in the provision of any service. An example would be a disclosure under the “Whistleblowing” Policy and Procedure.

### **3. Accountability**

- 3.1 An employee must be accountable to the Council for their actions.
- 3.2 During the course of their work employees should at all times be aware of and comply with:
- Relevant legislation.
  - Their terms and conditions of employment. These include local policies, procedures and rules/regulations set by the Council corporately or within service areas. Local policies etc take into consideration legislation and best practice and they have been developed to help employees to perform their duties to the required standard.
  - Any professional code or standards of practice that apply if the employee is a member, for example, of a professional institute or body.

### **4. Disclosure and Confidentiality of Information**

- 4.1 The law requires that certain types of information must be available to Elected Members, auditors, government departments, service users and the public. Under the Local Government Act 1972, Freedom of Information Act 2000 and the Localism Act 2011 the public have a right to see certain information. In most circumstances these rights are related to committee reports and background information. Obstruction of a member of the public who wishes to exercise these rights is a criminal offence. Employees must be aware of which information is and is not confidential and act accordingly. Advice is available from Legal and Democratic Services.
- 4.2 The public are specifically excluded from certain proceedings of Committees or meetings associated with the business of any Committee. No employee shall communicate to the public the content of such proceedings or any document relating to the Council unless required by law or expressly authorised by the Chief Executive to do so. Employees making unauthorised communications will be liable to disciplinary action.
- 4.3 Employees should exercise caution and care not to disclose commercially sensitive information. If in doubt employees should obtain guidance from their manager or the Monitoring Officer.
- 4.4 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
- 4.5 Any particular information received by an employee from an Elected Member, which is personal to that Elected Member and does not belong to the Council should not be

divulged by the employee without the approval of that Elected Member, except where such disclosure is required or sanctioned by Law.

- 4.6 Employees will, in the course of their employment become aware of personal or other confidential information, some of which may fall within the scope of the Data Protection Act 1998. The Council requires that the confidentiality of this information will be maintained.

### **5. Political Neutrality and Activity**

- 5.1 All employees must not allow their personal or political opinions to interfere with their work for the Council.
- 5.2 Employees serve the Council as a whole. It follows, therefore, that they must serve all Elected Members equally, not just the Elected Members of any controlling group. Employees must ensure that the individual rights of all Elected Members are respected. The Member / Employee Protocol (which is on the Intranet) outline clearly the expectations placed on employees concerning their working relationship with Elected Members.
- 5.3 Some employees are required, subject to the Council's conventions, to advise political groups. They must do so in a way that does not compromise their own political neutrality.
- 5.4 Some employees are in politically restricted posts and by law are prevented from taking part in certain political activities outside of work. The Council must inform employees in writing if their post is politically restricted. Such restrictions are deemed to be incorporated in their contract of employment. If an employee is in any doubt whether any political activity is restricted under the law they should contact the Monitoring Officer. Any breach of the statutory rules will be a breach of contract and will lead to disciplinary action.
- 5.5 Employees in non- politically restricted posts should discuss, in advance, any political activity they intend to participate in with their manager in case there may be a conflict with the Council's interests.

### **6. Relationships**

#### **Elected Members**

- 6.1 Some employees are required to give advice to Elected Members as part of their job. Mutual respect between employees and Elected Members is essential to good local government. Close personal familiarity between employees and individual Elected Members can damage the relationship and prove embarrassing to other employees and Elected Members and should therefore be avoided.

- 6.2 Information about the roles of Elected Members and employees and the expected relationship between them is in the Member/Employee Protocol, which is on the Intranet.

### **Employees**

- 6.3 The Council wishes to create an environment where all its employees are treated with dignity and respect. The Council, therefore, has procedures in place to deal with harassment, victimisation and bullying. The Council's Harassment Policy and Procedure is on the Intranet.

### **The Local Community and Service Users**

- 6.4 Employees must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community in accordance with Council policies. No part of the community should be discriminated against.

### **Contractors**

- 6.5 Employees with a relationship with a business or private nature with contractors or potential contractors must be made known to the appropriate manager. Orders, contracts etc. must be awarded on merit, through fair competition and no favouritism should be shown to businesses run by, for example, relatives, partners or friends. This list is illustrative and not exhaustive and advice is available from Legal and Democratic Services. No part of the community should be discriminated against.
- 6.6 Employees, who engage or supervise contractors or have an official or personal relationship with contractors and have previously had or currently have any form relationship in a private or domestic capacity with a contractor who is engaged or who is proposed to be engaged by the Council, must declare that relationship to their manager as soon as practicable. Employees are also required to declare and record such an "interest" in the "Interests of Employees Book" kept in Legal and Democratic Services.

### **The Press and the Media**

- 6.7 Employees must not deal directly with the press or the media unless required to do so in the course of their work or they have been expressly authorised by an appropriate manager.
- 6.8 All enquiries for information or comment on issues affecting the work of the Council must be referred to the Policy and Communications section (Northgate Public Services).



6.9 Any article, publication or interview given on aspects of Council policy or activity must be properly authorised.

### **7. Appointments and Other Employment Matters**

7.1 Employees involved in appointments must ensure that they are made on the basis of merit. It would be unlawful for an employee to make an appointment, which was based on anything other than the ability of the candidate to undertake the duties of the post. This principle is included in the Council's Recruitment and Selection Policy and Procedure, which is on the Intranet.

7.2 In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or have a personal relationship outside work with them.

7.3 In respect of any attempts to be canvassed, employees who are approached in this way must report the matter to their manager or to the Monitoring Officer immediately.

7.4 Similarly, employees must not be involved in decisions relating to discipline promotion or pay adjustments for any other employee who is a relative, partner or close friend.

### **8. Outside Commitments**

8.1 An employees' life away from work is their personal concern. However, an employee must not put their private interests ahead of their contracted work or put themselves in a position where the Council's and their private interests conflict. Employees should check with their manager if they are in any doubt.

8.2 The Council would not wish to unreasonably prevent employees from undertaking additional employment (either paid or unpaid) providing it does not:

- Conflict or detrimentally affect the Council's interests.
- In any way weakens public confidence in the conduct of the Council's business.
- In any way affects an employee's performance of their duties and responsibilities whilst they are working for the Council.
- In any way could impact on the reputation of the Council.

8.3 An employee should not use their job within the Council to confer advantage to any private interest that they have for personal gain.

8.4 Employees must be made aware that no outside work of any sort should be undertaken in the workplace. Additionally the use of Council facilities, for example telephones and photocopying for this, for any outside work is forbidden.

8.5 If in any doubt, employees should speak to their manager about their outside interests or activities.

### **9. Personal Interests**

9.1 Employees must declare to their manager or to the Chief Executive (whichever is appropriate) any financial interests they have which could conflict with the Council's interests.

9.2 Employees must declare to their manager or to the Chief Executive, any non-financial interests that they consider could bring about conflict with the Council's interests. Examples would be involvement with an organisation receiving grant aid from the Council, involvement with a voluntary organisation or involvement with an organisation or pressure group, which may seek to influence the Council's policies.

9.3 Employees who have an interest, financial or non-financial, should not involve themselves in any decision on allocation of Council's services or resources from which they, their friends, family or any organisation they are involved with might benefit.

9.4 Employees who have such interests should make a declaration in the "Interests of Employees Book" held in Legal and Democratic Services.

9.5 Appendix 'A' to this procedure provides employees with a checklist of questions to consider when deciding if they need to declare an interest.

### **10. Alcohol and Drugs**

10.1 The consumption of alcohol is not permitted on Council premises or whilst an employee is on official duty unless authorised.

10.2 The Council prohibits the use, possession, distribution or sale of drugs at the workplace or when conducting Council business.

10.3 The Council's policy on Alcohol and Drugs is on the Intranet.

### **11. Criminal Charges**

11.1 An employee should not put himself or herself in a position where their behaviour and their job or the Council's interests conflict. This includes behaviour, which, because of the nature of their employment would undermine the Council's confidence or trust in the employee.

11.2 An example of such behaviour relates to Council employees facing criminal charges. The Council requires all employees to notify their manager **without delay** of any criminal investigation, charge or caution imposed upon them. This requirement applies to charges incurred on or off duty.

### **12. Equality and Fairness**

- 12.1 Employees have an obligation to ensure that policies relating to equality issues as agreed by the Council are complied with, as well, of course, as the requirements of the law. All members of the local community, customers and other employees have the right to be treated with fairness and equity.
- 12.2 Such policies would include the Council's Equality and Fairness Scheme and the Harassment Policy and Procedure.
- 12.3 The bullying, harassment or victimisation by an employee of the Council of another employee, client or a member of the public will be treated as misconduct.

### **13. Separation of Roles During Tendering**

- 13.1 Employees should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 13.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 13.3 Employees who have access to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- 13.4 Employees must ensure that no special favour is shown to current or former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
- 13.5 Any employee who has any direct connection with any company, contractor or tenderer either personally, or through any immediate relative or through any close personal friendship, should disclose this to their manager and enter it in the "Interests of Employees Book" in Legal and Democratic Services prior to any involvement in the tendering or contract process. Please refer to checklist at Annexe A, for guidance on questions to ask yourself when deciding if to declare an interest.

### **14. Corruption**

- 14.1 The Bribery Act 2010 (The Act) makes it a criminal offence to:
- Give a bribe in order to induce or reward an individual for the improper performance of a relevant function or activity.
  - Request or agree to receive a bribe for the improper performance of a relevant function or activity.

- 14.2 The Act also provides a corporate offence of failing to prevent bribery.
- 14.3 It is a criminal offence for an employee to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity.
- 14.4 Employees should politely decline any gift, loan, fee, reward or advantage to any person attempting to use this for personal or commercial gain. An employee must declare any such occurrence to their manager or Monitoring Officer immediately. The employee should state the nature of the occurrence, who provided the gift etc and when.

### **15. Use of Financial and Other Resources**

- 15.1 An employee must:
- Use any public funds entrusted to or handled by themselves in a responsible and lawful manner.
  - Not make personal use of property or facilities of the Council unless properly authorised to do so.

#### **Public Funds**

- 15.2 The public has every right to expect the highest standards of honesty and stewardship of public money. Employees must ensure that they use public funds entrusted by them in a responsible and lawful manner ensuring value for money to the local community and avoiding legal challenge to the Council.
- 15.3 The Council has a Constitution, which includes Financial Regulations, Financial Procedure Rules and Contract Procedure Rules. These define the Council's rules to ensure sound financial management. The Constitution is on the Intranet.
- 15.4 A departure from these high standards will be treated as a most serious matter, both under the disciplinary procedure and where appropriate through the processes of law.

#### **Care and Use of the Council's Resources**

- 15.5 The Council's resources, whether tangible assets (e.g. materials, equipment and cash) or business information (e.g. trade secrets) may not be used other than for the proper advancement of the business of the Council.
- 15.6 All equipment belonging to the Council should be treated with due care and respect. Any employee wishing to use an item of Council equipment (e.g. word processor or printer) for business other than that of the Council must obtain permission from their manager in advance.

### Patent

- 15.7 Any matter, item or idea capable of being patented under the Patents Act, which is developed or discovered by an employee, alone or together with colleagues, in the course of their duties, must be disclosed to their manager and subject to the provisions of the Patents Act belongs to the Council.
- 15.8 It is the responsibility of the Council in the first instance to decide whether to apply for patent or other protection in law for any invention, which belongs to the Council by virtue of the Patents Act.

### Copyright

- 15.9 All records, documents and other papers relating to the finance and administration of the Council and which are compiled or acquired by an employee in the course of their employment are and will remain the property of the Council.

### **16. Security and Use of Computer Data/Equipment and Electronic Communications**

- 16.1 Employees are required to comply with the Council's Electronic Communications and Security Policy and the associated guidelines on the use of electronic communications, such as telephones, tablets, mobiles, BlackBerrys, e-mails, the Intranet and the Internet. It is part of your conditions of employment and it is, therefore, important that you read and consider this policy and the guidelines carefully. If you are unsure or fail to understand any part of it, it is your responsibility to ask your manager/supervisor to explain.
- 16.2 The Policy is on the Intranet and includes information/guidance on:
- Applicable legislation (e.g. Data Protection Act 1998, Deformation Act 1996, the Computer Misuse Act 1990 etc).
  - Employee responsibilities with regard to the use of the Council's IT systems etc.
  - How and why the Council monitors electronic communications.
  - What the Council considers unacceptable use of its IT systems etc.
  - Guidelines on the use of emails, telecommunications equipment and the Internet/Intranet.
  - Security (e.g. password protection, file security)
  - Sending restricted/confidential information.

This is not an exhaustive list and employees should read the full policy. .

- 16.3 Employees have a duty of care relating to any equipment that they are given to use for Council business e.g. mobile phone, tablet, BlackBerry, laptop or memory stick. The equipment should not be used in any way that would lead to it being damaged.

### **17. Use of Social Media**

- 17.1 The Council has a Social Media Policy, which is on the Intranet. The objectives of this policy are to ensure:
- Engagement with individuals and communities and the successful promotion of Council-based services through the use of social media.
  - A consistent and corporate approach is adopted and maintained in the use of social media.
  - That Council information remains secure and is not compromised through the use of social media.
  - That users operate within existing policies, guidelines and relevant legislation.
  - That the Council's reputation is not damaged or adversely affected.
- 17.2 The policy includes rules on the use of social media as part of an individual's duties and guidance using of social media in a personal capacity to help protect the individual and the Council.
- 17.3 Alleged breaches of the Social Media Policy may lead to disciplinary action (including dismissal).

### **18. Gifts and Hospitality**

#### **Gifts**

- 18.1 There can be little doubt that the acceptance of gifts by employees from persons who have or may seek to have dealings with the Council would be viewed by the public with suspicion and would make the employee concerned and the Council extremely vulnerable to criticism.
- 18.2 An employee should politely refuse any personal gift which is offered to her/him or a close relative by or indirectly attributable to any person or organisation who:
- Has or may have dealings of any kind whatsoever with the Council.
  - Has applied or may apply to the Council for any kind of decision.
- 18.3 The only exceptions to the above are:
- Small gifts of only token value often given by way of trade advertisements to a wide range of people (e.g. calendars, diaries, pens and similar articles of use in the workplace).
  - Small gifts of only token value given on the conclusion of a courtesy visit e.g. to a factory or trade fair.
- 18.4 In the event of an employee receiving a gift without warning, which does not fall into any of the exceptions mentioned above, this should be reported to the Monitoring

Officer as soon as practicable who will be responsible for deciding whether the gift should be returned.

- 18.5 If there is any doubt about whether a gift may be accepted the gift should be politely refused.
- 18.6 It is contrary to the terms of an employee's contract for them to accept any fee or reward other than their proper remuneration
- 18.7 If any employee becomes aware that she/he has been included as the beneficiary in the Will of a client, for whom the Council offers or used to offer a service where there is a connection with the employee's work the above rules apply.

### **Hospitality**

- 18.8 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the local community. Offers to attend purely social or sporting functions should be accepted only when these are the part of the life of the community or where the Council should be seen to be represented. It should be properly authorised and recorded in the Corporate Hospitality Register, which is kept in Legal and Democratic Services.
- 18.9 When hospitality has to be declined the offerer should be courteously and politely informed of the procedures and standards operating within the Council.
- 18.10 When considering whether or not to accept any hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality. For example an employee must never accept hospitality from a contractor who is tendering for the provision of a Council service.
- 18.11 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where:
- It is clear the hospitality is corporate rather than personal.
  - The Council gives consent in advance.
  - The Council is satisfied that any purchasing decisions are not compromised.

Where visits to inspect equipment etc are required employees should ensure that the Council meets the costs of such visits to avoid jeopardising the integrity of any subsequent purchasing decisions.

- 18.12 Employees must refuse offers of hospitality where any suggestion of improper influence would be inferred. Special caution is necessary where hospitality is offered by a person or body having or seeking business with or a decision from the Council particularly where the offer is to an individual employee.

- 18.13 Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of hospitality.
- 18.14 All offers of hospitality must be declared to the appropriate manager or to the Monitoring Officer and must be entered in the Employees Hospitality Book held in Legal and Democratic Services. Nothing must be accepted without the authorisation of the manager or Monitoring Officer. **IF IN DOUBT - DECLARE!**

### **Guidance**

- 18.15 Guidance relating to gifts and hospitality can be found in Appendix 'B'.

## **19. Sponsorship – Giving and Receiving**

- 19.1 Where an outside organisation wishes to sponsor or is sought to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 19.2 Where the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse, or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest and declaration in the "Interests of Employees Book" held in Legal and Democratic Services. Similarly, where the Council, through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

## **20. Review of Employee Code of Conduct**

- 20.1 The Employee Code of Conduct may be reviewed at any time in consultation with the recognised Trade Unions.



### Appendix A

#### **Types of interest to consider for Employees deciding whether to make declaration**

##### **Introduction**

These notes and checklist are a useful guide for employees in dealing with any matters relating to Declaration of Interests

- **Relatives / friends will benefit or are involved in any way** - Relatives includes your parents, parents-in-law, step-parents, husband, wife or partner, son, daughter, step-son, step-daughter, child of a partner, brother, sister, brother-in-law or sister-in-law. Partner means any person with whom you co-habit as partner. This list is illustrative and not exhaustive and advice is available from Legal and Democratic Services.
- **Employment**  
Consider any paid employment (other than your employment with the authority) and any firm of which you are a partner. Also any paid employment of any member of your family, and of any firm in which a member of your family is a partner. This relates also to the receipt of shares or dividends from any company that is providing services for or is looking to provide services for the Council.
- **Membership of another local authority**  
Consider if you or your immediate family, are elected or co-opted members of any other local authority.
- **Other public authorities**  
Consider if you or a member of your immediate family is in a position of general control or management of another public authority, such as a NHS body?
- **Land**  
Consider any land in the area of the authority, which is owned or occupied by you or by a member of your family. Ownership of land includes ownership of an option to buy land.
- **Membership of local companies**  
Any company which owns land or has a place of business within the area of the authority, and in which you or your immediate family owns any shares or securities with a nominal value of £25,000 or more.
- **Contracts**  
Any contract of goods, services or works made between the authority and yourself, a member of your family or a company or firm of which you have entered details above.
- **Outside Bodies**  
Any body or organisation to which the authority has appointed you.

### Appendix A (continued)

- **Trade Unions and professional associations**  
Any Trade Union or professional association of which you are a member and any position, which you hold within that Trade Union or organisation.
- **Lobbying organisations**  
Any body whose principal purposes include the influence of public opinion or policy, of which you are a member.
- **Charities**  
Any charity or body directed to a charitable purpose of which you are a member and which could benefit from assistance from the Council or may give rise to a conflict with the proper performance of any of your duties in this job.
- **Other interests**  
Any other private interest, which you have, which you consider is likely to give rise to a conflict with the proper performance of any of your duties in this job.

### Appendix B

## **Guidance on Gifts & Hospitality for Employees deciding whether to make a declaration**

### **Introduction**

These notes and checklist are a useful guide for employees in dealing with any matters relating to Gifts or Hospitality. All the principles set out in this article apply equally to gifts and hospitality given to close members of an employee's family.

### **Gifts**

The acceptance of gifts is a dangerous practice. As a general rule employees should politely refuse offers of gifts from organisations or persons who do, or might, provide work, goods or services to the Council, or who need some decision from the Council (e.g. planning application).

Modest gifts of a promotional nature are generally considered to be acceptable (e.g. calendars, diaries, articles for office use, or a small gift offered during a courtesy visit to a firm). What constitutes a modest gift is a matter of judgement. It should be noted that for the purposes of tax the provision of gifts costing £10 or under each is an allowable business expense for companies and sole traders.

### **Hospitality**

When to accept hospitality is very much a matter of judgement given the particular circumstances. It would be wrong to produce an atmosphere in which employees refused all invitations to socialise with persons or bodies that have, or may seek to have in the future business dealings with the Council.

The extent of the hospitality will be a factor as to its acceptability. It may be more reasonable to accept hospitality offered to a group than to accept something unique to yourself. Contacts established at a social level can often be helpful in pursuing the Council's interests. What is important is to avoid any suggestion of improper influence.

When a particular person or body has a matter, which is currently an issue with a local authority, then common sense dictates that a more restrictive approach should be applied (e.g. negotiations with an outside organisation).

### **Gifts and Hospitality Checklist for Employees**

It is suggested that, before accepting any gift or offer of hospitality, employees should ask themselves the following questions and ensure that they would be able to supply satisfactory answers if requested to do so at a later date.

1. Is the donor, or the event, significant in the community or in your Council's area?

### **Appendix B (continued)**

2. Are you expected to attend because of your position in the authority or community?
3. Will the event be attended by others of similar standing in the authority/community or in other authorities/communities?
4. Do you have any contact in your job with the person or organisation providing the gift or hospitality?
5. Are there any special circumstances justifying accepting this gift / hospitality?
6. What is the motivation behind the invitation?
7. What is the market value or cost of the gift / hospitality?
8. Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving your Council?
9. Did you get consent of your line manager before accepting it?
10. Could you justify the decision to your Council, press and public?
11. Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
12. How will you respond to the hospitality?
13. Are you comfortable with the decision?

## Document Control

### Version Control

Printed documents are uncontrolled. This document is only valid on the day it was printed.

Version	Description of Version	Effective Date
1.0	Employee Code of Conduct	15 <sup>th</sup> November 2010
2.0	Employee Code of Conduct - General review	1 <sup>st</sup> January 2013
3.0	Reviewed - restructure and inclusion of Social Media Policy	1 <sup>st</sup> May 2013

### Approvals

Approved by	Date
Joint Negotiating Group	06/12/12 (V2)
Joint Consultative Committee (if applicable)	n/a
Finance & Management Committee	

### Associated Documentation

Description of Documentation	
Member/Employee Protocol	Equality and Fairness Scheme
“Whistleblowing” Policy and Procedure)	Constitution
Harassment Policy and Procedure	Electronic Communication and Security Policy
Recruitment and Selection Policy and Procedure	



**South  
Derbyshire**  
District Council

# PROTOCOL FOR MEMBER/EMPLOYEE RELATIONS

For Members and Employees of the Council

November 2014

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### **1 Underlying Principles**

- 1.1 The principles underlying this Protocol are as follows:
- 1.2 There shall be mutual courtesy and respect between Members and Employees with regard to their respective roles set out below.
- 1.3 Members and Employees shall each carry out their respective duties in the best interests of the Council.
- 1.4 This Protocol applies to all dealings between Members and Employees and not just in formal meetings.

### **2 The Role of Members**

- 2.1 These include the following:-
  - 2.1.1 Develop and set policies that will then be implemented by the Employees.
  - 2.1.2 Monitor how those policies are being implemented.
  - 2.1.3 Provide guidance to the Employees on how those policies are to be implemented either if Members wish to do so or if Employees ask for guidance.
  - 2.1.4 Represent the views of their communities and ward constituents, and deal with individual casework.
  - 2.1.5 Understand the statutory roles of the Chief Executive as Head of Paid Service, the Director of Finance and Corporate Services as Section 151 Officer, the Legal and Democratic Services Manager as the Monitoring Officer, and the significance attached to their advice.
  - 2.1.6 Consult with the communities they represent on the development of policy, national and other local initiatives.
  - 2.1.7 Consult with the Monitoring Officer and the Director of Finance & Corporate Services about vires, maladministration, financial impropriety and probity. Also where they have any doubt as to whether the particular decisions were, or are likely to be, contrary to the policy framework, or contrary to, or not wholly in accordance with the budget.
  - 2.1.8 Respect Employees' political impartiality.
  - 2.1.9 Promote the highest standards of conduct and ethics.
- 2.2 Members must not insist that any Employee



- 2.2.1 Change his or her professional advice (subject to para. 3.1.7)
- 2.2.2 Take any action, or not take action that the Employee considers unlawful or illegal, or which would be likely to amount to maladministration.

### **3 The Role of Employees**

#### 3.1 Employees:

- 3.1.1 Should implement the policies set by Members.
- 3.1.2 Will ask for guidance on implementation of the policies set by Members if they are unclear about any aspect of those policies.
- 3.1.3 Give such professional advice to Members as may be required of them from time to time.
- 3.1.4 Carry out their delegated functions to the best of their ability and in the interests of the Council.
- 3.1.5 Must remember that he or she is employed by South Derbyshire District Council as a whole and not by any particular part of the Council.
- 3.1.6 Are under a duty to help all Members and all parts of the Authority equally.
- 3.1.7 Should take all relevant matters into account when formulating advice to Members.
- 3.1.8 Will provide training and development to Members as may be required of them from time to time.
- 3.1.9 Will respond to queries raised by Members in a timely manner.

#### 3.2 Employees must not:

- 3.2.1 Set policy other than for the smooth running of office procedures and processes and as may have been delegated under the Council's Constitution and Scheme of Delegations.
- 3.2.2 Take any action, or not take action, which would be unlawful or illegal or which would be likely to amount to maladministration.

### **4 Relationship Between Members and Employees**

- 4.1 The relationship between Employees and Members should be characterised by mutual respect, which is essential to good local government.
- 4.2 Close personal familiarity between individual Members and Employees can damage professional relationships and prove embarrassing to other Members and Employees. Situations should be avoided that could give rise to suspicion and any appearance of improper conduct. This includes excessive socialising between Members and Employees.
- 4.3 Any close personal or family relationships (e.g. parent/child; spouse/partner) between Employees and Members should be disclosed to the Chief Executive who will then decide how far this needs to be disclosed to others.
- 4.4 Members should not raise matters relating to the conduct or capability of Employees either individually or collectively at meetings held in public / or in the Press. Employees have no means of responding to criticism like this in public. If Members feel they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an Employee they should raise the matter with the Chief Officer of the department concerned.

### **5 Relationship Between the Leader, Chair of the Council, Members and Employees**

- 5.1 The Leader, Chair of the Council and Committee Chairs shall be bound by the same provisions set out in paragraph 2 when acting as Leader/Chair of the Council or Committee Chairs, as they would be when acting as an ordinary Council Member.

### **6 Relationship Between the Chairs of Scrutiny Committees, Members of Scrutiny Committees and Employees**

- 6.1 The Chairs and Members of the Council's Scrutiny Committees and related bodies shall:
- 6.1.1 Seek the advice of the Monitoring Officer where they consider there is doubt about the vires for a decision; or the Monitoring Officer and other appropriate Employees where they consider a decision of a Committee might be contrary to the policy framework.
- 6.1.2 When considering calling Employees to give evidence the Scrutiny Committees shall not normally, without the consent of the relevant Chief Officer, request the attendance of a junior Employee, to ensure that more junior Employees are not put under undue pressure.
- 6.1.3 When asking Employees to give evidence confine questions, so far as possible, to questions of fact and explanation relating to policies

and decisions. Employees may be asked to give a professional opinion, but Employees may not be expected to give a political view.

6.1.4 Where they consider it appropriate, ask Employees to explain and justify advice given to Members prior to decisions being taken and justify decisions they themselves have taken under the Council's Constitution and their responses to consultations under the Scheme of Delegations.

6.1.5 Not to question Employees in such a way as to either be in breach of the Council's Whistleblowing policy in relation to harassment, or deal with matters which are of a disciplinary nature.

6.1.6 At all times respect the political impartiality of the Employees.

### **7 Relationship Between the Chairs and Members of Other Committees and Employees**

7.1 This shall apply to all the Council's Policy Committees & Joint Committees, plus Development Control Committee, Appeals & Licensing Committee, Standards Committee, and Area Meetings; and the Chairs and Members of those Committees shall:

7.1.1 Be bound by the same provisions set out in paragraph 2 when sitting as a Committee; and

7.1.2 Give Employees the opportunity to present any report and give any advice they wish to present or give.

### **8 Employee Relationships With Party Groups**

8.1 When dealing with the various party groups:

8.1.1 Any request for advice to a political group or Member will be treated with strict confidence by the Employees concerned and will not be accessible to any other political group.

8.1.2 Employees shall exercise care when giving briefings or commenting on the policies and actions of any of the Council's Committees or panels and maintain political impartiality at all times.

8.2 When acting in party groups, and dealing with Employees, Members shall:

8.2.1 Recognise that attendance at Party Group meetings by Employees is not compulsory, but Party Groups may properly call upon Employees to support and contribute to such deliberations either by attendance or by preparing documentation for discussion by a group, subject to the availability of resources.

8.2.2 Recognise that Party Groups are not empowered to make decisions on behalf of the Council and that any conclusions reached by such groups should not be actioned by Employees.

8.2.3 Ensure they do not do anything that may compromise Employee impartiality.

8.2.4 Ensure that confidential matters are not divulged to non-councillors.

### **9 Members in their Ward Role**

9.1 When acting in their ward role, Members:

9.1.1 Need to be mindful of their competing roles, i.e. acting for the Council and acting for constituents, and the possible conflicts of interest that can arise and the pressure this can bring on Employee time.

9.1.2 Recognise the Employees' right to suggest that senior Employees, the Council or a Committee/Scrutiny Committee should authorise additional work requested by individual Members.

### **10 Member Access to Documents and Information**

10.1 Save as provided below every Member of a Committee, Scrutiny Committee and / or Regulatory Committee of the Council has a right to inspect documents about the business of that Committee, Scrutiny Committee or Regulatory Committee as set out in the Access to Information Procedure Rules included within the Council's Constitution.

10.2 A Member who is not a member of a specific Scrutiny Committee/Committee or Regulatory Committee may have access to any documents of that part of the Council if:

10.2.1 He or she satisfies the Council's Monitoring Officer, that he or she reasonably needs to see the documents to perform his or her duties; and

10.2.2 The document or papers or information do not contain 'confidential' or 'exempt information'.

10.3 A Member should seek advice from the Monitoring Officer in circumstances where he or she wishes to inspect any document or have access to any information about a matter.

10.3.1 In which he or she has a personal or prejudicial interest; or

10.3.2 Where to do so would be in breach of the Data Protection Act 1998.

### **11 Non-Council Members on Council Bodies**

11.1 This applies to all those people who are not elected Members of the Council but who are Members (including Independent Members) of, or attend any of the Council's Committees or any other bodies.

11.2 This Protocol applies equally to such non-Council members on Council bodies, as it does to Council Members.

### **12 Press Releases**

12.1 All Council press releases

12.1.1 Should be issued through the Council's Communications Team.

12.1.2 Should be concerned with matters of policy.

12.1.3 Should not contain anything of a political nature. In this respect regard must be given to the relevant legislation concerning publicity issued by the Council, especially around election time.

### **13 Correspondence**

13.1 All correspondence written on behalf of the Council must be written on the relevant headed paper.

13.2 When Members are writing in their capacity as a Member they must make it clear whether they are writing on behalf of the Council or as the ward Member.

13.3 Correspondence between individual Members and Employees should be treated as confidential unless the Member or Employee indicates otherwise.

13.4 All correspondence should normally be open to the inspection of the public. This does not apply to correspondence written in connection with legal proceedings, contractual matters or any other matter where papers can remain 'exempt' within the meaning of Schedule 12A to the Local Government Act 1972, as amended, or if this would be in conflict with the Data Protection Act 1998.

### **14 Breach of the Protocol**

14.1 Complaints against Members which amount to a breach of the Council's Code of Conduct for Members must be referred to the Standards Board for England by the appropriate complainant.

14.2 Complaints of a breach of this Protocol by a Member may be referred to the relevant Leader and/or Chief Whip of the relevant Political Group or the Monitoring Officer, who shall consult with the Chair of Standards Committee and, if appropriate, refer the complainant to the Standards Committee to be considered further.

- 14.3 Complaints of a breach of this Protocol by an Employee may be referred to the relevant Director, the Chief Executive or the Monitoring Officer.

### **15**     **Further Advice**

- 15.1     Any particular cases of difficulty or uncertainty under this Protocol should be raised either with the Chief Executive or the Monitoring Officer who will advise how to proceed.

### Document Control

#### Version Control

Printed documents are uncontrolled. This document is only valid on the day it was printed.

Version	Description of Version	Effective Date
1.0	Protocol for Member/Employee Relations	15 <sup>th</sup> November 2010
1.1	Protocol for Member/Employee Relations	21 <sup>st</sup> January 2016

#### Approvals

Approved by	Date
Joint Negotiating Group	15 <sup>th</sup> November 2010
Joint Consultative Committee (if applicable)	N/a
Finance & Management Committee	N/a
Full Council	21 <sup>st</sup> January 2016

#### Associated Documentation

Description of Documentation	
Employee Code of Conduct	Member Code of Conduct



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## MONITORING OFFICER PROTOCOL

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### A GENERAL INTRODUCTION TO STATUTORY RESPONSIBILITIES

1. The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged in South Derbyshire District Council.
2. The current responsibilities of the Monitoring Officer role rest with the Legal and Democratic Services Manager, Ardip Kaur, who undertakes to discharge her statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so, she will provide appropriate and, if necessary, strong advice to Members so as to protect and safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities and, where appropriate, private capacity as defined in the Members' Code of Conduct, from legal difficulties and/or criminal sanctions.
3. A summary list of the statutory responsibilities appears in the table annexed to this document. In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:
  - (a) complying with the law of the land (including any relevant Codes of Conduct);
  - (b) complying with any General Guidance issued, from time to time, by the Standards Committee and/or advice of the Monitoring Officer;
  - (c) making lawful and proportionate decisions; and
  - (d) generally, not taking action that would bring the Council, their offices or professions into disrepute.

### B WORKING ARRANGEMENTS

4. Having excellent working relations with Members and Officers will assist in the discharge of the statutory responsibilities of the Monitoring Officer and keep the Council out of trouble. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and Officers must, therefore, co-operate with the Monitoring Officer (and his staff) to discharge the Council's statutory and discretionary responsibilities.

5. The following arrangements and understandings between the Monitoring Officer, Members and Chief Officers are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:
- (a) be alerted by Members and Officers to any issue(s) that may become of concern to the Council including, in particular, issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
  - (b) have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council, Committee meetings and/or Corporate Management Team (or equivalent arrangements);
  - (c) have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council (including a failure to take a decision where one should have been taken) at or before the Council, Committee meetings and/or Corporate Management Team (or equivalent arrangements);
  - (d) in carrying out any investigation(s) have unqualified access to any information held by the District Council and to any Officer who can assist in the discharge of his functions;
  - (e) ensure the other statutory officers (Head of Paid Service and the Chief Finance Officer (Director of Finance and Corporate Services)) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
  - (f) meet regularly with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
  - (g) report to the Council, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Head of Paid Service and Chief Finance Officer;
  - (h) as per the statutory requirements, make a report to the Council, as necessary, on the staff, accommodation and resources she requires to discharge her functions;

- (i) have a special relationship of respect and trust with the Chairman of the Authority, Vice-Chairman of the Authority and the Chairmen of the Policy, Standards, Regulatory and Overview and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business;
- (j) maintain and keep up-to-date relevant statutory registers for the declaration of Members' interests, gifts and hospitality;
- (k) give informal and, if necessary, strong advice to Members and Officers – but not so as to issue any formal warning notices – and undertake relevant enquiries into allegations of misconduct and, if appropriate, make a written report to the Standards Committee if, in the opinion of the Monitoring Officer, there is a breach of South Derbyshire District Council's Code of Conduct for Members;
- (l) in consultation, as necessary, with the Chairman of the Council and Standards Committee, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
- (m) make arrangements to ensure effective communication between his office, the Derbyshire Association of Local Councils and the Clerks to the 31 Parishes within the District of South Derbyshire on Monitoring Officer and Standards Committee issues;
- (n) have sufficient resources to enable her to address any matters concerning her Monitoring Officer functions;
- (o) subject to the approval of the Standards Committee, be responsible for preparing any training programme for Members on ethical standards and Code of Conduct issues;
- (p) appoint a deputy and keep him or her briefed on any relevant issues that he/she may be required to deal with in the absence of the Monitoring Officer; and

- (q) deal with any formal complaints.
- 6. To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other vires or constitutional concerns to the Monitoring Officer, as soon as practicable.
- 7. The Monitoring Officer is also available for Members and Officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (e.g. Council Procedure Rules, policy framework, terms of reference, scheme of delegations, etc).
- 8. To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the District Council and the proper discharge of this Monitoring Officer role.

## **C SANCTIONS FOR BREACH OF SOUTH DERBYSHIRE DISTRICT COUNCIL'S CODE OF CONDUCT FOR MEMBERS AND THIS PROTOCOL**

- 9. Complaints against any breach of South Derbyshire District Council's Code of Conduct for Members must be referred to the District Council's Standards Committee, which could lead to the following sanctions being imposed:
  - (a) Censuring the Member.
  - (b) Reporting its findings to Council for information.
  - (c) Recommending to the Member's Group Leader (or in the case of ungrouped Members, recommending to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.
  - (d) Recommending to Council that the Member be replaced as Leader of the authority.
  - (e) Recommending to the Leader of the Council that the Member be removed from Committees and/or Sub-Committees.
  - (f) Recommending the Monitoring Officer to arrange training for the Member.
  - (g) Recommending to Council that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the authority.
- 10. Complaints against any breach of this Protocol by a Member will be referred to the Standards Committee and to the relevant Leader and/or Chief Whip of the Political Party Group. Complaints against any breach of this Protocol by an Officer may be referred to the relevant Chief Officer and/or the Chief Executive.

## SUMMARY OF MONITORING OFFICER FUNCTIONS

	Description	Source
1	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5, Local Government and Housing Act 1989
2	Appointment of Deputy	Section 5, Local Government and Housing Act 1989
3	Report on resources	Section 5, Local Government and Housing Act 1989
4	Receive copies of whistleblowing allegations of misconduct	Whistleblowing Policy and Procedure
5	Investigate complaints received under Members Code of Conduct	Section 28 Localism Act 2011 and associated Regulations and Guidance
6	Arrange for Members to notify the Monitoring Officer of any disclosable pecuniary interests within 28 days of becoming a Member of the Authority	Section 30 Localism Act 2011 and Members Code of Conduct
7	Arrange for Members to notify the Monitoring Officer of any disclosable pecuniary, or other interests within 28 days of becoming aware of any new interest or change in any interest registered.	Members Code of Conduct
8	Establish and maintain registers of Members' interests and gifts and hospitality	Section 29 Localism Act 2011, Members Code of Conduct and Employees Code of Conduct
9	Advice to Members on interpretation of Code	Members Code of Conduct
10	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	Statutory Guidance
11	Advice on vices issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members	Statutory Guidance
12	Refer relevant matters to Standards Committee	Council's adopted arrangements under Section 28 Localism Act 2011
13	Advise on any indemnities and insurance issues for Members/Officers	Regulations under Local Government Act 2000
14	Deal with Local Assessment arrangements introduced by legislation	Local Government Act and Public Involvement in Health Act 2007



**South  
Derbyshire**  
District Council

# **Appointment Procedure for Chief Executive & Directors**

November 2014

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### **1 Policy Statement**

- 1.1 South Derbyshire District Council is committed to the principle of equal opportunity and fairness in the provision of services and employment. The Council will promote best practice to eliminate discrimination in employment and create a working environment where everyone is treated fairly and with respect.
- 1.2 The overall aims of this procedure are to provide equality of opportunity to all applicants and to recruit on merit. All employees should be able to make a positive contribution to the delivery of the Council's objectives and actively support the values of the Council.

### **2 Scope**

- 2.1 This procedure relates to the appointment of Senior Officers, namely Chief Executive and Head of Paid Service and Directors.

### **3 Equality and fairness**

- 3.1 The Council, as an employer and service provider, takes its commitment to Equal Opportunities and Fairness very seriously. Employees should be aware that allegations of any form of discrimination will be investigated and this might result in formal disciplinary action, including dismissal, being taken.
- 3.2 Using this procedure to discriminate against or to harass, bully or victimise an employee of the Council or potential employee of the Council is also unacceptable. An allegation of this nature will also be investigated and this might result in formal disciplinary action, including dismissal, being taken.

### **4 Legislative background**

- 4.1 The appointment to these positions is covered by the provisions of The Local Authorities (Standing Orders) (England) Regulations 2001 SI No. 3384. The Regulations provide that:
  - Members may only be involved in the appointment of senior officers.
  - Members will have the opportunity to raise objections to the decision about the appointments.
  - All appointments of staff below the level of Director should be conducted at officer level.
  - The appointment of the Head of Paid Service will require a decision by Full Council.

### **5 Appointment of the Recruitment and Selection Panel (the Panel)**

- 5.1 When appointing a Senior Officer (as defined in paragraph 2.1) the Council should appoint a Panel of Elected Members.



- 5.2 The Panel should consist of five members chosen from the Finance and Management Committee together with the Chair or Vice Chair of the employing Committee. At least one member of the Panel should be a representative of the minority party to ensure political balance. The panel will elect a Chair.
- 5.3 The Panel will be advised by the Head of Organisational Development (Northgate) throughout the recruitment and selection process. The Panel may also include appropriate Officers who will be asked for their comments before a decision is made but who will not have voting rights on any decision.
- 5.4 The authority to delegate the appointment to a Panel should be obtained from:
- ❑ Full Council for the Head of Paid Service. The appointment of the Head of Paid Service must be approved by Full Council.
  - ❑ The Finance and Management Committee for a Director.
- 5.5 The report to Full Council, or Finance and Management Committee should seek approval for:
- ❑ Filling the vacancy.
  - ❑ The form of any external advertisement. The appropriate senior manager should liaise with the Northgate Recruitment Team if the post is to be advertised.
  - ❑ The size and composition of the Panel (including political balance) and including the authority to make substitute arrangements if required.
  - ❑ Procedures for shortlisting (including dates of meetings).
  - ❑ The selection procedure, criteria and methods of assessment.
  - ❑ Procedures for making an appointment (including dates of meetings).
  - ❑ Establishing the convention for making appointments. This would normally be a majority vote of the members of the Panel. Officers would attend in an advisory capacity only.

### **Recruitment and Selection Panel - Responsibilities**

- 5.6 The Panel should review, or if necessary agree a Job Description and Person Specification for the position.
- 5.7 The Panel should agree the recruitment campaign and media to be used.
- 5.8 A timetable for the recruitment process will be agreed. This should include dates for shortlisting applications, interview dates and, in the case of Head of Paid Service, the date when the recommendation for appointment will go before Full Council for approval.
- 5.9 Where a post has been advertised the Panel shall agree a shortlist of applicants based on the criteria outlined in the person specification and completed in line with the agreed timetable. The Panel, acting under delegated powers, should agree the final shortlist of candidates.

- 5.10 In relation to the appointment of the Head of Paid Service all Elected Members should be informed in writing that the shortlisting has taken place and provided with an opportunity to view all shortlisted applications. Time will have been allocated for this within the previously agreed timescale.
- 5.11 When appointing a Director the other Members of the Finance and Management Committee should be informed, in writing that the shortlisting has taken place and provided with an opportunity to view all shortlisted applications. Time will have been allocated for this in the timetable for the recruitment process.
- 5.12 The Panel will have been delegated the responsibility for appointment. However any decision made regarding the appointment of a Head of Paid Service, has to be approved by Full Council.
- 5.13 Minutes of the meetings should be prepared and formally recorded in accordance with the Council's Constitution including noting whether an appointment has been made.
- 5.14 All meetings of the Panel should be arranged by the appropriate Democratic Services.
- 5.15 The composition of the Panel and their responsibilities are summarised in Appendix A.

## **6 Process**

### **Shortlist**

- 6.1 The proposed shortlist of candidates will be produced by the Officers acting as advisors to the Panel. This will be completed in line with the Council's Recruitment and Selection Procedure. The proposed shortlist will be presented by the Officers to a meeting of the Panel for approval.

### **Invitation to Interview**

- 6.2 The agreed list of candidates will then be invited to attend a selection process, by the Head of Organisational Development (Northgate) who will liaise with the Northgate Recruitment team to ensure that the appropriate letters are sent out. The letter will include an outline of any tests that will be undertaken and, if appropriate, any supporting documentation that will be required. If the candidate is required to submit a report and/or prepare a presentation, they should be informed of the subject matter at the time of invitation to interview.

***Note - this may include informing candidates that progression to the second stage of the process will be dependent on their performance at the initial assessment centre.***

### Interview Questions

- 6.3 A structured interview format will be used at the second stage of the selection process. The appropriate Officers will propose a list of standard questions based on the competencies outlined in the person specification. These should be agreed ahead of the meeting but, by the very latest, on the first day of the selection process.
- 6.4 The Panel will decide who will ask questions during the interview. Any member of the Panel will be able to ask supplementary questions relevant to the main question, where appropriate. It is important to remember that consistency within each interview is required to ensure a fair assessment of all candidates.

### Papers for the Panel

- 6.5 All members of the Panel will be provided with application forms and all associated papers for each of the candidates prior to the selection event. This will be provided by the Head of Organisational Development (Northgate) within the agreed timescales.

## **7. Selection Process - Day One – Assessment Centre**

### Presentation

- 7.1 Candidates will receive a presentation about the Council and the post. They will then be given the opportunity to ask questions. The presentation will be made by either:
- The Chair of the Panel, the Head of Organisational Development (Northgate) or an independent advisor (if appropriate) for an appointment to the post of Head of Paid Service.
  - The Head of Paid Service or Head of Organisational Development (Northgate) or independent advisor (if appropriate) for an appointment to the post of Director.

### Selection exercises

- 7.2 Candidates for a senior post will then take part in a range of exercises relevant to the service and the post for which they have applied. These may include in-tray exercises, an observed group exercise, technical assessment and report writing.
- 7.3 Assessment of observed exercises will be lead by the Head of Paid Service and/or Director and the Head of Organisational Development (Northgate) whichever is appropriate. Any independent advisors may be included as observers, if required. Each exercise should be scored individually, using an agreed method and the results recorded.
- 7.4 The scores of all exercises will then be considered by the Panel, who will then determine the shortlist of candidates to progress forward to the second day.

7.5 Any Officers present will be asked for their views and comments, prior to the shortlist being agreed for the second day, but will not take part in decision making.

7.6 The Head of Paid Service will inform the shortlisted candidates and also those who have been unsuccessful on this occasion. The Head of Organisational Development (Northgate) should also be present.

### **8. Selection Process - Day Two – Formal Interview**

8.1 Selected candidates will be interviewed separately by the Panel in accordance with the agreed framework.

8.2 The Panel may require each candidate, at the start of the interview, to make a presentation. This should have been requested in line with the agreed schedule and assessment criteria, and notified to the candidate at invitation to interview.

8.3 Each Member on the Panel will individually score each candidate's presentation and answers to questions that are asked using an agreed scoring method.

8.4 After all the candidates have been interviewed, the Officers on the Panel will be asked to give their comments on each candidate and their performance.

8.5 Members of the Panel will debate each candidate and the successful candidate will be determined on a majority decision. At this point, any available reference of the chosen candidate will be made known to the Panel. The salary and other terms and conditions of employment will also be decided by the Panel.

8.6 Following the selection of the successful candidate, and agreement of offer (including salary and terms and conditions) to be made, either the Chair of the Panel, or a nominated Officer will provisionally offer the successful candidate the post. This provisional offer should be in writing and explain that the offer is subject to approval by:

- Full Council when appointing to the post of Head of Paid Service I
- Finance and Management Committee when appointing a Director.

8.7 The Head of Organisational Development (Northgate) will notify the unsuccessful candidates verbally and in writing.

### **Documentation checks**

8.8 On the day of the interview the appropriate checks should be carried out for each interviewee. Application Forms should be signed by each interviewee and copies of required documents should be taken. The following checks should be carried out as appropriate:

- Possession of the appropriate qualification(s). This will depend on the job. The essential qualifications required should be stated on the Person

Specification. A copy should be taken of each essential qualification required.

- Evidence of membership of the appropriate professional body. This will depend on the job and will be stated on the Person Specification. A copy of the evidence should be taken if required.
- Evidence that the individual is eligible to live and work in the UK (advice on the documentation that can be provided as evidence is on the Intranet).  
**This check will apply to all jobs.**

8.9 The copies of the documentation will be placed on the personal file of the successful candidate. The documentation obtained for the unsuccessful candidates will be securely stored and destroyed after the appropriate time interval.

## **9 The Appointment**

9.1 Before an appointment is confirmed, the following must be done.

- The Head of Paid Service or their representative will notify all Members of the Council (Head of Paid Service appointments), or Members of the Finance and Management Committee for the other appointments to a senior post, of the decision taken. These Members will be given a maximum of three working days in which to raise any objections to the decision taken.

If no objections are raised, or the Chair of the Panel considers that they are not material or well founded, the appointment will continue as set out below.

If an objection is considered to be material and well founded then this would be further discussed with the Panel and a decision will be taken on whether the appointment can continue.

- The Head of Organisational Development (Northgate) or another appropriate Officer will obtain available start dates from the successful candidate.

9.2 The Head of Paid Service or another appropriate Officer will liaise with Northgate Human Resources to issue the offer of appointment (contract documentation) following the necessary approval. The appointment will be subject to the following as appropriate:

- Satisfactory medical clearance.
- A satisfactory Disclosure and Barring check if appropriate.
- Satisfactory references to the Council.

9.3 The appointment will also be subject to a probationary period on commencement of employment.

### **10 Induction**

- 10.1 The induction will be conducted by an appropriate Officer and will follow the Council's e-induction programme.
- 10.2 It is expected that the appointee will meet with appropriate Elected Members and Senior Officers during the first week of their induction.
- 10.3 An initial work plan including development actions will be drafted for the appointee and monitored as part of their probation period. Any issues will be addressed as part of the review process.

### **11 Role of Northgate Human Resources**

- 11.1 Northgate Human Resources will be responsible for
- ❑ Confirming the administrative arrangements for the preparation and supply of application packs to prospective candidates.
  - ❑ Arranging any assessment centre and organising the supply of occupational testing materials that may be required.
  - ❑ Liaising with the Head of Paid Service or other appropriate Officer to issue the offer of appointment.
  - ❑ Sending out appropriate notification to unsuccessful candidates and ensuring the secure handling and storage of all recruitment information.
- 11.2 The Head of Organisational Development (Northgate) and/or their representative, will take part in the selection process as stated in this procedure.

### **12 Role of Head of Paid Service (or other delegated Officer)**

- 12.1 The Head of Paid Service (or other delegated Officer) will be responsible for:
- ❑ Arranging all meetings of the recruiting Panel.
  - ❑ Circulating all papers ahead of Panel meetings in accordance with the agreed timescales.
  - ❑ Formally recording the decision taken by the Panel.
  - ❑ Arranging and booking appropriate venues for the assessment centre and interviews.
  - ❑ The provision of refreshments, including food, as required.
  - ❑ Ensuring that the appropriate correspondence is issued to applicants\interviewees and the successful candidate during the recruitment and selection process.

### **13 Review of procedure**

- 13.1 The procedure can be reviewed at any time by the Council.

**Senior Officer Recruitment and Selection Procedure**

<b>Post</b>	<b>Panel Members</b>	<b>Provisional offer made by</b>	<b>Appointment must be approved by</b>
<b>Head of Paid Service</b>	<b>Members from the Council</b> <b>Head of Organisational Development (Northgate)</b> <b>Independent support if appropriate</b>	<b>Chair of Panel or their representative</b>	<b>Full Council</b>
<b>Director</b>	<b>Members from Finance &amp; Management Committee</b> <b>Chair of appropriate Committee.</b> <b>Head of Paid Service</b> <b>Head of Organisational Development (Northgate)</b>	<b>Chair of Panel or their representative</b>	<b>Finance &amp; Management Committee</b>

## Document Control

### Version Control

Printed documents are uncontrolled. This document is only valid on the day it was printed.

Version	Description of Version	Effective Date
1.0	Senior Officer Recruitment	
2.0	Amended to take into account Council structure and audit on employment checks	1 <sup>st</sup> June 2014

### Approvals

Approved by	Date
Joint Negotiating Group	n/a
Joint Consultative Committee (if applicable)	n/a
Finance & Management Committee	n/a

### Associated Documentation

Description of Documentation	



# SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

## ALL COMMITTEES – GENERAL FUNCTIONS

G	To constitute time limited Sub-Committees and appoint elected and (where appropriate) Co-opted Members to small Sub-Committees (with delegated or advisory powers or both) or small Working Panels (with advisory powers) to deal with specific issues as and when the need arises in accordance with the Council Procedure Rules set out in Part 4 of this Constitution.
	The terms of reference of any such Sub-Committee shall be determined by the Committee unless already laid down in the Constitution.
	To receive reports from any Sub-Committees so constituted.
	To oversee the best value reviews of its services and monitor performance.
	To make any in-year amendments to the plans and strategies which are the responsibility of the Committee subject to the Council Procedure Rules and Financial Procedure Rules set out in Part 4 of this Constitution.
	Within the terms of reference to work with outside organisations in partnership to further the Council's primary purposes / aims and objectives.
	To supervise, monitor and enforce Partnering contracts within the Committee's terms of reference.
	To delegate to the Officer or Officers named the functions or parts of functions which are listed as Officer delegations set out in Part 3 of this Constitution.

# SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

## LICENSING & APPEALS COMMITTEE

LA01	To exercise licensing and registration requirements under the Licensing Act 2003 and Gambling Act 2005 and to appoint Sub-Committees of three Members (two Members of majority Group and one Member of opposition) to consider the following matters.
	To consider applications and appeals relating to licensing matters in accordance with Government guidance and Regulations under the Licensing Act 2003 and Gambling Act 2005 which are not delegated to Officers.
LA02	To consider applications for and, where appropriate, renewals of miscellaneous licences (including house-to-house and street collections).
	To consider applications for sundry licences (including street trading, scrap metal dealers).
LA03	To operate the Discretionary Rate Relief, Discretionary Rural Rate Relief and Hardship Relief Schemes and Discretionary Housing payments in respect of Housing and Council Tax Benefits.
	To determine all housing-related appeals (including those in respect of Introductory Tenancies, homelessness and the housing register).
	To consider all appeals in respect of applications for, renewals and the suspension or revocation of Private Hire Licences.
	To determine all personnel-related appeals (including job evaluation and other grading appeals, disciplinary and dismissal hearings).

# SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

## HOUSING & COMMUNITY SERVICES COMMITTEE

HCS	To make proposals for the provision of its services for consideration of the Finance & Management Committee when it is drafting the Community Strategy and Corporate Plan for consideration by Full Council.
	To consider and determine issues about any policy document from other organisations, which affect the District and are related to this Committee's areas of responsibility.
HCS01	To make proposals for approval or adoption by Full Council of the strategy and plans which comprise the Housing Investment Programme.
	To maintain and manage Council dwellings and incidental amenities including the modernisation of Council dwellings, planned maintenance and adaptations for disabled persons.
	To maintain and manage Council housing, garages and permanent gypsy sites.
	To develop good tenant relations and participation.
	To review housing and garage rents, District heating and other charges.
	To liaise with other appropriate agencies and organisations to ensure that the Council's housing management functions provide best value in accordance with the Council's primary purposes / aims and objectives.
	To exercise the Council's functions in respect of homelessness.
	To exercise the Council's functions in respect of meals on wheels and concurrent functions.
	To consider and recommend Housing Revenue Account Budgets and associated rents and charges.
	To provide housing advice.
	To make proposals for ensuring that an adequate supply of housing of a proper standard is available in the District to meet existing and future needs in the public and private sectors.
HCS02	To make advances for house purchase and improvement.
	To exercise the Council's functions in respect of slum clearance and disrepair of houses in the private sector, including compulsory purchase.
	To exercise the Council's functions in respect of Housing grants.
	To exercise the Council's functions in respect of the licensing of mobile homes.
HCS03	To maintain and manage the Council's sheltered housing stock.
HCS04	The exercise of the Council's functions in respect of community and social regeneration.
HCS05	Public health promotion and development Health Improvement Activities.
HCS06	The exercise of the Council's functions in respect of public health and infectious and communicable diseases.

# SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

## HOUSING & COMMUNITY SERVICES COMMITTEE contd.

HCS07	To make proposals for approval or adoption by the Council of the the Crime and Disorder Reduction Strategy.
	The exercise of the Council's functions in respect of crime and disorder.
	The exercise of the Council's functions in respect of home and water safety matters and crime prevention initiatives.
	The provision, management, promotion, publicity and co-ordination of all matters dealing with cultural activities including the arts and heritage, community development, sport and health development and public events and activities for the District in accordance with the relevant plans and strategies.
	The provision of grant aid support to voluntary organisations.
	The provision of environmental education.
	Participation in and management of / assistance to externally funded projects.
HCS08	The provision and management of leisure facilities including monitoring the Green Bank Leisure Centre Contract and the performance of the Etwall Leisure Centre (including to receive the Minutes of the Etwall Leisure Centre Joint Management Committee).
HCS09	The provision and management of cemeteries, crematoria and mortuaries.
HCS10	The provision and management of public parks and open space.
HCS11	The provision of welfare funerals and exhumations.
HCS12	The provision and management of short-stay gypsy sites.
	The control of unauthorised camping by travellers.
HCS13	To accept or reject tenders in cases where the lowest tender (or the highest where payment is made to the Council) is not recommended for acceptance, provided it can be contained within existing budgets.
HCS14	To determine responses on behalf of the Council to consultation documents related to the Committee's service areas.

# **SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS**

## **PLANNING COMMITTEE**

PL01	To exercise powers and duties under the Town and Country Planning Acts and related legislation in respect of Development Control, Article 4 Directions, Tree Preservation Orders and Advertisement Control.
	To respond to any consultation in the revision of the Development Plan policy.
	To determine proposals for the revocation or modification of planning consents or any other proposals which may give rise to claims for compensation.
	To exercise all enforcement powers and duties in respect of the functions EDS04 and EDS05.

# SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

## ENVIRONMENTAL & DEVELOPMENT SERVICES COMMITTEE

EDS	To make proposals for the provision of its services for consideration of the Finance & Management Committee when it is drafting the Community Strategy and the Corporate Plan for consideration by Full Council.
	To consider and determine issues about any policy document from other organisations, which affect the District and are related to this Committee's areas of responsibility.
EDS01	The exercise of the Council's Land drainage functions and its functions relating to the clearance and maintenance of private drains and sewers.
	Amenity maintenance (as agents of the local Highways Authority).
	To oversee and co-ordinate the Council's approach to the environment and environmental management.
EDS02	Proposals to make Compulsory Purchase Orders under the Town and Country Planning Acts.
	Proposals for discontinuance of use or revocation / modification of planning consents.
	Purchase Notices under the Town and Country Planning Acts.
EDS03	The management and promotion of activities within Swadlincote Town Centre.
	To monitor and review the housing, industrial and commercial needs of the District
	To make proposals for approval or adoption by the Council of the plans and alterations which together comprise the Development Plan.
	To make proposals for inclusion in the County Structure Plan.
EDS04	To exercise powers and duties under the Town and Country Planning Acts and related legislation in respect of conservation and heritage, namely Listed Building Control and Building Preservation Notices.
	To determine applications for Historic Buildings and Conservation Area Grants.
	To liaise with Derbyshire County Council over records and archives.
EDS05	To carry out, on behalf of the Council, all its powers and duties in relation to Building Regulations and related legislation.
	The exercise of the Council's functions in respect of dangerous trees, buildings and structures.
EDS06	To exercise the Public Rights of Way Agency and to create, extinguish and divert public rights of way.
EDS07	The exercise of the Council's functions in respect of waste disposal, recycling, street cleansing and litter.
EDS08	The exercise of the Council's functions in respect of refuse collection.
EDS09	The exercise of the Council's functions in respect of street cleansing and litter.
EDS10	The provision, management, promotion, publicity and co-ordination of all matters dealing with economic development for the District.
	The provision of business advice and support as part of the Derbyshire Business Link.
	Schemes for the reclamation of areas of derelict land.

# SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

## ENVIRONMENTAL & DEVELOPMENT SERVICES COMMITTEE contd.

EDS11	The provision, management, promotion, publicity and co-ordination of all matters dealing with tourism for the District.
EDS12	The exercise of the Council's functions in respect of the Land Charges service.
EDS13	The exercise of the Council's functions in respect of health and safety enforcement and corporate health and safety.
	The exercise of the Council's functions in respect of food safety.
	Welfare duties including committals to hospital and control of filthy and verminous persons, premises and articles.
	The control of offensive trades.
	Subject to Terms of Reference for the Licensing & Appeals Committee, the provision, management and enforcement of the Council's licensing and registration functions.
	The exercise of the Council's functions in respect of the Sunday trading laws and hours of trading.
	The exercise of the Council's functions in respect of abandoned vehicles.
EDS14	The exercise of the Council's functions in respect of pollution control.
	The provision and management of the service governing nuisances and matters prejudicial to health, including noise and vibration control.
	The declaration of noise abatement zones.
	The provision and management of the pest control service.
	The exercise of the Council's functions in respect of animal welfare, dog wardens and disease.
	Water guarantee schemes.
	The exercise of the Council's functions in respect of the control of water quality.
	The exercise of the Council's functions in respect of contaminated land.
EDS15	The provision and management of public conveniences, bus shelters, Swadlincote bus station, public car parks and the Swadlincote Market Contract
EDS16	To accept or reject tenders in cases where the lowest tender (or the highest where payment is to be made to the Council) is not recommended for acceptance, provided it can be contained within existing budgets.
EDS17	To determine responses on behalf of the Council to consultation documents related to the Committee's service areas.

# SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

## FINANCE & MANAGEMENT COMMITTEE

FM	To determine all matters coming within the purview of any other Committee on the grounds of urgency or expediency in between meetings.
FM01 Asset and Property Management	The provision, including the power to sell, lease and / or purchase, the management, promotion, publicity and co-ordination of all matters dealing with operation of the Council's land and property holdings except Council owned houses, garages and permanent gypsy sites.
	To manage the Council offices, public buildings and other corporate assets.
	To manage the Council's investment and commercial property portfolio including the oversight of all estate management matters.
	To decide issues in relation to uses for any land between Committees.
	To acquire (by agreement or compulsory purchase or appropriation) or dispose of any land which has a major or strategic significance in accordance with Council policy.
FM03	To nominate or appoint Council representatives to outside bodies, receive reports from them, and to approve, or otherwise, the Council's corporate membership of outside organisations.
	To prescribe 'approved duties' for the purpose of Section 173 –176 of the 1972 Act and the Local Authorities (Members' Allowances) England Regs. 2003.
	To make proposals for approval or adoption by Full Council of the Council's Constitution and any changes made to it.
	To make proposals for approval or adoption by Full Council of the Members' Code of Conduct and any changes to it.
FM04 Governance	To authorise the Chief Executive to prosecute or take any legal proceedings (as defined in this scheme) subject to powers to take legal proceedings or prosecutions delegated elsewhere in this Constitution.
	To reconsider any decision to which the Call-In procedure has been properly invoked, and to determine the validity of any application to Call-In a decision where the Chief Executive's decision is disputed.
	To receive reports on complaints made to the Council and the Local Government Ombudsman, and, where appropriate, to decide whether to reach local settlements or to take any other action following the Ombudsman referral (including obtaining authority to make ex gratia payments).
FM05 Human Resources	The appointment and dismissal of the following Officers – (See Officer Employment Procedure Rules set out in Part 5 of this Constitution):- <ul style="list-style-type: none"> <li>• Director of Finance and Corporate Services</li> </ul>



## SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

	<ul style="list-style-type: none"> <li>• Director of Housing and Environmental Services</li> <li>• Director of Planning and Community Services</li> <li>• Head of Legal and Democratic Services</li> <li>•</li> </ul>
	The oversight and management of all personnel issues including all dealings with recognised Unions, issues relating to pensions and gratuities, the monitoring and review of manpower requirements, including decisions on redundancy procedures and the disciplinary and grievance procedures of the Council.
	To appoint 5 representatives to the Council's Joint Consultative Committee.
FM06 Electoral Registration	All elections matters including electoral registration, the revision of electoral areas and elections at District, Parish, County, General and European level, except reports relating to the conduct of elections which must be considered and responded to by Full Council.
FM07 Communications	The oversight and management of the Council's communications, consultation and media functions.

### FINANCE & MANAGEMENT COMMITTEE contd.

FM08 Financial Management	To recommend an Annual Budget, Treasury Management Strategy, the level of Council Tax and the Council's Borrowing limit to be set by Full Council (including the determinations as to discounts or liability in prescribed cases), together with any measures needed to keep the Council's spending within its income for the year.
	To calculate an annual Council Tax Base and declare an annual surplus or deficit on the Collection Fund.
	To be responsible for the organisation, management and the performance of the Council, including in year financial monitoring of all Committees and spending Departments to ensure they remain within budget and act in accordance with financial regulations.
	To monitor and keep under review the Council's Financial Strategy and Medium Term Financial Plan .
	To consider the financial implications of new spending proposals, service restructures and income generation schemes.
	To approve the Statement of Accounts as required by Regulation 10 of the Accounts and Audit Regulations 2003 (as amended).
	To co-ordinate bids for external funding.
	To determine which contracts or classes of contracts may be exempted from the application of the Contract Procedure Rules (Tendering Procedures) in relation to the supply of goods or services
	To accept or reject tenders in cases where the lowest tender (or the highest where payment is to be made to the Council) is not recommended for acceptance.
	To write off bad debts, arrears of rent, NNDR, Council Tax, losses of property and obsolescent stores and equipment not delegated to the Section 151 Officer.
	The determination of applications for grant or contributions from various organisations and individuals not coming within the purview

## SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

	of other Standing Committees or Sub-Committees.
FM09 Audit	
	To oversee the Council's Internal Audit function including consideration of any reports received.
FM10 ICT	To oversee the Council's information and communication technology functions and polices
	To oversee that the Council complies with the Data Protection Act.
FM11 Customer Access	To oversee and co-ordinate the Council's Customer Relationship Management system and to monitor on a half yearly basis the level of customer compliments, complaints, comments and Freedom of Information requests.
FM12 Revenues and Benefits	The exercise of the Council's powers and duties as the Billing Authority, including the determination of reliefs and discounts, together with the recommendation of the local Council Tax Reduction Scheme to Full Council.
	Subject to Terms of Reference for the Licensing & Appeals Committee, to operate the Housing Benefits, Fraud and Appeals Schemes in respect of rent rebates, rent allowances and the Council Tax Reduction Scheme.

# SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

## FINANCE & MANAGEMENT COMMITTEE contd.

FM13	
FM14 Council Planning and Performance Management	To make proposals for approval or adoption by Full Council of the Community Strategy and Corporate Plan
	To oversee the Performance Management Framework including service and department planning and to receive regular reports on any performance targets under its responsibility.
	To make proposals for approval or adoption of the Council's Policy Framework and all other plans not otherwise referred to in these Terms of Reference which must be sent to a Minister of the Crown for approval.
	To make concurrent reports to Full Council about any plans and strategies submitted to the Council for approval or adoption, particularly in relation to the strategic management of the Council and particularly the impact on the objectives, priorities and resources of the Council.
	To consider and determine issues about any policy or consultation document from other organisations, which affect the District.
FM15 Business Continuity and Emergency Planning	The exercise of the Council's functions in respect of Emergency and Business Continuity Planning.
FM16	
FM17 Equalities and Fairness	To oversee and co-ordinate the Council's approach to Equalities, Diversity and Social Inclusions issues.
FM18 Organisational Development	To oversee and co-ordinate the Council's approach to Risk Management.
	To oversee health and safety procedures.
	To oversee training and development requirements for members and officers.

# SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

## AUDIT SUB-COMMITTEE

AS01 External Audit	To consider any matters arising from the External Auditor's annual letter (after presentation to Full Council), relevant reports and the report to those charged with governance. In certain instances, these reports may also be reported to the appropriate policy committee or Full Council.
	To consider specific reports as agreed with the External Auditor.
	To comment on the scope and depth of external audit work and to ensure it gives value for money.
AS02 Internal Audit	To consider (but not direct) Internal Audit's strategy, operational plan and performance.
	To consider the Head of Internal Audit's Annual Report and opinion, and a summary of internal audit activity.
	To consider summaries of specific internal audit reports, as requested.
	To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
	To approve the Internal Audit Charter
	To approve significant interim changes to the annual audit plan and resource requirements
	To consider reports dealing with the management and performance of the providers of Internal Audit services
	To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of Internal Audit that takes place at least once every five years
	To consider a report on the effectiveness of Internal Audit to support the Annual Governance Statement where required to do so by the Accounts and Audit Regulations
	To support the development of effective communication with the Head of Internal Audit
AS03 Audit Management	To ensure that there are effective relationships between External and Internal Audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
	To confirm the joint working arrangements between Internal and External Audit.
	To commission work from Internal and External Audit subject to approval by the Responsible Finance Officer.
AS04 Governance	To maintain an overview of the Council's Constitution in respect of Financial Regulations and Procedure Rules, Contract Procedure Rules and Codes of Conduct and behaviour.
	To review any issue referred to it by the Chief Executive or Director, or any Council body.
	To monitor the effective development and operation of risk management and corporate governance in relation to financial matters.
	To monitor Council policies on 'Raising Concerns at Work' and the anti-fraud and corruption strategy.
	To oversee the production of the Authority's Annual Governance Statement and to recommend its adoption.

## SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

	To consider the Council's arrangements for corporate governance and to agree necessary actions to ensure compliance with best practice.
	To consider the Council's compliance with its own and other published standards and controls.
AS05 Financial Statements	To review the Annual Statement of Accounts and specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the annual audit that need to be brought to the attention of the Council.
	To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

# SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

POLICY COMMITTEE	CODE	SERVICE AREA	PAGE
<b>ALL COMMITTEES</b>	G	GENERAL FUNCTIONS	1
<b>LICENSING &amp; APPEALS</b>	LA01	Licensing and Appeals under Licensing Act 2003	2
	LA02	Miscellaneous Licensing Applications	2
	LA03	Appeals, including Benefits, Housing, Licensing, Personnel	2
<b>HOUSING &amp; COMMUNITY SERVICES</b>	HCS	Community Strategy / Corporate Plan	3
	HCS01	Housing Management and Maintenance	3
	HCS02	Private Sector Housing	3
	HCS03	Sheltered Housing	3
	HCS04	Community & Social Regeneration	3
	HCS05	Health Improvement	3
	HCS06	Public Health and Communicable Disease Control	3
	HCS07	Community & Leisure Development	4
	HCS08	Leisure Centres and Other Leisure Facilities	4
	HCS09	Cemeteries	4
	HCS10	Maintenance of Parks and Public Open Space	4
	HCS11	Welfare Funerals and Exhumations	4
	HCS12	Gypsy Sites and Travellers	4
	HCS13	Acceptance / Rejection of Tenders	4
HCS14	Consultation Documents	4	
<b>PLANNING</b>	PL01	Development Control & Enforcement	5
<b>ENVIRONMENTAL &amp; DEVELOPMENT SERVICES</b>	EDS	Community Strategy / Corporate Plan	6
	EDS01	Engineering, Land Drainage and Environmental Management	6
	EDS02	Planning	6
	EDS03	Land Use Planning Policy	6
	EDS04	Conservation and Heritage	6
	EDS05	Building Control	6
	EDS06	Rights of Way	6
	EDS07	Waste Management and Re-cycling	6
	EDS08	Refuse Collection	6
	EDS09	Street Cleansing	6
	EDS10	Economic Development	6
	EDS11	Tourism	7
	EDS12	Land Charges	7
	EDS13	Environmental Health (Commercial)	7
	EDS14	Environmental Health (Environmental Protection)	7
	EDS15	Facilities Management	7
	EDS16	Acceptance / Rejection of Tenders	7
EDS 17	Consultation Documents	7	
<b>FINANCE &amp; MANAGEMENT</b>	FM	General Competence	8
	FM01	Asset and Property Management and Maintenance	8
	FM02	Corporate Management	8
	FM03	Democratic Services	8
	FM04	Governance	8
	FM05	Human Resources	8
	FM06	Electoral Registration	8
	FM07	Public Relations	8
	FM08	Financial Management	9
	FM09	Audit	9
	FM10	ICT	9
FM11	Customer Access	9	

## SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

<b>FINANCE &amp; MANAGEMENT</b>	FM12	Revenues and Benefits	9
			10
	FM14	Council Planning and Performance Management	10
	FM15	Business Continuity and Emergency Planning	10
	FM16	Service Trading Accounts	10
	FM17	Equalities and Fairness	10
	FM18	Organisational Development	10
			10
			10
<b>AUDIT SUB</b>	AS01	External Audit	11
	AS02	Internal Audit	11
	AS03	Audit Management	11
	AS04	Governance	11
	AS05	Financial Statements	11

# South Derbyshire District Council Management Structure

**Chief Executive  
(Head of Paid Service)**  
**Frank McArdle**

**Housing & Environmental  
Services Director**  
**Mike Haynes**

**Community & Planning Services  
Director**  
**Stuart Batchelor**

**Finance & Corporate Services  
Director  
(Section 151 Officer)**  
**Kevin Stackhouse**

**Solicitor & Monitoring  
Officer**  
**Ardip Kaur**

Housing Assets	Strategic Housing
Policy & Performance	Housing Operations
Environmental Health	Direct Services

Communities	Sport & Health
Building & Development Control	Planning Policy
Cultural Services	Performance & Administration

Client Services	Land Charges
Corporate Assets	Administration
Finance Services	

Democratic Services	Legal Services
Economic Development	Electoral Services
Licensing	



OVERVIEW AND SCRUTINY COMMITTEE

21<sup>st</sup> October 2015

**PRESENT:-**

**Conservative Group**

Councillor Mrs. Farrington, (Chairman), Councillor Swann (Vice-Chairman) and Councillors Atkin and Mrs Patten.

**In Attendance**

Councillor Mrs. Coyle, Councillor Roberts and Councillor Mrs. Wyatt (Conservative Group).

OS/17 **APOLOGIES**

Apologies were received from Councillor Mrs. Coe (Conservative Group) and Councillor Bambrick, Pearson and Mrs. Stuart (Labour Group).

OS/18 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

The Committee were informed that no declarations of interest from Members of the Council had been received.

OS/19 **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

The Committee were informed that no questions from members of the Public had been received.

OS/20 **QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

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

OS/21 **CEMETERY SERVICE AND PROVISION OF CEMETERY SPACE**

The Cultural Services Manager presented a report to update Members on the key findings of the audit of Parish Councils provision, which had been undertaken to assist in the consideration of the future cemetery needs of the district, and to seek direction from the Committee on what steps to take next.

The key finding for committee was that the audit confirms that whilst trends for burials nationally and locally remained static or slightly upward, in the urban core, space is running out. Other areas in the district appear reasonably well catered for but in less than a year all urban core burials would need to take

place at Newhall. If it was determined that South Derbyshire District Council (SDDC) needed to build a new burial site, decisions would be sought on how to find a new site, how to finance it and also how to manage it.

Queries and comments raised by Councillors relating to the inclusion of provision in the Local Plan Part 2, the unfortunate situation of people having to go to another Parish to bury a loved one, were noted and responded to.

**RESOLVED:-**

***1.1 The Committee noted the report and considered progress to date of the cemetery service and provision of cemetery space.***

***1.2 A further Cemetery Service and Provision meeting to be held to discuss the audit in more detail.***

OS/22 **DOMICILIARY DENTAL PROVISION IN SOUTH DERBYSHIRE**

Laura Burns, Assistant Contracts Manager, Christine Utting, Clinical Director for Derbyshire Community Health Services and Sandra Whiston, Consultant in Dental Public Health, from NHS England, made a verbal presentation to the Committee. The presentation outlined the background to the change in dental provision which came into effect in 2006. Prior to 2006, any qualified dentist could set up a practice wherever they liked and treat as many patients as presented themselves and receive a fee for work undertaken. Due to national budget constraints, there was a reference period, which determined how many Units of Dental Activity (UDAs) each existing NHS dental practice would be allocated per annum, and many practices became fully private. NHS Primary Care Trust's inherited those dental practices that were already in existence and there were no control over where practices were situated or how much dentistry was commissioned in each area. Existing Practices undertook domiciliary care in their neighbourhood, which tended to be for relatives of patients or patients who could no longer manage to get to the surgery and many dentists also often made dentures for those in care homes and were paid a fee for this service.

When the contract changed in 2006 domiciliary care was removed as a Mandatory Service and became an Advanced Service to be commissioned in addition to the main contract held by the practice. Due to the problems with access to General Dental Services at this time, much of the activity was converted into routine dental care, and the majority of contracted domiciliary provision was lost. The current situation in this respect, with the challenges being posed by an aging population, the limited availability of domiciliary visits and the different options to facilitate access to dental services, is rapidly decreasing. It was confirmed that, due to funding issues, no work had been possible with regard to attracting new dental practices, despite the need to address the requirements of an expanding population, particularly in South Derbyshire. One of the options to try a preventative pathway, was to train staff in Care Homes, where some patients with a simpler domiciliary dental requirement, could be treated, although this alone would not be enough to

make a significant difference to the rise in need. On a local note, NHS England is currently looking at the possibility of utilising the Health Centre in Swadlincote to offer domiciliary dental provision for the most in need. Provision of dental care in general is based on a National Survey which is undertaken every 5-years, this information determines where the most deprived areas are and where the need is strongest i.e. dental decay in young children being a public issue.

Queries and comments raised by Councillors relating to housebound patients, waiting lists, costs, visits, facilities at local NHS establishments, why some areas offer more provision, where large planning applications be taken into account when monies are allocated, dentists practices transferring from NHS to private practice and the redeployment of NHS funds, were noted and responded to.

The Committee thanked Ms. Burns, Ms. Utting and Ms. Whiston for their attendance and presentation.

**RESOLVED:-**

***1.1 That the Committee noted the presentation.***

***1.2 That the Chairman be invited to the 1<sup>st</sup> meeting of the Dementia Friendly Clinic Panel.***

***1.3 That the 5-year national Survey information be distributed to the Committee.***

OS/23 **GP SURGERY PROVISION IN SOUTH DERBYSHIRE**

The Locality Manager, Mr. Robert Hill from the Southern Derbyshire Clinical Commissioning Group (SDCCG), made a verbal presentation to the Committee explaining that £731 Million of public money had been allocated to help deliver the five year operational plan set out in 2015/16 with particular emphasis on the following issues:-

- Better Prevention
- Empowering Patients
- Engaging Diverse Communities
- Developing New Model of Care.

SDCCG is a member of both Derby City and Derbyshire County Health & Wellbeing Boards and works closely with other organisations and local authorities to promote the integration between health and social care. The Better Care Fund (BCF) has been an important development during 2014/15 and will continue to play an important role in joining up the two services. There is less care delivered in hospitals than ever before due to more preventative services being successfully delivered through the local GP Surgeries. However more needs to be done to improve the aftercare people receive during convalescence. In order to try and combat these issues steps have

been taken to try and bring teams together under one roof, attach more services and 'skill mix' by training Nurses and Pharmacists to a higher level of care to enable Doctors to concentrate on the more pressing cases, along with the introduction of video interviews. Last year the Government announced a £1 million grant to help support improvements to existing GP surgeries and Health Centres

Queries raised by Councillors relating to the current capacity of local surgeries, waiting lists, the possibility of a Satellite Surgery in Hatton, why some areas offer more provisions than other, large Planning application with no provision, and the use of Section 106 Monies which had been allocated but not used, were noted and responded to.

The Chair of Overview & Scrutiny requested that a public meeting regarding GP surgeries be held.

Mr. Hill will feedback comments and concerns from tonight Committee meeting to both Derby City's and Derbyshire County's Health & Wellbeing Boards.

**RESOLVED:-**

***1.1 The Committee noted and thanked Mr. Hill for his attendance and presentation.***

***1.2 That a public meeting be organised to which Mr. Hill will be invited to attend***

OS/24 **SECTION 106 HEALTH BASED PLANNING CONTRIBUTIONS**

The Planning Services Manager delivered a verbal presentation on the current situation regarding Section 106 Contributions, reporting that since the working relationship with SDCCG and Robert Hill had started, the position had very much improved. With regards to the question about the £55k of unallocated Section 106 Money for Melbourne, by the Chair of Melbourne Parish Council, the Planning Service Manager responded that they are still awaiting information from the NHS England on the current situation. South Derbyshire District Council (SDDC) are only allowed to release funds when SDCCG has received a delivery time of the build, and completed application form is received. Mr. Robert Hill

Queries raised by Councillors relating to allocation of earmarked Section 106 money, the process of public consultation and underspend funds, were noted and responded to.

**RESOLVED:-**

***That the Planning Service Manager would organise a meeting with Mr. Hill and nominated colleagues to concentrate on underspent Section 106 Monies.***

OS/25 **COMMITTEE WORK PROGRAMME 2015/16**

The Chairman asked for three volunteers to take part in a Council Tax Arrears Working Group.

**RESOLVED:-**

***That the Committee Work Programme be noted.***

The Meeting terminated at 8:00pm.

COUNCILLOR MRS G FARRINGTON

CHAIRMAN

**PLANNING COMMITTEE**

27<sup>th</sup> October 2015

**PRESENT:-**

**Conservative Group**

Councillor Roberts (Chairman), Councillor Mrs Brown (Vice-Chairman), and Councillors Atkin, Mrs Farrington (arrived at 6:40 pm), Ford, Grant, Mrs Hall, Stanton and Watson.

**Labour Group**

Councillors Dunn, Pearson, Shepherd and Southerd.

**In attendance**

The following Members also attended the meeting: Councillors Muller and Murray (Conservative Group), Bambrick and Taylor (Labour Group)

PL/94 **APOLOGIES**

Councillor Mrs Farrington notified the Committee that she would be arriving late due to unforeseen circumstance.

PL/95 **DECLARATIONS OF INTEREST**

Councillor Atkin declared a personal interest in application number 9/2015/0605 by reason of the applicant had nominated the Chairman's charity to receive a donation.

Councillor Mrs. Brown declared a personal interest in application number 9/2015/0354 by reason of being a Governor at John Port School.

Councillor Pearson declared a personal interest in application number 9/2014/0740 by reason of being a Governor at Eureka Park Primary School.

PL/96 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

**MATTERS DELEGATED TO COMMITTEE**

PL/97 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Director of Community and Planning Services submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/98 **OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE DEVELOPMENT OF UP TO 99 DWELLINGS, PUBLIC OPEN SPACE, DRAINAGE AND HIGHWAYS INFRASTRUCTURE AT LAND SK2731 3037 WILLINGTON ROAD, ETWALL, DERBY**

It was reported that members of the Committee had visited the site earlier in the day.

The Principal Area Planning Officer asked Committee to note that this application adjoins a site that has already been granted planning permission for up to 100 dwellings and is referred to as 'Phase 1' in the report.

Mrs. Angela Jenner (objector) and Mr James Hicks (agent in support) attended the Meeting and addressed Members on this application.

Comments made by Councillors relating to the lack of a Doctor Surgery, the capacity of the two local schools and the potential impact of increased traffic; were noted and responded to.

**RESOLVED:-**

***That planning permission be granted as per recommendation subject to Section 106 funding be allocated solely to Frank Wickham Hall projects.***

PL/99 **OUTLINE APPLICATION (WITH ALL MATTERS RESERVED) FOR THE ERECTION OF UP TO 290 DWELLINGS INCLUDING PROVISION OF PUBLIC OPEN SAUCE, DRAINAGE WORKS AND RELATED INFRASTRUCTURE AND LANDSCAPING ON LAND AT SK3035 1279 HACKWOOD FARM, MICKLEOVER, DERBY**

The Planning Services Manager updated the Committee that two further letters of objections had been received.

Mr Matthew Holmes (objector) and Miss Joanne Althorpe (agent in support) attended the Meeting and addressed Members on this application.

Queries and comments made by Councillors relating to being in direct catchment area for John Port School, possible drainage into greenfield area, sustainability and the New Homes Bonus; were noted and responded to.

**RESOLVED:-**

***That planning permission be granted as per recommendation subject to the following: Secondary education contributions solely to John Port School. The addition of a clause in the draft Section 106 regarding SUDS to be presented to the Vice Chairman for approval. The addition of a***

***condition requiring tree buffer on southern boundary and the informative requesting of a number of bungalows to be integrated into the build.***

PL/100 **OUTLINE APPLICATION (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) FOR UP TO 400 DWELLINGS AND PROVISION OF A NEW SCHOOL PICK UP/DROP OFF AREA, TOGETHER WITH ASSOCIATED HIGHWAY WORKS, PUBLIC OPEN SPACE, LANDSCAPING, PARKING AND ATTENUATION FACILITIES ON LAND AT BROOMY FARM, WOODVILLE ROAD, HARTSHORNE, SWADLINCOTE**

The Planning Services Manager presented the application to Committee, stating that Conditions 19 in the report, needed to include method statement regarding vehicle routing. He highlighted that there are two additional issues raised in the report since the application was deferred on 25<sup>th</sup> August, and that the condition of a landscaping buffer had been added to the recommendations.

Mr Guy Longley (agent) attended the Meeting and addressed Members on this application.

Councillors raised concerns regarding highways safety on already extremely busy roads, the implementation of traffic calming measurements, access to the site, the creation or 'rat runs' were noted and responded to. The Committee also agreed that a request to seek contribution towards Swadlincote regeneration scheme for a relief road be made.

***RESOLVED:-***

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services including amendments to condition 3 and 19.***

PL/101 **THE ERECTION OF 4 DWELLINGS AT LAND ADJACENT TO COPPICE FARM, GREEN LANE, OVERSEAL, SWADLINCOTE**

The Planning Services Manager highlighted to the Committee that this application was a revised proposal of a previously refused scheme and issues raised by Members at the previous Committee had been addressed and significant changes made.

Mr Bryan Wolsey (objector) and Mr. Warren Goodall (architect in support) attended the Meeting and addressed Members on this application.

Queries and comments made by Councillors relating to highways safety especially on Sealwood Lane and Green Lane, the style of dwellings proposed not being in keeping and out of scale with the surrounding area; concerns were noted and responded to.

A reason for refusal was discussed and agreed prior to voting.



**RESOLVED:-**

*That planning permission be refused contrary to recommendation by the Director of Community & Planning Services on the same grounds as previously, due to poor design as stated in Housing Policy 11.*

PL/102 **THE RESUBMISSION OF APPLICATION FOR THE SITING OF TWO STATIC CARAVANS AT 179 THE BUNGALOW, LINTON HEATH, LINTON, SWADLINCOTE**

It was reported that members of the Committee had visited the site earlier in the day.

Mr W. McCann (applicant) attended the Meeting and addressed Members on this application.

Councillor Grant addressed the Committee as local Ward Member for Linton, expressing the concerns of local residents.

**RESOLVED:-**

*That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services with the additional condition to secure a 2 meter high fence and further landscaping on boundary of No 180 prior to bringing second caravan on the site.*

PL/103 **REMOVAL OF CONDITION 15 OF PLANNING PERMISSION 9/2014/0411 RELATING TO THE HOURS OF EXTERNAL AREAS AT KEYSTONE LINTELS LIMITED, RYDER CLOSE, CASTLE GRESLEY, SWADLINCOTE**

The Planning Services Manager highlighted to the Committee that an additional recommendation to condition 15 regarding CCTV will be added.

Mr Andy Neal (agent) attended the Meeting and addressed Members on this application.

**RESOLVED:-**

*That planning permission be granted for 12 months as per recommendation subject to additional condition to require control measures as recommended by EHO, including advice of setting up Residents Liaison Group.*

PL/104 **OUTLINE APPLICATION (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) FOR THE ERECTION OF A BUILDING TO PROVIDE RESIDENTIAL ACCOMMODATION WITH ASSOCIATED PARKING AND AMENITY AREAS AT 2 WOODVILLE ROAD, OVERSEAL, SWADLINCOTE**

The Planning Services Manager reported to the Committee that the initial application of a 3-storey building has now changed to a 2-stories building, and that a Conservation Officer will be involved to ensure the building is appropriate to its surroundings.

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

PL/105 **THE ERECTION OF ONE DWELLING ON LAND TO THE REAR OF 1 ST PETERS CLOSE, HARTSHORNE, SWADLINCOTE**

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services, including an additional condition of a method statement to safeguard surrounding trees.***

PL/106 **THE ERECTION OF A BANQUETING SUITE AT 130 NADEE INDIAN CUISINE, HEATH LANE, FINDERN, DERBY**

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

PL/107 **THE FELLING OF A WYCH ELM (T1) AND OAK (T2) AND PRUNING OF A WYCH ELM (T3) COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NUMBER TPO 48 AT LAND ADJACENT TO SOUTH BOUNDARY OF 14 BRAMLEY DALE, CHURCH GRESLEY, SWADLINCOTE**

**RESOLVED:-**

***That permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

PL/108 **THE ERECTION OF 6 3-BED DWELLINGS ON LAND TO THE REAR OF 145 OVERSETTS ROAD, NEWHALL, SWADLINCOTE**

Councillor Bambrick addressed the Committee as local Ward Member for Newhall, expressing the concerns of local residents

**RESOLVED:-**

***That planning permission be deferred to a future Committee subject to a site visit.***

PL/109 **PLANNING AND OTHER APPEALS**

The Committee noted the planning appeal decisions in relation to the following applications;

- 9/2014/1195 Land adjacent to 253 Burton, Road, Overseal, Swadlincote
- 9/2015/0070 Land at Brook Lane, Sutton-on-the-Hill, Ashbourne,
- 9/2014/0727 Hill Pasture, Sutton Lane, Etwall, Derbyshire

PL/110 **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 was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.*

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

*The Committee was informed that no questions had been received.*

The meeting terminated at 9:15pm.

**COUNCILLOR A ROBERTS**

**CHAIRMAN**

LICENSING AND APPEALS SUB-COMMITTEE

10<sup>th</sup> November 2015 at 10.00am

**PRESENT:-**

**Members of the Licensing and Appeals Sub-Committee**

Councillor Stanton (Chairman), Councillor Atkin (Conservative Group) and Councillor Richards (Labour Group)

**District Council Representatives**

A. Edwards (Senior Legal Officer), E McHugh (Senior Licensing Officer) and T C Lindgren (Democratic Services Officer)

LAS/24 **APOLOGIES**

The Sub-Committee was informed that no apologies had been received

LAS/25 **DECLARATIONS OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received.

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/26 **DETERMINATION OF AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE – LIDL UK, BELMONT STREET, SWADLINCOTE, DERBYSHIRE, DE11 8JU.**

The Sub-Committee considered an application for the grant of a Premises Licence for Lidl UK, Belmont Street, Swadlincote, Derbyshire, DE11 8JU.

**RESOLVED:-**

*That the Premises Licence be granted as detailed in the Decision Notice, a copy of which is incorporated into the signed minute book at “SMB1”.*

LAS/27 **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 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 paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.*

**APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 2)**

The Sub-Committee considered an application for a Private Hire Driver's Licence,

**RESOLVED:-**

***That the Private Hire Driver's Licence be granted as detailed in the Decision Notice, a copy of which is incorporated into the signed minute book at "SMB1".***

**APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 2)**

The Sub-Committee considered an application for a Private Hire Driver's Licence,

**RESOLVED:-**

***That the Private Hire Driver's Licence be rejected as detailed in the Decision Notice, a copy of which is incorporated into the signed minute book at "SMB1".***

**APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 2)**

The Sub-Committee considered an application for a Private Hire Driver's Licence,

**RESOLVED:-**

***That the Private Hire Driver's Licence be rejected as detailed in the Decision Notice, a copy of which is incorporated into the signed minute book at "SMB1".***

The Meeting terminated at 10.50am

COUNCILLOR STANTON

CHAIRMAN

PLANNING COMMITTEE

17<sup>th</sup> November 2015

**PRESENT:-**

**Conservative Group**

Councillor Mrs Brown (Chairman) and Councillors Atkin, Ford, Grant, Mrs Hall, MacPherson (substituting for Councillor Roberts), Stanton, Swann (substituting for Councillor Mrs Farrington) and Watson.

**Labour Group**

Councillors Dunn, Pearson, Richards (substituting for Councillor Southerd) and Shepherd.

**In attendance**

Councillors Bambrick, Harrison, Hewlett, Muller and Smith.

PL/111 **APOLOGIES**

Apologies for absence from the Meeting were received on behalf of Councillors Mrs Farrington, Roberts (Conservative Group) and Southerd (Labour Group).

PL/112 **MINUTES**

The Open Minutes of the Meetings held on 15<sup>th</sup> September 2015 (PL/66–PL/81) and 6<sup>th</sup> October 2015 (PL/82-PL/91) were taken as read, approved as a true record and signed by the Chairman.

PL/113 **DECLARATIONS OF INTEREST**

Councillor Richards declared a personal interest in application number **9/2015/0770** by reason of living close to the boundary.

PL/114 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

**MATTERS DELEGATED TO COMMITTEE**

PL/115 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Director of Community and Planning Services submitted reports for consideration and determination by the Committee and presented oral reports

to the Meeting to update them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/116 **THE ERECTION OF AN EXTENSION AND ASSOCIATED ALTERATION AT 7 KINGFISHER CLOSE, MICKLEOVER, DERBY**

Mr Dean Mather (objector) and Mrs Fiona Roberts (applicant) attended the Meeting and addressed Members on this application.

Councillor Muller addressed the Committee as local Ward Member for Etwall, expressing the concerns of local residents.

Queries and comments made by Councillors relating to the northern aspect of the extension, permitted development and window glazing options were noted and responded to.

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

Councillor Muller left the Meeting at 6.20pm.

PL/117 **OUTLINE PLANNING PERMISSION (ALL MATTERS RESERVED) FOR RESIDENTIAL DEVELOPMENT OF LAND AT SK3824 2899 ASHBY ROAD, MELBOURNE, DERBY**

It was reported that members of the Committee had visited the site earlier in the day.

Mr Ian Turner (objector) attended the Meeting and addressed Members on this application.

Councillors Hewlett and Harrison addressed the Committee as local Ward Members for Melbourne, expressing the concerns of local residents.

Comments made by Councillors relating to the retention of existing hedgerows, safety issues relating to drop at rear of site, wall materials, parking, site access, verge maintenance and road safety issues were noted and responded to.

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

Councillors Harrison and Hewlett left the Meeting at 6.45pm.

PL/118 **THE CONSTRUCTION OF A DETACHED GARAGE AT CHURCH BARN, CHAPEL STREET, SMISBY, ASHBY DE LA ZOUCH**

The Planning Services Manager read a summary of the seven letters of objection relating to the scheme as originally submitted.

Mr Troy Lee (applicant) attended the Meeting and addressed Members on this application.

Councillors Smith and Stanton addressed the Committee as local Ward Members for Repton, expressing the concerns of local residents and Smisby Parish Council.

Queries and comments made by Councillors relating to the height, positioning and visibility of proposed garage, proximity to neighbouring property, the conservation area, extended excavation and tree protection were noted and responded to.

A reason for refusal was discussed and agreed prior to voting.

***RESOLVED:-***

***That planning permission be refused contrary to officer recommendation on the grounds of the proposed detached garage being detrimental to the amenity of the occupiers of Fir Tree Cottage by virtue of its proximity and scale, contrary to Local Plan Housing Policy 13 , emerging Local Plan Policy SD1 and the Core Planning Principles of the NPPF.***

PL/119 **THE ERECTION OF SIX 3-BED DWELLINGS ON LAND TO THE REAR OF 145 OVERSETTS ROAD, NEWHALL, SWADLINCOTE**

It was reported that members of the Committee had visited the site earlier in the day.

The Planning Services Manager noted the possible contravention of space standards, which could be addressed by an alternative first floor layout on Plot 1 and obscure glazing to the front facing bedroom window.

Councillors Bambrick and Richards addressed the Committee as local Ward Members for Newhall and Stanton, expressing the concerns of local residents.

Queries and comments made by Councillors relating to the location, access via a public house car park, parking issues, emergency vehicle access, width of public rights of way on either side of proposed development and refuse collection were noted and responded to.

A proposal to refuse the application was not supported by the Committee.



**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

Councillors Bambrick and Smith left the Meeting at 7.25pm.

PL/120 **ERECTION OF BALL STOP FENCING TO PERIMETER OF FOOTBALL PITCHES ON RECREATION GROUND AT CHESTNUT AVENUE, MIDWAY, SWADLINCOTE**

Councillor Pearson addressed the Committee as local Ward Member for Midway, expressing a wish that this matter be deferred for a site visit.

**RESOLVED:-**

***That a decision regarding planning permission be deferred to a future Committee meeting, subject to a site visit.***

PL/121 **THE POLLARDING OF A FRAXINUS EXCELSIOR TREE COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NUMBER SED 1996 AT ST WILFREDS CHURCH, CHURCH LANE, BARROW ON TRENT, DERBY**

**RESOLVED:-**

***That approval be granted for the pollarding of a Fraxinus Excelsoir (Ash) tree, as set out in the report of the Director of Community & Planning Services.***

PL/122 **THE ERECTION ON A SINGLE STOREY EXTENSION AT 13 WARWICK CLOSE, MIDWAY, SWADLINCOTE**

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

PL/123 **PROPOSED TREE PRESERVATION ORDER 403 AT THE FIRS, 28B WESTON ROAD, ASTON ON TRENT**

**RESOLVED:-**

***That the Tree Preservation Order (TPO) be confirmed without modification.***

PL/124 **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 was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**EXEMPT MINUTES**

***The Exempt Minutes of the meetings held on the 6<sup>th</sup> October 2015 (PL/92-PL/93) were taken as read, approved as a true record and signed by the Chairman.***

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

***The Committee was informed that no questions had been received.***

The meeting terminated at 7.30pm.

COUNCILLOR MRS L BROWN

CHAIRMAN

## ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

19<sup>th</sup> November 2015

### **PRESENT:-**

#### **Conservative Group**

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

#### **Labour Group**

Councillors Chahal, Southerd, Taylor and Tilley.

#### **In Attendance**

### EDS/49 **APOLOGIES**

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

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

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

### EDS/51 **MINUTES**

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

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

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

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

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

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

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

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

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

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

**RESOLVED:**

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

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

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

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

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

**RESOLVED:**

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

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

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

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

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

**RESOLVED:**

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

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

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

**RESOLVED:**

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

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

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

**RESOLVED:**

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

EDS/60 **BODY WORN VIDEO CAMERAS**

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

**RESOLVED:**

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

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

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

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

**RESOLVED:**

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

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

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

**RESOLVED:**

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

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

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

**RESOLVED:-**

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

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

**RESOLVED:-**

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

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

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

**RESTRUCTURING THE DIRECT SERVICES OPERATION**

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

The meeting terminated at 7:30 pm

COUNCILLOR P. WATSON

CHAIRMAN

HOUSING AND COMMUNITY SERVICES COMMITTEE

26<sup>th</sup> November 2015

**PRESENT:-**

**Conservative Group**

Councillor Hewlett (Chairman), Councillor Smith (Vice-Chairman) and Councillors Billings, Mrs Coe, Mrs Coyle, Harrison, Murray (substituting for Councillor Coe) and Mrs Wyatt.

**Labour Group**

Councillors Dunn, Rhind, Richards and Wilkins (substituting for Councillor Taylor).

**In attendance**

Councillor Atkin.

HCS/44 **APOLOGIES**

Apologies for absence were received from Councillors Coe, Muller (Conservative Group) and Taylor (Labour Group).

HCS/45 **MINUTES**

The Open Minutes of the Meeting held on 8<sup>th</sup> October 2015 were noted and approved as a true record and signed by the Chairman.

HCS/46 **DECLARATION OF INTEREST**

The Committee was informed that no declarations of interest had been received for this meeting.

HCS/47 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

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

HCS/48 **QUESTIONS FROM MEMBERS OF COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

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

HCS/49 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

**MATTERS DELEGATED TO COMMITTEE**



HCS/50 **OPEN SPACE, SPORT AND COMMUNITY FACILITY STRATEGY UPDATE**

The Open Space and Facilities Development Manager presented the report to the Committee, also making reference to a consultation summary and the detailed sub area profiles currently being compiled. The Director of Community and Planning Services requested that Members notify his department of any suitable projects, which could be linked into Section106 funds.

Councillors Smith and Murray both commended the work undertaken, as detailed in the report. Other comments and queried raised by Members relating to terminology, information relating to the 26-54 age group, as opposed to the younger and older categories, and the possibility of enhanced provision in certain areas were noted and responded to.

**RESOLVED:-**

***That Members noted the development of the Open Space, Sport and Community Facility Strategy, approved the Vision and Principles, along with the establishment of the notion of a hierarchy of provision.***

HCS/51 **HOUSING CAPITAL INVESTMENT PROGRAMME 2012-2017: PROGRESS REPORT**

The Housing Asset Manager presented the report to the Committee.

Comments and queried raised by Members relating to the potential uses of the underspend, the accuracy of its value, alternative heating systems and the use of solar panels on council buildings were noted and responded to.

**RESOLVED:-**

- 1) That Members approved the half yearly 2015/16 progress report for the Housing Capital Investment Programme.***
- 2) That Members approved the expenditure proposals contained within the report.***
- 3) That Members approved the use of some of the projected underspend to progress Phase 2 of new building development and regeneration programme.***

HCS/52 **UNTIDY GARDENS PROCEDURE**

The Housing Operations Manager delivered the report to the Committee.

Comments and queried raised by Members relating to the definition of 'untidy' and other terminology, the timing of any legal action, the wording of the enforcement letters and recoupment of any fees incurred, the approach relating to more vulnerable individuals or those in financial difficulty, the

likelihood of eviction action based purely on this issue, the treatment of gardens with animals present, potential environmental issues and the rights of access during Members' estate walkabouts were noted and responded to.

The Director of Housing and Environmental Services gave assurances that this policy would only be engaged with in extreme cases, would be subject to thorough review and that the local Ward Member would be notified of any cases where such action was being considered.

The Housing Operations Manager confirmed that revised tenancy agreements were currently being drafted, for approval at a future committee.

**RESOLVED:-**

***That Members approved the introduction of the untidy gardens procedure.***

HCS/53 **CORPORATE PLAN 2009-15: PERFORMANCE MANAGEMENT REPORT (1JULY – 30 SEPTEMBER 2015)**

The Director of Housing and Environmental Services and Director of Community and Planning Services jointly presented the report to Committee, highlighting the areas requiring attention.

Comments relating to the work of the Safer Neighbourhood Team and the use of body mounted cameras by the Neighbourhood Wardens by Councillors Murray and Wilkins respectively were noted.

**RESOLVED:-**

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

HCS/54 **COMMITTEE WORK PROGRAMME 2015-16**

**RESOLVED:-**

***That the updated work programme be considered and approved.***

HCS/55 **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 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 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 8<sup>th</sup> October 2015 were received.*

**TO RECEIVE QUESTIONS FROM MEMBERS OF THE COUNCIL  
PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

*The Committee was informed that no questions had been received.*

The Meeting terminated at 7.10pm.

COUNCILLOR J HEWLETT

CHAIRMAN

FINANCE AND MANAGEMENT COMMITTEE

3<sup>rd</sup> December 2015

**PRESENT:-**

**Conservative Group**

Councillor Harrison (Chairman), Councillor Mrs Plenderleith (Vice-Chairman) and Councillors Billings, Mrs Brown (substituting for Councillor Smith), Mrs Coyle, Hewlett, MacPherson, Watson and Wheeler.

**Labour Group**

Councillors Rhind, Richards, Southerd and Wilkins.

FM/72 **APOLOGIES**

Apologies for absence from the Meeting were received on behalf of Councillor Smith (Conservative Group).

FM/73 **MINUTES**

The Open Minutes of the Meetings held on 3<sup>rd</sup> September 2015, 24<sup>th</sup> September 2015, 30<sup>th</sup> September 2015 and 15<sup>th</sup> October 2015 were taken as read, approved as a true record and signed by the Chairman.

FM/74 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

FM/75 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

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

FM/76 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

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

FM/77 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no reports of the Overview & Scrutiny Committee to consider.

**MATTERS DELEGATED TO COMMITTEE****FM/78 CORPORATE SERVICES PERFORMANCE MONITORING 2015/16: QUARTER 2 TO SEPTEMBER 2015**

The Director of Finance and Corporate Services presented the report to Committee, drawing particular attention to Council Tax collection, a subject that the Overview and Scrutiny Committee is currently considering, as well as the absence management figures, which, positively, are now in decline.

**RESOLVED:**

***The Committee considered and noted the progress made against the performance targets.***

**FM/79 BUDGET AND FINANCIAL MONITORING 2015/16**

The Director of Finance and Corporate Services delivered the report to the Committee, highlighting the General Fund position, recycling, insurance, land charges, Business Rates income, housing maintenance and treasury management.

Comments and queries raised by Members relating to pension costs and land charges were noted and responded to.

The Chief Executive, in referencing paragraph 3.71 of the report, commended the Council's management of its land assets, resulting in additional income, land becoming free for housing projects and enabling the relocation of the Council's depot to a more suitable location.

**RESOLVED:**

***The Committee considered and approved the latest budget and financial monitoring figures for 2015/16.***

**FM/80 COMPLAINTS, COMPLIMENTS AND FREEDOM OF INFORMATION REQUESTS 01 APRIL 2015 TO 30 SEPTEMBER 2015****RESOLVED:**

***The Committee considered and noted the complaints and Freedom of Information requests, as detailed in the report.***

**FM/81 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 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 paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.*

**MINUTES**

*The Exempt Minutes of the Meetings held on 3<sup>rd</sup> September 2015 and 15<sup>th</sup> October 2015 were received.*

**TO RECEIVE QUESTIONS FROM MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

*The Committee was informed that no questions had been received.*

**RESTRUCTURING THE DIRECT SERVICES OPERATION (Paragraph 1)**

*The Committee approved the restructuring of the Direct Services operation as detailed in the report.*

**A REVIEW OF THE CLIENT SERVICES UNIT (Paragraph 2)**

*The Committee approved the proposed changes relating to the duties and responsibilities associated with the Client Services Unit, as detailed in the report.*

**CORPORATE SERVICES CONTRACT AND STRATEGIC PARTNERSHIP (Paragraph 3)**

*The Committee considered the option to extend the current partnership arrangement with its external contractor in accordance with the contractual terms.*

**DEBTS SUBMITTED FOR WRITE-OFF (Paragraph 1)**

*The Committee approved the write-off of debts detailed in the report, deemed irrecoverable under the provisions of Financial Regulations D2.4 (b).3.*

The meeting terminated at 7.25pm.

COUNCILLOR J HARRISON

CHAIRMAN

STANDARDS COMMITTEE

8<sup>th</sup> December 2015

**PRESENT:-**

**Conservative Group**

Councillor Harrison (Chairman), Councillor Stanton (Conservative Group).

**Labour Group**

Councillor Mrs Stuart.

**Independent Persons**

Mr P Purnell and Mr P Smith

SC/1 **APOLOGIES**

The Committee was informed that apologies had been received from Councillors Atkin (Conservative Group) and Pearson (Labour Group).

SC/2 **MINUTES**

The Open Minutes of the Meeting held on 24<sup>th</sup> April 2013 were noted, approved as a true record and signed by the Chairman.

SC/3 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

SC/4 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO.10**

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

SC/5 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

**MATTERS DELEGATED TO SUB-COMMITTEE**

SC/6 **SUMMARY OF COMPLAINTS**

The Committee received the Report summarising the complaints investigated by the Monitoring Officer and the action taken in each case.

Mr Purnell observed that in all but one case no further action had been deemed necessary as they fell outside the remit of the Members Code of Conduct and queried the possible alternative options. The Monitoring Officer duly outlined the various alternative actions that can be considered. Mr Purnell commented on the protection of ethical standards, the work undertaken when complaints are received and the training provision in this area.

Councillor Harrison queried the cost implications relating these matters. The Monitoring Officer informed the Committee that such costs were budgeted for.

**RESOLVED:-**

***That the summary of complaints considered by the Monitoring Officer and Independent Persons be noted.***

The Meeting terminated at 6.10pm.

COUNCILLOR J HARRISON

CHAIRMAN



OVERVIEW AND SCRUTINY COMMITTEE

9<sup>th</sup> December 2015

**PRESENT:-**

**Conservative Group**

Councillor Mrs. Farrington, (Chairman), Councillor Swann (Vice-Chairman), Councillor Mrs Coe and Councillor Mrs Patten.

**Labour Group**

Councillor Bambrick and Councillor Mrs. Wyatt.

OS/26 **APOLOGIES**

Apologies were received from Councillor Atkin (Conservative Group) and Councillor Pearson (Labour Group).

OS/27 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

The Committee were informed that no declarations of interest from Members of the Council had been received.

OS/28 **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

The Committee were informed that no questions from members of the Public had been received.

OS/29 **QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

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

OS/30 **ELECTORAL SERVICES**

The Chief Executive Officer presented a report to update Members on the revised structure of the Electoral Services Department. South Derbyshire is a fast growing district and with the demand on the electoral service and the recent move to Individual Electoral Registration (IER), continued resilience is crucial. The changes to the service will ensure that high standards of the service are continued into the future.

**RESOLVED:-**

***To note the changes in structure to the Electoral Services section.***

OS/31 **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – QUARTERLY REPORT ON USAGE**

The Chief Executive Officer outlined the report, emphasising that the usage of RIPA (Regulation of Investigatory Powers Act) during the period September 2015 to November 2015 was nil. Following an inspection earlier in the year, South Derbyshire District Council remains accredited as an excellent local authority.

**RESOLVED:-**

***That the internal report on the Council's use of the Regulation of Investigatory Powers Act 2000 be noted.***

OS/32 **COMMUNITY AND PARTNERSHIP SCHEME**

The Chair of Overview and Scrutiny Committee stated that since she had been an applicant on behalf of one of the organisations awarded a grant through this scheme, this item would be chaired by the Vice-Chair.

The Community Partnership Manager presented the report to committee regarding the potential review of the grant application process in conjunction with South Derbyshire CVS. He highlighted that the scheme had been established to deliver two separate and distinct objectives to support the work of the District Council, firstly providing funding advice and supporting non-profit developing projects that benefit local residents, and secondly to attract inward investment to support larger capital projects. Recognising the change in the funding environment the scheme rules were amended in 2014/15 to allow applications for up to 50%, rather than the initial maximum of 25%, of the total project value.

Comments made by Councillors related to the CVS's involvement with supporting applicants through the process, the possibility of individual Councillors having access to a small pot of money to support the smaller local groups, how long the complete grant process takes, and making application forms more user-friendly including the use of plain English, were noted and responded to.

**RESOLVED:-**

***1.1 That the Committee recognised that the Community Partnership Scheme continues to address aims and objectives of the Council through both inward investment and support of non-profit organisations in the District.***

***1.2 That the Committee supported a review of the grant application process and associated paperwork, to be undertaken in conjunction with South Derbyshire CVS. This will include a review to make***

***recommendations about how the process can be made more accessible for non-profit groups working to support residents of South Derbyshire.***

***1.3 That the Community Partnership Manager work with Members of the Committee to simplify the grant application form.***

OS/33 **SECTION 106 HEALTH BASED PLANNING CONTRIBUTIONS**

The Planning Services Manager delivered a verbal update on the current situation regarding Section 106 Contributions, reporting that since the working relationship with SDCCG (South Derbyshire Clinical Commissioning Group) had started, the position had very much improved. He presented a list of all S106 (Section 106) contributions received since 1<sup>st</sup> April 2009, which included details of what the allocation was earmarked for. One of the issues currently being looked at, was how the monies would be transferred from the NHS (National Health Service) to the allocated work, since any grant the NHS accept they receive in perpetuity.

**RESOLVED:-**

***That the Committee requested that details be added to each application, on how exactly the proposed Section 106 contributions would benefit the public.***

OS/34 **A REVIEW OF COUNCIL TAX ARREARS**

The Director of Finance and Corporate Services presented a report to Committee outlining the performance of the Council Tax arrears collection. Although the overall percentage (98%) of the collection rate is deemed good, the monetary amounts involved are significant.

The responsibility for the collection of Council Tax ultimately lies with the Council. Operational performance is included in the Corporate Services Contract with Northgate Public Services. Northgate are responsible for all aspects of revenue collection on a day-to-day basis, as part of the Contract, they are incentivised to maintain and increase collection rates. More and more people are encouraged to pay Council Tax by Direct Debit as arrears occur less frequently using this payment method.

Comments made by Councillors relating to how the Council could help encourage even more residents to pay by Direct Debit, were noted and responded to.

**RESOLVED:-**

***1. That the situation regarding Council Tax arrears is noted and that consideration be given to any further review.***

***2. That a leaflet be designed to encourage residents to pay their Council Tax by Direct Debit.***

OS/35 **COMMITTEE WORK PROGRAMME 2015/16**

The Committee asked that Derbyshire Community Health Service be added to the Work Programme for the January or February 2016 meeting.

**RESOLVED:-**

***That the Derbyshire Community Health Service be added to the Work Programme for 2015/16.***

The Meeting terminated at 7:40pm.

COUNCILLOR MRS G FARRINGTON

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

10<sup>th</sup> December 2015

**PRESENT:-**

**Members of the Licensing and Appeals Sub-Committee**

Councillor Stanton (Chairman), together with Councillor Mrs Coyle (Conservative Group) and Councillor Richards (Labour Group)

**District Council Representatives**

A. Kaur (Legal and Democratic Services Manager)

LAS/31 **APOLOGIES**

The Sub-Committee was informed that no apologies had been received.

LAS/32 **DECLARATIONS OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received.

**MATTER DELEGATED TO SUB-COMMITTEE**

LAS/33 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT ACT (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 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 paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.*

**DISCIPLINARY APPEAL HEARING (Paragraph 2)**

*The Sub-Committee considered an appeal against dismissal.*

The Meeting terminated at 14:55 p.m

COUNCILLOR M. STANTON

CHAIRMAN

PLANNING COMMITTEE

15<sup>th</sup> December 2015

**PRESENT:-**

**Conservative Group**

Councillor Roberts (Chairman) and Councillors Mrs. Brown (Vice-Chairman), Atkin, Grant, Mrs Hall, Hewlett (substituting for Councillor Mrs Farrington), Stanton, Mrs Patten (substituting for Councillor Ford) and Watson.

**Labour Group**

Councillors Dunn, Dr. Pearson, Shepherd and Southerd.

**In attendance**

Councillors Billings, Richards and Smith.

PL/127 **APOLOGIES**

Apologies for absence from the Meeting were received on behalf of Councillors Mrs Farrington and Ford (Conservative Group).

PL/128 **DECLARATIONS OF INTEREST**

Councillor Shepherd declared a prejudicial interest in application number **9/2015/0996 and 9/2015/0849** by reason of being the applicant.

PL/129 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

**MATTERS DELEGATED TO COMMITTEE**

PL/130 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Director of Community and Planning Services submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/131 **RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF FARM BUILDINGS FROM AGRICULTURAL TO DOG BOARDING AND BREEDING KENNELS AND ASSOCIATED EXTERNAL ALTERATIONS TO BUILDINGS AT 11 DERBY ROAD, FOSTON, DERBY**

The Planning Services Manager highlighted that this retrospective application is a resubmission, which was refused in June 2015 by delegated powers, the applicant had now submitted a Noise Report and access details as accompaniments.

Mr Rob Watt (Objector) attended the Meeting and addressed Members on this application.

Mr Daniel Hill (applicant) attended the Meeting and addressed Members on this application.

Queries and comments relating to noise levels, the need for full insulation of buildings and the outdoor exercise area were noted and responded to.

**RESOLVED:-**

***That planning permission be refused as per recommendation.***

PL/132 **PROPOSED INSTALLATION OF PHOTO-VOLTAIC PANELS, INVERTERS AND TRANSFORMERS TO PRODUCE RENEWAL ELECTRICITY ON LAND AT SK1930 5342, SCROPTON ROAD, SCROPTON, DERBY**

It was reported that members of the Committee had visited the site earlier in the day.

Mr Anthony Creeth (Objector) attended the Meeting and addressed Members on this application.

Mr Simon Newell (Applicant) attended the Meeting and addressed Members on this application.

Councillor Billings addressed the Committee as local Ward Member for Hilton, expressing the concerns of local residents.

Queries and comments made by Councillors relating to the intrusion of privacy of the proposed CCTV alongside the footpath next to the site, the escalation of heavy traffic on Watery Lane, potential flood risks, and the increasing need and support for Sola Power were noted and responded to.

Councillors Mrs. Brown and Stanton abstained from voting on this matter.

**RESOLVED:-**

***That planning permission be granted subject to additional conditions relating to better and more mature landscaping on the entire southern boundary, the colour of proposed buildings and fencing, and the***

***conditions set out in the report of the Director of Community & Planning Services.***

PL/133 **THE CONSTRUCTION OF 11HA SOLAR FARM TO INCLUDE INSTALLATION OF GROUND MOUNTED PHOTOVOLTAIC SOLAR ARRAYS WITH AN INSTALLED CAPACITY OF CIRCA 5MW TOGETHER WITH INVERTER/TRANSFORMER STATIONS, ACCESS, INTERNAL ACCESS TRACKS, LANDSCAPING, CABLE ROUTE CONNECTION TO GRIS, ANCILLARY INFRASTRUCTURE AND SECURITY MEASURES ON LAND AT SK3014 3568, SHORTHETH, OVERSEAL, SWADLINCOTE**

It was reported that members of the Committee had visited the site earlier in the day.

Mr James Hartley(Applicant) attended the Meeting and addressed Members on this application.

***RESOLVED:-***

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

Councillor Billings left the meeting at 7:20pm.

PL/134 **ERECTION OF BALL STOP FENCING TO PERIMETER OF FOOTBALL PITCHES ON RECREATION GROUND AT CHESTNUT AVENUE, MIDWAY, SWADLINCOTE**

It was reported that members of the Committee had visited the site earlier in the day.

Councillor Pearson addressed the Committee as local Ward Member for Midway, expressing the concerns of local residents.

Queries and comments made by Councillors relating to the style of fencing proposed, the possibility of planting soft hedging alongside the fence on Claymar Drive to soften the potentially undesirable visual impact for residents, and drainage, was noted and responded to.

***RESOLVED:-***

***That planning permission be deferred to investigate alternative treatments of the fencing.***

PL/135 **EXTENSION TO GYPSY CARAVAN SITE INCLUDING A CHANGE OF USE OF LAND AND ASSOCIATED ENGINEERING WORKS TO INCREASE THE OVERALL NUMBER OF CARAVANS TO 16 AT THE CONIFERS, PARK ROAD, OVERSEAL, SWADLINCOTE**



The item was presented to Committee at the discretion of the Planning Services Manager who highlighted that this application was part of the 5-year rolling supply of Gypsy and Traveller sites.

Councillor Mrs. Hall addressed the Committee as local Ward Member for Seales, expressing her concerns about waterlogging at neighbouring properties, potential contamination of land and site being discordant with its surroundings.

Comments and queries relating to potential drainage issues, were noted and responded to.

**RESOLVED:-**

***That planning permission be granted subject to amendment to condition 10 to include implementation of approved scheme prior to occupation, and conditions set out in the report of the Director of Community & Planning Services.***

PL/136 **THE ERECTION OF A BUNGALOW AT THE CONIFERS, PARK ROAD, OVERSEAL, SWADLINCOTE**

The item was presented to Committee at the discretion of the Planning Services Manager.

Comments and queries relating to the same potential drainage issues as item 9/2015/0589 on the agenda, and the loss of pitches were noted and responded to.

**RESOLVED:-**

***That planning permission be granted subject to the amendment of condition 6 to include implementation of approved scheme prior to occupation, and conditions set out in the report of the Director of Community & Planning Services.***

PL/137 **THE ERECTION OF 1 DETACHED DWELLING AND ASSOCIATED WORKS AT 28 MAIN STREET, REPTON, DERBY**

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

PL/138 **THE RENDERING OF A SINGLE STOREY SIDE ELEMENT OF 41 LINTON ROAD, ROSLISTON, SWADLINCOTE**

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

PL/139 **PROPOSED INSTALLATION OF PHOTO-VOLTAIC PANELS, INVERTERS AND TRANSFORMERS TO PRODUCE RENEWABLE ELECTRICITY LAND AT SK2821 3837, SUNNYSIDE, NEWHALL, SWADLINCOTE**

It was reported that members of the Committee had visited the site earlier in the day.

**RESOLVED:-**

***That the Planning Committee refused permission for the reasons set out in the report of the Director of Community & Planning Services.***

PL/140 **THE CREATION OF A TEMPORARY VEHICULAR ACCESS TO PLOTS 476-499 ON LAND OFF STENSON ROAD, STENSON FIELDS, DERBY**

**RESOLVED:-**

- 1. That the Planning Committee accept the change to recommendation replacing the serving of a temporary stop notice with an enforcement notice by the Planning Service Manager, to reinstate the land, and add informative to remind applicant of its responsibility.***
- 2. That the Planning Committee refused permission for the reasons set out in the report of the Director of Community & Planning Services.***

PL/141 **THE ERECTION OF A DRY STONE WALL, INSTALLATION OF A NEW GATE IN SIDE BRICK WALL, LAYING OF NEW BLOCK PAVING TO DRIVEWAY AND THE ERECTION OF A DOMESTIC GREENHOUSE ON LAND TO THE SIDE OF THE FIRS, 11 HIGH STREET, TICKNALL, DERBY**

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**RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.

Councillor Shepherd left the meeting at 19:55.

PL/142 **PART DEMOLITION OF FRONT STONE BOUNDARY WALL AND DEMOLITION OF SECTION OF THE SIDE BRICK WALL TO ACCOMMODATE A NEW GATE AND A LENGTH OF HEDGE AT THE FIRST, 11 HIGH STREET, TICKNALL, DERBY**

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

PL/143 **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 was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

***The Committee was informed that no questions had been received.***

The meeting terminated at 8:00pm.

COUNCILLOR A. ROBERTS

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

18<sup>th</sup> December 2015 at 10.00am

**PRESENT:-**

**Members of the Licensing and Appeals Sub-Committee**

Councillor Stanton (Chairman), Councillor Muller (Conservative Group) and Councillor Mrs. Stuart (Labour Group)

**District Council Representatives**

A. Edwards (Senior Legal Officer), E McHugh (Senior Licensing Officer) and T C Lindgren (Democratic Services Officer)

LAS/35 **APOLOGIES**

The Sub-Committee was informed that no apologies had been received

LAS/36 **DECLARATIONS OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received.

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/37 **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 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 paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.*

**APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 2)**

The Sub-Committee considered an application for a Private Hire Driver's Licence.

**RESOLVED:-**

*That the Private Hire Driver's Licence be granted as detailed in the Decision Notice, a copy of which is incorporated into the signed minute book at "SMB1".*

**APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 2)**

The Sub-Committee considered an application for a Private Hire Driver's Licence.

**RESOLVED:-**

***That the Private Hire Driver's Licence be granted as detailed in the Decision Notice, a copy of which is incorporated into the signed minute book at "SMB1".***

The Meeting terminated at 10.40am

COUNCILLOR STANTON

CHAIRMAN

## ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

7<sup>th</sup> January 2016

### **PRESENT:-**

#### **Conservative Group**

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

#### **Labour Group**

Councillors Chahal, Southerd, Taylor and Tilley.

### EDS/67 **APOLOGIES**

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

### EDS/68 **DECLARATIONS OF INTEREST**

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

### EDS/69 **MINUTES**

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

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

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

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

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

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

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

Councillor Smith left the Chamber at 6.05pm.

**MATTERS DELEGATED TO COMMITTEE**EDS/73 **HARTSHORNE CONSERVATION AREA ANALYSIS**

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

The Chairman invited Mr Jenkinson to ask his first question:

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

Councillor Stanton entered the Chamber at 6.10pm.

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

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

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

The Chairman invited Mr Jenkinson to ask his second question:

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

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

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

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

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

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

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

**RESOLVED:**

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

Councillor Smith returned to the Chamber at 6.25pm.

EDS/74 **DIESEL ROAD ROLLER**

**RESOLVED:**

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

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

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

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

**RESOLVED:**

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

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



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

**RESOLVED:-**

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

**MINUTES**

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

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

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

The meeting terminated at 6.55pm.

COUNCILLOR P. WATSON

CHAIRMAN

**SOUTH DERBYSHIRE AREA FORUM**

**REPTON**

**October 13, 2015 at Milton Village Hall**

**PRESENT:-**

**District Council Representatives**

Councillor M Stanton (Chair), Councillor N Atkin, Councillor D Shepherd, Councillor A MacPherson, Councillor P Smith.

F McArdle (Chief Executive), T Sloan (Clerk).

**Derbyshire County Council Representatives**

Councillor Mrs L Chilton, P Jameson (Area Forum Liaison Officer).

**Parish Council/Meeting Representatives**

P Colleyshaw (Ticknall Parish Council), M Goodall (Findern Parish Council), F Hill (Newton Solney Parish Council), T Skeith (Repton Parish Council), S Toone (Bretby Parish Council).

**Members of the Public**

A Evans, H Hall, R Mumford, J Orme.

RA/10 **Apologies for absence**

Councillor Chahal, Councillor Ford, Councillor Davison, R Lisewski.

RA/11 **Declarations of Interest**

None.

RA/12 **Chairman's Announcements**

None.

RA/13 **To note the minutes of the meeting held on July 21, 2015**

The minutes were noted as a true and accurate record by Councillor Stanton.

RA/14 **Report back on issues raised at the last meeting**

Paul Jameson, Derbyshire County Council Area Forum Liaison Officer (AFLO), reported back on issues raised at last meeting as follows:

- **The Green, Willington: Withdrawal of School Crossing Patrol**

A resident had argued for the retention of a School Crossing Patrol (SCP) at a zebra crossing at the Green, in Willington, due to the complexity of traffic flow and street furniture at the B5008/A5132 junction, with its two mini islands. The SCP was removed in July by Derbyshire County Council, with the decision informed by the Royal Society for the Prevention of Accidents (RoSPA).

AFLO stated there would need to be a clearly identifiable concern, in terms of road safety, with regard to the existing arrangements to justify the expenditure of substantial funds to upgrade one or all of the crossings to light-controlled operation. There have been 2 pedestrian-related injury collisions in the vicinity of The Green in the last 3 years (this being the standard test period for assessment). Both occurred under unusual circumstances and there is nothing within the Police reports to suggest that there was an issue with the existing crossing facilities, or that light-controlled facilities would have prevented either collision from occurring. The resident replied by saying statistics used in the decision related to a traffic flow of 600 vehicles per hour whereas, he claims, the junction sees a figure of 770.

- **Newton Road, Newton Solney: Overgrown Footway**

A resident reported on overgrown hedgerows that were obstructing the footway from opposite Bladon House School back towards Newton Solney.

**AFLO reported that the obstruction has since been removed.**

- **Frizam's Lane junction with Heath Lane, Findern: Overgrown Vegetation**

A resident raised a concern that vegetation was obstructing visibility. Councillor Ford advised that he had already reported the issue at the location on the bridge at Hells Brook.

**AFLO reported that the vegetation has been cut back.**

- **Heath Lane junction with Main Street, Findern: Request for Chevrons**

It had been asked whether chevron boards could be erected at the bend in the road. The boundary wall of the property on the bend has been struck on more than one occasion and it was felt that the chevron boards would highlight the

bend in the road better.

**AFLO is still awaiting a response on the issue.**

- **Bretby Lane, Bretby: Drainage Issues**

Cllr Chilton previously raised the ongoing issue of drainage problems on Bretby Lane and requested an update.

AFLO reported that a drainage remedial scheme had been draw up and the first element – consisting of works to reconstruct the outfall and headwall – were completed late last year. The larger, on-street element, would require significantly more funds (estimated around £28,000), which would need to come from the Area Maintenance Manager’s budget. AFLO had been awaiting confirmation as to whether they could fund the works or not. He had spoken with the Maintenance Manager who advised that they were in negotiations with Severn Trent Water with a view to one of two outcomes; either STW disconnect their asset from the highway system, or they adopt the highway system (and carry out the necessary upgrades). AFLO had stressed to the Maintenance Manager that negotiations with STW 2-3 years ago had come to nothing, however, the Manager is of the opinion that STW may now be more willing to accommodate our request; he has been speaking with the Derby rep for STW but is now in the process of making contact with the Staffs rep (as their asset is across the county boundary).

A member of the public stated he felt the issue was going round and round in circles with Derbyshire County Council and Severn Trent Water. He asked if someone with “more clout” could get involved and press Severn Trent Water. AFLO said all he could do was refer the matter onto the relevant officers. Councillor Smith reported his frustration with the long-running issue, while Councillor Chilton stated the county council could afford the works and should get them done.

**Councillor Smith and Councillor Mrs Chilton agreed to press Severn Trent Water together.**

- **Canal Bridge, Willington: Signal Damage**

A resident had reported that one of the signal poles was struck and was leaning slightly, with the signal itself still working.

**AFLO told the meeting that the matter had been reported to Traffic Signals officers who were already aware of the damage. The pole has since been repaired.**

- **Footpath by Trent Avenue, Willington: part-time lighting at night**

A resident had asked if anything further had been done about lighting at this location. AFLO reported that the matter had been reviewed but the street lighting team at Derbyshire County Council believe the footpath is not used enough to keep the lights on all night.

A resident reported that there was a street light on Beech Avenue (outside the shops) which was burning throughout the day.

**AFLO took a number of the remaining faulty light (80230) for repair.**

- **Stretch of road on eastern side facing Stenson Road**

Area of temporary fencing has been erected by a consortium of housebuilders after SDDC Chief Executive Frank McArdle intervened on behalf of residents. Councillor Shepherd thanked Mr McArdle for his work in getting the job done.

RA/15 **Public questions on issues raised by residents**

**Speeding in Stenson Road**

Councillor Shepherd raised the need for a pedestrian crossing in Stenson Road giving easier access for the new developments to the pub, hairdressers, newsagent, church and café on Pilgrim Way. A light controlled crossing he requested was turned down. He reported that a similar problem in the Kirkland Way / Glenmore Drive area was solved with a pedestrian refuge when an application for a crossing was rejected. Councillor Shepherd cited a report in the Derby Telegraph which drew attention to the issue of safe crossing of the road, with one resident wondering who would be “wiped out first, herself or her child”. There are 500 homes planned for the development, with 300 of them now built and occupied. Councillor Shepherd wants Derbyshire County Council to take action and get a crossing installed.

**Junction of Repton Road and Nether Hall Road, Midway**

Councillor Atkin reported that a pothole had been repaired at the junction, but further work was needed after the repair failed. He reported that a few near misses on the road had occurred as drivers tried to avoid the hole and asked for the repair team to revisit the site.

**Bridge over the River Trent in Willington Road**

Councillor MacPherson reported that there is no kerb between the carriageway and pavement across the bridge, with motorists encroaching on the area used by pedestrians. AFLO responded that the bridge is a listed structure and introducing

kerbing could be an issue. Councillor MacPherson also stated that the bridge has a 40mph limit and could that be reduced? AFLO advised that the speed limit has to be consistent with DfT criteria which would dictate that 40mph is appropriate for the environment. PJ further stressed that the speed limit is a maximum a route can be travelled and speed should be moderated appropriately when drivers are faced with hazards (such as bends in the road or a narrowing of the carriageway). Councillor Smith asked if a narrowing sign would be appropriate while a resident said that regrading the road would not be possible as a raised pavement area would make the bridge parapet too low. AFLO pointed to issues with Heritage England to change the bridge. Frank McArdle suggested that paint could be used to demarcate the pavement and alleviate the issue.

### **Village Street, Stenson**

A member of the public reported a damaged wall in Village Street, Stenson, saying it has been in a state of disrepair for two years. Councillor Shepherd said the responsibility lies with Derby City Council.

### **Speed limit, Milton Road, Repton**

Councillor Smith reported that a new development on the edge of Repton falls on the border of a 30mph limit and a section of national speed limit (NSL). He asked if the 30mph zone could be extended and the NSL sign moved to take account of the new housing. AFLO said a speed limit extension had been proposed and would shortly be going through a 3-week Public Notice period – with notices displayed on site and in the press – as part of the legal process involved.

### **Himalayan Balsam**

Councillor MacPherson asked what Derbyshire County Council's view was on Himalayan Balsam. Councillor Stanton replied that it was a growing problem in the area. AFLO said he would check the policy. A member of the public reported it was bad on the Trent and Mersey Canal in a section from Hicklin's Bridge.

#### **RA/16 County Council issues**

No issues.

#### **RA/17 District Council issues**

Frank McArdle reported that SDDC is preparing to present its medium-term financial plan, which covers the next four years. He believes it will be well-received in the current financial climate, a time in which the council has taken steps to counteract cuts in its central government funding by reducing costs of services without affecting their delivery.

Mr McArdle also reported on a new corporate plan which will be completed after consultation with members and the public.

The chief executive also recorded some successes for the council of late:

- International Food Fair – it was a rip-roaring success with everything from ostrich burgers to penguin pie. Charles Hanson from the Antiques Roadshow attended. Mr McArdle would like to take the idea around the district to places like Hilton and Melbourne.
- Unemployment. The rate in South Derbyshire is now only 0.6 per cent of a working population of more than 40,000 people. There are 432 people claiming unemployment benefit, the second best figure in Derbyshire after the rural Derbyshire Dales district. The figures, however, are a double-edged sword as there is not a large pool of unemployed labour to tempt companies into the area. It presents a case for upskilling the workforce to attract hi-tech companies. Burton and South Derbyshire College does a superb job of getting young people ready for work. The South Derbyshire economy is also diverse, with most companies employing fewer than 10 people.

Mr McArdle vowed to continue fighting inequality in the area, citing the example that people in Newhall are expected to live 10 years less than people in Newton Solney. He is also targeting the unemployed who are aged 18 to 24. South Derbyshire is below the national average for youth unemployment.

Councillor MacPherson asked about the new climbing wall in Swadlincote. Mr McArdle said the new facility looks highly impressive and will be a niche offering for the whole district, with badminton facilities on a par with the best on offer in any Olympic hall.

RA/18 **Date of Next Meeting**

Tuesday, February 16, 2016 at Stenson Fields Primary School.

CHAIRMAN

The Meeting terminated at 8.25pm.

**SOUTH DERBYSHIRE AREA FORUM**

**MELBOURNE**

**October 29, 2015 at Melbourne Assembly Rooms**

**PRESENT:-**

**District Council Representatives**

Councillor John Harrison (Chair), Councillor Neil Atkin, Councillor Mrs Hilary Coyle, Councillor Peter Watson.

Stuart Batchelor (Director of Community and Planning), Tom Sloan (Clerk).

**Derbyshire County Council Representatives**

Councillor Mrs Linda Chilton, Councillor Rob Davison, Paul Jameson (Area Forum Liaison Officer).

**Parish Council/Meeting Representatives**

Rachel Cheshire (Barrow on Trent Parish Council), Wendy Earp (Melbourne Parish Council), Ed Green (Weston on Trent Parish Council), Margaret Sharp (Melbourne Parish Council).

**Members of the Public**

Dave Calvert (Melbourne Civic Society), Lucy Stephens (Village Voice).

MA/11 **Apologies for absence**

Councillor Jim Hewlett.

MA/12 **Declarations of Interest**

None.

MA/13 **Chairman's Announcements**

None.

MA/14 **To note the minutes of the meeting held on July 22, 2015**

The minutes were proposed as a true and accurate record by Councillor Mrs Linda Chilton and were seconded by Councillor Rob Davison.

MA/15 **Report back on issues raised at the last meeting**



Councillor Peter Watson reported that a second brown bin can be given to residents after a request from a householder in Weston on Trent. Councillor Watson stated that an extra brown bin can be awarded, but an extra black bin cannot. Councillor John Harrison added that extra brown bins could be justified on the basis of them encouraging recycling.

MA/16 **Public questions on issues raised by residents**

- Swarkestone Causeway Enforcement Project

Councillor Mrs Chilton asked for an update from Paul Jameson (AFLO) on the Swarkestone Causeway Enforcement Project. The AFLO had spoken to Neil Bennett (Derbyshire County Council Transport Data Manager) and Sgt Brown but the issue had not been furthered recently due to staffing issues but a meeting was due on November 11.

**ACTION: Paul Jameson to report back at a future meeting.**

- Footpaths at Swarkestone Causeway

A member of the public asked what progress had been made with regards to diverting a footpath away from Swarkestone Causeway and out onto Ingleby Lane. Councillor Mrs Chilton reported that a deed involved is with the Church Commissioners and no progress could yet be made. There is also a technical question involved, with the rights of way team at the county council involved, a team which has seen a reduction in head count, hence the delay. Councillor Harrison asked the AFLO to urge an early decision on the matter.

**ACTION: Paul Jameson to pursue the issue with relevant officers.**

- Works at Swarkestone Bridge and resulting tailbacks

Councillor Neil Atkin reported that works had taken place on Swarkestone Bridge, causing traffic chaos when a generator powering a set of temporary traffic lights failed. He stated that by the time the lights were up and running, traffic was backed up into Chellaston in one direction and to a similar distance the other way. Councillor Atkin complained that the works were not publicised and asked in future for the public to be kept informed. Councillor Harrison stated that 48 hours' notice was required and Councillor Mrs Chilton stated she had not been informed. Councillor Watson reported that the works were "under bridge" and it was another reason why Swarkestone needs a bypass, with the nearest crossing five miles in either direction. He argued the need to push for a new £30 million causeway. The AFLO reported that road closures have to be advertised but temporary traffic lights do not. He said the problem with such works was the sheer number of them happening at any time in Derbyshire, precluding their advertisement. Councillor Harrison asked the AFLO the name of the contractor, but the AFLO was unsure who it was. The AFLO confirmed that the county

council has to be consulted over work, and it is encouraged away from peak traffic hours of 7.30am to 10am and 3pm to 6pm. Councillor Harrison asked for the meeting's sentiments to be taken back to county HQ, a request to which the AFLO agreed.

- Junction at humpback bridge from A514 to Weston on Trent

Councillor Watson asked if the junction off the A514 towards Weston on Trent could be improved after three to four serious but non-fatal accidents in recent times. He asked if better signage of a ghost island in the centre of the carriageway could help matters. The AFLO said the junction would have to be reviewed but that there would be no consistent data if there had been no injuries at the junction. Ed Green from Weston on Trent Parish Council reported a high number of minor incidents at the junction. Councillor Mrs Chilton requested the AFLO ask if the road is wide enough for a ghost junction. Councillor Harrison made the point that there will soon be more buses on the road, with services to expand to a bus every half hour. A member of the public stated the problem with the junction would get worse with houses being built at Barrow on Trent. Councillor Harrison added that two fatalities in the area had special circumstances attached as a driver and passenger drowned after crashing through the causeway wall when they were rushing to get petrol. A member of the public added that there have been two fatalities near to the kennels. The AFLO stated that he could only answer questions in general terms. Related to housing, he said that all applications go through the local authority, in this case SDDC. The AFLO said that Section 106 agreements are agreed in the case of large developments to improve highways. In such cases, the county council has to demonstrate that housing will have an impact on a particular highway. Often, substantial sums of money can be obtained. Stuart Batchelor added that SDDC has briefing sessions for parish councils and members of the public to give them more information on how things work. The next meeting, entitled Planning and Enforcement, was set for December 2, with a representative from the highways authority (DCC) speaking. Mr Batchelor said that as South Derbyshire was the fourth or fifth fastest-growing district outside the south east, the bottom line is that traffic levels are going to rise.

## MA/17 County Council Issues

Councillor Mrs Chilton had nothing extra to report.

### Statistics regarding traffic enforcement on Swarkestone Causeway

The AFLO presented figures for 10 investigations into HGVs illegally crossing the causeway using a combination of enforcement checks and photographic information from local residents.

As a result of these investigations:

- Four drivers have received Letters of Warning.

- Three drivers have received a Simple Caution.
- Two drivers are due in court in November.
- One company has been reported to the Traffic Commissioner for using a foreign driver not resident in the UK.

A report against one driver is still under consideration and six other drivers are currently under investigation – a total of 17 investigations commenced since April 1, 2015.

A driver appeared in court in September and was fined £447 with £159 costs for an offence committed in March, 2015.

Councillor Watson recorded his pleasure at the number of prosecutions and asked for the figures to be publicised locally to ensure residents were aware that action was being taken. Councillor Harrison said a press release should be sent to the trade press as well as the local press to maximise the effects of the campaign.

#### Swarkestone Bridge signage

A member of the public stated that signage regarding Swarkestone Bridge and its weight limit does not start early enough to prevent transgressions. Councillor Mrs Chilton reported that there is a sign at Sandcliffe Road before the Clock Island, giving HGV drivers plenty of warning not to use the A514.

Councillor Rob Davison:

- Works at Swarkestone Bridge and resulting tailbacks

Councillor Davison reported two HGVs caught in the tailbacks and stated it was unfortunate police weren't present to catch the drivers. He also said having a faulty satellite navigation system was no excuse for taking an inappropriate route and that the county council needed to take a tougher stance on the issue.

- Swarkestone Causeway Enforcement Project

Councillor Davison asked for he and Councillor Mrs Chilton to be told as soon as possible the outcome of the meeting on November 11.

- South Derbyshire Local Plan

Councillor Davison stated that South Derbyshire's local plan is placing large amounts of housing on the southern fringe of Derby, transferring problems from the district to the city. Housing developments of 500 units are approaching completion in Stenson Fields and until integrated transport links are completed traffic will get heavier through Swarkestone and across the causeway.

- Kerb stones at the Bay Tree in Melbourne

Councillor Harrison recorded that for 10 years he had tried to get the kerb stones outside the Bay Tree fixed, with every repair job “botched”. He argued that if granite was used instead of sandstone (the latter is required in the conservation area) they would stand a better chance of surviving impacts from vehicles. He wished Councillor Mrs Chilton well in her attempts to get the kerbs fixed.

MA/18 **District Council issues**

- Parish Briefing

Stuart Batchelor reported that a briefing for parish councils, sports clubs and community organisations on funding for sports facilities had taken place. There was an excellent turnout of 30 people, with Area Three well represented.

- Open Space Community Facilities Strategy

Mr Batchelor reported that the closing date is approaching for the Open Space Community Facilities Strategy, with it vital that any community project is included to ensure Section 106 money is allocated from developers. A member of the public asked if a Scout hut at Melbourne could be included and Mr Batchelor responded by recommending the project is included in the plan so it doesn't miss out on Section 106 money.

- Corporate Plan

The new Corporate Plan is currently being developed by SDDC. Mr Batchelor reported that by the time of the next Melbourne Area Forum the document would be published, identifying priority projects. The Melbourne area, he said, featured heavily in the previous Corporate Plan, with the Assembly Rooms benefiting from the associated external funding.

- Council budget

Mr Batchelor reported no news on council budgets with a 40 per cent cut expected in the central government grant over the remainder of this Parliament. The expected cuts won't kick in until the next financial year 2015-16. Councillor Harrison pointed out that this cut would, at least in part, be offset by the New Homes Bonus and Business Rate Retention.

- Funding

Mr Batchelor cited the village of Overseal as what can be done with external funding. The village received a £50,000 grant from Sport England and ended up with more than £100,000 – because SDDC had a development plan in place. He wants intelligence on every playing field in the district. He also stated that £17 million has been spent in the last decade on open space and leisure, with £15 million of that from external sources. Councillor Atkin asked who would fund

the maintenance of these projects. Mr Batchelor said pitch hire would help to pay for upkeep.

- Combined Authorities

Councillor Harrison Cllr Harrison reported that discussions were already under way about creating a Derbyshire/Nottinghamshire Combined Authority. He stated more would be known by the time of the next area forum.

MA/19 **Date of Next Meeting**

To be advised in due course.

CHAIRMAN

The meeting terminated at 8.25pm.

**SOUTH DERBYSHIRE AREA FORUM**

**NEWHALL**

**November 4, 2015 at William Allitt School**

**PRESENT:-**

**District Council Representatives**

Councillor Sean Bambrick (Chair), Councillor Paul Dunn, Councillor Kevin Richards, Councillor Mrs Linda Stuart, Councillor John Wilkins.

Kevin Stackhouse (Director of Finance and Corporate Services), Tom Sloan (Clerk).

**Derbyshire County Council Representatives**

Councillor Sean Bambrick, Councillor Paul Dunn, Paul Jameson (Area Forum Liaison Officer).

**Parish Council / Meeting Representatives**

S Brown (South Derbyshire CAB), Barry Woods (Friends of Newhall Park).

**Members of the Public**

A Argent, P Bambrick, Mr Hobson, Mrs Hobson, Mike Laud, Councillor Pat Murray, M Richards, Jim Seaton, R Trim.

NA/11 **Apologies for absence**

Councillor Robert Pearson, Pamela Foy and Richard House.

NA/12 **Declarations of Interest**

None.

NA/13 **Chairman's Announcements**

Councillor John Wilkins gave a presentation on behalf of the Money Spider Credit Union. Councillor Wilkins explained how the local union is a financial co-operative with members able to safely save money with an advantageous rate of interest. He also told the meeting that junior and Christmas savings accounts were available.

NA/14 **To note the minutes of the meeting held on July 16, 2015**

Councillor Sean Bambrick noted the minutes of the previous meeting and agreed them as a true record.

NA/15 **Report back on issues raised at the last meeting**

**Wellwood Road pot holes**

A member of the public reported that pot holes in Wellwood Road have not been adequately repaired. The Area Forum Liaison Officer (AFLO) advised that he had visited the location and noted that there had been some recent pothole repairs. The issue had been attended to by a Rapid Response Team, who would only attend to emergency defects. The Area Maintenance Team would decide on whether any more permanent works are required. Councillor Paul Dunn said it should be borne in mind that the team of repairers was taking care of hundreds of thousands of miles of roads in Derbyshire.

It was mentioned that the road is currently being used by construction traffic and the AFLO added that DCC would be unlikely carry out any more permanent works until the local development works had been completed.

**Overgrown bushes in Park Road**

The AFLO confirmed that overgrown vegetation had been cut back. A member of the public confirmed that although the pavement is once again passable on foot, some of the road signs were still not clear.

NA/16 **Public questions on issues raised by residents**

A member of the public stated that six years ago, and two years ago, he had asked a question regarding a demolished hostel in Plummer Road, Newhall. The land, belonging to Derbyshire County Council, was going to be used for housing but has stood derelict for several years and is now in a “disgraceful” state littered with rubbish. Councillor Dunn responded by saying the county council is going through a process of launching its own development company and would be able to develop the land itself, ensuring the taxpayer benefited from the redevelopment.

**ACTION: AFLO to get state of land investigated by Derbyshire County Council**

Councillor Kevin Richards told the meeting he had been approached by disabled residents who were hoping to have white lining marked across their vehicle access. They have been told that Derbyshire County Council no longer provides the service, even if residents offer to pay for the work. The AFLO reported that administration costs are the reason behind the decision to no longer provide the white Protective Entrance Marking (PEM). The cost to the

member of the public was around £99. However, the process involved a lot of officer time which made the actual costs of providing these lines substantially higher. PEMs, although only advisory, provided an effective deterrent to parking across driveways. Unfortunately, given the financial climate, a decision was made by DCC's Cabinet Member in 2014 to no longer provide these markings, given the additional costs involved. As an alternative solution, we now often suggest to residents that they display polite notices on their boundary, advising of the need for access to be maintained. AFLO would return the sentiments of the meeting to county HQ. Councillor Bambrick asked why the service could not be maintained, but with the cost of officer time taken into account.

A member of the public asked about the status of a proposal for 14,500 solar panels between Park Road and the A511 and what officers thought of it. Councillor Bambrick said it was a question he couldn't answer as the planning application had not yet come in and a consultation would take place if it did. Another member of the public enquired as to whether solar panels were due to be placed around the Swadlincote Golf Club site.

Barry Woods from the Friends of Newhall Park said he had seen anti-littering signs in Scotland and wondered if similar signs could be introduced in South Derbyshire. Councillor Bambrick said that although he agreed with Mr Woods there was already concern regarding excessive signing which reduces their effectiveness. Councillor Wilkins said he agreed with anti-littering signs in principle but said he would prefer funds be put into educating young people over littering.

NA/17 **County Council Issues**

None.

NA/18 **District Council issues**

**Combined Authorities**

Kevin Stackhouse, SDDC Director of Finance and Corporate Services, reported that the situation regarding Combined Authorities had progressed since the previous meeting. He said that authorities in Derbyshire and Nottinghamshire were coming together to agree measures related to devolution. A progress report would be going to the next full council meeting of SDDC (November 5). Mr Stackhouse explained that the Government was offering incentives regarding funding but also attaching certain conditions regarding Combined Authorities. The issue was set to become quite an important one for all authorities in Derbyshire and Nottinghamshire. He confirmed that there was still quite a way to go before any deals were reached. Responding to a comment that it would make sense for South Derbyshire and East Staffordshire to have closer ties, Mr Stackhouse said that a Combined Authority with councils in Staffordshire was unlikely to happen as East Staffordshire is part of the Birmingham Region.



A member of the public asked whether the proposed mergers would bring another layer of bureaucracy. Mr Stackhouse answered by saying the difference would be Central Government powers being devolved to the regions. Councillor Richards added that “D2N2” has been brought into the mix with a board of 19 leaders from all the related authorities. He said that no authority would lose autonomy and that increased capital expenditure would be available to local authorities. He cited the example of Sheffield, where £30 million extra funding had been gained for the city. Mr Stackhouse said “one big council” would not be created by Combined Authorities.

NA/19 **Date of Next Meeting**

The next meeting will be held on Wednesday, February 3.

CHAIRMAN

The meeting terminated at 8pm.

**SOUTH DERBYSHIRE AREA FORUM**

**ETWALL**

Wednesday, November 11, 2015 at John Port School, Etwall

**PRESENT:-**

**District Council Representatives**

Councillor Mrs Lisa Brown (Chair), Councillor Andy Billings, Councillor David Muller, Councillor Mrs Julie Patten.

Frank McArdle – Chief Executive.  
Dennis Bateman – Safer Neighbourhood Warden.  
Tom Sloan – Clerk.

**Derbyshire County Council Representatives**

Councillor Martyn Ford and Councillor Mrs Julie Patten.

Paul Jameson (Area Forum Liaison Officer).

**Parish Council/Meeting Representatives**

Ian Bennett, R Ireland, Dave McDonald (Etwall Parish Council), A Bentson, R Brooks, Steve Cooper, J Osborne (Hilton Parish Council), Chris Hall (Burnaston Neighbourhood Watch).

**Members of the Public**

G Wale.

EA/11 **APOLOGIES**

Apologies were received from Councillor Mrs Amy Plenderleith, Councillor Andy Roberts, Lis Kolkman, Brian Myring and Miles Nesbitt.

EA/12 **DECLARATIONS OF INTEREST**

None.

EA/13 **CHAIRMAN'S ANNOUNCEMENTS**

Councillor Mrs Lisa Brown reported that as part of the Local Plan part two being produced by South Derbyshire District Council, in total sites for around 600

additional houses were being sought in rural areas around the district. A paper will soon go to the Environmental and Development Services Committee.

Councillor Mrs Brown updated the meeting on the forthcoming Parish and Member Training meetings at SDDC.

Councillor Mrs Brown then presented a list of current planning applications in the district and said that a certain number of homes have to be built. She gave a taster of the workload SDDC's Planning Department is dealing with, citing it as one of the hardest-working departments at the council under great pressure to deal with a range of applications.

Dennis Bateman, a recently appointed Senior Neighbourhood Warden, was introduced to the meeting by Councillor Brown. Mr Bateman's 33 years in the police were highlighted, as was his service in the army, both as a cook and parachutist. He told the meeting he was in his post to tackle dog fouling and fly tipping, two of the most complained about issues for SDDC, among a range of other things. Mr Bateman has signed 150 people up to the Green Dog Walking Scheme, which sets an example to all dog owners of the standards of behaviour expected of them. He also asked for assistance from the public in identifying offenders so he could act. Regarding fly tipping, Mr Bateman reminded people at the meeting that handing rubbish over to a stranger would land them in trouble if that rubbish was later fly tipped. A member of the public suggested that younger dog walkers would be more inclined to leave their animal's mess instead of picking it up. Mr Bateman agreed that teenagers were the worst offenders.

Councillor Mrs Brown asked Mr Bateman to return at a future meeting for an update on how the Green Dog Walking scheme fared.

EA/14 **TO NOTE THE MINUTES OF THE MEETING HELD ON JULY 1, 2015 (COPY ATTACHED)**

The minutes of the previous meeting were agreed as a true record.

EA/15 **REPORT BACK ON ISSUES RAISED AT THE LAST MEETING**

**Burnaston Lane, Etwall: Overhanging Trees**

Councillor Martyn Ford said he would keep an eye on the trees after Derbyshire County Council reported that they were in good health and not an issue over the highway.

**Ash die-back in the District**

Councillor Mrs Brown said it was unfortunate that a large number of ash trees – which make up 15-20% of trees in the National Forest – would be lost to disease.

EA/16 **PUBLIC QUESTIONS ON ISSUES RAISED BY RESIDENTS**

None.

EA/17 **COUNTY COUNCIL ISSUES**

Paul Jameson (AFLO) raised one issue, which is the online consultation for the 2016-17 budget being carried out by Derbyshire County Council. He told the meeting that savings need to be made by 2018, and DCC needs to identify £40m of savings from next year's budget. The online consultation was an opportunity for the public to give their thoughts on how the savings should be achieved. He said it gives a picture of the challenge being faced by the council and other public bodies. The consultation closes on December 4.

Councillor Mrs Brown raised the issue of “white areas” with poor access to superfast broadband, of which there are several in the North West Parishes of South Derbyshire. She asked the AFLO if it was possible to have a presentation on the subject.

**AFLO to report back on Digital Derbyshire initiative at the next meeting**

A member of the public reported potholes in Etwall Lane and Dee Lane, Burnaston and said he believed DCC had a substantial backlog of holes to deal with. The AFLO said he was unaware of a substantial backlog and that all potholes are referred to a control centre which issues them to area Rapid Response Teams to get fixed. He also said that potholes can be reported online and by phone.

A resident reported a lack of white lines being replaced on the roads in Hilton. The AFLO said that lining works was an area where there was a backlog of work due to serious issues with a previous lining contractor. These issues have now been resolved but there is a backlog of work remaining. The work was now being dealt with on a priority basis, with relining after surfacing works on A and B roads taking precedence.

EA/18 **DISTRICT COUNCIL ISSUES**

Frank McArdle, Chief Executive of South Derbyshire District Council, reported his presence at an industrial ground breaking ceremony in Dove Valley. He said there was little which inspired more confidence than a developer building industrial units which will be empty upon completion, showing how bullish they are at the chance of them being occupied.

Mr McArdle told the meeting that the Festival of Leisure had been another success in South Derbyshire and the Christmas Lights were soon to be switched on in Swadlincote. He clarified a story recently published in the local press which stated that the lights had cost £41,000. Mr McArdle said this was not a true figure as the figure quoted included everything which went with the lights, which themselves are a smaller proportion of the total cost. Mr McArdle added that the lights provide a phenomenal boost to the economy of Swadlincote.

Unemployment in South Derbyshire is running at 0.6%, compared to 0.7% when Mr McArdle last spoke at the Etwall Area Forum. It is the second lowest figure in Derbyshire after Derbyshire Dales. The figure is down – and down in the area where Mr McArdle wants it most, the 16-24 age group, where South Derbyshire unemployment is half the national average.

Children from Pennine Way Junior Academy held a school parliament gathering at the SDDC Civic Offices where they debated the Magna Carta. Mr McArdle reported the event was a great success, with the great seals of South Derbyshire present to inspire the youngsters.

Mr McArdle urged those present to register as an elector on the Electoral Register by the end of the month, if they were not already registered.

Newhall and Stanton had submitted a petition with the minimum required 7.5% of the parish to get themselves a parish council. A consultation by SDDC will now take place with residents of Newhall and Stanton about whether they want a parish council.

Mr McArdle gave an update on Combined Authorities, which he says could offer benefits to Derbyshire, Nottinghamshire and beyond in terms of strategic infrastructure, spending and transport. He said that he was working with political leaders towards getting a proposal for South Derbyshire that members could say yes or no to at a meeting of the council.

A member of the public asked Mr McArdle how much losing the New House Farm appeal cost SDDC. The Chief Executive said the final figure was currently unknown. Mr McArdle said SDDC had objected on what it felt were valid grounds but the Secretary of State disagreed.

Councillor David Muller raised the ongoing situation regarding noise levels coming from the A50 for residents of 120 houses to the west of Egginton Road. He has discussed the situation with Environmental Health at SDDC regarding decibel levels.

EA/19 **DATE OF NEXT MEETING**

The date of the next meeting is Wednesday, January 13, 2016.

**Councillor Mrs Lisa Brown  
Chair**

The meeting terminated at 8.30pm.

**SOUTH DERBYSHIRE AREA FORUM**

**SWADLINCOTE**

Thursday, November 12, 2015 at Church Gresley Methodist Church

**PRESENT:-**

**District Council Representatives**

Councillor Gordon Rhind (Chair), Councillor Mrs Gill Farrington, Councillor Trevor Southerd, Councillor Neil Tilley, Councillor Mrs Sandra Wyatt.

Mike Haynes – Director of Housing and Environmental Services.  
Tom Sloan – Clerk.

**Derbyshire County Council Representatives**

Councillor Mrs Linda Chilton, Councillor Paul Dunn, Councillor Trevor Southerd.

Paul Jameson (Area Forum Liaison Officer).

**Parish Council/Meeting Representatives**

Ken Dicken and Mick Lunn (Swadlincote Neighbourhood Watch), C Marsden and M Maher (Castleton Park Neighbourhood Watch) Don Redfern (Woodville Parish Council).

**Members of the Public**

Chris Allen, Doug Allen, M Barsby, E Byatt, Alan Clarke, J Connelley, J Grew, M Hankey, Mick Mulgrew, Antoine Omisore (Burton Mail), H Shepherd, R Thomas, Jon Whiten, Jayne Worthington.

SA/11 **APOLOGIES**

Apologies were received from Dennis Bateman, Councillor Mrs Kim Coe, Councillor Robert Coe, Colin Dobson, Ron Lane, Councillor Stuart Swann, Councillor Steve Taylor.

SA/12 **DECLARATIONS OF INTEREST**

None.

SA/13 **CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements.

SA/14 **TO NOTE THE MINUTES OF THE MEETING HELD ON JUNE 30, 2015**

The minutes of the previous meeting were agreed as a true record.

SA/15 **REPORT BACK ON ISSUES RAISED AT THE LAST MEETING**

**Derbyshire County Council Issues**

**Promotion of Catch the Bus Week**

Paul Jameson (AFLO) reported that, while the county council does as much as it can to promote the use of public transport, it was unaware of this particular initiative. The Communications Team is now aware of this and will look out for any future promotions.

**Pedestrian Activity at St George's Primary School**

The AFLO reported that children could not be supervised at the school before 8.40am and therefore the gates could not be opened to mitigate pedestrian activity on the pavement outside. He also reported that there is a proposal to make an entrance at the back of the school off Thorpes Down Road.

**South Derbyshire District Council Issues**

**South Street**

Mike Haynes (Director of Housing and Corporate Services) reported that SDDC had responded to the resident regarding planning issues and that no further action could be taken.

**Anti-Social behaviour related to Oaklands Village**

Mr Haynes reported that he had visited the scheme to review parking procedures and had not received any new complaints since then.

SA/16 **PUBLIC QUESTIONS ON ISSUES RAISED BY RESIDENTS**

A resident said he had been promised a map defining the boundaries of Area Forums but was yet to receive one. He is interested in the boundary of Area Four and Area Five.

**ACTION: Mr Haynes to pursue the map issue for the resident**

A member of the public asked when roads were adopted by Derbyshire County Council. The AFLO replied that there was no definitive answer to the question



as it depended on whether the builder brought the highway in question up to DCC standards. He also stated there is no legal duty upon the county council to adopt a road. Councillor Trevor Southerd added that County Highways inspectors have visited Castleton Park, most of which is unadopted. There is a lack of road lining and speed bumps and areas which need parking restrictions. Councillor Southerd stated he felt most of Brunel Way falls into the category of needing adoption.

**ACTION: AFLO to report back at a future meeting over adoption of roads in Castleton Park**

A member of the public asked Mr Haynes if there were any proposals for lighting in Pennine Way car park.

**ACTION: Mr Haynes to pass query on to the relevant department at SDDC**

A resident of Castleton Park asked who has responsibility for street lighting in the area. She stated that four lights in Edinburgh Road have been out for the past year and nothing has happened since a phone call to Derbyshire County Council. The AFLO said that if the road is unadopted then the responsibility falls upon the developer. The resident said she had contacted the developer, Barrett Homes, and they said it was not their responsibility. Councillor Paul Dunn seconded what Councillor Southerd had said and insisted the developer is responsible if the road is unadopted. Another resident asked if the issue related to the planning department. She was told by Councillor Gordon Rhind that conditions are attached with the planning permission. Councillor Southerd said that until adoption has taken place, lighting is still the responsibility of the developer, with the planning authority (SDDC) able to enforce this.

A member of the public said that a proposed development in North West Leicestershire on the border with South Derbyshire would see new residents using Derbyshire facilities. However, she said that all Section 106 monies would go to Leicestershire if the development was approved on appeal. Councillor Dunn said that was not the case and should the development go ahead, Derbyshire would be able to claim its share of cash to improve facilities.

A resident asked if flooding issues in Occupation Lane, Woodville, had been resolved. Councillor Dunn said an inspection was being conducted into where the water is coming from. A drain on the Derbyshire side of the border had been cleaned but it was yet to be cleaned in Leicestershire. A new pipe had been found at the site and an inspection on November 23 was going to see if the pipe could be used to clear the water away.

A member of the public thanked SDDC for their input into the Remembrance Day parade.

A resident reported noise pollution coming from the recycling plant in Woodville, saying noise was continuing until 8pm.

**ACTION: Mr Haynes to mention situation to Noise Management Team**

A member of the public asked if 30mph stickers could be made available for residents to place on their wheelie bins. The AFLO confirmed such stickers were not legal.

A resident asked if there was to be a school built in Castleton Park. Councillor Rhind said land had been set aside for a school but according to Derbyshire County Council formulae a new school wasn't warranted. The land set aside was then sold back to the developer for housing.

**SA/17 COUNTY COUNCIL ISSUES**

The AFLO raised one issue, which is the online consultation for the 2016/17 budget being carried out by Derbyshire County Council. He told the meeting that savings need to be made by 2018, and DCC needs to identify £40 million of savings from next year's budget. The online consultation was an opportunity for the public to give their thoughts on how the savings should be achieved. He said it gives a picture of the challenge being faced by the council and other public bodies. The consultation closes on December 4.

**SA/18 DISTRICT COUNCIL ISSUES**

Senior Neighbourhood Warden Dennis Bateman to give an update on dog fouling, fly tipping and other issues at the next meeting.

**SA/20 DATE OF NEXT MEETING**

The date of the next meeting is Tuesday, February 2, 2016.

**Councillor Gordon Rhind  
Chair**

The meeting terminated at 8.30pm.

**SOUTH DERBYSHIRE AREA FORUM**

**LINTON**

Thursday, November 18, 2015 at Walton Village Hall

**PRESENT:-**

**District Council Representatives**

Councillor Pat Murray (Chair), Councillor John Grant, Councillor Mrs Margaret Hall.

Frank McArdle – Chief Executive.  
Tom Sloan – Clerk.

**Derbyshire County Council Representatives**

Councillor Mrs Kath Lauro.  
Paul Jameson (Area Forum Liaison Officer).

**Parish Council/Meeting Representatives**

Claire Bradford, Karen Bradford, Alan Lees (Coton Parish Council), Mary Horne (Walton Parish Council), Paul Marbrow, Stephanie Marbrow (Rosliston Parish Council), Janice Pallett, Oliver Pallett, Sheila Jackson, Carol Wright (Castle Gresley Parish Council), John Powell (Linton Parish Council), Tony Stone (Netherseal Parish Council), Kevin Tizzard (Linton Parish Council).

**Members of the Public**

Annemarie Dennis, Marie Hopcott, Helen Kreft (Burton Mail), Jeanette Moses, Mr Wilson, Mrs Wilson.

LA/11 **APOLOGIES**

Apologies were received from Councillor Bob Wheeler.

LA/12 **DECLARATIONS OF INTEREST**

None.

LA/13 **CHAIRMAN'S ANNOUNCEMENTS**

Councillor Pat Murray updated the meeting on the latest Member and Parish Briefing dates.

LA/14 **TO NOTE THE MINUTES OF THE MEETING HELD ON JULY 15, 2015**

The minutes were agreed as a true record with one amendment. Sheila Jackson's apologies were not recorded in July.

LA/15 **REPORT BACK ON ISSUES RAISED AT THE LAST MEETING**

**Derbyshire County Council Issues**

Paul Jameson (AFLO) updated the meeting on:

**Cadley Hill Roundabout, Castle Gresley, carriageway concerns**

Castle Gresley Parish Council had concerns relating to the condition of the carriageway at the roundabout. The AFLO reported that no works were planned at present but they would be considered for the next financial year (2016-17). The roundabout will continue to be monitored during regular routine inspections.

**Moira Road, Overseal: Carriageway condition**

A member of the public raised the issue of potholes in Moira Road, Overseal. He said the quality of previous repairs was such they would not last the winter. He cited the stretch of the road from Hall Croft Avenue up to the Leicestershire border as needing remedial work. The AFLO reported that an inspection had been undertaken and no problems were identified, apart from at a nearby gully where another repair had been completed.

**ACTION: AFLO to ask for the repair team to review the situation**

**Netherseal: Broadband query**

The AFLO had forwarded postcodes from residents in Netherseal to ask the county council's Broadband Project officers for a date to improve broadband in Netherseal. A response is awaited.

**Coton in the Elms: On-street parking**

A resident reported high levels of on-street parking in the village, on verges and streets. A query was made regarding whether the county council could advertise its dropped kerb programme to allow residents better access to off-road parking. The AFLO made enquiries and the authority, as a public body, does not actively advertise this service.

**Station Lane, Walton-on-Trent: Over-width vehicles**

Reports had been received that over-width vehicles were regularly being seen on Station Lane trying to access Walton Bridge before struggling to turn around. Extra signing was requested. The AFLO reported that further signs, it was felt, would only duplicate existing information. He further added that blindly following satellite navigation systems could be creating the problem.

### **Linton Heath, Linton: Potholes**

A resident had reported a series of potholes. The AFLO reported that the road was repaired on July 20. A member of the public added that one of the potholes was missed entirely. The hole is reported to be opposite the Red Lion pub in the middle of the road.

**ACTION: AFLO to have hole investigated**

### **Acresford Road, Netherseal: Potholes**

Reports were received on major potholes and deterioration from the A444 to the Cricketts Inn. The AFLO reported that the road was repaired on July 20.

### **South Derbyshire District Council Issues**

#### **Empty property in Netherseal**

The property in Netherseal was identified and is currently being investigated by SDDC's Private Sector Housing team. The legal ownership issue is being confirmed so progress can be made.

#### **Dog fouling**

SDDC's Senior Neighbourhood Warden attended the Area 6 Safer Neighbourhoods Meeting and updated residents on the issue.

LA/16

### **PUBLIC QUESTIONS ON ISSUES RAISED BY RESIDENTS**

A member of the public complained about a developer varying an application to build 400 homes instead of 100 at Drakelow, stating that traffic chaos would result. SDDC Chief Executive Frank McArdle said that live planning applications could not be discussed at Area Forums. The resident also asked about the construction of a bridge over the Trent at Walton involving D2N2 money. Mr McArdle said matters were progressing regarding funding for the bridge.

Councillor Murray raised an issue regarding a roundabout at Netherseal with an overgrown hedgerow and said it has been reported to the county council, with nothing yet done.

A member of the public asked why work to cut back a hedgerow and move road signs at the Flint Mills Crossroads had not been completed. He claimed that the

view of traffic coming from Rosliston was obscured. Councillor Mrs Kath Lauro responded that works have been completed in the area and those at the crossroads should have been one of them. She said it should be done in the near future.

A resident reported two manhole covers sunk on Swadlincote Road as it approaches the A444, near to Rider Close. Another manhole on the A444 near to Toons was also sinking.

A member of the public reported road markings at High Cross Bank roundabout wearing away due to vehicles driving across them. The markings are there to corral traffic into one lane and, the resident said, several small accidents had occurred as a result of them wearing away.

A resident asked about a Government directive allowing local authorities to bring in 'no parking zones'. He said such a directive would be useful in Rosliston, where parking half on and half off pavements causes problems. The AFLO responded that care needed to be taken, as villages with narrow roads could see highways blocked by vehicles parking entirely in the road. He also added that parking on the footpath itself is not illegal.

**ACTION: AFLO to get feedback from Derbyshire County Council on the legislation**

A member of the public reported that police had warned someone parking in Linton about leaving insufficient room on the pavement.

LA/17 **COUNTY COUNCIL ISSUES**

None.

LA/18 **DISTRICT COUNCIL ISSUES**

Chief Executive Frank McArdle reported that the South Derbyshire Local Plan was nearing completion before its adoption in the near future.

LA/19 **DATE OF NEXT MEETING**

The date of the next meeting is Wednesday, January 27, 2016.

**Councillor Pat Murray  
Chair**

The meeting terminated at 8pm.