

PLEASE NOTE THE VENUE AND TIME

SWANWICK PARISH COUNCIL

Clerk to the Council
76 – 80 Derby Road
Swanwick
Derbyshire DE55 1BG
Email: clerk@swanwickparishcouncil.org.uk
www.swanwickparishcouncil.org.uk



7th June 2018

You are summoned to attend the **FULL COUNCIL MEETING** to be held at **Meeting Rooms, rear of Baptist Church, Derby Road, Swanwick on Thursday 21st June 2018 at 7.00pm.**

Members are asked to sign the attendance sheet for the meeting and to complete the Declarations Sheet (if appropriate), both available at the meeting.

Clerk to the Council

AGENDA

1. Apologies

Members are reminded to give their apologies direct to the Clerk.

2. Variation of Order of Business

3. Declarations of Interest

Members must fill out the Declaration of Interests Forms for submission. Members are requested to declare any personal or prejudicial interest they may have in any item of the evening's business, and to explain the nature of that interest.

Where a member indicates that they have a prejudicial interest, but wish to make representation regarding the item before leaving the meeting, they must do so under item 4D of Public Participation.

4. Public Participation

A) Public Attendance & Speaking: Residents wishing to speak need to book in with the Clerk, preferably prior to the meeting by email/phone or immediately prior to the start of the meeting.

Whether wishing to speak or not, each member of the public is required to indicate whether or not they consent to have their name and/ or organisation recorded and published in the minutes of the meeting. Minutes are published on the Parish Council website and are available to the public under the Freedom of Information Act 2000.

At the start of the meeting a period is available for members of the public to ask questions, make representations or submit comments. This is **LIMITED TO THREE MINUTES PER PERSON** – at the sole discretion of the Chair.

B) Parish Council Members' observations will be taken alongside Reports from any Borough and County Councillors attending.

C) Police Matters

Information about the Safer Neighbourhood Team's activity in the area and an interactive crime map are available on the following web pages www.police.uk/derbyshire/NR06/

D) Representations or Evidence from Members Declaring a Prejudicial Interest

Members indicating that they have a prejudicial interest in an agenda item and who wish to make a representation before leaving the meeting shall do so at this stage.

5. Minutes of Full Council

5.1 To receive the Minutes of the Statutory Annual Parish Council Meeting held 17th May 2018

6. Planning Matters

6.1 Planning Applications for comment: All applications can be viewed at www.ambervalley.gov.uk click on Planning and then click on Planning Applications and use the AVA reference number to search.

7. Clerk's Report

- 7.1** Exercise of Public Rights
- 7.2** S137 Grant Applications 2018
- 7.3** BT Poles on 76 – 80 Derby Road removal
- 7.4** Gardening Maintenance
- 7.5** Replacement Planters
- 7.6** Dog Waste Bins
- 7.7** Notice of vacancy in the office of Parish Councillor
- 7.8** Councillor Attendance record 2018-19

8. Chair's Report (Verbal Report)

8.1 Local Plan Public Examination Position Statement Policy EN8
Protected Open Break

This Position Statement has been prepared for the hearing to be held on 15th June 2018. The representor(s) will be Cllr G Soudah and/ or Mr John Briggs.

Proposal:

To receive and approve the Swanwick Parish Council Position Statement on Policy EN8 (Protected Open Break) prepared for the Independent Examination to be held on 15th June 2018

8.2 Local Plan Public Examination Position Statement Policy Economic Growth Site EGS1 - Lily Street Farm & Housing Growth Site HGS - Lily Street Farm.

This Position Statement has been prepared for the hearing to be held on 28th June 2018. The representor(s) will be Cllr G Soudah and/ or Mr John Briggs.

Proposal:

To receive and approve the Swanwick Parish Council Position Statement on Policy EGS1 & HGS (Lily Street Farm) prepared for the Independent Examination to be held on 28th June 2018.

9. Councillors' Updates

Website activity & Social Media
Village Hall Working Group
Defibrillator Working Group
Well Dressing 2019

10. Correspondence & Circulars (copies are available on the website)

10.1 DALC 07-2018

11. Accounts**11.1 To approve urgent payments made to the following:**

Date	Cheque	To Whom Payable	Reason	Amount £
12.05.18	3825	Properpunch	Punch & Judy WD 2018	300.00
17.05.18	D/D	Haven Power	Electric Utility	13.00
25.05.18	3826	Cawarden	SSC Demolition	900.00
25.05.18	3827	Atlantic Electric & Gas	Gas Utility	192.95
25.05.18	3829	Clerks Expenses	Printer	74.99
			Mouse mat & photo paper	13.00
			Bench materials, planters & plants	28.55
			Bench stain	10.00
			Ant powder	1.00
			Spare keys and key rings	15.20
			Planters for Well	5.97
			Well Dressing vouchers	80.00
			Stamps	7.50
			Light Bulb	3.50
25.05.18	3830	St Andrew's Church (REISSUED)	Civic Service Programmes	39.00
08.06.18	3831	G Soudah	Chairs Phone & B/band	45.00
			Clerks Phone & B/band	30.25
			Total	1759.91

11.2 To approve payments to the following:

To Whom Payable	Payment Ref	Reason	Amount £
Perennial Landscaping	BACS	Grounds Maintenance for May 2018	252.00
Iansprint	BACS	Printing of May 2018 newsletter	225.00
Staff	BACS	Mth 3 Salaries	2097.90
HMRC	BACS	Mth 3 Deductions	328.35
NEST	BACS	Mth 3 Mth 2 Deductions	103.48
		Total	3006.73

11.3 Income Received:

Date	Remittance	Amount	£
25.05.18	SPC 3780	Uncashed cheque from previous year - St Andrews Church payment for Civic Service Programmes - cheque mislaid by St Andrews office new cheque issued 25.05.18 Chq No 3830	39.00
		Total	39.00

12. Bank Reconciliation

Cash Book Reconciliation

01.06.18

Opening Balance 01.04.18	129,149.34	
Receipts to 01.06.18	75,313.39	
Sub Total		204,462.73
Unpresented cheques 2017/18	3,958.50	
Payments to 01.06.18	24,563.68	
Unpresented cheques 2018/19	59.00	
Sub Total		28,463.18
Closing Balance 01.06.18		175,999.55
Bank Balance at 01.06.18		175,999.55

13. Exclusion of Press & Public

'That pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for Agenda Item(s) below by reason of the confidential nature of the business to be transacted'.

14. Items for the next Agenda

Items are invited for inclusion in next month's agenda

15. Date of Next Meeting: 7.00pm 19th July 2018 at the Meeting Room at the rear of the Baptist Church, Derby Road.

**SWANWICK PARISH COUNCIL
MINUTES OF THE PARISH COUNCIL MEETING
THURSDAY 17th May 2018 at 7pm**

Present: Cllrs Adams, Chidlow, King, Payne & Soudah,
Clerk C Miles

Members of the Public:

Members of the public listed waived their right to anonymity under the Data Protection Act:

J Briggs, D Smith

499/2018 APOLOGIES

Cllrs Barnett, Davies

500/2018 ELECTION OF CHAIR

RESOLVED:

Cllr George Soudah was elected as Chair.

501/2018 ELECTION OF VICE CHAIR

RESOLVED:

Cllr Brenda Payne was elected Vice Chair

502/2018 DECLARATION OF ACCEPTANCE OF OFFICE

Cllr Soudah & Cllr Payne signed the Declaration of Acceptance of Office

503/2018 REGISTER OF MEMBERS' INTEREST

Although Forms completed previous year, Members were reminded to update the register of member's interest with any changes since last completed.

504/2018 TIME & PLACE OF ORDINARY MEETINGS OF THE FULL COUNCIL

RESOLVED:

To continue holding meetings on the third Thursday of each month except in August when there will be no meetings; the Statutory Annual Parish Council Meeting to be held on 16th May 2019.

505/2018 PARISH COUNCIL COMMITTEES

RESOLVED:

Not to reinstate committee structure and continue with Lead Councillors.

506/2018 VARIATION OF ORDER OF BUSINESS

None

507/2018 DECLARATION OF INTEREST

Members were requested to declare any personal or prejudicial interest they may have in any item of the evening's business, and to explain the nature of that interest.

Cllr. Soudah declared interest in item no.19.2

The Councillor remained in the meeting.

508/2018 PUBLIC PARTICIPATION

508.1/2018 Public Speaking –

JB made comment about proposed Lily Street amendment.

DS made comments regarding problem parking on the Green.

508.2/2018 Member's Observations

Cllr Bruce Adams –

Reported that complaints had been received regarding the plants in the village, the Clerk reported that summer planting is due around first week in June and a meeting with the new contractors, Chair Soudah and the Clerk had taken place to iron out any issues.

Cllr Sue Chidlow –

Asked about lack of dog bins in the village, especially around Derby Road near Sleetmoor Lane, where she has witnessed lots of used bags thrown into the grass verges and hedges. The Clerk is to liaise with AVBC and also look into the costs involved in the Parish Council supplying bins.

508.3/2018 POLICE MATTERS

Cllr Soudah is to attend the next Meeting of the Safer Neighbourhood Team Liaison Panel.

508.4/2018 REPRESENTATIONS OR EVIDENCE FROM MEMBERS DECLARING A PREJUDICIAL INTEREST

None

509/2018 MINUTES OF FULL COUNCIL

RESOLVED:

Minutes of Full Council held 19th April 2018 be received as correct account of the meeting. The minutes were signed by the Chair.

510/2018 PLANNING MATTERS

510.1/2018 Planning Applications

No comments received & no Planning Applications considered.

511/2018 CLERK'S REPORT

The Clerk's report was presented by the Clerk.

RESOLVED:

To allow the following to be reviewed and publicised as required by the Chair/Clerk –

511.1/2018 Standing Orders May 2016 (Rev. 06/17)

511.2/2018 Financial Regulations May 2016 (Rev. 06/17)

511.3/2018 Customer Complaint Procedure May 2016 (Rev. 06/17)

511.4/2018 Code of Conduct May 2017 (Rev. 06/17)

511.5/2018 Inventory of land and assets including buildings and office equipment May 2017

511.6/2018 The review of the Council's and/or staff subscriptions to other bodies was done in March 2018.

511.7/2018 The Council's Publication Scheme May 2016 (Rev. 06/17)

511.8/2018 Retention of documents May 2016 (Rev. 06/17)

511.9/2018 Vacancies in the office of Parish Councillor

It was noted that there are still 4 vacancies for Parish Councillors.

511.10/2018 Councillor Attendance Record

It was noted that a table showing attendance record of Members and Borough and County Councillors for the year 2017-18 was provided.

512/2018 Chair's Report

A verbal report to Council listed the range of activities that the Chair has been involved in.

512.1/2018 Local Plan

The upcoming Local Plan Independent Examination starts on 12th June 2018 and will be attended by either Cllr Soudah or John Briggs to make representations on behalf of the Parish Council.

512.2/2018 Village Hall

Still dealing with Village Hall planning issues raised by AVBC.

512.3/2018 Extension of Borrowing Approval

Currently Chair is waiting for response from Housing, Communities & Local Government in response to application submitted on 28th February 2018 to extend the period of borrowing approval for a further one year.

513/2018 Councillor Updates

513.1/2018 Website activity & Social Media

Analysis of website activity as follows –

There has been a marginal increase in Facebook activity this month. People who were complaining about aspects of the community hall development were invited to attend the Parish Council Meeting to make representations.

513.2/2018 Village Hall Working Group

No meeting this month.

513.3/2018 Defibrillator Working Group

The first defibrillator has been purchased and was on display at the Well Dressing. **Cllr Adams** said that he would help the Defibrillator Group in looking at sites for the position of the three defibrillators.

513.4/2018 Well Dressing

Cllr Soudah reported that it was well attended and we had 5 Well Dressings this year which were all very good, also over 300 children from Swanwick Primary School participated in the painted paper plate's competition. He also relayed thanks to Rob Castledine, Cllr Sue & Dave Chidlow, Clerk Cheryl & Kev Miles, Cllr Brenda & Richard Payne for all their help in setting up and clearing away for the Well Dressing. Cllr Payne stated that some of the Well Dressing participants have requested that next year it be delayed by a week due to activities at May Day bank holiday.

**514/2018 Correspondence & Circulars
Noted**

515/2018 Accounts

515.1/2018 RESOLVED: To approve urgent payments

Date	Cheque	To Whom Payable	Reason	Amount £
04.04.18	3813	Cawarden	SSC Demolition	11,940.00
05.04.18	3815	Clerks Expenses	Well Dressing paper plates	7.00
			SSC - Sign Fixings	4.99
			Adhesive for plaques- Mem Gdn	7.99
			Cleaning Materials	11.55
			Copier Paper	10.00
			Printer cartridges	12.88
17.04.18	D/D	Haven Power	Electric Utility	13.00
17.04.18	3816	C Froggatt	Village Hall Artist Drawing	60.00
17.04.18	3817	M Barnett	Honorarium Qtr 1	80.00
17.04.18	3818	Swanwick W.I.	Flowers WD18	20.00
17.04.18	3819	Lynne Barnett (CTS)	Flowers WD18	20.00
17.04.18	3820	Swanwick School & Sports College	Flowers WD18	20.00
17.04.18	3821	2nd Swanwick Scout Group	Flowers WD18	20.00
23.04.18	DD	NEST	Employees Pension Contribution 02/18	56.44
23.04.18	DD	NEST	Employers Pension Contribution 02/18	47.04
27.04.18	51112405	Staff Salary	Wages Mth 1	1,234.70
27.04.18	51112386	Staff Salary	Wages Mth 1	863.20
30.04.18	51239289	Openreach	Removal of poles SPC Land	779.89
30.04.18	51239229	Zurich Town & Parish Insurer Trust	Annual Insurance 2018- 19	445.27
30.04.18	51239261	The Two Counties Trust	WD-S Hall Dining room hire	311.50
30.04.18	51239276	HMRC Cumbernauld	Mth 1 Deductions	328.35
30.04.18	51239291	Ilkeston Fencing Ltd	SSC fencing alterations	798.05
30.04.18	51239658	Imperative Training Ltd	1 Defib and case	1,762.80
02.05.18	3822	Swanwick Primary School	Flowers WD18	20.00
12.05.18	3823	Sofia Steel Band Entertainment	Steel Band WD18	600.00
12.05.18	3824	J Smith	1st Aider WD18	50.00
			Total	19524.65

515.2/2018 RESOLVED: To approve the following payment

To Whom Payable	Payment Ref	Reason	Amount £
B Wood	BACS	Internal Audit 2018	113.20
Perennial Landscaping	BACS	Grounds Maintenance for April 2018	252.00
Iansprint	BACS	Various photocopying and adhesive labels	59.44
Staff	BACS	Mth 2 Salaries	2097.90
HMRC	BACS	Mth 2 Deductions	328.35
NEST	BACS	Mth 2 Mth 2 Deductions	103.48
The Chair	CHQ	1st Half Chair's Allowance	400.00
		Total	3354.37

515.3/2018 Income Received Noted

Date	Remittance	Amount £
30.04.18	BACS HMRC VAT Repayment 03/18	512.39
30.04.18	BACS April 18 Precept	74625.00
03.05.18	601375 Swanwick Allotment Association	137.00
	Total	75274.39

516/2018 Bank Reconciliation**Noted:****Cash Book Reconciliation****02.05.18**

Opening Balance 01.04.18	129149.34	
Receipts to 02.05.18	75137.39	
Sub Total		204286.73
Payments to 02.05.18	22794.15	
Unpresented cheques	160	
Sub Total		22634.15
Closing Balance 02.05.18		181652.58
Bank Balance at 02.05.18		181652.58

517/2018 Exclusion of Press & Public

None.

518/2018 Items for the next agenda

None specifically proposed.

519/2018 Date & Time of Next Meeting7.00pm 21st June 2018 at the Meeting Room at the rear of the Baptist Church, Derby Road.**Meeting closed at 20.30**

Signed:

Date:

7. Clerk's Report to Swanwick Parish Council meeting 21st June 2018

7.1 Exercise of Public Rights

The Notice was posted on 1st June 2018 on village notice boards, our web site and Facebook. The 30 day period for the exercise of public rights started on 4th June 2018 and ends on 13th July 2018.

7.2 S137 Grant Applications 2018

Applications under the Council's Grant Aid Policy having been received by the deadline date of 9th June 2018, which are accompanied by the supporting information required and as in previous years meets the criteria set out in the policy will be considered at this meeting.

7.3 BT Poles on 76 – 80 Derby Road removal

Update on the poles removal.

7.4 Gardening Maintenance

So far this month, the Contractors have fitted the hanging baskets throughout the village and planted the summer bedding plants in the borders and planters. Work is ongoing at the Memorial Gardens and the Garden on the Green.

7.5 Replacement Planters

Seven planters around the village need replacing; I have received 2 quotes -

1. The Man Shed £1185 (ready built)
2. Online Company £1155 (need constructing and smaller)

The Proposal

To authorise the Clerk to purchase replacement planters.

7.6 Dog Waste Bins

The issue of dog waste being dumped in the village has been reported to AVBC on 6th June 2018. I have also priced up the cost of purchasing extra bins in the village, they range between £100 & £210 each and I am currently looking into the cost/alternatives to have them emptied.

7.5 Notice of vacancy in the office of Parish Councillor

There are now a total of four vacancies for Parish Councillors. I urge members to increase the effort to persuade any resident to consider applying to be co-opted as a Parish Councillor.

7.6 Councillor Attendance record 2018-19

Members are reminded to notify the Clerk of any apologies (barring emergencies) well in advance of the morning of the council meeting. This is to ensure that the Clerk is aware that the meeting is quorate or needs to be rearranged if not quorate.

Councillor Attendance Record May 2018 – April 2019

Name	May 17	June 21	July 19	Aug HOLS	Sept 20	Oct 18	Nov 15	Dec 20	Jan 17	Feb 21	Mar 21	Apr 18	%	2017-18
Adams	√												100%	55%
Barnett	X												0%	64%
Chidlow	√												100%	10%
Davies	X												0%	45%
King	√												100%	73%
Payne	√												100%	100%
Soudah	√												100%	100%
Hayes	X												0%	0%
Wilson	X												0%	64%
Smith	X												0%	0%
Marshall-Clarke	X												0%	0%

Updated 05/06/2018

Hearing Position Statement POLICY EN8 PROTECTED OPEN BREAK

Name of Representor: SWANWICK PARISH COUNCIL [George Soudah (GS) or John Briggs (JB)]

Hearing to which relates: [FRIDAY 15 JUNE 2018 AM](#)

Cross referenced to submitted documents: DLP0208 (SPC/GS), DLP0201 (JB/SRA)

Other documents are referenced in the body of the position statement with page numbers if appropriate. Where pages numbers are not evident then pdf page numbers are indicated.

A. Background

1. An extract from DPL0201 John Briggs & Swanwick Residents' Association is offered as background to the development of the protection of the open break.

Policy EN8 – Protected Open Break between Alfreton, Somercotes and Swanwick.

CD01 [Amber Valley Borough Local Plan - Submission Local Plan 2018](#)Page 92/93 (pdf page 95)

2. This policy, previously Policy EN5 in the adopted Amber Valley Borough Local Plan 2006 relates to an area of land which is defined as 'Protected Open Land'. The preamble to former Policy EN5 states

'6.3 In relation to existing open land between Alfreton, Somercotes and Swanwick, which is beyond the general extent of the Green Belt, it is proposed to introduce a specific designation to ensure that this part of the Borough can continue to be protected against developments and that the separate identities of the adjoining settlements can be maintained. Development within this area will continue to be restricted to that which is essential in association with existing open land uses.'

Policy EN5

The area of open land between Alfreton, Somercotes and Swanwick, shown on the Proposals Map, will be protected from built development to ensure maintenance of the settlements' separate identities. Planning permission will not be granted except for development which meets the criteria in policy EN1, or will secure environmental improvements, provide recreational facilities or improve public access

3. Former Policy EN5 was not a stand-alone policy, but was dependent on another former Policy EN1, that sought to restrict development in the countryside outside the built framework of settlements.

Policy EN1

In the countryside, outside the built framework of settlements, new development will

only be permitted where it:

- a) is essential in conjunction with the requirements of agriculture or forestry,*
 - b) is necessary within the countryside and cannot reasonably be located within an existing settlement, or*
 - c) will improve the viability, accessibility or community value of existing services and facilities in settlements remote from service centres provided by the towns and larger villages*
4. On 8th December, 2011 a planning application (Ref AVA/2011/1199) was submitted for the construction of a new crematorium, together with associated highway works, car park, garden of remembrance and provision for natural burials on land east of Derby Road, Swanwick, which was in the middle of three green fields on the west of the area of protected open land covered by policy EN5.
5. The adopted Local Plan -2006 was of course now out of date and the saved policies contained therein both weak in planning terms and of course carried very little weight in defending the policy. However, the application was refused by notice dated 19th November, 2012 and an Appeal was made by Memoria under Section 78 of the Town and Country Planning Act 1990 against the refusal to grant planning permission against the decision of Amber Valley Borough Council. The Appeal, by Inquiry was held on 4-6th June, 2013 following which the Appeal was allowed.
6. In the Appeal Decision dated 9th July, 2013 with regard to the relevant planning policies, the Inspector appointed by the Secretary of State for Communities and Local Government states

'Page 3 – Relevant planning policies.

15. The National Planning Policy Framework (NPPF) was published in March 2012. The NPPF largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form. It also introduces the presumption in favour of sustainable development (paragraph 14) and makes adjustments to some specific policies. The NPPF is a material consideration in determining planning applications and appeals.

16. An order to revoke the East Midlands Regional Strategy in its entirety came into force on 12th April, 2013. The development plan consists solely of the suite of saved policies in the Amber Valley Borough Local Plan 2006 (LP). A full list of the policies that are relevant to this proposal is set out in both SoCG. It is not necessary for me to repeat that list here. From the evidence that is before me the two main policies in this case are Policy EN1 and EN5. I consider that the LP policies are broadly consistent with the NPPF and should

therefore be afforded due weight. I deal with Policy EN1 first and Policy EN5 thereafter.

17. Much Inquiry time was spent debating the component parts of Policy EN1 and its reasoned justification. Policy EN1 is a general policy of restraint for new development in the countryside. Satisfaction of any of its 3 criteria will mean compliance with the policy. The most relevant of the 3 criteria in this appeal is criterion (b). Self-evidently, its requirements are different to criterion (a) which allows development deemed essential to forestry and agriculture. As such, criterion (b) cannot and is not directed at development which is needed in the context of forestry and agriculture. The Appellant does not rely on criteria (a) or (c) of Policy EN1.

18. In relation to criterion (b) a judgement has to be made as to whether the Appellant has demonstrated that the proposal is necessary within the countryside and cannot be reasonably be located within an existing settlement. If this can be demonstrated and there is no suitable and available site within a settlement to meet that need, then the proposal can be considered to be acceptable in principle. The additional layer of policy that Mr. Jenkin suggests should be imposed, that the development should support the rural economy, appears nowhere within the policy and should not be implied.'

7. Following the Appeal and on the back of the decision made, a further planning application (AVA/2015/0114) was submitted in 2014 on the field to the south of the crematorium (Sleetmoor Lane) for 45 dwellings by Owen Taylor on the premise that it was to fund a transfer of premises from their current location in Somercotes to larger premises. This was also granted by the local authority Planning Board in July, 2016.
8. This application and determination further diminished value of the Saved Policy EN5.
9. AV/06 Housing Land Supply Update as at 1 April 2018 Trajectory Large Sites - Revised Version, still indicates that there is no housing numbers projected up to the year 22/23 and 45 in the 7-10 years 24/28. For this to have been granted planning permission in July 2016 and not be in a position to deliver any dwelling for this period of time is completely unacceptable.
10. Also, during this time a public consultation event was held by Derbyshire County Council on 31st March, 2015 followed by a Notice of Planning Application on 21st August, 2015 for proposed plans to erect a solar panel farm on the field which they own to the north of the crematorium. Following the public consultation taking place some 2 years ago there has been no further progress in submitting a planning application, but the threat has not gone away and my information is that there is a problem with financing. I also note that Amber Valley Borough Council objected to the proposal in the

consultation process. Objections were also submitted by Swanwick Resident's Association and me (John Briggs) personally in respect of both these proposals.

11. History therefore shows that the Council has not got a good track record in defending this previous policy EN5 and to therefore bring forward a new/replacement Policy EN8 in the new Amber Valley Local Plan – 2016 does not fill me with a great deal of confidence that it will be a successful policy, especially now that this new Policy EN8 is dependent on the criteria in 2 (two) other policies SS11 which in turn is dependent on Policy H5. I therefore submit once again most strongly, a recommendation that the new Policy EN8 – Protected Open Break should be a stand-alone policy and not dependent on any other policy, evidence shows that it will not be a strong and successful policy if it is this is the case.

B. Representation

1. Swanwick Parish Council previously commented on Policy EN8 on 28th April 2017 (DPL0208):

The area proposed to be protected by Policy EN8 Protected Open Break has already been breached by the granting of outline planning consent to the proposal to develop 45 dwellings at Sleetmoor Lane (AVA/2015/0114 decision date 2/11/16).

Policy EN8 refers to 'Any proposals that would secure environmental improvements or provide recreational facilities will be supported, subject to meeting the criteria in policy SS11'.

*It is not clear what constitutes 'environmental improvements'; does this include a 'solar farm'? Do the criteria in Policy S11 apply **only** to environmental improvements & recreational facilities? Or is it possible that the area will be deemed to be 'countryside' and therefore permit development on meeting any of the 4 criteria listed.*

What is more concerning is the applicability of criterion SS11 (d). None of the land identified within this policy should be considered as 'rural exception' sites; otherwise the criteria are further extended to include criteria specified in Policy H5. The failing of this policy in the past has been the lack of clarity and the reliance on criteria in second and now third policies. EN8 should stand alone in its own right and not be dependent on criteria in other policies.

2. Having examined the CD01 [Amber Valley Borough Local Plan - Submission Local Plan 2018](#) there appears to have been some changes that preclude some of the comments previously made in April 2017.
3. There is still concern that Policy SS11 and Policy H3 could be applied to the Protected Open Break by virtue of the wording of those policies. SS11 is

reproduced below for ease of reference – our underlining of phrases identify the area of concern:

Policy SS11

In the countryside, outside the built framework of or adjacent to settlements, new development will be permitted where it:-

- a) is essential in conjunction with the requirements of agriculture or forestry, or*
- b) involves sustainable development which will enhance or maintain the vitality of rural communities, or*
- c) would improve the viability, accessibility or community value of existing services and facilities in settlements remote from service centres provided by the towns and larger villages, or*
- d) constitutes affordable housing on 'rural exception' sites and meets the criteria in policy H5.*

New isolated homes in the countryside will only be permitted where special circumstances can be demonstrated.

All forms of development in the countryside will be required to be of an appropriate scale or character and to not have a significant adverse impact on the character or amenity of the locality and where possible, should be located within or adjacent to existing buildings to retain the openness of the countryside and minimise visual impact. Where the proposals would result in the loss of a heritage asset, it will need to be demonstrated that the public benefits of the proposals would clearly outweigh any harm.

4. Similar concerns are expressed regarding Housing Policies in general that refer to land adjacent to the built framework of settlements
5. How can this be avoided without some definition of terms such as 'essential' and 'the built framework of settlements'?
6. Is there a need to recognise the primacy of Policy EN8 to provide clarity and intent to protect the open break and avoid coalescence of settlements?

INS/05 [Inspector's Revised Matters, Issues and Questions - 16 May 2018](#)

Matter 4(b)xiii

7. The issue with outlining the built framework of settlements has already been identified elsewhere for example:
 - Will this inevitably have an impact on EN 8 Protected Open Land?
 - Is protected open break land deemed to be open countryside?
 - Is it within the built framework?

INS/05 [Inspector's Revised Matters, Issues and Questions - 16 May 2018](#)

Matter 2(b)vi

8. The area of land covered by EN8 Protected Open Break has been identified on Proposals plan in CD01 [Amber Valley Borough Local Plan - Submission Local Plan 2018](#) Page 186 (pdf page). The map also includes the Land at Sleetmoor Lane for which outline planning consent has been already been granted for 45 dwellings. This is an anomaly that needs to be addressed particularly as the development does not comply with the policy.

9. Land safeguarded for cemetery extension at Leamoor Avenue is also included in the protected open break map and has a separate map

INS/05 [Inspector's Revised Matters, Issues and Questions - 16 May 2018](#)

Matter 4(c)xxii

10. CD01 [Amber Valley Borough Local Plan - Submission Local Plan 2018](#) Page 218 (pdf page) the proposed Indicator used to measure success or failure of policy EN8 is to measure permissions granted contrary to criteria!!!!!! It is too late to measure failure. Some other measure needs to be proposed to measure success of the policy such as number of 'applications refused'.

(Word Count 2176)

Hearing Position Statement ECONOMIC GROWTH SITE EGS1- Lily Street Farm Housing Growth sites Policy HGS1 – Lily Street

Name of Representor: SWANWICK PARISH COUNCIL [George Soudah (GS) or John Briggs (JB)]

Hearing to which relates: THURSDAY 28 JUNE 2018 (PM)

Cross referenced to submitted documents: DLP0208 (SPC/GS), DLP0201 (SRA/JB)

Other documents are referenced in the body of the position statement with page numbers if appropriate. Where pages numbers are not evident then pdf page numbers are indicated.

A. Background:

An extract from DPL0201 John Briggs & Swanwick Residents' Association is offered as background to the inclusion of Lily Street Farm Economic Growth Site Policy EGS1

1. Lily Street Farm, Derby Road, Swanwick is first identified in Policy EGS1 on Page 61 as '*land where planning permission has been granted for mixed-use development, including an element of business and industrial uses*'.
2. The Lily Street Farm site was submitted by landowners/developers and identified in the former Amber Valley Borough Council Core Strategy as one of 16 potentially strategic sites for future development. The proposer first of all submitted the site for 1,430 dwellings only, secondly for employment land only and then as a mixed-use site. The site was considered and included in the public consultations on the Core Strategy. Council Officers did not recommend the site and it was therefore not included in the Pre-submission draft of the Core Strategy.
3. However, at a scheduled Full Council meeting on 23rd July, 2014 at the Town Hall, Ripley the 'published papers' i.e. Agenda and Appendix C unequivocally stated that Lily Street Farm was NOT recommended by Officers as a potential development site.
4. Not until the following morning did the Parish Council discover that a without notice 'Amendment' had been proposed by the Cabinet Member for Regeneration, which was ACCEPTED by the Mayor and supported and carried by a now Labour majority controlled administration that had recently taken over. This AMENDMENT was to include Lily Street Farm as a now recommended site. The decision was not made public until the minutes of this

meeting were issued 7 days later, which had the effect that members of the public were misled into believing that the site at Lily Street Farm had NOT been recommended. The recommendation by Council Officers had been overturned within the confines of the meeting and the public consultation had commenced the following Monday, 28th July 2014 with the public unaware of this significant decision having been taken.

5. The Council Officer's decision NOT to recommend was made quite clear in a briefing note to Full Council Members before the decision was taken to reverse the situation and was briefly this:-

Lily Street Farm was previously considered by the Council as one of 16 potentially strategic sites and not recommended.

Principal reason why not proposed by Council was that Officers, supported by conclusions of the sustainability appraisal, considered that the site is not well related to existing development in either Alfreton or Swanwick.

That its development would urbanise an open break between Swanwick and Alfreton.

Consideration of mixed-use schemes for housing and employment development would prejudice comprehensive review of employment land provision to be undertaken in Part 2 of Local Plan.

Development of Lily Street Farm for housing would mean that the potential of the site to deliver high quality business and industrial development would be diminished.

6. No evidence has been provided in support of the proposed amendment.
7. Members were advised that if the Council were minded to accept the AMENDMENT to include Lily Street Farm, it will be necessary to record the planning reasons for including the site. Planning reasons would have to be sufficient to counter the original Officer's recommendation and the independent sustainability assessment. *
8. With regard to the last item on the briefing note above *, the minutes of the 23rd July meeting bizarrely record the following

'that in proposing the AMENDMENT that the site at Lily Street Farm, Swanwick needs to be promoted as a potential site for 600 houses because it is a valuable employment site which would give the best way of delivering sustainable development with jobs next to houses.'

9. This single planning reason can hardly be considered as sufficient to counter the original Officer recommendation, which was appropriately supported and evidenced, particularly within the Sustainability Report – Employment Land pages 6/7/8 reference paragraphs 6.30 to 6.39, which had been out to public consultation.

10. The agenda for the reconvened Independent Public Examination of the Amber Valley Core Strategy for 17th December, 2015 issued by the Planning Inspector indicated that the site at Lily Street Farm was to be discussed as a 'site specific allocation' and Mr John Briggs was invited to speak as a public participant. The sudden withdrawal of the Core Strategy by Amber Valley Borough Council from the Public Examination prevented this from taking place and therefore the opportunity was denied to examine fully the circumstances surrounding the last minute inclusion of this site.

11. For the record, Mr. Roy Foster, the Planning Inspector's notes issued prior to the scheduled timetable meeting on 17th December 2015 state:

'Note: a larger site for 1430 dwellings was identified in the SA of December, 2013 as 'having few significant environmental impacts but performs poorly in terms of access to services and is not well related to deprived areas (p109). It was regarded as 'moderately-performing' (p50), but not allocated because it is 'not well related to existing centres or within easy walking distance of services' and its proximity to the A38 junction would encourage 'less sustainable forms of transport'. The subsequent SA October 2014 commented (p131) that the mix of development now proposed on a smaller site raises 'few significant environmental impacts but performs poorly in terms of access to services and is not well related to deprived areas'. The SA September 2015 (p132) retains the same comments and concludes at p55 that 'this smaller site offers a sustainable option for a mixed use development providing the opportunity for people to walk to work'.

12. As a comparison to the above events of the evening of 23rd July 2014, the minutes of the Amber Valley Borough Council Meeting held on 1st March 2017 in which the Council considered a report seeking approval to include policies and proposals in a Draft Local Plan, for the purpose of public consultation.

13. Once again, a without notice AMENDMENT to the report was proposed by a Councillor and seconded to; 'Replace Policies HGS6 and HGS5, the Bullsmoor and the Belper Lane proposals, in their entirety, instead of adopting the findings of the AECOM Housing Needs Assessment and the resultant Strategy contained within the NP4B Neighbourhood Plan for Belper Draft 2

Built Environment and Housing document that has been supplied to the Council.’

14. The Assistant Director (Legal & Democratic Services) advised that this was not a valid amendment, as the report was recommending policies and proposals for the purpose of public consultation and it would not be in the public interest to remove sites from the Draft Local Plan before the public had received the opportunity to comment on them.

15. A councillor replied that the Bullsmoor site had been consulted upon two years ago during the Core Strategy process and to repeat the process was not an effective use of Council resources.

16. The Assistant Director (Legal & Democratic Services) made reference to case law R (Medway Council) v Secretary of State for Transport (2002) EWHC 2516 (Admin) and then paragraph 6.14 of the Officer’s Report, which set out the reasons why the potential sites had been included in the Draft Local Plan. He emphasised to Members that it was important that all options be considered by the public before any decisions were made to either include or exclude sites from the Local Plan and that the Council could not act irrationally.

17. In view of the two comparisons given above on the due process adopted by the Council regarding acceptance/rejection of without notice AMENDMENTS on 23rd July, 2014 and 1st March, 2017 respectively, it is quite clear that there has been a serious inconsistency in the way without notice amendments have been addressed. Both cases are examples of politics and not rationality influencing the proposals for the Local Plan.

A. Representation

Turning to CD01 [Amber Valley Borough Local Plan - Submission Local Plan 2018](#)

Policy HGS1 Housing Growth Sites

1. Lily Street Farm development (AVA/2014/1154) is not included within this policy on page 42 despite the projected delivery of up to 600 dwellings and outline planning consent having been granted. The proposed development does not appear to contribute to the total figure of new housing development that is calculated as 3536. It is not covered by a site specific policy to guide future reserved matters applications.

2. Lily Street Farm has been listed as a Large Greenfield site with outline planning permission in Appendix 1(a) but has not been identified as a Housing site in Appendix 3.

3. Although it is a mixed development site it only features in the Plan under Economic Growth Sites Policy EGS1 (para 7.2) and Appendix 3 (page 37) Policy Plan ESG1(172 pdf page).

Policy EGS Economic Growth Sites

4. AV/03 [Housing Land Supply Update as at 1 April 2018 Trajectory Large Sites](#) page 3 inaccurately records the Status of Lily Street Farm Site at 1/4/18 as OL (Outline). The site now has the benefit of Reserved matters (AVA/2017/0963) for 157 dwellings in phase 1; decision notice is dated 13 March 2018. This is not acknowledged in the update dated 1st April 2018.

5. AV/04 [Explanatory note in respect of response to question 31 of Inspector's Initial Questions 14 May 2018](#) page 9 records the following:

Lily Street Farm, Derby Road, Swanwick

This site, which benefits from outline planning permission for a comprehensive mixed use development scheme (including 600 dwellings) and from a reserved matters permission for the first phase of housing development (157 dwellings), is being brought forward by Peveril Homes, as the sole developer of the site. Based on information from the developer received in April 2018, the Borough Council expects 105 dwellings to be completed by 31 March 2023, with a further 175 dwellings to be completed by 31 March 2028.

6. Even the revised version AV/06 [Housing Land Supply Update as at 1 April 2018 Trajectory Large Sites - Revised Version](#) records the status as OL In addition the table shows the following for Lily Street:

<i>Total Dwellings (2018/19 to 2022/23)</i>	<i>105</i>
<i>7-10 years 24/28</i>	<i>140</i>
<i>10yrs+</i>	<i>320</i>
<i>Total</i>	<i>565</i>

7. The projected delivery of a further 175 dwellings quoted in AV/04 paints a confusing picture when compared to the information in AV/03, now superseded, and will no doubt require further reserved matters application above the 157 dwelling already approved.
8. On a matter of simple maths only 565 out of the proposed 600 dwellings for which outline planning was requested are accounted for at 10+ years. What happened to the balance of 35 dwellings? Surely these should be included somewhere in the 10+ figure.

9. Lily Street Farm is not listed CD01 [Amber Valley Borough Local Plan - Submission Local Plan 2018](#) under 9. Economic Development Policies (Page 75 et seq.) or 9.1 Mixed Use Development Areas even though great emphasis was made about the proximity of job and housing; the site does combine employment and housing albeit in distinct parts of the site and was promoted on the basis of mixed development.

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Matter 14(a) iv

10. The Local Plan does not include Lily Street Farm Housing Growth Site in any of the Policy Plans. This is a significant omission. It is vital that it is rectified. A policy plan will establish the boundary of the proposed development and restrict the Economic Growth Site to the northern boundary of Lily Street along the much prized A38 Corridor.

(Word count 1986)

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Circular No. 07/2018

To all Member Town and Parish Councils and Parish Meetings

GENERAL CIRCULAR

In this Circular:

- **GDPR – Local Councils will most likely not need to appoint a DPO**
- **GDPR – Guidance on keeping contact lists up to date**
- **GDPR – a bit of light relief!!!**
- **Update on Data Protection Fees**
- **Potential Issue with PWLB balances**
- **National Grid Gas**
- **Planning and Building Control – Survey**
- **Publication: A guide to effective partnership working between principal and local councils**

1. **GDPR – LOCAL COUNCILS WILL MOST LIKELY NOT NEED TO APPOINT A DPO**

The government has amended the Data Protection Bill to exempt all parish and town councils and parish meetings in England and community and town councils in Wales from the requirement to appoint a Data Protection Officer (DPO) under the General Data Protection Regulation. Officials from the Department for Culture, Media and Sport (DCMS) have confirmed with us that all other measures will still apply, but that appointing a DPO to support a council's approach to data protection will be discretionary and may be regarded as good practice. You can read the amendment [here](#) which is at the bottom of page 15 and top of page 16.

It is vital that councils continue to prepare for compliance with the rest of the GDPR requirements as set out in NALC's GDPR toolkit. Once the Bill has received Royal Assent NALC will be reviewing and updating as necessary the toolkit, legal briefings and model standing orders.

2. GDPR: GUIDANCE ON KEEPING CONTACT LISTS UP TO DATE

There is a lot of confusion surrounding opt-in and opt-out of mailing lists. Our GDPR trainer has offered the following guidance to support your work on this:

“Interestingly the closer we're getting to D-Day, the more info is coming out about consent and the use of opt-in and opt-out. Something that dropped into my in-box today for example, about organisations needlessly requesting opt-in permission to continue communicating with recipients. Most organisations have been erring on the side of caution and applying the spirit of the Regulation rigorously – they don't want to be punished by the ICO! I think a pragmatic approach is needed so think about the relationship with the people on the list and what you use the information for, is the information accurate (especially if it's 'taken years to build up') and do you only hold what you need (just email address?). If all the people in the email group are aware of its existence and know what it is used for and haven't objected to the use of their information up to this point, then I think a friendly email telling them about the changes and saying that if they're happy for their email to continue to be used <let them know what it's being used for> then they don't need to do anything, but that they can contact <name at organisation> if they wish to be removed from the list at any time. So in a way it is giving them an option to opt-out.”

3. GDPR – A BIT OF LIGHT RELIEF!

- Do you know a good GDPR consultant?
- Yes
- Can you give me their email address?
- No

4. UPDATE ON DATA PROTECTION FEES

Under the GDPR, the fee structure payable to the Information Commissioner's Office (ICO) is to be repealed. Instead of being required to register with the ICO and pay a notification fee, councils will be required to pay a data protection fee. This will be payable as the old notification fee comes up for renewal. More details are contained in the legal briefing [here](#).

5. POTENTIAL ISSUE WITH PWLB BALANCES

Please refer to this [briefing note](#) if you have a PWLB loan as there may be an error requiring correction in the outstanding balance. PWLB will correct the error on request and external auditors have been informed of the issue.

6. NATIONAL GRID GAS

Several councils in Northamptonshire have received letters from solicitors / paralegals working on behalf of National Grid Gas Plc (NGG), advising that the NGG will be seeking adverse possession of any assets on the councils' land. You know the sort of thing... a green cabinet on a verge somewhere containing a gas valve or some such equipment.

The letter states that NGG is looking at thousands of sites, so it sounds like a countrywide thing.

Clearly there are legal implications for parish councils, so we are trying to understand if this is a countrywide issue such that we could prepare a joint response, rather than deal with each case individually. Please could you let us know if you have received any such letters.

7. PLANNING AND BUILDING CONTROL – SURVEY

Barrowden Parish Council,(Leicestershire) believes that there is a strong case for ending the complete division of responsibility between planning bodies and building control. It feels it should be a requirement that building control bodies ensure that development proceeds in general accordance with the approved plans and conditions. To that end it will be submitting a proposal direct to Government over the early summer of 2018 asking for an end to this policy division.

If you would like to contribute to the supporting evidence, please could you complete the survey (<https://www.surveymonkey.co.uk/r/D7H9VKF>) to strengthen the Barrowden proposal when submitted to Government (summer 2018) which will only take 5 minutes to complete. The deadline for completion of the survey is 17:00 on 11 June 2018.

8. PUBLICATION: A GUIDE TO EFFECTIVE PARTNERSHIP WORKING BETWEEN PRINCIPAL AND LOCAL COUNCILS

The LGA and NALC have jointly published the above report. The guide sets out a series of core principles to working effectively in partnership and features twelve innovative case studies exemplifying the added value greater partnership between the tiers of local government can bring to the services provided to communities and can be viewed [here](#).

Wendy Amis
Chief Officer

May 2018

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TRAINING & EVENTS DIARY

DATE	SUBJECT	CIRCULAR/ REF	VENUE	COST	CPD POINT	TRAINER
23 May 2018 – (9am – 4.30pm)	Project Management Training	06/2018	DALC Office, Cromford	£110 per delegate	3 per session	John Stannard Cancelled due to lack of interest
21 June 2018 (6.00pm – 8.30pm)	Councillor Essentials	06/2018	DALC Office, Cromford	*Enhanced Sub Councils up to 3 free places/£45	1.5 per session	Wendy Amis/Glen Ingham

*** Up to 3 delegate places free per council on the enhanced subscription scheme
for both days and follow up support; a further £250 is payable to SLCC for the
examination and certificate**