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**North East
Derbyshire
District Council**

Our Ref: AB/AJD
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Date: Wednesday, 16 October 2024

To: **Members of the Cabinet**

Please attend a meeting of the Cabinet to be held on **Thursday, 24 October 2024, at 4.00 pm in the District Council Offices**, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG.

The meeting will also be live streamed from the Council's website on its You Tube Channel. Click on the following link if you want to view the meeting:

[North East Derbyshire District Council - YouTube](#)

Yours sincerely



Assistant Director of Governance and Monitoring Officer

Cabinet Members

Councillor N Barker (Chair)
Councillor J Birkin
Councillor S Pickering

Councillor J Barry
Councillor P Kerry (Vice-Chair)
Councillor K Rouse

For further information about this meeting please contact Amy Bryan 01246 217391

A G E N D A

Public Session

1 Apologies for Absence

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 Minutes of Last Meeting (Pages 3 - 8)

To approve as a correct record and the Leader to sign the attached Minutes of the meeting of Cabinet held on 19 September 2024.

4 Housing Development at North Wingfield (Whiteleas) Update - October 2024 (Pages 9 - 15)

Report of Councillor N Barker, Leader of the Council and Portfolio Holder for Strategic Leadership and Finance

5 Urgent Items

To consider any other matter which the Leader is of the opinion should be considered as a matter of urgency, in accordance with the provisions of Statutory Instrument 2012 No 2089, Regulation 11.

Access for All statement

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- **Phone** - [01246 231111](tel:01246231111)
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- **Visiting** our [offices](#) at Wingerworth – 2013 Mill lane, [S42 6NG](#)

CABINET

MINUTES OF MEETING HELD ON THURSDAY, 19 SEPTEMBER 2024

Present:

Councillor Nigel Barker (Chair) (in the Chair)

Councillor Pat Kerry (Vice-Chair)

Councillor Jayne Barry
Councillor Stephen Pickering

Councillor Joseph Birkin
Councillor Kathy Rouse

Also Present:

L Hickin	Managing Director - Head of Paid Service
M Broughton	Director of Growth and Assets
J Dethick	Director of Finance and Resources & (Section 151 Officer)
S Sternberg	Assistant Director of Governance and Monitoring Officer
D Thompson	Assistant Director of Planning
T Burdett	Programmes Manager
A Maher	Governance Manager
N Ellis-Hall	Temporary Senior Governance Officer
T Fuller	Governance Officer
K Drury	Information Engagement & Performance Manager

CAB/ Apologies for Absence

28/2

4-25 There were no apologies for absence.

CAB/ Declarations of Interest

29/2

4-25 There were no declarations of interest.

CAB/ Minutes of the Last Meeting

30/2

4-25 RESOLVED - That the minutes of the meeting held on 18 July 2024 were approved as a true record.

CAB/ Funding to Voluntary and Community Sector Infrastructure Support Organisations 2023/24

31/2
4-25

The report to Cabinet provided an update from the 23/24 report on the annual summary on the grants awarded to the Community and Voluntary sector, which aimed to support 20,000 households per year. There had been a dip during covid but last year just under 22500 households had been assisted.

Members noted that the majority of households are seeking advice on the cost-of-living challenges, and a breakdown of the support people are requesting was provided with the majority being from the Citizens Advice for benefits who were providing a range of ways to interact with the community. Derbyshire Law Centre were providing free advice focusing on housing and civil rights, with the Derbyshire Unemployed Workers Centre providing advice with Personal

independence Payment (PIP). The Volunteering Centre with their befriending service, and the home from hospital service, with the largest reason for engagement being volunteering.

Rural Action Derbyshire have assisted people with the cost-of-living crisis and the Community Action Grants of up to £500 has helped fifteen community groups. Some of these organisations have been asked to attend the Community Scrutiny meeting to present the impact their work has had on the community.

Cabinet discussed and welcomed the update, which mentioned that the Unemployed Workers Centre had generated a large amount of money for people in Clay Cross. Members gave thanks for the work which the team does.

RESOLVED – That Cabinet noted the content of the report.

REASONS FOR DECISION – To ensure that the Council maximises efficiencies and outcomes through commissioning voluntary sector organisations to help achieve the Council's Priorities.

OTHER OPTIONS CONSIDERED AND REJECTED – No alternative options are considered appropriate as the aim of the review was to increase transparency and accountability of commissioned services.

CAB/ 32/2 **Council Plan 2023-27 Performance Report - Update April to June 2024**

4-25 The report to Members provided Cabinet with the report, which highlighted specific areas including the key metrics. Overall, the report was a thorough one, with a lot of evidence.

Members gave feedback on the report, and explained that there were many positives, and that excellent work was being conducted. Meetings have been carried out with the ICB and Chesterfield College, which gives the Council a lot of focus.

It was clarified that the report would be circulated around the Council, and Parish Councils for information.

RESOLVED – That progress against the Council Plan 2023-2027 objectives was noted.

REASONS FOR DECISION – This is an information report to keep Cabinet informed of progress against the council plan objectives.

OTHER OPTIONS CONSIDERED AND REJECTED – Not applicable to this report as providing an overview of progress against the council plan objectives.

CAB/ 33/2 **Treasury Management Update April - June 2024 (Q1) 2024-25**

4-25 Members were informed that the additional information was now required for reporting. However, a positive was that there were no compliance or risks issues to record.

RESOLVED – That Cabinet noted the report concerning the Council's Treasury Management report for Quarter 1.

REASONS FOR DECISION – The report ensures that the Cabinet is kept informed of the latest position concerning treasury management.

OTHER OPTIONS CONSIDERED AND REJECTED – This report is concerned with monitoring the position against the Council's previously approved treasury management strategy. Accordingly, the report does not set out any options where a decision is required by Members.

CAB/ Medium Term Financial Plan Budget Monitoring April - June (Q1) 2024-25

34/2

4-25

Members were updated with the financial position of the Council. The underspend against the budget was detailed, along with the income which had been received from planning fees. There were a few variances noted on the HRA, along with the details of the capital expenditure on a case-by-case basis. The town centre regeneration costings at Clay Cross were explained along with other key details.

The overspend of other income spends were explained, with the finances and resources directive being explained as being lower than expected. It was highlighted that utility costs were slightly down. The pay claim was explained in relation to a cost to the budget, and funding streams were discussed and clarified.

Members noted that it was a positive report with the underspend captured. It was good news that no funds need to be taken from the resilience fund.

RESOLVED – That Cabinet noted the content of the report.

REASONS FOR DECISION – The report summarises the financial position of the Council following the first quarter's budget monitoring exercise for the General Fund, the Housing Revenue Account and Capital Programme.

OTHER OPTIONS CONSIDERED AND REJECTED – This report is concerned with monitoring the position against the Council's previously approved budget. Accordingly, the report does not set out any options where a decision is required by Members.

CAB/ Planning Policy Annual Monitoring Reports for Publication

35/2

4-25

Cabinet heard the details of the Annual Monitoring reports, which when exploring them against planning and policies, indicated that the Council were performing well. It was noted that proposed changes to national planning policy (discussed in the next item) could leave the Council in a difficult position. Key areas which needed to be monitored were highlighted, housing completions were noted as being well above target at present.

In relation to the employment side of things, the evidence base action plan approved by Cabinet at the back end of last year and work on an updated employment study is continuing with partners. Members highlighted that the information was detailed and was good for referring back to.

The net completion of new developments along with other key details were noted.

RESOLVED – That Cabinet noted the contents of the Annual Monitoring Reports (AMR) for the period of 1st April 2023 – 31st March 2024 and approved their publication on the Council’s website. Once published on the Council’s website this will fulfil the Council’s statutory duty to prepare and publish an AMR.

REASONS FOR DECISION – This report sets out the key findings of the 2024 Authority Monitoring Report, Brownfield Land Register Update and Infrastructure Funding Statement. This enables the Council to understand the effectiveness of its policies and trends over time. Publication of these documents on the Council’s website will fulfil the Council’s statutory duties to prepare and publish the required annual monitoring datasets.

OTHER OPTIONS CONSIDERED AND REJECTED – The Council has a statutory duty to prepare these documents and there is no reasonable alternative.

**CAB/
36/2
4-25** **Response to consultation on Proposed Reforms to the National Planning Policy Framework and other changes to the Planning System**

Cabinet heard that the paper had been drafted before the recent Extraordinary Council meeting (due to publication requirements). The key message was that there are no transitional arrangements proposed within the current consultation to bridge the gap between the current and the new housing targets. It was highlighted that the proposed revisions to national policy would put the Local Plan at risk and leave the Council open to speculative development, because we would no longer be able to demonstrate a five year supply of housing land.

Members debated the key issues arising from the consultation. The conclusion of those discussions was that the consultation response needed to highlight the importance of transition arrangements to ensure that the government’s stated objective of the process being ‘Plan led’ is not undermined by speculative development and the time taken to establish regional strategies. It was questioned if allowances were being made for Districts which had previously overperformed against their Local Plan target. Cabinet agreed to the officer recommendation that transitional arrangements could be awarded to Councils on the basis of demonstrable progress towards the development of a Local Plan to meet the new target. They did however specifically request that reference be made to the detrimental impact of speculative development in answer to question 7 of the consultation.

Members confirmed that people should be assured that there was no intent to concrete over greenbelt, through seeking a more specific definition of what would constitute ‘grey belt’ land in the Council’s response to the consultation. Additionally, members asked if the District would need to take unmet needs in other areas. It was clarified that any authority with greenbelt would have to go through a process to make it clear that they could not meet their own needs first and that any cross boundary arrangements would be a negotiated process. Reference was made to the Statement of Common Ground process to demonstrate that there is no automatic requirement for one area to accept the need of another. The proposed changes to national policy would also place greater demand on Councils to justify that they cannot meet their own need even

after considering Green Belt release.

Cabinet confirmed that the Council acknowledged the difficulties posed by a housing shortage, particularly affordable housing (including within this district) and that that we need to contribute to addressing this situation. However, this process should allow local people to have a say on how their district develops.

Cabinet sought clarification on the concern that public participation was going to be reduced as a result of the proposed changes. They were advised that, whilst the consultation refers to the need for Local Plans to be in place and for people to have a say on 'how' not 'if' development occurs in their area, this was not a change from the current system. The process of allocating sites in a Local Plan and the procedures around how planning applications are to be determined are not proposed to be changed by this consultation.

Cabinet agreed that the headlines for changing housing numbers were clear, with the current system being based on a calculation of population projections and an affordability element based on house prices and income. The new system would replace the population projection part of the calculation with a stock based calculation, proposing an increase above current housing stock by 0.8% annually.

Members also considered the proposed changes to affordable housing requirements on development sites and the matter of planning fees which are also within the scope of the consultation. In relation to the proposed changes to application fees, Cabinet heard that the government was seeking views on how the true costs of processing planning applications could be recovered by Councils. One of the questions posed by the consultation is whether fees could be set at a local level as opposed to nationally. This risks around regional competition were highlighted, with officer advice being that this risk is avoided if fees are set nationally. A significant increase in householder fees is proposed, which would mean for over double the current fee for these applications.

RESOLVED –

- (1) That Cabinet noted the content of the report and approved the detailed responses outlined at Appendix 1 as forming the Council's formal response to the consultation, subject to stronger reference to the risks of speculative development in answer to question 7.
- (2) That Cabinet authorised the Assistant Director of Planning in consultation with the Leader and Portfolio Holder to exercise delegated authority to make further detailed amendments to the responses.
- (3) That Cabinet agreed proposals to consider in more detail a timetable for a review of the Local Plan (in discussion with the Local Plan Working Group) in light of the implications of the proposals for housing numbers and plan making and that this be brought back to a subsequent Cabinet meeting.

REASONS FOR DECISION – It is considered important that the Council makes informed comments and raises concerns and comments whether further work is required on emerging national planning policy and this will have a direct impact on how we determine applications for development in the shorter term and how we

develop a Plan that meets the needs of the district in the longer term.

OTHER OPTIONS CONSIDERED AND REJECTED – The alternative is to not comment on the consultation material. This was rejected on the basis that it is important that the Council is aware of the implications of the Governments proposed changes to national planning guidance and that we take the opportunity to inform the Government of the likely impacts of their proposals on the district and seek to influence policy development at a national level.

In terms of a review of the Council's Local Plan, one alternative is to do nothing and await the implementation of new planning guidance. This was rejected on the basis that significant changes are imminent and to do nothing would put the Council at greater risk of speculative development for an additional extended period of time.

CAB/ Urgent items

37/2

4-25 There were no urgent items.

North East Derbyshire District Council

Cabinet

24 October 2024

Housing Development at North Wingfield (Whiteleas) Update – October 2024

Report of Councillor N Barker, Leader of the Council and Portfolio Holder for Strategic Leadership and Finance

Classification: This report is public

Report By: Jayne Dethick, Director of Finance and Resources (S151 Officer)

Contact Officer: Jayne Dethick – Jayne.dethick@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To present to Cabinet an update on progress on the housing development at Whiteleas Avenue, North Wingfield.

RECOMMENDATIONS

1. That Cabinet agrees to progress with the essential works required on the site at Whiteleas Avenue, North Wingfield under a Section 278 (S278) agreement with Derbyshire County Council (DCC).
2. That Cabinet recommend to Council the approval of additional borrowing of £0.849k for the essential works under the S278 agreement.
3. That Cabinet recommend to Council the inclusion of the changes to the scheme in the HRA Capital Programme.

Approved by the Leader of the Council – Cllr N Barker, Leader of the Council with responsibility for Housing

IMPLICATIONS

Finance and Risk:

Yes

No

Details:

The original budget for the North Wingfield project included a sum for S278 works based on initial assessments. However, the condition of the road has since deteriorated rapidly since work began on site, so the original provision is no longer adequate.

There is a risk to onsite delivery of the scheme and further delays may lead to additional contractual cost pressures.

The proposal to finance the additional funds through borrowing has been modelled through the HRA business plan and is viable. The Council's prudential borrowing requirements can also be met. However, should additional funds not be agreed then the project will need to be delivered within the existing envelope. Since the S278 works must be completed to allow the majority of the development be completed the scheme would have to be modified reducing the number of homes on the site.

On Behalf of the Section 151 Officer

Legal (including Data Protection): **Yes** **No**

Details:

The changes required under a S278 agreement is a legal requirement agreed with the Highways Authority (DCC). Any specialist advice required in relation to the scheme will be procured as required.

On Behalf of the Solicitor to the Council

Staffing: **Yes** **No**

Details:

There are no staffing issues arising directly from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards, or which results in income or expenditure to the Council above the following thresholds:</p> <p>NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
District Wards Significantly Affected	North Wingfield
Equality Impact Assessment (EIA) details:	
<p>Stage 1 screening undertaken</p> <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Yes, appended.
<p>Stage 2 full assessment undertaken</p> <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable.
<p>Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	Yes Details:

<p>Links to Council Plan priorities;</p> <ul style="list-style-type: none"> A great place to live well
<ul style="list-style-type: none"> Protect the most vulnerable people in our communities. Ensure residents have safe and good quality homes. Increase the number of homes for rent in the district. Reduce the environmental impact of housing in the district

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 In October 2019 Cabinet approved in principle to develop 70 new mixed tenure homes on vacant, Council owned land at Whiteleas Avenue, North Wingfield. This scheme and the associated financing was approved by Council in November 2019.

- 1.2 The original proposal was kept under review and following changes in economic and market requirements, a final revision was approved by Cabinet in June 2023. The final mix of 70 homes (48 affordable rent and 22 open market sales) are now under construction.

2. Details of Proposal or Information

- 2.1 As part of the planning approval, RHL consulted with Derbyshire County Council (DCC) to negotiate and agree the required highway agreement known as a S278 agreement. S278 is part of the Highways Act 1980 that allows developers to enter into a legal agreement with the Highway Authority (in this case DCC) to make permanent alterations or improvements to a public highway as part of planning approvals.
- 2.2 The original budget included an allowance for S278 works, with a reasonable assessment of what would be required. This included plane and relay footpaths, resurfacing the carriageway, and making good grass verges and vehicle cross overs where required. However, once construction was underway it was discovered that Whiteleas Avenue was in a poorer state than originally thought and as construction continued the road condition deteriorated very quickly.
- 2.3 As is the norm in any major development, the developer (RHL and Vistry) and highway authority (DCC) have worked closely to negotiate the requirements of the S278 agreement. All parties recognised that the road was not in as good a condition as should have been when construction commenced, but the professional opinion of the highway authority was that construction and development transportation had accelerated the deterioration of the road. Therefore, for the project to be fully completed the restoration works required under the S278 agreement would be responsibility of the developer. Some mitigations are currently in place including the closure of some roads to prevent further deterioration.
- 2.4 The scale of the work along with the technical specifications required to improve the road conditions under the S278 agreement have now been agreed with DCC, meaning work can commence. The additional works have been priced and independently verified at a cost of £0.849m. This cannot be contained within the original budget, so an increase is required, funded by additional borrowing.
- 2.5 The section of the road needing work directly affects only part of the development so some properties can be completed and handed over, but the large majority are affected by the works and without the additional funding, there is a risk to onsite delivery of the full scheme. Further delays to the scheme may also lead to additional contractual cost pressures.

3 Reasons for Recommendation

- 3.1 The housing scheme at Whiteleas Avenue, North Wingfield supports the Council's commitment in its Council Plan to build, acquire and facilitate the

delivery of more high quality social housing for rent in the district. The additional funding is required to allow completion of the site.

4 Alternative Options and Reasons for Rejection

- 4.1 There is no alternative to completing the S278 works which are essential to the completion of the development.
- 4.2 Deliver within the existing envelope. Rejected as the 278 works must be completed to allow the majority of the development be completed so the scheme would have to be modified reducing the number of homes on the site.

DOCUMENT INFORMATION

Appendix No	Title
1	EIA Stage 1 screening
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet, you must provide copies of the background papers)	
None	



Appendix 1

Stage 1 – Equality Impact Assessment Screening

Any new policy, strategy, function, service, practice, or proposal will need to be screened to decide whether it's relevant to equality and if this is the case, it is necessary to build an assessment (Stage 2) into the **initial drafting** or **development** of the piece of work.

The relevant strands of equality are:

Age, Disability, Gender identity/Gender reassignment, Race, Religion or belief, Sex, Sexual orientation, Women who are pregnant or have recently had a baby.

Also, for issues affecting staff, consider employees who are married or in a civil partnership.

The next section sets out the points you may need to consider in determining whether to carry out an EIA (stage 2). For advice/support in making this determination, please contact the Performance & Improvement Team (Equality lead).

Title of policy or proposal	Housing Development at North Wingfield (Whiteleas)
Name of EIA lead	Jayne Dethick
Briefly describe the aims of the policy, strategy, service, decision or proposal, its aims, the likely outcomes, and the rationale for it	70 Additional homes being built in the district. 48 affordable rent and 22 open market sales. This directly links with Council plan priorities, in particular a great place to live well as noted in the report.

	Initial Assessment Considerations	Yes	No	Comments
1.	Does this policy/proposal affect people: <ul style="list-style-type: none"> • Customers • Residents • Staff 		✓	
2.	Does it have the potential to adversely impact on any of the protected characteristics?		✓	
3.	Can the council influence the impact? E.g., is it a statutory requirement, national guidance etc.		✓	
4.	Are existing equality monitoring processes already in place? If so, please note under comments	✓		The report is an update to an existing project.

If the answer to questions 1 to 3 above is 'yes', then an **Equality Impact Assessment** (Stage 2) may be necessary.

A copy of the form should be sent via email to the Performance and Improvement (Equality Lead) amar.bashir@ne-derbyshire.gov.uk and a copy should be retained with your policy/proposal documentation.

Equality Officer Recommendation	Tick as appropriate	Date
EIA Stage 2 required		
EIA Stage 2 NOT required	✓	14/10/2024

Copy to be returned to the EIA lead with Equality Officer recommendation.

Performance and Improvement Team to keep a central electronic record of all decisions made under Stage 1.