

CABINET MEMBER FOR REGENERATION AND DEVELOPMENT SERVICES

**Venue: Room 2, 3rd Floor,
Bailey House, Rawmarsh
Road, Rotherham.
S60 1TD**

Date: Friday, 11th July, 2008

Time: 10.30 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972 (as amended March 2006).
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Minutes of a meeting of Clifton Park Restoration Project Board held on 19th June, 2008 (copy herewith) (Pages 1 - 2)
4. Minutes of a meeting of the Local Development Framework Members' Steering Group held on 20th June, 2008. (copy attached) (Pages 3 - 8)
5. Minutes of a meeting of the RMBC Transport Liaison Panel held on 23rd June, 2008. (copy attached) (Pages 9 - 17)
 - to note the minutes.
6. Pre-application Planning Advice Strategy. (report attached) (Pages 18 - 23)
Bronwen Peace, Development Control Manager, to report.
 - to consider the implementation of the strategy.
7. The Big Screen - Partnership Arrangements. (report attached) (Pages 24 - 33)
Bernadette Rushton, Assistant Town Centre Manager, and Marie Hayes, Events and Promotions Service Manager, to report.
 - to consider suggested partnership arrangements to the end of March 2009.
8. Proposed removal of Public Call boxes. (report attached) (Pages 34 - 38)
Phil Turnidge, Local Development Framework Manager, to report.
 - to consider the proposed consultation.
9. Town or Village Green Application - land at Cadman Street/Doncaster Road, Wath upon Dearne. (report attached) (Pages 39 - 45)
Ian Smith, Director of Asset Management to report.
 - to consider the receipt of the application.

CLIFTON PARK RESTORATION PROJECT BOARD
19th June, 2008

Present:- Councillor Smith (in the Chair); Councillors Ali, Falvey and McNeely.

Also in attendance:-

David Burton	Consultant Project Manager
Phil Gill	Green Spaces Manager
Elaine Humphries	Chair of the Friends of Clifton Park Group
Joyce Miller	Secretary to the Friends of Clifton Park Group
Dawn Sanders	Senior Accountant

76. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dodson and Walker and Phil Rogers, Director of Culture and Leisure.

77. MINUTES OF PREVIOUS MEETING HELD ON 11TH JUNE, 2008

Resolved:- That the minutes of the meeting held on 11th June, 2008, were agreed as a correct record.

78. BIO-MASS BOILER CHIMNEY

In accordance with Minute No. 75 (a) of the previous meeting held on 11th June, 2008, consideration was given to a report presented by Phil Gill, Green Spaces Manager, which contained detailed costings for the proposed biomass boiler or gas boiler installation.

A question and answer session ensued and the following issues were covered:

- Whether residents had been consulted about the chimney
- How often the lorries would be making deliveries of wood chips
- Could a restriction be placed on the times allowed for making deliveries?
- Whether there would always be a sufficient amount of wood chips available
- Whether the costings had included sweeping the flue on an annual basis
- What manpower would be required for maintenance of the biomass boiler
- Whether it would be necessary to have a gas boiler installed for backup in the event of the biomass boiler breaking down

Phil Gill advised members that if they were to make a decision to approve the installation of a biomass boiler, it would be necessary to seek the

opinion of English Heritage as to whether it met with their approval. If they were to disagree, then they would have to revert to the option of a gas boiler.

Resolved:- (1) That, based on the detailed costings now submitted, a wood chip biomass boiler with drum chipper be chosen as the preferred option.

(2) That, in the event of English Heritage objecting to the biomass boiler and chimney option, the alternative option of a gas-fired boiler be pursued without the need for prior approval from the Board.

79. ANY OTHER BUSINESS

There were no other items of business.

80. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Project Board be held on Wednesday, 30th July, 2008 at 9.00 am.

**ROTHERHAM LOCAL DEVELOPMENT FRAMEWORK STEERING GROUP
Friday, 20th June, 2008**

Present:- Councillor Smith (in the Chair); Councillors Dodson, Pickering, R. S. Russell, Wyatt, Pickering, Dodson and Whelbourn and Wyatt

together with:-

Ken Macdonald	Solicitor, Legal Services
Phil Turnidge	Local Development Framework Manager
Helen Sleigh	Senior Planner
Gordon Smith	Quality & Design Co-ordinator
Bronwen Peace	Development Control Manager

1. APOLOGIES

Apologies for absence were received from:-

Councillor Austen	
Councillor Boyes	
Councillor McNeely	
Councillor Rushforth	
Councillor Walker	
Michelle Musgrave	Director of Housing & Neighbourhood Services
Paul Woodcock	Director of Planning and Regeneration
Joanne Wehrle	Principal Officer International and Regional Affairs

2. MINUTES OF THE PREVIOUS MEETING HELD ON 18TH APRIL, 2008

Consideration was given to the minutes of the previous meeting held on 18th April, 2008.

Resolved:- That the minutes be approved as a correct record.

3. MATTERS ARISING

Minute No. 5 – Joint Strategic Waste DPD

Phil Turnidge, Local Development Framework Manager, reported on the joint arrangements in respect of the above.

Reference was made to the need to maintain a synchronised approach during the PFI negotiations and procurement process and the production of the Development Plan Document.

Those present discussed the most appropriate way of briefing all elected members, including those of the other two local authorities involved, and reference was made to links with the Council's Communications Team.

Resolved:- (1) That the Local Development Framework Manager discuss appropriate ways of disseminating information to elected members with the Head of Communications.

(2) That arrangements be approved by the Cabinet Member for Regeneration and Development and Cabinet Member for Streetpride.

4. REVISED REGIONAL SPATIAL STRATEGY

Phil Turnidge, Local Development Framework Manager, reported on the issuing of revised Regional Spatial Strategy (RSS) on 21st May, 2008, and highlighted the main issues of interest for the Council.

He pointed out that Rotherham's LDF work had to conform with RSS.

The following issues were highlighted:-

Core Approach:- noting some flexibility about identifying additional Principal Towns.

Housing:- noting a new policy to manage the step up in housing supply and delivery. Reference was made to the table within the report setting out the revised RSS housing targets.

Members commented on any penalties if the targets were not met.

Economy:- noting that taking into account more recent data Rotherham's economy was now expected to grow by 1,590 jobs per year, with the corresponding employment land requirement figure to 2021 of 90 hectares being considered more realistic.

Waverley:- noting that revised RSS supports "advanced manufacturing and related research and development at Waverley". However, the potential for major housing development was not reflected in the revised policy.

Long term future and review of RSS:- noting Government's intention that regional spatial and economic strategies will be merged into a single regional strategy, which would be prepared by Yorkshire Forward for this region.

5. REGIONAL SPATIAL STRATEGY 2009 UPDATE - DRAFT PROJECT PLAN - CALL FOR EVIDENCE

Phil Turnidge, Local Development Framework Manager, reported on the review of the Regional Spatial Strategy 2009 Update.

It was reported that consultation on a Draft Project Plan had already begun.

It was explained that as part of this update the Regional Assembly had issued a Call for Evidence to gauge stakeholder views on strategic approaches to accommodating growth in the region.

The following issues were highlighted:-

Draft Project Plan:- noting tension due to the need to move quickly whilst engaging stakeholders in consultation.

Call for Evidence:- noting that the preferred option to accommodate growth in Rotherham (and South Yorkshire) would be a combination of the growth point/area approach along with major urban extensions in the most sustainable locations. It was thought that it would be beneficial for RSS to consider Waverley and Bassingthorpe as strategic locations for major growth.

It was confirmed that many of the recommendations in the Appendices were already incorporated in the work being done in Rotherham.

6. PPS 12 LOCAL SPATIAL PLANNING

Phil Turnidge, Local Development Framework Manager, reported on a letter from the Rt.Hon.Caroline Flint, MP, Minister for Housing and Planning, relating to the publication of revised regulations and guidance on Local Development Frameworks.

It was pointed out that the revisions were designed to highlighted the importance of these local plans and to help streamline the process for producing them.

Emphasis was being placed on:-

- Steps towards putting place shaping at the heart of local government.
- Importance of community involvement and early and open collaboration with key stakeholders through Local Strategic partnerships.
- Alignment with the Sustainable Community Strategy
- Looking at the number of Development Plan Documents being produced and whether they are necessary

Reference was also made to an additional briefing paper regarding new PPS12 and the Town and Country Planning (Local Development)(England)(Amendment) Regulations 2008.

The main changes under the new Regulations and the new PPS 12 were

listed in the briefing note.

Members present commented on:-

- constant changes in advice and guidance from Government.
- the hard work which local authorities had been doing to develop Local Development Frameworks
- complexity of the work
- the need for the Government to allow local authorities to do the work needed

Resolved:- That the issues raised by the Elected Members be discussed with the 3 local M.P.'s.

7. ALLOCATIONS DPD - DRAFT DINNINGTON REPORT

Phil Turnidge, Local Development Framework Manager, introduced a report relating to Rotherham's LDF Allocations Development Plan Document Settlement Surveys in respect of Laughton Common, Dinnington, North and South Anston.

Members present were reminded of the pilot work carried out in respect of Thurcroft.

It was explained that a similar exercise would be carried out for the following:p

- Wath/West Melton
- Swinton/Kilnhurst
- Bramley/Wickersley
- Maltby
- Wales/Kiveton
- Aston/Swallownest
- Catcliffe/Orgreave/Treeton/Waverley
- Thorpe Hesley
- Todwick/Harthill/Woodsetts

The resulting information would identify capacity to meet the required numbers and how much flexibility the Council had.

Elected Members stressed the importance of involving Ward Members from an early stage.

It was reported that it was proposed to carry out consultation in six spatial planning sessions to which the relevant Ward Members would be invited. Ideas on how this would be arranged would be reported to the next meeting of this Steering Group.

Helen Sleight, Senior Planner, referred to the submitted report and explained the following:-

- Settlement Role and Characteristics
- Development Constraints
- Site survey and assessment

It was noted that surveys carried out by GVA Grimley and by Latham had helped to inform this work.

Reference was made to 39 sites which had been identified for detailed site survey. The potential suitability for allocation within the LDF were outlined in the various tables within the report, and their location was shown on the attached map.

Reference was made to the achievability and capacity of these sites, noting where future land supply for each land use was constrained by major reservations. Further tables within the report detailed estimated capacity under 3 options:- (i) containment only; (ii) containment + expansion and (iii) urban extension only.

Members were referred to the summary of survey findings and conclusion of the work.

Members commented on:-

- the need to liaise with Asset Management
- site ownership issues
- consultation with house building industry
- potential of these communities
- number of potential dwellings

8. SPATIAL PLANS IN PRACTICE RESEARCH

Phil Turnidge, Local Development Framework Manager, referred to the Executive Summary in respect of the Spatial Plans in Practice project which had looked at the way that planning authorities had used the new arrangements for preparing development plans at the local level. The report provided a summary of the work that had been done across the country over the last 4 years to prepare Local Development Frameworks.

Reference was made to the objectives of the project, the five key critical questions concerning the impact of the reforms and the Study Findings.

The following emerging themes were noted:-

- a majority of local authorities were experiencing delays in implementing the reforms and getting plans in place.
- constantly changing best practice.
- changing milestones and structure to the LDS
- resources required had been seriously under-estimated nationally.

- lack of clear support and commitment
- more and earlier engagement with other stakeholders
- more joining up of local authority resources
- promising moves towards more collaborative working in plan making
- increasing involvement of other public sector bodies e.g. PCT, Utilities Companies
- the need to invest in more evidence to support the LDF work
- delivery and monitoring
- contribution to sustainability

Reference was made to the conclusion to the report which stated that the new arrangements and requirements to produce spatial plans were essentially sound. The report also set out a number of recommendations relating to suggested ways in which Government and its partner organisations could assist plan making.

It was noted, however, that on balance there was still a lot of work to be done.

9. ANY OTHER BUSINESS

There were no other items of business.

10. DATE, TIME AND VENUE OF NEXT MEETING

Resolved:- That the next meeting of the Local Development Framework Members' Steering Group be held on Friday, 18th July, 2008 at 10.00 a.m. at the Town Hall, Moorgate Street, Rotherham.

RMBC TRANSPORT LIAISON GROUP
Monday, 23rd June, 2008

Present:- Councillor Littleboy (in the Chair); Councillors Barron, Billington, Dodson, Falvey, Goulty, Hughes, McNeely, Pickering, R. S. Russell, Sims, Swift, Turner and Wootton.

together with:-

Shayne Howarth	Stagecoach Yorkshire
Phil Robinson	First
Stephen Hewitson	Rotherham Community Transport
Paul Gibson	RMBC Senior Transportation Officer

1. APPOINTMENT OF CHAIRMAN FOR THE MEETING.

Councillor Littleboy was appointed Chair for this meeting.

2. WELCOME AND INTRODUCTIONS

The Chairman welcomed those present and introductions were made.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from:-

Councillor Austen	Ward 6
Councillor Doyle	Ward 16
Councillor Rushforth	Ward 9
Councillor Hodgkiss	Ward 7
Councillor Whelbourn	Ward 10
Pam Horner	SYPTE
Gillian Parker	SYPTE
David Stevenson	Stagecoach East Midlands
Gary Nolan	Stagecoach East Midlands

4. MINUTES OF THE PREVIOUS MEETING HELD ON 3RD DECEMBER, 2007

The minutes of the previous meeting held on 3rd December, 2007 were noted.

5. ANY MATTERS ARISING FROM THE PREVIOUS MINUTES

There were no matters arising from the previous minutes.

6. UPDATES FROM THE TRANSPORT OPERATORS

(i) First

Phil Robinson reported on the following:-

The following services had been upgrade in April and both now had low floor buses:- Service 12 East Herringthorpe and Service 37 to Thrybergh.

It was proposed to upgrade to a low floor services - Service 39 Kimberworth in September/October.

Re: the timetable and road network – this was stable at the moment apart from minor timetable adjustments to improve punctuality and reliability.

No major changes were proposed for the immediate future.

Councillor Swift, Ward 11 Rother Vale, reported that he had received complaints about occasions when the first 2 buses in the mornings to Sheffield had not turned up, and this had affected people trying to get to work.

Phil agreed to investigate and reply to Councillor Swift.

(ii) Northern Rail

Not represented.

(iii) Rotherham Community Transport

Stephen Hewitson followed up Minute No. 41(iii) from the previous meeting and reported that following a period of consultation the Agreement had been signed.

He reported on the following trends:-

- the year end result to March 2008 on services supported through Transport Authority funding showed a slight overall increase of above 1% over the year. This was despite a 30% loss of service due to the June 2007 floods.
- a 5% increase in the numbers accessing Dial a Ride, including people with disabilities attending college.
- a 20% drop in bookings by organisations/groups of disabled and older people reflecting a drop in activities being provided for these groups.
- an overall increase in the trend for older people living in the community.

In addition the Community Transport booking centre had closed on 20th March, 2008. Booking were now made through a telephone booking service. Shop Mobility in Rotherham had also closed. Subsequently

there had been a drop in contributions to the town centre, and an increase in the number of passengers wanting to use scooters on Dial a Ride service. This gave rise to concerns about safety and the loss of up to 4 seats to accommodate the scooters.

At the end of this year external funding available to the PTE for Rotherham Rural Ride/Shoppa Bus Services would come to an end affecting around 1300 people mainly in the Harthill, Kiveton Park, Wales, Thurcroft and Aston areas.

The Service was working with the PTE on a draft impact assessment on the loss of these 1300 journeys. It was thought that it would be more difficult to access e.g. luncheon clubs at Dinnington and loss of links to other community activities, family and friends, and mean dependence on the availability of specialist wheelchair transport.

These events would also co-incide with the end of funding for Community Links Post which supported community organisations and Parish Councils to improve the take up of transport and help groups apply for other funding.

It would be a challenging time ahead for Community Transport.

Members asked the following questions:-

- Had the shopping complexes been approached to seek contributions to continue the service?

It was an approach that had been tried in the past. There would be another meeting at the end of this month about strategies which could be put in place.

The comment was made that it had to be proved to the operators that a service was viable

It was emphasised that it was very important that the PTE was represented at these quarterly meetings. Councillor Russell, the Council's representative to the SYPTA would raise this at a forthcoming meeting with them.

(iv) South Yorkshire Passenger Transport Executive

Not represented

(v) Stagecoach Yorkshire

Shayne Howarth reported that as there had been a major network review at the end of January 2008 no major changes were planned in the coming months.

However, there would be some minor changes to timetables in July due to the closure of the Doncaster depot. All the work had transferred to either Rawmarsh or Barnsley depots. There would be some minor changes to schools work which might pass to other operators.

The Company was very happy with the service changes which were introduced at the end of January, and the amount of complaints had reduced dramatically.

Services 108/109 Rawmarsh Circular were running excellently and had seen passenger growth.

Growth had also been seen on the Mexborough to Doncaster (via Goldthorpe and Harlington) service.

Regarding the current bus fleet at Rawmarsh Depot (with the exception of the schools service) there was only one non-low floor and this would go at the end of July.

Therefore buses on all normal services would be of the low floor type. The increase in reliability had also been very good.

The Meadowhall services had been taken out at the end of January, 2008.

There would be some minor changes in July to the timetable.

Questions from elected members included:-

- What impact had the fuel crisis had on the bus service? Had there been any increase in passengers using the bus?

It was thought that the % was very small but loadings fluctuated throughout the year. It was pointed out that £10 for a weeks travel was very good value.

Phil Robinson, from First, also added that loadings fluctuated at this time of the year as colleges and schools closed for the summer. It was thought that it would take a bit longer to encourage people out of their cars and the Companies would continue to monitor numbers.

- could consideration be given to providing a link between the communities of Rawmarsh and Thrybergh across the river? It was thought that this would give greater access to job opportunities, retail, and leisure activities.

It was reported that it could be considered but any service had to be commercially viable. Costs of vehicles and running costs were increasing weekly so a completely new service was unlikely.

- why had the service to Meadowhall been cut?

It was explained that these services had proved increasingly unreliable and passenger numbers were few. Also there were other services e.g. First, that operated directly to Meadowhall.

- in view of the rising fuel costs could passengers anticipate an increase in fares?

It was reported that there had been a recent minor fare increase and some simplification of fares. It was also pointed out that Stagecoach had withdrawn the charges for entering the interchanges.

However, if fuel costs continued to increase then passengers should expect fares to increase. The Company was trying to grow the network but this had to be balanced with increasing costs.

- had the Company considered a special football service from Rotherham now that the football club was playing at Don Valley Stadium?

This was part of the network covered by First, who currently operated Service 69 Rotherham to Sheffield every 20 minutes Mon to Fri; every 30 minutes on Saturdays and less on Sundays. The Company was aware that there would be demand on this route during the next football season.

(vi) Stagecoach East Midlands

It was reported that there had been a further incident of children riding on the back of buses, and also a bus window had been put through. The incidents had been reported to the Police.

(vii) Robin Hood Airport

Not represented.

7. UPDATES FROM RMBC TRANSPORTATION UNIT

Paul Gibson, Senior Transportation Officer, reported on the following:-

- (i) Fitter for walking project

It was explained that this was 4 year "Fitter for Walking" project partnership between the Council and Living Streets.

It was a pilot project involving up to 12 local authorities across five regions in the UK. Both Rotherham and Doncaster had been listed as participants for the Yorkshire and Humberside area, and there was now significant interest from Barnsley. There may be a possibility of a larger project in the Dearne Valley.

The pilot and projected activities were aimed at breaking the reliance on the private car linking in with public realm works to make it easier for the public to walk around on foot. The project involved asking communities to identify a range of simple and easy things which could be done to help improve streets and make areas more attractive for walking e.g. street lighting, furniture, crossing points.

The funding, £315,000, had been split between Rotherham and Doncaster and each local authority had been asked to identify a modest amount of match funding over the lifespan of the project. Rotherham had contributed £42,000 in kind e.g. staff time etc and so the cost to the council was zero.

The Service was looking to engage with around 24 communities over the lifetime of the project.

Questions included:-

- were reflective arm bands distributed to the children?

A variety of novelty items were purchased e.g. reflective hedgehog and 'slap wraps'. The Senior Technician, Road Safety, tried to get sponsorship for batches of items.

- were Area Assemblies able to use their Community Leadership fund to support cycle training in schools?

It was thought that this should be possible. The Senior Technician work with young drivers, the Fire and Rescue Service and RUFC.

- reference was made to a recent Environment Day involving the Council's Cycling Champion, Councillor Barron, to promote cycling for schools, through advertising on First buses on the Sheffield to Doncaster route. Had Stagecoach anything similar in mind?

The recent fleet purchases had included some bio fuel and some vehicles in the group were running on additives e.g. Worksop and Robin Hood Airport services.

(ii) Cycle training review and 2008/2009 Grant Funding Award

It was reported that Cycling England, a Government body, had been set up to develop cycling "more cycling; more safely; more often" to an agreed national standard. The overall purpose was to foster a cycling culture.

Grants had been offered to local authorities that had shown commitment. Rotherham had offered training since 2006 and Cycling England had been impressed with what had been done. The national standard replaced the former cycling proficiency test and there were now 3 levels through a child's school life.

In 2007 Rotherham had received £20,000.

In 2008 because the outcomes had been delivered £40,000 worth of grant had been received, together with a contribution from the Local Transport Plan. It was hoped to train between 1500 and 2000 school pupils with emphasis on areas of deprivation where cycle casualties were above average.

Questions included:-

- were there sessions after school times so that parents could be involved?

It was explained that the cycle training was delivered by Pedal Ready and a variety of times were offered to suit the school. There would be some training during the summer holiday.

(iii) Extension of the Town Centre Controlled Parking Zone

Reference was made to Minutes Nos. 178 of 7th January, 2008 and 201 of 18th February, 2008 of meetings of the Cabinet Member for Regeneration and Development Services in respect of:-

- Town Centre Controlled parking Zone extension
- Proposed limited Stay Disabled parking bays – Rotherham Town Centre

It was reported that these proposals would be going live in the summer with new signs and on-street payment machines in place.

The following streets (currently parking for free) would be affected:-

- Masbrough Street
- Chapel Walk
- Sheffield Road
- Grove Road
- Westgate
- Doncaster Gate
- Norfolk Street

Reference was made to representations from the Disabled Access Steering Group which highlighted an issue of long stay commuter parking (blue badge holders) at certain locations which prevented others making shorter trips.

The proposal was to introduce a maximum stay of 3 hours with no return in 2 hours placed on certain bays to prevent parking all day.

Questions included:-

- did the Council publish information comparing its parking charges with those of other local authorities so that the public could realise that the charges were good value for money?

The prices were compared with the other South and West Yorkshire local authorities. The Town Centre Manager published leaflets which included parking charges. Reference was made to the constraints within PPG13 in respect of parking.

- how was it proposed to inform disabled people of the new time limits?

It was explained that not every disabled parking bay would be affected – only those in certain areas. There would be large signs on the posts in front of the bays. The proposal was not to make people pay, rather it was to restrict the time people could stay.

- would it be possible to send out a letter to all the blue badge holders?

This was not practical and not a reasonable expense as there were approximately 20,000 blue badge holders.

Parking Services had been advised to be considerate during the settling down period and to keep elected members informed.

The proposals had been introduced as the disabled users had identified a need for short stay disabled spaces as close as possible to the town centre.

8. ANY OTHER BUSINESS

The following issues were raised:-

- Travel Master Passes:- what had been the take up?

It was explained that this was a PTE initiative via planning for developers of new homes to issue travel master passes to residents when they moved into their new home. It was thought that this would need between 1 – 2 years for any statistics to be able to be collected due to the time lapse between the granting of planning permission, the homes being built and people moving in.

The PTA had been asked for a report which should come to the Cabinet Members for Regeneration and Development and Streetpride, and this could then be made available for other elected members.

- heating on buses:- was there any way that this could be turned off during the warm weather?

A brief explanation of the bus heating system was given.

- PTE plans for illuminated double sided advertising at bus stops:-
concern was expressed about visibility and public safety.

Objections could be made through the usual planning channels. However, it was thought that this was down to revenue generation. It was also pointed out that it may be linked to the roll out of Realtime bus information.

9. DATE, TIME AND VENUE FOR THE NEXT MEETING

The Chairman thanked elected members, representatives from the Transport Operators and the RMBC Senior Transportation Officer for their contributions.

It was agreed:- That the next meeting of the RMBC Transport Liaison Panel be held on Monday, 22nd September, 2008 at 10.30 a.m. at the Town Hall, Moorgate Street, Rotherham.

ROTHERHAM BOROUGH COUNCIL

1.	Meeting:	Cabinet Member for Environment and Development Services
2.	Date:	11th July, 2008
3.	Title:	Pre-Application Planning Advice Strategy
4.	Programme Area:	Environment and Development Services

5. Summary

The report relates to the formulation of a pre-application planning advice strategy which aims to provide advice to potential planning applicants before the submission of their applications. This will include the introduction of charging for advice on major planning schemes.

6. Recommendations

That approval be given to implement the pre-application advice strategy from 1st August 2008

7. Proposals and Details

Background

It is considered that planning advice given at the pre-application stage is a vital and positive part of the planning process which is often of benefit to all parties involved.

There is a requirement that planning applications be dealt with within a statutory timescale once they are submitted. To ensure the acceptability and quality of any permission given it is often the case that negotiation is carried out with the applicant and the scheme amended prior to determination. Local planning authorities are now moving away from this approach as it is time consuming and negatively affects the number of applications that can be determined within the set timescale.

An effective pre-application service can assist to improve the quality of the applications submitted and to ensure a more certain and speedy decision. The government recognises this and strongly encourages this approach, Paragraph 12 of the Planning Policy Statement 1 (Delivering Sustainable Development) states

“Pre-application discussions are critically important and benefit both developers and local planning authorities in ensuring a better mutual understanding of objectives and the constraints that exist. In the course of such discussions proposals can be adapted to ensure that they better reflect community aspirations and that applications are complete and address all the relevant issues. Local planning authorities and applicants should take a positive attitude towards early engagement in pre-application discussions so that formal applications can be dealt with in a more certain and speedy manner and the quality of decisions can be better assured.”

The Council currently gives free pre-application advice to those applicants who request it. However, to ensure a high quality and fast planning decision, a large amount of advice is often needed to effectively raise the quality of a proposal and overcome any problems that may be encountered at the planning application stage. This can lead to a time-consuming process before the application is submitted which can therefore strain resources.

Under Section 93 of the Local Government Act 2003, Council's are able to charge for services for which they are authorised, but not required, to provide. Therefore the Council intends to introduce a scheme of charging for pre-application advice on major proposals.

Key issues:

1. Whether to charge for all pre application advice or only for specific types of development.

- It has been determined that charging will only be implemented for major applications and the situation reviewed after 12 months to assess the success of the scheme and whether it should be extended.

2. How to charge for officer time:

a) Some authorities charge a percentage of the planning application fee

- this can be difficult to calculate before the scheme has been formalised.

b) A fee could be charged based on the length of time of a meeting

- the fee should be submitted with a request for advice rather than calculated following the meeting and an invoice being sent out

c) A fee reflecting the seniority of the officer leading the meeting

- it is considered that this would create a great pressure for senior staff to be involved in all pre-application meetings and would also require an invoice rather than an upfront charge

d) A flat rate based on size of development

- recent Planning Performance Agreement advice has set out a split “major applications category” or large scale and small scale majors. The fee is easily calculated and understood and can therefore be provided by the applicant upfront.

It is therefore considered that option d) is the most appropriate way forward for the pre-application advice strategy.

3. What the charge rate should be:

Written advice on major applications will only be provided after a meeting has been held. The charge therefore relates to officer time to consider the proposal, a development team approach to provide a wide range of advice and formulation of a written response. In order to remain consistent with other South Yorkshire Authorities we have set this charge, for the largest and most complex applications to £800 for the initial meeting with costs reducing for a smaller scale major application.

There will be no charge for “minor” or “other” applications at this time.

Objectives and Details of the Pre-Planning Advice Service

A “major” category proposal, which would incur a fee for pre-application advice, is defined as one of the following types of development:

Large-scale major

- Residential: 200 plus units or a site area of 4 hectares or more when the number of units is not specified.

- Non-residential: floor space over 10 000 sq metres or where the site area is over 2 hectares.

The fee will be £800 for the initial meeting and £500 per meeting thereafter (if the applicant feels this is required to further improve the scheme).

A small-scale major:

- Residential: 10 to 199 units or site area of 0.5 hectares and less than 4 hectares where the number of units is not known
- Non Residential: 1000 - 9999 sq metres floor area or where the site area is greater than 1 hectare but less than 2 hectares.

The fee will be £500 for the initial meeting and £300 per meeting thereafter (if the applicant feels this is required to further improve the scheme).

The service has been designed to:

- identify and overcome any issues that might prevent proposals from gaining planning permission
- Provide advice on how to tackle these issues and rectify problems before the application is submitted
- Discourage fundamentally unacceptable schemes
- Improve the quality of the design and layout of the proposal in line with the aims of sustainability as set out in Planning Policy Statement 1 (Delivering Sustainable Development) and other planning guidance and policies – including where required presentation of the information at the Councils Design Panel.
- Allow advice to be given on the appropriate consultation of the community on major proposals in line with the Council's Statement of Community Involvement
- Ensure that the Council can meet performance targets which are monitored by the government
- Reduce the amount of negotiation and amendments on submitted applications to a minimum

A protocol for applicants will be available setting out the advice to be provided through this service including:

- The local and national planning policies and guidance relevant to the proposal that will be taken into account in determining your application
- Previous planning applications and their impact on the acceptability of the proposal
- The constraints and assets of the site and its surroundings (e.g. is it in a flood zone, are there protected trees or listed buildings? etc)

- The general level of acceptability of the proposal in terms of its principle, its design and layout and improvements which can be made
- Details of Council and external specialist bodies which will be consulted on any planning application submitted for their advice (e.g. highways officers, Environment Agency, trees/landscaping officers etc.)
- Heads of Terms for planning obligations (s106) to be identified at an early stage including a commitment to drafting the legal agreement in parallel to the application
- Groups and organisations to be consulted - especially related to the community
- Further information, details and documents that will need to accompany a planning application leading to an increase of applications which are valid on receipt.

The service aims to include other officers from other disciplines at the meeting to ensure a comprehensive level of information is given to the applicant. Such officers may include those in the specialist fields of ecology, environmental health (including land contamination), open space, highways, building control, RIDO (Rotherham Investment and Development Office), trees and woodlands, education, affordable housing, drainage and conservation. The attendance of the relevant officers will be dependant on the type and scale of the proposal and the nature of the area of the site and its surroundings.

The service procedure will be published on the Council website. The applicant will be required to submit their proposal to the Council together with a covering letter and the required fee. A receipt (via post or email) will be sent within five working days of receiving the payment and the proposal will be passed to one of the planning officers who will contact the applicant to arrange a meeting which will take place within 10-15 working days of receiving the payment.

Written advice will be provided following the meeting (within 5 working days). Once all relevant issues have been considered a letter from the Planning Officer will be sent out giving a detailed but “without prejudice” informal opinion on the proposal.

The applicants can refer to any pre-application discussions held on the 1APP planning application forms when an application is submitted.

8. Finance

The charges listed represent the cost of administering the service and providing the advice, the charge is not for the advice itself.

In terms of staff resources, the staff required to operate the system are already in post. The professional planning officers employed by the Council currently give pre-application advice and would continue to do so. The

existing Planning Support staff would be required to log and acknowledge the request accommodated within existing responsibilities.

The fees paid would be paid directly to Planning Service and would be used to further improve the service provided.

9. Risks and Uncertainties

With regard to the main risks, although the Council will aim to provide as much accurate and comprehensive advice as possible (as expected for current pre-application advice and throughout the application process), the Council cannot guarantee that a proposal eventually deemed to be acceptable will gain planning permission once the formal application is submitted. The advice will be informal and cannot represent the official decision of the Council and this will be made clear to the applicant.

A further risk is that applicants may be discouraged from seeking pre-application advice if they have to pay a fee and would then proceed to the submission of the application. Without the benefit of the advice, this could lead to a reduction in the quality of the proposal being applied for, and could lead to a larger number of schemes being rejected and therefore further dissatisfaction being experienced by the applicant. This matter will be kept under review and if it is apparent that the new service is leading to this problem, the issue will be reported to Members again.

10 Policy and Performance Agenda Implications

The introduction of the Strategy seeks to improve the quality of service provided to customers and the speed of determination of planning applications while promoting sustainable development.

11 Background Papers and Consultations

Local Government Act 2003

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ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Cabinet Member for Regeneration & Development Services
2.	Date:	11th July, 2008
3.	Title:	The Big Screen- Partnership arrangements 08/09
4.	Programme Area:	Environment & Development Services

5. Summary

This report sets out the suggested partnership arrangements for period to end March 2009.

6. Recommendations

(1) That the Cabinet Member notes the progress of the project in year 07/08 & supports the recommendations to:-

- i. Enter into negotiations with LOCOG, the BBC and The ADI Group Ltd with a view to committing to Phase 1 of the 'Live Sites' project**
- ii. Focus on the Cultural Olympiad Celebratory Event (rather than the Handover Event)**

(2) That the Cabinet Member notes the indicative detail of Phase 2 of the project.

7. Proposals and Details

The Big Screen project was launched in December 2005. In March 2006 Members were asked to consider an approach made by the BBC which would see Rotherham become the first town to be part of the BBC's Public Space Broadcasting Project. The necessary negotiations were undertaken with the screen supplier (the ADI Group Ltd) and a tri-partite agreement was put into place.

Following successful periodic reviews, these arrangements have continued to end March 2008 and Rotherham is currently one of nine towns and cities which form a network of all-year-round permanent screens.

A summary of the project's progress in 07/08 can be found in appendix 1. In general terms the Rotherham screen currently boasts:

- An exciting events programme with an increasingly diverse offer and expanding audience numbers
- High quality programming (accessed from the BBC's general content as well as exclusive footage and live news feeds with both a national & local focus)
- The most up to date technology (with interactive facilities about to be launched)
- Positive interaction with the local community with a growing number of local community & voluntary groups involved in a wide range of projects (contributing to an average of 5 hours of locally generated content each day).

LOCOG (The London Organising Committee for the Olympic Games) aims to further develop the Public Broadcasting Project by rolling out many more screens in as many UK cities and major towns as possible as part of its commitment to ensuring that the whole of the UK feels connected to the 2012 Games. The plans include adding another eight screens to the network in time for the Beijing Olympics in August 2008 and a further four soon afterwards with a view to expanding the network to up to 40 screens by 2012. As such Rotherham has now been formally approached by LOCOG with an offer to be part of this network of 'Live Sites'.

Phase 1 of the project covers the period to end March 2009 and, subject to the successful review by all parties following the 2008 Games and LOCOG securing the necessary funding, Phase 2 will be implemented. Members are being asked to consider the proposals for Phase 1 only.

Phase 1

The benefits for Rotherham are plentiful; being part of the Live Sites network would include access to footage of the Olympic & Paralympic Games as well as other related content and specific networked events. LOCOG describe this as 'a piece of Olympic Space' in our town.

As well as the events opportunities that the Games themselves bring, sponsors of the Live Sites Project would be given the chance to utilise the

space in the Square for events & promotions and as such the programme for the year could be greatly enhanced. LOCOG are willing to fund the cost of a camera for the screen to allow the full potential of the interactive equipment to be realised, adding another dimension to the events programme.

The BBC would continue to manage the screen in Rotherham. However, they would need to provide a significant amount of additional resources in order to provide staff support to an increased number of screens and as such the suggested approach is that some of the more time consuming/ operational tasks can be streamlined which would free-up the time of existing Screen Managers, thus enabling them to support an increased number of screens.

In order to facilitate this, LOCOG are willing to fund an upgrade to our system in Rotherham which would allow the scheduling and content feed to be undertaken at a centralised hub (in Birmingham). The support for community engagement and the focus on generating local content will continue and although details have yet to be confirmed this is likely to be through regional Screen Managers and locally based producers.

LOCOG are in total offering a financial contribution of £10,000 and although the final breakdown of this contribution has not been agreed, it is likely to cover the cost of the upgrade to our system (as described above) as well as camera for the screen (which would support interactive gaming and live relays of events in the square). Any funds remaining would support the events programme.

In return for the commitment from the BBC and LOCOG at Phase 1, RMBC are asked to firstly commit to the screening of the Olympic & Paralympic Games and associated content which is likely to form up to a third of the daily schedule on average (equating to approx. 5.5 of the 16 hours the screen operates) and secondly to joining the Live Sites network by 8th August (which includes upgrading the equipment to take the content feed from the central hub).

In addition Rotherham is asked to consider taking part in Olympic Events including the Olympic Torch Handover celebrations on 24th August. Rotherham already has a full and exciting events programme planned for the summer which leaves limited financial and staff resources to be able to support this. An additional consideration is the fact that the event falls on a Sunday when the town centre is effectively closed- this makes the challenge of implementing a successful and well attended event more difficult and as such requires maximum resources. Whilst the opportunity to be part of a new network of events celebrating the handover is exciting, to stage a sub-standard event would not showcase Rotherham at its best nor would it encourage support for the programme of Olympic events in Rotherham to 2012.

Rotherham is however committed to celebrating the launch of the Cultural Olympiad in September and will take part in the proposed national 2 day festival celebrating the diverse cultures across the UK. The position has been

informally communicated to LOCOG who accept that Rotherham does not have the benefit of a large footfall on a Sunday and any decision not to be included in the handover event is unlikely to affect any partnership arrangements during phase 1. As such it is recommended that resources are focussed on the Cultural Olympiad Event in 2008 (rather than diluting to including the handover event).

Funding for the Live Sites project is made up from a number of sponsors and in return for their investment they receive accreditation on the screen during 'LOCOG content time'. As such additional branding and/ or sponsorship is not permitted on the screen. All sponsorship will be in line with the BBC's Guidelines which should provide assurances about the nature of any sponsor content.

The screen supplier and maintainer, The ADI Group Ltd, currently have a contractual right to sell sponsorship on the screen (although they have never taken advantage of this right) and as such negotiations would be required before Rotherham can progress.

Therefore Members are asked to support the recommendation to undertake negotiations with all partners (including the ADI group Ltd.) with a view to committing to Phase 1 of the Live Sites Project.

Phase 2

The arrangements for phase 2 are more detailed and include specific reference to obligations from each partner for period 2009- 2012; however this is coupled with a further financial commitment from LOCOG.

All existing sites are being asked to consider the most appropriate form of support for the project which is essentially in the form of either:

- A new screen at some point in the Live Sites rollout between 2009 and 2012 (with around a 10 year life)
- Financial support during the period to 2012 where event support is more appropriate (where RMBC can commit to providing a screen that is in good working order to 2012)

LOCOG are clear that the financial support as described above is only available in phase 2 from March 2009 subject to satisfactory review of the Phase 1 by all parties including their funders.

Specific areas for further consideration and discussion prior to any commitment to phase 2 include:

- The current life span of the existing screen and the appropriateness of replacement (through funding from LOCOG) and the most efficient time for replacement
- The financial and other resources that will be required to implement the number and scale of events that RMBC would be committed to providing

- The financial and other resources that would be required to support sponsor and partner events that RMBC would be committed to
- The appropriateness of sponsor/ partner activities that would be included in the events programme and any impact of their permitted use of All Saints' Square for specified periods of the year
- The appropriateness of the proposed branding & sponsorship of both the screen and All Saints' Square

Members are asked to note the indicative detail of Phase 2 of the Live Sites project and that a further report will be brought to the group later in the year for consideration.

8. Finance

It is considered that the commitments from RMBC to Phase 1 of the Live Sites Project can be met within existing budgets. Any implications for Phase 2 will be detailed in the subsequent report later in the year.

Commitment to Phase 1 would include a contribution of £10,000 from LOCOG which would most likely be used to fund new software (to link Rotherham into the central hub) and a new camera (to allow interactive gaming). Any remaining funds would be used to support the events programme- in particular the Cultural Olympiad celebrations.

9. Risks and Uncertainties

With regards to Phase 1 there is a risk that revised contractual arrangements cannot be agreed with The ADI Group Ltd. which could lead to any offer from LOCOG being withdrawn. In order to minimise this risk, colleagues in Legal and Democratic Services have been fully briefed on the situation and will be involved in discussions from the outset. Good working relationships have been maintained with ADI Group Ltd. in the interim.

There are also risks linked to RMBC deciding not to commit to Phase 1 of the project in that continued support to our screen from the BBC is uncertain. The potential considerations here are linked to the financial and staff resources that would be required if BBC support was not available and the potential impact on the daily schedule if BBC content was not available.

10. Policy and Performance Agenda Implications

The project significantly contributes to the cross cutting issue of Regeneration, in particular in terms of achieving Rotherham Renaissance.

The Big Screen project has the opportunity to be identified as best practice in communications within a local authority and strongly supports the Council's Equality and Diversity Strategy.

The Big Screen will continue to operate under the BBC's Editorial & Content Policy which ensures that the footage shown is of a high quality and appropriate for the intended audience.

11. Background Papers and Consultation

Reports to Regeneration & Asset Board- 22nd March 2006
14th June 2006
18th October 2006
15th November 2006
21st March 2007

Reports to the Cabinet Member for Regeneration & Development Services-22nd May 2006

Consultation has taken place with:
Cabinet Member for Regeneration & Development Services
Director of Culture & Leisure
Director of Planning & Regeneration
Legal & Democratic Services

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Appendix 1

1. Summary of Events 2007/08

2007/08 has been a year of consolidation, increasingly good understanding from Council services of what can be achieved within BBC guidelines, more interaction with ethnic and faith groups as well as wider public awareness of the screen's potential.

The Big Screen continues to offer a wide and varied events programme and, as such, continues to see a growth in audience numbers. Many events form part of a wider BBC Big Screen Summer Programme along with Birmingham, Bradford, Leeds, Hull, Liverpool and Manchester screens.

1.1 Royal Opera House Events

2007/08 included three Royal Opera House events live from Covent Gardens – Swan Lake, Don Giovanni and Tosca. Event analysis from the first event, Swan Lake, confirmed that 50% of the audience had attended previous Big Screen Opera House events - this figure rose to 88% by Tosca. 96% of respondents rated the event excellent or very good and 93% indicated that they would attend similar events in the future.

The majority of people attending are residents of Rotherham. However, the event does assist in attracting a wider audience mainly from Sheffield, Barnsley and Worksop.

1.2 Last Night of the Proms

The Last Night of the Proms is the world's greatest classical music festival broadcast from the Royal Albert Hall. Last year the BBC Symphony Orchestra and Chorus were joined by international stars to mark the 80 years of the BBC's running of the event.

To celebrate the event in Rotherham, the audience were provided with copies of song sheets including the lyrics to Land of Hope and Glory and Jerusalem as well as Union Jack flags; all of which added to the patriotic atmosphere.

1.3 Bollywood

Sheffield played host to the Eighth Annual International Indian Film Academy (IIFA) 2007 Awards Ceremony on Saturday 9 June. This was a star studded event which attracted a significant audience to the region.

To celebrate this significant occasion, Rotherham hosted 'Bollywood Boulevard', a 'Fringe' event within All Saints' Square. The event was sponsored locally by Pak Supermarket and was organised by Town

Centre Management in conjunction with Community Arts, Policy & Partnerships, Young People's Services, Rotherham Ethnic Alliance and other voluntary bodies.

Over 1,500 people descended on All Saints' Square to join in the street party atmosphere and enjoyed live music and Bollywood dancing, fashion shows, comedy, popular Bollywood films on the Big Screen and food. Community groups and individuals organised the stalls with a range of activities including hair braiding, henna art, peace flag creations, art exhibitions and various workshops. The Big Screen also played a pivotal role in entertaining the crowds with live relays of the activities which took place on the main stage.

The evening event celebrated Indian culture and cinema with an exclusive performance of live Bhangra music by DJ Urban Desi and dhol drumming by GabhruPanjabDe on the centre stage. All Saints' Square was then transformed into a cinema venue with tables and chairs set-out creating a relaxing atmosphere for people to watch the action on the Big Screen as it unfolded.

The Big Screen was one of a few places in the country where film enthusiasts could watch the Bollywood Awards Ceremony live from Sheffield's Hallam FM Arena. Footage from the 'green' carpet was followed by the main ceremony, which included exclusive performances by international artists, providing a real treat for Bollywood fans. Food and refreshments were also available to purchase and approximately 450 people stayed to watch the ceremony.

1.4 Other Events

In addition to the above, the Big Screen continues to screen sporting events such as Wimbledon including both the ladies' and men's finals, football matches, snooker championships, racing including the Grand National to mention but a few.

2. Council Services Involvement

Culture and Leisure Services' MegaActive programme is an excellent example of how a Council service has seen the potential of the screen to communicate and reinforce its message of opportunities for young people across the borough. A well crafted film introduced an impressive summer programme of activities designed specifically to focus young people's free time and energies by working together on a wide range of opportunities.

The Rotherham Renaissance programme has been providing content in ways that fulfil BBC guidelines but also communicate their messages including informing people of meetings/events that require public engagement, showing images of construction taking place in

Rotherham and computer generated imagery of the buildings once finished. The Screen also signposts people to the Visitor Centre for latest Renaissance newsletters and car parking leaflet and will soon be used to display artwork that young people have produced for a Renaissance project.

3. Community Involvement

The Big Screen also plays a significant part in engaging and working with Community groups. This can include 'advertising' their event on Screen and/or screening short films or showcasing work.

Rotherham College of Arts and Technology (RCAT) has continued its relationship with the screen, but has broadened the range of content beyond the media course. RCAT media department has begun a process of formal partnership with the BBC through BBC Connect, a northern initiative to develop and encourage talent in the north of England. This has come through the relationship with the Big Screen and will enable RCAT to make use of its BBC relationship to further develop and enhance its media course reputation.

Thomas Rotherham College has also come on board and is ready to build on some tentative contributions so far.

There have been a number of successful collaborations through Community Service Volunteers (CSV) at BBC local radio including The Carers' Society who held a reception in All Saints' Square to celebrate a film made with CSV about carers in Rotherham.

Several local groups have produced footage to promote their groups, e.g. the local astronomical society, and more are in the pipeline including some content for China Now involving the Wah Hong Association.

Local drama groups have been sending footage or stills to help advertise their performances as have local amateur art exhibitions. In addition the Screen is used to publicise many events and activities throughout the Borough.

Certainly, the opportunities presented by the Big Screen have helped people to "up their game" in terms of quality of content. The BBC Big Screen partnership will continue to support community groups by pointing them to workshops and training opportunities and processing their content where necessary to improve its impact.

4. Technical Improvements

A significant project to hard wire between the screen operating equipment (in the Visitor Centre) and the screen itself was completed.

The upgrade now means that footage can be instantly relayed onto the screen (rather than relying on the microwave link). New 'plug and play' points have also been installed in the square along with additional power supplies to facilitate live relays & events. Interactive gaming is planned for the summer. The ADI Group Ltd. also invested in the technology this year by rebuilding the content management system, making the operation of the screen easier and more efficient.

5. Landscaping/ Wrap

A design created by 3 RCAT students was chosen for the wrap by the Screen project group which includes a montage of old and new images of All Saints' Square. The design also includes photographs of 'Rotherham Heroes'. Production & installation of the wrap is planned in the coming weeks. It is hoped that the design is produced in such a way that the photographs of heroes can be updated annually and could include members of the public nominating heroes on a given theme.

The Landscaping scheme has been part implemented with the main steel/ glass sculptures in the final stages of production. The scheme was delayed due to the need to wait for the electric supply for the LED lights to be ready (linked to the hard wire project) but installation of the final pieces is now planned for the coming weeks.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Delegated Powers
2.	Date:	11th July 2008
3.	Title:	Proposed Removal of Public Call Boxes
4.	Directorate:	Economic and Development Planning and Regeneration

5. Summary

5.1 BT is proposing to remove various public call boxes throughout the Borough as part of a national programme to remove unviable public call boxes. Procedures laid down by Ofcom, under the Telecommunications Act 2003, require the Council to organise consultations with local communities about the proposed removals. The consultation procedure will culminate in the Council publishing a Final Notification of the outcome of consultations detailing reasons for support or opposition to BT's proposals. The Final Notification is to be sent to BT and the Secretary of State for Business, Enterprise and Regulatory Reform within 90 days. BT cannot proceed to remove any call box that is the subject of objections supported by the Council in the Final Notification - known as the "local veto".

6. Recommendations

- a) The actions taken to instigate the consultation procedure be noted and endorsed.**
 - b) In the light of the outcome of the consultation process, the Final Notification be approved by the Cabinet Member prior to forwarding to BT and the Secretary of State within the 90 day "local veto" period.**
-

7. Proposals and Details

7.1 BT is currently proposing to remove 35 public call boxes (where there is no alternative within 400 m) throughout the Borough as part of a national programme to remove boxes that are infrequently used and are becoming unviable due to increased ownership of mobile phones and wide coverage of households with landline connections. (The distribution of the PCBs involved is depicted on Map 1)

7.2 Procedures laid down by Ofcom, under the Telecommunications Act 2003, require the Council to organise consultations with local communities about the proposed removals. There are three stages in the consultation procedure which has to be completed within 90 days from the date of written notification being received from BT of its proposals (ie 6 September 2008). The procedure (summarised in the diagram in Appendix 1) is as follows:-

- BT displays a notice in the call box announcing its proposes removal requiring representations to be sent to the Council within 42 days. The Council concurrently writes to appropriate local interests (eg parish councils, Area Assembly groups) inviting representations to be made to the Council within the 42 day period (ie 20 July 2008).
- The Council considers representations and decides whether to consent or object to the proposals taking into account various criteria concerning justification and reasonableness. The Council must also be satisfied that proposals are in accordance with the "six community requirements", set out in Section 4 of the Telecommunications Act 2003, including promoting competition and freedom of customer choice. The Council also has to take into account local factors such as call box revenue, provision for emergency calls, population levels and the socio-economic characteristics and mobile phone signal strength within call box catchments. The Council then has to publish its draft decisions in the form of a First Notification allowing 28 days for public response (ie by 20 August). Copies of the First Notification has to be sent to the Secretary of State for DBERR and Ofcom recommends it is also sent to BT.
- The Council again considers representations the Council has to publish a Final Notification of its decisions regarding the removal of individual call boxes. Copies of the Final Notification have again to be sent to the Secretary of State and BT prior to the period ending 90 days from when the Council first received written notice from BT about its proposals (ie before 6 September 2008).

7.3 BT cannot proceed to remove any call box that is the subject of objections supported by the Council in the Final Notification. This is known as the "local veto" and provides a safety net for those individuals without access to a telephone.

7.4 The consultation procedure has commenced. Local members, parish councils and Area Assembly Managers have been invited to respond to BT's proposals for call box removals in their localities within the initial 42 day consultation period. The Emergency Services and Transportation Unit have been invited to comment on whether call boxes need to be retained for emergency purposes and in accident blackspots. BT has also been asked to extend the 90 day consultation period to

assist the proper analysis and publicity of responses over the summer holiday period together with details of call box cash receipts to assist assessment of their viability.

8. Finance

8.1 The procedure places significant unprogrammed administrative burdens on staff resources and has cost implications in terms of staff time, photocopying, postage, GIS manipulations and map printing. These costs have yet to be quantified but are being monitored. There is no budget provision for this additional work which will be absorbed in the Forward Planning budget which is already under pressure from Local Development Framework preparation requirements.

9. Risks and Uncertainties

9.1 Failure to respond to these procedures would put the retention of local call box provision at risk. Some of these may be in deprived neighbourhoods and households where residents have less access to mobile phones and land line connections. Access to call boxes for emergency purposes could also be at risk.

10. Policy and Performance Agenda Implications

10.1 There are no policy and performance implications but the Council's involvement in safeguarding local public service facilities is an essential part of its wider customer service quality and local governance responsibilities.

11. Background Papers and Consultation

Guidance on procedures for the removal of public call boxes (Ofcom, updated April 2008)

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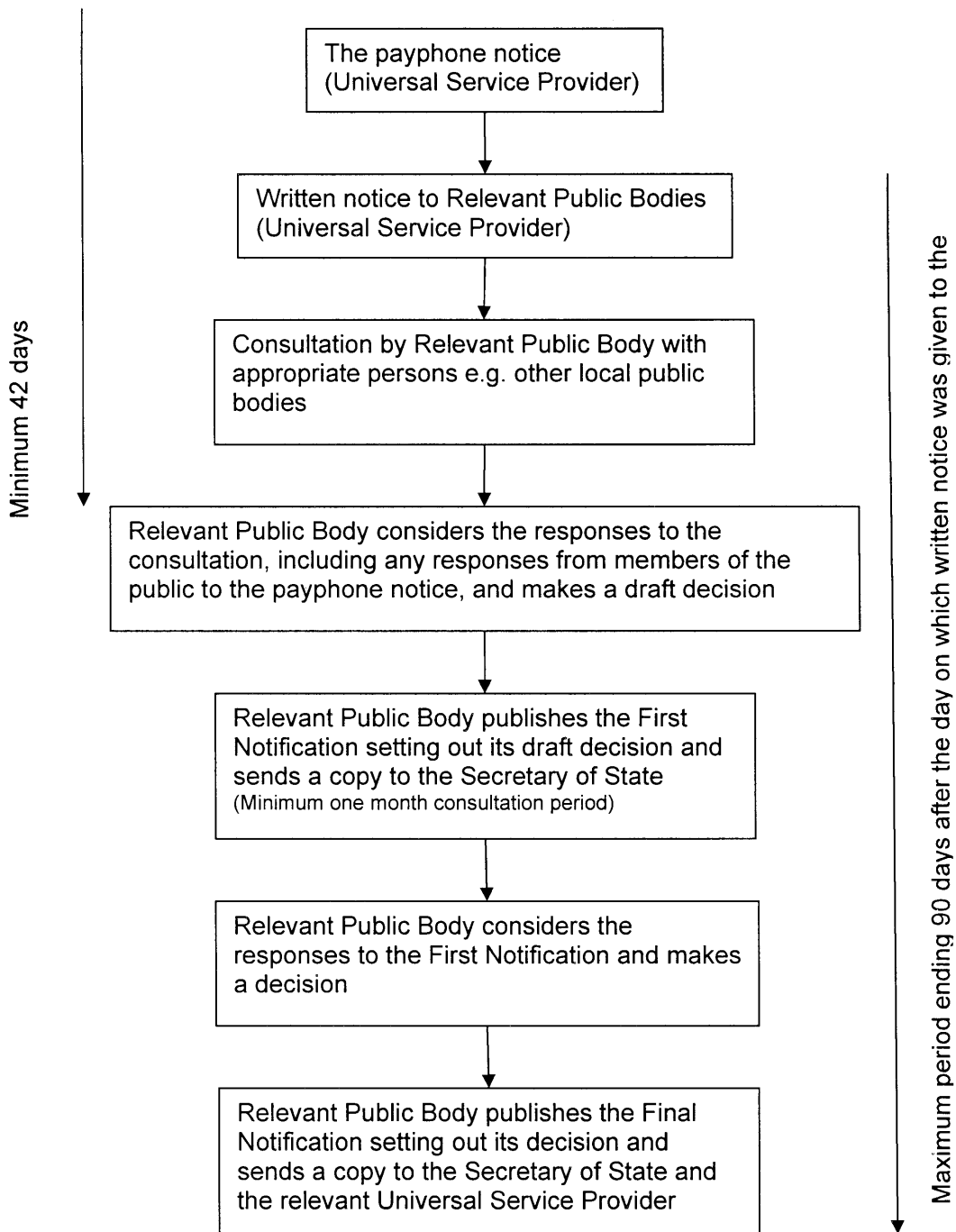
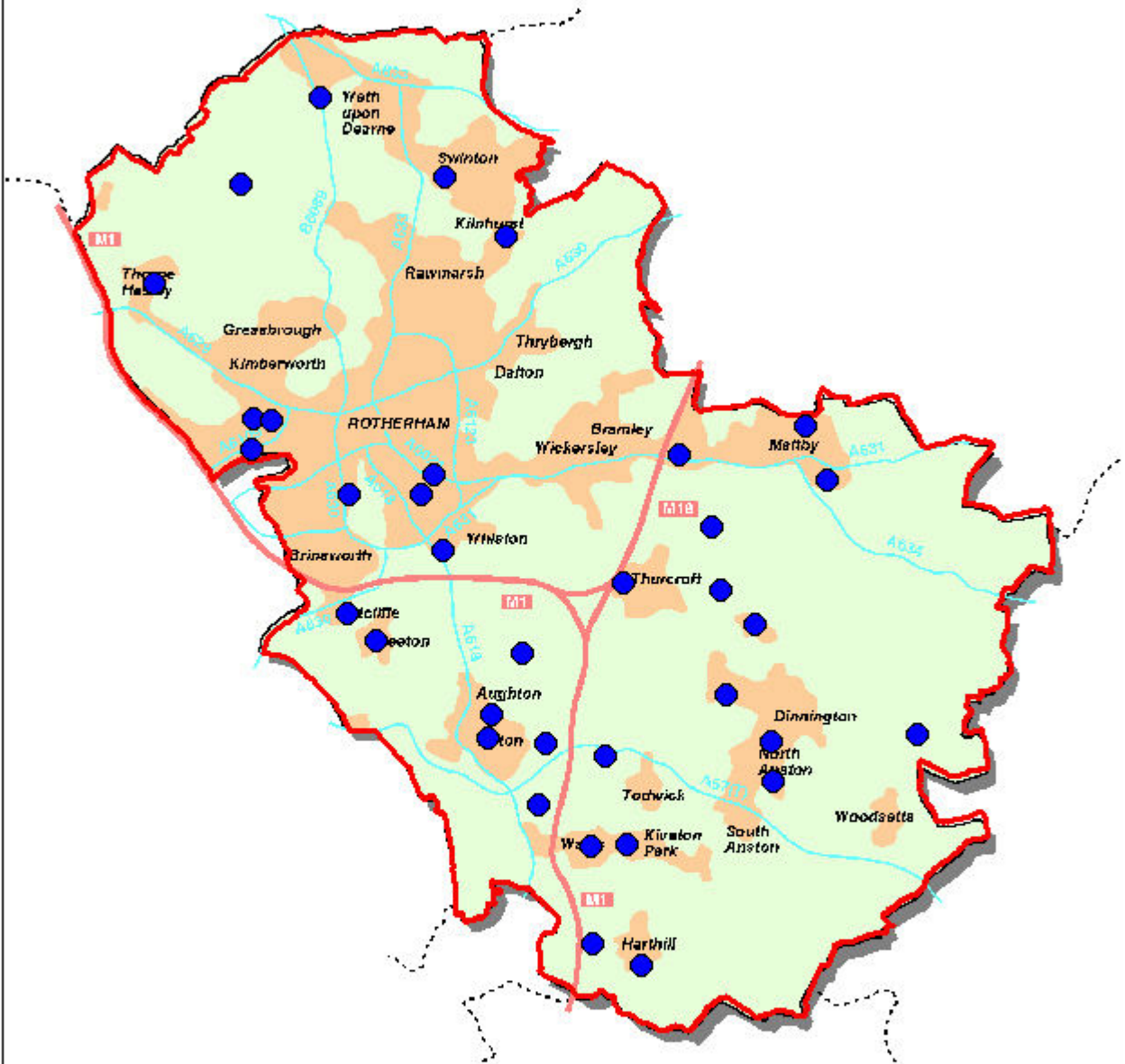


Diagram: Procedure for the complete removal of Public Call Boxes from a Site

Map 1



A map demonstrating the locations of the 35 pay phones proposed for closure by British Telecom.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Cabinet Member for Regeneration and Development Services
2.	Date:	11 July 2008
3.	Title:	Town or Village Green Application received on land at Cadman Street/Doncaster Road, Wath upon Dearne Ward 19 - Wath upon Dearne
4.	Directorate:	Environment and Development Service

5. Summary

A report summarising an application received by the Council, as Commons Registration Authority, from Manvers Green Residents Group under section 15 of the Commons Act 2006, in respect of land jointly owned by the Council and Gladedale (South Yorkshire) Ltd in Wath upon Dearne; the functions of the Council, as Commons Registration Authority; the effect of registration; and the right of those with an interest in the land to object to registration.

6. Recommendations

That the Cabinet Member for Regeneration and Development Services supports the submission of an objection to registration of land as a village green.

7. Proposals and Details

7.1 The application

An application to register approximately 1.3 acres of land at Cadman Street, Wath upon Dearne, as a Town or Village Green (TVG), was received by the Assistant Chief Executive, Legal and Democratic Services, acting as Commons Registration Authority on 20 May 2008. I attach a plan at Appendix 1 showing the subject site edged in green.

The land is jointly owned by the Council and Gladedale (South Yorkshire) Ltd. I attach a plan at Appendix 2 showing land within Council ownership hatched black and land within Gladedale's ownership edged black.

Gladedale have been pressing the Council to enter into a joint sale of the land and have submitted a planning application (entirely at their own risk) for the development of 29 dwellings on the site.

The elements which make up the statutory definition of a village green are as follows:-
Land....on which for not less than 20 years....a significant number....of the inhabitants of any locality....or of any neighbourhood within a locality....have indulged in lawful sports and pastimes....as of right....and continue to do so....

The Commons Act 2006 provides that registration must be made if the Commons Registration Authority is satisfied that the land has been used for such purposes, as mentioned above, for a period of at least 20 years as of right by local inhabitants, and that they continue to do so.

7.2 The current legal position

The Council must determine the application within a reasonable time, and in accordance with the requirements of the regulations made under the Commons Act 2006. This requires site notices to be published on site and in a local newspaper giving any person interested in the application the right to object within a prescribed period of not less than six weeks. The form of notice in this case appears at Appendix 3 and potential objectors (including the Council, as landowner) may submit a written objection at any time before 1 August 2008.

An objection on the grounds that registration would diminish the development or market value of the land, or would prevent the local authority land owner from using the land for other beneficial uses **is not** a relevant objection. In short the only valid objections are likely to be the production of evidence to refute the applicant's contention that:

- the claimed use had taken place for the necessary period
- the use had been "as of right"
- the use had extended to the whole of the claimed land (and therefore only part should be registered)
- the use claimed is not sufficient substance
- the use was substantially by persons who were not local inhabitants.

If any of these grounds exist, and the Council (as landowner) wishes to put these forward it must do so in writing by 1 August 2008.

It is proposed that both the Asset Management Service of the Council and Gladedale submit a joint objection to the application to try and protect both the Council's and Gladedale's position as landowners.

7.3 Effects of Registration

The landowner (or any purchaser or lessee) will be unable to use the land in any way that interferes with the "village green" uses historically enjoyed by the local inhabitants. This will, of course, have a detrimental effect on the future potential development of the site.

8. Financial Implications

See paragraph 7.3 above.

9. Risks and Uncertainties

- 9.1** Loss of asset value and ability to use the land if it is registered as a village green (see paragraph 7.3 above).
- 9.2** Prospect of legal proceedings against the Council if its decision on the application is considered to be unlawful or unreasonable.
- 9.3** Alienation of the applicants and the local inhabitants supporting the application if registration is refused.
- 9.4** Until the public consultation period has ended and any representations received are considered, the result of the current planning application is uncertain.

10. Policy and Performance Agenda Implications

It may be argued by the applicants that the designation of the area of land as a village green will create an amenity for the residents of the identified neighbourhood within Wath upon Dearne for all time. Its designation as a village green does, however, preclude proper consideration of the land as part of the greenspace strategy and Local Development Framework.

11. Background Papers and Consultation




- Commons Act 2006.
- The application which is on deposit and can be inspected by any member of the public during normal business hours at Civic Building (see Appendix 3)

Consultations - Assistant Chief Executive of Legal and Democratic Services

Appendix 1, 2 and 3.

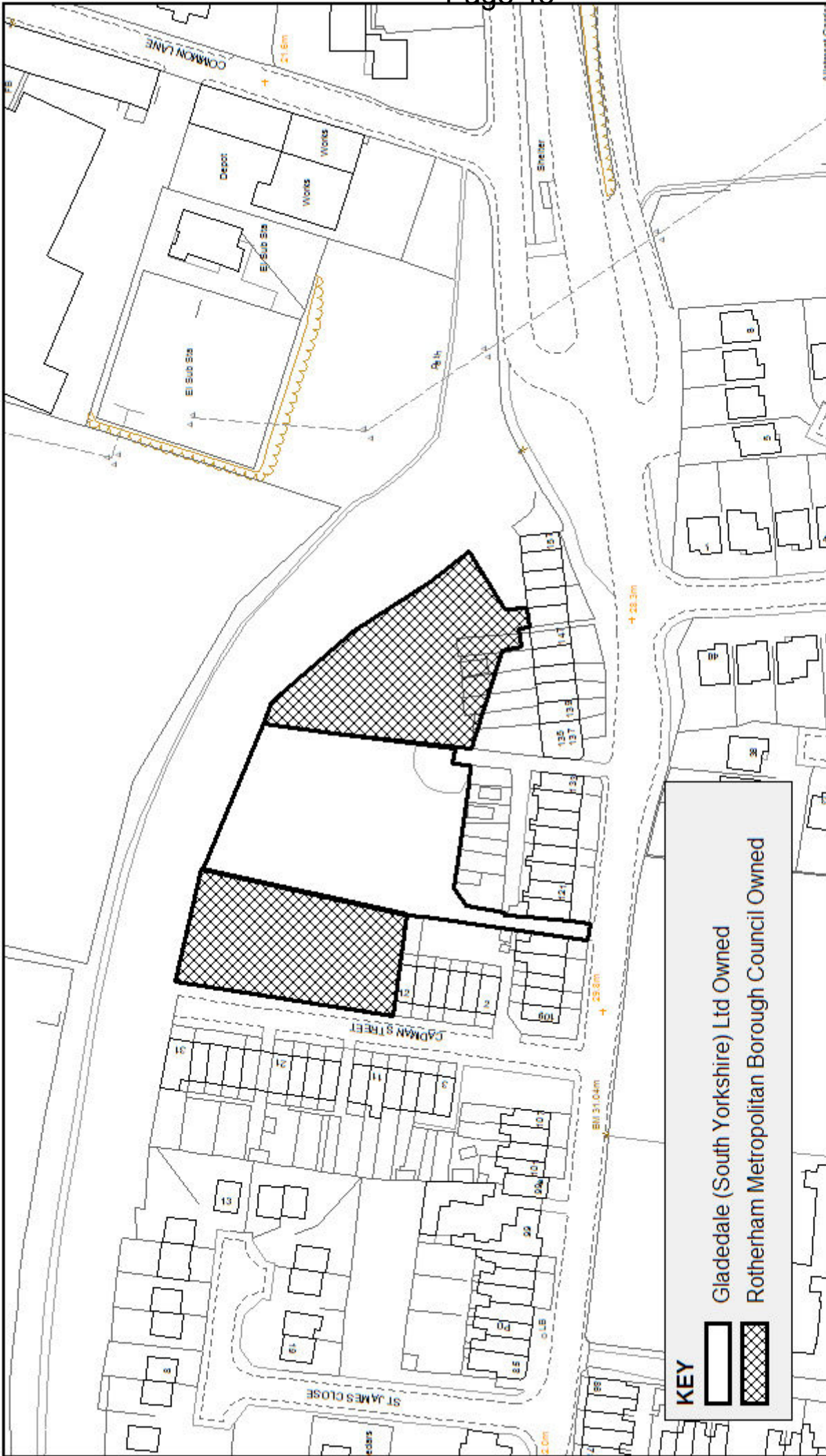
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APPENDIX 1



-  Manvers Green Boundary
-  Neighbourhood Boundary
-  Questionnaire Respondents



Map A



KEY

-  Gladedale (South Yorkshire) Ltd Owned
-  Rotherham Metropolitan Borough Council Owned

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LAND OWNERSHIP
 CADMAN STREET
 WATH-UPON-DEARNE
 ROTHERHAM

**FOR IDENTIFICATION ONLY.
 NOT TO BE USED FOR DEED
 PLAN PURPOSES.**



Scale 1:1250

Rotherham MBC
 Executive Director: Adam Wilkinson
 Valuation Group
 Economic & Development Service
 Bailey House, Rawmarsh Road
 ROTHERHAM S60 1QS



APPENDIX 3

ROTHERHAM BOROUGH COUNCIL

COMMONS ACT 2006

Notice of Application for registration of land claimed to have become a town or village green

To every reputed owner, lessee, tenant or occupier of any part of the land described below, and to all others whom it may concern.

Application has been made to the registration authority, the Rotherham Metropolitan Borough Council, Civic Building, Walker Place, Rotherham, S65 1UF ('the Commons Registration Authority') by The Manvers Green Resident's Group whose address for communication in connection with this application is Louise Mycroft, 27 Cadman Street, Wath upon Dearne, Rotherham, S63 7DP, under section 15 of the Commons Act 2006 for the inclusion in the Register of Town and Village Greens of the land described at Annex A below, which it is claimed is a town or village green, under and by virtue of section 15(2) of the Commons Act 2006, namely that a significant number of inhabitants of any locality or of any neighbourhood within a locality indulged as of right in lawful sports and pastimes for a period of at least 20 years; and that they continue to do so at the time of the application. The application was received by the Commons Registration Authority on the 20 May 2006 and has been allocated the application number 'TVG-2'

The application, which includes a plan of the land proposed for registration may be inspected at Civic Building, Walker Place, Rotherham, S65 1UF between 10 am and 4 pm on each weekday, excluding public holidays. Persons wishing to inspect the application are advised to make an appointment by telephoning 01709 823556. Any person wishing to obtain a copy of the application may do so by submitting a request in writing made to the address mentioned below, and accompanied by payment (made payable to Rotherham Metropolitan Borough Council) in the sum of £19.23 in respect of its photocopying and postage charges.

If the registration authority is satisfied that that the land described at Annex A below has become a town or village green as claimed, it will so register the land, and such registration will be conclusive evidence of the status of the land as at the date of registration.

Any person wishing to object to the registration of the land as a town or village green should send a written and signed statement of the facts on which he bases his objection to the Assistant Chief Executive (Legal and Democratic Services), (Ref: LS/TVG2/39498) Rotherham Metropolitan Borough Council, Civic Building, Walker Place, Rotherham, S65 1UF so as to arrive no later than 1st August 2008.

Dated the 6th day of June 2008

Signed

**T C Mumford
Assistant Chief Executive (Legal and Democratic Services)**

On behalf of Rotherham Metropolitan Borough Council

Annex A

Description of land claimed to have become a town or village green

Name by which usually known: described by the Applicant as 'Manvers Green'

Locality: Land adjacent to Doncaster Road (to the South) and Cadman Street (to the West), Wath upon Dearne, Rotherham, South Yorkshire,

Colour on plans submitted with application: Edged Green.