

**DERBYSHIRE COUNTY COUNCIL**

**MEETING OF CABINET MEMBER – JOBS, ECONOMY AND  
TRANSPORT**

**9 July 2013**

Report of the Acting Strategic Director – Environmental Services

**INFRASTRUCTURE PLANNING AND DEVELOPER  
CONTRIBUTIONS**

(1) **Purpose of the Report** To seek the Cabinet Member's authorisation to carry out public and stakeholder consultation on the Derbyshire Infrastructure Plan (DIP) and Developer Contributions' Protocol (DCP) for a period of six weeks.

(2) **Information and Analysis** Infrastructure planning has a critical role in ensuring the timely and coordinated provision of strategic services and infrastructure required as a result of new development. In response to this need to support our communities, accommodate change and facilitate economic development, Cabinet approved the DIP and DCP on 24 April 2012 (Minute No 126/12 refers) following extensive public and stakeholder consultation. The DIP has had a technical update in September 2012 and June 2013.

**The Derbyshire Infrastructure Plan (DIP)**

The DIP sets out a county-wide vision of future growth and development, drawn from the Local Plans of District and Borough Councils and the Peak District National Park Authority. It provides information about the strategic infrastructure projects that are needed to support and facilitate sustainable economic growth over the next 15-20 years and spending priorities. The strategic priority projects included in the current DIP cover a wide range of infrastructure, such as:

- Rail and road network improvements and maintenance.
- Integrated transport schemes, including public transport, walking and cycling.
- School condition improvements.
- Provision of accommodation, care and support for older people.

An up-to-date DIP is critical because it:

- Provides the county-wide context to feed into the wider economic Growth Plans for D2N2 (Derby, Derbyshire, Nottingham and Nottinghamshire) and Sheffield City Region Local Enterprise Partnerships (where they overlap).
- Will play an important complementary role in setting out the spatial context and priorities for the emerging Derbyshire Economic Strategy Statement that is being developed through the Derbyshire Economic Partnership.
- Provides local planning authorities (LPAs), developers, service providers and stakeholders with current information concerning the need for potential infrastructure improvements across Derbyshire resulting from proposed housing development.
- Informs the Infrastructure Delivery Plans in preparation by LPAs, which help to demonstrate whether Local Plans are deliverable.
- Assists LPAs that intend to adopt the Community Infrastructure Levy (CIL) in developing their charging schedules (none adopted to date).
- Facilitates LPAs in their joint working under the Duty to Co-operate.

#### **The Developer Contributions Protocol (DCP)**

The DCP relates only to developer contributions requested through planning obligations towards additional services and infrastructure provided by the County Council that result from new development. It does not cover contributions that may be sought by LPAs for local infrastructure, such as affordable housing and open space. Its aim is to provide guidance to LPAs, the development industry and other partners.

As the DIP and DCP have been in operation for a year, it is considered timely to refresh their policy content, strategic project priorities and review the need for any process improvements in consultation with our partners, stakeholders and the public. It is hoped to strengthen further the strong links already developed with the LPAs and stakeholders. A workshop with District and Borough Councils is planned during the summer to focus on the benefits of having a joint strategic approach to infrastructure planning across the county and to consider how the DCP can be improved to assist the development management process and monitoring of how developer contributions towards strategic infrastructure are used. The need for further support and training will also be considered on, for example, CIL and viability issues.

Key issues to review include:

- Whether the DIP and DCP can be made more transparent and set out more clearly how requests for developer contributions are calculated.

- The use of planning obligations, in light of the CIL Regulations, which increasingly focus on on-site mitigation that would allow a development proposal to become acceptable in planning terms.
- Strategic Priority Projects delivery schedules, including their delivery, timescales and potential funding.
- The infrastructure plans of our partners and stakeholders.

Both the refreshed DIP and the DCP are expected to be available to view by 2 July 2013 on the County Council's website at:

[http://www.derbyshire.gov.uk/council/meetings\\_decisions/meetings/cabinet\\_member\\_portfolio/jobs\\_economy\\_transport/default.asp](http://www.derbyshire.gov.uk/council/meetings_decisions/meetings/cabinet_member_portfolio/jobs_economy_transport/default.asp)

### **Monitoring and Review**

Since the first implementation of the DCP in May 2012 until March 2013, the County Council has been consulted on 70 strategic planning applications (i.e. 10 or more dwellings) and requested developer contributions of:

- £10,493,340 for capital contributions towards education, waste, green infrastructure and libraries;
- £2,185,897 for revenue contributions towards library services.

Contributions for highways and transport services and infrastructure are negotiated separately, as set out overleaf.

No income has been collected yet on the Section 106 contributions secured to date as the agreements contain clauses that a certain number of dwellings must be occupied before the money can be claimed from the developer by the LPA. In addition, issues of viability, LPA priorities such as affordable housing provision and open space, and the number of planning applications withdrawn or refused will affect the amount that the County Council is likely to secure.

In each case, the County Council requested that a condition be attached to any potential planning permission to provide for the on-site installation of ICT infrastructure in order to assist the provision of high-speed broadband and in line with the Derbyshire Digital Project. Some LPAs are including a guidance note attached to decision notices to highlight the benefits of superfast broadband.

In addition to the above infrastructure contribution requests relating to strategic planning applications, the County Council in its statutory role as Highway Authority considers around 8,500 planning applications each year. As a result financial, physical and service contributions are negotiated to protect and enhance the highway and transportation network against the impact of development. Most of the County Council's recommendations are acknowledged by the Local Planning Authorities and secured within the planning permissions granted. In the last financial year over £1million worth of

physical improvement works were undertaken in connection with access to new developments. On average, the Highway Authority also secures new estate street infrastructure as part of development schemes worth around £3.5 million.

An annual monitoring report is being prepared, that will set out the contributions requested and secured and analyse the effectiveness of the DIP and DCP, which will be used in the refresh of the DIP and DCP. This will be presented to a future Cabinet meeting setting out targets for future contributions.

(3) **Financial Considerations** This work will help the County Council to maximise funds towards the cost of delivering infrastructure and services. The level of funding will vary across the County and will depend on successful implementation of the DIP and DCP.

(4) **Legal Considerations** The Localism Act 2011 includes a duty amongst local authorities to co-operate with each other regarding issues of shared concern.

Issues relating to infrastructure in Derbyshire will often be material considerations to be taken into account as part of the determination by other planning authorities of applications made to them for planning permission, under the Town and Country Planning Act 1990

(5) **Property Considerations** The 'Changing the Way Derbyshire Works' programme is drafted in the DIP. The Director of Property Services is offering expert advice to the LPAs on viability and developer contributions.

In preparing this report the relevance of the following factors have been considered: legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health and transport considerations.

(6) **Key Decision** No.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** Held on the Developer Contributions file by the Planning Services Manager. Officer contact details – Harriet Fisher, extension 39551.

(9) **OFFICER'S RECOMMENDATION** That the Cabinet Member approves the Developer Contributions' Protocol and the refreshed Derbyshire

Infrastructure Plan for a six week period of public and stakeholder consultation.

**Mike Ashworth**  
**Acting Strategic Director – Environmental Services**