

DERBYSHIRE COUNTY COUNCIL DEVELOPER CONTRIBUTIONS' PROTOCOL

August-~~November~~ 2013

Introduction

- 1 The Derbyshire County Council Developer Contributions' Protocol is a tool for use by developers and borough and district councils and the Peak District National Park Authority (local planning authorities). It sets out the County Council's expectations for contributions towards infrastructure and services required to support housing growth and development in Derbyshire.
- 2 A fundamental aspect of achieving sustainable development as promoted in the Council Plan, Derbyshire's Sustainable Community Strategy 2009 - 2014 and the Derbyshire Infrastructure Plan, is that any necessary infrastructure and services should be in place at the right time to serve the development that requires them and that new development should also minimise its impact on the environment and mitigate any losses or damage to an existing community or environmental resource.
- 3 It may be possible to make residential development proposals acceptable through the use of planning conditions. Where this is not the case, it may be necessary to use developer contributions (planning obligations) to mitigate the impacts of a development proposal. For the purposes of this protocol, 'developer contributions' therefore means planning conditions; financial contributions (monies secured through Section 106); maintenance payments; and the direct provision of services, infrastructure, land and buildings.
- 4 As local planning authorities, it is the borough and district councils and the Peak District National Park Authority that deal with planning applications for housing development. However, ~~for new residential development,~~ it is the County Council and other providers that are responsible for the provision of much of the infrastructure and services which can face extra demand resulting from such development.
- 5 This Protocol focuses on priorities that could potentially require funding, either wholly or in part, from developer contributions. Strategic services and infrastructure that are covered by this Protocol include (this list is not exhaustive):
 - Local Authority collected waste;
 - Broadband;
 - Countryside including Public Rights of Way and Greenways;
 - Libraries;
 - Education;

- Adult care and [wellbeing](#);
 - Biodiversity (refer to the Derbyshire Wildlife Trust);
 - Archaeology (refer to the County Council's Archaeologist);
 - Landscape character (refer to the local planning authority);
 - Flood and water management (refer to the Highway Authority);
 - Travel planning (refer to the Highway Authority)
 - Highways (refer to the Highway Authority)
 - Health (refer to the Derbyshire Primary Care Trust);
 - Fire and Rescue (refer to Derbyshire Fire and Rescue Service);
- 6 The Protocol does not cover other contributions that may be sought by local planning authorities for local infrastructure and services (such as affordable housing, public art and open space) or those that may relate to a specific area where separate policies may already be in place regarding developer contributions (such as the National Forest or River Mease Catchment).
- 7 This Protocol should be used as a guidance tool for the development industry and local planning authorities. It helps ensure that the County Council's expectations and costs are taken into account at the earliest opportunity during the planning policy and application process.

Funding - Developer Contributions

- 8 The Derbyshire Infrastructure Plan identifies priorities that need to be delivered to address the needs of our communities and to accommodate future growth and development. There are many programmes, initiatives and funding streams that can be used to finance infrastructure and provide services. These should be used wherever possible to meet the needs of existing communities and address existing deficits. The Derbyshire Infrastructure Plan identifies many of these potential sources of funding.
- 9 This Protocol provides guidance on the County Council's expectations for developer contributions. Developer contributions cannot fund everything. The need for contributions will be assessed on a case by case basis and, in line with legal requirements, contributions will only be sought where they directly relate to the impact of new [housing](#) development. The use of Section 106 planning obligations is prescribed by the Community Infrastructure Levy (CIL) Regulations and the National Planning Policy Framework. Obligations must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development;
 - fairly and reasonably related in scale and kind to the development
- 10 The CIL Regulations restrict the use of Section 106 planning obligations. When local planning authorities introduce the Community Infrastructure Levy (CIL) or from 2014 (whichever comes first), no more

than five Section 106 obligations dating from April 2010 can be pooled and used to provide an individual project or type of infrastructure. Where a local planning authority introduces a CIL, Section 106 planning obligations can still be used to secure financial contributions towards infrastructure, provided that the obligations meet the three tests set out in the CIL Regulations and the obligation is not being used to deliver infrastructure that will be funded via CIL (to ensure developers are not 'double charged').

~~40~~11 The County Council expects local planning authorities to integrate requirements for developer contributions in their Local Plans (Core Strategies) and relevant supporting documents. In the absence of an up to date adopted Local Plan or if it is impracticable to review an adopted Core Strategy, the County Council would like to see this Protocol endorsed by local planning authorities. This is especially important if local planning authorities are not planning to introduce CIL.

~~41~~12 In August 2012, the Government consulted on proposals for the renegotiation of planning obligations. Currently, local planning authorities are encouraged on a voluntary basis to enter into renegotiations on planning obligations and signatories to Section 106 agreements can request a renegotiation after five years. The Government's proposal is that signatories to Section 106 agreements will be able to formally request reconsideration of all planning obligations agreed prior to 6 April 2010 (effectively removing the current five year threshold). The purpose of this is to assist in bringing forward stalled development where obligations were agreed in more buoyant market conditions.

~~42~~13 This proposal does not mean that obligations should be reduced arbitrarily or the terms automatically adjusted. It does not provide a reason to permit unsustainable development and the resultant obligation must be justified and still be sufficient to make the development acceptable in planning terms. Should local planning authorities enter into renegotiation of Section 106 agreements, either voluntarily or on receipt of a formal request from signatories, the County Council should be involved in these negotiations so that requirements for strategic infrastructure can be given full consideration to ensure that development remains acceptable in planning terms.

Community Infrastructure Levy

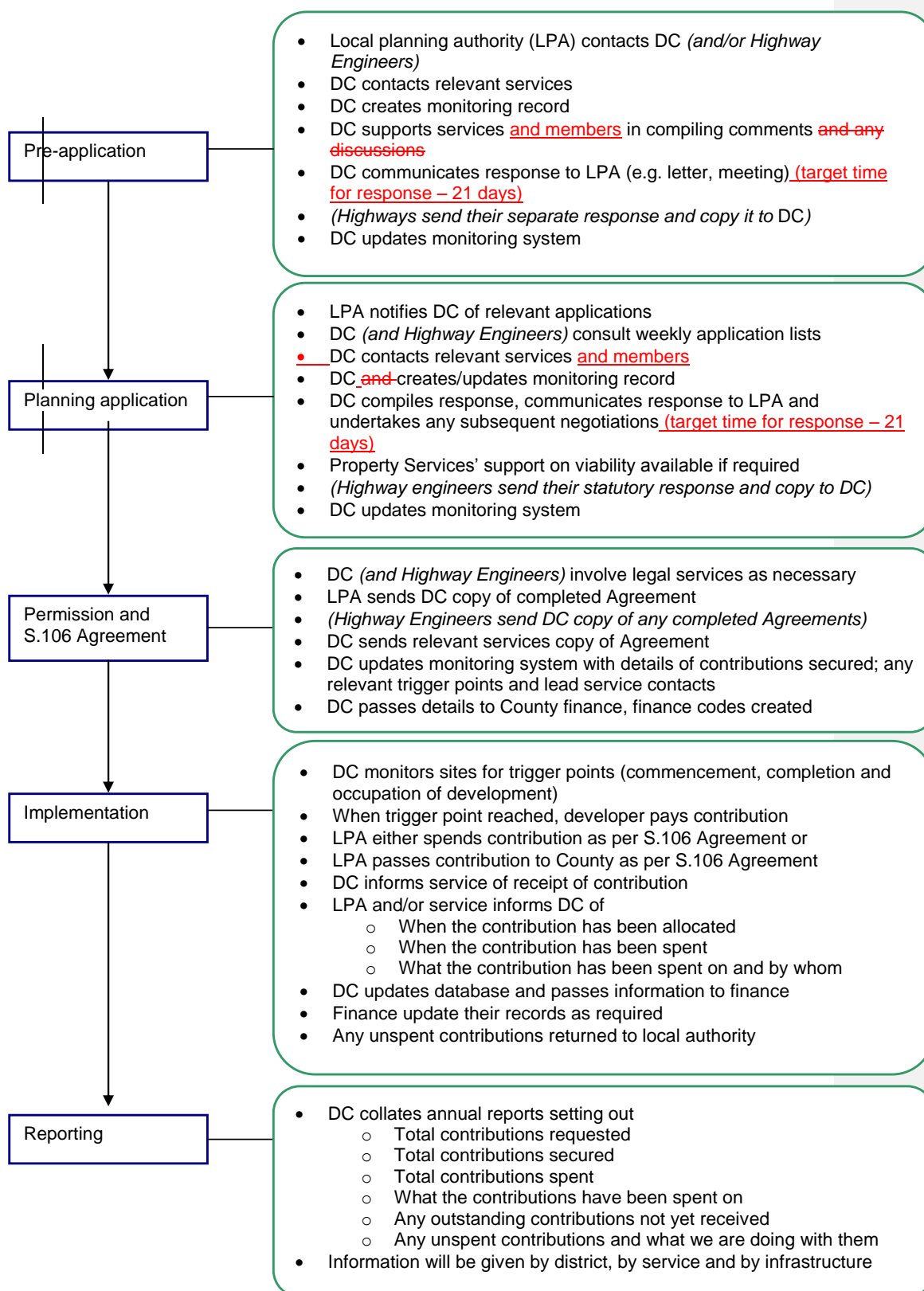
~~43~~14 Local planning authorities are currently preparing their Local Plans. These are informed by Infrastructure Delivery Plans which set out what services and infrastructure are needed to deliver the Local Plan strategy. The Infrastructure Delivery Plans also identify funding requirements, and crucially, any funding gaps. They are critical pieces of evidence for the CIL.

- | ~~44~~15 CIL is a potential source of funding for strategic infrastructure and service delivery. CIL is a tariff-based approach to developer contributions which will ensure that all development pays towards the cost of providing the infrastructure that is needed to support the development of the area. It will allow the cumulative impact of growth to be addressed.
- | ~~45~~16 The amount to be paid will be set out in advance in a CIL Charging Schedule, which will be examined by a Planning Inspector at an Examination in Public. The Charging Schedule will be assessed in terms of viability. This means that everyone will understand the costs in advance of a planning application being submitted; it is a fairer and more transparent approach than Section 106 Agreements and other similar types of developer contributions which are negotiated on a case by case basis.
- | ~~46~~17 Regulation 123 Lists will set out what infrastructure will receive funding from CIL. CIL should not be used to wholly fund infrastructure. **CIL is a gap funding mechanism and should only be used where other mainstream sources of funding have been exhausted.** The funding gap is the cost of providing the infrastructure needed minus any other funding from mainstream sources. Setting CIL rates should be about achieving a balance between the funding gap and viability.
- | ~~47~~18 The County Council is not a 'charging authority' and will not have a CIL Charging Schedule. However, the County Council can be a 'collecting authority' and receive funding from CIL charged by local planning authorities in order to fund strategic infrastructure and services e.g. transport, Local Authority collected waste, education etc.
- | ~~48~~19 The amount that could be raised in Derbyshire will depend on local planning authorities' take-up of CIL and the rate they decide to set. In setting their CIL rate, local planning authorities should have regard for viability and local market conditions including the cost to developers of contributing to affordable housing and other developer contributions.
- | ~~49~~20 The County Council has set out in the Derbyshire Infrastructure Plan strategic priority projects that could be funded by CIL. The County Council would like to see these strategic priority projects reflected in Local Development Frameworks, local Infrastructure Delivery Plans, CIL Charging Schedules, and CIL Regulation 123 Lists.

This Protocol is intended to be used specifically in relation to negotiating and securing developer contributions through Section 106 Agreements and other similar types of contributions that are negotiated and secured on a case-by-case basis.

Process

- | 2021 The process for the County Council's involvement in negotiating and securing developer contributions is set out in the flow chart overleaf. The process is intended to streamline existing practices and avoid duplication of work between County Council departments. The Principal Planner – Developer Contributions (shown as DC on the flow diagram) will act as a single point of contact for the County Council. Where possible communication should be via electronic format (email planningpolicy@derbyshire.gov.uk).



Pre-application

- | ~~24~~22 The County Council recognises the benefits to all parties of pre-application discussions which speed up decision-making and provide clarity. Developers are strongly encouraged to engage in discussions and meetings with local planning authorities (involving the County Council where appropriate) prior to submitting planning applications.
- | ~~22~~23 The County Council does not consider it acceptable for developers to commit to pay enhanced purchase prices for land in the expectation that they can then use this to minimise the developer contribution requirements. Developers should therefore balance the take into account the County Council's expectations set out within this Protocol and the need to ensure a competitive return to the landowner when negotiating the price of land and entering into commitments to purchase sites. Developers may be asked to provide financial information to local councils through a standard economic viability appraisal which may be subject to examination by the local planning authority and/or County Council's Corporate Resources. The County Council will ask developers and Local Planning Authorities whether the pre-application enquiry is confidential.
- | ~~23~~24 Local planning authorities should notify the Principal Planner – Developer Contributions of any pre-application discussions or meetings relating to planning applications, pre-application inquiries and development briefs which may be of relevance to County Council departments at the earliest opportunity.
- | ~~24~~25 It is suggested that development schemes of 10 dwellings or more (major applications) should be notified, although the local planning authority should use its judgement in considering whether a scheme is relevant to the County Council. Smaller thresholds may be used if the local planning authority feels it is appropriate to do so. Notification should be accompanied by sufficient information to identify the site of the proposal (location plan), and the type and nature of the proposed development.
- | ~~25~~26 The Principal Planner – Developer Contributions and/or officers from County Council departments may wish to attend meetings between the local planning authority and the developer or their agent. The Principal Planner – Developer Contributions will be responsible for contacting County Council services to ensure that relevant County Council officers have the opportunity to be involved in pre-application meetings and discussions.

Comment [HF1]: Amended to reflect comment from Pegasus Planning

Application submitted

- | ~~26~~27 Local planning authorities should notify the Principal Planner - Developer Contributions of applications that may be relevant to County Council services at the earliest opportunity.

- | ~~2728~~ It is suggested that development schemes of 10 dwellings or more (major applications) should be notified, although the local planning authority should use its judgement, with reference to the thresholds set out below, in considering whether a scheme is relevant to the County Council. Smaller thresholds may be used if the local planning authority feels it is appropriate to do so. Notification should be accompanied by sufficient information to identify the site of the proposal (location plan), and the type and nature of the proposed development.

- | ~~2829~~ The County Council Principal Planner - Developer Contributions (and also the County Council's Highway Engineers) will proactively search for relevant planning applications via the local planning authorities' online 'weekly lists'. Again, a threshold of 10 dwellings or more will be used as a general rule, although a judgement will be taken and the County Council may wish to be involved in smaller applications.

- | ~~2930~~ The County Council Principal Planner - Developer Contributions will be responsible for contacting County Council services to ensure that relevant County Council officers have the opportunity to provide a response in good time. Relevant County Council officers will provide comments on potential service and infrastructure implications arising from the proposed development and any mitigation and/or developer contributions that may be required as a result.

- | ~~3031~~ The County Council County Council Principal Planner - Developer Contributions and the County Council's Highway Engineers will liaise to ensure that responses back to local planning authorities are broadly consistent. The Highway Engineers will ensure any relevant correspondence is copied to the County Council Principal Planner - Developer Contributions and vice versa.

- | ~~3132~~ Derbyshire County Council Corporate Resources department can offer support to development management staff in local planning authorities with evaluating financial appraisals submitted by developers in support of applications. Further information is provided at page ~~1044~~ below.

Legal Agreements

- | ~~3233~~ Local planning authorities are responsible for securing developer contributions via a legal agreement e.g. Section 106 Agreements. The County Council is hopeful that by setting out its priorities clearly in this Protocol and by providing guidance to local planning authorities during the planning process, its service requirements can be reflected in final legal agreements.

- | ~~3334~~ However, it is acknowledged that the **decision on what contributions will be sought and what will be included in a final legal agreement rests with the local planning authority** and that there may be circumstances (for example where a development would not be viable

as a result of developer contributions) where the priorities set out in this Protocol cannot be adequately reflected.

- | ~~34~~35 The cost of preparing and securing legal agreements will normally be met by developers. In other cases, the County Council and local planning authorities will separately be responsible for the costs relating to their own specific service requirements.
- | ~~35~~36 The County Council would seek to be co-signatories to legal agreements. For example where the County Council has land interests or where the County Council will have monitoring obligations (for example in relation to travel planning) as a result of a Section 106 Agreement.
- | ~~36~~37 Following negotiation, copies of legal agreements should be sent to the County Council Principal Planner - Developer Contributions for scrutiny. Legal agreements should include clear timescales and trigger points for the payment and collection of contribution(s).
- | ~~37~~38 After agreement, a copy of the document should be sent to the County Council Principal Planner - Developer Contributions. A copy of the Agreement will then be forwarded to the relevant County Council service and the County Council's legal and finance departments. The County Council's records will be updated.

Implementation

- | ~~38~~39 Timing of contributions will vary, but broadly, payment should be made at a time that enables the provision of the service that is being funded at the time when it is needed. Developers will pay and local planning authorities will collect the contribution(s) as per the trigger points set out in the legal agreement.
- | ~~39~~40 The County Council will consider the use of, and encourage local planning authorities to consider the use of, flexible trigger points for payment of contributions. For example, contributions could be phased and collected in instalments, or collected towards the end of a development. In some circumstances, a flexible approach to payment trigger points could help ensure developments remain viable.
- | ~~40~~41 Local planning authorities will then inform the County Council Principal Planner - Developer Contributions that the contribution has been collected. All financial contributions received should be monitored; clear records of when the contribution has been spent and what **it has** been spent on should be kept and the information passed on to the County Council - Principal Planner - Developer Contributions so **that** the County Council's records can be updated.
- | ~~41~~42 In some circumstances, the contribution may be passed directly to the County Council in which case the County Council Principal Planner -

Developer Contributions will record receipt of the contribution. County Council services will inform the County Council Principal Planner - Developer Contributions - when the contribution has been allocated and spent and what has been spent on so that the County Council's records can be updated.

- | 4243 Any contributions that remain unspent at the end of the time period specified in the legal agreement may be repaid to the developer upon their written request.

Monitoring and Reporting

- | 4344 The County Council Principal Planner - Developer Contributions will prepare annual reports setting out what contributions have been secured by the County Council, what contributions have been spent and on what, any outstanding contributions yet to be collected, and any outstanding contributions yet to be spent. For contributions yet to be spent, an indication of what they will be spent on will be included. Where possible information will be given by district, service and infrastructure type. The monitoring information and annual reports will be available to share with local planning authorities as required.

- | 4445 The County Council, as the Highway Authority, will provide a separate response dealing specifically with highway and transport matters. Whilst the County Council's highway service may be involved separately in negotiations on developer contributions, the County Council Principal Planner - Developer Contributions will share information with the highway team (and vice versa) and will monitor all progress on developer contributions, including any funding secured and spent in relation to highway and transport matters.

Policy Consultations

- | 4546 The County Council Principal Planner - Developer Contributions - will contribute to responses to policy consultations such as Local Development Frameworks, site briefs, design statements and masterplans where the County Council's Policy and Monitoring team in Environmental Services has determined a response is required. The County Council Principal Planner - Developer Contributions will ensure that any implications relating to developer contributions are reflected in policy responses, and in doing so will engage officers from relevant County Council services as required.

Viability

- | 4647 Derbyshire County Council Property Services has ~~tested developed a financial appraisal spreadsheet to assess~~ the Developer Contributions' Protocol to ensure that it is realistic and deliverable. Rather than examine specific real-life sites, a typology approach has been used to test a selection of sites. Two hypothetical sites in each district have

been tested – one in the main market town/urban area and one in the rural hinterland. ~~A snapshot of the spreadsheet tool is at Appendix A.~~

4748 The ~~spreadsheet tool~~assessment has ~~been used to~~looked broadly at the impact that different factors may have on the viability of a scheme including values and costs such as developer's profit, finance and borrowing, marketing costs, construction costs and land prices. The figures are **indicative** and use up to date market information on property transactions and conversations with estate departments in the County Council and district and borough councils, and various estate agents.

4849 This protocol provides a view on what can potentially be delivered. It is recognised that current ~~(2012)~~2013 market conditions are still very difficult, particularly in certain parts of the county. However, it must be acknowledged that the viability of development schemes in different locations will change over the long-term, as markets rise and fall. Any negotiations on developer contributions must be carried out in the context of current market conditions prevalent at the time that the planning application is being considered.

4950 Where developers claim that the scale and/or range of contributions sought would be too burdensome, inappropriate, not justified or otherwise unreasonable, the County Council Principal Planner - Developer Contributions ~~onus should be on the developer to make a convincing case to support their argument. The will request that the~~ developer ~~may be requested to submit~~s a full financial appraisal in support of their application. Derbyshire County Council Corporate Resources department ~~will provide support to the~~ County Council Principal Planner - Developer Contributions ~~(and by request Local Planning Authorities) in reviewing developers' financial appraisals. can offer consultancy support to local planning authorities' development management teams in evaluating financial appraisals that are submitted by developers in support of planning applications, particularly where developers are arguing that developer contributions would make a scheme not viable. Financial appraisals can be tested and tailored appraisals produced, using the financial appraisal spreadsheet tool.~~

Derbyshire County Council's Contribution Requirements

- | ~~5051~~ As the Highway Authority, Derbyshire County Council must be consulted as a statutory consultee on highway matters and will provide a separate response relating specifically to highways and transport matters.
- | ~~5152~~ Local Planning Authorities have service level agreements with Derbyshire Wildlife Trust and the Derby and Derbyshire Development Control Archaeologist to provide advice on ecological and archaeological issues respectively. These service level agreements should be used to obtain advice on request.
- | ~~5253~~ **All other County Council services may be covered in a corporate response on strategic infrastructure requirements that will be prepared and provided by the County Council Principal Planner - Developer Contributions.**
- | ~~5354~~ The presumption is that developers will provide facilities themselves either on-site or off-site. However, there will be times when the County Council wishes or needs to provide certain infrastructure or services itself. In this situation, it may be necessary for the County Council to receive land and/or a financial contribution (commuted sum) in lieu of developers providing the facilities themselves. The most appropriate mechanism for delivering the required infrastructure would need to be assessed and negotiated on a site by site basis.
- | ~~5455~~ The provision of infrastructure and services may give rise to on-going maintenance costs, especially where ownership and responsibility is passed on to the County Council. In these circumstances, the County Council may also seek financial contributions towards on-going maintenance, normally as a one-off payment equivalent to the cost of 10 years of maintenance. Where developers retain responsibility for a facility, they will be expected to ensure proper maintenance and this should be set out in the legal agreement.
- | ~~5556~~ Where CILs are not adopted, Councils may choose to pool contributions from up to 5 schemes in order to address the cumulative impact of developments. In these circumstances, the cost of the infrastructure will be split proportionately and equitably between developers. Where infrastructure is provided to deal with cumulative impacts before all developments have come forward, later developers may still be required to contribute to the relevant proportion of the costs of infrastructure. Pooling could take place between developments and across local authorities where there are cross-boundary impacts.
- | ~~5657~~ Where possible, this Protocol sets out thresholds, charge levels and formulae. **These formulae are not a tariff but to provide a starting point for negotiation** between local planning authorities and developers. These formulae should be reflected early on in the

development management process to provide developers with certainty. However **all contributions will be assessed on a site by site basis**. It is acknowledged that each development proposal will have different circumstances, and priorities may vary according to local need, viability, the site, and central and local government guidance.

| 5758 The level of contribution sought may change as a result of inflation, legislation, government advice, new development plans, and other changes to service priorities and infrastructure requirements. Consequently, the Protocol will be reviewed regularly and the Plan updated as necessary. Where financial contributions are secured via Section 106 agreement, the County Council would expect that obligations are linked to the Royal Institute of Chartered Surveyors' Building Cost Information Service index to allow for inflation and any increases in costs in the period between the agreement being signed and the obligation being triggered.

| 5859 The negotiation of developer contributions is a matter for the local planning authority and the final decision rests with the local planning authority. However, the County Council is, in many cases, the infrastructure or service provider, and is often subjected to additional costs as a result of new development and pressure on its services. It is therefore suggested that the County Council's priorities for future investment in infrastructure and service provision are taken into account by local planning officers and reflected in negotiations wherever possible.

Summary of Requirements

5960 The following table provides an **indication** of the level of contributions that may be required. **This table is not a set tariff** - requirements will be negotiated and determined on a site by site basis and may differ from the indicative list below.

Service	Threshold	Level
<u>Local Authority Collected Waste</u>	10 dwellings or more	From <u>£14.25 to £37.11</u> per dwelling depending on capacity of affected Household Waste Recycling Centre
<u>Broadband</u>	10 dwellings or more	On-site <u>design to enable provision of broadband services and infrastructure</u>
<u>Green Infrastructure</u>	10 dwellings or more	<u>On-site design to protect and enhance existing green infrastructure</u> <u>Financial contribution (approximately £64,000 per kilometre) where a proposed development directly relates to a strategic priority project</u>
<u>Cultural and Community Services</u>	10 dwellings or more	£245.70 per dwelling for capital investment where a proposed development directly relates to a strategic priority project £36 per dwelling to provide additional library services
<u>Education</u>	10 dwellings or more	Primary school - £2,279.80 per dwelling Secondary school - £2,576.42 per dwelling Post-16 education - £1,117.67 per dwelling
<u>Adult Care and Wellbeing</u>	Residential development likely to house older or disabled people	Conditions to secure high quality design <u>to provide; and on-site provision of</u> accessible open space and changing places toilets
<u>Landscape Character</u>	Local Planning Authority to determine requirement for Landscape Character and Visual Amenity Assessment	Local planning authority to determine mitigation measures as per Landscape Character and Visual Amenity Assessment
<u>BiodiversityBiodiversity</u>	Refer to Derbyshire Wildlife Trust for advice	Refer to Derbyshire Wildlife Trust
<u>Archaeology and the Historic Environment</u>	Refer to County Council Archaeologist for advice	Refer to <u>Derby and Derbyshire Development Control</u> Archaeologist
<u>Flood and Water Management</u>	Refer to Highway Authority	Refer to Highway Authority
<u>Travel Planning</u>	Refer to Highway Authority	Refer to Highway Authority
<u>Highways</u>	Refer to Highway Authority	Refer to Highway Authority
<u>Health</u>	Refer to <u>Clinical Commissioning Group</u>	Refer to <u>Clinical Commissioning Group</u>
<u>Fire and Rescue</u>	Refer to Derbyshire Fire and Rescue Service	Refer to Derbyshire Fire and Rescue Service

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Local Authority Collected Waste

Comment [HF2]: Section updated to provide additional evidence to justify requests for developer contributions

- Financial contributions via Section 106 Agreements
- (CIL for specific named interventions)

~~60 Nationally, current Government legislation is focused on maximising the re-use and recycling of waste and diverting waste from landfill. The County Council provides a large number of appropriate containers and storage areas at Household Waste Recycling Centres (HWRC) to maximise the amount of waste re-used or recycled that is delivered by local residents.~~

~~61 Locally, the Derbyshire Joint Municipal Waste Management Strategy objectives, priorities and targets focus on sustainable waste management and use of resources. One aim of the strategy is to manage waste in accordance with a hierarchy of prioritising re-use, recycling and composting of waste in order to conserve energy and resources. In light of this, new developments should be provided with appropriate, easy, convenient and accessible methods of waste management and recycling.~~

~~62 New residential development will place additional pressure on waste services and result in an increase in the number of households requiring disposal facilities and HWRCs. Combined with the complex on-demand and varied nature of the waste received at HWRCs, it will become increasingly difficult over time to maintain performance and a good level of service, especially at busy and peak times.~~

~~The table below provides information on the current capacity of Household Waste Recycling Centres (HWRC) in Derbyshire.~~

~~61 Local authority collected waste is mostly that collected from households but also includes waste from some commercial and retail premises and waste from schools and some other public institutions. Derbyshire County Council's Waste Management Service is responsible for the management and disposal of municipal waste arisings.~~

~~62 Together, the Derbyshire Joint Municipal Waste Management Strategy and the Waste Plan (currently being prepared jointly with Derby City) set out the vision and framework for the development and delivery of council waste management services within Derbyshire over the next 20 years. The overall aim is to manage waste higher up the waste hierarchy with high levels of recycling/composting being achieved.~~

~~63 New residential development will place additional pressure on waste management services and result in an increase in the number of households requiring waste treatment facilities and Household Waste Recycling Centres (HWRCs). Combined with the complex on-demand and varied nature of the waste received at HWRCs, it will become~~

increasingly difficult over time to maintain performance and a good level of service, especially at busy and peak times.

64 The County Council currently has 9 HWRCs in Derbyshire. The table below provides information on the current capacity of Household Waste Recycling Centres (HWRC) in Derbyshire.

HWRC	<u>Permit Tonnage Capacity</u>	<u>Total Tonnage Processed 2012/13</u>	<u>Vehicle Capacity</u>	<u>Current Available Capacity</u>	<u>Requirement for Additional Capacity and Potential for Expansion</u>
Ashbourne	<u>24,999</u>	<u>3545.87</u>	Space for 14 parked vehicles and 31 queuing	Surplus	No current requirement for additional capacity. If required in the future there is potential for expansion on County Council owned land to the west.
Bolsover	<u>25,000</u>	<u>7264.95</u>	Space for 24 + 2 disabled parked cars & 30 queuing	Surplus	No current requirement for additional capacity. If required in the future there is potential for expansion as part of Markham Vale development.
Newhall (Bretby)	<u>5,000</u>	<u>5590.33</u>	Parking for 8 vehicles and 40 queuing on access road	Over capacity (<u>tonnage and parking & access</u>)	<u>Additional capacity required to accommodate growth in South Derbyshire. No potential for expansion. A new HWRC is required. Former landfill site. Could potentially expand subject to planning and infrastructure constraints</u>
Glossop	<u>5,000</u>	<u>3396.65</u>	Limited parking for 6 vehicles on site and 3 outside of site	Over capacity (<u>parking & access</u>)	<u>Additional capacity required to accommodate growth in High Peak. Redevelopment proposed, planning permission obtained, but access constraints to overcome. Redevelopment not proposed, planning permission obtained, but access constraints to overcome</u>
Ilkeston	<u>25,000</u>	<u>7053.69</u>	Parking for 10 vehicles on site and 15 on access road. Queuing on highway at peak times	<u>Almost at</u> capacity (<u>parking & access</u>)	<u>Additional capacity required to accommodate growth in Erewash. Some potential to expand by removing existing banking and construction of a</u>

					retaining wall.
Loscoe	<u>25,000</u>	<u>13793.93</u>	18 + 1 disabled parking spaces on-site and 15 on access road. Queuing on highway at peak times	Over capacity (parking & access)	<u>Additional capacity required to accommodate growth in Amber Valley. Possibility of expansion subject to land acquisition and funding.</u> <u>Possibility of expansion subject to land acquisition and funding</u>
Chesterfield	<u>25,000</u>	<u>10682.2</u>	16 + 2 disabled parking spaces on-site and 6 spaces on access road. Queuing on highway at peak times	At <u>limit of capacity</u> (parking & access)	<u>Additional capacity required to accommodate growth in Chesterfield and north Derbyshire. No potential for expansion. A new HWRC is required.</u> <u>No potential for expansion</u>
Waterswallows	<u>75,000</u>	<u>4607.98</u>	20 parking spaces on-site and 3 spaces on access road	Surplus capacity	<u>No current requirement for additional capacity. If required in the future there is potential for expansion on existing footprint if capacity of the transfer station is utilised.</u> <u>No current requirement for additional capacity. If required in the future there is potential for expansion on existing footprint if capacity of the transfer station is utilised</u>
Northwood		<u>3619.47</u>	16 parking spaces on-site and 48 spaces on access road	Surplus capacity	No current requirement for additional capacity.

~~63 — Where a HWRC is approaching capacity or at capacity, the Derbyshire Infrastructure Plan highlights it as a priority project for CIL revenue. However, in advance of local planning authorities adopting CIL and in the case of other HWRCs, to make proposed residential development acceptable in planning terms it may be necessary to secure developer contributions via alternative mechanisms (for example Section 106 Planning Obligations) to deliver the additional capacity needed to manage additional waste in a sustainable way.~~

65 Where new residential development is proposed, Derbyshire County Council will assess the demands that the proposed development would have on existing HWRCs. The assessment will identify the nearest which HWRC site the residents of a proposed development would use, the capacity of that HWRC site and whether the proposed development will result in a need for the provision of additional waste management

~~capacity, its relationship with the proposed development, and the increased waste likely to be generated by each additional household.~~
Any request for contributions will be **directly related** to the nearest HWRC to the proposed development.

~~66~~ Where Derbyshire County Council concludes that a site currently has sufficient capacity to accommodate the proposed development, no contribution will be sought. The capacity of HWRC sites will be kept under review.

~~67~~ The Derbyshire Infrastructure Plan highlights HWRCs that are at or over capacity as strategic priority projects. The County Council would expect to see these strategic priority projects identified in Local Plans and, where relevant, delivered via CIL. Where local planning authorities are not intending to introduce a CIL, the County Council would expect local planning authorities to secure funding for additional waste management provision required as a result of proposed development via Section 106 planning obligations.

~~6468~~ Where a HWRC is at or over capacity, new development will only serve to exacerbate the issue. Where expansion to an existing HWRC or provision of a new HWRC is required, the County Council will seek developer contributions via Section 106 Planning Obligations towards the provision of additional waste management capacity in order to make proposed residential development **acceptable in planning terms**.

~~65~~ Where Derbyshire County Council concludes that a site currently has sufficient capacity to accommodate the proposed development, no contribution will be sought. The capacity of HWRC sites will be kept under review.

~~69~~ Where the proposed development is likely to result in a HWRC being unable to accommodate additional waste, contributions Contributions will be sought towards the provision of additional capacity at the nearest HWRC through either expansion of the existing HWRC or provision of a new HWRC. Measures to increase capacity through expansion could include, for example, providing additional containers, or increasing the number or size of areas/bays at the site.

~~70~~ Northwood in Derbyshire Dales is the most recently delivered HWRC in Derbyshire. It was completed in 2011 and gives an indicator of cost for delivering a new HWRC. The cost of construction for Northwood HWRC was £971,020. The cost of construction and land for Northwood was £1,239,600. These figures have been inflated by 3.3% (RPI) to account for inflation since the HWRC was completed in 2011.

~~6671~~ In order to ensure contributions sought are **fairly and reasonably related in scale and kind** to proposed developments this indicative cost figure is adjusted by the number of households using the existing

HWRC and the size of the existing HWRC to understand what level of contribution would be required to achieve a facility equivalent to Northwood HWRC. These calculations are shown in the table overleaf.

<u>HWRC</u>	<u>Approximate number of households using HWRC</u>	<u>Cost of construction per household</u>	<u>Cost of construction and land per household</u>	<u>Size of HWRC compared to Northwood</u>	<u>Adjusted cost of expansion per household (construction)</u>	<u>Adjusted cost new HWRC per household (land and construction)</u>
<u>Ashbourne</u>	19820	<u>£48.99</u>	<u>£62.54</u>	134%	<u>£65.86</u>	<u>£84.07</u>
<u>Bolsover</u>	40609	<u>£23.91</u>	<u>£30.52</u>	114%	<u>£27.44</u>	<u>£35.03</u>
<u>Newhall (Bretby)</u>	31248	<u>£31.07</u>	<u>£39.67</u>	72%	<u>£22.41</u>	<u>£28.61</u>
<u>Glossop</u>	18986	<u>£51.14</u>	<u>£65.29</u>	27%	<u>£14.25</u>	<u>£18.20</u>
<u>Ilkeston</u>	39428	<u>£24.63</u>	<u>£31.44</u>	118%	<u>£29.07</u>	<u>£37.11</u>
<u>Loscoe</u>	76803	<u>£12.64</u>	<u>£16.14</u>	83%	<u>£10.57</u>	<u>£13.49</u>
<u>Chesterfield</u>	59711	<u>£16.26</u>	<u>£20.76</u>	121%	<u>£19.73</u>	<u>£25.18</u>
<u>Waterswallows</u>	25757	<u>£37.70</u>	<u>£48.13</u>	54%	<u>£20.39</u>	<u>£26.04</u>
<u>Northwood</u>	20232	<u>£47.99</u>	<u>£61.27</u>	n/a	<u>£47.99</u>	<u>£61.27</u>

72 The table below shows the level of contribution required to deliver additional waste management capacity (where needed).

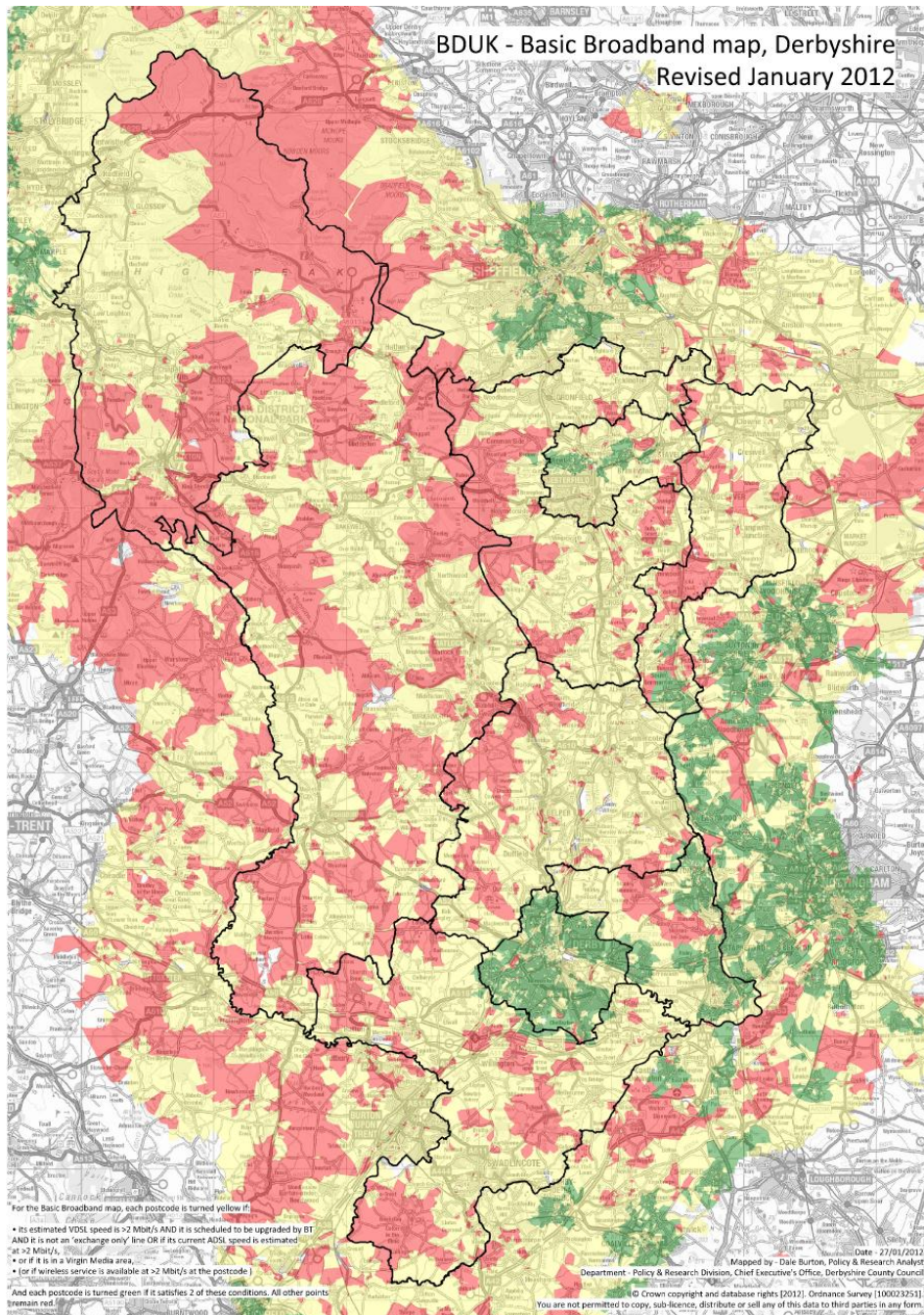
<u>HWRC</u>	<u>Requirement for additional capacity</u>	<u>Level of contribution</u>
<u>Ashbourne</u>	<u>No</u>	<u>£0</u>
<u>Bolsover</u>	<u>No</u>	<u>£0</u>
<u>Newhall (Bretby)</u>	<u>Yes (new HWRC)</u>	<u>£28.61</u>
<u>Glossop</u>	<u>Yes (expansion)</u>	<u>£14.25</u>
<u>Ilkeston</u>	<u>Yes (expansion)</u>	<u>£37.11</u>
<u>Loscoe</u>	<u>Yes expansion)</u>	<u>£13.49</u>
<u>Chesterfield</u>	<u>Yes (new HWRC)</u>	<u>£25.18</u>
<u>Waterswallows</u>	<u>No</u>	<u>£0</u>
<u>Northwood</u>	<u>No</u>	<u>£0</u>

67 The County Council is currently considering new policies/initiatives to deal with waste at the top end of the waste hierarchy, via the promotion of waste minimisation and prevention. This work is being developed through the joint Derby City and Derbyshire County Waste Plan. Subject to final policies in the joint Waste Local Plan, developers may be required to contribute towards this initiative.

Broadband

- On-site *design (secured by conditions if necessary) provision via Section 106 and Conditions*
(CIL for specific named interventions)

6873 The map below shows the current availability of broadband.



- 74 In August 2011, the Government committed £530 million investment in the UK's broadband network with the objective of facilitating the delivery of 90% coverage of superfast broadband and a "universal" commitment of 2 Mbps across the UK and to stimulate private sector investment to deliver the best network in Europe by 2015, including future proofing investment to enable next generation broadband.
- 75 Digital Derbyshire is a £27.67 million programme to deliver broadband infrastructure and services across the County. The County Council has signed a contract with BT to make fibre broadband available to a further 88,000 premises across Derbyshire, bringing access to more than 95% of homes and businesses by 2016. The project builds on BT's existing commercial fibre deployment in the county. The remaining premises will also see an uplift in speed with a minimum service of 2 Mbps or more. Engineers from BT are currently surveying locations in Derbyshire to understand the best way to roll out the network and identify which areas will be upgraded for fibre broadband. The first areas are expected to be upgraded in 2014.
- 76 Funding consists of £12.87 million from BT, £4.9 million from the County Council, £7.4 million from the Government's Broadband Delivery UK (BDUK) programme, and £2.5 million from the European Regional Development Fund.
- 77 The Growth and Infrastructure Act (2013) addressed the expectation to make it easier for telecoms companies to roll out superfast broadband services. From the 27th June 2013, amendments to the Town and Country Planning Act (General Permitted Development) (Amendment) England (Order 2013) mean that for the 5 year period from 30/05/2013 to 30/05/2018, for works on Article 1(5) land, the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband, will no longer require an application to the local planning authority for a determination as to whether prior approval is required for the siting and appearance of the works (with the exception of Sites of Special Scientific Interest). This temporary relaxation in planning legislation is designed to support the roll out of superfast broadband.
- 78 The Digital Derbyshire roll-out applies to existing households and businesses and it should not be assumed that new development will be covered by this intervention. Developers and Local Planning Authorities can help to anticipate the future needs of residents and businesses and prevent having to retrofit properties in the future by providing for the delivery of broadband infrastructure and services as part of the on-site design of their development schemes. New development should be supported by a communications strategy that delivers future-proof infrastructure and supports sustainable communications services. Developers should make separate enquiries with broadband providers and ensure that future occupants have access to sustainable

communications infrastructure, giving appropriate thought to the choice and availability of providers which can offer high speed data connections. More information on how to incorporate broadband services as part of the design of new development is available here:

http://www.openreach.co.uk/orpg/home/contactus/connectingyourdevelopment/downloads/developers_guide.pdf

79 Where necessary, local planning authorities should use conditions on planning permission to secure the design amendments required to enable the provision of broadband infrastructure and services.

~~69 The Digital Derbyshire project includes private and public sector funding to invest and deploy infrastructure across the county to achieve the government's targets for superfast broadband. The project will roll out to improve broadband access for existing households and businesses.~~

~~70 New development should incorporate information communications technology (ICT) infrastructure to enable the provision of superfast broadband. This is to support the needs of residents and businesses and to help secure the long-term economic competitiveness of the county. As well as installing water and energy services for new development, developers should also provide ICT infrastructure at the outset.~~

~~71 Fibre optic cabling should be fully integrated within new major residential development, at an approximate cost of up to £1000 per dwelling. Retrofitting of ICT and communications infrastructure would be a costly and unsatisfactory alternative. Where necessary, local authorities should consider the use of conditions on planning permissions to secure the provision of ICT infrastructure.~~

~~72 For example, the local planning authority could adapt and use the following example wording as a condition on a planning permission to require the installation of ICT infrastructure to enable the provision of high-speed broadband services as part of the development.~~

~~"The use or occupation of the development authorised by this permission shall not begin until the ICT infrastructure shown on the drawings hereby approved and described in xxdocumentxx dated xxdaymonthyearxx has been installed in accordance with those drawings and certified in writing as complete by or on behalf of the local planning authority."~~

~~73 The expectation is that when utility services such as water or electricity are installed or when highway improvements are carried out, works are coordinated so as to provide opportunities to install ducting for fibre optic based technologies at the same time.~~

Green Infrastructure

Comment [HF3]: Approach updated to ensure requests for contributions accord with CIL tests

- On-site design (secured by conditions or Section 106 if necessary)
- Off-site financial contributions (secured by Section 106) for specific named interventions
- (CIL for specific named interventions)

80 The National Planning Policy Framework states that new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

81 New development provides an opportunity to provide new strategic green infrastructure through the inclusion of Greenways and Public Rights of Way within the design of a proposed development scheme. The County Council will seek to secure amendments to the on-site design of development proposals where there are opportunities for the development proposal to contribute positively to the county's green infrastructure.

82 To ensure new development is **acceptable in planning terms**, where proposed development would impact on existing Greenways or Public Rights of Way, for example where a route will be lost, the County Council will seek to secure amendments to the proposed design of the development scheme to mitigate that impact. Where mitigation is not possible, suitable alternative provision will be required to maintain the continuity of the network. Where no alternative can be found, financial contributions will be sought to mitigate the loss of the network.

83 In addition, the Derbyshire Infrastructure Plan identifies a number of Green Infrastructure strategic priority projects in line with the Derbyshire Greenway Strategies and Public Rights of Way Improvement Plan. Where a development **directly relates** to these strategic priority projects, the County Council will seek contributions towards their delivery. The strategic priority projects are as follows:

- Extension of Ripley Greenway and extensions to existing walking and cycling routes (Amber Valley)
- Completion of the Archaeological Way (Bolsover)
- Development of the former Clowne Branchline as a Greenway (Bolsover)
- Development of the White Peak Cycle Loop to extend the Monsal Trail to Matlock (Derbyshire Dales)
- Continued development of the Great Northern Greenway (Erewash)
- Promotion of new and improved routes around Ilkeston via Stanton Ironworks (Erewash)

- Development of the former Little Eaton Branchline as a Greenway (Erewash)
- Development of the White Peak Cycle Loop to provide links from Buxton to the existing Monsal and High Peak Trails (High Peak)
- Delivery of an off-road walking and cycling route along the Hope Valley (High Peak)
- Delivery of an off-road walking and cycling route long the former Peak Forest Tramway between Whaley Bridge and Dove Holes (High Peak)
- Delivery of Greenway and cycle links through the Avenue Site and the Five Pits Trail at Grassmoor (North East Derbyshire)
- Delivery of Greenway and cycle links between Chesterfield and Bolsover via the Arkwright Open Cast Site and to Clay Cross via the Biwater site (North East Derbyshire)
- New Greenways and cycle routes through Swadlincote and between Swadlincote and Rosliston (South Derbyshire)

~~74 Three Greenway Strategies have been developed to set out the proposed opportunities for Greenway development across Derbyshire. The Greenway Strategies can be viewed at [this link](#). These have been digitised in a GIS mapping data set.~~

~~75 The identified routes represent the best known opportunities at the time of writing but are constantly updated as new opportunities arise. The Strategies define the network based on a hierarchy of routes, Primary, Secondary and Tertiary similar to the A, B and C road network. All carry equal weight of necessity but the primary routes show the long distance route network, the secondary routes identify connected community circuits and the tertiary routes identify desirable links from settlements onto the network.~~

~~Updates are constantly added to reflect changing opportunities for Greenway provision and additional needs as identified. Collectively, at the time of writing, 660km of proposed network has been identified that could be achieved across Derbyshire, covering all districts within the county. Many routes have fixed locations awaiting development whilst numerous community links and network connections require further site investigation or development opportunity.~~

~~76 The County Council may seek to secure financial contributions towards enhancing existing or providing new green infrastructure including the County's Greenway network and Public Rights of Way. Contributions may be sought where proposed development would impact on existing infrastructure; where there are opportunities to enhance existing networks; or where there are opportunities to provide additional new infrastructure.~~

~~77 Delivery of much of the Greenway network is dependent on securing funding through development and growth. With the recognised benefits that Greenways provide for green space provision, travel planning and~~

community access on development sites, opportunities will be sought to maximise network development with financial contributions.

~~78 Where development proposals would impact on existing Greenways, for example where a route will be lost, suitable alternative provision will be required to maintain the continuity of the network. Where no alternative can be found, financial contributions will be sought to mitigate the loss of the network.~~

~~79 Where development proposals have the potential to add to/enhance the existing network or provide additional new infrastructure, developers will be required to contribute towards the provision of Greenways. Contributions will usually be required in the form of a financial sum. Developers could also be required to provide a new route or improve existing routes to County Council specifications.~~

~~8084~~ Contributions The County Council will ensure that contributions sought are **fair and reasonable in scale and kind**; contributions could be spent on land acquisition and purchase; landowner compensation; construction of routes; maintenance of routes including any staff costs; and associated legal fees, as appropriate. Developers may be required to enter into a 'creation agreement' to set aside and dedicate land as a public right of way, to safeguard a route once it has been completed.

~~8185~~ To give an idea of cost, the County Council estimates that provision of new build Greenway costs £64,000 per kilometre. However, this does not account for abnormal site costs such as major engineering including extended earth works; provision of bridges or other structures; or land acquisition or landowner compensation. Contribution requirements will therefore be assessed on a case by case basis.

Cultural and Community Services

Comment [HF4]: Approach updated to ensure contributions comply with CIL requirements

- Financial contributions via Section 106 Agreements
- (CIL for specific named interventions)

8286 The County Council has a statutory responsibility to provide a comprehensive and efficient library service. The provision of library services is therefore required to ensure that proposed development is acceptable in planning terms.

87 Where new residential development directly relates to impacts on libraries identified as Strategic Priority Projects in the Derbyshire Infrastructure Plan, developer contributions will be sought for capital investment. These libraries are:

- Belper Library, Amber Valley Borough Council
- Clay Cross Library, North East Derbyshire District Council
- Glossop Library, High Peak Borough Council
- Matlock Library, Derbyshire Dales District Council
- Whaley Bridge Library, High Peak Borough Council

88 Where proposed new residential development is of such a scale that expansion to an existing library or a new library facility would be required, the County Council will seek a financial contribution towards the delivery of an expanded facility or a new facility.

89 Contributions will be fair and reasonable in scale and kind. The benchmark space standard is 30 square metres per 1000 population. Construction and fit out costs will vary, but an average figure is £3,514 per square metre. This equates to a cost of £105,420 for the standard 30 square metres per 1000 population, or £105 per person. Assuming an average household size of 2.34, this equates to £245.70 per dwelling for capital investment in library facilities.

90 The Derbyshire Library Service is a county-wide network of libraries which includes 45 static libraries, 10 mobile libraries, a local studies library and the School Library Service. Library stock is circulated around the county-wide network and libraries within the network share resources.

91 New residential development will result in an increase in demand for library services. Figures from the Chartered Institute of Public Finance and Accountancy (2011) indicate that 21% of the population actively use public libraries. Derbyshire County Council's figures show that each active borrower makes an average of 20 library visits per year.

92 The cost of providing the Derbyshire Library Service is £3.67 per visit. Assuming an average household size of 2.34 persons, each additional dwelling in Derbyshire will result in an additional 0.49 active borrowers and an additional 9.8 library visits, at a cost of £35.96 per dwelling.

93 Contributions towards library service provision will be **fair and reasonable in scale and kind and directly relate** to the additional cost incurred by the Derbyshire Library Service as a result of new development. Where new residential development is proposed, a financial contribution will be sought towards the on-going provision of the Derbyshire Library Service over ten years of £359.60 per dwelling.

Education

- Financial contributions via Section 106 Agreements
- (CIL for specific named interventions)

94 The County Council as the Local Education Authority has a statutory duty to plan for and provide is obliged to provide a school place for each child in the normal area school. This duty applies across all schools and includes provision available through Academies. Although a new school must be established as an Academy or Free School, and some existing schools have opted to become an Academy, the statutory duty to plan provision remains with the Local Authority. The provision of additional school places is therefore required to ensure that proposed development is acceptable in planning terms.

8395 The requirement for a financial contribution towards school places is based on the net capacity and current number on roll at the relevant normal area school, –as well as projected pupil numbers for the next five years. The County Council uses financial contributions to provide additional primary, secondary and post-16 capacity (places) to address basic need arising directly from new development. ~~The capacity and projected pupil numbers can be found in the Derbyshire Infrastructure Plan.~~

8496 Statistical information held by the Children and Younger Adults Department regarding numbers on roll and pupil projections for a school is accurate at that moment in time, but many and varying factors impact on numbers and the situation can change very quickly. Specifically, pupil projection information is a snapshot in time which is indicative of trends which assist in planning pupil place requirements. At any time during the year following publication of this data, families may move into or out of a school's normal area, the Head Teacher or other staff may change, or OfSTED may publish a report which influences people's perception of a school. These factors, amongst others, can impact on pupil numbers and this, in turn, can change projection trends. The data does NOT include the impact of any planned new housing developments within the normal area of the school, and no cognisance is taken of the approved planning permissions which may be extant at that time. The admissions process for all schools leads to a review of numbers at the beginning of each new term and the number on roll can vary and therefore affect the projection data. Therefore, it is imperative to consult the County Council (in line with the Developer Contributions Protocol).

8597 Where a proposed development of open market or affordable housing relates to a normal area with sufficient current capacity, no financial contribution will be required. Where ~~the a proposed~~ development of open market or affordable housing directly relates to a normal area where there is sufficient current capacity but where such proposed development would result in insufficient capacity, a financial

contribution will be required. Where a proposed the development of open market or affordable housing directly relates to a normal area where there is insufficient current capacity, a financial contribution will be required.

98 Proposed development schemes of around 1,000 dwellings will normally require provision of a new 1-form entry primary school and proposed development schemes of around 6,000 dwellings will normally require provision of a new secondary school. However, these thresholds are only a guide. Developments of a smaller scale may also trigger a need for new schools if the existing normal area schools are expected to have no surplus capacity and are unable to expand. Currently, a new one-form entry primary school costs approximately between £3 million and £5 million to build. Currently, a new secondary school of 900 pupils costs approximately £20 million+ to build.

Comment [HF5]: Updated to clarify thresholds are only a guide

8699 Proposals to redevelop an existing school site will normally trigger a requirement for provision of a replacement school.

87100 Contributions will be fair and reasonable in scale and kind. The level of contribution required is determined by using multipliers provided by the Department for Education on a bi-annual basis of the cost per pupil of capital development in schools. These multipliers are based on the Department for Education's analysis of national building costs per pupil adjusted to reflect regional variations in costs.

101 Contributions are used to deliver capital investment in sites and construction costs for new schools; additional classrooms; and other related facilities (including sports pitches and nature areas). Proposals to redevelop an existing school site will normally trigger a requirement for provision of a replacement school.

102 Contributions are based on the formula that for every 100 dwellings there will be twenty primary, fifteen secondary and six post-16 pupils. This is based on a statistical assessment of birth rate and housing occupancy data. The application is assessed on this basis to identify how many primary and secondary pupils will be generated by the proposed development. It should be noted that the analysis of pupil yield is on the total number of properties identified within the planning application, and not on a basis of net yield from the site.

88103 -The thresholds and level of contribution required is shown below.

	Per 100 dwellings	Cost per pupil place	Cost per 1 dwelling	Cost per 10 dwellings	Cost per 100 dwellings
Primary school	20 places	£11,399.01	£2,279.80	£22,798	£227,980
Secondary school	15 places	£17,176.17	£2,576.42	£25,764.20	£257,642
Post-16 education	6 places	£18,627.90	£1,117.67	£11,167.70	£111,677

104 To ensure that contributions are **fair and reasonable in scale and kind**, contributions will not be sought from proposed development of one bedroom dwellings as families with children are unlikely to occupy dwellings with less than two bedrooms. Contributions will not be sought from proposed development that will be restricted to occupation by people aged over 55 (evidence must be provided to demonstrate that occupation will be restricted to older people).

Comment [HF6]: To clarify education policy

Adult Care and Wellbeing

- On-site design (secured by conditions if necessary)

~~89~~105 The County's ~~Council's~~ population is getting older, and new residential development should be appropriately designed with sufficient accessible amenity space, changing facilities and toilets to ensure that older people and disabled people can retain their independence and live at home for longer if they wish to do so. Retrofitting adaptations is a costly and unsatisfactory alternative to adequate design measures installed from the outset.

~~90~~106 Where necessary, conditions following the example wording below should be attached to planning permissions to ensure good quality and appropriate design.

"The occupation of the development authorised by this permission shall not begin until the accessible amenity space, changing facilities, toilets and adaptation works shown on the drawings hereby approved and described in xxdocumentxx dated xxdaymonthyearxx have been completed in accordance with those drawings and certified in writing as complete by or on behalf of the local planning authority."

~~94~~107 New major residential development is likely to impact on County Council service delivery as a proportion of new residents may be older people or disabled people who require Adult Care services. Proposals for major residential development will be assessed on a site by site basis to determine the likely impact on existing Adult Care facilities and/or the need to provide additional new facilities. Where a development directly relates to the provision of Adult Care services, financial contributions will be sought towards the enhancement of existing or provision of new facilities. The need for and the level of contribution will be determined on a site by site basis.

Landscape Character

- | ~~92~~108 Derbyshire has a varied and diverse landscape. Derbyshire County Council and the Peak District National Park Authority have described the key features and characteristics of the landscape through landscape character assessment. More information about Derbyshire's landscape character can be found here <http://www.derbyshire.gov.uk/environment/conservation/landscapecharacter/default.asp>
- | ~~93~~109 New development should help reinforce landscape character, improve design quality and create quality environments for people that deliver multiple public benefits. All development proposals should include consideration of siting, scale, design and landscape mitigation measures.
- | ~~94~~110 Local planning authorities are responsible for determining whether a landscape character assessment and a study of the visual impact on the surrounding landscape is required. Local Planning Authorities can use planning conditions and financial contributions to secure the conservation, enhancement and management of existing landscape character. Conditions and financial contributions can also be sought to secure the creation, establishment and long-term management of newly restored or created landscape schemes. Conditions and financial contributions can also be sought to ensure that new developments are integrated within the existing landscape character.
- | ~~95~~111 Long-term management plans (covering at least 10 years) should be prepared for new development to identify the long-term objectives for landscape mitigation where features and aspects of landscape character are to be maintained, enhanced or created. The plans should include annual programmes of management in detail for the first five years and in outline for the next five years. Where necessary, these plans should be secured using conditions on planning permissions.

Biodiversity

- | ~~96~~112 The Derbyshire Infrastructure Plan shows existing designated sites and sites of ecological significance. The Peak District Biodiversity Action Plan and the Lowland Derbyshire Biodiversity Action Plan identify specific named actions required to halt the decline of biodiversity loss and to start to address historic losses. The Derbyshire Infrastructure Plan highlights these as strategic priority projects for potential CIL revenue.
- | ~~97~~113 Local Planning Authorities in Derbyshire have Service Level Agreements with Derbyshire Wildlife Trust to provide planning advice on ecological issues when requested. Where advice is required, details of planning applications should be emailed to ttaylor@derbyshirewt.co.uk.

Archaeology and the Historic Environment

- | 98114 The Derbyshire Infrastructure Plan states that there are over 9000 sites and features of archaeological interest in the county. Local Planning Authorities have Service Level Agreements with the [Derby and Derbyshire Development Control Archaeologist](#) to provide planning advice on archaeological issues when requested. Where advice is required, details of planning applications should be emailed to steve.baker@derbyshire.gov.uk.

Flood and Water Management

- | 99115 As a Lead Local Flood Authority, the County Council is responsible for the Local Flood Risk Management Strategy and should be engaged in the development planning and development management process. The County Council has prepared a Preliminary Flood Risk Assessment for Derbyshire which can be used to inform the preparation of policies and decisions on planning applications.
- | 100116 The Preliminary Flood Risk Assessment is required to be updated every 6 years; however assessment of flood risk is continually evolving as more data is made available and surface water modelling is refined. This enables real time assessments of the cause and likelihood of future flooding associated with potential development sites within Derbyshire to be assessed and appropriate mitigation measures considered.
- | 101117 Proposals for development will be assessed on a site by site basis to determine whether the site is at risk of flooding and/or whether development would result in an increased risk of flooding elsewhere. On-site provision of appropriate mitigation works may be required. Financial contributions towards appropriate relief, mitigation or resilience schemes may also be required. The type and level of contribution will be determined on a site by site basis. Further information regarding flood risk is available by contacting Derbyshire County Council's Transport Asset/Flood Risk Manager - [email steve.mead@derbyshire.gov.uk](mailto:steve.mead@derbyshire.gov.uk) or phone 01629 5331908577.

Travel Planning

- | 102118 Travel Planning will be dealt with separately by the Highway Authority. Financial contributions may be required from developers to fund Travel Plan measures. Developers may also be required to contribute towards the costs incurred by Derbyshire County Council in reviewing and monitoring the Travel Plan and agreeing any adjustments or additional measures that might be required. These monitoring costs are yet to be agreed, but current estimates are £2,500 (or more for larger developments) per year for five years. Further information can be obtained from Derbyshire County Council's

Sustainable Transport Officer - email Richard.lovell@derbyshire.gov.uk
or phone [01629 533190](tel:01629 533190), [01629 538192](tel:01629 538192).

Highways

~~403~~119 Detailed and technical highway issues including on and off-site mitigation measures will be dealt with separately by the Highway Division, Environmental Services. For further information, contact the Principal Engineer Development Control – phone [01629 533190](tel:01629 533190) ~~01629 538647~~.

Health

~~Derbyshire County NHS Primary Care Trust's (PCT) service includes medical, dental, optical and pharmaceutical services including 98 GP practices; over 100 pharmacies and around 80 dental practices. More information on current health services is available in the Derbyshire Infrastructure Plan. The PCT is required to promote and maintain good health of local neighbourhoods and individuals including addressing the needs of future populations. Large residential development will have an impact on the demographics of the county and the availability and capacity of health and social care premises. The PCT will consider the impact of development on existing health facilities in the immediate area and the potential to extend those facilities. Significant development or the cumulative impact of several smaller developments may give rise to the need for additional services and the provision of new facilities. Derbyshire PCT has developed a model in conjunction with Derby City PCT that estimates the cost of developing Primary Health Care premises based on new integrated practices within the PCT's boundaries. The model is based on the average cost of an average GP surgery with provision for dental and pharmacy services, and assumes an average of 2.3 persons per household and an average of 1,800 patients per full time GP. The formula excludes legal costs and the costs of acquiring the land and therefore applies to the extension of existing practices. However, where a new building, or part of a community integrated building is required, the cost of acquiring the site would be an additional cost to the formula. Other services, such as opticians and community based healthcare services, have not been included in the formula but will be considered by the PCT as part of the health needs of the population within the proposed development. It is assumed that secondary care services could be provided at the Foundation Trust Hospitals.~~

120 Where extensions to existing practices are required, Derbyshire Clinical Commissioning Groups may seek financial contributions from developments of 5 or more dwellings. Where advice is required, details of planning applications should be emailed to Nicola.Longson@northderbyshireccg.nhs.uk.

Fire and Rescue

~~404~~121 It is vitally important that new housing is well-designed and addresses safety and the needs of vulnerable people. Houses must provide adequate safety for the occupant throughout the occupiers'

lifetimes. Derbyshire Fire and Rescue Service should be consulted on all pre-application discussions and planning applications so that the implications for fire safety can be considered.

- | ~~405~~122 Sprinkler systems are exceptionally effective through their ability to control a fire before it develops to life threatening proportions. New residential development should incorporate domestic sprinkler systems and 32mm mains water risers (associated water supply infrastructure).
- | ~~406~~123 The cost of installing a 32mm mains water riser is approximately £26 per dwelling. The cost of installing a domestic sprinkler system is approximately £1500 although this varies depending on the type of dwelling and distance from the property to the water mains. The cost of installing sprinkler systems and associated water infrastructure should be seen in the context of alternative approaches including the 'do nothing' approach and the installation of fire protection measures, both of which have significant cost implications.
- | ~~407~~124 The cost of installing fire protection measures in order to meet Building Regulation requirements is around £1200 per dwelling for fire doors plus additional costs for compartment walls and ceilings. Installation of a domestic sprinkler system provides additional flexibility to developers in meeting Building Regulation requirements at a lower cost to traditional fire protection measures. In addition, where change of use is anticipated, domestic sprinkler systems are often the only practical way to meet means of escape requirements.
- | ~~408~~125 The 'do nothing' approach and consequential economic cost of a fire must also be considered. The Association of British Insurers stated in 2009 that the cost of fire damage to homes was £408 million, which equated to an average cost of £8000 per property. The Department for Communities and Local Government report published in March 2011 'the economic cost of fire: estimates for 2008 fire research report' has put the full cost of a fire in a domestic property at £44,523. Costs arise not only from fire damage but also as a result of a requirement for alternative accommodation and, in the case of rented accommodation, lost income.
- | ~~409~~126 The cost of doing nothing is therefore well in excess of installing sprinkler systems as part of new developments or retrofitting existing properties. To give a real-life example, a fire in a single flat which did not have a sprinkler system in Glasgow in 2009 resulted in an overall cost in excess of £2 million as a result of repair costs and the need to provide alternative accommodation for tenants. In comparison, the cost of retrofitting Callow Mount in Sheffield with domestic sprinkler systems was £55,124 or just £1148 per flat.
- | ~~410~~127 Where necessary, local authorities should therefore consider the use of conditions and information notes/recommendations on planning permissions to secure the provision of sprinkler systems and

associated water supply infrastructure. ~~The local planning authority could adapt and use the following example wording as a condition on a planning permission to ensure a development is appropriately designed to provide adequate safety. For more information contact:~~

[Bolsover, Chesterfield and North East Derbyshire
northareaadmin@derbys-fire.gov.uk](mailto:northareaadmin@derbys-fire.gov.uk)

[High Peak and Derbyshire Dales
westareadmins@derbys-fire.gov.uk](mailto:westareadmins@derbys-fire.gov.uk)

[Amber Valley and Erewash
eastareaadmin@derbys-fire.gov.uk](mailto:eastareaadmin@derbys-fire.gov.uk)

[Derby City and South Derbyshire
south_area_admin_derby@derbys-fire.gov.uk](mailto:south_area_admin_derby@derbys-fire.gov.uk)

~~“The use or occupation of the development authorised by this permission shall not begin until the sprinkler system and associated water infrastructure shown on the drawings hereby approved and described in xxdocumentxx dated xxdaymonthyearxx have been installed in accordance with those drawings and certified in writing as complete by or on behalf of the local planning authority.”~~

A Note on Minerals Development

- 1 All minerals development, including both extraction and associated processing, could give rise to issues including highways, flood risk, landscape character, and visual and ecological impact.
- 2 Financial contributions are often provided directly by the minerals industry towards local community infrastructure, as a result of new minerals development granted planning permission by the County Council. For example, new coal mining development currently contributes towards community projects.
- 3 The Aggregates Levy Sustainability Fund ended on 31 March 2011. Previous to this, it provided grants of between £2,500 and £50,000 through the Derbyshire Aggregates Levy Grants Scheme for local community projects and improvements to services and facilities in areas most affected by aggregate extraction.
- 4 In total, the scheme funded £2.23 million worth of projects over nine years, including improvements to children's playgrounds, community centres, village halls, footpaths and bridleways, churches, visitor attractions, the historic environment, stone walling, habitat and access, and sport and recreation facilities.
- 5 However, there are many areas where aggregate extraction will continue to affect local communities. There is interest from both local communities and the aggregates industry in a similar scheme continuing in Derbyshire. The County Council is currently considering, in partnership with the aggregates industry and the Derbyshire Environmental Trust, whether a replacement scheme can and should be implemented. If such a replacement scheme is introduced, the aggregates industry (and other types of minerals development) may be required to contribute.
- 6 In addition to funding for local community projects, minerals development may be required to contribute towards site specific mitigation and strategic infrastructure requirements such as (this list is not exhaustive):
 - Highway improvements and reinstatement works, vehicle routing, off-site highway safety works, and flood management
 - Landscaping, screening and noise, dust and blasting impact reduction
 - Green infrastructure and Greenways
 - Site restoration, management and aftercare
 - Habitat creation; protection and off site investigation; safeguarding of protected species and species of local biodiversity interest; site interpretation and public access; and associated community facilities and projects
 - Developers may be required to transfer land in order to provide for the long-term management of restored sites.