

# **Developer Contributions Protocol**

2025 Consultations Responses

## 2025 Consultation Responses

Ref	Organisation	Comment Received	DCC Response
1	Amber Valley Borough Council	<p>One of the things this triggered, of particular interest to me for work I am doing at AVBC, is the reference at page 79 regarding BNG Monitoring as extracted below. I wondered whether you had made any progress on the fee structure for this or if there is a particular officer who is taking the lead on this who we could liaise with? Any updates greatly appreciated.</p> <p><b>Extract from Consultation Document:</b></p> <p>BNG MONITORING FEES 1.5 A monitoring fee will be secured to ensure biodiversity net gain is being achieved in line with the Biodiversity Net Gain Plan. The County Council will need to track and record the progress towards achieving biodiversity net gain wherever and however this is secured, over the 30 year period. The BNG Monitoring fee will also cover the costs of reviewing reports, site progress reviews, and reporting information internally and to government. Following the publishing of the monitoring guidance by Government, the County Council <b>will develop a fee structure for the monitoring applications with BNG</b> in line with Regulation 122 of the CIL Regulations 2010 (as amended). Appropriate approval will be sought for the fee structure, which once approved will be incorporated into this document. Please note the BNG monitoring fee will be secured via Section 106 agreement and will be a separate charge to any Section 106 monitoring fee</p>	AS has contacted with BNG lead at the county council to enquire about progress on (draft) fee structure and can confirm that a fee structure is being considered by the BNG team but its production will need to follow on from the conclusion of their ongoing restructure process including recruitment
2	Amber Valley Borough Council	Page 7, para.2.1 makes reference to the NPPF Dec 2023 version which requires updating	Amended
2.1	Amber Valley Borough Council	Page 14, para.4.19 states 'At the planning application stage the local planning authority should notify the County Council as soon as possible if they have accepted a viability assessment as part of the planning application process. The local planning authority should provide the viability assessment	After review, we consider the wording here is clear enough

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		to the County Council along with any independent review commissioned to allow an understanding of the issues. Should it be required the County Council reserves the right to appoint a suitably qualified person to undertake a further independent viability review of the documentation.'	
2.2	Amber Valley Borough Council	The paragraph should make it clear that this relates only to viability where the S106 developer obligations identified/requested by DCC would be affected.	After review, we consider the wording here is clear enough
2.3	Amber Valley Borough Council	Page 16, para.5.2 – the drafting of S106 is highly unlikely to be drafted prior to any positive resolution of an application due to the time and expense involved in legal drafting of agreements.	After review, we consider the wording here is clear enough
2.4	Amber Valley Borough Council	Please note that some of the planning obligations identified have not been considered to meet the CIL tests by applicants in previous years, particularly in terms of necessity to make the development acceptable, including library services and broadband	After review, we consider the wording here is clear enough
3	Rosliston Parish Council	In general, the Parish Council would urge DCC to ensure that infrastructure is in place in readiness for new occupants of housing developments.	AS called RPC and left message for a call back 02/05/25
3.1	Rosliston Parish Council	The Council has drawn upon its experience seeing the huge housing development in South Derbyshire at Drakelow where residents still do not have the basic infrastructure necessary.	AS called RPC and left message for a call back 02/05/25
3.2	Rosliston Parish Council	Council (Rosliston) would ask that the facilities below are in place prior to the occupancy of the first 50 homes.	AS called RPC and left message for a call back 02/05/25
3.3	Rosliston Parish Council	Public transport: A bus stop.	AS called RPC and left message for a call back 02/05/25

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3.4	Rosliston Parish Council	Pavement: Where there is not already a pavement to the nearest shops and medical centre, then these again must be installed.	AS called RPC and left message for a call back 02/05/25
3.5	Rosliston Parish Council	Education: Primary/Secondary and SEN places should be clearly identified. With consideration given to how the children will get to and from the education sites.	AS called RPC and left message for a call back 02/05/25
3.6	Rosliston Parish Council	Doctor surgery: Places must be identified for new residents and the centre confirmed to new residents.	AS called RPC and left message for a call back 02/05/25
3.7	Rosliston Parish Council	Foot/Cycle Path: Where possible these should also be installed as soon as is practical.	AS called RPC and left message for a call back 02/05/25
3.8	Rosliston Parish Council	Page 29: Electric Vehicles. This should be as a standard, not "where appropriate". It is too easy for a developer to not install them	AS called RPC and left message for a call back 02/05/25
4	Stanley and Stanley Common Parish Council	If S106 contributions are made there needs to be a follow through procedure as to how and when these will be made along with procedures on suitability, responsibility for the improvements and sanctions if these procedures/contributions are not made or carried out. The Parish Council is aware that often these contributions are made but never followed through. This should be addressed	AS discussed with the PC about their query and explained how DCC administers and monitors s106 to ensure compliance (sometimes by way of legal action against developers for non payment of contributions)
5	Hilton Parish Council	We are generally in agreement with this.	Suggest no further action required
5.1	Hilton Parish Council	Our request is that it should be more rigorously enforced	Noted
6	Peak District National Park Authority	Thank you for the opportunity to comment on the revised Developer Contributions Protocol. From a planning policy perspective the National Park	No action required

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		Authority has no comments on the approach or wording and we will continue to speak with DCC throughout our period of plan review. We are about to commission a review of developer contributions and viability in plan-making that will inform these discussions and any revised policy approach.	
7	Breaston Parish Council	Many thanks for your email, the Parish Council have reviewed the documents and have no additional comments to add.	No action required
8	Barlow Parish Council	The Council would like to state that the capacity of road networks through Barlow Village, if larger developments occur within the parish or surrounding parishes would have a major impact on the village and this should be taken into consideration.	AS called BPC and left message for a call back 02/05/25
9	Derbyshire CC Travel	Travel Plan Monitoring Fee At present these are levied at a rate of £1,320 pa x five years, total £6,600. For the avoidance of doubt, I'm happy for this to increase to £2,000 pa as a 'flat fee' applicable to all developments. We would just need to coordinate on this point once the protocol is adopted.	AS discussed these with Michael as part of review
9.1	Derbyshire CC Traffic	Travel Plan Bond Yes, agreed this needs to be formalised. My query is that the bond will also require a degree of management and administration. Could a charge be levied on the bond (eg 5%) for this purpose ? This could be automatically levied on the bond once received, with the remaining 95% returned pro-rata according to the success of the travel plan. This would be simpler than asking for a separate management fee.	AS discussed these with Michael as part of review
10	Derbyshire CC Education	The indexation is there to reflect that the costs of providing the infrastructure increases over time, without it we would have years of inflationary funds to find on every agreement. It also links to our resistance to commit to the provision	Agreed and suggestions are incorporated.

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		<p>of a set number of places within the S106 agreements – the true cost of providing places always outstripped the contributions.</p> <p>I would be extremely uncomfortable waiving indexation and interest. I think this sets a very dangerous precedent and once one developer does it they will all try and we will have very little defence, given that 90% of the county would be less viable to build in than Brailsford. I would much prefer that they take longer to pay the full amount. I can't be in a position where I use discretion on whether full S106 commitments are honoured or not.</p> <p>These are business people who should understand that investments can go up or down and I struggle to sympathise with investors making less profit than they wished to, especially in what is one of the most expensive areas of the county in terms of house prices.</p>	
10.1	Derbyshire CC Education	<p>I would suggest that we say we will accept full payment at a later trigger – amending the trigger rather than the amount.</p> <p>Where we have accepted reductions to payments in the past these have been following independent viability assessments. I think for this to be reduced we would require the same.</p>	AS to discuss with jennie - possibly best to continue with existing "unwritten" approach
11	Derbyshire CC Rights of Way	I think it's important to acknowledge the necessity for links to be made to the network not just built to the red line boundary which is a common occurrence. I've added some text below in blue which could be included in 4.6 or 4.7.	Agreed and suggestions are to be incorporated.
11.1	Derbyshire CC Rights of Way	Regarding the calculator I had discussed with Alison the option to retain and commuted sums in perpetuity which as I understood wouldn't be a problem, See attached email. Claire would it be necessary / useful to acknowledge this in the protocol?	Agreed and suggestions are to be incorporated.

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11.2	Derbyshire CC Rights of Way	Greenway commuted sum calculator is being produced (methodology?) by Adam Fenlon	Agreed and suggestions are to be incorporated.
12	Doveridge Parish Council	1. This policy applies only to the County Council obligations. Are all the Districts required to have a similar document out for consultation in the same timeframe? If not, why not?	AS spoke to KD at doveridge 02/05/25 and advised that it is possible that individual LPAs may produce a similar developer contributions protocol
12.1	Doveridge Parish Council	2. The document does not cover distribution of the collected money at all and so does not address the issue of hypothecation. It still seems bizarre that DCC can determine that Owl Homes have to make a contribution towards primary education costs due to the impact of their development on Marston Lane Doveridge and yet this money is not then paid to the village school. At the very least, the protocol for distributing the funds should be included in this policy document so that the apparent unfairness of this can be consulted on.	AS spoke to KD at doveridge 02/05/25 and advised that it should be possible for both the individual headteacher and / or the parish council to ask the LPA for specific adjustments and / or s106 contributions to be required locally as part of the planning application process. In the case of previous applications, it is possible that the LPA could advise the outcome/ destination of a previously required / requested s106 contribution
13	Derbyshire Dales District Council	<p>Thank you for giving the District Council the opportunity to comment on the draft DCC developer contributions protocol. For ease I have collated comments in a table attached.</p> <p>Overall, it is considered that the aims of the Developer Contributions Protocol are laudable, However as currently drafted the document would appear to go beyond the scope of the County Council's roles and responsibilities, and in some instances are those of the Local Planning Authorities</p> <p>It is unclear for whom the Protocol is intended, as it neither provides clarity for applicants or. This can be improved by setting out clearer guidance on for</p>	See full notes of comments as below

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		<p>example to whom an applicant should discuss the contents of this Protocol. The inclusion of County Council policies are considered superfluous and would be best replaced with relevant weblinks.</p> <p>The document would benefit from an introduction that sets out the relative roles of DCC and the LPAs in terms of who determines planning applications, who is involved in pre-application discussions and who negotiates and determines developer contributions. The Protocol should indicate the extent to which developer contributions and planning conditions that may be applied at the LPA level.</p> <p>There are numerous references in the Protocol that do not appear to meet the three tests in the CIL Regulations. For example, there are several areas that mention using developer contributions for ongoing running of DCC services, this needs to be clarified and made absolutely clear that capital not revenue costs will be funded by s106 monies.</p> <p>The appendices appear to be convoluted and provide little about how the contributions will be determined/calculated e.g. charge rates, thresholds etc. The addition of this information may well help the reader.</p>	
14	Derbyshire CC Floods Team	After having reviewed the document for the Developer Contributions Protocol Consultation, the Flood Team does not have any comments to make.	Suggest no further action required
15	Ripley Town Council	It was resolved at the full council meeting on 18th February 2025 that Ripley Town Council write to Derbyshire County Council in support of their proposals for the Developer Contributions Protocol.	Suggest no further action required
16	Derbyshire Dales District Council	This list of infrastructure contradicts the second section which explains the comparative roles of the District and County Council. There needs to be more clarity from the outset about what the scope of influence and involvement of	AS discussed all the comments and suggestions with MH as part of the review



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		the DCC is. For example the flow chart on page12 makes it clear that the District negotiates the s106 agreement.	
16.1	Derbyshire Dales District Council	Ref: Broadband - If contributions to Broadband are not required then why is it included?	Wording amended
16.2	Derbyshire Dales District Council	Ref Biodiversity Net Gain - Planning applications that are determined by DCC or planning applications that DCC are consulted on? This needs clarification.	After review, we consider the wording here is clear enough
16.3	Derbyshire Dales District Council	Re: Other Site Specific Requirement - Need to ensure that it is clear that this applies where relevant to DCC. For example; some aspects of the Historic Environment will be dealt with solely at District level.	After review, we consider the wording here is clear enough
16.4	Derbyshire Dales District Council	At the planning application stage, where appropriate Derbyshire County Council will seek developer contributions to mitigate the impact of new development has on its capacity to deliver high quality, sustainable services." Where appropriate this needs emphasis along with an explanation of how it fits with any developer contributions being sought by the LPA.	Wording amended
16.5	Derbyshire Dales District Council	Not every application is subject to consultation with DCC so should it say "where applicable" ?	Amended to say ..."following consultation with the County Council and <b>where applicable</b> ultimately ..."
16.6	Derbyshire Dales District Council	Would suggest introductory context about role of DCC in respect of requesting, securing and monitoring S106.	After review, we consider the wording here is clear enough
16.7	Derbyshire Dales District Council	Should this be made clearer as when an application has been submitted to the LPA that is a major residential development? Or does it mean at any stage, because DCC will be consulted on the Local Plan as it develops.	After review, we consider the wording here is clear enough

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16.8	Derbyshire Dales District Council	Will there be instances where it may be necessary to have engagement at pre app stage too.	After review, we consider the wording here is clear enough
16.9	Derbyshire Dales District Council	Will the protocol be subject to monitoring/review and if so, over what time horizon?	After review, we consider the wording here is clear enough
16.10	Derbyshire Dales District Council	In relation to this protocol this only relates to DCC infrastructure. As written it could be taken that DCC will advise how to make good an application, that is the job for the LPA. Suggest rephrasing accordingly.	After review, we consider the wording here is clear enough
16.11	Derbyshire Dales District Council	Reference to planning conditions requires clarification as written it is misleading. It is the role of LPA to determine extent of conditions to make development proposal acceptable.	After review, we consider the wording here is clear enough
16.12	Derbyshire Dales District Council	Query role of S106 for revenue/ ongoing maintenance costs? Conditions would normally require use of maintenance company etc.	After review, we consider the wording here is clear enough
16.13	Derbyshire Dales District Council	Suggest putting "Local Plan" here, if this document is for the public they may be confused about the terminology and may think this reference to plan refers to a planning application.	Amended to say "...primarily at the <b>local</b> plan making stage "
16.14	Derbyshire Dales District Council	The text states up to date policies, does this refer to policies in Local Plans? Requires clarification.	After review, we consider the wording here is clear enough
16.15	Derbyshire Dales District Council	It is the role of the LPA to balance all competing factors and determine what weight to give to each of them, including the contents of any independent assessment. If DCC consider that when the LPAs presents the application to Committee that the district has got it wrong then DCC should undertake their independent review. It is however not for the LPA to inform DCC because if that was the process it would have to apply to all stakeholders.	After review, we consider the wording here is clear enough

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16.16	Derbyshire Dales District Council	This approach may also undermine the decision making processes of the LPA and slow down the decision making.	After review, we consider the wording here is clear enough
16.17	Derbyshire Dales District Council	Anything to reflect on changing guidance on NSI projects and funding? <a href="https://www.gov.uk/government/publications/planning-reform-working-paper-streamlining-infrastructure-planning/planning-reform-working-paper-streamlining-infrastructure-planning">https://www.gov.uk/government/publications/planning-reform-working-paper-streamlining-infrastructure-planning/planning-reform-working-paper-streamlining-infrastructure-planning</a>	After review, we consider the wording here is clear enough
16.18	Derbyshire Dales District Council	The Strategic Growth and Infrastructure Framework: Where is this found? Can a link be made to the latest version of this document?	Link to the document is added
16.19	Derbyshire Dales District Council	It needs to be consistent in the indexation of financial contributions, and use what the District consider to be appropriate not be dictated by this index mechanism.	"county contributions" note added in
16.20	Derbyshire Dales District Council	Triggers for certain types of infrastructure/ S106 funding may be set out in adopted Local Plan policies and therefore may be a LPA issue to determin	As above
16.21	Derbyshire Dales District Council	Again – the LPA will undertake the instruction not DCC, therefore fees should be reclaimable by the LPA, this document needs to recognise how it actually happens.	As above
16.22	Derbyshire Dales District Council	Ref: Invoices will be issued on request - To whom? How does DCC know if a trigger has been met? Should be something in here about reporting back to LPA for purposes of the Infrastructure Funding Statement.	After review, we consider the wording here is clear enough
16.23	Derbyshire Dales District Council	Mandatory reporting required through production of IFS - arguable the IFS produced by all LPAs will provide a considerable amount of the monitoring evidence needed by DCC.	After review, we consider the wording here is clear enough

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16.24	Derbyshire Dales District Council	What happens when the LPA undertake the monitoring to determine a trigger for a DCC obligation how is it determined what DCC pay to the LPA?	After review, we consider the wording here is clear enough
16.25	Derbyshire Dales District Council	See previous comments - most of the site monitoring will be undertaken by the LPA not DCC	after review, we consider the wording here is clear enough
16.26	Derbyshire Dales District Council	Should there be hook somewhere pointing applicants to also review the relevant LPA local plans, policies for S106 contributions.	Reference to LPA added in
16.27	Derbyshire Dales District Council	What sort of policies does this refer to? Local Plan policies or internal DCC policies? Or National guidance?	Wording amended to make clearer
16.28	Derbyshire Dales District Council	Elements of the guidance contained within the accompanying appendices is very 'wordy' and makes it hard for the reader to decipher the main points and messages to inform development proposals and negotiations on S106 agreements. Suggest the appendices are more sufficient and precise.	After review, we consider the wording here is clear enough
16.29	Derbyshire Dales District Council	Is annual monitoring for 1 year actually a one off monitoring? Needs redrafting to add clarity.	After review, we consider the wording here is clear enough
16.30	Derbyshire Dales District Council	Is using the DCC travel plan monitoring software optional if alternatives are available? Therefore is there a variable fee depending on the level of DCC input into the monitoring?	After review, we consider the wording here is clear enough
16.31	Derbyshire Dales District Council	Could the fees referred to be included here for completeness? If this document is reviewed regularly it would ensure that all useful information is in one place. for example is this in addition to the fees set out in para 2.8?	After review, we consider the wording here is clear enough
16.32	Derbyshire Dales District Council	This reads as if the developers provide an annual report then DCC charge £2000 a year to review the report? for 6 years, is this correct?	Additional info has been added

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16.33	Derbyshire Dales District Council	This is akin to a policy but its not clear what this is meant to be doing and how it is applied? If indeed a policy then it is up to the LPA to determine how to use it.	Wording amended
16.34	Derbyshire Dales District Council	This is a Local Plan policy issue and should not be included in the development contributions protocol. DCC should seek to make representation to Local Plans in order to see this policy included in the development plan.	Wording amended
16.35	Derbyshire Dales District Council	Doesn't read right, needs redrafting - maybe there is a word or phrase missing?	Wording amended
16.36	Derbyshire Dales District Council	All of these need to meet the requirements of the CIL Regs as set out earlier in the document - they cannot be imposed unless they meet the relevant requirements.	After review, we consider the wording here is clear enough
16.37	Derbyshire Dales District Council	Is this referring to the Bus Improvement Plan?	After review, we consider the wording here is clear enough
16.38	Derbyshire Dales District Council	If this information has to be in an appendix could this information be in one appendix rather than two? Appendix 1A and Appendix B...	After review, we consider the wording here is clear enough
16.39	Derbyshire Dales District Council	Is there any guidance about the size of the development? Number of houses, square m of floorspace etc?	After review, we consider the wording here is clear enough
16.40	Derbyshire Dales District Council	Needs to state at what scale of development does this apply?	After review, we consider the wording here is clear enough
16.41	Derbyshire Dales District Council	The appendices appear in reverse order, paragraph 5.5 mentions Appendix 1A and B and 5.11 mentions Appendix A, this is cumbersome for the reader	After review, we consider the wording here is clear enough

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16.42	Derbyshire Dales District Council	The appendices appear in reverse order, paragraph 5.5 mentions Appendix 1A and B and 5.11 mentions Appendix A, this is cumbersome for the reader	After review, we consider the wording here is clear enough
16.43	Derbyshire Dales District Council	Can you add more certainty as to the size of the development where this will apply?	After review, we consider the wording here is clear enough
16.44	Derbyshire Dales District Council	"There are 35 rail stations across Derbyshire most of which have at least an hourly service with many getting considerably better frequency than that." This is a vague statement.	Wording amended
16.45	Derbyshire Dales District Council	This needs to state how much.	After review, we consider the wording here is clear enough
16.46	Derbyshire Dales District Council	May be beneficial to provide some worked examples of the calculations in the appendices?	After review, we consider the wording here is clear enough
16.47	Derbyshire Dales District Council	Typo £ is missing	Amended
16.48	Derbyshire Dales District Council	See comments about regarding revenue funding drawn from S106? Should be focused on capital investment on infrastructure to address impacts of development.	After review, we consider the wording here is clear enough
16.49	Derbyshire Dales District Council	Many of these transfer terms will be considered as part of the planning application process and possibly conditioned. Is it necessary to list them here?	After review, we consider the wording here is clear enough
16.50	Derbyshire Dales District Council	This may not be in place if a new development	After review, we consider the wording here is clear enough

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16.51	Derbyshire Dales District Council	This may not be appropriate in a heritage sensitive setting and may be determined as part of the planning application by the LPA	After review, we consider the wording here is clear enough
16.52	Derbyshire Dales District Council	The next few pages are interesting (56-64) but as a developer or member of the public trying to work out a developer contribution maybe it could be summarised and a reference to the public health webpages added? Paragraph 1.37 should be at the start of this appendix.	After review, we consider the wording here is clear enough
16.53	Derbyshire Dales District Council	The quality of this diagram is very poor and makes it unreadable.	diagram has been improved
16.54	Derbyshire Dales District Council	This is almost the first mention of planning and is a statement of fact rather than linked to s106 contributions.	After review, we consider the wording here is clear enough
16.55	Derbyshire Dales District Council	SPDs will not feature in the future planning system, suggest delete.	Wording amended
16.56	Derbyshire Dales District Council	This is not specifically related to s106 / developer contributions.	After review, we consider the wording here is clear enough
16.57	Derbyshire Dales District Council	Does this refer to policies in Local Plans or general DCC policies? Needs clarification.	After review, we consider the wording here is clear enough
16.58	Derbyshire Dales District Council	"Mandated public health programmes, which local government are required to provide, are revenue funded and are delivered by the County Council. As such developer contributions are not sought towards these health programmes." So why are they included in the protocol?	After review, we consider the wording here is clear enough
16.59	Derbyshire Dales District Council	This is contradictory, it says that the District will support LPAS seeking developer contributions but also that LPAs will be advised to use conditions rather than seeking planning obligations. This is confusing for the reader.	After review, we consider the wording here is clear enough

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16.60	Derbyshire Dales District Council	These are all revenue issues and ones that reasonably should be funded by s106 agreements they should be funded by National Insurance contributions and Government funding not development.	After review, we consider the wording here is clear enough
16.61	Derbyshire Dales District Council	Suggest delete as SPDs are no longer relevant.	After review, we consider the wording here is clear enough
16.62	Derbyshire Dales District Council	This is a good summary and could go on page one of appendix 3.	After review, we consider the wording here is clear enough
16.63	Derbyshire Dales District Council	These measures need to be identified via the Local Plan process so that any land can be safeguarded accordingly.	After review, we consider the wording here is clear enough
16.64	Derbyshire Dales District Council	Robert Hill (Strategic Estates Lead) robert.hill8@nhs.net – is he still the lead person?	New email contact added
16.65	Derbyshire Dales District Council	missing word .... The Strategy helps to deliver:	Amended to say ....helps <b>to</b> deliver
16.66	Derbyshire Dales District Council	If the legislation requires County Council to deliver HWRC then this should be funded via Capital Programme and the management of such sites via Council Tax.	After review, we consider the wording here is clear enough
16.67	Derbyshire Dales District Council	Poor quality map.	Diagram has been improved
16.68	Derbyshire Dales District Council	See comments above about statutory requirements to provide HWRC improvements these should come from within the DCC Capital Programme and/or Revenue funding.	After review, we consider the wording here is clear enough



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16.69	Derbyshire Dales District Council	Are there any figures that could be included, without there is very little clarity for the reader (developer/public)	After review, we consider the wording here is clear enough
16.70	Derbyshire Dales District Council	Only if capital not revenue aspects of service delivery.	After review, we consider the wording here is clear enough
16.71	Derbyshire Dales District Council	The NPPF December 2024 should be considered.	Update NPPF added
16.72	Derbyshire Dales District Council	Library Services - the physical development of new sites should be subject to discussion, and brought forward through the Local Plan process so that decisions like these are part of a strategic plan.	After review, we consider the wording here is clear enough
16.73	Derbyshire Dales District Council	Reference to stock contributions: Is this capital or revenue contribution? Does it meet the tests for s106 contributions?	After review, we consider the wording here is clear enough
16.74	Derbyshire Dales District Council	Broadband: It is acknowledged in page 6 para 1.7 that no contribution will be sought for broadband, therefore why is this appendix included?	After review, we consider the wording here is clear enough
16.75	Derbyshire Dales District Council	Text earlier in the document says no obligations will be sought for broadband.	After review, we consider the wording here is clear enough
16.76	Derbyshire Dales District Council	We have discussed skills as part of previous versions of this protocol. There is no policy in the adopted DDDC Local Plan on skills, and this is very much a revenue support package rather than capital. So it will need DCC and others to put together a package of measures via Econ Dev to deliver this aspiration.	After review, we consider the wording here is clear enough
16.77	Derbyshire Dales District Council	"This Appendix to the Protocol provides summary information about biodiversity net gain which would apply to relevant applications made to Derbyshire County Council from January 2024."	After review, we consider the wording here is clear enough

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16.78	Derbyshire Dales District Council	Secondary legislation is “expected” but not certain consider redrafting.	After review, we consider the wording here is clear enough
16.79	Derbyshire Dales District Council	The Government department has a different name not DLHC	Changed to say MHCLG
16.80	Derbyshire Dales District Council	This date has passed, needs updating.	After review, we consider the wording here is clear enough
16.81	Derbyshire Dales District Council	If this is published online then a link to it should be included in the document. If not then it should be published online and a link included.	After review, we consider the wording here is clear enough
16.82	Derbyshire Dales District Council	Suggest include a definition of “blue spaces”.	After review, we consider the wording here is clear enough
16.83	Derbyshire Dales District Council	Reference to commuted sum contribution, this is revenue funding not capital and therefore cannot be funded through s106.	After review, we consider the wording here is clear enough
16.84	Derbyshire Dales District Council	Revenue costs should not be included, also there is a DM SLA for Heritage service.	After review, we consider the wording here is clear enough
16.85	Derbyshire Dales District Council	Suggest generic email rather than named staff.	After review, we consider the wording here is clear enough
16.86	Derbyshire Dales District Council	Green infrastructure is a legitimate reason to seek a financial contribution but may be balanced out against others. However improvements or enhancements where they would normally be a revenue cost should not be included.	After review, we consider the wording here is clear enough

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16.87	Derbyshire Dales District Council	Derbyshire Fire and Rescue are statutory consultees so this does not need stating.	After review, we consider the wording here is clear enough
16.88	Derbyshire Dales District Council	<p>Thank you for giving the District Council the opportunity to comment on the draft DCC developer contributions protocol. For ease I have collated comments in a table attached.</p> <p>Overall, it is considered that the aims of the Developer Contributions Protocol are laudable, However as currently drafted the document would appear to go beyond the scope of the County Council's roles and responsibilities, and in some instances are those of the Local Planning Authorities</p> <p>It is unclear for whom the Protocol is intended, as it neither provides clarity for applicants or. This can be improved by setting out clearer guidance on for example to whom an applicant should discuss the contents of this Protocol. The inclusion of County Council policies are considered superfluous and would be best replaced with relevant weblinks.</p> <p>The document would benefit from an introduction that sets out the relative roles of DCC and the LPAs in terms of who determines planning applications, who is involved in pre-application discussions and who negotiates and determines developer contributions. The Protocol should indicate the extent to which developer contributions and planning conditions that may be applied at the LPA level.</p> <p>There are numerous references in the Protocol that do not appear to meet the three tests in the CIL Regulations. For example, there are several areas that mention using developer contributions for ongoing running of DCC services, this needs to be clarified and made absolutely clear that capital not revenue costs will be funded by s106 monies.</p>	No comment

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		The appendices appear to be convoluted and provide little about how the contributions will be determined/calculated e.g. charge rates, thresholds etc. The addition of this information may well help the reader.	
17	Derbyshire County Council	<p>Anna wants us to consider the following note from AR that relates to PROW</p> <p>Dear Lindsey and Pete</p> <p>Countryside has started to request contributions towards the maintenance of our KCN/Long distance trails where there is a development which would place additional usage pressure on a DCC asset.</p> <p>Please can any request for a maintenance sum which is included in a S106 be classed as a commuted sum to be held in perpetuity (rather than any clawback date being included) as it would more than likely be used for resurfacing rather than any smaller remedial works.</p> <p>Many thanks Alison</p>	After review, we consider the wording here is clear enough
17.1	Derbyshire County Council	<p>Travel Plan Monitoring fee</p> <p>At present these are levied at a rate of £1,320 pa x five years, total £6,600. For the avoidance of doubt, I'm happy for this to increase to £2,000 pa as a 'flat fee' applicable to all developments. We would just need to coordinate on this point once the protocol is adopted.</p> <p>Travel Bond Plan</p> <p>Yes, agreed this needs to be formalised. My query is that the bond will also require a degree of management and administration. Could a charge be levied</p>	New information added in conjunction with Michael Reardon

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		<p>on the bond (eg 5%) for this purpose ? This could be automatically levied on the bond once received, with the remaining 95% returned pro-rata according to the success of the travel plan. This would be simpler than asking for a separate management fee.</p> <p>As an aside, could bond(s) be used for area wide or other local initiatives, rather than specifically for the individual development ? I'm thinking of business parks where multiple workplaces could benefit from something paid from a bond applicable to a specific occupant or development phase. Alternatively, a large residential development or even a whole town could benefit from an initiative paid for from a bond applicable to a specific phase of a residential development ? The key would be that the specific development benefits. If so, could the wording be amended to reflect this, or is the system flexible enough to allow this ?</p>	
17.2	Derbyshire County Council	<p>I have looked at the protocol and it would seem that provision of crossing facilities and active travel routes to schools is covered (page 51 point 14)</p> <p>"A highway for vehicular and pedestrian use (adopted or capable of being adopted) suitable for the site's intended use as a school must be provided up to a suitable point on the site boundary. The highway and any alternative access must be approved by DCC, which will not be liable for maintenance charges should the developer chose not to adopt it. The developer/landowner must also provide crossing points, pedestrian and cycling routes on the adjoining highway networks and other measures as required by the Highway and Local Planning Authority to service the land. This will include active travel routes, linking the school site with the new development and existing dwellings"</p> <p>But experience seems to be this isn't been requested. I don't know who is responsible for that? The protocol would seem to suggest it's Highways and planning, but also at what point this would be triggered? 100 houses = 25</p>	After review, we consider the wording here is clear enough

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		<p>school places. But it doesn't seem to say if those 25 places triggers a necessity for a highways improvement? Who assesses and evaluates that?</p> <p>A school travel plan would seem the obvious solution – but often planning permission is granted for a school site expansion with either no travel plan – or a travel plan in place 3 months after occupation which is too late.</p> <p>I wonder if you could you legitimately ask for a link for an expanding school to the KCN if it was within a “reasonable distance” – but what is the distance?</p> <p>I saw this quote in another meeting the other day which I thought was pertinent to today's discussion and the point above!</p>	
18	Derby and Derbyshire Local Access Forum (DADLAF)	<p>The DADLAF supports the principle of the Developer Contributions Protocol in helping to ensure the anticipated growth and development within the county is supported by the services and infrastructure necessary to mitigate its impact. The inclusion of the section on highways and transport is of particular interest in relation to ensuring continued connectivity for public rights of way and Derbyshire's Key Cycle Network/ multi-user Greenways. Forum members also welcome the inclusion of Sections 4.4 to 4.8 and in particular, that new developments should “protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails”, as well as Chair - Ian Else the need for new routes to conform to the latest design standards such as LTN1/20 to ensure that they provide safe, high-quality infrastructure. <b>Forum members would like to see a mechanism which ensures that, where relevant, the DADLAF is given an opportunity to comment on major planning applications.</b> They are especially keen to see as much being done as possible through the planning process to encourage more developers to provide and contribute towards new and improved strategic/local links and green infrastructure for walking, wheeling, cycling and horse riding for everyday journeys and leisure. New routes should be provided</p>	After review, we consider the wording here is clear enough

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		<p>with an appropriate surface and adequate width to safely accommodate all users. They should also run through attractive green open space rather than being pushed to the edge of the development between fences. The DADLAF is aware that whilst many new/improved routes and Section 106 contributions have been secured for this type of infrastructure, there are still a considerable number of requests which are not successful for various reasons, including objections from the Police to new links which are often seen as escape routes for criminals. Once a new development has been built, the opportunity for people to get out and about in the community, as well as into the wider countryside, other than by car is lost and the development itself can become a permanent barrier to any future provision. Hopefully the Protocol and the recent involvement/ guidance from Active Travel England will help to strengthen the case and increase the success rate. The ability to go places, whether by walking, wheeling, cycling, riding or by bus can only be good for the health and wellbeing of people who would otherwise suffer through lack of interaction with others and with nature. The provision of a safe connected network of routes has an important role to play in helping to reduce carbon emissions and local congestion, giving people an alternative to driving for shorter journeys. It is also crucial to achieving government targets to encourage more active travel and make walking, wheeling and cycling the preferred choice for everyone to get around. As far as Derbyshire is concerned, the ongoing development and delivery of the Key Cycle Network/ Greenways, along with the Active Travel Masterplans which are being developed across the county, are part of the Council's wider commitment to achieving Net Zero and its ambition to be the most connected and integrated county for cycling in England. With regard to Rail Services and active travel, it is essential to demand of the Rail Service franchises that they provide better and more realistic facilities to transport bicycles of a non-folding type.</p> <p>This is particularly relevant to the increasing use of electrically assisted bikes that are heavier and more difficult to load and unload. Such facilities are widespread and standard across Europe so are not unachievable. Under</p>	

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		<p>section 1.7 of the general introduction “employment and skills” opportunities are mentioned. <b>We feel there is a need to emphasise the importance of sustainable access to and preservation of the Derwent Valley Mills World Heritage sites. Their situation offers unique opportunities for historic re-use in a digital age. Proximity to that same waterpower that drove these mills could make them ideal sites for computer data banks in a modern version of that first industrial revolution. Hydro- electric power and water cooling are ideal components of such developments. Surplus heat could be diverted to local domestic heating.</b> We trust you will find these comments useful and look forward to receiving any feedback in due course.</p>	