



FAO The Case Officer
High Peak Borough Council
By email

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Derbyshire
DE4 3AG

Telephone:
Ask for: Dane Handley-Parkin
Email:
Our Ref: Developer Contributions/DHP
Your Ref: HPK/2022/0456
Date: 28 November 2022

Dear Sir/Madam,

Application HPK/2022/0456 for 100 dwellings at Land at Dinting Vale, Dinting, Glossop

Thank you for your consultation dated 3 November 2022 in respect of the implications for the provision of strategic infrastructure and services which are the responsibility of the County Council arising from the above proposed development. This response is in accordance with the National Planning Policy Framework (NPPF) and the County Council's [Developer Contributions Protocol](#).

Local Member Comments

The local County Councillors Greenhalgh and Wharmby were consulted for their views on the potential infrastructure requirements that may require contributions from developers.

At the time of writing, no comments have been received with regard to items covered in this response, however, I will forward any relevant comments received at a later date for your consideration.

With regard to any highways issues, the County Council's highways response as a statutory consultee offers impartial technical analysis as Highway Authority and is provided under delegated powers. Comments received from the Local Member regarding highway related matters will always be considered by officers, however it is not always possible to incorporate these into the Highways statutory technical response. Members may therefore provide direct responses to the Local Planning Authority in their role as a County Council community representative.

Officer Comments

The information provided below is based on the application consultation details as provided by the Borough Council.

In the absence of a Community Infrastructure Levy, financial contributions will be secured via Section 106 planning obligations.

CIL Compliance/ Use of Funding

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the 3 statutory tests as set out in the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and in paragraph 56 of the NPPF; they are

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

The County Council will only seek planning obligations where they accord with the CIL Regulations and relevant planning policies. All consultation responses will be in line with the Developer Contributions Protocol.

Amendments to the CIL Regulations which came into force on 1st September 2019 have deleted Regulation 123 which governed pooling and therefore the County Council no longer needs to provide evidence to ensure their request for contributions is in conformity with Regulation 123.

1) Education

The NPPF clearly sets out that the purpose of planning is to help achieve sustainable development, with paragraph 95 of the NPPF (2021) stating:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education They should:

- a) *give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) *work with schools' promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted'*

Whilst education provision is a statutory function of the County Council, and the Government provides funding to address natural demographic growth, it does not provide monies to accommodate additional pupils generated as a result of new housing development as a matter of course.

Assessing the Proposed Development

The County Council has a statutory duty to make education provision available for each young person and elects where possible to provide a school place for each child at their normal area school. This duty applies across all schools and includes Academies.

The number of places at the normal area school is assessed through a system provided by the Department of Education which produces a net capacity. The number on roll at a school reflects the number of pupils attending the school, and the difference between the net capacity and the number on roll is the number of places available or not available to accommodate future requests for places.

Pupil numbers are calculated looking at the five year projection of numbers on roll based on birth rates. This projection does NOT include the impact of any new housing with planning permission or allocated in local plans. The pupil yield from approved planning applications in the normal area of the school is then added.

The number of pupils that the development is expected to generate is calculated using the formula that for every 100 dwellings there will be 24 primary, 20 secondary and 8 post-16 pupils. This formula is based on a statistical assessment of birth rate and housing occupancy data in Derbyshire using information from the 2011 census. In calculating the pupil yields one-person households have been omitted. This reflects the fact that one-bedroom dwellings are omitted from the assessments of need contained in consultation responses. The pupil yield employed in the SEND assessment reflects the proportion of Derbyshire pupils being educated within Special Schools as well as Enhanced Resources within mainstream schools.

The requirement for financial contributions towards education provision is therefore based on the normal area school's net capacity, projected pupil numbers on roll over the next five years and the impact of all major residential development with extant planning permissions within the normal area of a school to assess the effect that committed development coming forward will have on school capacity.

The level of contribution required is fair and reasonable in scale and kind and is determined using multipliers provided by the Department for Education based on their analysis of building costs per pupil adjusted to reflect regional variations in costs. These multipliers are revised annually in line with building cost inflation using the Building Cost Information Service All in Tender Price Index. The thresholds and level of contribution required is set out below.

2022/23 Level of Contributions

	Places per 100 dwellings	Cost per pupil place	Cost per 1 dwelling	Cost per 10 dwellings	Cost per 100 dwellings
Primary phase	24 places	£18,165.55	£4,359.73	£43,597.31	£435,973.09
Secondary phase (without Post16)	20 places	£27,372.07	£5,474.41	£54,744.14	£547,441.40
Secondary phase (with Post 16)	28 places	£28,033.07	£7,849.26	£78,492.59	£784,925.86
SEND	0.7 places	£103,946.90	£727.63	£7,276.28	£72,762.82

Primary Level

The proposed development falls within and directly relates to the normal area of Dinting CE Voluntary Aided Primary School/Simmondley Primary School (Shared). The proposed development of 100 (discounting 6 one bedroom) dwellings would generate the need to provide for an additional 23 pupils.

Dinting CE Voluntary Aided Primary School has a net capacity for 140 pupils, with 136 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 140.

An evaluation of recently approved major residential developments within the normal area of Dinting CE Voluntary Aided Primary School shows no new developments and therefore, amounting to no additional primary pupils.

Simmondley Primary School has a net capacity for 315 pupils, with 291 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 304.

An evaluation of recently approved major residential developments within the normal area of Simmondley Primary School shows no new developments and therefore, amounting to no additional primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate the 23 primary pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Glossopdale School. The proposed development of 100 (discounting 6 one bedroom) dwellings would generate the need to provide for an additional 26 secondary with post16 pupils.

Glossopdale School has a net capacity for 1440 pupils with 1183 pupils currently on roll. The number of pupils on roll is projected to increase to 1238 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Glossopdale School shows new development totalling 81 dwellings, amounting to an additional 23 secondary with post16 pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 26 secondary with post 16 pupils arising from the proposed development.

The County Council note the Education Impact Assessment provided following the pre-application advice. The report itself acknowledges that it only considers some of the information relevant to school place sufficiency, ie it does not take into account recently approved housing development. The Derbyshire County Council Developer Contributions Protocol, which is CIL compliant, has been employed to assess the impact of the development and does take the aforementioned into account. The analysis above highlights a need for a financial contribution towards education infrastructure in the primary phase. It is important to note that, as there is more than one normal area school, by way of a 'shared' normal area between Dinting and Simmondley, the total available capacity at the two schools has been considered within the assessment. These are the

two schools which are closest to and best relate to the proposed development in terms of accessibility.

Mitigation

The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests financial contributions as follows:

- £217,986.60 towards the provision of 12 Primary places at Dinting Primary School towards additional education facilities as Dinting is both the nearest school and has capacity for expansion.

The above is based on current demographics which can change over time and therefore the County Council would wish to be consulted on any amendments to a planning application or further applications for this site.

Should it emerge that there are viability issues associated with the proposals in the above planning application and the Borough Council is in agreement with the applicant's financial appraisal, there may be some flexibility in the payment triggers. The full contribution, however, would still be required to fully mitigate the impact that the proposed development would have on the normal area primary school and secondary schools. The County Council requests that its officers are also party to any further negotiations on developer contributions.

If there is insufficient capacity to accommodate the increase in pupils forecast to be generated by this proposed development and the development itself cannot enable the necessary provision, the County Council wishes to highlight that the proposed development may not provide for a sustainable form of development.

2) Broadband

Investment in the County's broadband infrastructure, to support the future economic prosperity of the county, continues to be a priority for the County Council.

The Digital Derbyshire programme is a partnership between Derbyshire County Council and Openreach to provide access to NGA fibre broadband services for residents and businesses. The Council's ambition is that 98% of homes and businesses in Derbyshire will be able to access speeds of at least 24 Mbps by the end of 2020.

The Digital Derbyshire programme applies to existing households and businesses. New residential developments coming forward will not necessarily be covered by the Digital Derbyshire programme. Therefore, all developers proposing housing developments should look to provide for NGA broadband infrastructure and services as part of the design of their development schemes at the outset.

It is not expected that the County Council will require fibre-based broadband to be provided to make a development acceptable in planning terms, however developers should look to provide for NGA broadband infrastructure services as an integral part of the development scheme at the outset.

Mitigation

Local Planning Authorities should attach advisory notes to planning permissions to request that developers work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.

Guidance on the characteristics of qualifying NGA technologies is available from The Department for Digital, Culture, Media and Sport

3) Local Authority Collected Waste

Government legislation is focused on the prevention and minimisation of waste, maximising re-use and recycling and diverting waste from landfill. Derbyshire County Council as a Waste Disposal Authority has a statutory duty under the Environmental Protection Act 1990 to offer facilities to local residents where they may deposit their household waste. New developments should be provided with a convenient means of waste management, including access to a Household Waste Recycling Centre (HWRC) offering suitable facilities for re-use, recycling and disposal.

New residential development in Derbyshire can be expected to generate an increase in the overall amount of household waste and depending on the size of the development this can have a varying impact on the existing local HWRC network. Where it is expected that new housing development will generate a need for additional provision, funding through developer contributions will be expected to help provide the necessary additional capacity.

The County Council is currently reviewing its approach to assessing the impact of housing development on waste services.

4) Libraries

The County Council has included Libraries in its review of the Developer Contributions Protocol. Where a proposed development is over 50 dwellings, contributions will be requested to mitigate the additional demand on library services in order to maintain the statutory responsibility and vision for libraries.

Glossop Library is the nearest library to this site, however, no capital improvements to Glossop Library are required as a result of this development proposal.

However, where a library building is able to accommodate the extra demand created by a new development but it is known that the stock levels are only adequate to meet the needs of the existing catchment population, a “stock only” contribution will be sought.

The National Library Standard upper threshold as cited in Championing archives and libraries within local planning recommends a stock level of 1,532 items per 1,000 population, with the average price of £20.00 per stock item (based on Askews Library Services book prices at May 2019).

In this instance a stock only contribution of £7,040 is sought and is calculated as follows:

100 dwellings x 2.3 (average household size) = 230 people

230 people x 1.532 (stock level per person) = 352 stock items

352(stock items) x £20 (cost per stock item) = **£7,040** (i.e. £70.40 per dwelling).

5) Public Health and Adult Social Care

ASCH support in principle 100 dwellings to be built at Dinting Vale, Glossop. We support the proportion and size mix of dwellings.

We would prefer that some of the 1-bed provision is delivered either as bungalows or 'stacked bungalows', to ensure users with less mobility or with visual impairments can access level living. We would also prefer that all dwellings meet M4(2) standards to promote health and well-being, and high standards of amenity for existing and future users.

6) Countryside Services

Derbyshire County Council's Countryside Service manage woodland that adjoins the developments south western boundary. The woodland is a Local Wildlife Site. The proximity of the development and the potential number of residents suggest that an impact upon the biodiversity of the woodland is possible. Regardless of any biodiversity net gain that the development may be able to make on site it is important that the development can mitigate against its impact upon the Local wildlife Site. Suitable measures to mitigate against detrimental impact would be

- Site interpretation that informs on the woodland ecology: Countryside Service would be happy to provide cost estimates for delivering this infrastructure that could be funded by developer section 106 contributions.
- The creation of a path that helps concentrate visitor use in select areas. The Countryside Service supports comments made by colleagues in the council's Sustainable Travel Team and the Trans Pennine Trail office who suggest that it is appropriate that the development facilitates a connection to the council's Key Cycle Network to the west. This suggested route along the southern side of the woodland will help concentrate use as desired. It is not appropriate for the development to merely build a connection to the woodland boundary. Countryside Service will advise on design and delivery but expect the developer to deliver the scheme under agreement with the council.

The Countryside Service has concerns on the interaction between the development and the woodland boundary. There is not sufficient detail in the development proposal to determine the risk of damage to trees on the woodland edge or how the development plans to mitigate any damage. A further report adhering to BS5837 is required to enable the development to be considered in respect of the woodland. The report should include:

- A survey of all trees which are likely to be impacted upon by the proposed development, with details and categorisation results provided in 'an appropriate schedule (a per BS5837:2012 sections 4.4 - 4.6)
- Trees clearly identified as either retained or removed (including trees on land adjacent to the site with canopies or RPAs which encroach onto the site).

- Clear specifications for all proposed management works to retained trees.
- A realistic assessment of the probable impacts between the trees and development (as per BS5837:2012 section 5.3.4)
- Root protection areas (RPA) and construction exclusion zones.
- Exclusion zone protective barriers (giving precise locations and specification).
- The position of all new underground services in relation to RPAs.
- Detailed specification and installation method statement for any proposed new structure, hardstanding, underground service or works access into RPAs.
- Method statements for all other construction operations which impact on trees.
- Positions and specification (following BS8545:2014 'Trees: from nursery to independence in the landscape - Recommendations' as appropriate) for all new tree planting.
- Reinstatement and ground preparation for new tree planting and areas of soft landscaping.

7) Sustainable Travel

We are seeking assistance from developers on an appropriate scale, to contribute to the development of shared walking and cycling routes to allow access to and from their site. It is requested that the developer considers the benefits of meeting the aspirations of new homeowners who want to walk and cycle more, to enable them to access the adjacent wider countryside. The attached map shows the existing bridleway network in blue, available for horse riders, cyclists and pedestrians with proposed routes in orange. It highlights the importance of cycling and horse riding currently taking place in the area and the importance to the link this current network to the proposed development.

We would like to see within the development, shown in red, provision of a route for non-motorised green travel of a continuous, pedestrian/cycle/horse riding route linking the access point in the southwest corner and along the south and eastern edge of the development site following the route with the least gradient. This should be provided at a width of at least 3 metres and preferably segregated away from vehicular access within an overall 5 metre corridor. Current guidance specifies a smooth, sealed solid surfaces, such as asphalt or macadam, which offers the best conditions for everyday cycling and walking. The route should seek to enhance accessibility for all wherever possible.

The south-west corner of the site lies approximately 240m from Gamesley Sidings, with purpose-built paths for horse riders, cyclists and pedestrians linking directly to the long-distance Trans Pennine Trail and once fully developed the Pennine Bridleway, one of seventeen National Trails. We request that the developer might assist the evolving cycle network and contribute towards the delivery of a shared route linking Gamesley Sidings to the proposed development, also shown in red on the map. The length of this missing section of path between the development and the wider network is approximately 240m and it is recommended that a smooth gravel surface should be provided such as 'Ultitrec' at a minimum width of 3 metres to link the two sites. We would welcome discussions with the developer for the delivery of this connection. This could be undertaken by the developer during construction of the site by direct agreement with Derbyshire County Council as landowner, or by S106 agreements. By using a calculation of £258/m for a 3m wide shared use walking and cycling path, the cost estimate would be £61,920.

We would therefore wish to request a contribution from the developer to meet these costs to link the two sites to promote green travel.

8) Employment and Skills

The Employment and Skills Strategy is an important part of Derbyshire County Council's approach to delivering economic prosperity across the county. The County Council is keen to ensure it fulfils its statutory responsibilities around supporting young people, disadvantaged adults and the wider workforce into suitable, sustained employment.

A range of agencies across the public sector are actively working to deliver employment and skills activity in Derbyshire, and the County Council wishes to help facilitate stronger partnership working and driving more cohesive action on skills and employment across the county. The County Council would wish to work collaboratively to support the District/Borough Councils to identify where activities or contributions are required to deliver employment and skills development where they are supported by policies in the local plan.

9) Monitoring fees

In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), the County Council will seek a monitoring fee towards the monitoring and reporting of S106 contributions. The fee will be based on the cumulative number of triggers to be monitored for County Council obligations x £73.50 (based on 2 hours officer time Grade 12).

10) Other Information

Please note that a separate response may be provided by:

- The Highways Development Control Team in its role as the Highway Authority. This response will cover Public Rights of Way and Greenways where relevant. Your area's Highway Development Control Engineer can be contacted through our call centre: 'Call Derbyshire', on 01629 533190 or email.
- The Flood Risk Team as the Lead Local Flood Authority. Your area's Flood Risk Engineer for the Lead Local Flood Authority can be contacted through our call centre: 'Call Derbyshire' on 01629 533190, and ask for the Flood Risk Team or email.

The County Council wishes to support development which constitutes sustainable growth and requests that the required contributions as set out above, or ones subsequently agreed through negotiation, and the reasons why they are necessary be included in the officer's report considered by your authority's relevant committee or under delegated powers as appropriate.

Please contact me if you would like to discuss this response further. I would be grateful if you would keep me informed of progress with this planning application and any related legal agreements. The County Council would wish to be a signatory on any legal

agreements containing planning obligations that relate to County Council infrastructure and services.

Yours sincerely,

Dane Handley-Parkin
Place

Copies:

Councillor Greenhalgh and Councillor Wharmby, c/o Corporate Resources

Jennie McCusker, Children's Services

Highways Development Control, Place

Steve Buffery, Place

Alison Richards, Place

Michelle Parker: Commissioning, Communities and Policy

Waste Management Services; Place

Adult Social Care and Health: Commissioning, Communities and Policy