



Rosie Dinnen
High Peak Borough Council
By email

Chris Henning
Executive Director - Place
County Hall
Matlock
Derbyshire
DE4 3AG

Telephone:
Ask for: Clare Wilkins
Email:
Our Ref: Developer Contributions/CW
Your Ref: HPK/2023/0488
Date: 24th May 2024

Dear Ms Dinnen,

Application HPK/2023/0488 for 15 dwellings at Land at Burlow Road and Heathfield Nook Road, Burlow road, Harpur Hill, Buxton

Thank you for your consultation dated 19th April 2024 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 Councillor, Councillor Linda Grooby has been consulted for views on the potential infrastructure requirements that may require contributions from developers.

Councillor Grooby has commented as follows:

I have no objections to this application. I have been involved at a Borough level. These are being built in place of the developer building a community centre. However they have agreed to pay £350K towards a new build one on the football field.

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 57 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 99 of the NPPF (2023) 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 school 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 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.

2024/25 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	£20,299.61	£4,871.91	£48,719.06	£487,190.56
Secondary phase (without Post16)	20 places	£30,587.70	£6,117.54	£61,175.40	£611,754.00
Secondary phase (with Post 16)	28 places	£31,326.35	£8,771.38	£87,713.78	£877,137.78
SEND	0.7 places	£116,158.40	£813.11	£8,131.09	£81,310.88

Primary Level

The proposed development falls within and directly relates to the normal area of Harpur Hill Primary School. The proposed development of 15 dwellings would generate the need to provide for an additional 4 pupils.

Harpur Hill Primary School has a net capacity for 351 pupils, with 277 pupils on roll as at January 2024. The number of pupils on roll is projected to increase during the next five years to 410.

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 4 primary pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Buxton Community School. The proposed development of 15 dwellings would generate the need to provide for an additional 4 secondary phase (with post 16) pupils.

Buxton Community School has a net capacity for 1331 pupils with 1069 pupils on roll as at January 2024. The number of pupils on roll is projected to decrease to 1025 during the next five years.

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 secondary phase (with post 16) pupils arising from the proposed development.

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:

- £81,198.44 towards the provision of additional education facilities at Harpur Hill Primary school

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

Broadband service quality varies across Derbyshire with access to Next Generation Access (NGA) broadband infrastructure (capable of delivering download speeds of speeds of at least 30 Mbps) improving. 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.

In December 2022, government amended the building regulations 2010 to mandate the installation of gigabit-ready infrastructure and gigabit-capable connections to new builds - New build connectivity: information for developers - GOV.UK (www.gov.uk). Developers should provide gigabit-ready physical infrastructure and gigabit-capable connections for new homes in line with the requirements of the Building Regulations Approved Document R16. This will support the Government's ambitious targets for the availability of full fibre and 5G networks which seeks to see 15 million premises connected to full fibre by 2025, with nationwide coverage by 2033. More information can be found the Government publication 'Future Telecoms Infrastructure Review'.

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

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.

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) Resources and Waste

The application site lies on part of the former footprint of the Burlow Works landfill site at Harpur Hill. In accordance with the Building Regulations an assessment of ground gas risks must be performed. Ground gas risks should be assessed in accordance with good practice guidance such as 'CIRIA C665 Assessing risks posed by hazardous ground gases to buildings, Construction Industry Research and Information Association, 2007'.

Where any significant risks are identified there may be a need for specific remedial measures in respect of ground gas. These measures should be designed in accordance with good practice guidance such as 'BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new

buildings'. The scope and details of the gas assessment and any necessary remedial measures must be agreed with the local authority Contaminated Land Officer as part of the wider geo-environmental assessment of the site. Other forms of soil contamination may also potentially be present due to the previous landfill use.

5) Public Health and Adult Social Care

With regards to the additional 15 units to be developed at Land at Burlow Road and Heathfield Nook Road, Harpur Hill, Buxton, ASCH are disappointed that none of the units are to be affordable or meet M4(2) standards. Additionally, some units look to be well below national space standards: cramped living conditions are unlikely to promote health or well-being, or high standards of amenity or flexibility.

HPBC's 'Early Engagement' document for the Local Plan notes (among other things) the High Peak's ageing population, the need for bigger properties to enable home working and that the High Peak has a below average supply of sheltered or retirement housing. This document states an estimated need for between 702 to 893 units of C3 housing units for older adults and that 50% of general new housing is provided to M4(2) standards.

We feel that the proposed 15 units do not meet the needs for either the working age population who wish to work from home or the need for retirement type properties. Given the proximity of a new village hall and the availability of public transport to and from Buxton, we feel that this site would be very suited to the development of properties suited to older adults. The two-bedroom units would suit those looking to downsize; the M4(2) standard makes the units suitable for ageing in place and negates the need for later, more expensive retrofitting.

6) Employment and Skills

One of the 4 priorities of Derbyshire County Council's 'Council Plan 2023 – 25 is to create a "A prosperous and green Derbyshire" and in the next two years the County Council will continue to "work with Derbyshire businesses to support the creation of apprenticeship opportunities in key economic sectors, connecting people to local job opportunities" and in doing this work aim to ensure that "children, young people and adults are empowered to realise their ambitions and maximise their potential"

Much of the activity delivered through the Strategy is already funded through existing departmental budgets. External funding opportunities have been, and will be, maximised through joint work with partners.

The County Council will also continue to work with partner organisations including the emerging Combined Authority, District/Borough Councils, PDNPA and other key partners in the Employment and Skills landscape.

Development which is capable of contributing to these objectives will be considered on a case by case basis. The County Council will work collaboratively with the District/Borough Councils and PDNPA to identify where activities or contributions are required to support employment and skills development where they are supported by policies in the District/Boroughs' and PDNPA's respective local plans.

7) 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 £77 (based on officer time Grade 12).

8) 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 ETE.DevelopmentControl@derbyshire.gov.uk.
- 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 flood.team@derbyshire.gov.uk.

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,

Clare Wilkins
Place

Copies:

Councillor Linda Grooby, c/o Corporate Resources

Children's Services (Development)

Highways Development Control, Place

Strategic Planning, Place

Waste Management Services; Place

Adult Social Care and Health: Commissioning, Communities and Policy