



High Peak Borough Council
 FAO Rachael Simpkin
By email

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

Telephone:
 Ask for: Clare Wilkins
 Email: planningpolicy@derbyshire.gov.uk
 Our Ref: Developer Contributions/CW
 Your Ref: HPK/2024/0154
 Date: 1st July 2024

Dear Ms Simpkin,

Application HPK/2024/0154 for 51 dwellings comprising one bedroom flat and two and three bedroom houses at land off Cottage Lane, Gamesley

Thank you for your consultation dated 10th June 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](#).

I note that the County Council has previously responded with pre-application advice for 54 dwellings on land to the rear of Cottage Lane, Gamesley.

Local Member Comments

The local County Councillor, Councillor Woods has been consulted for views on the potential infrastructure requirements that may require contributions from developers.

Councillor Woods has made the following comments:

My objections are more based on the lack of infrastructure all these new houses would require. For example, virtually non-existent public transport, the lack of the much-promised train station, lack of access to public health services, and the withdrawal of most if not all statutory services, and the strain all those could put on the already stretched GP surgery. Then, of course there are Highways issues, which have been raised by residents and passed on to the Highways Team.

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 Gamesley Primary School and Dinting CE Voluntary Aided Primary School. The proposed development of 51 dwellings (minus the 16 one bedroom dwellings) would generate the need to provide for an additional 8 pupils.

Analysis of the current and future projected number of pupils on roll, together with impact of the approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 8 primary pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Glossopdale School and Sixth Form. The proposed development of 51 dwellings (minus the 16 one bedroom dwellings) would generate the need to provide for an additional 7 secondary pupils and 3 post-16 pupils.

Analysis of the current and future projected number of pupils on roll, together with impact of the approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 7 secondary and 3 post 16 pupils arising from the proposed development.

Mitigation

In line with the County Council's Developer Contributions Protocol, no contribution to education infrastructure is requested at this time based on the current application.

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) 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.

Gamesley Library is the nearest library to this site, however, no capital improvements to Gamesley 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 £3,954.07 is sought and is calculated as follows:

51 dwellings x 2.3 (average household size) = 117.3 people

117.3 people x 1.532 (stock level per person) = 180 stock items

180 (stock items) x £20 (cost per stock item) = **£3,594.07** (i.e. £70.47 per dwelling).

5) Public Health and Adult Social Care

As this development is fewer than 100 dwellings and relates to general housing, ASCH are unable to provide specific feedback. However, we would appreciate the following general design principles being considered to comply with the NPPF's requirement for developments to 'create places that are safe, inclusive and accessible and which promote

health and well-being, with high standards of amenity and flexibility for existing and future users.'

- Dwellings meet national space and/or M4(2) standards to encourage independent living for all ability and mobility levels
- Good internal space standards, ceiling heights, natural light levels
- Stairways, walls and ceilings capable of accommodating stair lifts or hoists should these be required in future; large internal cupboards which could be converted for through floor lifts at a future date
- A mix of tenures and types: affordable accommodation is important to help ensure the stability of the domiciliary care market
- Having a proportion of dwellings built on one level (stacked or bungalow) and ensuring this type of provision is located near public transport routes and/or urban centres.

6) Greenways

The proposed development adjoins a woodland site owned by the County Council's Countryside Service. The site also carries a multi-user trail that forms part of the County Council's Key Cycle Network and the current and proposed Pennine Bridleway and Trans Pennine Trail.

The site layout and proximity of dwellings and their gardens presents potential risk between occupants and the County Council's trees. In its pre-application comments the Countryside Service made a request that "any application should submit a tree survey to give details of trees that surround the development plot in their existing context and be accompanied by an Arboriculture Impact Assessment and Method Statement that includes a shade assessment as well as the effect the proposed development may have on the roots of trees on the County Council's land.

It is believed that there are a number of mature Ash trees present along the western edge of the County Council's land which should be given particular attention in the assessment, including mitigation proposed to deal with Ash Die Back Disease regardless of whether existing trees are currently affected". It is requested therefore that the applicant confirms the details of the shade assessment and its conclusions, the potential impact to the roots of trees on the Council's land and the assessments conclusion to the Ash trees on the Council's land.

In addition, the Countryside Service recommends that the applicant considers the proximity of the proposed dwellings to the Council's land and to the extent of the existing tree covering. It is advised that future occupants are informed that the Council will not undertake works exclusively for private benefit of occupants including:

- Natural seasonal events such as leaf fall, honeydew or other deposits
- Harboured wildlife e.g. birds, insects, squirrels
- Shade to neighbouring land or solar panels
- Overhanging branches
- Improving or allowing CCTV coverage
- Loss of satellite or TV signal
- Size/height and perceived threat from trees

- Loss of view
- Preventing damage to overhead cables.

The County Council's site will provide an easily accessible greenspace for recreation and healthy activity. No additional management burdens should be passed to the County Council as a consequence of the development. In this respect any litter and dog waste bins should be provided well within the development site far enough away from the County Council's land to avoid confusion as to responsibility of maintenance. It is also requested that the applicant consults the Countryside Service on the design of any fencing or other structures that will separate the development and the Countryside Service site.

As the proposed right of way diversion connects to the Council's Key Cycle Network the proposed ramp should be compliant with Local Transport Note 1/20 Cycle Infrastructure Design with any connecting design to the County Council's land approved by The Countryside Service. The County Council will seek a commuted sum from the development (which Derbyshire County Council will confirm in due course). This will contribute to additional maintenance requirements to the cycleway as a consequence of the additional usage brought by the development.

7) 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.

8) 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).

9) 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 Woods, c/o Corporate Resources

Children's Services

Highways Development Control, Place

Strategic Planning, Place

Waste Management Services; Place

Adult Social Care and Health: Commissioning, Communities and Policy