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Rachael Simpkin
High Peak Borough Council
By email

Telephone:
Ask for: Clare Wilkins
Email:
Our Ref: Developer Contributions/CW
Your Ref: HPK/2023/0192
Date: 21st August 2024

Dear Rachael,

Application HPK/2023/0192 Construction of 99 dwellings with associated landscaping and engineering works at land at Hogshaw, Fairfield, Buxton

Thank you for your consultation dated 31st July 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 also responded to this application, previously for 116 dwellings, on 23rd June 2023.

Local Member Comments

The local County Councillor, Councillor Grooby and Councillor Kemp have been consulted for their views on the potential infrastructure requirements that may require contributions from developers.

Councillor Grooby has commented as follows:

I will decline to comment at this stage.

I am often needed to sit on the planning committee for HPBC so it is not appropriate for me to comment.

Councillor Kemp has commented as follows:

I don't think I can add anything useful in the time available. It's a difficult site with many issues. but I think they are all well known to the HPBC Planning Department.

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 Fairfield Infant and Nursery School and Fairfield Endowed CE Voluntary Controlled Junior School. The proposed development of 99 dwellings would generate the need to provide for an additional 10 infant and 14 junior pupils.

Fairfield Infant and Nursery Primary School has a net capacity for 180 pupils, with 135 pupils on roll as at January 2024. The number of pupils on roll is projected to decrease during the next five years to 118.

Analysis of the current and future projected number of pupils on roll shows that the normal area primary school would have sufficient capacity to accommodate the 10 primary pupils arising from the proposed development.

Fairfield Endowed CE Voluntary Controlled Junior School has a net capacity of 232 pupils, with 199 pupils on roll as at January 2024. The number of pupils on roll is projected to decrease during the next five years to 174.

Analysis of the current and future projected number of pupils on roll shows that the normal area junior school would have sufficient capacity to accommodate the 14 junior 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 99 dwellings would generate the need to provide for an additional 20 secondary and 8 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 20 secondary and 8 post-16 pupils arising from the proposed 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) 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.

Buxton Library is the nearest library to this site, however, no capital improvements to Buxton 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 £6976.73 is sought and is calculated as follows:

99 dwellings x 2.3 (average household size) = 228 people

228 people x 1.532 (stock level per person) = 349 stock items

349 (stock items) x £20 (cost per stock item) = **£6976.73** (i.e. £70.47 per dwelling).

5) 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.

6) 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).

7) 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'
- 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'

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 Grooby and Councillor Kemp, c/o Corporate Resources

Education Planning, Children's Services

Highways Development Control, Place

Strategic Planning, Place

Countryside Services, Place

Waste Management Services; Place

Adult Social Care and Health: Commissioning, Communities and Policy