



# DEVELOPER CONTRIBUTIONS PROTOCOL

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# CONTENTS

|  |    |
|--|----|
| Introduction .....   | 4  |
| Background.....  | 7  |
| Developer contributions – The Legal Context.....   | 9  |
| Derbyshire County Council’s Approach to Planning Obligations.....  | 10 |
| Section 106 Legal Agreement Checklist.....   | 16 |
| Payment of Contributions.....  | 19 |
| Monitoring.....  | 20 |
| Document Review.....   | 22 |
| Appendix 1: Highways and Transport .....   | 23 |
| Appendix 1A: Bus Service Routes and Support - Bus Service Support.....   | 37 |
| Appendix 1B: Bus Stop Infrastructure - How Are The Costs of the Requested Infrastructure<br>Improvements Calculated..... | 39 |
| Appendix 2: Education.....   | 42 |
| Appendix 2A : Derbyshire County Council General Land Transfer Terms – School Sites<br>(August 2023).....                 | 49 |
| Appendix 3: Public Health and Adult Social Care .....  | 56 |
| Appendix 4: Waste Services.....  | 66 |
| Appendix 4A: Contribution Methodology .....  | 69 |
| Appendix 5: Library Services .....   | 73 |
| Appendix 6: Broadband .....  | 76 |
| Appendix 7: Employment and SKills .....  | 78 |
| Appendix 8: Biodiversity Net Gain .....  | 79 |
| Appendix 9: Other.....   | 80 |

# 1. INTRODUCTION

1.1 In its Council Plan Refresh 2023-2025, Derbyshire County Council aspires for Derbyshire to have:

- **Resilient, thriving and green communities** which share responsibility for improving their areas and supporting each other
- **Happy, safe and healthy people** with solid networks of support, who feel in control of their personal circumstances and aspirations
- **A strong diverse and clean economy** which makes the most of Derbyshire's rich assets and provides meaningful opportunities for local people to achieve their full potential
- **Great places to live, work and visit** with high performing schools, diverse cultural opportunities, transport connections that keep things moving and a healthy and sustainable environment for all
- **High quality public services** that work together alongside communities to deliver services that meet people's needs.

1.2 In order to achieve these ambitions, Derbyshire County Council needs to ensure that good quality sustainable development supported by the necessary services and infrastructure is delivered to meet the needs of current and future communities.

1.3 It is important that development can be delivered without prejudicing important infrastructure and services. Derbyshire County Council is an important statutory consultee in the planning process. By working closely with the District and Borough Councils and the Peak District National Park Authority (PDNPA), the County Council where appropriate will request that developers fund the cost of any additional infrastructure and services required to support their development.

1.4 The purpose of this Protocol is two fold:

- **to set out clearly the County Council's expectations** as to how development will need to mitigate its impact with regard to the infrastructure and services delivered by the County Council. This Protocol details the type and level of contributions which may be sought by the County Council when consulted on planning applications, and the methodology which underpins the calculations.
- **to support the Local Planning Authorities** to incorporate contributions towards infrastructure requirements into their Local Plans in order to comply with Planning Practice Guidance which requires that planning obligations should be set out in plans and examined in public.

1.5 It should be noted however that each development is different and therefore not all the contributions identified within this document would apply to every development.

1.6 This Protocol does not specify every form of contribution that may be required. Other infrastructure requirements such as, but not limited to affordable housing, play and open space, National Forest, River Mease catchment, community facilities and health may be sought by the District and Borough Councils ,PDNPA and other public organisations.

1.7 The areas of infrastructure provision to be covered in this Protocol are the following:

- **Highways and Transportation, including Highways, Sustainable Transport, Greenways and Travel Plans** - Most new developments invariably have some impact on the highway and transport network. As such, to mitigate the impact and to facilitate a move towards more sustainable modes of transport, improvements to the physical infrastructure or existing public transport and sustainable travel services may be required which, depending on individual circumstances may be provided by way of a developer contribution.
- **Education including Special Education Needs, Primary, Secondary and Post 16** - In line with the 2023 guidelines published by the Department for Education ‘Securing Developer Contributions for Education’ developer contributions are sought to ensure the required school places from new housing developments are provided.

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- **Public Health and Adult Social Care** - The link between planning and health has been long established. The built and natural environments are major determinants of health and wellbeing. On many issues, there will be overlapping objectives with regard to transport, open space, housing, design and sustainability. Contributions may be sought to provide better outcomes to facilitate health and wellbeing.
- **Waste Services** - 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.
- **Libraries** - Local authorities have a statutory duty under the Public Libraries and Museums Act 1964. In Derbyshire, public library services are delivered through a network of 45 static and 2 mobile libraries. New developments which place demand on library services may require developer contributions to mitigate the impacts of a development on the library service.
- **Broadband** - Contributions are not required, however all developers should look to provide for Next Generation Access broadband infrastructure services as an integral part of the development scheme at the outset.
- **Employment and Skills** - In seeking to deliver economic prosperity across the county, and ensuring training provision meets the demands of a modern economy, the County Council will work collaboratively with the District/Borough Councils/PDNPA to identify on a case by case basis where actions and/or contributions may be sought to support the delivery of employment and skills in line with local plan policy.
- **Biodiversity Net Gain** - Under the Environment Act 2021, Developers must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development. Some developments are exempt from BNG regulations. For relevant planning applications submitted to Derbyshire County Council, BNG will be required.
- **Other site-specific requirements** - In some cases development may result in a need for other mitigating actions and these will be assessed on a case by case basis. Such requirements may relate, but not be limited to Flood and Water Management, Archaeology and the Historic Environment, Landscape Character improvements, and Canals and Waterways.

Further information on these requirements can be found in Appendices 1 to 9.

## 2. BACKGROUND

- 2.1 The National Planning Policy Framework (December 2023) (NPPF) states that ‘the purpose of the planning system is to contribute to the achievement of sustainable development’<sup>1</sup>. The County Council has an important role to play in helping to achieve sustainable development, both as a planning authority in its own right, but also as a provider of the vital physical and social infrastructure to support development elsewhere in the county.
- 2.2 There are 8 District and Borough Councils across Derbyshire and one National Park Authority. These authorities develop the local plan for their area which sets out local planning policies and proposals for new development, what can be built where and any necessary infrastructure required to support that growth. Local plans must be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the NPPF. Adopted local plans provide the framework for development across England.
- 2.3 Derbyshire County Council is responsible for the delivery and operation of much of the large scale infrastructure required to support development such as highways, schools, libraries and waste. Derbyshire County Council’s Planning Services works closely with Local Planning Authorities to identify the impact of proposed development and ensure the infrastructure requirements needed to support development are identified through the Local Plan process. 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.
- 2.4 The Developer Contributions Protocol supports many of the elements contained within the County Council’s Environment and Climate Change Framework, approved by Cabinet on 21st November 2019. The Framework will support a co-ordinated approach to reducing carbon emissions, in line with carbon budgets, across all local authorities in Derbyshire and will provide a focal point for wider partnership working. The Framework will also ensure that all pledges set out in the Climate and Carbon Reduction Manifesto are delivered in a co-ordinated way across a range of strategies and plans at a county and district/borough level. A number of strategies and action plans have been or are being developed to underpin the County Council’s approach to addressing climate change.
- 2.5 Figures in the Housing Delivery Test, which measures the extent to which housing completions have met established need, showed that in Derbyshire (not including Derby City) during 2020/21 3,631 new dwellings were delivered. This demonstrates the level of additional growth and the demand placed on infrastructure and services.

1 Paragraph 7 National Planning Policy Framework December 2023

2.6 The District and Borough Councils and Peak District National Park Authority determine planning applications and following consultation with the County Council ultimately decide what developer contributions can be secured through Section 106 agreements in respect of their own services such as public open space and affordable housing and the needs of external infrastructure providers.



### 3. DEVELOPER CONTRIBUTIONS – THE LEGAL CONTEXT

3.1 Planning obligations are also commonly referred to as ‘section 106’, ‘S106’, as well as ‘developer contributions’. A planning obligation is a legal obligation under Section 106 of the Town and Country Planning Act 1990 and is entered into to mitigate the impacts of a development proposal. Section 106 agreements are most commonly between a local authority and a developer and are attached to a planning permission.

3.2 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)<sup>2</sup> 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 to the development.

3.3 Another type of planning obligation is the Community Infrastructure Levy (CIL) which is a planning charge introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. Local authorities can choose to introduce a CIL which is calculated on a £ per square metre (sq.m) basis on new development. CIL is intended to be used to help fund infrastructure to support the development of an area rather than making an individual planning application acceptable in planning terms, which is the purpose of Section 106 Agreements.

3.4 In 2019 the reform of the Community Infrastructure Regulations deleted Regulation 123 and therefore the restriction imposed since April 2010 on pooling has been lifted. This allows local authorities to seek Section 106 planning obligations to fund infrastructure to help support and bring forward new housing regardless of how many planning obligations have already contributed towards an item of infrastructure.

3.5 The removal of Regulation 123 will also allow local authorities to use both CIL and Section 106 planning obligations to fund the same item of infrastructure to provide authorities greater flexibility to fund infrastructure. Where a District/Borough Council has a CIL in place, the County Council will work proactively with the authority to ensure the infrastructure needs are identified and how the infrastructure will be funded.

2 Regulation 122 Community Infrastructure Levy Regulations 2010 (as amended)

## 4. DERBYSHIRE COUNTY COUNCIL'S APPROACH TO PLANNING OBLIGATIONS

### PRE-APPLICATION : HIGHWAYS

- 4.1 Pre-application discussions help to speed-up decision making and provide clarity. Paragraphs 39 to 46 of the NPPF encourage developers to engage in discussions and meetings with Local Planning Authorities prior to submitting planning applications.
- 4.2 Derbyshire County Council, through their Highways Development Management Team, provides a pre-application advice service on Highways and Transportation matters. Please visit the 'How to Make a pre-planning enquiry' webpage for information about what will need to be provided.

Requests for advice should be emailed to:

[ete.developmentcontrol@derbyshire.gov.uk](mailto:ete.developmentcontrol@derbyshire.gov.uk)

### PRE-APPLICATION : OTHER

- 4.3 All other pre-application enquiries in relation to Derbyshire County Council planning obligations should, in the first instance, be directed towards the Local Planning Authority who will liaise with the County Council. If no pre-application service is available, enquiries should be made to the County Council's Strategic Planning Team who will liaise with relevant service colleagues.

E-mail enquiries should be directed to:

[planning.policy@derbyshire.gov.uk](mailto:planning.policy@derbyshire.gov.uk).

- 4.4 The County Council aims to respond to pre-application enquiries and consultations on planning applications from Local Planning Authorities within 21 days of receipt of the appropriate level of information. The Strategic Planning Team, coordinates comments from County Council departments to assess the proposed development and prepare a response. Comments will be copied to the relevant Local Planning Authority.
- 4.5 At the pre-application stage, unless the Local Planning Authority requests that the enquiry is treated in confidence, any consultations will also be sent to the relevant County Council elected ward member/s in confidence for their attention only.
- 4.6 Please note, the pre-application information provided to developers and district/borough councils/PDNPA by the County Council is an assessment based on the prevailing situation at the time, and the County Council's response at the application stage may differ due to changing circumstances in the intervening time.

## PLANNING APPLICATIONS

- 4.7 At the earliest opportunity, Local Planning Authorities should notify the County Council of any major residential development (where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more). The County Council should be provided with sufficient information to identify the location, and the type and nature of the proposed development (i.e. total gross number of dwellings, dwelling mix and any age related policy restrictions). All correspondence should be sent electronically via email to [planning.policy@derbyshire.gov.uk](mailto:planning.policy@derbyshire.gov.uk).
- 4.8 As a Statutory Consultee, the County Council Highways Development Management Team must be consulted by Local Planning Authorities separately on all planning applications which have a potential impact on the County's highway network and transportation infrastructure. The Highway Authority is obligated to provide a substantive response to all consultations within 21 days. The Strategic Planning Team and the Highways Development Management Team liaise to ensure that responses made to Local Planning Authorities are broadly consistent. Correspondence for the County Council Highways Development Management Team should be sent to [ete.devcontrol@derbyshire.gov.uk](mailto:ete.devcontrol@derbyshire.gov.uk) See Appendix 1 for further information.
- 4.9 The County Council will only seek planning obligations where they accord with the CIL Regulations and relevant planning policies. Consultation responses to planning applications will be guided by this Developer Contributions Protocol.



4.10 The County Council's response will advise the Local Planning Authority:

- **how the development would impact** on strategic infrastructure and services;
- **how planning obligations will assist** in mitigating the impact of unacceptable development to make it acceptable in planning terms; and
- **opportunities to enhance** existing or provide new infrastructure and services to mitigate the impact of development

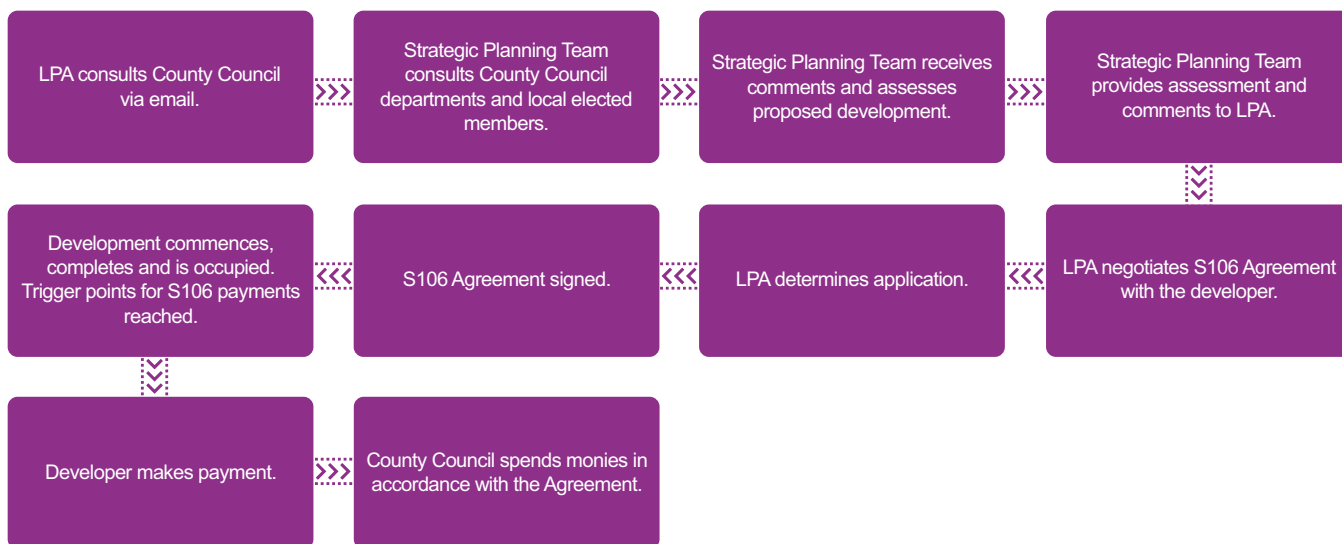
It may be possible to resolve identified impacts through the use of planning conditions.

4.11 Where Section 106 contributions are sought, the County Council will provide the necessary evidence to demonstrate that the need identified is due to the impact of the development concerned and that the contributions sought and the projects identified meet the requirements of the CIL Regulations. Planning obligations may seek to secure financial contributions towards improving or expanding existing infrastructure or providing new infrastructure, the direct provision of services, land and buildings, or payments towards ongoing maintenance and service delivery costs.

4.12 Where infrastructure and services are provided in conjunction with a neighbouring authority, the County Council will liaise with the appropriate authority and Section 106 contributions may be secured to mitigate any negative impacts a development may place on a neighbouring authority.

4.13 It remains the responsibility of the Local Planning Authority to consider the County Council's advice and determine the application, including any decision to seek developer contributions via Section 106 planning obligations. The Local Planning Authority has the ultimate responsibility in determining whether the infrastructure contributions sought are reasonable and accord with the requirements of the CIL Regulations, in addition to balancing the viability of the development against the infrastructure requirements. The Section 106 process is shown in Figure 1 below.

**FIGURE 1: CONSULTATION PROCESS**



- 4.14 Where the local planning authority does not accept the County Council's request for contributions, the Local Planning Authority should notify the County Council as soon as possible via email prior to the determination of the application. The County Council reserves the right to object to the application, as the lack of developer contributions may render the development unsustainable.
- 4.15 Chesterfield Borough Council is currently the only CIL charging authority in Derbyshire. The purpose of CIL is to help to provide the infrastructure needed to support the development of the Borough. CIL receipts are placed into a centralised pot for the purpose of supporting the delivery of strategic and local infrastructure improvements on a Borough wide basis and as identified in an approved priority infrastructure list. The County Council's consultation responses to planning applications within the Borough will identify the impact of the development concerned. Where the impact identified is infrastructure as identified in the priority infrastructure list, the County Council will seek funding through Chesterfield Borough Council's annual CIL bidding process. Where the infrastructure/infrastructure type is not included on the priority infrastructure list, S106 contributions to mitigate that impact will be requested.

## **VIABILITY**

- 4.16 The NPPF and accompanying National Planning Guidance on viability has significantly changed the approach to both the use of, and inputs to viability assessments. The role for viability assessment is now primarily at the plan making stage to ensure that policies are realistic. Policy requirements should be set at a level that takes account of affordable housing and infrastructure needs, and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the planning application stage. The price paid for land is no longer an input into viability assessments nor a relevant justification for failing to accord with relevant policies in the plan.
- 4.17 Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.
- 4.18 The County Council will continue to work with Local Planning Authorities at the plan making stage to ensure the required infrastructure and services are factored into the whole plan viability assessment to ensure that the allocated sites are deliverable. It is acknowledged however that some Local Plans will have been assessed taking into account the expected levels of mitigation required at that time. Local Plan adoption times for the 9 Planning Authorities across the county are varied and as such it is not always possible to synchronize the production of this Protocol with authorities' emerging Local Plans. The County Council is committed to regularly update this Protocol in accordance with changes in legislation, other government guidance and fluctuations in service demands and costs.

- 4.19 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 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.
- 4.20 The County Council also requests that the required contributions as set in their consultation response, or ones subsequently agreed through negotiation, and the reasons why they are necessary are included in the Planning Officer's report and considered by the authority's relevant committee or under delegated powers as appropriate.
- 4.21 The County Council may be flexible to assist developers where schemes are showing marginal viability. For example, there may be scope to collect contributions in instalments or to phase payments later in the development process.
- 4.22 In cases where a Local Planning Authority does not accept or pursue the County Council's request for contributions, the County Council would expect to be notified with the reason/s and provided with an opportunity to address the issue in a timely manner. Based on the particular circumstances the County Council may consider lodging an objection to the application on the grounds that the development is unsustainable.
- 4.23 Where viability is proven an issue, the County Council requests that a review mechanism is included in a Section 106 requiring periodic viability assessments throughout the life of the development. Any overage generated, should in consultation with the Local Planning Authority be prioritised, and include infrastructure as identified within the County Council's response to the planning application.

## **INFRASTRUCTURE IN ADVANCE**

- 4.24 The County Council may consider 'forward funding' infrastructure by spending money out of its budget in advance of receiving money from a planning obligation. Where the delivery of a named Section 106 project is critical, and the County Council intervenes to deliver such project using public funding, the County Council will then apply the contribution monies once received to offset the amount spent from public funds.

## **STRATEGIC GROWTH AND INFRASTRUCTURE FRAMEWORK**

- 4.25 In the changing landscape of infrastructure funding, local authorities increasingly collaborate in determining priorities for planning, funding and delivering future infrastructure. The Strategic Growth and Infrastructure Framework (SGIF) captures all projects in which the County Council has a role and forms the base layer of our approach towards the prioritisation of projects. The projects identified also align with the district/borough council's and Peak District National Park local plans.

4.26 By planning strategically, it enables the County Council to respond to the pressure which growth exerts on the county's infrastructure and creates a platform for project prioritisation and efficient delivery. This approach will ensure the delivery of infrastructure and services to support well-planned, sustainable development and clean economic growth which contributes to a good quality of life for Derbyshire residents. Match funding may be provided through developer contributions where the infrastructure required is necessary to support the delivery of the local plan or to mitigate the impact of development.



## 5. SECTION 106 LEGAL AGREEMENT CHECKLIST

- 5.1 Where Section 106 planning obligations are necessary, the following checklist should be used when drawing up legal agreements:

### DRAFTING

- 5.2 It is important that the negotiation of planning obligations does not unnecessarily delay the planning process. It is therefore essential that all parties proceed as quickly as possible towards the resolution of obligations in parallel to the planning application process. Section 106 Agreements should be prepared in draft form once an assessment of the impacts of the proposed development has been completed, and in advance of any report considered by the relevant Local Authority planning committee. Agreeing Heads of Terms ahead of a delegated or planning committee decision helps to avoid delays in the issuing of a decision once an application has been determined. A clause will be included in the Section 106 agreement to establish that where funds have been committed they should be treated as spent, see section 5.8 below. Where contributions are sought through the provision of a Section 106 agreement, Derbyshire County Council is committed to progressing these matters in a timely manner.

### SIGNATORIES

- 5.3 The County Council should be a signatory to Section 106 legal agreements which relate to services which are the responsibility of the County Council. Being a party to the agreement enables the County Council to know if and when contributions are due or should have been paid. As part of the process for preparing the legal agreement, District/Borough Councils and PDNPA should consult the County Council on the content of the draft document. Copies of signed legal agreements should be provided to the County Council's Director of Legal Services, Corporate Services and Transformation Department, to enable monitoring records to be maintained.



## INDEXATION

- 5.4 To ensure the real value of a Section 106 financial contribution is maintained up to the date of payment, the 'principal' sum stated in the Section 106 agreement will need to be index linked. The principal sum will be index linked from a base date until the date payment is due followed by interest to the date of actual payment. The appropriate index for each type of contribution is given below. The principal amount in the agreement will remain the same but will be affected by the index fluctuation, and contribution amounts paid may vary depending on the value of the index at point of invoicing.
- 5.5 The County Council prefers to index financial contributions related to the function of the obligation. Therefore for construction projects the All in Tender Price Index of Building Cost Information Services (BCIS) published by the Royal Institute of Chartered Surveyors (RICS), or Construction Materials Price Index will be used. For other financial contributions, such as travel plan monitoring, which does not include construction, the Retail Price Index will be used.

## TRIGGERS

- 5.6 Standard trigger points include 'prior to commencement', 'upon occupation', or 'upon completion'. Developers may wish to delay paying financial contributions until income from the sale of a proportion of the dwellings has been received in order to help with cash flow. The County Council is willing to enter into negotiations regarding triggers, however it is the County Council's preference that payment triggers are early in the occupation of developments and in fewer larger tranches.

## VIABILITY

- 5.7 Please see section 4 above.

## REPAYMENT

- 5.8 The County Council will seek contributions once the trigger point(s) have been reached. The County Council endeavours to spend contributions as soon as possible and in accordance with the Section 106 Agreement. Cabinet approval or delegated approvals may be required to authorise the expenditure of funds. This, plus the time it takes to tender, contract and deliver the works, can mean that the time limit for repayment could be reached. Therefore, Section 106 Agreements should include the following clause:

'For the avoidance of doubt, for the purposes of paragraph X of this Schedule, the Contribution shall be deemed to have been committed if the County Council has entered into any contract or given any undertaking (whether enforceable in law or otherwise) the performance or fulfilment of which will require the County Council to expend funds in the future'

If funds are not committed within the time limit specified by the legal agreement the contribution will be returned to the developer. The County Council may alternatively require the funds to be deposited into an Escrow account, which it will draw down once Cabinet/ delegated approval has been sought for the project.

## **LEGAL FEES**

- 5.9 Considering a draft, obtaining instructions, negotiating amendments and executing the agreement requires input from a County Council Legal Services. The County Council will seek to recover legal fees from the developer by using a clause in the Section 106 agreement. At the time of writing the legal fees for a Section 106 agreement or unilateral undertaking is £1,050 for up to ten hours work and thereafter at an hourly rate which is determined dependent upon the member of Legal Services allocated to the case and the complexity. Legal fees will be reviewed during the course of the year. Developers are advised to contact Legal Services for up to date fee levels.

## 6. PAYMENT OF CONTRIBUTIONS

- 6.1 Where agreed with the District/Borough Council/PDNPA, contributions payable in relation to the County Council's clauses will be paid directly to the County Council. Invoices will be issued on request. In other cases, and where the County Council is not a signatory to the agreement, the contributions will be claimed by the District/Borough Council/PDNPA and then forwarded to the County Council.
- 6.2 Where Section 106 agreements contain an interest clause on late payments, the County Council would expect that the District/Borough Council/PDNPA will utilise this clause. Any interest on late payments should be passed to the County Council.
- 6.3 The contribution is received by the County Council's Corporate Finance Team (Capital) and attributed to the relevant service. The County Council's Section 106 monitoring records are updated. The County Council monitors expenditure to ensure that contributions from planning obligations are spent in accordance with the Section 106 Agreement. Where specified in the legal agreement, any contributions that are not committed or spent within the appropriate timeframe are returned to the developer
- 6.4 In certain cases, in particular relating to education and libraries, there may be instances where Section 106 monies will need to be transferred to other organisations, such as Academies or community groups. Where this occurs, the County Council will enter into a legal agreement with the organisation, which sets out the amount, project details and repayment arrangements.

## 7. MONITORING

- 7.1 The monitoring of planning obligations is a complex and time consuming process due to the variability of Section 106 agreements, and involves the monitoring of development progress against a variety of triggers, liaising with Local Planning Authorities, calculation and collection of staged payments, application of indexation, raising invoices and maintaining a monitoring database. The County Council incurs significant costs, especially in relation to agreements relating to major residential developments with multiple triggers.
- 7.2 In addition to the above, the introduction of mandatory reporting on planning obligations through the production of an annual infrastructure funding statement has been introduced through the CIL Regulations.
- 7.3 In order to support the above, paragraph 2A has been inserted into Regulation 122 of the CIL Regulations 2010 (as amended) which asserts that a monitoring contribution does not have to constitute a reason for granting a planning permission. It also sets the parameters for the charging of monitoring fees in that:

- any monitoring fee should be fairly and reasonably relate in scale and kind to the development and
- should not exceed the authority's estimate of its cost of monitoring the development over the lifetime of that development.

- 7.4 The County Council's planning obligations management fee is a standard charge based on estimated monitoring time per trigger and relates to the administration, monitoring, management and reporting of each planning obligation. Full payment of the monitoring fee will be due on the commencement of the development in the case of a full application, or on commencement of each reserved matters stage in the case of phased developments. For larger developments the fee may be phased across the delivery of the development.
- 7.5 It should be noted that any S106 monitoring charge will remain separate from the Council's legal costs which will remain independently recovered by the Legal Team and from any Travel Plan monitoring fees (see Appendix 1) or Biodiversity Net Gain monitoring fees (see Appendix 8).

### DERBYSHIRE COUNTY COUNCIL SECTION 106 MONITORING FEES

- 7.6 To ensure that the cost of recovering developer contributions does not become a burden on the council tax payer, and in line with CIL Regulation 122 2A the County Council requires a contribution for Section 106 monitoring.

7.7 The County Council's monitoring cost is based on the cumulative number of triggers to be monitored for County Council obligations x £154.00 (based on 2 hours of Grade 12 officer time) as this directly relates to the costs involved. Please see worked example below:

| Highways Contribution<br>3 Triggers |
|-------------------------------------|
| Prior to occupation                 |
| Prior to 50% occupation             |
| Prior to 75% occupation             |

| Education Contribution<br>4 Triggers |
|--------------------------------------|
| Prior to occupation                  |
| Prior to 25% occupation              |
| Prior to 50% occupation              |
| Prior to 75% occupation              |

|   |
|---|
| <b>7 Triggers x £154.00 = £1,078.00</b> |
|---|

The charge will be subject to change annually on 1st April each year.

## 8. DOCUMENT REVIEW

- 8.1 The Developer Contributions Protocol will be regularly updated to provide current cost information and changes to supporting policies. The annual review will take into account the Building Cost Information Service (BCIS) index and any other inflationary impacts particularly associated with construction costs or service provision where there is an implication for developer contributions. Factual updating which does not materially change the document will be made as and when required.

# APPENDIX 1 - HIGHWAYS AND TRANSPORT

All but the most modest of developments will predictably have some impact on the highway or transport network around them as a consequence of the construction itself or its subsequent use. New developments usually generate additional travel journeys.

To minimise impacts on highway safety, help mitigate this increase in demand, and to provide for a sustainable development the response to a planning consultation may include requirements for general highway infrastructure improvements, Travel Plan measures, off-site public transport, and cycling and walking interventions.

It is however important to note that any mitigation has to be directly related and proportionately related to the impact and resulting harm of the development itself, rather than pre-existing aspirations for improvement, and be necessary to offset the harm caused. Furthermore, the County Council is not empowered to require mitigation works or contributions to secure 'nil detriment' to the network, only to ensure that any harm or congestion is not severe.

As the Highway Authority, Derbyshire County Council must be consulted as a statutory consultee on any matters, affecting the public highway, this includes Public Rights of Way and the Key Cycle Network (KCN) in addition to more traditional carriageways and footways. New development also provides an opportunity to provide new strategic green infrastructure through the inclusion of Public Rights of Way and KCN within the design of a proposed development scheme provided that the principles described in the above paragraph are adhered to.

The County Council's Highways Development Management Team will advise separately on the services and infrastructure items included within Appendix 1 where they provide opportunities for development to contribute to the county's green infrastructure. For further information, developers and Local Planning Authorities should contact the links as provided in the following relevant sections:

## 1. HIGHWAYS

1.1 Highways and Transport infrastructure requirements will be funded by a range of different mechanisms which will vary depending on site specific circumstances. The vast majority of highways improvements and modifications are secured by planning conditions. These are recommendations made to the Local Planning Authority, requiring highway and transport works to be carried out as part of the development process, usually in advance of development or prior to part of the development being taken into use.

## Section 106

- 1.2 Where appropriate developer contributions through a Section 106 agreement may be sought to allow the Highway Authority to use developer funding to carry out improvements to the highway network to accommodate the development. This mechanism can also allow the Highway Authority to seek contributions towards Travel Planning, Public Transport services, sustainable travel and pedestrian and cycle infrastructure as set out in Sections 2 to 5 below, provided that the NPPF planning tests are met.

## Section 278

- 1.3 Most highway and transport infrastructure improvement is secured by planning conditions. These require the developer to commission or carry out specified highway works. Where highway objections to proposals can be overcome by improvements to the existing highway, a Section 278 agreement of the Highways Act 1980 enables the developer to enter into an Agreement with the Highway Authority to pay for, or undertake such works. These works may include minor highway realignments, provision of footways, roundabouts, traffic signals, right-turning lanes, passing bays and cycle lanes, together with signage, lighting, drainage and other works.
- 1.4 Prior to the commencement of construction, developers are requested to submit full construction drawings for approval and enter into a Section 278 Agreement with a bond to cover the full road construction costs. Developers are advised that without such an agreement in place they may not commence any works within the public highway. The ongoing design and construction works are inspected by the County Council's officers and fees are recovered from the developer to offset this activity.

## Section 38

- 1.5 Where planning applications for residential development involve the creation of new streets, these should be designed to meet the recommendations contained in the relevant Derbyshire County Council highways guidance and appropriate reference to Manual for Streets. The Highways Development Management service seeks to ensure that designs and planning conditions secure the provision of suitable streets by developers. Where new streets meet the Highway Authority's criteria for adoption as publicly maintainable highway in terms of layout and construction, the County Council can enter into a voluntary agreement under Section 38 of the Highways Act 1980 with developers to accept the completed streets as highway assets maintainable by the County Council.



- 1.6 Prior to the commencement of construction, developers are requested to submit full construction drawings for approval and enter into a Section 38 Agreement with a bond to cover the full road construction costs. The ongoing design and construction works are inspected by the County Council's officers and fees are recovered from the developer to offset this activity. Without such an agreement in place developers can be required to deposit monies with the County Council under the Advance Payments Code to cover the cost of making up the street at some point in the future.
- 1.7 Developers are advised that without such an agreement in place they should not commence any works and any construction undertaken is carried out at their own risk and may prejudice the future adoption of the estate roads concerned.

### Commuted Sums

- 1.8 The Highways Authority is entitled to recover the cost of maintaining certain items of new public highway infrastructure which it does not recover from central government funding streams. This can include items such as traffic signals, structures (bridges, walls culverts, embankments and the like), specialist drainage (soakaways, hydrobrakes, sustainable urban drainage systems, flood attenuation systems and the like), landscaping, specialist lighting and street furniture and works not normally of standard construction, layout or provision. Where Section 38 and 278 Agreements include these types of infrastructure, a commuted maintenance sum may be charged to the developer before the Highway Authority will accept the works as a publicly maintainable asset.

### Transport Assessment

- 1.9 In addition to the assessment of safe and satisfactory access and design by the highway Development Management team, developments of a sufficient size also require assessment of the local highway and transport network in terms of capacity and sustainable operation. This is usually carried out by means of a Transport Assessment or Statement. The contents of these documents help inform the need for and nature of off-site Highway and Transportation mitigation works of all kinds. Transport Assessments often include a Travel Plan which identifies how the developer intends to reduce reliance upon private car use and introduce sustainable travel initiatives to limit trip generation. The Transport Assessment can also include the developer's proposals to improve pedestrian and cycle connectivity and manage private car use by the introduction or enhancement of public transport services.

## Decide and Provide

- 1.10 The Climate Change Committee 6th carbon budget identifies that in 2019 surface transport accounted for 22% of greenhouse gasses and this primarily made up from tailpipe emissions from fossil fueled vehicles. To achieve the legal emissions for the UK the net greenhouse gas emissions need to fall by 63% by 2035 compared to 2019 levels. As such it is required that 63% of all vehicle trips (based on historic trends) generated by a development are transferred to alternative modes, and the holistic demand management package should show this is to be achieved or provide justification for an alternative approach.
- 1.11 Proposals that require a Transport Statement or Assessment should adopt an approach of 'decide and provide' rather than predict and provide. This will require a clear vision for the proposal, what it aspires to be and how it will be achieved. This approach has significant potential to change travel behaviours, prevent the need to introduce large interventions and support the delivery of low carbon solutions. Therefore, is it expected that instead of providing additional vehicle capacity, proposals should manage trips onto alternative modes.
- 1.12 An **annual monitoring report** will need to be submitted showing how many trips are generated by each mode, and where targets are being missed, what measures will be provided to correct this. Annual monitoring is to continue for 1 year post full occupation.
- 1.13 The County Council will look to hold a **trip management bond**, to the equivalent value of the "traditional" engineered solutions, which could be used to intervene should the applicant's proposal not achieve the agreed outcomes. The developer will provide a cost estimate for the equivalent 'traditional engineered solution' for review by the County Council. Trip management bonds will be held for the duration of the monitoring period, which will be through the full build out period to the point of occupation of the final dwelling (or full use should it be a commercial development) plus 1 year, plus a subsequent 3 year period to allow for other measures to be implemented by the County Council if required.
- 1.14 In the event of the target not being achieved the County Council retains the right to use the bond to implement a mix of soft and hard measures to address the short comings.
- 1.15 Where a trip management bond is provided, no Travel Plan Bond will be required. In the event that the Transport Assessment demonstrates that there is "spare" capacity in the network, only a travel plan bond and travel plan monitoring fee will be required.
- 1.16 For further information contact [ete.developmentcontrol@derbyshire.gov.uk](mailto:ete.developmentcontrol@derbyshire.gov.uk).

## 2. TRAVEL PLAN MONITORING FEES AND TRAVEL PLAN BONDS

- 2.1 Travel Plans are long-term management strategies for integrating proposals for sustainable travel into the planning process. Paragraph 117 of the NPPF<sup>3</sup> states that ‘All developments that will generate significant amounts of movement should be required to provide a travel plan...’
- 2.2 Where development meets the criteria for the submission of a Travel Plan, a Travel Plan must be submitted as part of the planning application, either as part of a Transport Assessment or as a stand alone document. Irrespective of whether the Transport Assessment and Travel Plan are submitted as one or two documents, they must be read as a single set of interventions. However, merely requiring a Travel Plan to be submitted as part of the planning process without securing its implementation and objectives negate its impact and providing little or no tangible benefits. The Travel Plan must therefore be included in any signed Section 106 agreement for the development.

### Travel Plan Monitoring Fee

- 2.3 A financial contribution will be required from the developer towards staff costs incurred by the County Council as part of the associated costs of the travel plan monitoring. The contribution will relate to elements including:

- reviewing the implementation and management of the Travel Plan,
- providing advice on its monitoring and future review,
- travelling to and attending meetings with the development’s travel plan officer, and
- reviewing marketing material and reviewing survey results.

- 2.4 This contribution is applicable in all cases. The fee also covers the costs incurred by the County Council for the use of its travel plan monitoring software. Other monitoring toolkits are available. The monitoring fee should be included as part of any Section 106 agreement.
- 2.5 The fees payable for Travel Plan monitoring are available on the Derbyshire County Council website.

## Travel Plan Monitoring Fee and Bond

- 2.6 The Travel Plan monitoring contribution should be accompanied by a Travel Plan bond payable by the developer to Derbyshire County Council.
- 2.7 The bond is required to enable travel plan measures to be implemented by the County Council should the identified targets not be achieved by an agreed date, and to provide an incentive to the developer to ensure that the Travel Plan objectives are met. The contribution is secured via a Section 106 agreement, and is payable should the target reduction in number of trips, or other travel plan objectives are not met.
- 2.8 The Travel Plan Bond and Monitoring Fee details can be found on Derbyshire County Council's website or on request from the Highways Development Management Team. The fees are summarised below:

| Type                        | Amount   |
|-----------------------------|--|
| Residential Dwelling Bond   | £570 per dwelling  |
| Commercial Development Bond | £720 per employee  |
| Monitoring fee              | £2,000 per year build out + 1 year<br>Minimum of 5 year coverage £10,000 |

- 2.9 The bond will be retained in full for the duration of the Travel Plan Monitoring Period with an expected minimum of 12% Single Occupancy Vehicle shift to be achieved by the end of monitoring period.

## Travel Plan Monitoring Period

- 2.10 Developers will provide an annual monitoring report to show progress against the travel plan targets. The monitoring fee provides a contribution towards the County Council reviewing the submitted reports. Annual reports will be required to cover the buildout period plus 1 year following completion. 5 years minimum.
- 2.11 The monitoring requirement for a travel plan for development up to 200 dwellings will be for a minimum of 5 years at £2,000 per annum.
- 2.12 For developments greater than 200 dwellings an individual calculation rounded up to the nearest whole year (based on a delivery assumption of 50 dwelling per annum) + 1 year following completion, at £2,000 per annum.

### 3. LOW EMISSION VEHICLE INFRASTRUCTURE

3.1 Petrol and diesel vehicles have dominated the market for over a century. Transport is the largest sector for UK greenhouse gas emissions (27%), of which road transport accounts for over 90%. Road transport is also one of the biggest contributors to poor air quality in some of the UK's towns and cities.

3.2 In response in 2018 the Government launched 'The Road to Zero Strategy' which builds on existing commitments in the Industrial Strategy, the Automotive Sector Deal, the UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations ('the NO2 Plan') and the Clean Growth Strategy to build an environment and an economy fit for the future. The Road to Zero Strategy identifies new measures towards cleaner road transport and is aimed at putting the UK at the forefront of the design and manufacturing of zero emission vehicles, and for all new cars and vans to be effectively zero emission by 2040.

3.3 Amongst numerous objectives, the Strategy recognises that current and prospective electric vehicle (EV) drivers need to be able to easily locate and access EV charging infrastructure that is affordable, efficient and reliable. Policy 28 states:

*'Ensuring the houses we build in the coming years are electric vehicle ready. It is our intention that all new homes, where appropriate, should have a chargepoint available. We plan to consult as soon as possible on introducing a requirement for chargepoint infrastructure for new dwellings in England where appropriate.'*

3.4 Reducing emissions from transport in Derbyshire is a key part of the overall approach to tackling climate change and this is a key component of the Derbyshire Environment and Climate Change Framework. Encouraging the take up and use of low emissions vehicles in Derbyshire is a fundamental part of the overall approach to reducing emissions from transport. To support this approach the County Council has developed new Low Emissions Vehicle Infrastructure Strategy for Derbyshire. The expectation is that most low emission vehicle users will choose to charge at home, however the development of a public charging network will provide confidence to use low emission vehicles in Derbyshire.

- All new residential dwellings will be expected to deliver ULEV infrastructure in accordance with Part S of the Building Regulations
- All new commercial development must provide ULEV infrastructure of suitable output to allow charging to occur relative to the dwell time of the users in respect of that planning use.

## 4. GREENWAYS / DERBYSHIRE CYCLE NETWORK

- 4.1 Greenways form part of the off-road element of the Derbyshire Cycle Network and are a series of traffic free, multi user routes which connect the County's market towns and villages and are suitable for walking, cycling, horse riding and disabled access. They provide active travel routes to schools, work places, shops and local amenities, and opportunities for leisure and tourism. They are often vibrant and diverse habitats that are important for nature recovery and nature connectedness. The creation of the Greenways networks plays a part in the growth and enhancement of green infrastructure, as well as contributing to local economic growth, providing a greater visitor offer, and encouraging overnight stays.
- 4.2 The Derbyshire Cycle Network has been developed in line with the infrastructure and connectivity aim of the Derbyshire Cycleing Plan 2016-30. It also underpins the Authority's delivery programme as part of the wider D2N2 (Derby, Derbyshire, Nottingham and Nottinghamshire) Local Cycling and Walking Infrastructure Plan (LCWIP) which has been produced in accordance with the Department for Transport's technical guidance reflecting the Government's ambition 'to make cycling and walking the natural choices for shorter journeys, or as part of a longer journey'. The provision, improvement and maintenance of routes support the key transport priorities set out in the County Council's Local Transport Plan, as well as contributing towards the aim in Derbyshire's Rights of Way Improvement Plan to provide a more connected, safe and accessible network suitable for all users, as part of encouraging healthier and more sustainable travel options.
- 4.3 The Key Cycle Network (KCN) forms the top strategic level of a three-tier hierarchy of routes which make up the Derbyshire Cycle Network. The approved KCN totals 770km of routes with around 444km considered complete and open for use. The Local Cycle Network (LCN) forms the middle tier which links the KCN to key local destinations and is essential to create the connectivity and permeability between neighbourhoods. The above tiers are supported by comprehensive networks of Town Routes which facilitate local trips within the market towns themselves. Collectively, these networks form a comprehensive area-based approach to encouraging more active travel through walking and cycling. All three tiers require additional support to establish a fully linked/integrated network.
- 4.4 The NPPF recognises the value of sustainable transport and that 'applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas'. It also provides strong support for the public rights of way network, setting out that 'Planning policies and decisions 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'.

4.5 The Government's National Design Guide (2019) supports the NPPF. The National Design Guide promotes the prioritisation of design for walking and cycling, creating routes that are safe, direct, convenient and accessible for people of all abilities. They should be designed as part of attractive spaces with good sightlines, so that people want to use them.

4.6 New development should safeguard existing routes, but also provide an opportunity to improve traffic free connectivity to encourage the use of healthier and more sustainable travel options. Where development is the County Council will seek to secure the following provision/contributions from developers:

- On site provision of new sections of route and links to the surrounding network,
- On site improvement of existing routes to adoptable standards
- Contribution towards off site provision of new sections of route and links to the surrounding network
- Contribution towards the improvement of off-site existing routes, situated adjacent or nearby, due to additional demand/usage generated by the development

4.7 New development should also be designed to ensure continuous off highway connectivity of routes, their attractive integration into public green/open spaces, and construction to the appropriate specification (design detail and use of materials), including that detailed in the Department of Transport's Guidance Note LTN1/20 for delivering high quality cycle infrastructure and the relevant Derbyshire County Council highways guidance. Any required improvements may be secured either through a planning condition or by Section 106 agreements. Delivery will be either by the County Council following agreement of a Section 106 financial contribution or directly by the applicant to the standard required.

4.8 Where the asset is adopted, commuted sums will be sought towards their maintenance. Impacts and any potential contributions would be assessed on a case by case basis. Where the need arises, the County Council will seek to secure contributions towards the additional maintenance requirements of the off site cycle network resulting from the additional usage arising from new development.

## 5. PUBLIC TRANSPORT

### Background to Bus Services in Derbyshire

- 5.1 Bus services are a vital public service playing a major role in the way many people go about their daily lives. Each week over 500,000 passenger journeys are made by bus in Derbyshire across urban and rural areas making it the most frequently used form of public transport in the county. Buses take people to work, school, college, hospital, the shops and a range of other essential services and leisure opportunities all of which help to support the wider economy across the area. Without buses Derbyshire roads would be more congested, the economy weaker, residents more socially isolated and the air quality worse.
- 5.2 Local bus operators provide bus services that they consider commercially viable without external financial support. In addition to these the Transport Act 1985 explains that local transport authorities must 'secure the provision of such public passenger transport services as the council consider is appropriate to secure to meet any public transport requirements within the county which would not in their view be met apart from any action taken by them for that purpose'. The Council therefore provides revenue subsidies so additional services above and beyond those provided commercially operate to ensure communities have access to essential services subject to the level of funding available.
- 5.3 If road networks are not to become completely congested it is essential that bus services start appealing to more people. To do this bus services need to provide a good quality product which not only exceeds existing passenger's expectations but actively appeals to new potential users. The key elements of this according to national and local surveys is a network which is:

- **Attractive**, and reliable, with punctual services, and high quality customer service and infrastructure with vehicles that are modern, well maintained, clean and safe.
- **Available**, with good network coverage, operating periods and frequency which people can easily access and understand.
- **Affordable**, fares that are competitive with car use with a variety of different options giving people flexibility and value for money.



#### 5.4 To make this happen the Derbyshire County Council buses plan has 4 key aims:

- 1) Improving the overall passenger experience – high quality customer service, easy to understand information and a clean, safe environment at every stage of the journey.
- 2) Developing and sustaining a high quality core commercial network – Ensuring the services most people use on a regular basis are reliable, frequent, attractive and affordable to use.
- 3) A flexible modernised supported services network – Providing appropriate ways for people to reach key destinations in areas where demand is more limited
- 4) Strong partnerships to take forward improvements - All the various stakeholders with an interest in bus services working together to maximise the benefits for passengers and the wider community.

All of which will help us achieve our overall objective of increasing bus use in Derbyshire which is important because it will help:

- Support sustainable economic growth
- Reduce congestion
- Improve air quality
- Reduce social exclusion
- Support sustainable housing solutions
- Develop sustainable tourism

#### Meeting Expected Public Transport Demand Results from Proposed New Developments

5.5 Contributions from developers to the cost of bus services and related infrastructure are an important source of funding to mitigate the impact of new development in an area. This can take two forms:

- Local Bus service contributions to provide socially necessary services, including revenue support for services that are forecast to break-even and become commercial in the future. This will include contributions for school bus services where appropriate. See Appendix 1A to this section for more details.
- Infrastructure contributions to provide bus stop facilities including shelters raised kerbs, information (including real time information) and bus priority measures, including bus stop clearways. Further information about funding for bus infrastructure improvements is shown in Appendix B to this section.

- 5.6 The level of funding contribution requested is subject to the particular characteristics of the development site and is assessed by taking into account each of the factors described in this document. It is in the interests of the developer, in terms of saleability of dwellings, and for potential residents to ensure that the local bus service offers access to key services and has the capacity to accommodate the additional demand generated by their development.
- 5.7 It is the County Council's preference that funds are paid to the County Council, who will manage and co-ordinate provision of the agreed enhancements however this is subject negotiation dependent on the size and scale of the development.

### Bus Service Contribution

- 5.8 The decision to a request a contribution towards the cost of local bus services will relate to the size of the development.
- 5.9 The bus service specification produced for a development relates to the expected additional population arising from the new development and where local quality standards are in place. The service specification will reflect these standards or any emerging standards that may change during the course of the Planning application or service implementation.
- 5.10 Ideally new or enhanced services will be integrated with the existing network of commercial and supported bus routes, to avoid abstraction from them and to maximise the potential for long term viability. It should not be assumed that if a bus service already runs near to a development, that it will be possible or desirable to run it into the development. Such an assumption will not be given weight when considering a development proposal unless prior discussions with the bus operators and County Council public transport team have taken place and any measures agreed can be secured via a Section 106 agreement.
- 5.11 The developer will need to provide funding for the new or enhanced service for a minimum of 5 years on a reducing scale allowing for revenue growth. In order to encourage the use of the service it will ideally start early in the development of a site. However factors such as the development phasing and likely future viability will be taken into account on a case by case basis.
- 5.12 More details on bus service contributions are provided in Appendix A to this section.

## Local Bus Infrastructure Contributions

5.13 The decision to request a contribution towards the cost of local bus infrastructure relates to the following factors:

- a) The size of any new development.
- b) Bus Usage – the Council will look at the number of likely trips that would be generated and the likely modal split in terms of transport usage, taking the developer's Transport Assessment and Travel Plans for the site into consideration.
- c) Local Bus Infrastructure Availability – The Council will look at the proposed development and the nearest current bus stop infrastructure. Optimum walking distance to and from a stop are assessed on a site by site basis. As a guideline a 250m distance to a stop is desirable and manageable for most users, up to 400m is the accepted standard. Should the nearest bus stop infrastructure be further away than the distances in the guidelines, then the Council will request that new bus stops are installed within the relevant distances via developer contributions.
- d) Quality of Existing Bus Stop Infrastructure – the Council will also consider the quality of the nearest bus stops to the proposed developments and whether the infrastructure could be improved to promote the use of sustainable transport. Any suggested improvements will be relative to the size of the development proposed and its potential impact on the usage of the infrastructure.

5.14 The developer should ensure that the highway design takes into account the needs of any prospective bus service/s.

5.15 The following infrastructure is currently considered when bus stops are moved or for new stops installed within Derbyshire:

- a) Bus stop pole, with County Council standard specification flag and timetable case
- b) Raised Boarding Kerb
- c) Lowered Accessibility Kerb/pedestrian access improvements at stops
- d) Bus Shelter to Derbyshire County Council standard specification
- e) Electrical Lighting in Bus Shelter
- f) Real Time Information displays and pole including associated electrical connections
- g) Enforceable Bus Stop Clearway

5.16 Where new infrastructure is provided the developer will need to enter into an agreement for its long term maintenance through a commuted sum payment to the Borough/District/Parish Council and/or County Council. This will cover the ongoing maintenance and cleaning of the infrastructure and any electrical costs for the next 15 years.

More details on local bus infrastructure are provided in Appendix B to this section.

### Home to School Travel

5.17 The statutory walking distance to a school before a child becomes entitled to travel support is 2 miles for children aged under eight and 3 miles for older children with some additional arrangements for people on specific benefits. This distance criteria is applied to the nearest suitable school, measured by the shortest available safe walking route. Derbyshire County Council's Transport Policy can be found at [www.derbyshire.gov.uk/get2school](http://www.derbyshire.gov.uk/get2school)

5.18 Where a residential development is located within the statutory walking distance it should be linked to the school(s) by adequate pedestrian facilities. If there are no pedestrian facilities, or the existing are considered inadequate the developer shall be required to provide new or improved facilities usually via a section 278 agreement. If it is not feasible for improvements or adequate pedestrian facilities to be provided, in the case of developments of 15 or more dwellings, the developer will be required to provide a contribution towards school transport costs.

### Rail Service Contribution

5.19 There are 35 rail stations across Derbyshire most of which have at least an hourly service with many getting considerably better frequency than that.

5.20 Derbyshire County Council is keen to encourage greater use of rail services and has worked constructively with rail industry partners and groups such as the Derwent Valley, and Hope Valley and High Peak Community Rail Partnerships to improve services and the upgrade facilities at stations.

5.21 As with bus services and infrastructure the decision to request a contribution towards the cost of rail service provision will depend on a number of factors. However where a development takes places within 1km of existing station the County Council would expect the developer to provide a contribution to provide safe and appropriate links to it for pedestrians and cyclists.

5.22 Dependent on the existing facilities at the station and its usage a developer may also be required to provide a contribution towards the costs of enhancements such as:

- a) Waiting shelters
- b) Customer Information Screens
- c) Cycle storage
- d) Car parking

# APPENDIX 1A - BUS SERVICE ROUTES AND SUPPORT - BUS SERVICE SUPPORT

Derbyshire County Council places a high priority on planning effectively for the impact from new developments on the local environment, including the local public transport network. Bus route improvements arising from new developments are planned with reference to the following factors:

- a) The bus service specification is produced with reference to the expected additional population arising from the new development and any new bus service provided by the developer will be expected to meet any Statutory or Voluntary Quality Bus Partnership standards applicable in the local area including new partnership arrangements set out in the Bus Services Act 2017. The operator will also be expected to participate in any integrated ticketing schemes/ initiatives in the local area.
- b) The existing public transport network serving the area with stops within an acceptable walking distance from the new development.
- c) The availability of alternative public transport services in each settlement for three main time periods: Monday to Saturday daytime (0600-1800hrs); Monday to Saturday evenings (1800- 24:00hrs); Sunday all day (0600-2400hrs).
- d) Presence of geographic or other features affecting the route i.e. rivers, low bridges, steep hills.
- e) Locations of key services including employment, shopping, education and leisure facilities.

## NEW ROUTES

These are planned to primarily serve the new development and provide access to key services including employment, shopping, education and leisure facilities in areas where no existing services. The introduction of the service will normally be phased with the vehicle size and service frequency reflecting the build out of the development.

## EXTENSION OF EXISTING ROUTES

Where a bus network already exists in the local area the Council will work in partnership with the local bus operators and developer to determine the most appropriate revised service route, capacity and frequency to ensure that both existing and future bus users can be accommodated without affecting the quality of the service provided.

The following costs overheads are taken into account when assessing the cost of the new or extended service:

- Capital costs including vehicles, premises and facilities
- Drivers wages and other on costs
- Other labour and staff costs
- Insurance
- Fuel
- Maintenance
- Vehicle depreciation

The above costs are offset by revenue from fares and passes.

The typical costs used by Derbyshire County Council to calculate bus service contribution is £150,000 per annum gross for a full day Monday – Saturday operation for a conventional single deck vehicle.

## **APPENDIX 1B - BUS STOP INFRASTRUCTURE - HOW ARE THE COSTS OF THE REQUESTED INFRASTRUCTURE IMPROVEMENTS CALCULATED**

Funding will be provided by the developer for all new developments, of any size (11 dwellings or more if residential), which require the installation of new bus stops in order to provide access to sustainable forms of transport. Examples of the expected infrastructure is set out below:

- a) Bus stop pole, with County Council standard specification flag and timetable case
- b) Raised Boarding Kerb
- c) Lowered Accessibility Kerb/pedestrian access improvements at stops
- d) Bus Shelter to Derbyshire County Council standard specification
- e) Electrical Lighting in Bus Shelter
- f) Real Time Information displays and pole including associated electrical connections
- g) Enforceable Bus Stop Clearway

For developments where existing bus stop infrastructure is within a reasonable walking distance of the site, the existing standard of the closest stops will be assessed alongside the proposed development to evaluate its impact on infrastructure usage.

The tables below give an illustration of a pair of standard pole and flag bus stops with examples of how improvements would be requested via planning obligations or developer contributions:

| Development Size  | Bus Stop 1<br>Bus Services Heading Towards a Major Town  | Bus Stop 2<br>Bus Services Heading Away From a Major Town  |
|---|--|--|
| <p>Small (10-49 Dwellings for Residential)</p> <p>These improvements will allow the public and bus operators to safely access public transport infrastructure</p>   | <ul style="list-style-type: none"> <li>• County Council standard specification pole, flag and timetable case.</li> <li>• Raised Boarding Kerbs</li> <li>• Enforceable Bus Stop Clearway</li> <li>• Pedestrian access improvements at stop</li> </ul>   | <ul style="list-style-type: none"> <li>• County Council standard specification pole, flag and timetable case</li> <li>• Raised Boarding Kerbs</li> <li>• Enforceable Bus stop Clearways</li> <li>• Pedestrian access improvements at stop</li> </ul> |
| <p>Medium* (50-99 Dwellings for Residential)</p> <p>These improvements will allow the public and bus operators to safely access public transport infrastructure. Bus passengers will be provided with a high quality information provision. *there may be more than a single pair of bus stops which require improvements for developments of this size</p>                     | <ul style="list-style-type: none"> <li>• County Council standard specification pole, flag and timetable case</li> <li>• Raised Boarding Kerbs</li> <li>• Enforceable Bus Stop Clearway</li> <li>• Pedestrian access improvements at stop</li> <li>• Bus Shelter to Derbyshire County Council standard specification</li> <li>• Electrical lighting in the shelter</li> <li>• Real Time Information display and pole and associated Electrical Connections</li> </ul> | <ul style="list-style-type: none"> <li>• County Council standard specification pole, flag and timetable case</li> <li>• Raised Boarding Kerbs</li> <li>• Enforceable Bus stop Clearways</li> <li>• Pedestrian access improvements at stop</li> </ul> |
| <p>Large* (100+ Dwellings for Residential)</p> <p>The improvements will allow the public and bus operators to safely access public transport infrastructure. Bus passengers will be provided with a high quality waiting environment and information provision. *there may be more than a single pair of bus stops which require improvements for developments of this size</p> | <ul style="list-style-type: none"> <li>• County Council standard specification pole, flag and timetable case</li> <li>• Bus Shelter to Derbyshire County Council standard specification</li> <li>• Electrical lighting in the shelter</li> <li>• Raised Boarding Kerbs</li> <li>• Enforceable Bus Stop Clearway</li> <li>• Pedestrian access improvements at stop</li> <li>• Real Time Information display and pole and associated Electrical Connections</li> </ul> | <ul style="list-style-type: none"> <li>• County Council standard specification pole, flag and timetable case</li> <li>• Raised Boarding Kerbs</li> <li>• Enforceable Bus stop Clearways</li> <li>• Pedestrian access improvements at stop</li> </ul> |



## BUS STOP INFRASTRUCTURE – HOW ARE REQUESTED IMPROVEMENT COSTS CALCULATED?

All costs for infrastructure improvements are based on Derbyshire County Council’s contract price in addition to quotations from our contractors to carry out the works. Each site will be priced individually through developer contact with the County Council’s Public Transport team. The table below shows examples of costings, however the prices quoted are for illustration purposes only and should not be used to calculate costs as they are subject to change.

| Development Size   | Indicative Costs Of Bus Stop Infrastructure  | Indicative Bus Stop Total |
|--|--|---------------------------|
| Small (10-49 Dwellings for Residential)  | <ul style="list-style-type: none"> <li>County Council standard specification pole, flag and timetable case: £1,000</li> <li>Raised Boarding Kerbs: £1,800</li> <li>Enforceable Bus Stop Clearway: £1,500</li> <li>Pedestrian improvements at stop: £1,500</li> </ul>   | £5,800                    |
| Dwellings for Residential 50+ dwellings<br>*there may be more than a single pair of bus stops which require improvements | <ul style="list-style-type: none"> <li>County Council standard specification pole, flag and timetable case: £1,000</li> <li>Raised Boarding Kerbs: £1,800</li> <li>Bus Stop Clearway: £1,500</li> <li>Pedestrian improvements at stop: £1,500</li> <li>Bus Shelter to Derbyshire County Council standard specification and lighting: £8,000</li> <li>Real Time Information display and pole and associated Electrical Connections: £6,100</li> </ul> | 18,400                    |

## APPENDIX 2 - EDUCATION

### ASSESSING THE PROPOSED DEVELOPMENT

- 1.1 The County Council, as the Local Education Authority, 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. Although a new school must be established as a Free School or Academy, and some existing schools have opted to become an Academy, the statutory duty to plan provision remains with the Local Authority. In many cases the provision of additional school places and facilities is required to ensure that a proposed housing development is sustainable.
- 1.2 When the County Council responds to a consultation on a proposed development, it assesses the total gross number of dwellings proposed within the application site. One bedroom dwellings are excluded from the assessment as it is unlikely that families with children would occupy these dwellings. Dwellings that will be restricted to occupation by people aged 55 and over are also excluded from the assessment.
- 1.3 The County Council response to the Local Planning Authority includes information on the number of pupils that the development is expected to generate, the net capacity of the normal area school, the current number of pupils on roll and the projected number of pupils on roll in five years' time at the normal area school.
- 1.4 The number of pupils that the development is expected to generate is calculated using the formula that for every 100 dwellings there will be 25 primary, 18 secondary and 7 post-16 pupils. This formula is based on a statistical assessment of birth rate and housing occupancy data in Derbyshire using information from the 2021 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 should this be forthcoming.
- 1.5 The net capacity of the normal area school is the DfE's nationally agreed measure of a school's ability to accommodate pupils of statutory age. Following any building work at the school, the net capacity is reviewed and may change to reflect refurbishment, extensions or adaptations to the building(s). The net capacity of a school may also change over time in response to the evolving nature of curriculum and organisational requirements.

- 1.6 Information on the current and projected number of pupils on roll is kept as up to date as part of an annual cycle, however many factors impact on pupil numbers and the situation can change very quickly. Therefore, pupil projection information is a snapshot in time. At any time during the year, families may move into or out of a school's normal area, the Head Teacher or other staff may change, or the Office for Standards in Education (OfSTED) may publish a report which influences public perception of a school. These factors, amongst others, can impact on pupil numbers and can change projection trends. The pupil projection information only accounts for trends within the existing population.
- 1.7 The County Council's assessment of capacity and demand for places advises the Local Planning Authority on whether the normal area primary and secondary (including those with post-16 provision) schools can accommodate the additional pupils arising from a proposed development. It should be noted that an assessment of capacity at post-16 will relate to school-based sixth form education only where this is provided at the normal area secondary school. A contribution to school-based sixth form education will only be sought if the normal area secondary school for the development runs a sixth form. Contributions will be combined
- 1.8 Where a development proposal is within the normal area of a Derby City school, the County Council will consult Derby City Council for its views on the education impacts of the proposed development and incorporate those views into its assessment and vice versa.
- 1.9 The request for a contribution towards Special Educational Needs and Disability (SEND) provision is not subject to an analysis of capacity within a given geographical area, i.e. the locality within which the development is located. Rates of all types of SEND are increasing and special schools and Enhanced Resource School (ERS) units generally operate at or above capacity to ensure the most local provision of an appropriate place. The pattern of provision across the County often involves pupils travelling a significant distance in order to access the most appropriate place to suit their needs. It is therefore not appropriate or possible to assess capacity against the need for places generated by any given development within any specific locality.
- 1.10 A contribution towards SEND infrastructure will be requested for developments of 100 dwellings or more. In the case of an outline permission for 100 dwellings or more, and where the development is phased, the required SEND contribution would be payable at a pro rata rate per dwelling to ensure each phase contributes a proportionate amount. The pupil yield employed in the assessment reflects the proportion of Derbyshire pupils being educated within Special Schools as well as Enhanced Resources within mainstream schools as per the last available school census date. It should be noted that these figures represent the proportion of children currently educated within this specialist provision, rather than fully demonstrating the proportion of children who may need such places.

- 1.11 In January 2024, 0.9% of young people aged 0-19 in Derbyshire were recorded as being educated in special schools. A further 0.5% of the 0-19 population were attending Enhanced Resource provision. For the purposes of seeking a contribution to SEND education provision, these will be combined to represent the proportion of thupil population within special schools and Enhanced Resource provision.
- 1.12 The SEND rate of 1.4% of pupils is then applied to the population and occupation data to give a yield for all-age SEND of 0.8 pupils per 100 dwellings. This yield will be reviewed annually based on actual numbers of pupils in special schools and Enhanced Resource provision.

## MITIGATION

- 1.13 Any proposed residential development will always be considered within the context of the school normal areas within which it falls. The normal area is the most appropriate and fairest spatial unit for assessing whether sufficient local capacity exists within the education system for new and existing residents. Normal areas are largely long-established and understood by local communities. It should be noted that for Academy schools, normal areas are determined by the Multi Academy Trust rather than the local authority.
- 1.14 The establishment of normal areas was historically based on consideration of local geography and topographic features, including roads and rivers, to ensure accessibility to schools from the addresses within each normal area. Information on which normal area an address lies is easily accessible through the County Council's online and telephone services. In the school admissions process, each parent/carer is made aware of the normal area in which they reside.
- 1.15 Available capacity in other local schools which may exist within any given radius of a proposed development will not normally be considered as a measure of whether a contribution to education is required to mitigate for a proposed development. The use of any such capacity would not necessarily ensure that local school places are available to current and future residents and therefore would not ensure that the development is sustainable in planning terms.
- 1.16 Where the County Council's assessment concludes that the relevant normal area primary and/or secondary schools would have sufficient capacity to accommodate the pupils arising from the proposed development, the County Council will advise that no mitigation is required. On larger developments a contribution to SEND will still apply, as detailed above.
- 1.17 Where the County Council's assessment concludes that the relevant normal area primary and/or secondary schools would not have sufficient capacity to accommodate the pupils arising from the proposed development, the County Council will request financial contributions to provide additional capacity. A contribution to SEND will also be required on larger developments.

- 1.18 To deliver the additional capacity required to accommodate the pupil yield from a development, the County Council looks first at whether the existing accommodation at the normal area school can be reconfigured. If it is not possible to reconfigure existing accommodation, the County Council next looks at whether the existing normal area school can be expanded, for example by providing new classroom accommodation.
- 1.19 In exceptional circumstances the County Council may request a contribution towards places at an alternative to the normal area school. This may occur in instances where there is no scope for expansion at the normal area school, for example due to the size of the site. It may also be due to qualitative factors, such as quality issues, with the DfE presumption against the expansion of schools which are not graded 'Good' or 'Outstanding'. Where an expansion at a school nearby to the development other than the normal area school is required in order to make the development sustainable in planning terms, this will be highlighted in the planning consultation response.
- 1.20 Similarly it may be the case that the quality of a school named within a Section 106 changes significantly between agreement of the Section 106 and the funding for expansion becoming available. In a situation where quality issues preclude expansion of the named school, Derbyshire County Council may seek agreement to use the funding at an alternative school.

## LEVEL OF CONTRIBUTIONS

- 1.21 The thresholds and level of contribution for providing additional school place capacity at an existing school in Derbyshire for 2024-2025 are provided in the following table.

|                                  | Places Per 100 Dwellings | Cost Per Pupil Place | Cost Per 1 Dwelling | Cost Per 10 Dwelling | Cost Per 100 Dwelling |
|----------------------------------|--------------------------|----------------------|---------------------|----------------------|-----------------------|
| Primary Phase                    | 25 places                | £20,299.61           | £5,074.90           | £50,749.02           | £507,490.17           |
| Secondary phase (without Post16) | 18 places                | £30,587.70           | £5,505.79           | £55,057.86           | £550,578.60           |
| Secondary phase (with Post 16)   | 25 places                | £31,326.35           | £7,831.59           | £78,315.87           | £783,158.73           |
| SEND                             | 0.8 places               | £116,158.40          |                     |                      | £92,926.72            |

- 1.22 The cost of providing a SEND place is significantly higher than a mainstream school place. As evidenced in DfE design guidance, there is far greater space requirement for SEND pupils, along with the requirement for specialist facilities and equipment. The cost of building accommodation per pupil place is 4.5 times that of mainstream. The level of SEND contribution per pupil is calculated by averaging the costs for mainstream provision, assuming a split across all year groups from Reception to Y13 (i.e. the 7 primary year groups, 5 secondary and 2 post-16). This gives an average of £25,812.98. The pupil place multiplier is then applied  $4.5 \times £25,812.98 = £116,158.40$  per SEND pupil place required.

## **REQUIREMENT FOR ADDITIONAL SCHOOLS**

- 1.23 For mainstream education, where the County Council's assessment concludes that it is not possible to provide additional capacity by reconfiguring or expanding the existing school(s), the County Council may advise that a new school is required.
- 1.24 It is anticipated that a proposed development of around 1,000 dwellings will require provision of a new one-form entry primary school with an additional form of entry per each further 1,000 dwellings. Proposed development schemes of around 6,000 dwellings will also require provision of a new secondary school. However, these thresholds are only a guide. As stated above, if existing schools cannot be expanded, the County Council may advise that a new school is required for smaller scale residential developments. For any development for which a new primary school is required, this will include nursery provision. This reflects the DfE's expectation that all new schools include a nursery. The size of provision will be a 26 place nursery unit for a one-form entry primary school, 52 place nursery for a two-form entry primary school and 63 place nursery for a three-form entry primary school. The cost of this provision is included in the new build costs stated below.
- 1.25 Currently, a new one-form entry primary school, including nursery, would cost the County Council around £9 million to build.
- 1.26 A new secondary school of 900 pupils would cost the County Council approximately £25 million+ to build. Where a new school is required, the County Council will require funding for construction in addition to funding for or provision of, suitable land for the new school. Such sites are required to be serviced to the boundary and large enough for the size of school required, including a nursery where it is primary provision. Developers may choose to construct the school themselves, to the County Council's specification, as often they can deliver the school at a lower cost. Where additional adjacent land is available, the County Council may wish to explore options for procurement or a contribution in kind of such land to enable future expansion.

- 1.27 Where a new school is required and that project is to be delivered through the County Council rather than directly by the developer, an agreement will be undertaken to ensure that sufficient and appropriate land is made available in a timely manner to facilitate the delivery of the school. The S106 agreement will include for the land to be transferred free of charge and for the legal costs associated with the transfer to be covered by the developer. All transfers will be in line with 'DCC's Land Transfer Terms for School Sites 2023' provided at Appendix 2A.
- 1.28 Where a new build school is to be delivered by the County Council, and the school site forms part of the wider development site, the developer will be expected to deliver the mandatory minimum 10% biodiversity net gain (BNG) for the school site, alongside the wider site BNG requirements. Where a new school site is separate from the development, a proportionate contribution will be required to cover the costs of surveys, the delivery of BNG in line with the regulations, and any associated legal fees.

### **CONTRIBUTION TO REVENUE COSTS ASSOCIATED WITH NEW SCHOOLS:**

#### **Growth Funding:**

- 1.29 Central government policy dictates that all new schools are Free Schools or Academies, which are outside Local Authority control. When the need for a new school arises due to residential development, the school can currently be established either through a 'Direct' or 'Presumption' route. In the 'Presumption' process, the Local Authority work closely with the DfE and a selected Multi-Academy Trust to plan the opening phase of the school. When established through the 'Direct' route the Local Authority is not involved in this planning phase. Where the need for a new school is created the Local Authority has responsibility for managing the growth of the school. This involves a financial liability for the authority, as revenue funding is required to be provided to the academy in the early years of operation. The County Council will request a proportionate financial contribution from the developer where appropriate and on a case by case basis.

#### **Transport Costs:**

- 1.30 Where a development requires a new school to be provided in response to a development, arrangements will need to be made for early residents of the new housing to access education in alternative schools until the new school is available. In such circumstances the County Council will seek to secure a contribution to transport costs if the distance to the nearest school is above 2 miles for children under 8 years of age and 3 miles for children over 8. This contribution will be proportionate and based on the numbers of dwellings which will be occupied ahead of the opening of the school. This will be subject to detailed analysis to ensure that the contribution being sought is in line with the transport costs which would otherwise be incurred by the County Council in order for the early pupils to access a school place.

## Projects:

- 1.31 Where a financial contribution is requested towards the provision of school places, the County Council's response identifies how and where the contribution is expected to be used and the broad nature of the project that it will support.
- 1.32 Primary and secondary (including school-based sixth form) projects will add places and/or enhance provision at the normal area school where a shortfall in capacity has been identified. The use of the contribution will be determined by an analysis of a school's existing accommodation and shortfalls in teaching and support accommodation in line with DfE guidance for school accommodation. The analysis will highlight any aspects of teaching and support accommodation which will need to be increased and/or improved in order to be able to accommodate additional pupils.
- 1.33 These could include the following;

- New school
- Extension to existing school
- Replacement of temporary buildings with new accommodation in order to make formerly temporary capacity permanent.
- Provision of specialist teaching and support facilities. Support facilities could include group teaching spaces, spaces needed for pastoral care, or auxiliary facilities such as toilets.

- 1.34 SEND projects will be identified in consultation with the SEND Service of Derbyshire County Council. The contribution may be used within the relevant Local Planning Authority area in line with priorities for providing additional places and/or improving facilities at existing special schools and Enhanced Resources, as well the creation of new special schools and Enhanced Resources, including facilities on mainstream school sites.



# APPENDIX 2A - DERBYSHIRE COUNTY COUNCIL GENERAL LAND TRANSFER TERMS – SCHOOL SITES (AUGUST 2023)

## SECTION 1

1. The following sets out Derbyshire County Council's (DCC) general transfer terms for land. Specific terms will be provided where abnormal site conditions exist. Prior to transfer, the developer/landowner must provide a site-specific information pack containing formal desktop and, if necessary, intrusive land investigation reports by a competent registered expert(s). This pack should confirm that the land and associated areas are:

i) free from the following, together with details of any mitigation works:

- contamination (including radiation)
  - protected species
  - ordnance
  - rubbish (including broken glass)
  - any adverse ground and soil conditions including subsidence, heave, and land slip
  - occupation
  - archaeological remains
  - existing and planned noise generation from adjoining land that would require attenuation measures in the new school design
  - poor air quality that would require mitigation measures in the new school design.
- the presence of service mains such as drains sewers, electricity cables, water mains, gas lines and other utility media crossing the land that would the land's ability to be developed as a school.

NB: Surveys should set out their expiry date and the mitigation measures required to ensure the integrity of the reports right up to the point of transfer. e.g., for ecology, vegetation management when required.

ii) above flood plain level and adequately drained

iii) close to accessible public transport (bus stop or railway station).

iv) to a set of levels (if required), specified by the County Council to allow

- a. construction of the new school to local planning authority requirements. This
- b. should include any relevant permissions required.

2. Should any of the requirements in paragraph 1 not be satisfied, the developer/owner must implement, at their own cost, an agreed remediation/removal/rectification/diversion strategy prior to transfer to DCC. This should include liaison with all statutory authorities and obtaining all necessary consents from neighbouring landowners and others as required.
3. Any remedial/removal/rectification/diversion works must be designed by competent professional companies and covered by a collateral warranty in a standard industry form for the benefit of DCC or its nominated body.
4. If the site is used for construction or other activities (apart from remedial/removal/rectification/diversion work) after the reports required in paragraph 1 has been provided; the developer/landowner must submit additional reports to ensure the criteria have still been met.
5. The land shall be transferred as a single undivided site, and in shape capable of accommodating sports pitches to the appropriate size and levels for the type of school proposed, as set out in Department for Education School Output Specification Technical Annex 2B: External Space and Grounds – May 2022)
6. DCC shall be granted a Licence for access onto the land prior to transfer to conduct surveys and technical investigations.
7. Before the transfer is completed, the land shall be clearly pegged out to the satisfaction of the Director of Property delegated representative. It must be fenced with GIS co-ordinates to a minimum standard of 1.80m high chain-link security fencing on galvanised steel posts with double access gates secured by lock and key, or an alternative specification agreed with DCC.
8. The land shall be transferred as freehold, unencumbered, and conveyed to DCC with full title guarantee and vacant possession. There must be no onerous covenants that would limit the land's use as a school or restrict any ordinary school activities.
9. The land must not be within a consultation distance (CD) around any major hazard sites and major accident hazard pipelines, as determined by the Health and Safety Executive.
10. Prior to land transfer, the developer/landowner must provide, at their own cost and subject to DCC approval, suitable free and uninterrupted construction access to a suitable location on the site boundary. Haul roads should be constructed, at no cost to DCC, and maintained to a standard capable of accommodating HGVs and other construction traffic.

11. The developer/landowner is to provide, at their own cost and subject to DCC approval, adopted services and utilities to an agreed location(s) within the site boundary. These are to be of sufficient capacity and depth to accommodate the maximum potential requirement without mechanical aid upon transfer. They should include fresh, foul, and surface water, gas (if applicable), electricity, and telecommunications with High-Speed Fibre Optic Broadband (minimal internal speed of 1000mbps) connections to multi-point destinations and capable of connection to commercial broadband providers. Necessary statutory undertakers' plant (such as electricity sub-stations or transfer stations) shall be located outside of the site boundary: DCC shall not be liable for any associated commissioning, installation, or legal costs. See Section 2 below.
12. The owner shall provide DCC with full drainage rights to allow discharge of all surface water from the land. The surface water management requirements for the school site must be approved by the County Council at design stage, in accordance with the flood risk assessment and/or drainage strategy contained in the planning approval.
13. The developer/landowner shall provide temporary electricity, drainage, and water supplies to the site from the start of construction where formal permanent utilities are not present.
14. 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.
15. The developer/landowner shall provide separate entrance and exit points on to the adoptable highway from the school site, in compliance with the Highway Authority's 'in and out' access requirements and guided by the site layout.
16. No mobile phone masts, overhead cables etc shall be located within 250m of a school site. Where possible the developer/landowner must impose a covenant that none will be erected within this distance of any site boundary.
17. DCC shall be granted rights to enter as much of the Developer's adjoining land as is reasonably necessary to carry out construction works on the site. DCC shall be responsible for making good any disturbance, to adjoining owner's reasonable satisfaction.
18. The landowner shall be responsible for DCC's legal costs, surveyor's fees and administrative costs incurred during the land transfer negotiations and in completing the Section 106 Agreement. These include Land Registry costs, any easements/licences, and any other related documents and Project Management agreements.

19. Site plans to a scale of 1:1250 and marked with GPS coordinates showing site levels, access, boundaries, details of any adjoining development shall be supplied to DCC in a suitable electronic format, together with paper copies, prior to transfer.
20. Subject to the above, adjoining uses should not cause interference, conflict or be inappropriate in any way to school curriculum delivery. This includes, but is not restricted to, adverse conditions, disruption and inconvenience by noise, dust, fumes, traffic circulation, artificial lighting, etc.

## SECTION 2

### PRIMARY SCHOOL Service Requirements – Example for 2 Forms of Entry (FE)

#### Incoming Services

##### Electricity

250 kVA (280A) for main base building with additional capacity/supplies for:

- Electrical infrastructure to allow for 20% of parking spaces with electric vehicle
- chargers (EVCs) - a minimum of 10% active and 10% passive - or in accordance with planning requirements if higher.
- External lighting (car parks, MUGAs etc)
- Life safety systems such as fireman's lifts, sprinklers, smoke ventilation.

##### Gas

60 cu m/hr 430,000 kWh/year

##### Water

15 cu m / day, 4 l/s (63mm NB)

##### Fire Hydrant

A 200 diameter 20 l/s fire supply in accordance with fire regulations, to be in the Highway adjacent to the school entrance and within 90m from an entrance to the school building.

##### Broadband

Before development commences, details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations to all buildings. This must provide sufficient capacity, including duct sizing, to cater for all future development phases, and flexibility to existing and future educational delivery needs. The infrastructure shall be laid out in accordance with the approved details, at the same time as other services during construction.

## Drainage

Surface water drainage shall be discharged in accordance with the approved strategy agreed at planning and following review by the Lead Local Flood Authority (LLFA).

In general, surface water flow from impermeable areas must discharge to the ground in the first instance, as stated within Building Regulations H3. Where underlying ground conditions are not acceptable, the site discharge rate shall be limited to greenfield runoff rates for appropriate design rainfall events. For initial design purposes, this may be assumed as 4 l/s/ha from the total impermeable area or can be calculated using standard guidance approved by the LLFA.

On some occasions, management of surface water runoff generated from the school site may be included within wider development site provision through a strategic surface water drainage system. This must comply with the allowances and provisions specified in the Drainage Strategy approved as part of the original site-wide planning application: the applicant must contact the LLFA before pursuing this approach.

The surface water drainage system must provide service levels that ensure the drainage network does not surcharge for a 1-in-1 year event or result in flooding within the site for the 1-in-30-year event and manages the 1-in-100-year plus climate change event within the site boundaries. It must also provide adequate access for inspection and maintenance.

The minimum details required are as follows:

- Site plan and impermeable area
- Topographic survey of the site
- Appropriate evidence to support how the site will drain, including confirmation of where the surface water will outfall to (photographs / maps / a confirmation letter from a water company)
- Basic calculations of the greenfield/brownfield runoff and discharge rates
- A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location
- Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep
- Basic ground investigation (desktop survey as a minimum)
- Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (NPPF paragraph 173). A range of sustainable drainage techniques must be considered prior to or in conjunction with the planning layout.
- How the sustainable drainage systems proposed for the wider development integrate with the open space and green infrastructure and what multifunctional benefits they provide (see paragraph 59 of planning practice guidance (Aug 2022)).

## Note

These are indicative requirements. DCC will need to confirm exact requirements at the detailed design stages.

## SECONDARY SCHOOL Service Requirements – Example for 8 Forms of Entry (FE)

### Incoming Services

#### Electricity

380 kVA for main base building with additional capacity/supplies for:

- Electrical infrastructure to allow for 20% of parking spaces with electric vehicle
- chargers (EVCs) - a minimum of 10% active and 10% passive - electrical vehicle chargers as a minimum or in accordance with planning requirements if higher.
- This means electrical infrastructure to allow for 20% of parking spaces with EVCs External lighting (car parks, MUGAs etc)
- Life safety systems such as fireman's lifts, sprinklers, smoke ventilation.

#### Gas

134 cu m/hr 1,440 kWh

#### Water

5.5 l/s (63mm NB)

#### Fire Hydrant

A 200 diameter 20 l/s fire supply in accordance with fire regulations, to be in the Highway adjacent to the school entrance and within 90m from an entrance to the school building.

#### Broadband

Before development commences, details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations to all buildings. This must provide sufficient capacity, including duct sizing, to cater for all future development phases, and flexibility to existing and future educational delivery needs. The infrastructure shall be laid out in accordance with the approved details, at the same time as other services during construction.

#### Drainage

Surface water drainage shall be discharged in accordance with the approved strategy agreed at planning and following review by the Lead Local Flood Authority (LLFA).

In general, surface water flow from impermeable areas must discharge to the ground in the first instance, as stated within Building Regulations H3. Where underlying ground conditions are not acceptable, the site discharge rate shall be limited to greenfield runoff rates for appropriate design rainfall events. For initial design purposes, this may be assumed as 4 l/s/ha from the total impermeable area or can be calculated using standard guidance approved by the LLFA.

On some occasions, management of surface water runoff generated from the school site may be included within wider development site provision through a strategic surface water drainage system. This must comply with the allowances and provisions specified in the Drainage Strategy approved as part of the original site-wide planning application: the applicant must contact the LLFA before pursuing this approach.

The surface water drainage system must provide service levels that ensure the drainage network does not surcharge for a 1-in-1 year event or result in flooding within the site for the 1-in-30-year event and manages the 1-in-100-year plus climate change event within the site boundaries. It must also provide adequate access for inspection and maintenance.

The minimum details required are as follows:

- Site plan and impermeable area
- Topographic survey of the site
- Appropriate evidence to support how the site will drain, including confirmation of where the surface water will outfall to (photographs / maps / a confirmation letter from a water company)
- Basic calculations of the greenfield/brownfield runoff and discharge rates
- A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location
- Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep
- Basic ground investigation (desktop survey as a minimum)
- Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (NPPF 169). A range of sustainable drainage techniques must be considered prior to or in conjunction with the planning layout.
- How the sustainable drainage systems proposed for the wider development integrate with the open space and green infrastructure and what multifunctional benefits they provide (see paragraph 59 of planning practice guidance (Aug 2022)).

### Note

These are indicative requirements. DCC will need to confirm exact requirements at the detailed design stages.

# APPENDIX 3 - PUBLIC HEALTH AND ADULT SOCIAL CARE

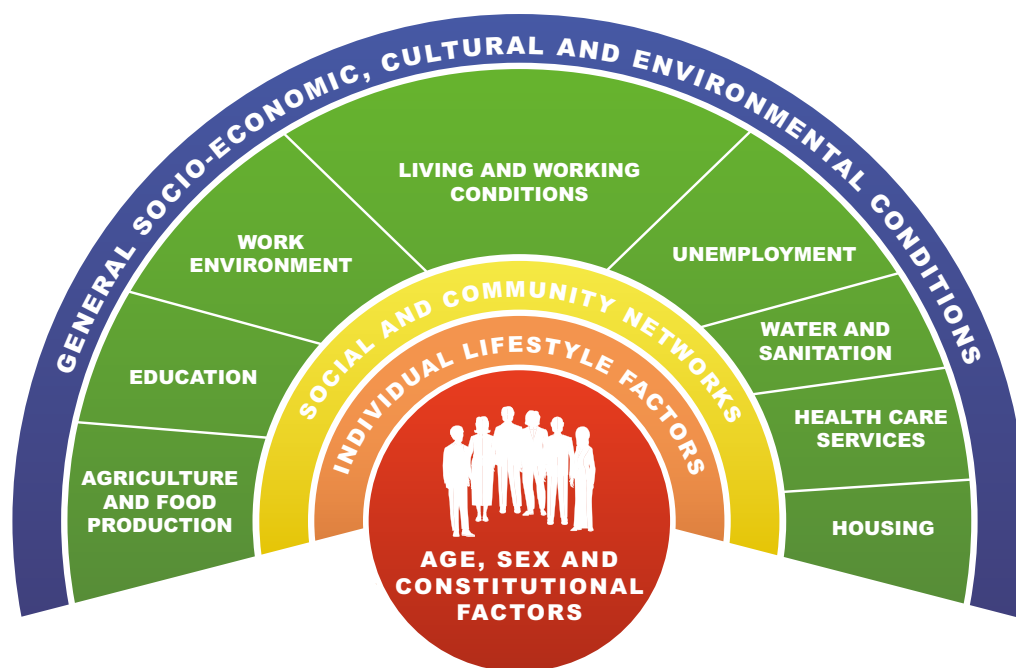
## ASSESSING THE PROPOSED DEVELOPMENT

- 1.1 The purpose of this section is to ensure health and social care are fully embedded into the planning process and that health and social care infrastructure requirements are considered in order to meet the growth requirements of Derbyshire.
- 1.2 The link between planning and health has been long established. The built and natural environments are major determinants of health and wellbeing. The NPPF (December 2023) recognises the significant synergies between environment and health and as such embeds health within the planning system, recognising that planning policies and decisions should aim to achieve healthy, inclusive and safe places along with the facilities and opportunities which create a community.

## HEALTH IMPACTS AND DEVELOPMENT

- 1.3 There is a fundamental relationship between a person's health and their environment (Town and Country Planning Association (TCPA), 2019)<sup>4</sup>. The built and natural environment where we live, work and play is inextricably linked to health and wellbeing, and can determine the health outcomes of individuals and populations.
- 1.4 Whilst access to healthcare is important, 90% of people's health and wellbeing is linked to the wider determinants of health as outlined in Figure 1 below (The Health Foundation, 2017)<sup>5</sup> and associated lifestyle factors.

**FIGURE 1: THE WIDER DETERMINANTS OF HEALTH (DAHLGREN AND WHITEHEAD 1991)<sup>6</sup>**



4 Town and Country Planning Association (2019) The State of the Union – reuniting health with planning in promoting healthy communities  
5 What Makes us Healthy?  
6 Dahlgren, G, Whitehead, M. (1991) Policies and Strategies to Promote Social Equity in Health. Stockholm; Sweden



- 1.5 The wider social determinants outlined in Figure 1 are influenced by various factors, such as neighbourhood design, quality of homes, exposure to air pollution, access to greenspace, contact with good quality education and employment opportunities, maximisation of opportunities to connect communities via community facilities and sustainable active travel options.
- 1.6 Better outcomes for people and places can be achieved when built environment professionals work with health and social care professionals (TCPA, 2019) across the whole system. The potential impact on population and human health should be considered early in the development of planning proposals, to enhance the design of places from a health improvement perspective (Public Health England (PHE) 2017)<sup>7</sup> (PHE 2017)<sup>8</sup>. For example, developers can make positive contributions to enhance the physical and mental wellbeing of residents through the design and accessible layout of their housing schemes and surrounding green spaces in order to facilitate independence and community connectedness. These considerations will enable people with a long term health condition or disability to live as independently as possible as well as have more general benefits for population wellbeing. See Health Impact Assessment information below.

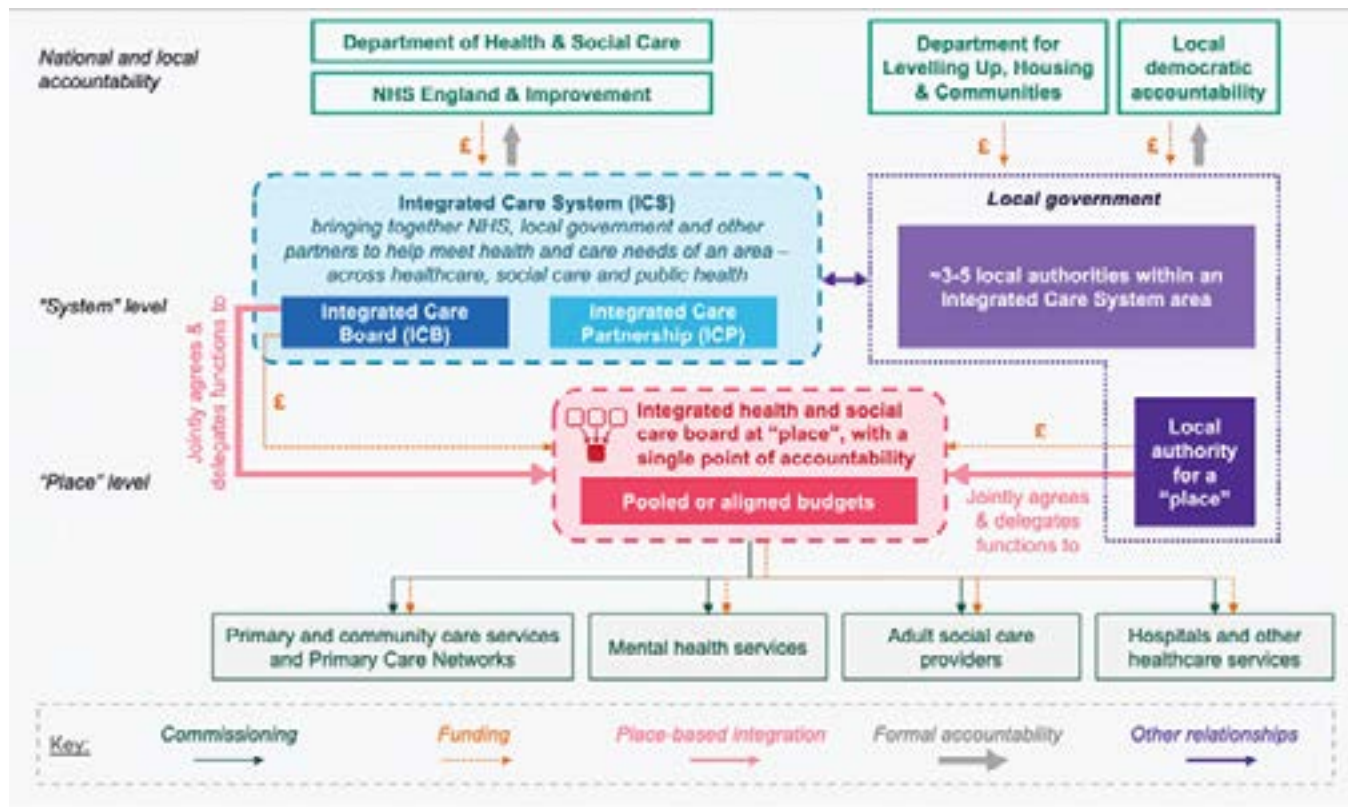
## HEALTH IMPACTS AND DEVELOPMENT

- 1.7 To effectively address local health needs, Integrated Care Boards, NHS Acute Trusts, NHS Community Providers, Primary Care, Adult Social Care, Public Health, and the Voluntary and Community Sector (not limited to) all need to be consulted and engaged in the planning process. This active role will help to achieve the necessary health and social care provision for local communities and thus the health and wellbeing advantages for the community. The interrelationship between the different health sector bodies is shown in Figure 2.

7 Public Health England (July 2017) Health and Environmental Impact Assessment: A briefing for Public Health Teams in England. PHE gateway number 2016712.

8 Public Health England (June 2017) Spatial Planning for Health An evidence resource for planning and designing healthier places. PHE gateway number 2017151.

**FIGURE 2 – THE HEALTH AND SOCIAL CARE SYSTEM**



Health and social care integration: joining up care for people, places and populations - GOV.UK (www.gov.uk)

1.8 It is important to note that this document does not cover Derby City, nor does it address the issue of NHS service delivery as this lies outside the remit of both the County Council and local planning authorities.

1.9 The Derbyshire Health and Wellbeing Board was formed as a result of the Health and Social Care Act (2012). Each Health and Wellbeing Board is responsible for producing a Health and Well-being Strategy underpinned by a Joint Strategic Needs Assessment (Derbyshire Observatory – JNSA). The Board focuses on improving the health and wellbeing of Derbyshire residents and has produced ‘Our Lives, Our Health – Derbyshire Health and Wellbeing Strategy’<sup>9</sup>.

1.10 Joint working across the health system in Derbyshire is facilitated by Joined Up Care Derbyshire (the local Integrated Care System). Individual organisations have different responsibilities but collaborate across the system to provide a coordinated approach to care. The purpose of the Joined Up Care Derbyshire is to bring partner organisations together to:

- Improve outcomes in population health and healthcare
- Tackle inequalities in outcomes, experience and access
- Enhance productivity and value for money
- Help the NHS support broader social and economic development

Planning and urban design has a significant impact on population health and wellbeing, and can play a significant role in supporting a sustainable NHS and social care system. An example of this approach can be seen via the **NHS Healthy New Towns programme**.

## **DERBYSHIRE COUNTY COUNCIL CONTEXT**

1.11 Within the Derbyshire County Council Plan Refresh (2023-2025) there are clear outcomes regarding partnership working and working with our local communities. These are:

- Resilient thriving and green communities which share responsibility for improving their areas and supporting each other.
- Happy, safe and healthy people, with solid networks of support, who feel in control of their personal circumstances and aspirations.
- Great places to live, work and visit with high performing schools, diverse cultural opportunities, transport connections that keep things moving and a healthy and sustainable environment for all.

Contributions from developers through the planning process can help to support the achievement of these outcomes.

1.12 Local Plans and Supplementary Planning Documents in Derbyshire make explicit reference to health and wellbeing outcomes in transport, open space and recreation and design.

## **PUBLIC HEALTH DUTIES AND RESPONSIBILITIES**

1.13 Derbyshire County Council has a statutory responsibility for Public Health resulting from the introduction of the Health and Social Care Act (2012).

1.14 Derbyshire County Council Public Health, is responsible for a range of services to:

- empower the population lead a healthier lifestyle
- enable local communities to be resilient
- work in partnership to maximize opportunities to improve health
- provide protection against threats to health and minimize the risk and impact of illness
- create opportunities and environments which enable a healthy community
- support populations to have the best start in life

## ADULT CARE DUTIES AND RESPONSIBILITIES

- 1.15 Adult Social Care supports people in line with the duties and responsibilities outlined in the Care Act (2014) and other legislation, such as the Autism Act and mental health legislation.
- 1.16 The focus of adult social care in Derbyshire is based on a number of commissioning strategies which are [available online](#).
- 1.17 Derbyshire County Council want to support residents who have or may develop care and support needs to be supported in their own homes for as long as possible, reducing the need for residential care and enabling independent living.
- 1.18 Derbyshire County Council has combined their Older Adult and Working Age Adult Accommodation Strategies to avoid an artificial age cut-off, promoting concentration on care and support needs, creating opportunities for innovative generational schemes and potential economies of scale. The new All Age Adults' Housing, Accommodation and Support Strategy 2023-2035 builds on the current accommodation strategies, reflecting a desire to work across and in partnership with the wider accommodation sector. Subtitled 'A Place We Call Home', the strategy identifies specific opportunities for a range of accommodation types across the county to help meet anticipated demand. It aims to support Derbyshire residents to live their best lives, independently and in their own homes and communities for as long as possible.
- 1.19 The strategies are supported by Market Position Statements which provide further detail about current requirements for housing, accommodation and support. They can be [accessed here](#).

## KEY HEALTH AND SOCIAL CARE PRIORITIES

- 1.20 The Health and Wellbeing Board Strategy - Derbyshire County Council sets out its key priorities and how members will work together to improve the health and wellbeing of Derbyshire's residents'. Important Derbyshire health statistics are identified within the strategy and its evidence base.
- 1.21 A Place We Call Home: Derbyshire's All Age Adults' Housing, Accommodation and Support Strategy 2023-2035 promotes the need for flexible housing to support the changing needs of residents throughout their life. Derbyshire County Council is seeking to move away from residential based care facilities and to support the provision of a greater range of housing that supports independence i.e. housing with varying levels of care, support or supervision/ assistance available on site.
- 1.22 Adult social care is also seeking to develop a range of community based specialist accommodation for working age adults with more complex needs as part of the Building the Right Support programme
- 1.23 The County Council would welcome the opportunity to work proactively with developers to support the development of accommodation and housing in line with these priorities.

- 1.24 Derbyshire County Council's Public Health and Adult Social Care teams have and will continue to support local planning authorities to develop the inclusion of health and wellbeing in relevant policies, and provide evidence of local health needs within communities.
- 1.25 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.

### **KEY CONSIDERATIONS**

- 1.26 When considering the design of a development and negotiating developer contributions, consideration should be given to the delivery of the following priorities, as outlined in the Strategic Statement.

**TABLE 1**

| Priority Area                           | Consider Contributions that Support the Following  |
|---|--|
| <p>Prioritising positive prevention</p> | <ul style="list-style-type: none"> <li>• Development of healthy environments that are safe and enable people to be active.</li> <li>• Establishment of Health Zones, Community Wellness Hubs or other improvements to infrastructure that promote healthy lifestyles e.g. community kitchens.</li> <li>• Safe active and sustainable travel opportunities, including walking and cycle paths, particularly to link homes to education and/or employment opportunities.</li> <li>• Effective public transport networks, to connect people from where they live to where they work, study, access services, shop and spend leisure time.</li> <li>• Local green spaces that support healthy lifestyles e.g. green gyms.</li> <li>• One off public health interventions to mitigate against the growing demand on NHS services in those localities e.g. smoking cessation, weight management or physical activity interventions.</li> <li>• Measures to support people to access employment and education opportunities.</li> <li>• Increasing biodiversity to mitigate against air pollution.</li> <li>• Ensuring adequate setback distances in areas of high air pollution/noise.</li> <li>• Increasing access to broadband.</li> <li>• Healthy design and positive spatial planning interventions and principles e.g. traffic free environments, cycle lockers, pedestrian signage, climate adaptation such as shading.</li> </ul> |
| <p>Supporting positive wellbeing</p>    | <ul style="list-style-type: none"> <li>• Access to good quality homes, safe streets and greenspace.</li> <li>• Effective neighbourhood planning to reduce exposure to air pollution and noise.</li> <li>• Reduction of crime and anti-social behaviour.</li> <li>• Infrastructure to enable the Five Ways to Wellbeing (Be Active, Give, Learn, Take Notice, Connect).</li> <li>• Public Art – creation and installation of artwork, engagement and opportunities for local people.</li> <li>• Through the provision of social housing models of extra care and adapted accommodation with care support for people with disabilities</li> <li>• Requiring a proportion of affordable and market housing to be built to ‘accessible and adaptable standards’ as set out in Building Regulations Standards M4(2) and ‘Wheelchair User Dwelling Standards’ as set out in the standard M4(3)</li> </ul>  |
| <p>Supporting healthy ageing</p>        | <ul style="list-style-type: none"> <li>• Enabling people to age well by ensuring new homes are built to promote independence and respond to changing needs as people age via utilisation or adoption of:             <ul style="list-style-type: none"> <li>- Dementia Friendly communities principles</li> <li>- Alzheimer’s Society dementia friendly housing charter</li> <li>- HAPPI principles</li> <li>- Lifetime Homes or Part M2, 3a or 3b Building Regulations.</li> <li>- Good community design to enable connectedness.</li> <li>- Intergenerational housing or spaces for intergenerational activities.</li> <li>- Co-housing opportunities</li> </ul> </li> </ul>   |
| <p>Social cohesion</p>                  | <ul style="list-style-type: none"> <li>• Creating and maintaining community assets, that promote opportunities for connecting communities e.g. mixed use housing developments.</li> <li>• Improvements to streetscape e.g. seats for older people, tree-planting on busy roads, better access for those with disabilities.</li> <li>• Creating and maintaining shared recreational spaces e.g. community centres, skate parks or youth shelters (based on local engagement and consultation).</li> <li>• Well-designed street frontages.</li> <li>• Reducing social isolation.</li> <li>• Digital connectivity</li> </ul>  |
| <p>Healthy Homes</p>                    | <ul style="list-style-type: none"> <li>• Building the right homes, in the right communities for the right populations.</li> <li>• Renovating or replacing existing homes that require improvement in the vicinity (cold, damp, digitally enabled, improving accessibility).</li> <li>• Installation of charging points for electric cars.</li> <li>• Suitably adapted for current and future impact of climate change</li> </ul>   |

- 1.27 The County Council wishes to support local planning authorities to seek developer contributions for infrastructure to address the wider determinants of health, and to support healthier lifestyles where public health may be adversely affected by development. In the majority of cases, the County Council will focus its attention on facilitating greater efficiency in the delivery of local services through ‘designed-in’ solutions with new housing as a means of expanding service capacity. Local planning authorities will be advised by the County Council on the use of conditions rather than seeking planning obligations.
- 1.28 In order to support local planning authorities to assess the health needs of their communities, Public Health is constructing a series of ‘developer contribution dashboards’ to support planning authorities to prioritise the obligations they request. Information will be provided down to a ward level and includes information on obesity, physical activity levels, air pollution and smoking.

## **HEALTH IMPACT ASSESSMENTS**

- 1.29 A Health Impact Assessment (HIA) is a practical tool, which allows for the evaluation of the health impact of policies, strategies and initiatives in sectors that indirectly affect health, such as transportation, employment and the environment. The overall goal of HIAs is to inform decision-makers of adverse health effects of proposed actions, and support identification of appropriate policy options.
- 1.30 The Levelling Up and Regeneration Bill seeks to secure powers to implement a new system of environmental assessment known as Environmental Outcomes Reports (EORs). This will allow the replacement of the EU-derived Strategic Environmental Assessment and Environmental Impact Assessment processes, which included ‘population and human health’ as one of the considerations, with a streamlined system that places greater focus on delivering environmental ambitions.
- 1.31 The introduction of outcomes-based approach to the EORs allows the government to reflect its environmental priorities directly into plan-making and the decision-making process on the largest developments. While focusing on environmental outcomes, government will also consider how EORs can be used to achieve health related outcomes, which will be subject to further policy development.
- 1.32 Public Health England has created a guide ‘Health Impact Guide in spatial planning’ (2020) in collaboration with national, regional and local experts in planning, public and environmental health, and impact assessment. This guide describes the health and wellbeing outcomes that are influenced through planning and how these outcomes can be optimised through the process of plan-making (when developing policies in local plans) and planning applications (designing proposals for development projects).

- 1.33 Of all the environmental factors, air pollution has the greatest adverse effect on health outcomes across all population groups. (PHE 2017)<sup>10</sup>. The East Midlands Air Quality network seeking to share best practice, in conjunction with Public Health England has developed **Guidance for Developers on Air Quality and Emissions Mitigation**.

## MITIGATION

- 1.34 Mitigation of any adverse impacts on health is dependent on the individual circumstances of the proposed development, the local community and any health care facility to which it directly relates. On many issues, there will be overlapping objectives with regard to transport, open space, housing, design and sustainability.
- 1.35 Mitigation could include for example, financial contributions through Section 106 or CIL for healthcare facilities, and/or infrastructure to facilitate health and wellbeing such as open spaces and active travel infrastructure (as identified by the County Council and local planning authorities).
- 1.36 The Adult Social Care and Health Directorate will be consulted on planning applications via the County Council's Strategic Planning Team. Responses made to the local planning authority will be relevant through the identification of appropriate policies and evidence, explicitly linking any recommendations to the policy context (NPPF, Local Plan, and Supplementary Planning Documents)
- 1.37 Planning obligations, in the form of Section 106 agreements, will only be requested where it is not possible to address unacceptable impacts through design or a planning condition. A planning obligation may only constitute a reason for granting planning permission if it meets the three tests as set out in the NPPF and CIL Regulations 2010 (as amended). Where the provision of a facility/intervention has been agreed, funding may be held and pooled in order that a larger specific scheme can be implemented.

## PRIMARY CARE

- 1.38 As well as addressing the wider determinants of health, significant consideration needs to be given to access to healthcare.
- 1.39 An individual's first point of contact with the NHS is principally through primary care services, with around 90% of patient interaction occurring through these services. This includes GP practices, dental practices, community pharmacies and high street optometrists. The Health and Social Care Act 2012 places an obligation on NHS England to secure the provision of primary medical services for patients throughout England, and have regard to the need to reduce inequalities in access. Derbyshire Primary Care is commissioned by Derby and Derbyshire Integrated Care Board.

<sup>10</sup> Public Health England (June 2017) Spatial Planning for Health An evidence resource for planning and designing healthier places. PHE gateway number 2017151.



1.40 Key Derbyshire Integrated Care Board ‘Joined Up Care Derbyshire’ contacts:

| Area                     | Contact Details  |
|--------------------------|--|
| Derby and Derbyshire CCG | Jean Richards - <a href="mailto:ddccg.estatesenquiries@nhs.net">ddccg.estatesenquiries@nhs.net</a> |

1.41 Strategic estates matters and governance processes for Joined Up Care Derbyshire are dealt with through the Local Estates Forum (LEF) and guidance is also available from NHS England and NHS Improvement: Robert Hill (Strategic Estates Lead) [robert.hill8@nhs.net](mailto:robert.hill8@nhs.net)

## APPENDIX 4 - WASTE SERVICES

### MEETING ADDITIONAL DEMAND ON WASTE FACILITIES – HOUSEHOLD WASTE RECYCLING CENTRES

1.1 Derbyshire County Council, along with the nine City, Borough and District Councils across Derbyshire, is a partner in the Derbyshire and Derby City Joint Municipal Waste Management Strategy which sets out ten objectives:

1.2 The Strategy helps deliver:

- Reduced waste
  1. Reduced waste;
  2. Increased reuse and recycling/composting of waste;
  3. Reduced waste to landfill and recovering value from waste that is left over for disposal;
  4. Increased public understanding and engagement in waste and recycling leading to high levels of public satisfaction;
  5. An accessible, efficient, effective and value for money service.
- It will also contribute towards:
  6. Improved resource efficiency;
  7. Reduced carbon/climate change impacts;
  8. Protection of natural resources;
  9. The management of non-household waste;
  10. Local self-sufficiency in the management of waste.

1.3 Derbyshire's Household Waste Recycling Centre (HWRC) service forms part of the waste service provided by Derbyshire County Council, with significant input towards the achievement of the objectives within the strategy.

1.4 HWRCs are provided in accordance with current legislation which requires the provision of such sites in order to enable householders to be able to dispose of their own household waste. In recent years there have been a number of changes, including:

- HWRCs have become more aligned to recycling facilities rather than disposal points;
- The nature and type of vehicles householders use when visiting the HWRCs;
- Householder expectations regarding recycling;
- The introduction of and an increase in the range of recyclable materials at the HWRCs.

- 1.5 Derbyshire County Council provides 9 HWRCs across Derbyshire. Householders are asked to separate their waste and recycle wherever possible and as a result diversion from disposal has increased. Up to 37 materials are accepted for recycling, many of which are not collected by Derbyshire's Waste Collection Authorities (WCAs) as part of their kerbside recycling collections. The network of HWRCs provides additional opportunities for the recycling of other household materials, to the benefit of both countywide, WCA and national recycling performance. If materials were to instead appear in the kerbside residual waste bin, it would have a negative impact on recycling performance.
- 1.6 The HWRCs all have permits issued by the Environment Agency and planning consent to operate as recycling centres. Several HWRCs are now at or close to capacity and housing growth within their catchment area places additional pressure on the sites, including:
- Queuing and congestion for users;
  - The need to service the HWRCs more frequently, at which times the HWRCs can be closed to public access for Health and Safety reasons;
  - The HWRC no longer being deemed 'fit for purpose', with regard to householder usability;
  - Fluctuations in levels of waste;
  - Site constraints.
- 1.7 Additionally, increasingly Government is focusing its intentions on seeing waste arising's managed higher up the waste hierarchy, meaning greater householder expectations for recycling, composting and reuse facilities at the HWRCs.
- 1.8 Whilst waste minimisation is at the heart of everything that the Derbyshire Council's seek to achieve and WCA kerbside collections help divert waste materials for recycling, there still remains a significant amount of household waste materials to deal with and a large proportion of this is received at the HWRCs.
- 1.9 Occupiers of housing on new developments expect to be within easy reach of an HWRC and, once there, see suitable facilities for re-use, recycling (including composting) and disposal. Access to these services should be simple and convenient.
- 1.10 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.

1.11 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. Developer funding will be used towards areas such as:

- HWRC alterations;
- Provision of new equipment;
- Extensions and/or redevelopment of existing HWRCs
- Construction of a new HWRC;
- Provision of reuse facilities;
- Activities that support waste minimisation, reuse and recycling.

1.12 Existing HWRCs have a finite capacity for current waste inputs. Waste generated from new residential developments, being delivered to the existing HWRC, therefore may not easily be accommodated.

1.13 Derbyshire County Council will work with its HWRC contractors to put forward proposals for improvements to the HWRC service, to ensure the service continues to operate efficiently and offer best value to Derbyshire residents. Developer funding will assist in providing funding for additional capacity proportionate to the development.

1.14 Each proposed development will be assessed and considered on its own merits. Where new proposed housing will place greater pressure on the local HWRC, contributions will be sought from developments of 10 or more new dwellings. (see Appendix 4A). Contributions may be sought from smaller sized developments where they form part of an overall development in an area or where sites would have a cumulative impact on services and infrastructure.

1.15 Developer funding may be 'pooled' in order to help provide improved levels of provision, greater efficiency and economies of scale.

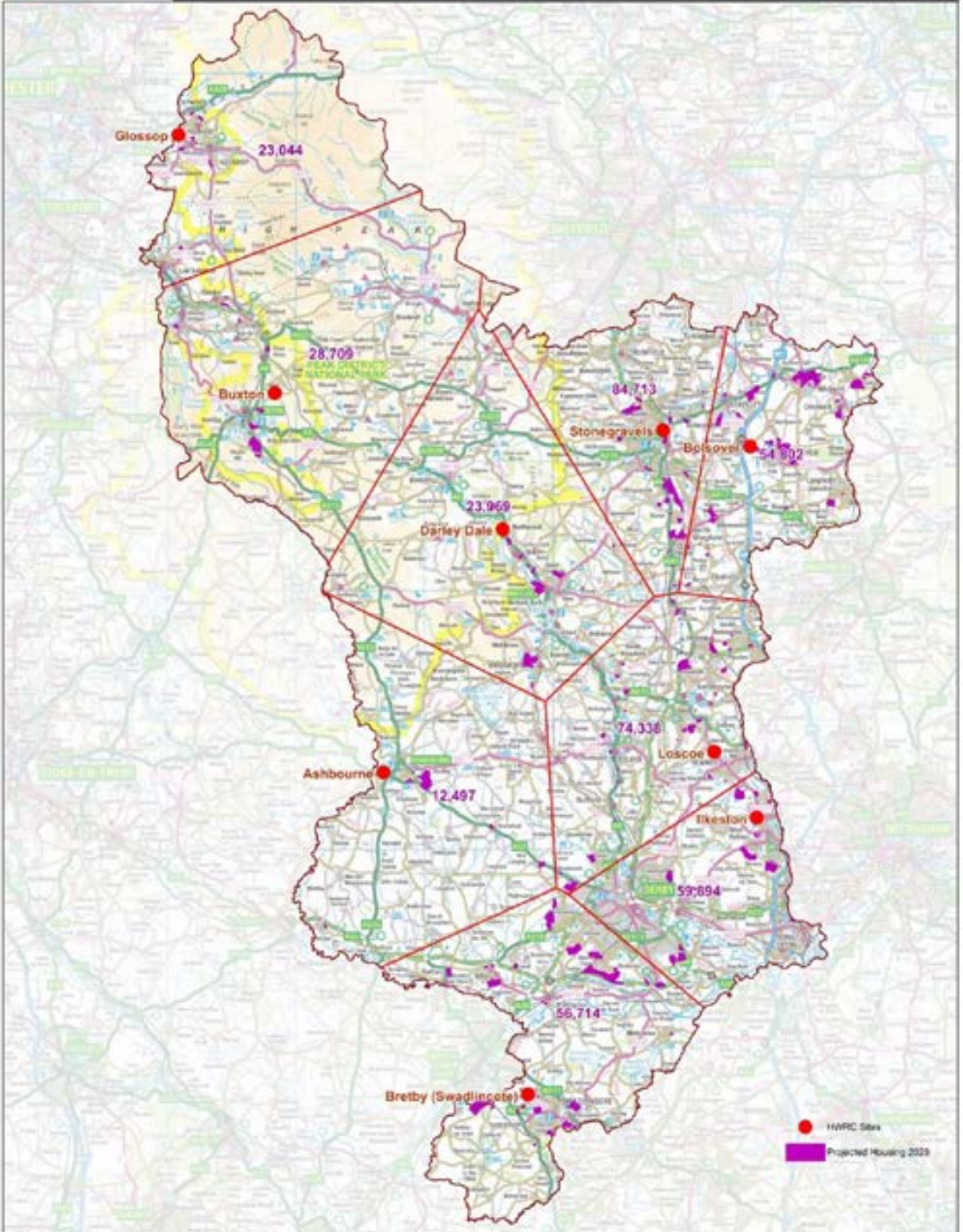
1.16 Contributions will be fairly and reasonably related in scale and kind and based on the cost of works associated with the provision or improvement of a HWRC. Ongoing revenue costs will not be requested.

# APPENDIX 4A – CONTRIBUTION METHODOLOGY

## LOCAL AUTHORITY COLLECTED WASTE

- Financial contributions via Section 106 Agreements
- (CIL for specific named interventions)

- A. Local authority collected waste is mostly that collected from households but also includes waste from some commercial and retail premises and waste from schools and some other public institutions. Derbyshire County Council’s Waste Management Service is responsible for the management and disposal of municipal waste arisings.
- B. The Derbyshire Joint Municipal Waste Management Strategy sets out the vision and framework for the development and delivery of council waste management services within Derbyshire up to 2026. The overall aim is to manage waste higher up the waste hierarchy with high levels of recycling/composting being achieved.
- C. New residential development will place additional pressure on waste management services and result in an increase in the number of households requiring waste treatment facilities and Household Waste Recycling Centres (HWRCs). Combined with the complex on-demand and varied nature of the waste received at HWRCs, it will become increasingly difficult over time to maintain performance and a good level of service, especially at busy and peak times.
- D. The County Council currently has 9 HWRCs in Derbyshire. Each site operates under an Environmental Permit issued by the Environment Agency. Although Permit tonnage capacities are generally significantly higher than annual tonnages processed, the sites are only equipped with sufficient containers to cover the current demand and are in many cases constrained by the available space for container bays.
- E. The following map shows the County’s HWRCs and the inferred catchments, excluding Derby City which falls outside of the County’s remit.



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Scale 1:264,800

26/05/2023



- F. Figures from the Local Planning Authorities for housing growth from 2023 to 2029 have been assessed and additional waste tonnages per year have been calculated, assuming that HWRC usage grows in proportion to housing. Using the Council's 2021-22 data for average waste loads per customer visit to each HWRC the additional numbers of visits per year have been derived. These total 84,854 additional HWRC customer trips per year by 2029 due to housing growth.
- G. The County Council also owns two Waste Transfer Stations (WTS) and two in-vessel composting plants (IVCs) in the county. These, along with a network of commercial WTS, perform a vital role in the waste management strategy by receiving waste from across the county for onward bulk transfer to waste treatment and disposal facilities, or for composting on site.
- H. Where new residential development is proposed, Derbyshire County Council will assess the demands that the proposed development would have on existing HWRCs and WTSs. The assessment will identify the nearest HWRC, the capacity of that HWRC and whether the proposed development will result in a need for the provision of additional waste management capacity. Any request for contributions will be directly related to the HWRC catchment for the proposed development. The catchment map may be updated from time to time as and when usage data are reviewed and refreshed. The ability of the relevant WTS to handle the increased flows of waste associated with new development will also be assessed.
- I. Where Derbyshire County Council concludes that a site currently has sufficient capacity to accommodate the proposed development, no contribution will be sought. The capacity of HWRC and WTS sites will be kept under review.
- J. Where HWRCs are identified as being at or over capacity they will be treated as strategic priority projects. The County Council would expect to see these strategic priority projects identified in Local Plans and, where relevant, delivered via Section 106 planning obligations.
- K. Where expansion of an existing HWRC or provision of a new HWRC is required, the County Council will seek developer contributions via Section 106 Planning Obligations towards the provision of additional waste management capacity in order to make proposed residential development acceptable in planning terms.
- L. Contributions will be sought towards the provision of additional capacity at the nearest HWRC or WTS through either expansion of the existing facility or provision of a new facility. Measures to increase capacity through expansion could include, for example, improving access and parking provisions, providing additional containers, or increasing the number or size of unloading areas/bays at the site.

- M. Contributions sought will be fairly and reasonably related in scale and kind to the proposed development. Due to the variability in cost depending on the catchment, the nature of the requirement (new facility or extension of existing) and cost of any required land, a single contribution rate cannot reasonably be calculated. A housing development's impacts on waste facility capacity will be assessed on a case by case basis and contribution rates will be assessed accordingly. Where appropriate and feasible, we may seek land for siting a waste management facility as an in-kind contribution.
- N. The calculation of contributions will be based on the total numbers of housing in the affected catchment including the relevant Local Planning Authority's growth projections.
- O. The threshold for assessment of contributions will be 10 housing units. Contributions will not be sought from developments of less than 10 housing units unless they form part of an overall development in an area or where sites would have a cumulative impact on services and infrastructure.
- P. For avoidance of doubt, one housing unit equates to one house or one flat in a typical new residential development.



# APPENDIX 5 - LIBRARY SERVICES

## LIBRARY PROVISION

- 1.1 The County Council has a statutory responsibility under the terms of the 1964 Public Libraries and Museums Act, to provide “a comprehensive and efficient library service for all persons desiring to make use thereof”.
- 1.2 The Council has a commitment to maintain and develop a strong libraries network across the County and confirms the purpose of libraries as being places that aim to be at the heart of Derbyshire’s community life.
- 1.3 In Derbyshire, public library services are delivered through a network of static and mobile libraries. Libraries are valued, neutral spaces in the heart of local communities serving as gateways to a wealth of resources and information. They are safe places where people can meet, learn new things, make friends and interact with others. By developing and aligning the services that libraries provide with corporate priorities they can appeal to a wide range of age groups and backgrounds, attract more visitors and help increase the value of the library in the local community. Derbyshire libraries provide people focused services at the heart of local communities, enabling access to books and reading, information, digital skills, technology, cultural and lifelong opportunities for all.
- 1.4 The County Council has a clear vision providing a core library service offer with three distinct elements:

- Directly accessible services through static libraries.
- Digital access to services, online offer of eBooks, eAudio, eMagazines, digital newspapers, a range of other online resources and virtual catalogue. The online offer is available 24 hours a day, 365 days a year.
- Outreach through a well-developed and popular Home Library Service, Bookstart and a Mobile Library Service

- 1.5 Contributions from developments which place demand on library services are required in order to maintain this statutory responsibility and vision for libraries.

## CURRENT GUIDANCE

- 1.6 National Planning Policy Framework (NPPF)<sup>11</sup>

Guidance on seeking and securing developer contributions for library and archive provision in England<sup>12</sup>

<sup>11</sup> National Planning Policy Framework December 2023

<sup>12</sup> Guidance on seeking and securing developer contributions for library and archive provision in England Sept 2023

## CONTRIBUTIONS

### 1.7 Contributions could pay towards:

- Construction and fit out costs of extensions/ alterations to existing libraries
- Stock costs
- New static library provision (resources and fit out) requiring extension to existing building
- Enhanced static library provision (resources and fit out) requiring internal modifications
- Enhanced static library provision (resources and fit out) requiring no internal modifications
- Enhanced mobile library provision (resources and capital and running cost of vehicle)
- Additional books, resources and equipment

### TYPE AND SIZE OF DEVELOPMENT WHICH MAY TRIGGER A CONTRIBUTION

#### 1.8 The need for a contribution will be established by comparing the current capacity of the library and population it serves against the number of people likely to be generated by the new development including:

- Residential (including student accommodation) of over 50 dwellings
- Where new development generates a need for additional library provision
- Where the existing library's capacity is exceeded

#### 1.9 The Arts Council England recommended benchmark is 30 m<sup>2</sup> per 1000 population.<sup>13</sup>

#### 1.10 The catchment population of the library is identified by the home addresses of customers who borrow from that library using data from the Library Management System.

<sup>13</sup> Guidance on seeking and securing developer contributions for library and archive provision in England Sept 2023

1.11 Where a new development places demands on the library above its physical capacity, a new library or an extension to an existing facility is required.

- Where a new static site is required proportionate contribution towards land, costs of construction to the County Council's specification and fitting out costs
- Where improvement to an existing site is required, contribution towards building changes such as increased floorspace or remodelling to provide additional capacity, or enhanced facilities within an existing footprint
- Where no permanent facility is required, contribution towards enhancements to the mobile and outreach services provided to the settlement
- Contribution for books, resources and equipment to meet the needs of the additional residents arising from any of the three scenarios noted above.

1.12 The following standard build costs charges will be applied:

- Building Costs (including stock):
  - Building costs linked to the RICS BCIS Tender Price Index<sup>14</sup> new build prices and Arts Council guidance.<sup>15</sup>
  - Fitting out costs including furniture and technology based upon current fitting out costs of a new provision in Derbyshire
- Stock costs only:
  - 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<sup>16</sup> recommends a stock level of 1,532 items per 1,000 population. At an average price of £20.27 per stock item (Nielsen BookScan June 2024), the costs for the provision of stock only is as follows:  
$$\text{Number of dwellings} \times 2.3 \text{ (average household size)} \times 1.532 \text{ (stock level per person)} \times \text{£}20.27 \text{ (cost per stock item)} = \text{£ contribution required (equivalent to £71.42 per dwelling).}$$

<sup>14</sup> BCIS Online

<sup>15</sup> Arts, museums and new development: a standard charge approach

<sup>16</sup> Championing archives and libraries within local planning

# APPENDIX 6 - BROADBAND

## ASSESSING THE PROPOSED DEVELOPMENT

- 1.1 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.
- 1.2 Digital Derbyshire is now working with the Department for Science, Innovation and Technology to deliver Project Gigabit in Derbyshire. Project Gigabit is a government ran scheme that aims to deliver gigabit-capable fibre-to-the-premise technology on a large scale across the UK. Their goal is to have 85% of the UK receiving access to gigabit-capable speeds by 2025. As of May 2023, it is expected that 18,000 premises across Derbyshire will benefit from Project Gigabit (numbers subject to change).
- 1.3 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](http://www.gov.uk)).
- 1.4 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.

## MITIGATION

- 1.5 The Building etc. (Amendment) (England) (No. 2) Regulations 2022<sup>15</sup> came into force on 26 December 2022. These regulations introduce gigabit broadband infrastructure and connectivity requirements for the construction of new homes in England. 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](#)'.
- 1.6 Operators and developers are starting to realise how important fibre-based broadband is for new development and have started to work together to install this infrastructure. More information can be found in the [Openreach Guides and Handbooks](#).
- 1.7 Virgin Media is also offering this service. More information can be found on the [Virgin Media's web page](#).

- 1.8 NGA broadband connectivity is a crucial factor for homeowners when deciding to buy a house. The Home Builders Federation (HBF) is promoting and supporting the uptake of this funding amongst its members to ensure that high quality broadband services are provided as an integral part of new build homes. More information can be found at [fibre for developers](#)
- 1.9 Openreach is not the only provider of high-speed broadband services. Developers may wish to make enquiries with other service providers to explore whether other more cost-effective options are available.
- 1.10 Guidance on the characteristics of qualifying NGA technologies is available from The Department for Digital, Culture, Media and Sport.<sup>17</sup>

## APPENDIX 7 - EMPLOYMENT AND SKILLS

- 1.1 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 we 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 we aim to ensure that "children, young people and adults are empowered to realise their ambitions and maximise their potential"
- 1.2 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.
- 1.3 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.
- 1.4 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.

## APPENDIX 8 - BIODIVERSITY NET GAIN

- 1.1 Derbyshire County Council is the determining planning authority for planning applications relating to minerals and waste developments, and for Derbyshire County Council development such as schools and libraries. This Appendix of the Developer Contributions Protocol provides summary information about biodiversity net gain which would apply to relevant applications made to Derbyshire County Council from January 2024.
- 1.2 Biodiversity net gain (BNG) is an approach to development, that aims to leave the natural environment in a measurably better state than it was beforehand. The Environment Act 2021 requires all development schemes in England (unless exempt) to deliver a mandatory minimum 10% biodiversity net gain measured against the pre-development biodiversity value of the onsite habitat, and calculated using the most up to date DEFRA biodiversity metric. The BNG must be secured for a period of at least 30 years.
- 1.3 It is important for planning authorities to know what is being proposed for BNG early in the planning process and it is expected that the secondary legislation will require developers to provide certain biodiversity gain information as a BNG Statement alongside the application for planning permission. The Department for Levelling Up, Housing and Communities intends to amend the national validation requirements in the DMPO so that applications for BNG-eligible development proposals are accompanied by a certain level of BNG information. Should permission be granted, the Environment Act also sets out that a general condition will be applied to every planning permission (except those exempt from BNG requirements) that a biodiversity gain plan should be submitted and approved by the planning authority before commencement of development. The Biodiversity Gain Plan must have regard to the Biodiversity Gain Hierarchy with biodiversity credits being the last resort.
- 1.4 The BNG requirement will only apply to applications which are submitted after the BNG takes effect in January 2024 (or April 2024 for small sites). Further information can be found on the Planning Practice Guidance at [Understanding biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/understanding-biodiversity-net-gain)

### 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 will develop a fee structure for the monitoring applications with BNG 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.

# APPENDIX 9 - OTHER

## 1. FLOOD AND WATER MANAGEMENT

As a Lead Local Flood Authority, the County Council is responsible for the Local Flood Risk Management Strategy and should be engaged and consulted in both the development planning and development management process. The County Council has prepared a Preliminary Flood Risk Assessment for Derbyshire which can be used to inform the preparation of land use policies and decisions on planning applications. Further information regarding flood risk is available by contacting Derbyshire County Council's Flood Risk Team – [flood.team@derbyshire.gov.uk](mailto:flood.team@derbyshire.gov.uk).

## 2. COUNTRYSIDE

The County Council manages a diverse portfolio of countryside sites that have a significant role to play in increasing the county's biodiversity. These sites are strategically important resources to people and wildlife and should be considered in the planning process even where they are located outside the boundary of a development. These sites provide opportunities for people to enjoy green and blue spaces, travel and exercise whilst enabling wildlife to thrive and offset carbon emissions. They can also contribute to natural flood management, nutrient neutrality and offer opportunities for developers to invest in the sites to achieve net gains in biodiversity or to provide enhancements to green infrastructure that can make a development appropriate.

Where County Council's sites welcome additional users as a consequence of new development, a developer should communicate with the County Council's Countryside Service to explore what pressures to the site are anticipated and agree ways in which they can be offset. This may require a commuted sum contribution to the council in order to provide additional resources to manage the interactions of people and wildlife. This may include but not be limited to site interpretation, public engagement, volunteering opportunities and resources to manage anti-social behavior and visitor movements. Such services are essential to ensure that the County Council's sites remain robust to the additional pressures of development and can absorb additional users without compromising the opportunities that the Council's land has to deliver objectives of the Local & National Nature Recovery Networks, most notably:-

- to create and restore wildlife rich habitats,
- to improve the landscape resilience to climate change
- to reinforce the natural, geological, and cultural diversity of England's landscapes
- and to enable people to enjoy and connect with nature – benefiting society's health and wellbeing.



### 3. ARCHAEOLOGY AND THE HISTORIC ENVIRONMENT

Derbyshire's historic environment includes the Derwent Valley Mills World Heritage Site, a wealth of nationally designated built heritage and archaeological sites, locally designated Conservation Areas and Areas of Archaeological Interest, and over 20,000 sites and features of archaeological and historic interest recorded in the Derbyshire Historic Environment Record (DHER). The County Council hosts DHER as well as an archaeological advisory service which provides planning advice to Local Planning Authorities across the county under Service Level Agreements. Planning conditions/obligations and developer contributions may be used by planning authorities to conserve and enhance aspects of the built and historic environment, one of the key objectives of sustainable development as defined by the NPPF.

Where advice is required, details of planning applications should be emailed to: [stephen.baker@derbyshire.gov.uk](mailto:stephen.baker@derbyshire.gov.uk).

### 4. LANDSCAPE CHARACTER AND VISUAL AMENITY

Derbyshire has a varied and diverse landscape. Local Planning Authorities are responsible for determining whether a Landscape and Visual Impact Assessment is required. Local Planning Authorities can use planning conditions and financial contributions to help secure long-term management plans and to conserve, enhance and manage landscape character.

### 5. CANALS AND WATERWAYS

The canals and canal routes are an important element of Derbyshire's green infrastructure. Derbyshire County Council has large land and asset liabilities on the Chesterfield, Derby and Sandiacre and Cromford Canals and is the Navigation Authority for the in-water sections between Chesterfield and Staveley and at Cromford. Restored canals have great value to the local economy, the environment and public health and wellbeing. As such, opportunities to secure developer contributions towards canal restoration will be sought by the County Council.

Developments can also place additional pressures on canals and waterways by introducing additional liabilities and users to the site. The County Council will seek contributions towards towpath improvements, enhancement of green infrastructure and measures to mitigate against potential net losses to biodiversity as a consequence of development.

Please refer to the [Derbyshire Waterways Strategy](#) and the County Council's Countryside Service for more information.

## 6. FIRE AND RESCUE

It is vitally important that new housing is well-designed and addresses safety and the needs of vulnerable people. Houses must provide adequate safety for the occupant throughout the occupiers' lifetimes. Derbyshire Fire and Rescue Service should be consulted on all proposals for housing growth so that the implications for fire safety can be considered. Local Planning Authorities should consider the use of conditions and information notes/recommendations on planning permissions to secure the provision of sprinkler systems and associated water supply infrastructure. For more information contact:

| Area   | Contact Details  |
|--|--|
| Bolsover, Chesterfield And North East Derbyshire       | <a href="mailto:northareaadmin@derbys-fire.gov.uk">northareaadmin@derbys-fire.gov.uk</a> |
| High Peak and Derbyshire Dales                         | <a href="mailto:westareadmins@derbys-fire.gov.uk">westareadmins@derbys-fire.gov.uk</a>   |
| Derby City, South Derbyshire, Amber Valley and Erewash | <a href="mailto:SouthAreaAdmin@derbys-fire.gov.uk">SouthAreaAdmin@derbys-fire.gov.uk</a> |