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30 May 2018

To: All Councillors

As a Member or Substitute of the **Community & Environment Committee**, please treat this as your summons to attend a meeting on **Thursday 7 June 2018 at 6.00pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely



Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES/SUBSTITUTES

Please advise Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

22 February 2018

3. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING.**

4. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

5. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

To answer questions from Members who have given the appropriate notice.

Page No.

6. REVIEW OF PUBLIC CONVENIENCES – PROPOSED INCREASE IN CAR PARKING FEES AT RURAL SITES

To consider representations made in respect of the proposed revisions to parking charges at Baslow, Hartington and Over Haddon, where a levy of 20 pence for car parking spaces and £1 for coach parking is to be introduced on the pay and display car parks, to make a direct contribution to the cost of maintenance of public conveniences at those locations.

REPORT TO FOLLOW

7. DRAFT SUPPLEMENTARY PLANNING DOCUMENT: LANDSCAPE CHARACTER AND DESIGN **4 - 67**

To consider approval of the Draft Supplementary Planning Document (SPD) and a formal period of public consultation. Also, in the event that the public consultation results in no objections, that delegated authority to be given to the Head of Regeneration and Policy to take forward its formal adoption as a Supplementary Planning Document.

8. DERBYSHIRE DALES COMMUNITY INFRASTRUCTURE LEVY **68 - 119**

To receive a report on the details of the outcomes of the public consultation exercise on the Preliminary Community Infrastructure Levy Charging Schedule and consider approval for the publication and public consultation on a Draft Community Infrastructure Levy Charging Schedule.

9. ASHBOURNE PAVILION PROJECT **120 – 132**

To consider approval of the proposals to remodel the way sports pavilion facilities on Ashbourne Recreation Ground are provided in light of their current condition and the overall financial position of the Council as outlined in the report.

10. EXCLUSION OF PUBLIC AND PRESS

At this point the Committee will consider excluding the public and press from the meeting for the remaining items of business for the reasons shown in italics. The Chairman will adjourn the meeting briefly to enable members of the public to speak to Councillors.

11. LOCAL GOVERNMENT OMBUDSMAN REPORT

To receive a report setting out the findings of a Local Government Ombudsman report which found fault about the fairness and integrity of a tender exercise and consider approval of the revised procurement procedures as outlined in the report.

(The report is exempt as it contains information relating to the financial or business affairs of a particular person, it is not considered to be in the public interest for the District Council to publish its own report on the matter for similar reasons.)

Members of the Committee - Councillors Jason Atkin, Richard Bright, Sue Bull, Martin Burfoot, Albert Catt, Ann Elliott, Chris Furness, Susan Hobson (Vice Chairman), Vicky Massey-Bloodworth, Tony Morley, Dermot Murphy, Joyce Pawley, Mike Ratcliffe, Lewis Rose OBE, Andrew Statham, Colin Swindell, Jo Wild (Chairman)

Substitutes - Councillors Deborah Botham, Jennifer Bower, David Chapman, Tom Donnelly, Richard FitzHerbert, Steve Flitter, Alyson Hill, Angus Jenkins, Tony Millward BEM, Jean Monks, Garry Purdy, Irene Ratcliffe, Mark Salt, Jacquie Stevens, John Tibenham, Philippa Tilbrook

COMMUNITY AND ENVIRONMENT COMMITTEE
7 JUNE 2018

Report of the Head of Regeneration and Policy

DRAFT SUPPLEMENTARY PLANNING DOCUMENT: LANDSCAPE CHARACTER AND DESIGN

SUMMARY

This report presents Members with a draft Landscape Character and Design Supplementary Planning Document (SPD) this is an updated version of the previously adopted SPD (2007) in light of the Adoption of the Local Plan in December 2017. Approval is sought for a formal period of public consultation on the document prior to its formal adoption as a SPD.

RECOMMENDATION

1. That the draft Landscape Character and Design Supplementary Planning Document (SPD), attached in Appendix 1 be approved and subject to a six week consultation.
2. That in the event that the public consultation results in no objections to the Landscape Character and Design SPD then delegated authority be given to the Head of Regeneration and Policy to take forward its formal adoption.
3. That in the event of any substantive representations being received during the public consultation on the the Landscape Character and Design SPD, then a further report be presented to this Committee for consideration of the representations received.

WARDS AFFECTED

All wards outside the Peak District National Park

STRATEGIC LINK

The implementation of the draft Landscape Character and Design Supplementary Planning Document will assist with developing a thriving district, as stated in the Council's Corporate Plan 2015-19.

1 BACKGROUND

- 1.1 Supplementary Planning Documents seek to expand on existing planning policy, to provide detail and depth that may not be possible in a Local Plan. In July 2007 the District Council formally adopted the Landscape Character and Design Supplementary Planning Document. This has, since that time, sought to provide complementary guidance and advice for developers about how development should address their relationship with the landscape character of the Derbyshire Dales. The SPD has operated well since that time, however following the adoption of the Derbyshire Dales Local Plan in December 2017 it can no longer be used as a "material consideration" in the determination of planning applications.

- 1.2 To ensure that the Landscape Character and Design Supplementary Planning Document can continue to be given statutory weight in the determination of planning applications it has been necessary to update its contents to reflect changes to the Local Plan policies, legislation and the approach to biodiversity and landscape management. Once adopted it can be used in the determination of planning applications as a “material consideration”.
- 1.3 In terms of the revised contents of the Landscape Character and Design Supplementary Planning Document the aims remain unchanged from the Adopted 2007 version and are:
- To protect and enhance the character, appearance and features important in the landscape.
 - To provide detailed guidance on landscape issues to be considered as part of any proposal
 - To illustrate and encourage good practice
 - To encourage an integrated approach to development which includes comprehensive consideration of landscape issues
 - To help developers in their submission of planning applications.
- 1.4 The SPD complements the adopted Local Plan, in particular Key Issue One - “Protecting and Enhancing the Character and Distinctiveness of the Landscape, Towns and Villages in the Plan Area”. In addition the SPD will add detail and depth to policies S1 – S9 in the spatial strategy and Policies PD1 – PD7 in Chapter 5 Protecting Derbyshire Dales Character.
- 1.5 A copy of the revised draft Landscape Character and Design Supplementary Planning Document is set out in Appendix 1. There are no major changes however section LCD 2.1 Legislation and Planning Policy has been revised to reflect the adopted Local Plan, the Biodiversity section LCD2.3 acknowledges that the previously prepared Local Biodiversity Action Plans (LBAP) remains an appropriate mechanism to support the principles of wildlife and habitat protection and enhancement. LCD4.1 Planting includes a warning concerning the planting of Ash trees. The following planting schemes LCD4.2-4.6 remain unchanged as it is considered that Ash trees are part of the Derbyshire Dales landscape and the Plant Health Order (October 2012) may be lifted in the future.

2. Public Consultation

- 2.1 To enable the revised Landscape Character and Design Supplementary Planning Document to have statutory weight it is necessary for it to be subject to a minimum period of 4 weeks public consultation. This must be accompanied by a consultation statement that sets out the persons consulted, the time period of the consultation, where the documents can be seen and the details of where to send comments. A copy of the draft consultation statement is contained in Appendix Two.
- 2.2 Unlike the Local Plan there is no requirement for an Examination in Public.

3. NEXT STEPS

- 3.1 It is proposed that a six week period of public consultation be held from 15th June to 27th July 2018. All contacts on the Local Plan Consultation database will be directly informed by email and letter, comments will be invited with an online form.
- 3.2 The draft Landscape and Design SPD is effectively a refresh with limited changes as set out above, therefore it is anticipated that there will be only limited interest and as such it is considered for expediency purposes that delegated authority to adopt the SPD is given to the Head of Regeneration and Policy in the event that there are no objections received during the public consultation period.

4 RISK ASSESSMENT

4.1 Legal

The Council will be following the consultation requirements set out within The Town and Country Planning (Local Planning) (England) Regulations 2012

4.2 Financial

The costs associated with the Supplementary Planning Document are contained within current budgets. It is intended that this would be published as an online document with paper versions available on request. The financial risk is, therefore, assessed as low.

5 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

6 CONTACT INFORMATION

Tanya Rountree, Senior Planning Policy Officer

Tel: 01629 761240 E-mail: tanya.rountree@derbyshiredales.gov.uk

7 BACKGROUND PAPERS

Description	Date	File
The Town and Country Planning (Local Planning) (England) Regulations 2012 Part 5: Supplementary Planning Documents	08-03-12	http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf
Derbyshire Dales Local Plan	December 2017	http://www.derbyshiredales.gov.uk/planning-a-building-control/local-plan-2015-16

Appendix One: Draft Landscape Character and Design Supplementary Planning Document
Appendix Two: Consultation Statement



**DRAFT LANDSCAPE CHARACTER AND DESIGN
SUPPLEMENTARY PLANNING DOCUMENT**

**Consultation
May 2018**

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Introduction to the Landscape Character and Design Supplementary Planning Document

LCD 1.1

The Purpose of Landscape Character and Design SPD

This Supplementary Planning Document (SPD) has been prepared in support of the Council's Local Plan. It is intended:

- To protect and enhance the character, appearance and features important in the landscape.
- To provide detailed guidance on landscape issues to be considered as part of any proposal.
- To illustrate and encourage good practice.
- To encourage an integrated approach to development which includes comprehensive consideration of landscape issues.
- To help developers in their submission of planning applications.

The SPD is divided into short sections each of which is concerned with a specific issue. It is unlikely that **ALL** the issues will apply to **ALL** development sites. Applicants for planning permission will, therefore, be expected to consult only those sections that apply to their individual circumstances.

The Importance of Landscape

The landscape is a complex combination of physical and cultural elements, the character of which has been created over a long period of people working with the land. The landscape is continually changing but it is important to recognise where it may be fragile or vulnerable to damage through neglect or inappropriate development.



Carsington reservoir

The Potential for Conflict

We value our environment for its scenic beauty, wildlife and historic interest, yet it is subject to demands for housing, industry and commerce, transport, water, energy, and food production.

The Landscape of Derbyshire Dales

The landscape of Derbyshire Dales District is of high quality. It includes landscapes of national and international importance such as the Derwent Valley Mills World Heritage Site and Registered Parks and Gardens of Special Historic Interest such as Sudbury Hall and Willersley Castle as well as those with strong local landscape characteristics, such as the gorge setting of Matlock Bath, and impressive landscape features such as High Tor and Black Rocks.

Landscape patterns within both our countryside and our towns are made up of individual and distinctive components. Plants and animals share these landscapes, enhancing the quality of our lives and enriching our inheritance.

For these reasons Derbyshire Dales District Council is committed to the protection and enhancement of the landscape.



Dark Peak moorland

The District Council's Approach

Development should conserve what is valued, enhance the environment and encourage good design, addressing needs rather than demands.

When considering landscape issues as part of the development process the use of professional agents is strongly recommended. SPD Sheet LCD 1.2 provides information on the landscape profession and the Landscape Institute. The District Council can provide details of qualified and registered arboriculturalists and tree surgeons.

National Guidance

Guidance on landscape assessment and design has been published by Natural England, the Forestry Commission and the Landscape Institute, amongst others.

Landscape Character and Design Guidance

This advice covers a wide range of subjects. It has been developed through consultation with the local community and is to be read, in conjunction with the Derbyshire Dales Local Plan (2017).



The "Whitworth Limes", A6, Darley Dale

Derbyshire Dales District Local Plan

The Local Plan covers that part of the Derbyshire Dales that lies outside the Peak District National Park, it was adopted in December 2017. The policies and proposals contained within it are used to guide the use and development of land across the District.

Policies relevant to landscape conservation and development are found throughout. From the evidence base and the spatial portrait of the plan area there were a number of key issues that must be addressed in all sections of the Local Plan to ensure the sustainable development of the Derbyshire Dales. **Key Issue One: Protecting and Enhancing the Character and Distinctiveness of the Landscape, Towns and Villages in the Plan Area.**



Riber Castle

Further Advice

Further advice on Derbyshire Dales Local Plan policies, or any of the issues raised in this Supplementary Planning Document, Planning Application forms and other related matters may be obtained from:

Planning Enquiries,

Planning Services Section

Town Hall, Matlock, Derbyshire DE4 3NN,

tel: 01629 761336

e-mail: planning@derbyshiredales.gov.uk

Website: www.derbyshiredales.gov.uk

The Local Plan can be seen online at:

<http://www.derbyshiredales.gov.uk/localplan>

The Landscape Profession

LCD 1.2

The landscape profession comprises practitioners whose work includes all aspects of the science, planning, design, implementation and management of landscapes and their environment in urban and rural areas. Generally known as landscape architects they work on a very wide range of projects of varying degrees of scale and complexity in all types of location.

Landscape architects can provide an invaluable service to the design team in the early stages of a project, ensuring that the end result is acceptable in terms of its impact on the surrounding landscape and complies with relevant planning policy.



L.I. Registered Practices

Landscape practices registered with the L.I.:

- Carry Professional Indemnity Insurance
- Adhere to the L.I.'s Code of Conduct
- Comply with L.I regulations regarding C.P.D
- Have as a principal a chartered landscape architect with full managerial and technical responsibility for landscape works

A list of registered practices is kept by the Landscape Institute. For information and registered landscape practices in the UK visit the Landscape Institute website: www.landscapeinstitute.org

The Landscape Institute

The Institute of Landscape Architects was established in 1939 and changed to the Landscape Institute in 1978, broadening its membership to include landscape managers and scientists. In 1997 the Landscape Institute was granted a Royal Charter.

The Landscape Institute (L.I.) is the chartered body for the landscape profession. It is an educational charity that promotes the art and science of landscape practice.

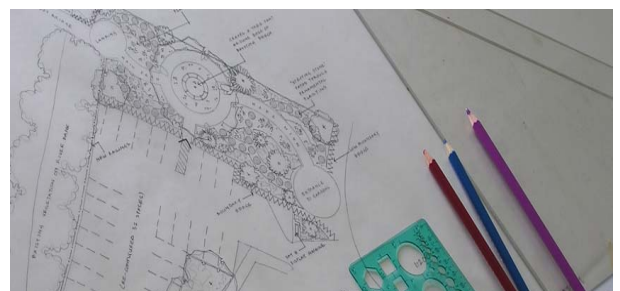
Professional Membership

Landscape architects become Chartered through study at university of an L.I. accredited course followed by (on average) 2 years work experience prior to taking the professional practice exam. Successful completion of this programme entitles them to become Chartered Members of the Landscape Institute (CMLI) which confirms full professional qualification.

When to involve a Landscape Architect

Developers should seek landscape advice in the early stages of project development. Early involvement of a landscape architect as part of the design team to help determine the form, scale and siting of new development, as well as assessing its potential impact, can be invaluable and is encouraged by Derbyshire Dales District Council.

For single household applications it will often be enough to be aware of the relevant landscape issues and to demonstrate that these have been considered.



Examples of projects which Landscape Architects work on include:

- Housing areas, industrial parks and commercial developments
- The reclamation and regeneration of land
- Highways schemes
- The space around schools, universities, hospitals and hotels
- Small private gardens and private estates
- Public parks, golf courses, theme parks and sports facilities Large or small urban regeneration schemes
- Forest, tourist or historic landscapes
- Landscape appraisal and conservation studies
- Environmental assessment, planning advice and land management proposals

Landscape architects are specialists in understanding the diverse aspects of landscape. Relevant experience is important: some Landscape Architects are more experienced in urban landscape design than rural and semi-natural settings. Therefore, always ask about previous experience prior to appointing a landscape architect for you project.



Agnes Meadow

Planning and development are regulated by Act of Parliament. Central government issues the legislation and prepares the National Planning Policy Framework and Planning Practice Guidance, this is used by local authorities to develop local planning policy which is contained within the Local Plan.

Legislation

Existing national and international legislation enables the protection of the landscape, and its features, through specific designation (National Parks, the application of Tree Preservation Orders etc) and/or regulation of operations that might have an adverse impact upon it.

The following is some of the key legislation which is relevant:

- **The Countryside and Rights of Way Act 2000**
- **Town and Country Planning (Tree Preservation) Regulations 2012**
- **The Hedgerow Regulations 1997**
- **Planning and Compensation Act 1991** sets out requirements for planning permission
- **Planning and Compulsory Purchase Act 2004**
- **Town and Country Planning Act 1990 and the Environmental Impact Assessment Regulations 2017** provide for additions to types of projects requiring Environmental Impact Assessment (EIA) and strengthens Local Authority powers to safeguard Conservation Areas.
- **Planning (Listed Buildings and Conservation Areas) Act 1990**
- **Wildlife and Countryside Act 1981** deals with designations of Sites of Special Scientific Interest, National Nature Reserves, Local Nature Reserves and Areas of Special Protection for Birds, Nature Conservation Orders, Limestone Pavement Orders and protected species.
- **Ancient Monuments and Archaeological Areas Act 1979**
- **The Countryside Act 1968**
- **National Parks and Access to the Countryside Act 1949** is the primary enabling Act for National Parks and Areas of Outstanding Natural Beauty.
- **Natural Environment and Rural Communities Act 2006**

Planning Policy

1. National Planning Policy Framework

The National Planning Policy Framework (NPPF) is prepared by Government to guide local authority thinking during the preparation of development plans. Planning Practice Guidance is also prepared and updated by Government to further explain the NPPF. Paragraphs 59, 97, 99, 114, 116, 125, 156 are relevant to landscape, however the key paragraphs for landscape are:

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;

113. Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

117. To minimise impacts on biodiversity and geodiversity, planning policies should:

- plan for biodiversity at a landscape-scale across local authority boundaries;
- identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;
- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;
- aim to prevent harm to geological conservation interests; and
- where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas.

170. Where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity.

You can see the NPPF here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

NPPF definitions

Aged or veteran tree: A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

Stepping stones: Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

2. Derbyshire Dales Local Plan

The Local Plan was adopted on the 7th December 2017 and applies to that part of the Derbyshire Dales District Council for which it is the Local Planning Authority and forms the basis for land use planning. The plan period is 2013-2033. From the evidence base and the spatial portrait of the Plan area there are a number of key issues that the Local Plan addresses to ensure the sustainable development of the Derbyshire Dales: Landscape is recognised as a key issue;

K11: Protecting and Enhancing the Character and Distinctiveness of the Landscape, Towns and Villages in the Plan Area.

The Spatial Vision also recognises the importance of landscape stating “*The vision for the Derbyshire Dales is that it will be widely recognised as a distinctive rural area with vibrant villages and market towns, which reflects the character of the Derbyshire Dales landscape.*”

Chapter Four: The Spatial Strategy

All policies in a Local Plan should be based upon and reflect the presumption in favour of sustainable development. The following policies set the strategic framework for the Local Plan:

- Policy S1: Sustainable Development Principles
- Policy S2: Settlement Hierarchy
- Policy S3: Development within defined settlement Boundaries
- Policy S4: development in the Countryside
- Policy S7: Matlock/Wirksworth/Darley Dale Development Strategy
- Policy S8: Ashbourne Development Strategy
- Policy S9: Rural Parishes Development Strategy

Chapter Five: Protecting the Derbyshire Dales Character

The Local Plan recognises that the landscape of the Derbyshire Dales is some of the most highly sensitive and attractive outside the Peak District National Park. Chapter five sets out a strategy that addresses those elements that make up its character. The following policies guide development to deliver this strategy.

- Policy PD1: Design and Place Making
- Policy PD2: Protecting the Historic Environment
- Policy PD3: Biodiversity and the Natural Environment
- Policy PD4: Green Infrastructure
- Policy PD5: Landscape Character
- Policy PD6: Trees, Hedgerows and Woodlands
- Policy PD7: Climate Change
- Policy PD10: Matlock to Darley dale Corridor

The Local Plan can be seen here:

<http://www.derbyshiredales.gov.uk/localplan>

3. Supplementary Planning Documents

Supplementary Planning Documents (SPD) are documents that add further detail to the policies in the Local Plan and are a material consideration in the determination of planning applications. This Supplementary Planning Document is supplementary to policies PD5: Landscape Character and PD6: Trees, Hedgerows and Woodlands of the Derbyshire Dales Local Plan 2013-2033.

It will help to raise awareness of the concept of Landscape Character and encourage an integrated approach to landscape conservation, design and development.

Landscape Character

LCD 2.2

Landscape Character is defined as... *“a distinct recognisable pattern of elements that occur consistently in a particular type of landscape”*.

The assessment of landscape character involves the appraisal of the physical attributes of a landscape - be they natural or man-made. It is based on the premise that the combination and arrangement of landscape elements (geology and landform, soils and landuse, ecology, tree cover, degree of enclosure, scale, the nature of the highways network and settlement pattern) give different areas a distinctive character. Landscape assessment additionally requires the consideration of visual amenity and less tangible qualities such as tranquillity, sensitivity and attractiveness all of which should be taken into account when assessing the impact development has on the landscape.

Landscape Character Assessment

There are a range of uses for Landscape Character Assessment in Planning, Landscape Management, Landscape Change for Regeneration and wider environmental initiatives. It can be undertaken on a national, regional, district, local or site scale. Guidance on Landscape Character assessment has been produced by the former Countryside Agency and Scottish Natural Heritage and updated by Natural England in “An Approach to Landscape Character Assessment” (2014)

The former Countryside Agency prepared a Countryside Character Map for England which divides the countryside into broad areas exhibiting similar characteristics – National Character Areas (NCAs). These are identified in the Character of England (landscape wildlife and natural features) maps and publications prepared in the early 1990s and subsequently reviewed by Natural England following the publication of the Natural Environment White Paper in 2011.

The National Character Areas covering the Derbyshire Dales District are:

- The Dark Peak
- The White Peak
- Derbyshire Peak Fringe and Lower Derwent
- The Needwood and South Derbyshire Claylands
- The Trent Valley Washlands

The Landscape Character of Derbyshire

Within these broad landscape character areas further subdivisions can be made at a regional and district level. **“The Landscape Character of Derbyshire”**, first published by the County Council in 2003 and updated in 2013, identified the following distinctive Landscape Character Types within the broader Character Areas.

Character Map of England - National Character Areas

- The Dark Peak
- The White Peak
- The Derbyshire Peak Fringe and Lower Derwent
- The Needwood and South Derbyshire Claylands
- The Trent Valley Washlands

Derbyshire – Landscape Character Type

- Open Moors
- Enclosed Moorland Valley pastures
- Riverside Meadows
- Plateau Pastures
- Limestone Slopes
- Limestone Dales
- Enclosed Moors and Heaths
- Wooded Slopes and Valleys
- Wooded Farmlands
- Settled Farmlands
- Riverside Meadows
- Settled Farmlands
- Settled Plateau Farmlands
- Sandstone Slopes and Heaths
- Estate Farmlands
- Riverside Meadows
- Lowland Village Farmlands
- Riverside Meadows



Agricultural landscape, Osmaston

The key characteristics of each Landscape Type are identified and described and planting and management guidelines are given along with details of appropriate native tree and shrub species (see LCD 4.2 – LCD 4.6).

In addition the document addresses:

Managing Development and Landscape Change.

Guidance is provided for the design and location of new development within the countryside. It is presented in a summary table which provides assistance in targeting the key landscape considerations for each Landscape Character Type.

Biodiversity. The link between landscape character and biodiversity is established. Wildlife habitats, characteristic and appropriate within each landscape character type, are identified.

Landscape character as a spatial framework. Identifies Landscape Character Assessment as a useful tool for the analysis of other environmental data within the context of strategic planning including consideration of concepts such as landscape sensitivity and tranquillity both of which are examined within the documentation

Monitoring landscape change. The use of fixed point photography as a way of monitoring landscape change is considered. A number of viewpoints across the county have been identified from where photographs will be taken every 5 years for analysis in this respect.

The application of landscape character through case studies. Considers examples of where new development has successfully applied the principles of landscape character assessment.

Local Plan Policy PD5: Landscape Character

Local Plan Policy PD5: Landscape Character states: The District Council will seek to protect, enhance and restore the landscape character of the plan area recognising its intrinsic beauty and its contribution to the economic, environmental and social well-being of the Plan Area.

This will be achieved by:

- Requiring that development has particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, such as trees and woodlands, hedgerows, walls, streams, ponds, rivers or other topographical features.
- Requiring that development proposals are informed by, and are sympathetic to the distinctive landscape character areas as identified in 'The Landscape Character of Derbyshire' and 'Landscape Character of the Derbyshire Dales' assessments and also take into account other evidence of historic landscape characterisation, landscape sensitivity, landscape impact and the setting of the Peak District National Park and where appropriate incorporate landscape mitigation measures.
- Requiring that development proposals recognise the intrinsic character, appearance and local distinctiveness of the landscape and landscape setting of the Peak District National Park and can be accommodated without unacceptable impact.
- Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.

Development will only be permitted if all the following criteria are met:

- a) The location, materials, scale and use are sympathetic and complement the landscape character.
- b) Natural features including trees, hedgerows and water features that contribute to the landscape character and setting of the development should be both retained and managed appropriately in the future.
- c) Opportunities for appropriate landscaping will be sought alongside all new development, such that landscape type key characteristics are strengthened.

The Landscape Character of Derbyshire Dales

This document (LCD2.2) is an abridged version of the County study which has been prepared specifically for use within Derbyshire Dales describing only those Landscape Character Areas and Landscape Types that exist within the District.

A Landscape Character locator which identifies settlements within the Derbyshire Dales District falling within each of the different Landscape Types is included opposite.

PROPOSED DEVELOPMENT SHOULD ALWAYS BE DESIGNED IN SYMPATHY WITH THE CHARACTER OF THE SURROUNDING LANDSCAPE

The Council will use the information contained within the landscape character study to judge whether or not proposed development within the countryside is in sympathy with or will have an adverse impact upon the character and distinctiveness of the local landscape. This will be a material consideration when determining planning applications for development.

The study will be used as base line information to encourage and guide developers to design appropriately.



Ridge and furrow south of Brassington

Further Information

The full text of **The Landscape Character of Derbyshire** can be found at:

<http://www.derbyshire.gov.uk/environment/conservation/landscapecharacter/>

The Landscape Character of Derbyshire Dales can be found at:

<http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/supplementary-planning-documents/landscape-character-and-design>

The Local Plan can be found at:

<http://www.derbyshiredales.gov.uk/localplan>

Landscape Character : Site Locator

Character Area	Landscape Type	Location
Dark Peak	Open Moors	Land between Bent lane and Flash Lane – Beeley Moor
	Enclosed Moorland	Darley Forest Grange
		Darwin Forest
		Darwin Lake
		Matlock Moor
	Settled Valley Pastures	Cunnery
		Darley Bridge
		Darley Dale
		Darley Hillside
		Dimple
		Farley
		Matlock Golf Course
		Northwood
		Oker
		Rowsley (east)
		Tansley
Tinkersley		
Two Dales		
Upper Hackney		
Riverside Meadows	Churchtown	
	Matlock Bridge	
	Rowsley	
White Peak	Plateau Pastures	Longcliffe
		Middleton by Wirksworth
	Limestone Slopes	Cawdor
		Cromford (west)
		Godfrey Hole
		Matlock (Snitterton Road)
		Starkholmes (west of Starkholmes Road)
		Wirksworth (north west)
	Bonsall	
	Limestone Dales	Matlock Bath
		Matlock Dale
		Uppertown
Derbyshire Peak Fringe and Lower Derwent	Enclosed Moors and Heaths	Cromford Moor
		Foxholes
		Mooredge
		Tansley Moor
	Wooded Slopes and Valleys	Ashbourne (east)
		Atlow
		Blackwall
		Bolehill
		Callow
		Cromford (south and east central)
		Kirk Ireton
		Kniveton
		Little Bolehill
		Mappleton (east)
Offcote		
Riber		

Wooded Farmlands	Wirksworth	
	Millers Green	
	Gorsey Bank	
	Warmsbrook	
	Biggin	
	Millington Green	
	Settled Farmlands	Ashbourne (north)
		Bradbourne
		Brassington
		Carsington
		Carsington Water
		Hognaston
		Hopton
	Riverside Meadows	Ashbourne (Henmore Brook)
		Cromford wharf
High Peak Junction		
Lea Bridge		

Needwood and South Derbyshire Claylands	Settled Farmlands	Abbotsholme school
		Ashbourne (west)
		Aston (north)
		Boylestone
		Clifton
		Doveridge
		Edlaston (west)
		Ednaston
		Great Cubley
		Hales Green
		Hare Hill
		Hill Somersall
		Hollington
		Hollington Green
		Longford (west)
		Marston Montgomery
		Norbury
		Oaks Green
		Palmer Moor
		Rodsley
		Roston
		Shirley
		Snelston
		Somersall Herbert
		Thurvaston
		Waldsley
		West Broughton
	Settled Plateau Farmlands	Alkmonton
		Ashbourne (south)
		Atlow Top
		Bradley
		Brailsford (north central)
Cubley Moor		
Darley Moor		
Edlaston (east)		
Hole in the Wall		
Hulland		
Marston Montgomery (central east)		
Marston Woodhouse		
Moorend		
Osmaston		
Potter Somersall		
Roston Common		
Snelston Common		

		Wyaston
		Yeavely
		Yeldersley Hollies
	Estate Farmlands	Bardon Aggregates
		Hulland Ward
		Mansell Park
	Riverside Meadows	Longford (east)
Trent Valley Washlands	Lowland Village Farmlands	Aston (south)
		Sudbury
	Riverside Meadows	Land on the eastern and northern side of the River Dove

Biodiversity

LCD 2.3

Biodiversity is the variety of life – of all forms – that we see around us. It also includes the variation that is present within species and the groupings of plants, animals and micro-organisms that help to create ecosystems and natural habitats. The term INCLUDES human beings and their relationship with the rest of the environment.

The U.K. Government has agreed to take action on biodiversity at national and local level. Biodiversity 2020 (2011) is the national strategy in this regard. However, Local Biodiversity Action Plans (LBAP) have been previously prepared for areas including the Derbyshire Dales and Derbyshire Dales District Council considers that these remain an appropriate means by which to support the principles of wildlife and habitat protection and enhancement and to ensure that action is taken “on the ground”.

Local Biodiversity Action Plans

Within Derbyshire Dales the LBAPs that are relevant are those that have been prepared for:

- The Peak District
- Lowland Derbyshire

These identify priority habitats and associated species that require protection. The habitat action plans seek to ensure that habitats are conserved, enhanced or restored, the area occupied by the habitat is enlarged and that the species associated with them are maintained and increased.

The appendices to the LBAPs include sections that:

- Identify relevant National Vegetation Categories
- Match plant species to their habitats
- Match vertebrate species to their habitats
- Provide a list of nationally and locally important plant species within the LBAP area
- Provide a list of nationally and locally important mammal species within the LBAP area.

Applicants for Planning Permission should always check whether protected or important species use part of the site for proposed development and design the landscape accordingly.

Biodiversity and Landscape Character

The Derbyshire landscape character (see LCD 2.2) assessment has identified, for each of the Landscape Character Types, the habitats that naturally occur in these areas and the potential for protection and expansion of these habitats. The information should be used when considering the appropriateness of development, woodland planting and habitat creation schemes in a specific area.

The information is in tabular form and included as part of this guidance sheet and should be used in conjunction with:

- The relevant Local Biodiversity Action Plan
- Guidelines for planting included at LCD 4.1 – LCD 4.6



Habitats in Derbyshire Dales

The Landscape Character of Derbyshire identifies and describes 17 different habitat types within Derbyshire Dales:

- Deciduous woodland
- Wet woodland
- Wood pasture and parkland
- Veteran trees
- Traditional orchards
- Hedgerows
- Field margins
- Lowland meadows/ neutral grassland
- Calcareous grassland

- Calaminarian grassland
- Lowland dry acid grassland
- Floodplain grazing marsh
- Natural grassland
- Lowland calcareous grassland
- Lowland dry acid grassland
- Lowland heaths
- Upland heaths
- Standing open waters and canals
- Rivers and streams (river corridors)

**THE CONSERVATION AND ENHANCEMENT OF
NATURAL HABITAT AND BIODIVERSITY MUST BE
CONSIDERED AS PART OF ALL DEVELOPMENT.
WHEREVER POSSIBLE THE OPPORTUNITY TO
CREATE NEW AREAS OF WILDLIFE HABITAT
SHOULD BE TAKEN.**

	Landscape Types																			
	Dark Peak				White Peak				Derbyshire Peak Fringe and Lower Derwent				Needwood and South Derbyshire Claylands				Trent Valley Washlands			
	Open Moors	Enclosed Moorland	Settled Valley Pastures	Riverside Meadows	Plateau Pastures	Upland Limestone Pastures	Limestone Slopes	Limestone Dales	Enclosed Moors and Heaths	Wooded Slopes and Valleys	Wooded Farmlands	Settled Farmlands	Riverside Meadows	Settled Farmlands	Settled Plateau Farmlands	Sandstone Slopes and Heaths	Estate Farmlands	Riverside Meadows	Lowland Village Farmlands	Riverside Meadows
Primary Habitat – Prominent and key characteristic	•																			
Secondary Habitat – Variable and local characteristic	○																			
Locally Significant – Unusual and a minor characteristic	X																			
Not applicable	-																			
Habitat Types																				
Deciduous woodland	-	X	•	-	○	-	○	•	-	•	•	-	-	-	○	-	○	-	○	-
Wet woodland	-	-	•	•	-	-	-	•	-	•	•	○	•	○	-	-	○	•	○	•
Wood pasture and parkland	-	-	-	-	-	-	-	-	-	•	○	-	○	○	-	•	-	-	-	-
Veteran trees	-	-	•	-	-	-	-	-	-	•	•	•	-	•	•	○	•	-	-	-
Traditional orchards	-	-	X	-	X	-	-	-	-	X	X	X	-	X	X	-	X	-	X	-
FARMLAND																				
Hedgerows	-	-	•	-	-	-	-	-	-	•	•	•	-	•	•	•	○	-	○	-
Field margins	-	-	-	-	-	-	-	-	-	-	○	○	-	○	○	-	•	-	•	-
GRASSLAND																				
Lowland meadows/ neutral grassland	-	-	•	•	○	○	○	○	•	•	•	•	•	•	•	-	○	•	•	•
Calcareous grassland	-	-	-	-	•	•	•	•	-	X	-	-	-	-	-	-	-	-	-	-
Calaminarian grassland	-	-	-	-	X	X	X	X	-	X	-	-	-	-	-	-	-	-	-	-
Lowland dry acid grassland	-	•	○	-	-	-	-	-	•	○	○	-	-	○	○	•	○	-	-	-
Floodplain grazing marsh	-	-	-	•	-	-	-	○	-	-	-	-	•	-	-	-	-	•	-	•
Rush pasture	○	•	•	•	-	-	-	-	•	•	○	○	•	○	○	-	○	•	-	•
Inland rock and scree	X	X	-	-	X	○	X	○	X	X	-	-	-	-	-	-	-	-	-	-
HEATHLAND																				
Upland heathland	•	•	-	-	-	-	-	-	•	-	-	-	-	-	-	-	-	-	-	-
Lowland heathland	-	-	-	-	-	-	-	-	-	-	-	-	-	○	○	•	○	-	-	-
WETLAND																				
Rivers and streams	-	○	•	•	-	-	○	•	○	•	•	-	•	•	-	-	○	•	○	•
Standing open water, canals and ponds	-	-	•	•	-	-	-	•	-	○	•	○	•	•	○	-	-	•	○	•
Reedbeds	-	-	•	•	-	-	-	-	-	○	○	-	•	X	-	-	○	X	-	•
Lowland fens	-	-	○	•	-	-	-	○	-	-	○	○	•	○	-	X	X	•	-	•
The description of the habitats provided here should be read in conjunction with the Peak District and Lowland Derbyshire BAPs, where habitat action plans provide more detailed descriptions together with objectives and targets																				
HABITATS CHARACTERISTIC AND APPROPRIATE WITHIN EACH LANDSCAPE CHARACTER TYPE OF DERBYSHIRE DALES DISTRICT																				

Landscape Designations

The Landscape of the Derbyshire Dales District is arguably its greatest asset. Ranging from the wild, open moorland and gritstone edges of the Dark Peak in the north to the deeply incised river valleys and dramatic limestone scenery for which the Dales are named to the gently rolling patchwork of agricultural fields, hedges, woodlands and country lanes south of Ashbourne the landscape is diverse, distinctive and very attractive. The high quality of the landscape is recognised nationally with the designation of much of the District as part of The Peak District National Park affording the area a high degree of protection. Outside the National Park a number of other designations can be applied which provide protection for both the site itself and its setting and are used to regulate the effects of development.

Derwent Valley Mills World Heritage Site (DVMWHS)

The International Council on Monuments and Sites (ICOMOS) advises the United Nations Educational, Scientific and Cultural Organisation (UNESCO) on the identification of outstanding sites which are of world importance and universal significance - cultural World Heritage Sites.

The Derwent Valley Mills site was inscribed on the World Heritage list in December 2001. It extends from Matlock Bath to Derby and defines a cultural landscape of exceptional significance due, in the main, to its association with pioneering innovations in textile manufacture and the development of manufacturing and technology.

The boundary of the World Heritage Site encloses approximately 1229 hectares and the Buffer Zone extends to 4363 hectares. The Buffer Zone is defined in order to protect the site from development that would damage its setting. See the Local Plan policies map.

The DVMWHS Management Plan sets the framework for the integrated and pro-active management of the cultural landscape to ensure its special qualities are sustained and preserved for future generations and the Council fully supports its aims and objectives.

World Heritage Site status is also a key material factor in making planning decisions. It is included in Local Plan Policy PD2: Protecting the Historic Environment.

Conservation Areas

33 Conservation Areas have been designated within the District in order to conserve and enhance the special architectural qualities or historic interest of particular areas.

The Council consider that the role played by the landscape is fundamental in contributing to the quality and character of the Conservation Area, its setting and views to it from the wider surroundings. Trees in particular receive special protection in this regard (see LCD 2.5).

A programme of Conservation Area appraisals is currently being undertaken. Details are available from the Conservation Officer at Derbyshire Dales District Council.



Matlock Bath Conservation Area

Historic Parks and Gardens

There are a number of parks and gardens included on the Register of Parks and Gardens of Special Historic Interest. Currently these are:

- Ednaston Manor
- Sudbury Hall
- The Heights of Abraham
- Lovers Walks
- High Tor
- Derwent Gardens
- Sydnoppe Hall
- The Whitworth Institute
- Willersley Castle

Designation as a Historic Park or Garden will be a material consideration in the determination of planning applications for development likely to have a detrimental impact on its character or setting. (Local Plan Policy PD2)



Sudbury Hall gardens

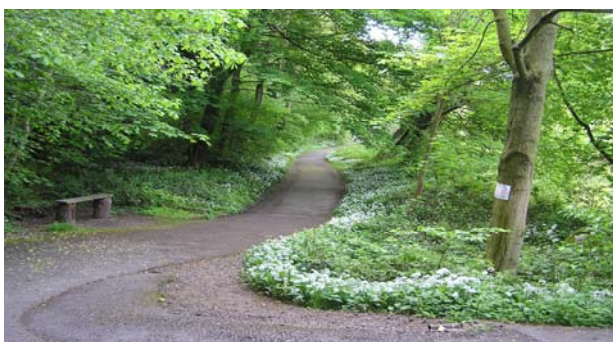
Other Areas of Special Designation

1. Special Protection Areas and Special Areas of Conservation

Special Protection Areas and Special Areas of Conservation are of international importance and are designated under the provisions of the European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna. Any plan or project that is likely to have significant effect on a European site which is not directly connected with the management of that site for nature conservation must be subject to an appropriate assessment which shall determine if that plan or policy will adversely affect the integrity of the site. Four sites fall within the Derbyshire Dales District Council area.

2. Sites of Special Scientific Interest

Natural England designates Sites of Special Scientific Interest under the provisions of Section 28 of the Wildlife and Countryside Act 1981. Advanced written notice of any works specified on the list of operations likely to damage the special interest of the site for which there is no existing consent needs to be given to Natural England and consent obtained before that work can go ahead. Nineteen sites fall within the Derbyshire Dales District Council area.



Lovers Walks, Matlock Bath

3. Regionally Important Geological and Geomorphological Sites

R.I.G.S. is a non-statutory designation afforded to sites of significant geological and geomorphological value. The R.I.G.S. register is maintained by the Derbyshire R.I.G.S. steering group. R.I.G.S. are protected within the land use policies of statutory Local Plans. Forty two sites fall within the Derbyshire Dales District Council area.

4. Local Nature Reserves (L.N.R.)

L.N.R. is a statutory designation under Section 21 of the National Parks and Access to Countryside Act 1949 afforded to places with wildlife or geological features that are of special interest locally. The designation is made by Principal Local Authorities, having a legal interest in the land concerned, in consultation with Natural England, local communities and voluntary groups such as the Derbyshire Wildlife Trust. Land use policies contained within the statutory Local Plan protect the three L.N.R. sites that fall within the Derbyshire Dales District.

5. Local Wildlife Sites (Formerly D.W.S.R. Sites)

A non-statutory designation afforded to areas identified as important for nature conservation. The Register of Wildlife Sites is maintained by Derbyshire Wildlife Trust. The designated sites are protected within the land use policies of the statutory Local Plan. Over two hundred sites fall within the Derbyshire Dales District Council area.

6. Scheduled Monuments

Scheduled by the Department for Culture, Media and Sport under the provisions of the Ancient Monuments and Archaeological Areas Act 1979. The consent of the Secretary of State is required for any works affecting a Scheduled Monument or its setting. Fifty nine sites fall within the Derbyshire Dales District Council area.

7. Historic Environment Record

This is a non-statutory designation afforded to sites of known archaeological interest. The Historic Environment Record is maintained by Derbyshire County Council. Included sites and their settings receive protection through the land use policies of the statutory Local Plan.

Sites benefiting from a special designation will continue to be protected by that designation which will be a material consideration in the determining of planning applications. (see Local Plan policies PD2 and PD3)

APPLICANTS FOR PLANNING PERMISSION SHOULD ALWAYS CHECK WHETHER:

- A SPECIAL DESIGNATION APPLIES TO ANY PART OF A SITE FOR PROPOSED DEVELOPMENT
- A SPECIALLY DESIGNATED SITE WILL BE AFFECTED IN ANY WAY BY PROPOSED DEVELOPMENT

Developers' Responsibilities

The Council will expect potential developers of any site benefiting from a special designation to demonstrate how they will:

- Avoid any adverse effects on designated or important features
- Minimise unavoidable effects
- Compensate for unavoidable adverse effects.

Further Information

Policies PD2 and PD3 of the Derbyshire Dales Local Plan can be found here:

www.derbyshiredales.gov.uk/localplan

Protected Trees

LCD 2.5

Trees make a major contribution to the Derbyshire Dales landscape, whether in the countryside, or in the parks and gardens of the villages and towns.

Many of these may be subject to protection either by being the subject of a Tree Preservation Order; by being situated in a Conservation Area; by the imposition of planning conditions; or by the requirement to obtain a Felling Licence.

Tree Preservation Orders

The District Council's primary means of protecting trees is through the serving of a Tree Preservation Order (TPO).

1. Making a Tree Preservation Order

In considering the making of a TPO the amenity value of the tree and the degree of risk of its harm or removal will be the primary criteria. However, weight will also be given to the tree or trees' particular importance in terms of its/ their size, form, rarity, screening, contribution to the character or appearance of a Conservation Area, as well as the significance of the tree or trees to their local surroundings and the wider landscape.

The presence of a TPO does not necessarily prevent works taking place to a tree. What it does do is make it an offence to wilfully damage, destroy, fell, top, lop or uproot a tree without first obtaining the consent of the District Council.

Any work undertaken without consent is an offence liable on prosecution to a fine of up to £20,000 per tree.

2. Application for proposed work

Applications for consent to work on trees protected by a TPO must provide the following information in writing:

- Precise details of the proposed works - vague descriptions of pruning work will not be acceptable.
- Sufficient information to be able to identify the location of the tree or trees, usually by means of submitting a plan.
- The reasons for proposing the work.

An application form for this purpose is available from the District Council.

NOTE: Derbyshire County Council is responsible for some T.P.Os in the Derbyshire Dales and applicants will need to receive consent from the appropriate Authority.

3. Exemptions

The consent of the District Council is not required in certain circumstances including:

- The pruning or felling of a tree which is dead/dying or dangerous. However, the District Council should still be given 5 days notice before carrying out the work except in an emergency.
It is the duty of the landowner to replace dead/dying or dangerous trees that are removed.
- The pruning or felling of fruit trees cultivated on a commercial basis and the pruning of other fruit trees in accordance with good horticultural practice.



The Whitworth Limes, A6, Darley Dale

Trees in Conservation Areas

The importance of the architectural and historical heritage in Derbyshire Dales is reflected by the fact that over 30 Conservation Areas have been designated in the District. In recognition of the important contribution that trees make to the particular character of Conservation Areas, there are special controls to protect them.

Trees in Conservation Areas which are already protected by a TPO are subject to the normal TPO requirement to obtain formal consent prior to carrying out any work on the trees.

Anyone proposing to prune or fell a tree in a Conservation Area, which is not protected by a TPO, is required by law to give the District Council six weeks prior notice. The purpose of this requirement is to give the District Council an opportunity to make a TPO to protect the tree where it is considered necessary.

Failure to serve six weeks notice on the District Council of intention to prune or fell a tree in a Conservation Area is an offence which on prosecution is liable to a fine of up to £20,000 per tree.



Car park trees, Matlock Bath, Conservation Area

1. Notice of Proposed Work

Notification must be in writing and submitted to the District Council at least six weeks before the start of work. The notice must describe the work proposed and include sufficient information to be able to identify the trees, usually by means of submitting a plan. Vague descriptions of proposed pruning work will not be acceptable.

A Notification Form for this purpose is available from the Town Hall, Matlock.

If the work is not completed within 2 years a re-submission is required because circumstances may well have changed.

The Council has six weeks from the date of receipt of a notification to consider making a TPO to protect the trees. The proposed pruning or felling may not be implemented before the six weeks has expired unless the Council has issued a decision on the proposals prior to that date.

2. Exemptions

Prior notification of intention to prune or fell trees in Conservation Areas is not required for all trees. The following trees are exempt:

- The pruning or felling of a tree with stem diameters not exceeding 75 mm at a height of 1.5 m above ground level, or 100 mm where the cutting down is to improve the growth of other trees

NB Trees situated in a Conservation Area but smaller than the above dimensions may still be protected by a TPO.

- The pruning or felling of a tree which is dead/dying or dangerous. However, the Council should still be given 5 days' notice before carrying out the work except in an emergency.

It is the duty of the landowner to replace dead/dying or dangerous trees that are removed.

- The pruning or felling of fruit trees cultivated on a commercial basis and the pruning of other fruit trees in accordance with good horticultural practice.

Veteran Trees

Aged or veteran trees found outside ancient woodland are particularly valuable for biodiversity. The Council encourages the conservation of such trees as part of development proposals.

Planning Conditions

Under the Town and Country Planning Act 1990, local planning authorities have a duty to make adequate provision for the preservation and planting of trees when granting planning permission for a development.

In granting planning permission the District Council can impose conditions to protect trees on a development site. Conditions are normally imposed to ensure that development does not lead to the unnecessary harm, or removal of trees. They would normally only be active for a fixed period of time and the long-term protection of trees would be through a Tree Preservation Order.

The existence of conditions protecting trees would be revealed by a search of the planning history on a site.

Non-compliance with planning conditions may constitute a Breach of Condition which could lead to enforcement action by the Council.



Beech tree at County Hall within the Matlock Bank Conservation Area

Felling Licences

Felling licences seek to prevent the uncontrolled removal of trees and woodlands predominantly located in the countryside. Anyone intending to fell in excess of five cubic metres of timber in any calendar quarter (of which no more

than 2 cubic metres can be sold) has to obtain a Felling Licence.

Failure to obtain a Felling Licence is an offence liable to prosecution.

Exemptions from this requirement include trees within gardens, churchyards, orchards and public open spaces.

Applications for a Felling Licence need to be made to the Forestry Commission, see .

<https://www.forestry.gov.uk/england-fellinglicences>

Private Covenants

Some trees are subject to private covenants placed by previous owners which may require the retention or management of trees.

Details of covenants are usually contained in property deeds or Land Registry documents.

The District Council does not hold details of private covenants and plays no role in the enforcement of such covenants.

Further Information

To enquire as to whether or not a tree is protected by a TPO or by virtue of being situated within a Conservation Area, you are advised to contact the District Council's Arboricultural Officer on 01629 761244.

Hedgerows and the Hedgerow Regulations

Hedgerows are distinctive features of the countryside contributing positively to landscape character and interest.

Hedgerows and associated banks are often of considerable historic interest in themselves and may also incorporate additional historic features such as ancient earthworks and parish or estate boundaries. Some hedges are thought to date back to Romano-British time, many to the very first enclosure of land

Hedgerow Losses

The loss of hedgerows in England and Wales since 1947, however it is measured, has been immense and remains a cause for concern:

- Between 1947 - 1985 total hedgerow length was reduced by 22%
- Between 1984 – 1993 a further 116,000 miles of hedgerow was lost
- 20% hedgerows classified as such in 1984 could no longer be so classified in 1990 due to neglect.

Grants for the planting of new hedgerows and proper management of existing hedges were introduced in 1992 and the period 1990 – 1993 showed a slowing of the rate of hedgerow removal and an increase in new hedgerow planting.

The Hedgerow Regulations

The Hedgerow Regulations were made under Section 97 of the Environment Act 1995 and came into operation on 1st June 1997. They aim to protect “important” hedgerows in the countryside by controlling their removal through a system of notification.

Under the Hedgerow Regulations 1997: it is a criminal offence to remove most countryside hedges deliberately without permission.

If you remove a hedgerow without permission (whether it is “important” or not) you may face a fine of up to £5000. You may also have to replace the hedgerow, which will then be automatically “important” for 30 years. In serious cases you could get an unlimited fine for removing hedgerows in cases referred to the County Court.

Those wishing to remove a hedge or part of a hedge must notify the local planning authority (using a “Hedgerow Removal Notice” form) setting out their reasons. The Local Authority assesses the hedgerow against a set of criteria to determine whether or not it is an “important” hedgerow prior

whilst others are recent enclosures of the late 19th century.

Hedgerows, particularly the older ones, often contain a great diversity of plant and wildlife species and play an important part in conserving and enhancing biodiversity.

THESE REGULATIONS DO NOT APPLY TO GARDEN HEDGES

to making a decision. The Authority has six weeks to either agree the removal of the hedgerow or to prohibit its removal by serving a “Hedgerow Retention Notice”. There is a strong presumption that an “important” hedgerow will be protected unless the Authority is satisfied that its removal is justified.

What is a Hedgerow?

A hedgerow is a row of bushes forming a hedge which may or may not contain trees growing along its length. A hedgerow does not have to contain trees, but any trees growing in it form part of the hedgerow.

Where a former hedgerow has not been actively managed and has grown into a line of trees, it may not be covered by the Regulations and advice should be sought from the Local Planning Authority. However, both individual trees within the hedgerow and lines of trees may be protected by Tree Preservation Orders or be subject to Felling License requirements (see LCD 2.5).

Hedgerows Covered by the Regulations

The regulations apply to all hedgerows on or next to the following:

- Common land
- Village greens
- Sites of Special Scientific Interest
- Local nature reserves
- Land used for agriculture or forestry
- Land used for the breeding or keeping of horses, ponies or donkeys
- A protected European site such as a special area of conservation or special protection area

The hedgerow must have a continuous length of at least 20 metres in length or, if less than 20 metres, it must be

connected to other hedgerows at both ends. Gaps of up to 20 metres length are counted as part of the hedgerow. Important hedges are also covered – see below.

Exemptions to the Regulations

Hedgerows, including any in the above list, which are within or marking the boundary of the curtilage of a dwelling house are exempt from the regulations as are works required for the following purposes:

- To create an access in place of an existing opening, provided that you plant a new stretch of hedgerow to fill the original entrance within 8 months
- To create an access when another means of entry is not available, except at disproportionate cost.
- To gain temporary entry to help with an emergency.
- To comply with a statutory plant or forestry health order e.g. to prevent the spread of/ ensure eradication of a plant or tree pest.
- To comply with a statutory notice for preventing interference with electric lines and apparatus.
- In connection with statutory drainage or flood defence work*.
- In connection with Highways Agency work.
- For national defence purposes.
- To implement a planning permission (but in the case of permitted development rights, most hedgerow removal WILL require prior permission)

* A statutory notice is where the local district drainage board or the Environment Agency issue a notice for the hedge to be removed. A farmer's decision to remove hedgerows as part of his private ditch works is not considered to be statutory and a Hedgerow Removal Notice is required. Often agreement can be reached so that the ditch can be maintained without hedgerow removal.

What is the difference between hedgerow removal and hedgerow management?

Hedgerow removal means action that results in the hedge being destroyed.

Normal hedgerow management i.e. cutting back a hedge in a manner that does not result in its destruction is unlikely to constitute removal and does not need to be notified. Acceptable management practices are intended to revitalise hedges and should reflect local practices.

However, some forms of normal hedgerow management can look like hedgerow removal and if done in too severe fashion can result in hedgerow removal.

For example, removing top growth and grubbing up the roots is clearly hedgerow removal, whereas cutting down hedgerow growth to the stumps is called "coppicing" and is an accepted form of hedgerow management to promote bushy growth and would be exempt from the need to notify.

However, coppicing that is repeated at too frequent intervals can kill the hedge plants and result in hedgerow destruction.

Coppicing would be considered removal where it has never formed a traditional technique of hedgerow management in the area. In this case a Hedgerow Removal Notice would be required.

The general public are alert to hedgerow removal and can mistake normal hedgerow management for removal. If you are considering carrying out dramatic hedgerow management, it would be a good idea to notify the District Council informally of your proposals so that they can reassure public enquiries.



Roadside field boundary hedgerow with hedgerow trees at Bradley

Getting Permission

To get permission to remove a hedgerow notice must be served on the District Council by the landowner, agricultural tenant, farm business tenant or certain utilities companies. You can contact the District Council's Arboricultural Officer who will send you a form called a **Hedgerow Removal Notice** for you to complete and return with a plan showing the location of the hedgerow. There is no charge.

In most cases the District Council's Arboricultural Officer and an officer from the Derbyshire Wildlife Trust will visit the site to assess the ecological, wildlife and landscape value of the hedge. At the same time, the Derbyshire County Records Office and the Derbyshire County Archaeologist assess the historical and archaeological value of the hedge. If the hedgerow is at least 30 years old and meets one or more of the eight set criteria under the Hedgerow Regulations (summarised below), it is deemed to be "important".

If the hedgerow does not meet the criteria, it is not considered "important" and the District Council will inform you that the works described in your notification may proceed.

If the hedgerow is found to be "important" the Council will then decide whether the circumstances justify its removal. Given that there is a strong presumption that "important" hedgerows will be protected, unless satisfied that removal is justified, the District Council **must refuse** permission.

The District Council has six weeks to deal with the notification unless an extension has been agreed in writing. Within this period the District Council will either send a letter saying that you may carry out the works despite the

hedgerow being “important”, or the District Council will send you a notice saying that the removal of the hedgerow is prohibited. This is known as a **Hedgerow Retention Notice**.

If you have not heard from the District Council within six weeks of the date on which they received your Hedgerow Removal Notice, or such longer period as has been agreed, then the works may be carried out.

Permission for the works lasts for two years from the date of the written permission or the ending of the six week period.

A Hedgerow Retention Notice is permanent. You have 28 days to appeal against the decision.

If you require a Hedgerow Removal Notice form or have any further questions about the Regulations please contact The District Council’s Arboricultural Officer on 01629 761244

Criteria for Determining Important Hedgerows

The regulations specify in detail how the criteria are met. This is a simplified guide:

- Marks a pre 1850 parish or township boundary
- Incorporates an archaeological feature
- Is part of, next to, or associated with, an archaeological site
- Marks the boundary of, or is associated with, a pre 1600 estate or manor
- Forms an integral part of a field system or feature that existed before the Inclosure Acts (1855)
- Contains certain categories of species of birds, animals or plants listed in the Wildlife and Countryside Act 1981 or British Red Data books
- Includes:
 - At least seven woody species, on average, in a thirty metre length
 - At least six woody species, on average, in a thirty metre length and has at least three associated features
 - At least six woody species, on average, in a thirty metre length, including a black poplar tree, or large leafed lime, or small leafed lime or wild service tree.
 - At least five woody species, on average, in a thirty metre length and has at least four associated features

The list of fifty six woody species comprises mainly shrubs and trees. It generally excludes climbers such as clematis, honeysuckle and bramble but includes wild roses.

Runs alongside a bridleway, footpath, road used as a public path or byway open to all traffic and includes at least four woody species, on average, in a thirty metre length and has at least two of the associated features listed in the first five bullet points below:

- A bank or wall supporting the hedgerow
- Less than 10% gaps
- On average, at least one tree every fifty metres
- At least three species from a list of fifty seven woodland plants
- A ditch
- A number of connections with other hedgerows, ponds or woodland
- A parallel hedge within fifteen metres

Further Information

The Hedgerow Regulations can be seen here: <http://www.legislation.gov.uk/uksi/1997/1160/contents/made>

More guidance can be seen here:

<https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management#check-if-a-hedgerow-is-protected>

Landscape Design and Development Sites

LCD 3.1

The beauty and diversity of the natural and semi-natural landscape of Derbyshire Dales is one of the area's main assets. It is essential that its character and local distinctiveness are preserved and enhanced. A Landscape Character Assessment of the District has, therefore, been prepared and applicants will be expected to refer to this when considering the landscape aspects of development (see LCD 2.2)

The District Council regards landscape design as an integral part of the planning and development process. It believes that high quality landscape design can enhance both the development and the local

Objective

The District Council is concerned about the impact of development on the local environment; the way it integrates with its surroundings; the contribution it makes to the wider street scene and the quality of the site environment itself. This guidance is produced to:

- ensure the sympathetic integration of all development with its surroundings.
- promote, encourage and facilitate the creation of high quality landscapes as part of all development
- set out what the District Council requires of applicants when they submit planning applications

Design Principles

The District Council expects the applicant to demonstrate:

- an appreciation of the quality, character and distinctiveness of the local environment and the impact of the development on it.
- how valuable existing site features including landform, vegetation, artefacts and wildlife habitats might be incorporated.
- how additional, or diversified, habitats that enhance biodiversity will be created.
- how the impact of buildings, service areas, car parks, haul routes and access roads will be relieved.
- proper planning and arrangement of built form and external space - including public open space.
- sympathetic, imaginative and appropriate incorporation of landscape elements, throughout the development

environment. The early consideration of landscape design within the process is, therefore, essential. To regard it as an afterthought is not acceptable

ALL DEVELOPMENT WILL BE EXPECTED TO EITHER MAINTAIN OR ENHANCE THE QUALITY OF THE LANDSCAPE.

The District Council recognises the link between design and crime prevention. The overall design of any development should, therefore, be, as far as is practicable, in accordance with the principles of "Secured by Design".

Detail Required

The District Council expects the applicant to submit the following with their application:

- A landscape design statement which addresses the design principles as described above.
- A site plan indicating all main existing site features including: levels, ground conditions, drainage, water courses, vegetation, artefacts, wildlife habitats, relationship with adjacent land, views into and out of the site.
- Landscape Plan at an appropriate scale (1:500 / 1:1250) indicating the arrangement of external works elements including all landscape features, structures, hard surfaces, furniture, equipment, and planting.
- Landform/ ground modelling/ levels plan - where appropriate
- Arrangements for protecting trees, other vegetation to remain on site.
- Planting details (1:200) including: ground preparation; planting plan indicating the disposition and arrangement of planting; schedule indicating plant species/ size/ planting distances/ number; grass seeding/ turfing; arrangements for maintenance.
- Hard details (various scales) including – as appropriate – construction materials/ equipment/ furniture, construction details.

Green Infrastructure (G.I.)

Green Infrastructure can be defined as: “networks of multi-functional green space which sit within and contribute to the type of high quality natural and built environment required to deliver sustainable communities”

The nature and quality of the structure of the landscape of all types of development is crucial. Well designed G.I. can:

- protect, recreate and rehabilitate landscapes
- maintain and enhance biodiversity
- promote a sense of community and place
- help to reduce crime, fear of crime and anti-social behaviour
- provide opportunities for exercise, recreation and health benefits.
- link with G.I. beyond the site boundary and out into the countryside.

The District Council will promote the creation of G.I. by encouraging developers to link the structural elements of the landscape to create a multi functional network of greenspace. Applicants will be expected to consider the following as a matter of priority

1. Existing Features

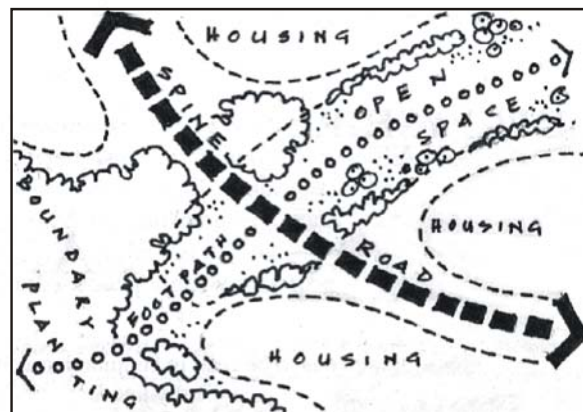
The successful incorporation of existing features such as trees, hedgerows, rock outcrops, dry stone walls, historic hard surfacing such as stone flags, setts and cobbles, artefacts, water courses, wet areas and other wildlife habitat can contribute to the distinctiveness of a development and add maturity to otherwise brand new environments.

The Council recognises the important contribution these elements make to the landscape and schemes will need to show how existing features are to be incorporated into the layout and how they will be protected during the construction period.

2. Boundary Treatment

The successful integration of new development with its surroundings will largely depend on the treatment of its boundaries. In turn, this must have regard to local landscape character. The design of boundary walls and fences, for instance, should have respect for this as well as for their prominence within the street scene.

Hard edges to development are out of character in many landscapes, particularly where they relate directly to open countryside. Substantial plantings such as screen/ shelter belts can “soften” edges. This can be enhanced by extending belts of planting into the development as “green wedges”, linking to the internal open space and/ or circulation systems, or where they can create a transitional zone between the development and its surroundings. (see Fig. 1 and LCD 3.4)



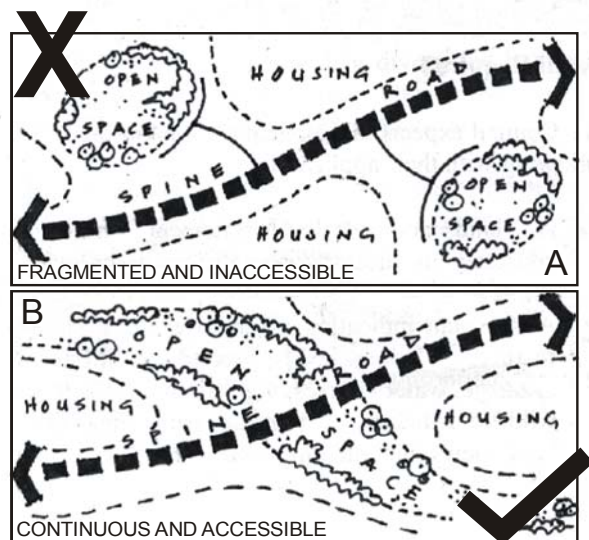
Boundary planting penetrates the estate to link with open space and footpaths FIG. 1

3. Open Space

Proper open space planning should be considered from the outset. The key to its successful inclusion is accessibility and, as far as is practicable, public open space should be located and designed for the benefit of all. Its location in inaccessible corners is unacceptable.

Public open space should be linked with other landscape elements (e.g. existing features, footpath systems), boundary treatments and the wider local public rights of way system. (see Fig. 2)

Where open space provision within the development is impractical, schemes will need to include satisfactory means for accessing existing open space and /or indicate proposals for the improvement of existing local open space facilities.



Open space provision FIG. 2

4. Access/ Circulation

Footpaths and Cycleways

The development of access and circulation systems that give priority to pedestrians and cyclists will be encouraged. Routes should facilitate access to local services and the

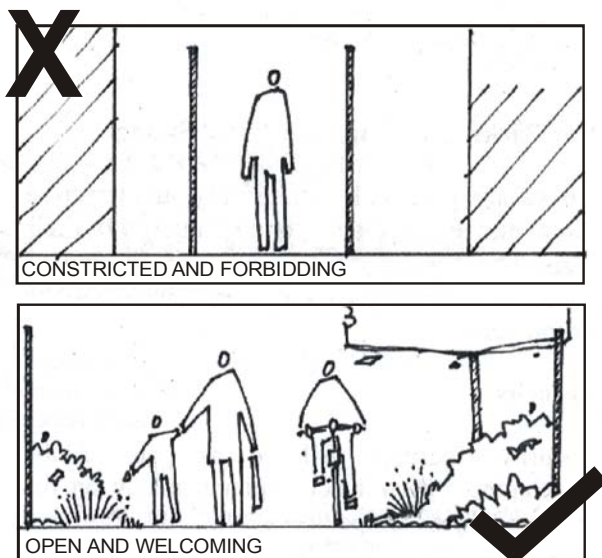
public transport network and be developed with comfort and security of use in mind. The creation of narrow, closely confined passageways between buildings, walls or fences is not acceptable. (see Fig. 3) Landscape schemes should indicate proposals for the prevention of unauthorised use e.g. motorcycle barriers, and lighting where appropriate.

Roads

Some of the most effective landscape is associated with road infrastructure (entrances, spine roads, spur/ access roads and junctions).

Entrances – There will be an opportunity to mark entrances to developments in a conspicuous, attractive and individual fashion. However, anything too grandiose will be resisted. Developers should, therefore, carefully consider the type of signing, the design of entry statements - gateways, art works, earthworks - and the nature of entrance planting in the context of the local street scene and wider environment.

This is also true of individual plot developments where the marking of entrances is considered an appropriate method of expressing individuality and re-enforcing corporate identity without adversely affecting the local landscape.



Footpaths and cycleways FIG. 3

Spine / Arterial roads – These are important structural elements. They offer one of the best opportunities for including significant landscape within the development and creating an attractive public interface. They are, therefore, of major importance. As linear elements their landscape treatment can bring coherence to overall development design through the creation and repetition of themes which produce a distinctive character.

Well considered planting can help to screen and soften unattractive road frontage elements such as security fences, car parking and servicing. Where appropriate the inclusion of substantial verges which might accommodate larger growing tree and shrub species will, therefore, be encouraged. (see Fig. 4)

Access roads, spur roads, cul-de-sacs, road junctions

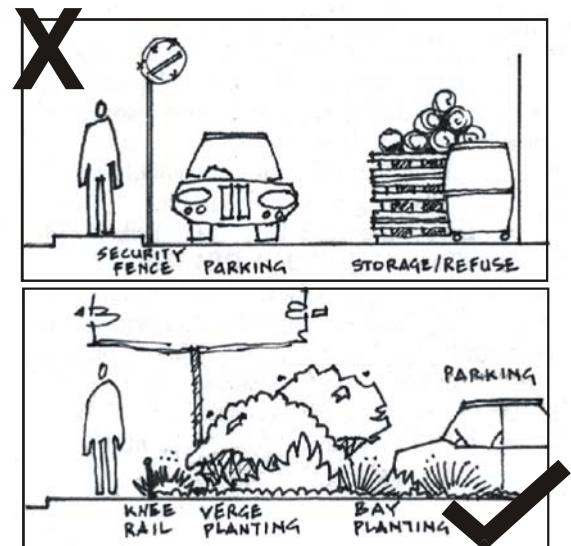
– Tree and shrub planting helps to integrate individual plots, contribute to the attractiveness of the environment and can be used to establish a degree of individuality within the various parts of a development. Junctions are focal points. They provide locations for imaginative planting and/ or artworks/ features which help to enhance the character and individuality of a development.

5. Traffic Management

The nature of traffic movement through a development can be influenced by the combined use of hard and soft landscape materials to create pedestrian/ child friendly environments. Using landscape design in this manner will be encouraged.

6. Car Parks, Servicing and Uncovered Storage Areas

These are practical but, usually, unattractive elements in both their appearance and their size. The use of planting and/ or fencing to screen them and break up their mass will be encouraged.



Industrial estate/ works frontages FIG. 4

7. Security

Security measures included as part of the development should not impinge unduly on the surrounding landscape.

Security walls and fences - Their design needs careful consideration, particularly where they are associated with plot frontages. The use of solid visual barriers that create a constricted, corridor effect will be resisted in these locations though they may be appropriate on other boundaries.

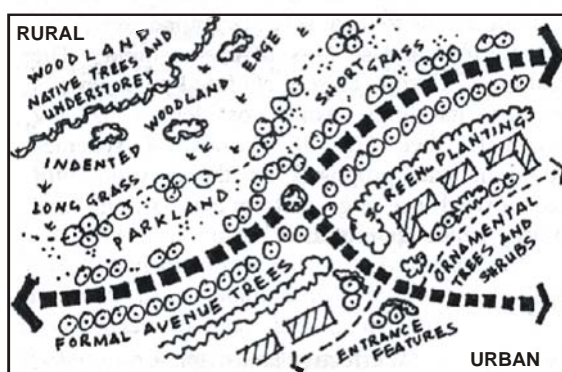
Lighting – Security and other lighting should be chosen and directed so as to cause minimum disturbance to neighbours (particularly residences) in terms of light intrusion.

Planting (See also LCD 4.1)

Planting in association with development performs many functions:

1. Structure planting

Associated with, boundary treatments, open space, car parks, screening of servicing and uncovered storage should be used to create shelter, provide screening, define space, facilitate integration. It might include: woodland, woodland edge, substantial belts/ groups of trees and understorey shrub planting, hedgerows. Generally native plant species should be chosen with regard to local landscape character. The chance to create additional or diversified habitats to enhance wildlife value should be taken wherever the opportunity presents itself.



Planting must reflect the character of the area and be appropriate for the location

FIG. 5

2. Street trees and shrubs

Associated with spine/ arterial roads, main and incidental areas of open space. High profile locations likely to make the most immediate visual impact on the majority of users. Trees planted as avenues, groups or specimens. Medium to large growing native or non native ornamental species appropriate for use and location.

3. Ornamental tree, shrub and herbaceous planting

Associated with entrances, cul-de-sacs, access/ spur roads, road junctions, front gardens, the immediate building environs. Small to medium sized, ornamental trees and shrubs. Some herbaceous planting may also be appropriate

4. Grass seeding/ turfing

Low maintenance mixes (see LCD 4.1)

Street Furniture

Seats, litter bins, bollards, general signing. In the interests of design coherence these should be chosen from either a suite of designs from a single manufacturer/ supplier or be bespoke. Details should be submitted as part of the application.

Artworks

Artists can make an important contribution to the cultural heritage of the district and the richness of its environment. The District Council is keen, therefore, to promote and encourage the inclusion of artworks as an integral part of external works and landscape design.

Light Pollution

Light pollution is artificial light which is allowed to illuminate areas not intended to be lit. It can destroy the view of the night sky, is wasteful of energy and can harm the quality of life of those who suffer from it.

The District Council will expect prospective developers to carefully consider whether outdoor lighting is a necessary component of any scheme. If it is, the equipment chosen must be appropriate only for the task and not over bright. It must also be installed, directed and properly adjusted/ shielded in a manner that avoids disturbance to neighbours and upward spillage into the night sky.

Landscape and Visual Impact Assessment

LCD 3.2

Changes made to the environment as a result of development can affect the quality and character of the local landscape and its appearance. The effect can be damaging (adverse or negative), neutral (negligible), or beneficial. Under particular circumstances – which will be advised by DDDC Regulatory Services – an assessment of the impact of proposed development on local landscape and visual amenity will be required as part of the planning application. Though this guidance is not intended to provide a prescriptive methodology for carrying out such a study the District Council will expect a number of issues (identified below) to be addressed and included as part of the report. Applicants are also advised that reference should be made to guidance published by the Landscape Institute and Institute of Environmental Management and Assessment (Guidelines for Landscape and Visual Impact Assessment 3rd edition).

The District Council places considerable importance on the need for development to be environmentally sensitive and sustainable. The preparation of a Landscape and Visual Impact Assessment (LVIA) report is part of the process of development planning and design through which the best environmental fit may be achieved. The following should be included:

Baseline Information

Information derived from comprehensive desk and field studies should include description, classification and analysis of the landscape and visual resource of the site itself and its surroundings.

Site Description

A thorough description of the site and surroundings. Location (described and grid reference); access and circulation (including public footpaths); highways; current land-use; topography; geology; soils; climate and micro-climate; aspect; noise; drainage systems and wetland features; vegetation cover; wildlife interest and habitat; historic landscapes, archaeological and cultural features and artefacts; boundary treatments; extent of visibility; localised and seasonal screening; key viewpoints within the study area with photos; identify what will be particularly sensitive to the development (receptors) e.g. local residents, visitors landscape features.

Planning Policy Framework

For example, the National Planning Policy Framework (and associated guidance) and the Derbyshire Dales District Council Local Plan (2018).

Landscape Character

As described within “The Landscape Character of Derbyshire Dales” (2007). This information should be supplemented by detailed survey as part of the study which should include assessments of quality, local value and

importance. The extent to which the area displays characteristics which are typical of the landscape type or where there are differences should be highlighted as should any current trends for change and capacity for the existing landscape to tolerate further change.

Special Designations

As applied to the site itself and to the surroundings e.g Sites of Special Scientific Interest; World Heritage Site – or buffer zone; Conservation Area; Listed Building; Scheduled Ancient Monument; Tree Preservation Order; Regionally Important Geological or Geomorphological Site; Registered Historic Parks and Gardens; Derbyshire Wildlife Sites Register; best and most versatile agricultural land.

Landscape Sensitivity

Studies such as:

- Landscape Sensitivity Assessment for Renewables in the Peak Sub Region (Land Use Consultants 2009) and
- Derbyshire Dales District Council Landscape Sensitivity Study (Wardell Armstrong 2015)

Assess the sensitivity of the landscape to particular types of development (renewable energy resources and housing respectively) and its susceptibility to change. Similar studies may be required as part of LVIAs in support of planning applications

Supplementary Planning Documents (SPD)

For example, relevant issues addressed within the District Council’s Landscape Character and Design SPD.

Local Biodiversity Action Plans

The Plans most relevant to Derbyshire Dales are those prepared for Lowland Derbyshire and Peak District. The Habitat Action Plans seek to ensure that habitats are conserved, enhanced or restored; the area occupied by the habitat is enlarged and that the species associated with them are maintained and increased

Consultations

Details of any consultations held with interested parties.

Impact Assessment

Landscape and visual effects of development are independent but related.

- Landscape effects are those related to the changes made to landscape character and quality.
- Visual effects relate to the appearance of these changes and how they affect visual amenity.

The effects of the development itself, the effects of the construction and operational periods should be assessed

Consider:

- The source of the effect
- The nature of the effect
- The scale of the effect
- The duration of the effect

Text should be accompanied by appropriate visual/ graphic material – annotated plans, photographs etc.

Landscape Effects

When assessing landscape effects take into account existing trends for change within the landscape and any mitigation measures included as part of the proposals.

- Describe the likely changes to individual landscape elements and characteristics as a result of the development.
- Assess the type of impact e.g. adverse, beneficial or neutral
- Assess the magnitude of the impact e.g. low, medium or high

Visual Effects

The visual effects should be assessed within the short, medium and long terms and taking into account any mitigation measures included as part of the proposals.

- Identify the surrounding area within which the proposed development will be visible – the Zone of Theoretical Visibility (Z.T.V.)
- Describe the view from key, sensitive viewpoints

- Assess the sensitivity of the receptor e.g. low, medium or high
- Assess the magnitude of the development within the view e.g. low, medium or high
- Assess the overall impact of the development within the view e.g. low, medium or high.

Cumulative Effects

Assess the type and magnitude of the accumulation of landscape and visual effects that occurs in addition to those experienced as a result of similar development in the surroundings.

Mitigation

The purpose of mitigation is to avoid, reduce and where possible remedy or offset, any adverse effects on the environment arising from the development. Common mitigation measures include:

- Sensitive location and siting
- Site layout
- Choice of site level
- Appropriate form, materials and design of built structures
- Lighting (avoid upward and lateral light pollution)
- Ground modelling (take care – major earthworks may themselves create adverse landscape and visual effects)
- Planting
- Use of camouflage or disguise

Development Sites with Trees

LCD 3.3

Trees are valued features of our towns and countryside and make an important contribution to the character of the local environment.

Under the Town and Country Planning Act 1990, local planning authorities have the power to protect trees and woodlands in the interests of amenity by making tree preservation orders (see also guidance Sheet LCD 2.5) and a duty to make adequate provision for the preservation and planting of trees when granting planning permission for development. (Derbyshire Dales District Local Plan Policies: PD3, PD4, PD5 & PD6)

The Value of Trees

Trees are often seen as a constraint for development, restricting the available area for new buildings. However, development that is sympathetically designed to work with existing, healthy trees can benefit from:

- A mature setting that complements new buildings and integrates them into their context.
- Microclimate effects such as a reduction in adverse wind effects and excess heat gain and a reduction in airborne pollution including dust particles.
- An established sense of place.
- Aesthetic experiences including seasonal change, sounds of birdsong or rustling leaves, movement between sunshine and shade.

As a consequence, property values and marketability can be enhanced

The long-term retention of existing trees will depend upon a good understanding of their amenity value, health and condition, a well-designed development layout and careful protection during the construction period.

Legal Protection (see also LCD 2.5)

Many trees in Derbyshire Dales are protected by a Tree Preservation Order (TPO). Many more are protected by virtue of being in a Conservation Area. Prior to carrying out pruning or felling of trees protected by a TPO the consent of the Local Planning Authority (LPA) must be obtained. In the case of Conservation Areas, not less than six weeks' prior notice must be served on the LPA.

**FAILURE TO PROTECT TREES COULD
RESULT IN AN UNLIMITED FINE**

Trees on development sites may be protected by conditions attached to planning permissions. A felling licence may also be required from the Forestry Commission.



Mature trees create an established sense of place

The Health and Safety of Trees

The Root Zone

The continued health and safety of a tree is dependant upon adequate protection of the root zone.

Damage to the root system is potentially serious and will affect the health and/or safety of the tree, which may die slowly over the next few years.

- Most trees have a mass of fibrous roots (the root plate) extending at least to, and frequently beyond, the edge of the outermost branches of the tree (the crown spread).
- Most tree roots are within 600 mm of the surface and the fine roots, important for obtaining nutrients, moisture and oxygen, may be just below the surface some distance from the crown spread.
- Compaction of the soil or the severance of the roots will affect the health of the tree and may condemn it to death. Damage may occur in

seconds but the results may not be obvious for a few years by which time it may be too late to save the tree.

DON'T CONDEMN YOUR

TREES TO DEATH

- Damage or severance of a significant number of the main structural roots will not only kill the feeding roots, it may affect the tree's stability and render it dangerous and liable to fall.

Trees and Development

Trees can occupy a substantial part of a development site and because of their potential size can have a major influence on the planning and use of the site. BS 5837:2012 provides guidance on deciding which trees are appropriate for retention, on the effect of trees on design considerations and on the means of protecting trees during development.

1. Tree Survey

A tree survey will determine the nature of all existing site trees and establish, at an early stage of a development process, where their retention can enhance development.

Where sites contain trees the District Council requires applicants to submit a tree survey with their planning application.

A tree survey should be carried out by an experienced arboriculturalist and provide the following information:

- An accurate plan showing individual trees, groups of trees, hedgerows and significant areas of shrubs or undergrowth. Trees on neighbouring sites which are within a distance equal to 12 times their stem diameter from the boundary, or where their crowns overhang the site boundary, should also be included.
- Reference number and species.
- Height and trunk diameter measured at 1.5 m above ground level, for any tree with a diameter of at least 75 mm at 1.5 m, or any other trees considered to be rare, or of intrinsic value either individually or as a group.
- An accurate plot of the canopy spread for each tree taking measurements to the 4 cardinal points, **not illustrative circles.**
- Age class eg young, middle-aged, mature, over-mature, veteran.
- Condition and vigour including details of relevant defects.
- Life expectancy eg 10 years, 10 – 20 years, 20 – 40 years or over 40 years.
- Recommended distance for protective fencing around each tree(s).

2. Retention Categorisation

An assessment of current amenity and retention value of the trees should be carried out by an arboriculturalist.

- Trees considered to be worthy of retention should be placed in A to C categories in accordance with BS 5837:2012 and then into sub-categories 1, 2 or 3 to reflect the tree's arboricultural, landscape or cultural value. Category R trees are those which would be lost in the short term for physiological or structural reasons.

3. Tree Constraints Plan

The influence that trees on and adjacent to the site will have on the layout of a development should be plotted on a tree constraints plan (TCP) which shows the below ground constraints represented by the root protection area (RPA) and the above ground constraints the trees pose by virtue of their size and position.

Root Protection Area (RPA)

In order to avoid damage to the rooting environment of retained trees the RPA should be plotted around each of the category A, B, and C trees. This is the minimum area in m² that should be left undisturbed around each tree and can be represented by an area equivalent to a circle with a radius 12 times the diameter of the tree measured at 1.5 metres above ground level.

Above Ground Constraints

The current and ultimate height of category A, B and C trees should be plotted where this would cause unreasonable obstruction of sunlight or daylight to the development. In practice this could be represented by a segment with a radius from the centre of the trunk of each tree equal to the height of the tree drawn from due North West to due East indicating the shadow pattern through the main part of the day.

The current and ultimate height and spread of a tree is also a constraint due to its size, dominance and movement in strong winds and hence the existing and future branch spread should also be taken into account at the design stage.

Trees and Site Layout

1. Retaining Trees

Before even considering the layout of a development site a topographical survey, tree survey and tree constraints plan should be prepared which will then influence the design of the layout.

When preparing development proposals the following should be considered:

- In general, it will be expected that as much of the existing tree cover as is practicable should be retained and that adequate provision is made for the long-term retention of trees with current or potential future amenity value.
- At the very least the District Council will seek the retention of trees in the A and B category as determined by the tree survey. Category C trees should also be retained wherever reasonably possible.
- Whilst the retention of healthy mature trees should be ensured, younger more vigorous trees should be retained for their greater life expectancy and ability to withstand a greater degree of disturbance.
- Where trees are to be retained, the District Council may seek to protect the trees through planning conditions or by Tree Preservation Orders.

2. Identifying a Development Exclusion Zone

Once it is decided which existing trees are to be retained, development exclusion zone can be identified where no buildings, walls, foundations, highway excavations, drainage pipelines, services or any other excavations or changes of levels will be permitted. Several factors should be taken account:

3. Siting Buildings

In determining the distance that should be retained between a tree and a building the following must be considered:

- The characteristics and condition of the trees with due allowance and space for their future growth and maintenance requirements.
- The relationship of windows to trees which may obstruct light.
- The scale of the tree in relation to the building to ensure that it will not dominate the buildings, leading to concerns about safety and requests to prune or fell.
- The potential for physical damage from branches touching the built structure.
- Problems due to leaf fall, fruit, and/or honeydew.

The District Council will require that dwellings should be a minimum of 5 metres outside the **potential** crown spread of a retained tree (more in the case of very large trees or very old trees) unless it can be satisfactorily demonstrated that the occupier's reasonable enjoyment of the property would not be unreasonably interfered with.

Mature trees should be preferably retained in public open spaces. Where large trees eg oak, beech, ash etc are to be retained in gardens then large plots will be required.

4. Hard Surfaces

Roads and parking areas should normally be located outside the root protection area (RPA) as specified by BS 5837.

Where the construction of hard surfaces cannot be avoided within the root protection area, site-specific advice should be sought from an engineer and an arboriculturalist. The following construction methods will be required:

- A no-dig solution to avoid root loss.
- A design that avoids localised compaction which may include the use of a three dimensional cellular confinement system.
- Alternative methods of edge support eg peg and board edging, railway sleepers retained with track pins or road pins, or gabions on lateral slopes.
- A permeable surface where the access would be more than 3 m in width or cover more than 20% of the RPA.

5. Services

Details of underground services will be required as part of the planning submission. It is not acceptable to design the layout to accommodate the retention of the trees and then trench for services within the root protection area in such a way as to result in the death of the tree or require its removal due to instability through root severance.

Wherever possible services should be laid in the same area.

Where it is unavoidable to route services within the root protection area then detailed plans should be drawn up with an arboriculturalist and should include an arboricultural method statement. Any excavations must either be by hand with no root severed over 25 mm diameter or thrust bored.

6. Ground Levels

Ground levels should not be increased or decreased by more than 75 mm.

7. Landscape Proposals

Efforts to protect the trees during the construction period will be of no avail if the final landscaping work involves excavation, changes in ground levels, ploughing or rotavating. Details of final ground works should be included on landscape drawings.

Applying for Planning Permission

Prior to making even an outline planning application the following information should be collated for submission:

- A topographical survey.
- A tree survey of existing tree cover.
- A tree constraints plan.
- A plan and schedule listing those trees to be retained and those to be removed.
- A plan identifying the development zone and showing the exclusion zone within which no development will take place.

A submission for full planning permission should in addition to the above include:

- The location and type of proposed protective fencing.
- Details of the location of underground services.
- Identification of the areas intended for use for the storage of equipment, machinery and where appropriate the site compound.
- An arboricultural impact assessment and an arboricultural method statement to BS 5837:2012.
- A full landscape scheme.

Trees and Construction

Trees are at their most vulnerable during the construction period. It is important that those that are to be retained are protected against damage **OF ANY KIND!**

To avoid mistakes on site, clearly identify the trees to be removed by brightly coloured spray paint. Make sure the contractor has a copy of the plan and schedule identifying trees to be retained and those to be felled.

Damage to trees is caused by:

- Indiscriminate, unskilled lopping or felling: use a professional tree surgeon.
- Changes to ground levels. Excavations may expose, sever or kill roots; raising of levels suffocates roots and rots bark.
- Heavy traffic over roots: this compacts the soil suffocating and killing roots.
- Storage of chemicals near trees e.g. herbicides, diesel, tar, cement etc
- Bonfires. Ensure they are located well away from the canopies of trees and down wind to avoid scorching.
- Stacking/ storing material under trees: causes compaction and can physically damage trunks and branches.

1. Advance Notifications/ Approvals

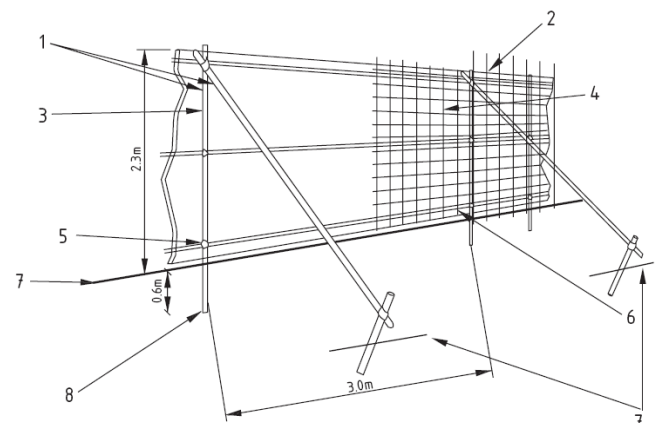
Where trees are protected by a Tree Preservation Order or situated in a Conservation Area a separate application for or notification of the pruning or felling of trees will be necessary unless the works are **immediately required for the purposes of implementing a full planning permission**. In this connection you are advised to contact the District Council's Arboricultural Officer before carrying out any work.

It will be a condition of any planning permission that the District Council is notified a minimum of a week prior to initial ground preparations work commencing so that checks can be made that protective fencing has been erected.

2. Protective Fencing

The erection and continued maintenance of protective fencing is fundamental to maintaining the health of trees.

- Protective fencing for trees to be retained must be erected as the first operation on site, prior to any materials or machinery being brought on site.
- The barriers should consist of weldmesh panels securely fixed with wire or scaffold clamps to a scaffold framework comprising a vertical and horizontal framework, well braced to resist impact. See diagram below:



PROTECTIVE BARRIER

1. Standard scaffold poles
2. Uprights driven into ground.
3. Panels secured with wire ties or scaffold clamps where necessary.
4. Weldmesh wired to uprights and horizontals.
5. Scaffold clamps
6. Wire twisted and secured to inside face of fencing.
7. Ground level.
8. Approx. 0.6m driven into ground.

- All weather notices should be attached to the fencing stating:

TREE PROTECTION ZONE
ACCESS PROHIBITED

- It is essential that the tree protection is maintained for the duration of the construction period and developers are advised of the need to ensure that an arboriculturalist is appointed to oversee the erection of the fencing and monitor its maintenance on a regular basis. The independent monitoring of the tree protection will be a condition of planning permission.

3. Minimum Protection Zone

- A tree protection plan should be agreed with the Council showing the precise location of protective fencing.
- The minimum area in m² that should be left undisturbed around each tree can be represented by an area equivalent to a circle with a radius 12 times the diameter of the tree measured at 1.5 metres above ground level. However, developers are encouraged to fence a larger area if practically possible.

Groups of trees are best protected by a single fence which encompasses all trees within the group.

4. Advance Works

It is usually advisable to carry out necessary tree surgery prior to construction work commencing. All arboricultural work must conform to BS 3998: 2010 "Recommendations for Tree Work".

5. Landscape Works

Landscape work beneath the canopy of trees must be undertaken carefully and by hand or using pedestrian controlled light machinery.

6. Replacement Trees

Replacements will be required for any trees that have died, become seriously damaged or been removed during construction.

7. Arboricultural Inspection

On completion of site works a further arboricultural inspection will be required and any necessary work identified and implemented prior to handing over the site.

FURTHER ADVICE

BS 5837: 2012 – Trees in Relation to Design, Demolition and Construction

BS 3998:2010 Recommendations for Tree Work

Available from British Standards Institute
Tel: 0345 0809000
Online: www.bsigroup.com

The Arboricultural Association produces directories of approved arboricultural consultants and tree contractors.
Tel: 01242522152
Online: www.trees.org.uk

Natural England can provide advice on SSSI's, bats and other protected species.
Tel: 0300 060 3900
Online: www.gov.uk/government/organisations/natural-england
Email: enquiries@naturalengland.org.uk

CONTACT DETAILS

For further information contact:
Planning Services Manager,
Derbyshire Dales District Council,
Town Hall, Matlock DE4 3NN
Tel: 01629 761100
Fax: 01629 761388
e-mail: planning@derbyshiredales.gov.uk

For advice contact the Arboricultural Officer on
01629 761244

Boundaries including Walls, Hedges and Fences

LCD 3.4

It is most important that the relationship of new development with its surroundings is carefully considered. The successful assimilation of development is largely dependent on the treatment of its boundaries. In ALL instances boundary design must have regard to the character of the local landscape, neighbourhood and/ or street scene. This applies in the choice and design of structures - such as walls, fences or earth mounding - as much as it does in the selection of appropriate plant species.

Function and Form

Boundaries can be either open or secure, they can define ownership, separate areas of different land use and provide privacy, screening and shelter. The marginal areas of a site or buffer zones created between two different land uses can also provide opportunities for the creation of additional wildlife habitat or public open space.

The form of boundary treatment will relate directly to its function but will also need to respect local landscape character. Hard edges to development, for instance, will not be appropriate in many instances, particularly where they relate directly to open countryside. In these situations the use of some types of fences or walls on their own to create abrupt boundaries will not be acceptable without the addition of planting.

Types of Boundary Treatment

1. Walls

Dry stone walls are a characteristic feature of many of the rural landscapes within the north of the district particularly those associated with the Dark Peak and White Peak where, respectively, the local gritstone and limestone have been used to create the field boundaries which are a distinctive feature of the countryside. They also provide habitat for small mammals, over wintering amphibians and lichens.



Dry stone boundary walls in Brassington

More formal, masonry walls of worked limestone, gritstone or a combination of both are common in towns and villages within the same Landscape Character areas.

Further south in areas characterised by the landscapes of the Needwood and South Derbyshire Claylands, warm red brick is used as a building material and would be appropriate for use as a boundary treatment in these areas. It is important to identify the characteristic bonding pattern and coping treatment of local free standing walls and incorporate these into new wall design.



High brick boundary wall in Ashbourne

2. Hedges

Hedgerows are more commonly used to demarcate field boundaries within the central and southern parts of the district and are most appropriate as a boundary treatment within these areas. When planting hedgerows it will nearly always be necessary to use native species such as hawthorn (*Crataegus monogyna*), hazel (*Coryllus avellana*) and holly (*Ilex aquifolium*) – for full details of which species are most characteristic within each Landscape Type see LCD 4.2 – LCD 4.6

Hedgerows can also be used in conjunction with fencing to create both secure and attractive boundaries. They also provide valuable habitat and corridors for the safe movement of wildlife across open ground.

Generally new hedge plants will be 450-600 mm height forestry transplants and should be planted in a double staggered row with 450mm between each plant. They will need protecting from damage by livestock, rodents, machinery etc using stock proof or rodent proof fencing, spiral guards or plant shelters. Consideration should be given to planting some tree species within the hedgerow which will be allowed to grow to maturity. Hedgerow trees

are a distinctive feature of many of the agricultural landscapes in the district.

3. Fences

Though hedges and walls are the traditional boundary treatments within the countryside fencing is becoming more common and is generally the preferred method of providing security and privacy for residential, industrial, commercial, retail and institutional developments within urban areas.

Within the countryside post and rail and stock proof post and wire fencing is often used in conjunction with hedgerows providing a measure of protection to the young plants which will eventually form the main barrier while the fence itself is left to rot.

Timber ranch-style round post and half round rail fencing is becoming common in areas where equestrian activity is popular but looks stark and quite incongruous within a landscape dominated by hedgerows. It is usually preferable if hedgerows can be planted in association with these fences

Close boarded/ open boarded timber fences are frequently used to mark the boundaries of residential development providing, as they do, a measure of security and privacy to private gardens and a sympathetic backdrop to garden plants. When viewed from outside, however, these tend to look hard and austere, particularly when they are used in conjunction with concrete posts and kicker boards, and do not form a suitable boundary with the countryside. A hedgerow, planted in front of the fence, which is additionally protected by a post and wire stock proof fence on its open side will eventually create a more attractive interface with the surrounding landscape.

Iron railings have long been used as a formal, decorative and high quality boundary treatment to many private properties within towns and villages across the district as well as public parks, open spaces, recreation grounds and memorials. "Estate" railings, which are quite distinctive, are quite common within parkland where they are characteristic of this type of land use management. Railings are frequently used in association with walls to create secure and attractive boundaries.



Decorative railings in Clifton

Security Fences by their nature are high and often brutal structures. This is particularly true of steel palisade fencing which, when viewed obliquely, forms a dull, visually, as well as physically, impenetrable barrier. It is, no doubt effective in its main purpose, but usually has a highly adverse

impact on environmental quality. Painting this type of fence in a suitable colour rather than retaining the simple galvanised finish can improve its appearance while setting the fence-line back from the boundary and using planting in front (and behind if space will allow) can soften the fence without compromising security.

Alternatives, such as weld mesh fencing, are lighter, less visually harmful structures which offer a similar degree of security and are particularly suitable where there is no requirement to screen the secure area. When used in conjunction with imaginative planting and earth shaping these can virtually "disappear" within the landscape.

Low trip rails (knee rails) of either timber or metal construction are useful for protecting planted areas and deterring pedestrian traffic, as well as vehicles, across specific areas, thus maintaining an open boundary without being intrusive in the landscape.

4. Buffer Zones

A Buffer Zone, comprising substantial plantings such as screens/ shelterbelts, creates an area of transition between hard development and its surroundings. This can be enhanced by extending belts of planting into the development as "green wedges" and linking to internal open space and/ or circulation systems. If accessible buffer zones can form part of open space systems, they can also provide valuable wildlife habitat and be used to disguise hard elements such as security fencing. Making space for buffer zones within the design of development contributes positively to the environmental well being of urban areas as well as creating an attractive interface with the countryside.

5. Earth Bunds

Earth bunds or mounds are often formed to screen unsightly development from public view. Their creation is also a convenient way of retaining surplus soil material on site and, particularly when used in conjunction with planting, can be very effective in assimilating new development with its surroundings. However, great care must be taken during their formation to ensure that they do not themselves become unsightly elements within the landscape. Over engineered features with steep sides, flat tops and abrupt changes of level are generally not acceptable, they are usually at odds with the character of the surrounding topography and create conditions within which it is difficult to establish and maintain vegetation. Lower features which are wide at the base, rounded at the top and have gentle convex/ concave slopes that marry smoothly with the surrounding levels are preferred.

DEVELOPERS ARE ADVISED THAT PLANNING PERMISSION WILL USUALLY BE REQUIRED FOR THE RETENTION OF SURPLUS MATERIAL ON SITE IN THE FORM OF A BUND.

Domestic Curtilages

What is domestic curtilage?

“a small court, garth, or piece of ground attached to a dwelling house, and forming one enclosure with it, or so regarded by the law; the area attached to and containing a dwelling house and its out buildings.” (Oxford English Dictionary)

Domestic curtilage is usually a garden, but can include parking areas, access roads, vegetable plots, children’s play areas and even stables (where the horses are kept for pleasure rather than agricultural use). The domestic curtilage is not necessarily marked off or enclosed, but it must be clearly and closely associated with and usefully serving the purpose of the dwelling.

Change of use to domestic curtilage

The use of agricultural land as garden land constitutes a change of use for which planning permission is required.

National and local planning policy seeks to restrict encroachment of development into the countryside. Change of use of land to domestic curtilage will not be permitted where this would cause a significant adverse impact on the character of the countryside, agricultural land, or designated interests (such as listed buildings, conservation areas, scheduled monuments, sites of special scientific interest etc)

The significance and type of impact depends on the context and on the development proposed. New domestic curtilage should be designed to fit into the local context and respect established settlement and landscape patterns without causing harm.

Context and character

Consider:

- The existing settlement and landscape pattern e.g. gaps, enclosures, access ways, plot sizes, field patterns, settlement form.
- The relationship with the dwelling house, existing curtilage and boundaries, countryside character and designated interests including listed buildings, Conservation Areas, landscape quality
- The tradition of garden location, shape size and pattern
- Local garden boundaries e.g. dry stone walls, hedges

Barn Conversions

Creation of new domestic curtilages for conversions of barns in the open countryside to residential use is particularly sensitive. Reference should be made to the Council’s supplementary planning document “The Conversion of Farm Buildings” for guidance in this case.

Impact

Consider:

- The type and significance of impact e.g. on village form, on designated interests, and whether this can be mitigated.
- The long term impact (once the land becomes domestic curtilage, there is no control over future garden design style)
- The impact of associated uses or features within the domestic curtilage e.g. greenhouses, washing lines, fountains, children’s play equipment, colourful/ exotic planting, lighting.
- Whether the proposal is in itself harmful, or whether it causes harm through the loss of existing features e.g. hedges, grassland, trees, wildlife habitat.
- The treatment of the boundaries. Defining curtilage by using appropriate materials and styles for the immediate environment will help a development blend with its surroundings (see LCD 3.4)

Planting

LCD 4.1

Planting will be a major (if not the only) component, of any landscape scheme and it is important to get it right. There are many environmental as well as aesthetic reasons why planting should be included as part of development and a successful scheme is usually the product of well-founded design objectives. These are derived from a thorough understanding of the factors that affect the undeveloped site and how the site is intended to function after development. Applicants for planning permission will need to demonstrate that the full range of issues, detailed below, have been considered and that the planting is designed and specified accordingly.

PLANTING DESIGN

When preparing a planting plan the following should be considered

1. Site Factors

Prevailing site conditions will largely determine what is appropriate in terms of plant species choice.

The landscape character of the site and its surroundings - Generally the site and its surroundings will exhibit a range of characteristics – geology and landform; soils and land use; ecology; vegetation cover; enclosure etc – which are locally distinctive. New planting, as part of any development proposals, will be expected to maintain or enhance existing landscape character and local distinctiveness. The document “The Landscape Character of Derbyshire” will assist applicants (see LCD 2.2) and a detailed site survey (see LCD 3.2) will also inform the design process in this regard.

Native tree and shrub species suitable for planting within each Landscape Type are listed within LCD 4.2 – LCD 4.6.

PLANTING OF ASH TREES WARNING

A Plant Health Order of October 2012 prohibits the import of ash seeds, plants and trees and all internal movement of ash seeds, plants and trees. This is to prevent/ restrict the spread of ash dieback disease. It is still in force at the time of writing.

Planning constraints - The site, or, more commonly, features within the site may benefit from a special planning designation (see LCD 2.4).

Important site features - A detailed site survey will determine which existing site features are worthy of retention. Features may include mature trees, other

vegetation or wildlife habitat the nature of which should inform decisions when it comes to choosing new plant species.

Soils, Aspect, Microclimate and Drainage - Choosing a range of plants which will survive and thrive within different locations on the site will depend on:

- Soil type – pH (acid or alkaline), structure, nutrient levels.
- Aspect – the degree to which areas to be planted are open to the sun or subject to shade.
- Microclimate – the degree to which areas to be planted are exposed to or sheltered from wind and/ or frost.
- Drainage – the degree to which areas to be planted retain moisture, dry out or become waterlogged.

Space - Within the developed area the choice of plant species – particularly trees – will be affected by the space available for planting and subsequent growth.

Landscape and visual impact of the development - (see LCD 3.2). The inclusion of areas to be planted, the nature of the planting and choice of species will be guided by the need to mitigate any adverse impact on local landscape character and/ or visual amenity caused by the development.

2. Function

Plants create attractive environments. They can visually screen any unsightly elements of development; they can extract pollutants from the atmosphere; they can ameliorate adverse environmental and climatic conditions; they can – in association with other elements – reduce noise nuisance; they can beautify the spaces between buildings and create green corridors in association with highways; they can be used to create floristic features and gardens. Though there is wide scope, decisions regarding the design of areas to be planted will largely depend on the function they are intended to serve.

Screening - Planting can be used to screen development to varying degrees. Belts of trees with an understorey of shrubs are particularly effective in this regard but a hedgerow can also have a substantial impact in the right situation. The choice will often depend on the degree of adverse impact that the development is assessed to have on existing landscape character and visual amenity. Other factors to consider include:

- Density of planting. The more closely trees and shrubs are planted the more effective they will be as a screen in the short to medium term
- Size of planting. The planting of semi mature trees and advanced nursery stock trees and shrubs can be effective immediately as a screen. The Council will expect that this option is seriously considered in cases where development is particularly intrusive.
- Speed of growth. Some species such as willow, poplar, alder and silver birch will very quickly form an effective screen but their use must be tempered by the need to respect local landscape character.
- The evergreen component. Planted screens consisting entirely of deciduous species are not as effective in winter. Evergreens provide all year screening but their use must be balanced by the need to respect local landscape character.

Shelter/ Enclosure - Planting can be used to ameliorate adverse climatic and environmental conditions. Typically this involves the creation of shelter and enclosure and the subdivision of large, exposed spaces into smaller units of a more “comfortable” scale. The composition of shelter belts may be similar to screens but subdivision can also be achieved using low hedges, areas of ornamental shrubs, herbaceous plants and even ground cover species.

Integration/ Assimilation - When the nature of the development is such that complete screening is not required planting can be used to create an attractive setting for it and to help assimilate it into its surroundings. In this case the design must be sympathetic to the character of the wider landscape on the boundaries while the use of ornamental plant species and more formal design elements might be appropriate within the development itself.

Creating Wildlife Habitat and Increasing Biodiversity - The chance to create additional or diversified habitats to enhance wildlife value should be taken wherever the opportunity presents itself. Habitat creation must be sympathetic to local landscape character and take its cue from the nature of existing habitat either on site or close to it. The document “The Landscape Character of Derbyshire” (see LCD 2.2 and LCD 2.3) makes the important link between landscape character and biodiversity and identifies habitats characteristic and appropriate within each landscape type. Almost without exception plant choice will be limited to native species.

Feature Planting - It will be appropriate to plant “simply for show” in a range of situations – particularly those more closely associated with a built environment. The imaginative use of a combination of native and ornamental garden plant species can help to create landscapes and focal points of great beauty. When designing feature planting it is important to understand and retain the right sense of scale and detail - large, simple structures are

generally best complemented by larger growing plant species arranged in strong, simple patterns while smaller scale more detailed design elements work well with complex and intricate planting plans.

3. Composition

Planting plans are composed of a number of different elements which are brought together to create an attractive and coherent landscape. The categories listed are not exhaustive and overlap considerably - for instance an avenue of street trees is a strong structural element within any landscape as is a broad swathe of grassland – but it is useful to consider them separately in view of the different roles they play.

Structure Planting - This may be defined as the green framework which creates the setting for development. Associated with, boundary treatments, open space, car parks, screening of servicing and uncovered storage and will be used to create shelter, provide screening, define space, facilitate integration and create wildlife habitat. It might include: woodland, woodland edge, substantial belts/ groups of trees and understorey shrub planting, hedgerows. Generally native plant species should be chosen with regard to local landscape character.

Street Trees and Shrubs - Street trees may be defined as larger growing species which should be used wherever space allows. Associated with spine/ arterial roads, main and incidental areas of open space. High profile locations likely to make the most immediate visual impact on the majority of users. Trees planted as avenues, groups or specimens. Medium to large growing native or non native ornamental species appropriate for use and location.

Ornamental Tree/ Shrub and Herbaceous Planting - Used to create planted features and more gardenesque landscapes. Associated with entrances, cul-de-sacs, access/ spur roads, road junctions, front gardens, the immediate building environs. Small to medium sized, ornamental trees and shrubs. Some herbaceous planting may also be appropriate

Grass Seeding/ Turfing - Grassland is one of the most versatile components of the designed landscape and it is important to understand the diverse range of situations within which it can be used, the variety of products available and the different levels of maintenance required. Examples are:

- Wildlife habitat - associated with boundary treatments, woodland edge, hedgerows, wetland/ marshy areas. Native grass and broadleaved species characteristic of the local landscape. Maintained infrequently
- Species rich meadow – associated with boundary treatments, woodland edge, hedgerows, highway verge, open space. Grass and wildflower seed mixes. Maintained infrequently
- Amenity grassland – associated with open space, road verges, private gardens. Robust grass seed species. Maintained more frequently.
- Sports turf. Specialist grass seed mixes. Maintained very frequently.

4. Style

Though it is not the purpose of this guidance to dictate design style to developers the District Council is concerned that designs pay particular regard to local landscape character. This does not necessarily preclude the use of formal styles - for instance, regular blocks or belts of planting might be appropriate even on the boundaries of development so long as the tree and shrub species used are locally characteristic. However, it is likely that formal styles will be more appropriate within the urban environment or in immediate association with buildings and development infrastructure rather than as a means of assimilating development into the countryside.

The incorporation of design themes can increase the impact of planting and introduce a high degree of coherence within the design. For instance the use of a limited range of plant species or the repeated use of a dominant species can create a strong readily identifiable character which will complement large scale, simple building forms or bring unity to areas containing a range of disparate elements.

Specification

Though a full specification of the planting is rarely required as part of planning applications or to satisfy planning conditions the District Council will need to be satisfied that planting will thrive. The applicant will, therefore, need to demonstrate that the proposals are appropriate for the situation and will be implemented and maintained in accordance with best practice. The following information will be required some of which may be included as a schedule on the drawing or as a separate document:

Drawings – Planting details should be presented on a drawing at a scale no smaller than 1:500 and preferably at 1:200 or 1:250

Site Preparation, Plant Handling, Planting and Grass Sowing -

Information should be supplied regarding:

- Ground and plant bed preparation including cultivations, soil ameliorants and fertilisers
- Plant handling, including arrangements for on site storage and protection.
- Planting, including planting method for all trees and shrubs, details of tree staking and tying, protection, irrigation, and mulching.
- Grass sowing

Plant Species – Plants should be identified by their full name including species, sub species and cultivar using standard Latin nomenclature. Also supply details of proposed grass seed mixes e.g Supplier and mix code (such as, British Seed Houses A22) or the full species composition.

Plant Sizes –

Trees - expressed in terms of their:

- Height e.g. 450 – 600 mm forestry transplants or
- Girth e.g. 10 –12 cm selected standard trees or
- Type e.g. Standard tree

Shrubs – expressed in terms of their:

- Height (if they are supplied bare rooted) and
- Pot size e.g. 3 litre pot (if they are container grown)

Herbaceous plants – expressed in terms of their pot size e.g. 1 litre pot

Spacing - the density of proposed planting should be expressed either in terms of the distance between plants e.g. 500mm or the number of plants per square metre. With grass seed mixes the sowing rate should be shown (e.g. 25 gms per square metre).

Number – the total number of each species/ cultivar of plant must be included within the schedule

Protection – details of how plants are to be protected from rodent or livestock damage while they are establishing. This might include the use of rabbit proof/ stock proof fencing, rodent guards or plant shelters.

Maintenance/ Management

The District Council will normally expect all planted areas to be maintained for a period of not less than 5 years. A maintenance regime, which should be submitted with the planting proposals, should include arrangements for:

- Comprehensive weed control
- Checking the condition of tree stakes, ties, guards and protective fencing and making repairs or replacing where necessary
- Ensuring that all plants remain firmly in the ground in an upright position
- Watering during periods of dry weather
- Pruning back of damaged/ diseased growth
- Topping up of mulches and fertilisers
- Replacing dead and dying plants on a yearly basis to achieve a 90% establishment rate
- Keeping planting beds and their surroundings tidy and free of litter
- Grass cutting
- Reseeding of dead or damaged patches of grass

Planting in the Dark Peak

Open Moors

Planting and Management Guidelines

Open, rolling treeless landscape of heather moorland.

Primary woodland character: Open / unwooded

Primary tree character: Treeless

Woodland vision: Open / unwooded

Tree vision: Treeless

Enclosed Moorland

Planting and Management Guidelines

An open, unwooded landscape on broad, rolling hill summits punctuated by occasional small tree groups around farmsteads.

Primary woodland character: Open / unwooded

Primary tree character: Localised amenity tree groups

Woodland vision: Open / unwooded

Tree vision: Localised amenity tree groups

Conserve and enhance the tree groups that occur within and around rural settlements and isolated farmsteads.

Amenity Trees

Appropriate tree species for planting as amenity trees associated with settlement should include locally occurring large woodland species, eg Sessile Oak (*Quercus petraea*), Pedunculate Oak (*Quercus robur*), and Ash (*Fraxinus excelsior*).

Settled Valley Pastures

Planting and Management Guidelines

A well wooded pastoral landscape of small organic woodlands, occasionally of ancient origin, with densely scattered hedgerow and watercourse trees.

Primary woodland character: Densely scattered small woodlands

Primary tree character: Densely scattered hedgerow and dense watercourse trees.

Woodland vision: Widespread small-medium woodlands

Tree vision: Densely scattered hedgerow and dense watercourse trees.

Typical woodland size range: 0.5 - 15 ha small-medium

Woodland pattern: Organic

Woodland Species Mix

<p>Neutral/Base Rich Soils</p> <p>Primary Tree Species 50% Betula pendula Silver Birch Betula pubescens Downy Birch Quercus petraea Sessile Oak Quercus robur Pedunculate Oak</p> <p>Secondary Tree Species 20% Major Fraxinus excelsior Ash Ilex aquifolium Holly Minor Malus sylvestris Crab Apple Prunus padus Bird Cherry Sorbus aucuparia Rowan</p> <p>Shrubs 10-30% Major Corylus avellana Hazel Crataegus monogyna Hawthorn Minor Lonicera periclymenum Honeysuckle</p>	<p>More Acidic Soils</p> <p>Primary Tree Species 50% Betula pendula Silver Birch Betula pubescens Downy Birch Quercus petraea Sessile Oak Quercus robur Pedunculate Oak</p> <p>Secondary Tree Species 20% Major Ilex aquifolium Holly Sorbus aucuparia Rowan Populus tremula Aspen</p> <p>Shrubs 10-30% Major Corylus avellana Hazel Crataegus monogyna Hawthorn</p>	<p>Waterlogged Conditions on all soil types</p> <p>Primary Tree Species 50% + Alnus glutinosa Alder Betula pubescens Downy Birch Salix caprea Goat Willow Salix fragilis Crack Willow</p> <p>Secondary Tree Species 20% Major Betula pendula Silver Birch Ilex aquifolium Holly Minor Quercus petraea Sessile Oak Quercus robur Pedunculate Oak Tilia cordata Small Leaved Lime</p> <p>Shrubs 10-30% Major Crataegus monogyna Hawthorn Salix aurita Eared Willow Salix cinerea Grey Willow Minor Prunus spinosa Blackthorn Rosa canina Dog Rose Viburnum opulus Guelder Rose</p> <p>+ Watercourse Trees - tree species most appropriate for planting as watercourse trees.</p>
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Hedgerow Species Mix

<p>Suitable hedgerow plants</p> <p>Primary 70-75% Crataegus monogyna Hawthorn</p> <p>Secondary 25-30% Corylus avellana Hazel Ilex aquifolium Holly Prunus spinosa Blackthorn</p>	<p>Suitable hedgerow trees</p> <p>Primary 70-75% Fraxinus excelsior Ash Quercus petraea Sessile Oak Quercus robur Pedunculate Oak</p> <p>Secondary 25-30% Acer campestre Field Maple Tilia cordata Small Leaved Lime Tilia platyphyllos Large Leaved Lime</p> <p>Occasional 0-5%* Malus sylvestris Crab Apple Prunus padus Bird cherry Sorbus aucuparia Rowan Ulmus glabra Wych elm</p> <p>* only to be used if occurring locally within the landscape character type</p>
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Riverside Meadows

Planting and Management Guidelines

An open floodplain with dense watercourse trees.

Primary woodland character: Unwooded

Primary tree character: Dense watercourse trees

Woodland vision: Occasional small wet woodlands

Tree vision: Dense watercourse trees

Typical woodland size range: 0.5 - 5 ha small

Woodland pattern: Organic/ linear

Woodland Species Mix

Primary Tree Species 50%

+ *Alnus glutinosa* Alder
Betula pubescens Downy Birch
 + *Salix caprea* Goat Willow
 + *Salix fragilis* Crack Willow

+ **Watercourse Trees** - tree species most appropriate for planting as watercourse trees.

Secondary Tree Species 20%

Major
Betula pendula Silver Birch
Ilex aquifolium Holly

Minor
Quercus petraea Sessile Oak
Quercus robur Pedunculate Oak
Tilia cordata Small Leaved Lime

Shrubs 10-30%

Major
Crataegus monogyna Hawthorn
Salix aurita Eared Willow
Salix cinerea Grey willow

Minor
Prunus spinosa Blackthorn
Rosa canina Dog Rose
Viburnum opulus Guelder Rose

Hedgerow Species Mix

Suitable hedgerow plants

Primary 85-100%
Crataegus monogyna Hawthorn

Occasional 0-15%
Corylus avellana Hazel

Suitable hedgerow trees

Primary 70-75%
Fraxinus excelsior Ash
Quercus petraea Sessile Oak
Quercus robur Pedunculate Oak

Secondary 25-30%
Acer campestre Field Maple

Planting in the White Peak

LCD 4.3

Plateau Pastures

Planting and Management Guidelines

Open, pastoral landscape on a rolling upland plateau punctuated by sparsely scattered, but visually prominent, small plantations with tree groups around farmsteads and settlement.

Primary woodland character: Thinly scattered small plantations

Primary tree character: Localised amenity tree groups

Woodland vision: Thinly scattered small plantations

Tree vision: Localised amenity tree groups

Woodland Species Mix

Primary Tree Species 85%

Acer pseudoplatanus Sycamore

Secondary Tree Species 5-15%

Fagus sylvatica Beech
Fraxinus excelsior Ash
Ulmus glabra Elm

Shrubs 0-10%

Major

Corylus avellana Hazel
Crataegus monogyna Hawthorn
Ligustrum vulgare Wild Privet

Minor

Cornus sanguinea Dogwood
Ilex aquifolium Holly
Prunus spinosa Blackthorn
Viburnum opulus Guelder Rose

Amenity Trees - tree species most appropriate for planting as amenity trees associated with settlement, or other locally occurring large woodland species.

Limestone Slopes

Planting and Management Guidelines

Moderate to steeply sloping pastoral landscape with scattered small plantations, occasional semi-natural woodland and small tree groups around farmsteads and settlement.

Primary woodland character: Thinly scattered small plantations and semi natural woodland.

Primary tree character: Localised amenity tree groups

Woodland vision: Densely scattered small-medium plantations

Tree vision: Localised amenity tree groups.

Typical woodland size range: 0.5 - 15 ha small-medium

Woodland pattern: Regular/ organic

Woodland Species Mix		
<p>Primary Tree Species 50% Acer campestre Field Maple # Fraxinus excelsior Ash</p> <p># Amenity Trees - tree species most appropriate for planting as amenity trees associated with settlement, or other locally occurring large woodland species.</p>	<p>Secondary Tree Species 20% Major Malus sylvestris Crab Apple Sorbus aucuparia Rowan Ulmus glabra Wych Elm</p> <p>Minor Prunus padus Bird Cherry Taxus baccata Yew</p>	<p>Shrubs 10-30% Major Corylus avellana Hazel Crataegus monogyna Hawthorn</p> <p>Minor Cornus sanguinea Dogwood Ilex aquifolium Holly Prunus spinosa Blackthorn Viburnum opulus Guelder Rose</p>

Limestone Dales

Planting and Management Guidelines

Narrow, deeply incised river valleys with widespread semi-natural woodland, much of ancient origin and scattered watercourse trees.

Primary woodland character: Widespread large semi-natural broadleaved woodlands.

Primary tree character: Scattered watercourse trees

Woodland vision: Widespread large woodlands

Tree vision: Scattered watercourse trees

Woodland Species Mix

Calcareous Soils	Waterlogged Conditions on all soil types
<p>Primary Tree Species 50% Acer campestre Field Maple Fraxinus excelsior Ash</p> <p>Secondary Tree Species 20% Major Malus sylvestris Crab Apple Sorbus aucuparia Rowan Ulmus glabra Wych Elm</p> <p>Minor Prunus padus Bird Cherry Taxus baccata Yew + Tilia cordata Small leaved Lime + Tilia platyphyllos Large leaved Lime</p> <p>Shrubs 10-30% Major Corylus avellana Hazel Crataegus monogyna Hawthorn</p> <p>Minor Cornus sanguinea Dogwood Ilex aquifolium Holly Prunus spinosa Blackthorn Viburnum opulus Guelder Rose</p> <p>+ trees associated largely with the Peak District Dales Special Area of Conservation in Matlock Bath and Cromford.</p>	<p>Primary Tree Species 50% Alnus glutinosa Alder Fraxinus excelsior Ash + Salix fragilis Crack Willow</p> <p>Secondary Tree Species 20% Major Betula pubescens Downy Birch</p> <p>Minor + Salix caprea Goat Willow + Salix cinerea Grey Willow</p> <p>Shrubs 10-30% Major Crataegus monogyna Hawthorn</p> <p>+ Watercourse Trees - tree species most appropriate for planting as watercourse trees.</p>

Planting in the Derbyshire Fringe and Lower Derwent

LCD 4.4

Enclosed Moors and Heaths

Planting and Management Guidelines

An open, unwooded landscape on broad, rolling hill summits punctuated by occasional small plantations and tree groups around farmsteads.

Primary woodland character: Open / unwooded

Primary tree character: Localised amenity tree groups

Woodland vision: Open / unwooded

Tree vision: Localised amenity tree groups

Amenity Trees

Appropriate tree species for planting as amenity trees associated with settlement should include locally occurring large woodland species, eg Sessile Oak (*Quercus petraea*), Pedunculate Oak (*Quercus robur*), and Ash (*Fraxinus excelsior*).

Wooded Slopes and Valleys

Planting and Management Guidelines

A rising, undulating landscape with many semi-natural woodlands, some of ancient origin, along steep slopes and valley sides with densely scattered hedgerow and watercourse trees.

Primary woodland character: Densely scattered small-medium woodlands.

Primary tree character: Densely scattered hedgerow and dense watercourse trees.

Woodland vision: Widespread small-medium woodlands

Tree vision: Densely scattered hedgerow and dense watercourse trees.

Typical woodland size range: 0.5 - 15 ha small-medium

Woodland pattern: Organic

Woodland Species Mix

Neutral/Slightly Acid Soils

Primary Tree Species 50%

Betula pendula Silver Birch
Betula pubescens Downy Birch
Quercus petraea Sessile Oak
Quercus robur Pedunculate Oak

Secondary Tree Species 20%

Major

Fraxinus excelsior Ash
Ilex aquifolium Holly

Minor

Malus sylvestris Crab Apple
Populus tremula Aspen
Prunus avium Gean
Sorbus aucuparia Rowan

More Acidic Soils

Primary Tree Species 50%

Betula pendula Silver Birch
Betula pubescens Downy Birch
Quercus petraea Sessile Oak
Quercus robur Pedunculate Oak

Secondary Tree Species 20%

Major

Ilex aquifolium Holly
Sorbus aucuparia Rowan
Populus tremula Aspen

Shrubs 10-30%

Major

Corylus avellana Hazel
Crataegus monogyna Hawthorn

Waterlogged Conditions on all soil types

Primary Tree Species 50%

+ *Alnus glutinosa* Alder
Betula pubescens Downy Birch
Salix caprea Goat Willow
Salix fragilis Crack Willow

Secondary Tree Species 20%

Major

Betula pendula Silver Birch
Ilex aquifolium Holly

Minor

Quercus petraea Sessile Oak
Quercus robur Pedunculate Oak
Tilia cordata Small Leaved Lime

<p>Shrubs 10-30% Major Corylus avellana Hazel Crataegus monogyna Hawthorn Minor Lonicera periclymenum Honeysuckle Viburnum opulus Guelder Rose</p>		<p>Shrubs 10-30% Major Crataegus monogyna Hawthorn Salix aurita Eared Willow Salix cinerea Grey Willow Minor Prunus spinosa Blackthorn Rosa canina Dog Rose Viburnum opulus Guelder Rose</p> <p>+ Watercourse trees - tree species most appropriate for planting as watercourse trees.</p>
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Hedgerow Species Mix

<p>Suitable hedgerow plants</p> <p>Primary 70-75% Crataegus monogyna Hawthorn</p> <p>Secondary 25-30% Acer campestre Field Maple Corylus avellana Hazel Ilex aquifolium Holly</p> <p>Occasional 0-5% Lonicera periclymenum Honeysuckle Viburnum opulus Guelder Rose</p>	<p>Suitable hedgerow trees</p> <p>Primary 95-100% Fraxinus excelsior Ash Quercus petraea Sessile Oak Quercus robur Pedunculate Oak</p> <p>Occasional 0-5%* Malus sylvestris Crab Apple Prunus avium Gean Prunus padus Bird Cherry Sorbus aucuparia Rowan</p> <p>* only to be used if occurring locally within the landscape character type</p>
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Wooded Farmlands

Planting and Management Guidelines

A well wooded landscape of small, organic woodlands, some of ancient origin, with densely scattered hedgerow and watercourse trees.

Primary woodland character: Densely scattered small-medium woodlands.
Primary tree character: Densely scattered hedgerow and dense watercourse trees.
Woodland vision: Widespread small-medium woodlands
Tree vision: Densely scattered hedgerow and dense watercourse trees.
Typical woodland size range: 0.5 - 20 ha small-medium
Woodland pattern: Organic

Woodland Species Mix

<p>Neutral/Slightly Acid Soils</p> <p>Primary Tree Species 50% Betula pendula Silver Birch Betula pubescens Downy Birch Quercus petraea Sessile Oak Quercus robur Pedunculate Oak</p> <p>Secondary Tree Species 20% Major Fraxinus excelsior Ash Ilex aquifolium Holly</p>	<p>More Acidic Soils</p> <p>Primary Tree Species 50% Betula pendula Silver Birch Betula pubescens Downy Birch Quercus petraea Sessile Oak Quercus robur Pedunculate Oak</p> <p>Secondary Tree Species 20% Major Ilex aquifolium Holly Populus tremula Aspen Sorbus aucuparia Rowan</p>	<p>Waterlogged Conditions on all soil types</p> <p>Primary Tree Species 50% + Alnus glutinosa Alder Betula pubescens Downy Birch + Salix caprea Goat Willow + Salix fragilis Crack Willow</p> <p>Secondary Tree Species 20% Major Betula pendula Silver Birch Ilex aquifolium Holly</p>
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<p>Minor Malus sylvestris Crab Apple Populus tremula Aspen Prunus avium Gean Sorbus aucuparia Rowan</p> <p>Shrubs 10-30% Major Corylus avellana Hazel Crataegus monogyna Hawthorn</p> <p>Minor Lonicera periclymenum Honeysuckle Viburnum opulus Guelder Rose</p>	<p>Shrubs 10-30% Major Corylus avellana Hazel Crataegus monogyna Hawthorn</p>	<p>Minor Quercus petraea Sessile Oak Quercus robur Pedunculate Oak Tilia cordata Small Leaved Lime</p> <p>Shrubs 10-30% Major Crataegus monogyna Hawthorn Salix aurita Eared Willow Salix cinerea Grey Willow</p> <p>Minor Prunus spinosa Blackthorn Rosa canina Dog Rose Viburnum opulus Guelder Rose</p> <p>+ Watercourse trees - tree species most appropriate for planting as watercourse trees.</p>
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Hedgerow Species Mix

<p>Suitable hedgerow plants</p> <p>Primary 70-75% Crataegus monogyna Hawthorn</p> <p>Secondary 25-30% Acer campestre Field Maple Corylus avellana Hazel Ilex aquifolium Holly</p> <p>Occasional 0-5% Lonicera periclymenum Honeysuckle Viburnum opulus Guelder Rose</p>	<p>Suitable hedgerow trees</p> <p>Primary 95-100% Fraxinus excelsior Ash Quercus petraea Sessile Oak Quercus robur Pedunculate Oak</p> <p>Occasional 0-5%* Malus sylvestris Crab Apple Prunus avium Gean Prunus padus Bird Cherry Sorbus aucuparia Rowan</p> <p>* only to be used if occurring locally within the landscape character type</p>
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Settled Farmlands

Planting and Management Guidelines

A gently undulating pastoral landscape of very few woodlands but densely scattered hedgerow and watercourse trees.

Primary woodland character: Unwooded

Primary tree character: Densely scattered hedgerow and dense watercourse trees

Woodland vision: Occasional small woodlands

Tree vision: Densely scattered hedgerow and dense watercourse trees

Typical woodland size range: 0.5 - 5 ha small

Woodland pattern: Organic or regular

Woodland Species Mix

<p>Neutral/ Slightly Acid Soils</p> <p>Primary Tree Species 50% Betula pendula Silver Birch Betula pubescens Downy Birch Quercus petraea Sessile Oak Quercus robur Pedunculate Oak</p>	<p>Waterlogged Conditions on all soil types</p> <p>Primary Tree Species 50% + Alnus glutinosa Alder + Betula pubescens Downy Birch Salix caprea Goat Willow + Salix fragilis Crack Willow</p>
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<p>Secondary Tree Species 20% Major Fraxinus excelsior Ash Ilex aquifolium Holly</p> <p>Minor Malus sylvestris Crab Apple Populus tremula Aspen Prunus avium Gean Sorbus aucuparia Rowan</p> <p>Shrubs 10-30% Major Corylus avellana Hazel Crataegus monogyna Hawthorn</p> <p>Minor Lonicera periclymenum Honeysuckle Viburnum opulus Guelder Rose</p>	<p>Secondary Tree Species 20% Major Betula pendula Silver Birch Ilex aquifolium Holly</p> <p>Minor Quercus petraea Sessile Oak Quercus robur Pedunculate Oak Tilia cordata Small Leaved Lime</p> <p>Shrubs 10-30% Major Crataegus monogyna Hawthorn Salix aurita Eared Willow Salix cinerea Grey Willow</p> <p>Minor Prunus spinosa Blackthorn Rosa canina Dog Rose Viburnum opulus Guelder Rose</p> <p>+ Watercourse trees - tree species most appropriate for planting as watercourse trees.</p>
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Hedgerow Species Mix

<p>Suitable hedgerow plants</p> <p>Primary 70-75% Crataegus monogyna Hawthorn</p> <p>Secondary 25-30% Corylus avellana Hazel Ilex aquifolium Holly</p> <p>Occasional 0-5% Lonicera periclymenum Honeysuckle Viburnum opulus Guelder Rose</p>	<p>Suitable hedgerow trees</p> <p>Primary 70-75% Fraxinus excelsior Ash</p> <p>Secondary 25-30% Quercus petraea Sessile Oak Quercus robur Pedunculate Oak</p> <p>Occasional 0-5%* Malus sylvestris Crab Apple Prunus avium Gean Prunus padus Bird Cherry Sorbus aucuparia Rowan</p> <p>* only to be used if occurring locally within the landscape character type</p>
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Riverside Meadows

Planting and Management Guidelines

An open floodplain with dense watercourse trees.

Primary woodland character: Unwooded

Primary tree character: Thinly scattered hedgerow and dense watercourse trees.

Woodland vision: Occasional small wet woodlands

Tree vision: Thinly scattered hedgerow and dense watercourse trees.

Typical woodland size range: 0.5 - 5ha small

Woodland pattern: Organic/ linear

Woodland Species Mix

<p>Primary Tree Species 50% + Alnus glutinosa Alder Betula pubescens Downy Birch Salix caprea Goat Willow Salix fragilis Crack Willow</p> <p>+ Watercourse trees - tree species most appropriate for planting as watercourse trees.</p>	<p>Secondary Tree species 20%</p> <p>Major Betula pendula Silver Birch Ilex aquifolium Holly</p> <p>Minor Quercus petraea Sessile Oak Quercus robur Pedunculate Oak Tilia cordata Small Leaved Lime</p>	<p>Shrubs 10-30%</p> <p>Major Crataegus monogyna Hawthorn Salix aurita Eared Willow Salix cinerea Grey Willow</p> <p>Minor Prunus spinosa Blackthorn Rosa canina Dog Rose Viburnum opulus Guelder Rose</p>
<p>Hedgerow Species Mix</p>		
<p>Suitable Hedgerow Plants</p> <p>Primary 85-100% Crataegus monogyna Hawthorn</p> <p>Occasional 0-15% Corylus avellana Hazel</p>	<p>Suitable Hedgerow Trees</p> <p>Primary 95-100% Fraxinus excelsior Ash Quercus petraea Sessile Oak Quercus robur Pedunculate Oak</p> <p>Occasional 0-5%* Malus sylvestris Crab Apple Prunus avium Gean Prunus padus Bird Cherry Sorbus aucuparia Rowan</p> <p>* only to be used if occurring locally within the landscape character type</p>	

Planting in the Needwood and South Derbyshire Claylands

LCD 4.5

Settled Plateau Farmlands

Planting and Management Guidelines

A gently undulating pastoral landscape of very little woodland but densely scattered hedgerow trees.

Primary woodland character: Thinly scattered small plantations

Primary tree character: Densely scattered hedgerow trees.

Woodland vision: Thinly scattered small plantations

Tree vision: Densely scattered hedgerow trees.

Typical woodland size range: 0.5 - 5 ha small

Woodland pattern: Regular plantations

Woodland Species Mix

Primary Tree Species 50%

Acer campestre Field Maple
Fraxinus excelsior Ash
Quercus robur Pedunculate Oak

Secondary Tree Species 20%

Major

Betula pendula Silver Birch
Malus sylvestris Crab Apple

Minor

Populus tremula Aspen
Prunus avium Gean
Prunus padus Bird Cherry
Salix cinerea Grey Willow
Sorbus aucuparia Rowan
Taxus baccata Yew

Shrubs 10-30%

Major

Corylus avellana Hazel
Crataegus monogyna Hawthorn

Minor

Cornus sanguinea Dogwood
Lonicera periclymenum Honeysuckle
Prunus spinosa Blackthorn
Rhamnus cathartica Purging Buckthorn
Rosa canina Dog Rose
Viburnum opulus Guelder Rose

Hedgerow Species Mix

Suitable hedgerow plants

Primary 70-75%

Crataegus monogyna Hawthorn

Secondary 25-30%

Acer campestre Field Maple
Corylus avellana Hazel
Ilex aquifolium Holly
Prunus spinosa Blackthorn

Occasional 0-5%

Cornus sanguinea Dogwood
Lonicera periclymenum Honeysuckle
Rhamnus cathartica Purging Buckthorn
Rosa canina Dog Rose
Viburnum opulus Guelder Rose

Suitable hedgerow trees

Primary 70-75%

Fraxinus excelsior Ash
Quercus robur Pedunculate Oak

Secondary 25-30%

Acer campestre Field Maple

Occasional 0-5%*

Sorbus aucuparia Rowan
Malus sylvestris Crab Apple
Prunus avium Gean
Prunus padus Bird Cherry

* only to be used if occurring locally within the landscape character type

Settled Farmlands

Planting and Management Guidelines

A gently undulating pastoral landscape of very few woodlands but densely scattered hedgerow and watercourse trees.

Primary woodland character: Occasional small woodlands

Primary tree character: Densely scattered hedgerow and dense watercourse trees.

Woodland vision: Occasional small woodlands

Tree vision: Densely scattered hedgerow and dense watercourse trees.

Typical woodland size range: 0.5 - 5 ha small

Woodland pattern: Organic / linear

Woodland Species Mix

Neutral/slightly acidic soils

Primary Tree Species 50%

Acer campestre Field Maple
Fraxinus excelsior Ash
Quercus robur Pedunculate Oak

Secondary Tree Species 20%

Major

Betula pendula Silver Birch
Malus sylvestris Crab Apple

Minor

Populus tremula Aspen
Prunus avium Gean
Prunus padus Bird Cherry
Salix cinerea Grey Willow
Sorbus aucuparia Rowan
Taxus baccata Yew

Shrubs 10-30%

Major

Corylus avellana Hazel
Crataegus monogyna Hawthorn

Minor

Cornus sanguinea Dogwood
Lonicera periclymenum Honeysuckle
Prunus spinosa Blackthorn
Rhamnus cathartica Purging Buckthorn
Rosa canina Dog Rose
Viburnum opulus Guelder Rose

Waterlogged conditions on all soil types

Primary Tree Species 50%

+ Alnus glutinosa Alder
+ Salix fragilis Crack Willow

Secondary Tree Species 20%

Major

Betula pubescens Downy Birch
Quercus petraea Sessile Oak
Salix caprea Goat Willow

Minor

Ilex aquifolium Holly
Populus tremula Aspen

Shrubs 10-30%

Major

Crataegus monogyna Hawthorn

Minor

Prunus spinosa Blackthorn
Rhamnus cathartica Purging Buckthorn
Salix purpurera Purple Willow
Salix triandra Almond Willow
Salix viminalis Osier

+ Watercourse Trees - tree species most appropriate for planting as watercourse trees.

Hedgerow Species Mix

Suitable hedgerow plants

Primary 70-75%

Crataegus monogyna Hawthorn

Secondary 25-30%

Acer campestre Field Maple
Corylus avellana Hazel
Ilex aquifolium Holly
Prunus spinosa Blackthorn

Occasional 0-5%

Cornus sanguinea Dogwood
Lonicera periclymenum Honeysuckle
Rhamnus cathartica Purging Buckthorn
Rosa canina Dog Rose

Suitable hedgerow trees

Primary 70-75%

Fraxinus excelsior Ash
Quercus robur Pedunculate Oak

Secondary 25-30%

Acer campestre Field Maple

Occasional 0-5%*

Malus sylvestris Crab Apple
Prunus avium Gean
Prunus padus Bird Cherry
Sorbus aucuparia Rowan

* only to be used if occurring locally within

Sandstone Slopes and Heaths

Planting and Management Guidelines

Moderate to steeply undulating pastoral landscape with thinly scattered plantations and hedgerow trees.

Primary woodland character: Thinly scattered small broadleaved plantations.

Primary tree character: Thinly scattered hedgerow trees.

Woodland vision: Thinly scattered small broadleaved plantations.

Tree vision: Thinly scattered hedgerow trees.

Typical woodland size range: 0.5 - 10 ha small

Woodland pattern: Regular plantations

Woodland Species Mix

Primary Tree Species 50%

Acer campestre Field Maple
Fraxinus excelsior Ash
Quercus robur Pedunculate Oak

Secondary Tree Species 20%

Major
Betula pendula Silver Birch
Malus sylvestris Crab Apple

Minor

Populus tremula Aspen
Prunus avium Gean
Prunus padus Bird Cherry
Salix cinerea Grey Willow
Sorbus aucuparia Rowan
Taxus baccata Yew

Shrubs 10-30%

Major
Corylus avellana Hazel
Crataegus monogyna Hawthorn

Minor

Cornus sanguinea Dogwood
Lonicera periclymenum Honeysuckle
Prunus spinosa Blackthorn
Rhamnus cathartica Purging Buckthorn
Rosa canina Dog Rose
Viburnum opulus Guelder Rose

Hedgerow Species Mix

Suitable hedgerow plants

Primary 70-75%

Crataegus monogyna Hawthorn

Secondary 25-30%

Acer campestre Field Maple
Corylus avellana Hazel
Ilex aquifolium Holly
Prunus spinosa Blackthorn

Occasional 0-5%

Cornus sanguinea Dogwood
Lonicera periclymenum Honeysuckle
Rhamnus cathartica Purging Buckthorn
Rosa canina Dog Rose
Viburnum opulus Guelder Rose

Suitable hedgerow trees

Primary 70-75%

Fraxinus excelsior Ash

Secondary 25-30%

Acer campestre Field Maple

Occasional 0-5%*

Malus sylvestris Crab Apple
Prunus avium Gean
Prunus padus Bird Cherry
Sorbus aucuparia Rowan

* only to be used if occurring locally within the landscape character type

Estate Farmlands

Planting and Management Guidelines

A gently rolling mixed farming landscape with densely scattered small estate plantations, hedgerow trees and watercourse trees.

Primary woodland character: Densely scattered small mainly broadleaved plantations.

Primary tree character: Densely scattered hedgerow and dense watercourse trees.

Woodland vision: Densely scattered small mainly broadleaved plantations.

Tree vision: Densely scattered hedgerow and dense watercourse trees.

Typical woodland size range: 0.5 - 10ha small

Woodland pattern: Regular plantations

Woodland Species Mix

<p>Neutral/slightly acidic soils</p> <p>Primary Tree Species 50% Acer campestre Field Maple Fraxinus excelsior Ash Quercus robur Pedunculate Oak</p> <p>Secondary Tree Species 20% Major Betula pendula Silver Birch Malus sylvestris Crab Apple</p> <p>Minor Populus tremula Aspen Prunus avium Gean Prunus padus Bird Cherry Salix cinerea Grey Willow Sorbus aucuparia Rowan Taxus baccata Yew</p> <p>Shrubs 10-30% Major Corylus avellana Hazel Crataegus monogyna Hawthorn</p> <p>Minor Cornus sanguinea Dogwood Ilex aquifolium Holly Lonicera periclymenum Honeysuckle Prunus spinosa Blackthorn Rhamnus cathartica Purging Buckthorn Rosa canina Dog Rose Viburnum opulus Guelder Rose</p>	<p>Waterlogged conditions on all soil types</p> <p>Primary Tree Species 50% + Alnus glutinosa Alder + Salix fragilis Crack Willow</p> <p>Secondary Tree Species 20% Major Betula pubescens Downy Birch Salix caprea Goat Willow</p> <p>Minor Populus tremula Aspen</p> <p>Shrubs 10-30% Major Crataegus monogyna Hawthorn</p> <p>Minor Prunus spinosa Blackthorn Rhamnus cathartica Purging Buckthorn Salix purpurea Purple Willow Salix triandra Almond Willow Salix viminalis Osier</p> <p>+ Watercourse Trees - tree species most appropriate for planting as watercourse trees.</p>
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Hedgerow Species Mix

<p>Suitable hedgerow plants</p> <p>Primary 70-75% Crataegus monogyna Hawthorn</p> <p>Secondary 25-30% Acer campestre Field Maple Corylus avellana Hazel Ilex aquifolium Holly Prunus spinosa Blackthorn</p> <p>Occasional 0-5% Cornus sanguinea Dogwood Lonicera periclymenum Honeysuckle Rhamnus cathartica Purging Buckthorn Rosa canina Dog Rose</p>	<p>Suitable hedgerow trees</p> <p>Primary 70-75% Fraxinus excelsior Ash Quercus robur Pedunculate Oak</p> <p>Secondary 25-30% Acer campestre Field Maple</p> <p>Occasional 0-5%* Malus sylvestris Crab Apple Prunus avium Gean Prunus padus Bird Cherry Sorbus aucuparia Rowan</p> <p>* only to be used if occurring locally within the landscape character type</p>
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Riverside Meadows

Planting and Management Guidelines

An open floodplain with dense watercourse trees.

Primary woodland character: Unwooded

Primary tree character: Dense watercourse trees

Woodland vision: Occasional small wet woodlands

Tree vision: Dense watercourse trees

Typical woodland size range: 0.5 - 5 ha

Woodland pattern: Organic / linear

Woodland Species Mix

Primary Tree Species 50%

+ Alnus glutinosa Alder
+ Salix fragilis Crack Willow

+ **Watercourse Trees** - tree species most appropriate for planting as watercourse trees.

Secondary Tree Species 20%

Major

Betula pubescens Downy Birch
Salix caprea Goat Willow

Minor

Ilex aquifolium Holly
Populus tremula Aspen

Shrubs 10-30%

Major

Crataegus monogyna Hawthorn

Minor

Prunus spinosa Blackthorn
Rhamnus cathartica Purging Buckthorn
Salix purpurera Purple Willow
Salix triandra Almond Willow
Salix viminalis Osier

Hedgerow Species Mix

Suitable hedgerow plants

Primary 85-100%

Crataegus monogyna Hawthorn

Occasional 0-15%

Acer campestre Field Maple
Prunus spinosa Blackthorn

Suitable hedgerow trees

Primary 70-75%

Fraxinus excelsior Ash
Quercus robur Pedunculate Oak
Salix fragilis Crack Willow

Secondary 25-30%

Acer campestre Field Maple

Occasional 0-5%*

Malus sylvestris Crab Apple
Prunus avium Gean
Prunus padus Bird Cherry
Sorbus aucuparia Rowan

* only to be used if occurring locally within the landscape character type

Planting in the Trent Valley Washlands

Lowland Village Farmlands	
Planting and Management Guidelines	
Open, mixed farming landscape with thinly scattered plantations and hedgerow trees.	
<p>Primary woodland character: Thinly scattered small plantations Primary tree character: Thinly scattered hedgerow Woodland vision: Thinly scattered small plantations Tree vision: Thinly scattered hedgerow Typical woodland size range: 0.5 - 10ha small Woodland pattern: Regular plantations</p>	
Woodland Species Mix	
<p>Neutral/Base Rich Soils</p> <p>Primary Tree Species 50% Fraxinus excelsior Ash Quercus robur Pedunculate Oak</p> <p>Secondary Tree Species 20% Major Acer campestre Field Maple Ilex aquifolium Holly</p> <p>Minor Malus sylvestris Crab Apple Populus tremula Aspen Sorbus aucuparia Rowan Tilia cordata Small Leaved Lime</p> <p>Shrubs 10-30% Major Corylus avellana Hazel Crataegus monogyna Hawthorn</p> <p>Minor Prunus spinosa Blackthorn Rhamnus cathartica Purging Buckthorn Salix cinerea Grey Willow</p>	<p>Waterlogged Conditions on all soil types</p> <p>Primary Tree Species 50% + Alnus glutinosa Alder + Salix fragilis Crack Willow</p> <p>Secondary Tree Species 20% Major Betula pubescens Downy Birch Fraxinus excelsior Ash</p> <p>Minor * Populus nigra ssp. Betulifolia Black Poplar Quercus robur Pedunculate Oak Salix caprea Goat Willow</p> <p>Shrubs 10-30% Major Salix cinerea Grey Willow Sambucus nigra Elder</p> <p>Minor Crataegus monogyna Hawthorn Frangula alnus Alder Buckthorn Rhamnus cathartica Purging Buckthorn Salix viminalis Osier Viburnum opulus Guelder Rose</p> <p>+ Watercourse Trees - tree species most appropriate for planting as watercourse trees.</p> <p>* Plant only native Black Poplar (sub species betulifolia). Contact Derbyshire Wildlife Trust for more information.</p>

Hedgerow Species Mix	
<p>Suitable hedgerow plants</p> <p>Primary 70-75% Crataegus monogyna Hawthorn</p> <p>Secondary 25-30% Acer campestre Field Maple Corylus avellana Hazel Ilex aquifolium Holly Prunus spinosa Blackthorn</p> <p>Occasional 0-5% Rhamnus cathartica Purging Buckthorn</p>	<p>Suitable hedgerow trees</p> <p>Primary 95-100% Fraxinus excelsior Ash Quercus robur Pedunculate Oak</p> <p>Secondary 25-30% Acer campestre Field Maple Tilia cordata Small Leaved Lime</p> <p>Occasional 0-5%* Malus sylvestris Crab Apple Populus tremula Aspen Sorbus aucuparia Rowan</p> <p>* only to be used if occurring locally within the landscape character type</p>

Riverside Meadows

Planting and Management Guidelines
<p>A broad, open floodplain with scattered hedgerow and watercourse trees.</p> <p>Primary woodland character: Unwooded Primary tree character: Thinly scattered hedgerow trees and dense watercourse trees. Woodland vision: Occasional wet woodlands. Tree vision: Thinly scattered hedgerow trees and dense watercourse trees. Typical woodland size range: 0.5 - 5 ha small Woodland pattern: Organic / linear</p>

Woodland Species Mix		
<p>Primary Tree Species 50% + Alnus glutinosa Alder + Salix fragilis Crack Willow</p> <p>+ Watercourse trees - tree species most appropriate for planting as watercourse trees.</p>	<p>Secondary Tree Species 20%</p> <p>Major Betula pubescens Downy Birch Fraxinus excelsior Ash</p> <p>Minor * Populus nigra ssp. betulifolia Black Poplar Quercus robur Pedunculate Oak Salix caprea Goat Willow</p> <p>* Plant only native Black Poplar (sub species betulifolia). Contact Derbyshire Wildlife Trust for more information.</p>	<p>Shrubs 10-30%</p> <p>Major Salix cinerea Grey Willow Sambucus nigra Elder</p> <p>Minor Crataegus monogyna Hawthorn Frangula alnus Alder Buckthorn Rhamnus cathartica Purging Buckthorn Salix viminalis Osier Viburnum opulus Guelder Rose</p>

Hedgerow Species Mix	
<p>Suitable hedgerow plants</p> <p>Primary 85-90% Crataegus monogyna Hawthorn</p> <p>Secondary 10-15% Acer campestre Field Maple Corylus avellana Hazel Prunus spinosa Blackthorn</p> <p>Occasional 0-5% Rhamnus cathartica Purging Buckthorn</p>	<p>Suitable hedgerow trees</p> <p>Primary 95-100% Fraxinus excelsior Ash Quercus robur Pedunculate Oak Salix fragilis Crack Willow</p> <p>Secondary 25-30% Acer campestre Field Maple Tilia cordata Small Leaved Lime</p> <p>Occasional 0-5%* Malus sylvestris Crab Apple Populus tremula Aspen Sorbus aucuparia Rowan</p> <p>* only to be used if occurring locally within the landscape character type</p>

Further Advice

Further advice on Derbyshire Dales Local Plan policies, or any of the issues raised in this Supplementary Planning Document, Planning Application forms and other related matters may be obtained from:

**Planning Enquiries,
Planning Services Section
Town Hall, Matlock, Derbyshire DE4 3NN,
tel: 01629 761336
e-mail: planning@derbyshiredales.gov.uk
Website: www.derbyshiredales.gov.uk**

The Local Plan can be seen online at: <http://www.derbyshiredales.gov.uk/localplan>

BACK TO AGENDA



Consultation Statement

Draft Supplementary Planning Document: Landscape Character and Design May 2018

REGULATION 12 OF THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING)(ENGLAND) REGULATIONS 2012

1. This statement sets out who was consulted in the preparation of the draft Supplementary Planning Document: Landscape Character and Design, how they were consulted, what issues were raised and how those issues influenced the preparation of the document.

2. Supplementary Planning Documents seek to expand on existing planning policy, to provide detail and depth that may not be possible in a Local Plan. In July 2007 the District Council formally adopted the Landscape Character and Design Supplementary Planning Document. This has, since that time, sought to provide complementary guidance and advice for developers about how development should address their relationship with the landscape character of the Derbyshire Dales. The SPD has operated well since that time, however following the adoption of the Derbyshire Dales Local Plan in December 2017 it can no longer be used as a “material consideration” in the determination of planning applications.

3. To ensure that the Landscape Character and Design Supplementary Planning Document can continue to be given statutory weight in the determination of planning applications it has been necessary to update its contents to reflect changes to the Local Plan policies, legislation and the approach to biodiversity and landscape management. Once adopted it can be used in the determination of planning applications as a “material consideration”.

Consultation: Stage One

1. The revised draft Landscape Character and Design SPD was subject to an internal consultation, from 21 March to 25 April 2018, with the following Officers:

- Conservation Officer
- Arboriculture Officer
- Development Management team
- Planning Policy team.

This took the form of email and meetings. No substantive issues were raised, some minor amendments were made relating to the application of fines to Tree Preservation Orders and a recommendation that the Local Plan was re-emphasised in the initial section LCD1.1.

Consultation Process

2. A six week consultation period will run from 15th June to 27th July 2018. A direct email or letter will be sent to all the contacts contained on the Council Local Plan consultation database. This includes the statutory consultees, Parish and Town Councils, neighbouring authorities, agents and developers and landowners. In addition, the consultation documents will be available in the following locations:
 - Derbyshire Dales District Council, Town Hall, Bank Road, Matlock DE4 3NN
 - The Arc Leisure Centre, 1 Bakewell Road, Matlock DE4 3AZ
 - Matlock Library, Steep Turnpike, Matlock DE4 3DP
 - Ashbourne Leisure Centre, Clifton Road, Ashbourne DE6 1DR
 - Ashbourne Library, Compton, Ashbourne DE6 1DA
 - Wirksworth Leisure Centre, Hannage Way, Wirksworth DE4 4JG
 - Wirksworth Library, Town Hall, Wirksworth DE4 4EU
3. People will be invited to submit comments online or in writing to ensure that representations can be registered and considered by the Council. See <http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/supplementary-planning-documents/landscape-character-and-design>
4. The main issues raised, response and action required will be included in an updated consultation statement and reported to Members/ or where no substantive issues are raised considered under delegated authority prior to adoption. Section to be modified post C&E Committee

16th May 2018

BACK TO AGENDA

COMMUNITY AND ENVIRONMENT COMMITTEE
7 JUNE 2018

Report of the Head of Regeneration and Policy

DERBYSHIRE DALES COMMUNITY INFRASTRUCTURE LEVY

PURPOSE OF THE REPORT

To provide Members with the details of the outcomes of the public consultation exercise on the Preliminary Community Infrastructure Levy Charging Schedule and seek approval for the publication and public consultation on a Draft Community Infrastructure Levy Charging Schedule.

RECOMMENDATION

1. That the comments received during the public consultation period on the Preliminary Charging Schedule be noted
2. That the Derbyshire Dales Community Infrastructure Levy Draft Charging Schedule as set out in Appendix 2 of this report be subject to a period of six weeks public consultation.
3. That following completion of the public consultation on the Derbyshire Dales Community Infrastructure Levy Draft Charging Schedule that in the event that no substantive representations are received that delegated authority, in conjunction with the Chair and Vice Chair of this Committee, be given to the Head of Regeneration and Policy to submit it for an independent Examination in Public in accordance with the relevant Regulations.
4. In the event of the receipt of any substantive representations to the Derbyshire Dales Community Infrastructure Levy Draft Charging Schedule that a further report be presented to this Committee.
5. That a further report be presented to Community and Environment Committee that sets out details of the Inspectors report on the Derbyshire Dales Community Infrastructure Levy Draft Charging Schedule.

WARDS AFFECTED

All Wards outside the Peak District National Park

STRATEGIC LINK

A Derbyshire Dales Community Infrastructure Levy regime will be a pivotal tool in the delivery of the Council's Corporate Plan and the Peak District Partnership Statement of Priorities by assisting in achieving the District Council's priority of a thriving District.

1 BACKGROUND

- 1.1** Members resolved at a meeting of Council held on 25th January 2018 to approve the timetable set out in Table 1 below for the introduction of the Derbyshire Dales Community Infrastructure Levy, and to give delegated authority to the Head of

Regeneration and Policy to undertake public consultation on a Preliminary Community Infrastructure Levy Charging Schedule.

Date	Stage
February 2018	Six weeks consultation on preliminary charging schedule
June 2018	Report back to Community & Environment Committee on consultation responses and seek authority for public consultation on draft charging schedule
July/August 2018	Consultation on Draft Charging Schedule
October 2018	Examination – Hearing or Written Reps
January 2019	Council–Consider Report of Examiner & Agree to Introduction of CIL
April 2019	CIL formally introduced

1.2 The Preliminary Community Infrastructure Levy Charging Schedule was subject to six weeks public consultation from 23rd February 2018 until 6th April 2018. A copy of the Preliminary Charging Schedule is set out in Appendix 1 to this report. The relevant consultation documents were made available on the District Council’s website and consultees were encouraged to complete an online consultation survey questionnaire which asked the following questions:

1. Do the proposed rates strike an appropriate balance between funding infrastructure and any potential effects on the viability of development? If not, please provide alternative appropriate evidence to support your view.
2. Do you agree that the District Council should introduce an instalments policy to stagger payments? If so, do you have any suggestions that the Council should take to such a policy?
3. Do you think the District Council should offer exemptions to the Charging Schedule? If so please include appropriate and available evidence to support the view.
4. Do you have any views on the content of the Council's Initial Draft Regulation 123 list and the proposed balance between CIL and S106? If so, please give reasoning with your answer?
5. Do you have any other comments on the Preliminary Draft Charging Schedule?
6. Do you have any other comments on the evidence base which supports the Preliminary Draft Charging Schedule?

2. RESULTS OF PUBLIC CONSULTATION

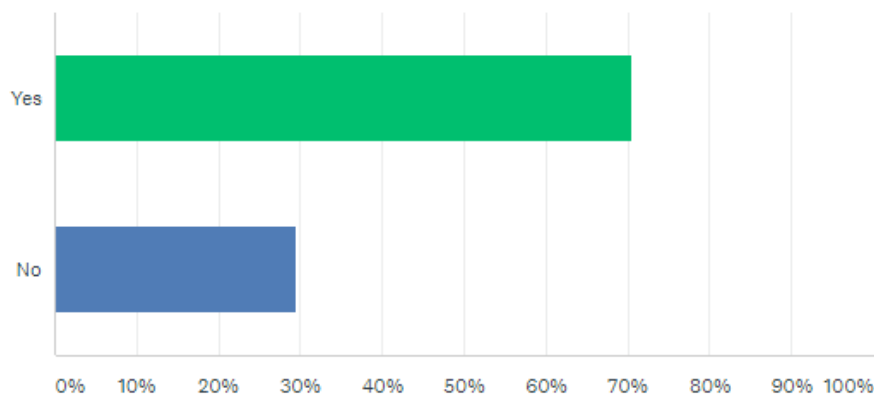
2.1 During the six weeks public consultation a total of 52 completed responses were made using the online consultation survey, with an additional 6 responses received by post and/or e-mail.

2.2 Of these responses 35 came from those that identified themselves as residents of Derbyshire Dales. There were 6 responses from Parish Councils, 6 from statutory agencies, including Derbyshire County Council and 5 from landowners/agents. The remainder coming from other sources.

2.3 The results of the online survey can be found using the following link: <https://www.surveymonkey.com/results/SM-MSTDYB2H8/> and the responses are summarised below:

Do the proposed rates strike an appropriate balance between funding infrastructure and any potential effects on the viability of development?

Answered: 44 Skipped: 9



ANSWER CHOICES	RESPONSES	
Yes	70.45%	31
No	29.55%	13
TOTAL		44

2.4 The comments associated with this question appear to reinforce the general support for the introduction of a Derbyshire Dales Community Infrastructure Levy, and the infrastructure benefits that can be derived from it. Some comments suggest that the rates are too low, and that if development isn't viable then only housing development that is viable should be approved.

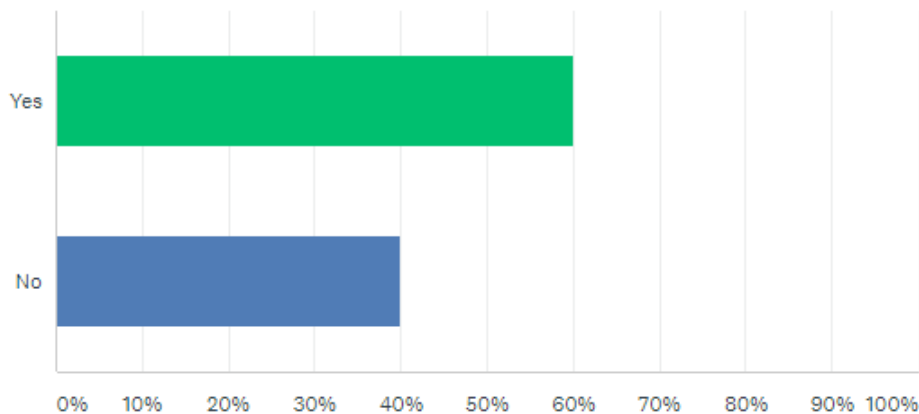
2.5 One of the detailed comments on this question suggests that some of the assumptions in the original evidence base do not take into account additional costs associated with bringing forward development including for example the cost of garages, the additional costs associated with high quality materials, and abnormal costs associated with localised ground conditions, and site road, and street lighting. It is also suggested that there should be a standard residential rate in the range £30-£50 per sq/m across the District as a whole.

2.6 Another representation indicates that low value residential development charge is not justified from the evidence and should be set at £0 per sq./metre

- 2.7** Derbyshire County Council in their response suggested that the amount included within the original evidence for s106 obligations per dwelling do not adequately take into account recently revised contribution rates for education, and as a result the requisite amount of s106 contributions should be increased. It is considered that this will reduce the overall headroom for the introduction of CIL, and undermine the viability of residential development across the Plan area.
- 2.8** Tarmac in their response also raised concerns about the assumptions that had been built into the original evidence base. In particular they are concerned that some of the assumptions built into the original study in respect of the Middleton Road site is not likely to reflect the actual costs for remediation and development of the site. .

Do you agree that the District Council should introduce an instalments policy to stagger payments?

Answered: 45 Skipped: 8



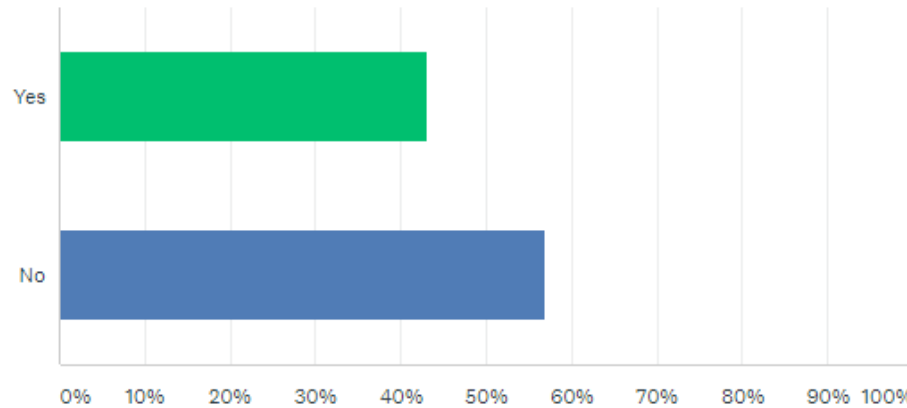
ANSWER CHOICES	RESPONSES	
Yes	60.00%	27
No	40.00%	18
TOTAL		45

- 2.9** The respondents to this question, who were not in favour of the introduction of a instalments policy have in a variety of ways indicated that payment of a Derbyshire Dales Community Infrastructure Levy should be made up front. They argue that by seeking payment up front it offers an incentive for a developer to complete a development, as quickly as possible rather than bring forward the most profitable and then see now residential schemes stalling or being left incomplete. Those comments made by those indicating their support for the proposal to introduce an instalments policy suggest that there should be a minimum period of 12 months for instalment payments and/or that an instalments policy should only apply to CIL above a threshold amount, as both will assist the cash flow for developers, but with interest charged on an annual basis to ensure that the payments do not continue indefinitely.

2.10 Tarmac consider that it is appropriate to introduce a phasing arrangement as this will help developers with cash flow. CIL payments will be capable of being phased for large multi phase planning applications under the existing regulations in any case.

Do you think the District Council should offer exemptions to the Charging Schedule?

Answered: 44 Skipped: 9



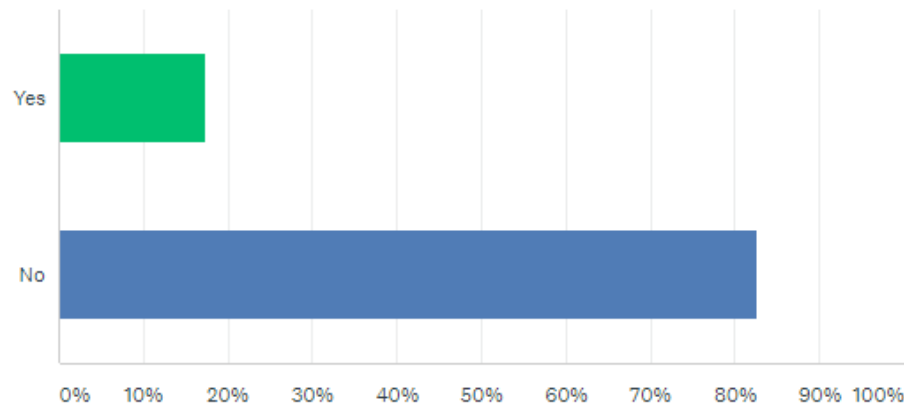
ANSWER CHOICES	RESPONSES	
Yes	43.18%	19
No	56.82%	25
TOTAL		44

2.11 A number of suggestions were made as to what developments could be offered exemptions and/or discounts on a Derbyshire Dales Community Infrastructure Levy including a discount for charities, development on previously developed land, and a premium on greenfield development. Similarly it was suggested that all 'eco homes' and those built to the Building for Life standard should receive a discount. Those that did not consider it appropriate for the District Council to offer exemptions felt that developers should not be given any excuse for not paying the Derbyshire Dales Community Infrastructure Levy.

2.12 Historic England in their response recommend that discretionary relief be applied to the historic environment/heritage assets as an additional caveat to those already set out in the Preliminary Charging Schedule. They suggest that for example a general point could be included in this section stating that discretionary relief could apply where the Council considers that to require payment of the CIL charged by it in respect of the chargeable development would have an unacceptable impact on the economic viability of the chargeable development. This would assist with development proposals relating to heritage assets, including Heritage at Risk, to secure a future use and/or help facilitate heritage led regeneration

Do you have any views on the content of the Council's Initial Draft Regulation 123 list and the proposed balance between CIL and S106?

Answered: 46 Skipped: 7



ANSWER CHOICES	RESPONSES	
Yes	17.39%	8
No	82.61%	38
TOTAL		46

- 2.13** There were 8 comments submitted in response to this question through the online survey. Of these none set out any substantive concerns about the Regulation 123 List. One responder, did however, consider that it is appropriate for sports facilities not to be included on the Regulation 123 list and that these would be best provided through s106 Obligations.
- 2.14** Derbyshire County Council in their response indicated that they consider that because of their perceived shortcomings on the assumptions included in the original evidence base and the concern they have, that there would not be sufficient CIL funding generated to support education needs in the future, that reference to education should be removed from the Draft Regulation 123 list.
- 2.15** The Environment Agency set out in their response that they would like Paragraph 9.9 bullet Point 4 modifying to read 'Delivery of new, and improvements to existing strategic public open space, green and blue infrastructure (water related infrastructure such as such as flood defences/walls etc) across the local planning authority area' to include mention of blue infrastructure as well as green.
- 2.16** **Do you have any other comments on the Preliminary Draft Charging Schedule?**
- 2.17** Historic England have recommended that the Draft Charging Schedule should make reference to the historic environment and set out clearly that historic environment matters could be addressed through S106 contributions where required. . Paragraph 3.3 could be amended to include this to ensure clarity on the matter.
- 2.18** Matlock Town Council indicated that would be looking for a higher share of finances to

be raised to cover infrastructure such as roads, provisions of a site for a new school and other community and medical facilities in the Town.

- 2.19** The Ashbourne Neighbourhood Plan Group in their response requested that Ashbourne be moved into the higher value area, on the basis that there have been a number of planning permissions for new residential in Ashbourne. They also raised concerns about the omission of transport and healthcare related priorities for Ashbourne.
- 2.20** Tarmac, landowner of both sites allocated for residential development in Wirksworth, raised a number of concerns about the impact that the Derbyshire Dales Community Infrastructure Levy would have on the viability, in particular of the Middleton Road site. The main concerns raised in their representations were in relation to the assumptions built into the Viability Evidence base. The general allowance of £1000 per unit, the sales revenue of £240 per square foot, build costs of £95 per square foot and abnormal costs were not considered to be appropriate rates for the Middleton Road site, and as such the likelihood was that the Community Infrastructure Levy regime in Derbyshire Dales would threaten the viability of sites. Tarmac suggested the introduction of an Exceptional Circumstances Policy, Phased/Instalment Payments and a Payment in Kind Policy.
- 2.21** Other issues raised include concern about the quality of the map which defines the three value areas, and the extent to which each area is accurately defined. There is concern that the funds likely to be raised are not sufficient, especially when compared to how much profit developers gain from development. Several comments suggest that the CIL rate for residential development should be higher. Furthermore there is some concern about the ability of the District Council to ensure that the funds raised are used effectively to deliver the necessary infrastructure.

2.22 Do you have any other comments on the evidence base which supports the Preliminary Draft Charging Schedule?

- 2.23** Other than comments set out in the report above there was no other substantive comments made in regards to the underpinning evidence base.

3 OFFICER COMMENTS

- 3.1** Although the number of response to this public consultation was relatively small it does not follow that this will be the case for the Draft Charging Schedule. There is a possibility that because the next stage of the preparation is the last chance to submit formal comments on the emerging Derbyshire Dales Community Infrastructure Levy, those that have not commented upon the Preliminary Charging Schedule may well engage during the public consultation on the Draft Charging Schedule.
- 3.2** The comments, in particular the technical comments made on the original evidence base by various stakeholders have been subject to review by the consultants Cushman and Wakefield who prepared the original evidence base report for the District Council. They have provided the following comments which need to be taken into account in taking forward the Derbyshire Dales Community Infrastructure Levy in the Draft Charging Schedule.

- *The viability evidence in support of the CIL charging schedule is considered to be robust as an area wide assessment and whilst some assumptions have been questioned, this was an evidence base at a point in time which was well researched, consulted, tested and ultimately validated through the Local Plan EiP.*
- *There is a case for site specific refinement / charging which takes account of real world site development costs and specific S106 costs – if such information exists. In the absence of reliable information relating to such costs, the alternative is to introduce flexibility to how CIL and Affordable Housing is implemented to help reassure developers and land owners regarding the ability for ‘subject to viability’ tests in the Development Management process. There is a case for clarifying how CIL and other Local Plan standards will be implemented given the provisions for viability in the draft revised NPPF / viability guidance and the likelihood of significant variations to certain site development costs which could impact on viability, particularly larger sites.*
- *I would agree that there is a need for an exceptions policy, instalments policy and a clarification position on how site by site viability will be considered generally in the light of the draft NPPF changes. There should also be consideration to ‘in kind’ contributions to mitigate the impacts of high site specific S106 costs on development viability.*

In terms of the detailed comments:

Tarmac

- *Revisions to NPPF suggest that planning authorities should resist case by case viability assessments in development management process putting emphasis on Local Plan viability*
- *Our viability evidence for CIL and Affordable Housing was put together on the basis that there would be flexibility on affordable housing where matters such as site abnormal development costs impinge on viability. This helps to reinforce the soundness of CIL rates since a reduction to Affordable Housing could insulate CIL from impacting on viability*
- *The draft revisions state it is for the Local Plan to dictate circumstances in which exceptions could be made to enable viability assessments to be used to justify a reduction in affordable housing. Is it possible to publish a clarification that there would be exceptional circumstances where site viability would be appropriate?*

Site specific CIL rate

- *It would be possible to introduce a strategic site CIL rate provided there is adequate evidence of the individual circumstances for the site referred to justify variant assumptions. This could be justified on the basis of the fact that there is a higher level of site specific development, infrastructure and S106 costs on the site.*
- *There are risks such as the tendency to rely on information provided by the site promoter, other site promoters may also then seek a similar approach which*

could generate additional administrative and resource burden and there may be inconsistent data / evidence which could undermine the soundness at examination.

- *An alternative might be to provide a strategy for addressing the concerns e.g. in kind contributions, putting some site specific elements on 123 list, exemptions policy.*

Sales costs / build revenues

- *£240 psf – new build revenues were well researched and consulted on as part of the evidence at the time and the evidence base has effectively been validated by the Local Plan EiP.*
- *Build costs now out of date. This is correct, but so too are other assumptions and it might be that revenues have also increased. Also, note that BCIS is now widely accepted to be significantly above volume house builder costs (which is what the promoter is saying how the site will be developed)*
- *Site abnormalities. It is correct that we did not have or allow for any such costs as it was beyond the scope of an area wide study to examine such matters. The justification is that there are allowances made in the site value benchmark and that any additional costs would be deducted from the land price (the revised NPPG on viability reinforces the need to consider abnormal costs in the context of land price)*
- *Preliminary site costs – the representation is not clear as to what preliminary costs are referred to*
- *Exceptional circumstances – this is a fair and reasonable point and it is recommended that it should be included*
- *Installments policy – this is a fair and reasonable point and it is recommended that it should be included although it should be noted that payments can installment milestones cannot be related to occupancy, only fixed timescales*
- *Payments in kind – it is worth considering payments in kind and this could be a solution to mitigate impacts on viability of high site specific S106.*

In terms of the other points

- *Derbyshire County Council – position appears to be the need to safeguard education and highways contributions and seems to be suggesting that a greater allowance for site specific S106 should be made without recognising that this would result in a reduction in CIL.*
- *Historic England re exemptions, it is recommended that provision for an exceptions policy be introduced*
- *Matlock Town Council – rates align with viability evidence, increasing the rates would put viability / deliverability at risk and therefore contravene requirements of the CIL regulations / National Planning Practice Guidance and likely be found to be unsound at independent examination.*

- 3.3** In considering the introduction of a Derbyshire Dales Community Infrastructure Levy the legislation requires that the District Council balances the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of

infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area. Consequently it would be inappropriate to introduce a Derbyshire Dales Community Infrastructure Levy if it was considered it was more likely than not to have an adverse impact upon the delivery of much needed local development.

- 3.4** Although there have been comments made which suggest that there are shortcomings in the assumptions made in respect of the original evidence base, the District Council's consultants have indicated that the assumptions are considered to be sound for an area wide viability evidence base. As such it is considered that there is no reason not to continue with the statutory procedures necessary for the introduction of a Derbyshire Dales Community Infrastructure Levy. Furthermore it is considered that in the absence of any alternative evidence that no changes be made to the rates included within the Draft Charging Schedule.
- 3.5** The introduction of a Derbyshire Dales Community Infrastructure Levy could have an adverse effect upon the delivery of key strategic sites, particularly if the whole payment is due upon commencement of development. Given the dual objective of ensuring development can be brought forward viably and delivering associated local infrastructure it is considered wholly appropriate to introduce an instalment policy for the future payment of the Derbyshire Dales Community Infrastructure Levy. It is however considered that this should only apply for those developments where the Community Infrastructure Levy liability is greater than £15,000. At this level only larger single dwellings would be eligible, and sites involving multiple number of residential developments.
- 3.6** It is recommended that the following instalment policy be included within the Draft Charging Schedule:

Chargeable Amount	Instalment Timescale
Less than £15,000	Full payment within 60 days of development commencing
Between £15,00 and £50,000	First Instalment (50%) within 60 days Second Instalment (50%) within 360 days
Between £50,000 and £100,000	First Instalment (25%) within 60 days Second Instalment (50%) within 360 days Third Instalment (25%) within 540 days
Above £100,000	First Instalment (25%) within 60 days Second Instalment (25%) within 360 days Third Instalment (25%) within 540 days Fourth Instalment (25%) within 720 days

- 3.7** Paragraph 8.3 in the Preliminary Charging Schedule set out that the District Council did not consider there is any justification for the introduction of an Exceptional Circumstances Relief Policy which would allow the District Council, to use its discretion, and exempt certain types, and sizes of development from payment of the Derbyshire Dale CIL . The District Council will, however, keep this situation under review and may introduce such a policy at some in the future.
- 3.8** On the basis of the representations made and the advice from the District Council's consultants it is recommended that in order to achieve the appropriate balance between delivering viable development and providing funds for local infrastructure that there is justification for the Derbyshire Dales Community Infrastructure Levy to include a Discretionary Exceptional Circumstances Relief policy. This will allow for development proposals where both s106 obligations and Community Infrastructure Levy would apply, and whose viability would be adversely affected by the imposition of both to apply for dispensation about the amount of Community Infrastructure Levy payable. Where this applied for it requires the submission of evidence carried out by an independent person of the cost of complying with the s106 obligation and the Community Infrastructure Levy.
- 3.9** Similarly it is considered that there is logic to the introduction of a Payment in Kind and Infrastructure Payment Policy, which would allow full or part payment of any Community Infrastructure Levy liability by way of land transfer or direct infrastructure provision, so long as it is related to the projects identified in the Regulation 123 list.
- 3.10** In respect of the comments made by the County Council, they are clearly concerned that the introduction of a Derbyshire Dales Community Infrastructure Levy would not provide sufficient funding for the provision of improvements education in Ashbourne and Wirksworth and other highways improvements across the Plan area. The suggestion being made by the County Council is that the reference to Education provision should be removed from the Draft Regulation 123 list and instead contributions negotiated on a case by case basis through S106 obligations.
- 3.11** The aim of the Derbyshire Dales Community Infrastructure Levy is to provide sufficient local infrastructure that results from new development proposals. As proposed education funding would be passed over to Derbyshire County Council, from that collected by Derbyshire Dales Community Infrastructure Levy. The County Council consider that the education provision from within Community Infrastructure Levy would be insufficient to pay for new education provision in Wirksworth & Ashbourne.
- 3.12** Without any reduction in the land value (and thereby jeopardising the release of any site for development) there is only a finite amount of headroom within a development to fund site specific requirements (such as affordable housing and highways improvements) and local infrastructure provision through the Community Infrastructure Levy. Switching education provision from the Community Infrastructure Levy fund to a site specific requirement, because of the greater sums involved may have the consequential effect of actually reducing the amount that can be collected by the Community Infrastructure Levy. On balance, however, it is considered that in Wirksworth & Ashbourne there is likely to be an acute need for additional education facilities in the future for which it is considered necessary to ensure that there is sufficient funds to bring forward. As such it is considered appropriate to delete education from the Regulation 123 list for the purposes of the Draft Charging Schedule.

- 3.13** Although Matlock Town Council would like to have greater levels of finance from the Derbyshire Dales Community Infrastructure Levy the amount that they could receive directly for their own investment in infrastructure is limited by the legislation related to the definition of 'reasonable proportion'.
- 3.14** Taking account of these comments a Draft Charging Schedule has been prepared and is set out in Appendix 2 for Members consideration. It is recommended that this be subject to six weeks public consultation from 6th July 2018 to 17th August 2018., The next step in the implementation of a Derbyshire Dales Community Infrastructure Levy is that it is subject to an Examination in Public by an independent person appointed by the District Council. The Government consider that a Planning Inspector is best suited to undertake this duty.
- 3.15** In order to expedite the implementation of the Derbyshire Dales Community Infrastructure Levy it is recommended that delegated authority be given to the Head of Regeneration and Policy to submit the Derbyshire Dales Community Infrastructure Levy for independent examination in public. It is also recommended that following the completion of the Examination in Public that a report be presented to this Committee which sets out details of the Inspectors report.

4 RISK ASSESSMENT

4.1 Legal

The proposals in the report accord with the Community Infrastructure Regulations, as existing. There is, however, a possibility that the statutory provisions relating to the introduction of CIL change in the future. It is however anticipated at this time that the legislative changes are unlikely to be forthcoming before the end of 2018. As such the legal risk at this stage is medium-low.

4.2 Financial

The costs of the consultant's viability report to underpin the Draft Charging Schedule were contained within existing budgets as part of the preparation of the Derbyshire Dales Local Plan.

The cost of additional professional help to undertake the assessment of the various technical responses to the two rounds of public consultation as well as throughout the Examination in Public can be contained within the existing budgets. The costs of the appointment of an Inspector and holding the Examination in Public can be contained within the existing budgets.

Additional back office resources will be required to administer any Derbyshire Dales CIL, which is likely to include the purchase of additional software to generate and monitor payment of CIL Demand Notices. However these costs can be offset because the legislation allows for 5% of any CIL generated to be top sliced to cover the admin costs of the local planning authority.

The financial risk, is therefore, assessed as low.

4.3 Corporate Risk

Without a Derbyshire Dales CIL regime the District Council will not be able to continue to fund infrastructure required to meet the needs of the District by way of s106 obligations because the pooling limits have been or are likely to met in the near future.

The failure to introduce a Derbyshire Dales CIL regime therefore carries a medium risk to the District Council by way of reputational and political damage.

5 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

6 CONTACT INFORMATION

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BACKGROUND PAPERS

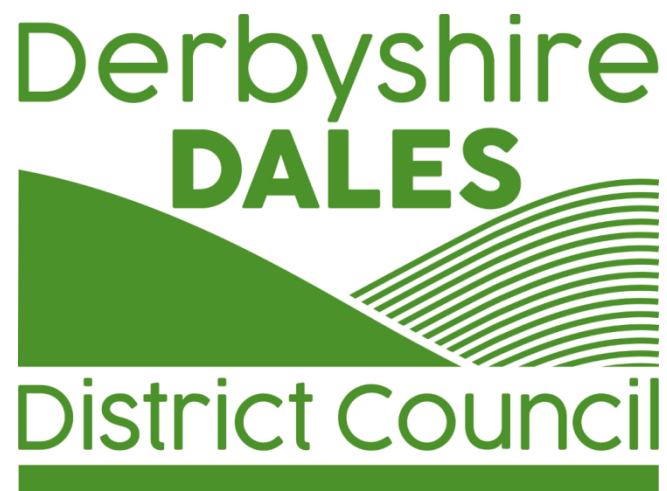
Description	Date	File
Consultation Responses to the Derbyshire Dales Community infrastructure Levy Report to Council	February –April 2018	
Report to Local Plan Advisory Committee	January 2017	
Report to Council	September 2015	
Local Plan Infrastructure Needs, CIL and Whole Plan Viability Assessment: Supplementary Update of the Infrastructure Delivery Plan	July 2016	
Local Plan Infrastructure Needs, CIL and Whole Plan Viability Assessment – Update on Infrastructure Delivery Plan	June 2016	
Local Plan Infrastructure Needs, CIL and Whole Plan Viability Assessment – Viability Study	September 2015	
Local Plan Infrastructure Needs, CIL and Whole Plan Viability Assessment – Viability Study Update	September 2015	
	December 2016	

Appendix 1 – Preliminary Charging Schedule

Appendix 2 – Draft Charging Schedule

BACK TO AGENDA

COMMUNITY INFRASTRUCTURE LEVY



PRELIMINARY CHARGING SCHEDULE

February 2018

Derbyshire Dales Community Infrastructure Levy Preliminary Charging Schedule

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1. Introduction

- 1.1 The Derbyshire Dales Local Plan was adopted by the District Council on 7th December 2017. This sets out the policies and proposals for the development in local planning authority area for the period up to 2033.
- 1.2 One of the most important aspects of the plan is the allocation of land for 5,680 houses, *primarily* in the towns and villages of Matlock, Ashbourne, Wirksworth, Darley Dale, Brailsford, Doveridge, Hulland Ward, Middleton by Wirksworth and Tansley.
- 1.3 The National Planning Policy Framework (NPPF) indicates that it is incumbent upon local planning authorities, that as new development comes forward the future infrastructure needs of the local community are provided for.
- 1.4 The Planning Act 2008 defines infrastructure as including the following (although this list is not exhaustive):
 - Roads and other transport facilities
 - Flood defences
 - Schools and other educational facilities
 - Medical facilities,
 - Sporting and recreational facilities
 - Open spaces
- 1.5 At a meeting of Council on 25th January 2018 the District Council resolved to take forward the preparation of a Derbyshire Dales Community Infrastructure Levy as one means of delivering the future infrastructure needs of the District.
- 1.6 To ensure compliance with the Regulations governing the introduction of a Community Infrastructure Levy it is necessary for the District Council to undertake two formal rounds of public consultation. Following which an Examination in Public by an independent examiner who will consider the evidence which seeks to justify the introduction of a Derbyshire Dales Community Infrastructure Levy along with the responses to the public consultation.
- 1.7 This document sets out the Derbyshire Dales Community Infrastructure (CIL) Preliminary Charging Schedule for the purposes of public consultation.

2. What is the Community Infrastructure Levy?

- 2.1 The Community Infrastructure Levy 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 needs of their area.
- 2.2 The Community Infrastructure Levy came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010, and have been updated

on several occasions since this date. If the local planning authority has chosen to set a charge in its area development may be liable for a charge under the CIL.

- 2.3 It is based upon the size and type of development and once a CIL Charging Regime has been set is mandatory to pay and non-negotiable.
- 2.4 For the purposes of the legislation, the District Council is a charging authority and as such, is only able to set a rate for the CIL which does not threaten the ability to viably develop and deliver the sites and overall scale of development envisaged in the Local Plan.
- 2.5 The National Planning Practice Guidance (NPPG) sets out that local authorities will need to draw on the infrastructure planning evidence that underpins the development strategy for their area. Charging authorities should use that evidence to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact upon the economic viability of development across their area.
- 2.6 There are a number of benefits to the introduction of a Derbyshire Dales CIL:
 - CIL will provide land owners and developers with greater certainty as to the level of contributions payable from their development
 - CIL receipts can be spent in a more flexible way than planning obligations
 - CIL will generate income for the District Council to facilitate the provision of local and strategic infrastructure
 - CIL is non-negotiable
 - CIL ensures greater transparency to local people as the Council will have to publish details of how CIL has been spent
 - A proportion of CIL receipts are to be shared with the local community, with a greater proportion being available where Neighbourhood Plans are in place.
- 2.7 Parishes where development takes places will receive their own portion of CIL to spend on infrastructure. In areas where there is no Neighbourhood Plan this will be 15%, capped at £100 per existing dwelling to be spent on local priorities. Where a Neighbourhood Plan is in place the portion increases to 25% uncapped as a government incentive to prepare a Neighbourhood Plan.
- 2.8 Detailed guidance on CIL is included on the Governments website <https://www.gov.uk/guidance/community-infrastructure-levy>

3. Relationship to S106 Agreements & Section 278 Agreements

- 3.1 At the present time the District Council collects financial contributions towards infrastructure from new development through Section 106 Agreements. Such agreements are used to mitigate any site-specific impacts arising from development. They must also be necessary to make a proposed development

acceptable in planning terms, must be directly related to the proposed development as well as being fairly and reasonably in scale and kind to the development.

- 3.2 CIL Regulation 123 introduced restrictions that limited the number of Section 106 Agreements to five that could be 'pooled together' for the purposes of funding infrastructure where the agreement has been entered into on or after 6th April 2010.
- 3.3 Although the legislation introduced pooling restrictions the use of Section 106 Agreements will continue. However their use is likely to be limited to the specific circumstances of individual planning applications, and provide for agreement to be reached upon such issues as the provision of affordable housing and any highways/access issues related to that proposal. Section 106 agreements would no longer be used to seek financial and/or other contributions towards pooled infrastructure provision such as education or medical facilities.
- 3.4 A section 278 agreement is a section of the Highways Act that allows developers to enter into a legal agreement with the County Council, as highways authority, to make alterations or improvements to a public highway, as part of a planning application. Section 278 agreements will remain in place and continue to be used by the County Council.

4. Background Evidence

- 4.1 To ensure that the policies and proposals within the Derbyshire Dales Draft Local Plan were capable of being delivered over the plan period Cushman & Wakefield were appointed to undertake an assessment of viability and infrastructure needs. The consultants initial report was published in September 2015¹, and an infrastructure update report published in December 2016²

5. Viability Assessment

- 5.1 The introduction of a Derbyshire Dales CIL regime should not threaten the ability of developers to viably develop and deliver the sites and overall scale of development envisaged in the Local Plan.
- 5.2 The evidence from the Viability and Infrastructure Report suggests that at the present time, there is a justifiable aggregate funding gap of around £22million for infrastructure that could be legitimately funded through CIL with the elements of infrastructure that would be appropriate to be considered for funding through CIL being mainly transport, education and green

¹ http://www.derbyshiredales.gov.uk/images/documents/L/Local_Plan_-_Derbyshire_Dales_District_Council_Viability_Report_September_2015.pdf & http://www.derbyshiredales.gov.uk/images/documents/L/Local_Plan_-_Derbyshire_Dales_IDP_Review_Report_v1.0_210915.pdf

² <http://www.derbyshiredales.gov.uk/images/documents/L/Local%20Plan%20Examination%20Library/CD19%20Derbyshire%20Dales%20CIL%20Viability%20Update%20Report%20Final%20December%202016.pdf> & http://www.derbyshiredales.gov.uk/images/documents/l/Derbyshire_Dales_2016_Update_Report_with_Appendix_Final.pdf

infrastructure facilities. In terms of funding for healthcare facilities it indicates that these will emerge from the work being undertaken by the Clinical Commissioning Groups on the needs of individual practises.

- 5.3 The onus is on the District Council to demonstrate that a Derbyshire Dales CIL regime will not have an adverse impact upon the viability of development that may come forward across the plan area.
- 5.4 Cushman and Wakefield have undertaken a comprehensive assessment of both the deliverability and viability of sites allocated in the Derbyshire Dales Local Plan, and the extent to which there is viability headroom for the introduction of a Derbyshire Dales CIL for a wide range of development types including both residential and commercial developments.
- 5.5 The approach to testing viability used was to undertake an area based approach, based upon three value areas, which in turn were determined by house prices derived from the Land Registry. This approach involves the following key steps:
 - Determination of residential value areas, development schemes and viability assumptions.
 - A residual appraisal undertaken subtracting all anticipated development costs from the scheme's Gross/Net Development Value to arrive at a residual site value for each development scheme. The appraisal includes provision for affordable housing and S106 obligations as an input.
 - The residual site value for each development scheme is then benchmarked against a site value threshold (the price at which it is considered a landowner may actually sell) to determine the 'headroom' available for CIL/other planning requirements.
- 5.6 For each assessment, an assumption was made about the impact that the policy requirements of the Derbyshire Dales Local Plan would have on the various types of development e.g. £1000 per/sqm was included as an allowance for site specific S106 requirements (such as site specific highways requirements for new developments)
- 5.7 As part of the viability assessment process, consultation was undertaken with a range of developers, housebuilders, housing associations and property / planning agents. This included a facilitated workshop held in May 2015 where the assumptions about values, and development costs were discussed and generally agreed for a range of development types, including housing, retail office and industrial development.

The evidence in the report indicates the diversity of development viability across Derbyshire Dales. It concludes that residential and retail development

are, in general, the only development types considered to be capable of bearing CIL at the current time.

- 5.8 The conclusions of the report are that viability of CIL on residential development is limited to high and mid value areas of the District when a policy of 33% and 45% affordable housing contributions is applied. However, at 30% affordable housing provision, there is considered to be potential for CIL within all areas of the District albeit at a relatively nominal level in the lower value area. Reducing the affordable housing requirements to 20% would dramatically increase the level of CIL that is viable, therefore the balance of need and priority between infrastructure funding and affordable housing is an important consideration for the Council. The report recommends that the policy requirement for the provision of affordable housing should be reduced to 30% as this is considered to be the maximum level that can be supported in order to maintain a reasonable headroom for the provision and introduction of the CIL.
- 5.9 The viability to charge CIL on commercial development is limited. The analysis identifies that in current market conditions there is only headroom to charge CIL in town centres for superstores and convenience stores. In out of centre locations only superstores have capacity for CIL. There may be scope to introduce CIL for Derbyshire Dales for a wider range of commercial development types, but only if rental levels increase by 10% from current values.
- 5.10 Some types of retail development are able to bear a CIL charge, with retail warehousing and certain formats of supermarket indicated to have headroom – although this varies in terms of the location of the development with only town centre and out of centre locations being able to support CIL. No commercial development of offices or warehousing was considered to be sufficiently viable to have headroom for the introduction of the CIL, both at current and any enhanced rental levels.
- 5.11 Care Homes shows insufficient capacity to accommodate the introduction of CIL at current values, but some potential with a 10% increase in rental values.
- 5.12 Any significant uplift in development costs with no corresponding increase in rental levels suggests that there is little or no scope for the introduction of CIL for all commercial development types.

6. Infrastructure Needs

- 6.1 In terms of infrastructure needs the consultant's report considered three broad areas;
- Transport
 - Utilities and Environment
 - Community Services

- 6.2 In terms of transport it highlighted the impact that road noise from the surface of the A50(T) could have an adverse impact upon new development in Doveridge unless appropriate mitigation measures are put in place. It also acknowledged the need to explore options for an Ashbourne Bypass.
- 6.3 In terms of rail services it identified that a passing loop on the Derwent Valley Community Railway potentially between Cromford and Whatstandwell could enable the operation of half-hourly services in the future, but to deliver this would be reliant essentially upon funding, other than from Network Rail.
- 6.4 In relation to other transport related issues it identifies that development proposals have the opportunity to fund enhancements to bus services to serve individual sites, there is generally sufficient car parking spaces across the town centres to accommodate day to day needs but there are occasions where car park capacity is reached. Any improvement to the car park management regime it considered could be funded through the LTP and/or developer contributions. The report also noted the benefits that could be derived from the White Peak Loop along the Matlock-Bakewell corridor.
- 6.5 The impact of the policies and proposals in the Derbyshire Dales Draft Local Plan on the Utilities were reviewed, and based upon consultation with Western Power Distribution, National Grid and Severn Trent Water. As a result no strategic (or local) infrastructure improvements were identified as being required for either the gas or electricity networks. The National Grid confirmed that there are no anticipated capacity issues with either the gas or electricity distribution networks in the plan area.
- 6.6 Severn Trent advised that there were some localised capacity issues associated with the drainage network in the vicinity of some of the sites included within the Derbyshire Dales Draft Local Plan, although they did not consider these to be significant constraints as any upgrades to the network in the vicinity of these sites are likely to be achieved and would be funded by the developers. Ashbourne Water Treatment Works will need to be upgraded to respond to the cumulative impact of both existing and future demand. Severn Trent Water are currently planning for the works to be expanded in a number of phases. There is room on and adjacent to the existing site for expansion subject to planning and the agreement of the Environment Agency. At other sites the report indicated that there was no clear mitigation scheme and this will need to be addressed taking into account the nature and timing of each site as they are brought forward.
- 6.7 Although telecommunication networks were not considered to be a key driver of, or barrier to, new residential development, the report acknowledged that from 31 December 2016 a number of EU directives relating to telecommunications would apply, including one that ensures that "member states are required to ensure that newly constructed buildings and properties subject to major renovation works are equipped with a high-speed-ready in-

building physical infrastructure, up to the network termination points". The consultant's report advised that these will have to be taken into account in taking the Derbyshire Dales Local Plan forward.

6.8 In terms of Education the report set out that Derbyshire County Council as Education Authority have a well-established and on-going approach to the assessment of education needs across the plan area. It sets out that Derbyshire County will continue to seek financial contributions from developers to enable the provision of primary and secondary school places.

6.9 Derbyshire County Council in their response to the consultation on the Derbyshire Dales Draft Local Plan in May 2016 set out the following detailed comments in respect of education requirements:

"In Ashbourne, housing development within the normal area of Hill Top Infant and Nursery School and Parkside Community Junior School will probably trigger the need to provide additional places at both schools, secured either via Section 106 planning obligations or CIL. DCC has already responded to planning applications for residential development at a number of the proposed site allocations requesting contributions towards the provision of primary school places at these schools.

In Doveridge, it is likely that current planning applications will utilise the available surplus and projected surplus capacity at the primary school. In future, any further residential development will likely result in a requirement for the provision of additional primary school places, to be funded by developers.

In Hulland Ward, any further development will result in a requirement for additional primary school places at Hulland Primary School.

In Brailsford, construction of a new primary school will provide accommodation for new primary school pupils from development already benefitting from planning permission. Any further development in this area may result in a need for additional places at Brailsford Primary School or contributions towards additional provision at the new school site.

QEGS is projected to have a small amount of surplus capacity and could accommodate some additional secondary pupils from a small level of housing development. However, significant housing growth within the normal area of QEGS would see the small amount of projected surplus capacity taken up. There would be a need for developer contributions (secured either via Section 106 planning obligations or CIL) to provide additional secondary places in order to mitigate the cumulative impact of housing development in the QEGS normal area.

The primary schools serving the Darley Dale planning area are all at capacity or over-subscribed currently, and projections are showing rising pupil numbers for all but one primary school in this area. Therefore, any residential development in this area will result in a need for the provision of additional primary places, to be funded either via Section 106 planning obligations or CIL.

In Matlock, further housing development would result in the need for provision of additional primary school places at All Saints Infant School, All Saints Junior School and Castle View Primary School. However, the site of All Saints Infant School is limited in its potential for expansion. Therefore, there may be a requirement for an alternative site for the provision of either an infant school or primary school for Matlock.

In Tansley, housing development would result in the need for provision of additional primary school places which could be delivered subject to funding from developers via Section 106 planning obligations or CIL.

Highfields School is the normal area school for secondary provision in Matlock, Darley Dale and Tansley and is projected to have sufficient surplus capacity to accommodate additional secondary pupils from future housing development in these areas.

In Wirksworth, additional primary school places would be required to accommodate additional pupils from housing development. However, neither infant school site can be expanded, although there is some space at the junior school. It is not clear how additional infant places could be provided. DCC would look to negotiate a site for a primary school in the Wirksworth area.

In Middleton, housing development would result in the need for provision of additional primary school places at Middleton Community Primary School which could be delivered, subject to funding from developers via Section 106 planning obligations or CIL.

Anthony Gell School is the designated normal area school for secondary provision and is projected to have sufficient surplus capacity to accommodate additional secondary pupils from future housing development in its normal area.

- 6.10 In respect of healthcare the report advises that the need for additional health facilities will depend on the amount and type of housing being developed, and whether there will be significant elderly or young populations. This will determine the required make-up of the clinical workforce and may, for example, highlight the need for practice nurse, dental, ophthalmic and pharmacy support. It advised that all the Clinical Commissioning Groups (CCG) that cover Derbyshire Dales Strategic Estate Strategies will set out the need for future facilities. However it noted that without large developments triggering capital works (e.g. new health centres) any enhanced services are likely to rely on 'revenue' funding (e.g. to cover additional staff or rental costs), which developer contributions are unlikely to be able to provide for.
- 6.11 Whilst the report set out an overview of the position with regards to the need for healthcare provision in the future, direct discussions were held with representatives of all three CCGs that cover the plan area. As part of these discussions the CCGs have been asked three specific questions:
1. Is existing health care provision adequate to serve the existing and future needs of the area ?

2. Is there an need to improve health care provision in the Derbyshire Dales ?
3. If there is a need to improve health care provision, what assistance is required from the Local Planning Authority.?

6.12 Each of the CCG's were provided with details of the scale and location of proposed residential developments and they predicted the impact upon existing facilities. However, each of them has advised that it is no longer policy and practice to simply build more GP surgeries or employ more GP's. The approach that is being taken to deal with increasing demands is far broader and includes the following:

- a) Utilisation of technology to facilitate GP service transformation as a means of improving capacity in the health care system as opposed to increasing the number of GP services.
- b) Initiatives in the community which avoid the need for people to call on GP services are increasingly seen as a more effective means of improving the health and well- being of people.
- c) Encouraging GP practices to work more collaboratively with each other in order to improve overall capacity within the health care system.
- d) There is a move nationally and regionally to encourage GP practices to operate more flexibly by extending opening hours and moving to 7 day working.

6.13 As a result of these discussions the position in regard to health care facilities across the Derbyshire Dales is as follows:

- *NHS Southern Derbyshire Clinical Commissioning Group - At the present time, taking into account the scale of development proposed in the emerging Derbyshire Dales Local Plan, the CCG does not envisage the need to invest in any new build GP practices and that the four practices that currently serve the Southern Derbyshire Dales are adequate to meet future needs. However, there may be a need to improve capacity at the existing practice serving Hulland Ward and assistance has already been provided by the District Council in this regard through s.106 contributions from permitted developments.*
- *North Derbyshire Clinical Commissioning Group - At the present time, all 3 General Practice surgeries that serve the northern Derbyshire Dales are beyond their optimum patient levels. As a consequence of the scale of new residential development proposed in the emerging Derbyshire Dales Local Plan, there is likely to be a need to consider the existing arrangements in further detail. However, the solution to this lies with the existing GP practices who need to work collaboratively together.*
- *East Staffordshire Clinical Commissioning Group - In response to development pressures in East Staffordshire, there is a need to increase capacity for health care provision across the CCG area.*

Proposed developments envisaged in Doveridge will place increased pressure on the existing Dove River Practice (Sudbury) and options for the potential expansion and/or relocation of the Dove River (Sudbury) Practice need to be explored with the Practice Partners in order to accommodate an expected increase in patient numbers over the plan period.

- 6.14 The three main emergency services, Police, Fire and Rescue and Ambulance, are responsive organisations with a duty to serve the population within their area, and so the deployment of resources is based on response times to serve this population. These services are not considered to be a significant driver or barrier to growth, as they will deploy resources to serve the scale and location of new development.
- 6.15 The provision of community facilities such as libraries and sports facilities is changing and likely to remain under pressure with future funding settlements for the District Council. Although not a significant influence on growth, such facilities are essential to enhance the quality of life for new residents and the existing population, but funding will be needed outside the Local Plan process.

7. Preliminary Charging Schedule

- 7.1 The evidence from the Viability Study established that CIL is viable on residential development and certain retail property types. As a consequence the District Council is consulting on the following proposed Preliminary Charging Schedule which align with the viability evidence:

	Preliminary Charging Schedule (£/sq metre)
Residential Development³	
Value Area High	£120
Value Area Medium	£50
Value Area Lower	£10
Retail	
Town Centre	
Shopping Centre	£0
Retail Warehousing	£0
Superstore	£80
Supermarket	£0
Convenience Store	£20
Local Centre	
Convenience Store	£0
Villages	
Convenience store	£0
Out of Centre	
Retail Warehousing	£0

³ For residential development the three Value Areas are defined on Figure 1 below

Preliminary Charging Schedule (£/sq metre)	
Superstore	£80
Supermarket	£0
Convenience Store	£0
Care homes	£0
All other commercial uses	£0

Table 1 - Preliminary Charging Schedule

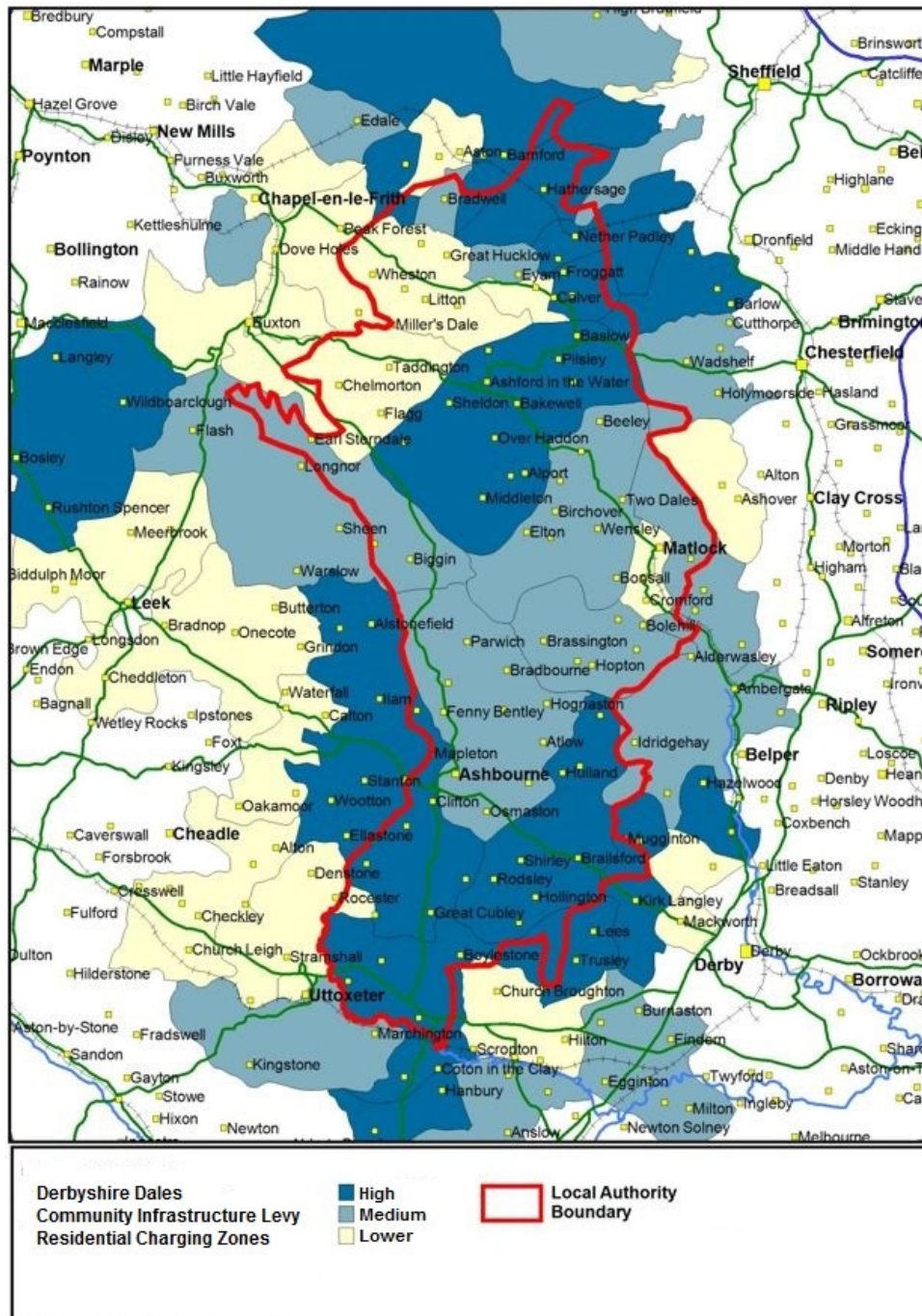


Figure 1 - Residential Value Areas

8. Payment of the Community Infrastructure Levy

8.1 The CIL charge becomes due on the commencement of development. The District Council, as 'charging authority', becomes responsible for collecting payments. Once adopted payment of the CIL applies to all development with the following exceptions:

- **development of less than 100 square metres unless this is a whole house, in which case the levy is payable**
- **houses, flats, residential annexes and residential extensions which are built by 'self builders'**
- **social housing that meets the relief criteria set out in Regulations**
- **charitable development that meets the relief criteria set out in regulations**
- **buildings into which people do not normally go**
- **buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery/structures which are not buildings, such as pylons and wind turbines**
- **specified types of development which local authorities have decided should be subject to a 'zero' rate and specified as such in their charging schedules**
- **vacant buildings brought back into the same use**
- **where the levy liability is calculated to be less than £50, the chargeable amount is deemed to be zero so no levy is due.**
- **mezzanine floors, inserted into an existing building, are not liable for the levy unless they form part of a wider planning permission that seeks to provide other works as well.**

8.2 The CIL Regulations include mandatory exemptions for self-build housing, residential annexes and extensions as well as permitted development. Once set local planning authorities cannot determine which developments to charge as this is dictated by the CIL Charging Schedule.

8.3 The District Council does not consider there is any justification for the introduction of an Exceptional Circumstances Relief Policy which would allow the District Council, to use its discretion, and exempt certain types, and sizes of development from payment of the Derbyshire Dale CIL. The District Council will, however, keep this situation under review and may introduce such a policy at some in the future.

8.4 A CIL is charged on a £ per square metre basis on net additional (internal) floorspace, with rates being able to be imposed by geographic area or use or size. Furthermore payment is due when the development starts (or phases or instalments - the charging authorities decide). The CIL is index linked and the

landowner is responsible for paying it. Developers may take liability to pay the CIL charge on behalf of the landowner.

8.5 The District Council acknowledges that for some developments payment of a large financial contribution due under the Derbyshire Dales CIL may have an adverse impact upon the delivery of the development. To assist, the District Council will seek to introduce an Instalment Policy. This will be prepared and made available for inspection alongside the Draft Charging Schedule. This will set out which developments will be eligible for paying by instalment along with details of the timing of payments. The draft Instalment Policy will set out:

- **the date on which it takes effect, which must be no earlier than the day after the instalment policy is published on the website;**
- **the number of instalment payments;**
- **the amount or proportion of CIL payable in any instalment;**
- **the time (to be calculated from the date the development is commenced) that the first instalment payment is due, and the time that any subsequent instalment payments are due; and**
- **any minimum amount of CIL below which CIL may not be paid by instalment.**

8.6 Any instalment policy can be introduced, withdrawn or amended with 28 days' notice and as such is not part of the Charging Schedule and will not be subject to examination.

8.7 Once the Derbyshire Dales CIL is adopted, the charging rates will be indexed to account for inflation using a nationally recognised index. The overall charging Schedule will be reviewed to take account of changes in viability; particularly when changes to sales values, build costs and developer activity are sufficient to indicate that a review is required.

9. Initial Draft Regulation 123 List

9.1 Once a Charging Regime has been adopted the District Council may fund, wholly or in part, the provision of infrastructure through the Community Infrastructure Levy receipts. The inclusion of a type of infrastructure or project on the Regulation 123 list does not represent a commitment by the Council to fund that infrastructure through Community Infrastructure Levy receipts. The order does not imply a priority or preference for funding. The list of projects will be reviewed following consultation on the Preliminary Draft Charging Schedule/Draft Charging Schedule and periodically, once the Derbyshire Dales CIL is adopted, taking into account emerging infrastructure requirements to support the timely delivery of new development within the District.

9.2 The Community Infrastructure Regulations 2010 (as amended) restricts the use of planning obligations secured through S106 agreements for infrastructure that will be funded in whole or in part by the Community

Infrastructure Levy. This is to ensure there is no duplication between CIL and planning obligations in funding the same infrastructure projects.

- 9.3 In addition, a development should not have to contribute twice towards the same piece of highways infrastructure through works carried out under Section 278 of the Highways Act 1980, and monies or land provided through CIL.
- 9.4 The relationship between CIL and planning obligations are explained in the Planning Practice Guidance where it notes that it is possible that site specific mitigation may still be necessary subject to certain limits, namely:
- **The application of the statutory test with respect to planning obligations (Regulation 122) namely – it is necessary to make the development acceptable in planning terms, directly relevant to the development and fairly and reasonably related in scale and kind;**
 - **Ensuring no overlap between CIL and Planning Obligations;**
 - **Imposing a 5 limit pooled contribution from planning obligations towards infrastructure that may be funded by the levy.**
- 9.5 In accordance with the CIL Regulations, the Council will pass 15% of relevant CIL receipts to the Town/Parish Council for that area, capped at £100 per dwelling on existing dwellings. If the town/parish council adopts a neighbourhood plan, this percentage will be increased to 25% (uncapped).
- 9.6 The Infrastructure Assessment identifies that the amount of aggregate funding 'gap' at this time is taken as £22 million. It indicates that transport, healthcare and education infrastructure are considered to be "essential" projects required to support future growth across the local planning authority area that would be eligible for CIL.
- 9.7 In the case of education, the development of the estimated costs of the infrastructure to date is robust, given DCC's formula for developer contributions and the level of work already undertaken on the improvements required to support growth.
- 9.8 For transport and green infrastructure improvements, it is more difficult to put a figure on the current funding 'gap' as some of the schemes listed in the updated IDP simply have "unknown" as the cost estimate until more detailed assessment work is undertaken.

9.9 The following are considered to be priority projects (but not in priority order) to be funded through CIL;

- **Junction/highway capacity and traffic management improvements in Ashbourne, Matlock and Wirksworth including works to assist with the implementation of key development sites and as appropriate contributions towards Ashbourne Bypass**
- **Additional primary and secondary school capacity as appropriate across the local planning authority area**
- **Contributions, where appropriate, to Broadband service quality across the local planning authority area for both business and residential premises**
- **Delivery of new, and improvements to existing strategic public open space and green infrastructure across the local planning authority area**
- **Upgrades to healthcare facilities across the local planning authority area.**

10. Consultation – How to Respond

10.1 The Derbyshire Dales Preliminary CIL Charging Schedule and accompanying documents are available for public comment for a six week period from Friday 23rd February 2018 until Friday 6th April 2018.

10.2 Representations on the Derbyshire Dales Preliminary CIL Charging Schedule should be made online using the comments form which can be accessed on the following website: www.derbyshiredales.gov.uk/CIL

10.3 Although the District Council's preference is for comments to be made using the online comments form an electronic version of the comments form, is available and can be requested from the Planning Policy Team either by telephone on 01629 761251 or by e-mail localplans@derbyshiredales.gov.uk.

10.4 The District Council would like response to the following questions:

1. Do the proposed rates strike an appropriate balance between funding infrastructure and any potential effects on the viability of development? If not, please provide alternative appropriate evidence to support your view.
2. Do you agree that the District Council should introduce an instalments policy to stagger payments? If so, do you have any suggestions that the Council should take to such a policy?

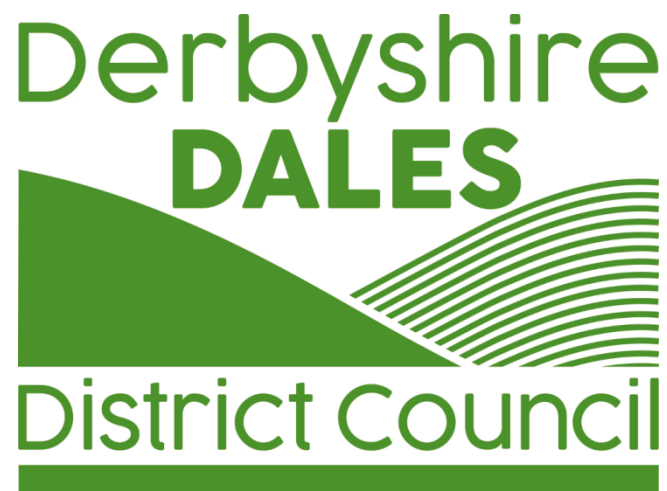
3. Do you think the District Council should offer exemptions to the Charging Schedule? If so please include appropriate and available evidence to support the view.
4. Do you have any views on the content of the Council's Initial Draft Regulation 123 list and the proposed balance between CIL and S106? If so, please give reasoning with your answer?
5. Do you have any other comments on the Preliminary Draft Charging Schedule?
6. Do you have any other comments on the evidence base which supports the Preliminary Draft Charging Schedule?

11. Next Steps

- 11.1 Following this consultation, the Council will review the comments received alongside any other relevant evidence which emerges and use the findings to inform the next stage of preparing the Derbyshire Dales CIL, the Draft Charging Schedule for consultation.
- 11.2 Once the District Council considers that the Draft Charging Schedule is ready to be submitted for Examination in Public and is approved for consultation, it will be published for consultation. During this period, representations can be made and any person making a representation has the right to be heard at a future CIL Examination in Public.
- 11.3 Following the examination, the independent Inspector who examines the CIL Charging Schedule will produce a report recommending adoption or changes. The CIL Charging Schedule will then be taken forward for adoption by the District Council with implementation of CIL recommended from a published date.
- 11.4 At this time the District Council is anticipating the introduction of the Derbyshire Dales CIL on 1st April 2019.

BACK TO AGENDA

COMMUNITY INFRASTRUCTURE LEVY



DRAFT CHARGING SCHEDULE

July 2018

Derbyshire Dales Community Infrastructure Levy Draft Charging Schedule

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1. Introduction

- 1.1 The Derbyshire Dales Local Plan was adopted by the District Council on 7th December 2017. This sets out the policies and proposals for the development in local planning authority area for the period up to 2033.
- 1.2 One of the most important aspects of the plan is the allocation of land for 5,680 houses, *primarily* in the towns and villages of Matlock, Ashbourne, Wirksworth, Darley Dale, Brailsford, Doveridge, Hulland Ward, Middleton by Wirksworth and Tansley.
- 1.3 The National Planning Policy Framework (NPPF) indicates that it is incumbent upon local planning authorities, that as new development comes forward the future infrastructure needs of the local community are provided for.
- 1.4 The Planning Act 2008 defines infrastructure as including the following (although this list is not exhaustive):
 - Roads and other transport facilities
 - Flood defences
 - Schools and other educational facilities
 - Medical facilities,
 - Sporting and recreational facilities
 - Open spaces
- 1.5 At a meeting of Council on 25th January 2018 the District Council resolved to take forward the preparation of a Derbyshire Dales Community Infrastructure Levy as one means of delivering the future infrastructure needs of the District.
- 1.6 To ensure compliance with the Regulations governing the introduction of a Community Infrastructure Levy it is necessary for the District Council to undertake two formal rounds of public consultation. Following which an Examination in Public by an independent examiner who will consider the evidence which seeks to justify the introduction of a Derbyshire Dales Community Infrastructure Levy along with the responses to the public consultation.
- 1.7 This document sets out the Derbyshire Dales Community Infrastructure (CIL) Draft Charging Schedule for the purposes of public consultation.

2. What is the Community Infrastructure Levy?

- 2.1 The Community Infrastructure Levy 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 needs of their area.
- 2.2 The Community Infrastructure Levy came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010, and have been updated on several occasions since this date. If the local planning authority has

chosen to set a charge in its area development may be liable for a charge under the CIL.

- 2.3 It is based upon the size and type of development and once a CIL Charging Regime has been set is mandatory to pay and non-negotiable.
- 2.4 For the purposes of the legislation, the District Council is a charging authority and as such, is only able to set a rate for the CIL which does not threaten the ability to viably develop and deliver the sites and overall scale of development envisaged in the Local Plan.
- 2.5 The National Planning Practice Guidance (NPPG) sets out that local authorities will need to draw on the infrastructure planning evidence that underpins the development strategy for their area. Charging authorities should use that evidence to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact upon the economic viability of development across their area.
- 2.6 There are a number of benefits to the introduction of a Derbyshire Dales CIL:
 - CIL will provide land owners and developers with greater certainty as to the level of contributions payable from their development
 - CIL receipts can be spent in a more flexible way than planning obligations
 - CIL will generate income for the District Council to facilitate the provision of local and strategic infrastructure
 - CIL is non-negotiable
 - CIL ensures greater transparency to local people as the Council will have to publish details of how CIL has been spent
 - A proportion of CIL receipts are to be shared with the local community, with a greater proportion being available where Neighbourhood Plans are in place.
- 2.7 Parishes where development takes places will receive their own portion of CIL to spend on infrastructure. In areas where there is no Neighbourhood Plan this will be 15%, capped at £100 per existing dwelling to be spent on local priorities. Where a Neighbourhood Plan is in place the portion increases to 25% uncapped as a government incentive to prepare a Neighbourhood Plan.
- 2.8 Detailed guidance on CIL is included on the Governments website <https://www.gov.uk/guidance/community-infrastructure-levy>

3. Relationship to S106 Agreements & Section 278 Agreements

- 3.1 At the present time the District Council collects financial contributions towards infrastructure from new development through Section 106 Agreements. Such agreements are used to mitigate any site-specific impacts arising from development. They must also be necessary to make a proposed development acceptable in planning terms, must be directly related to the proposed

development as well as being fairly and reasonably in scale and kind to the development.

- 3.2 CIL Regulation 123 introduced restrictions that limited the number of Section 106 Agreements to five that could be 'pooled together' for the purposes of funding infrastructure where the agreement has been entered into on or after 6th April 2010.
- 3.3 Although the legislation introduced pooling restrictions the use of Section 106 Agreements will continue. However their use is likely to be limited to the specific circumstances of individual planning applications, and provide for agreement to be reached upon such issues as the provision of affordable housing and any highways/access issues related to that proposal. Section 106 agreements would no longer be used to seek financial and/or other contributions towards pooled infrastructure provision such as education or medical facilities.
- 3.4 A section 278 agreement is a section of the Highways Act that allows developers to enter into a legal agreement with the County Council, as highways authority, to make alterations or improvements to a public highway, as part of a planning application. Section 278 agreements will remain in place and continue to be used by the County Council.

4. Background Evidence

- 4.1 To ensure that the policies and proposals within the Derbyshire Dales Draft Local Plan were capable of being delivered over the plan period Cushman & Wakefield were appointed to undertake an assessment of viability and infrastructure needs. The consultants initial report was published in September 2015^{1, 2} and an infrastructure update report published in December 2016³⁴

5. Viability Assessment

- 5.1 The introduction of a Derbyshire Dales CIL regime should not threaten the ability of developers to viably develop and deliver the sites and overall scale of development envisaged in the Local Plan.
- 5.2 The evidence from the Viability and Infrastructure Report suggests that at the present time, there is a justifiable aggregate funding gap of around £22million for infrastructure that could be legitimately funded through CIL with the elements of infrastructure that would be appropriate to be considered for funding through CIL being mainly transport, education and green infrastructure facilities. In terms of funding for healthcare facilities it indicates

¹ <https://goo.gl/tM4toL>

² <https://goo.gl/gwTztQ>

³ <https://goo.gl/DTavHB>

⁴ <https://goo.gl/S9L3cg>

that these will emerge from the work being undertaken by the Clinical Commissioning Groups on the needs of individual practises.

- 5.3 The onus is on the District Council to demonstrate that a Derbyshire Dales CIL regime will not have an adverse impact upon the viability of development that may come forward across the plan area.
- 5.4 Cushman and Wakefield have undertaken a comprehensive assessment of both the deliverability and viability of sites allocated in the Derbyshire Dales Local Plan, and the extent to which there is viability headroom for the introduction of a Derbyshire Dales CIL for a wide range of development types including both residential and commercial developments.
- 5.5 The approach to testing viability used was to undertake an area based approach, based upon three value areas, which in turn were determined by house prices derived from the Land Registry. This approach involves the following key steps:
 - Determination of residential value areas, development schemes and viability assumptions.
 - A residual appraisal undertaken subtracting all anticipated development costs from the scheme's Gross/Net Development Value to arrive at a residual site value for each development scheme. The appraisal includes provision for affordable housing and S106 obligations as an input.
 - The residual site value for each development scheme is then benchmarked against a site value threshold (the price at which it is considered a landowner may actually sell) to determine the 'headroom' available for CIL/other planning requirements.
- 5.6 For each assessment, an assumption was made about the impact that the policy requirements of the Derbyshire Dales Local Plan would have on the various types of development e.g. £1000 per/sqm was included as an allowance for site specific S106 requirements (such as site specific highways requirements for new developments)
- 5.7 As part of the viability assessment process, consultation was undertaken with a range of developers, housebuilders, housing associations and property / planning agents. This included a facilitated workshop held in May 2015 where the assumptions about values, and development costs were discussed and generally agreed for a range of development types, including housing, retail office and industrial development.

The evidence in the report indicates the diversity of development viability across Derbyshire Dales. It concludes that residential and retail development are, in general, the only development types considered to be capable of bearing CIL at the current time.

- 5.8 The conclusions of the report are that viability of CIL on residential development is limited to high and mid value areas of the District when a policy of 33% and 45% affordable housing contributions is applied. However, at 30% affordable housing provision, there is considered to be potential for CIL within all areas of the District albeit at a relatively nominal level in the lower value area. Reducing the affordable housing requirements to 20% would dramatically increase the level of CIL that is viable, therefore the balance of need and priority between infrastructure funding and affordable housing is an important consideration for the Council. The report recommends that the policy requirement for the provision of affordable housing should be reduced to 30% as this is considered to be the maximum level that can be supported in order to maintain a reasonable headroom for the provision and introduction of the CIL.
- 5.9 The viability to charge CIL on commercial development is limited. The analysis identifies that in current market conditions there is only headroom to charge CIL in town centres for superstores and convenience stores. In out of centre locations only superstores have capacity for CIL. There may be scope to introduce CIL for Derbyshire Dales for a wider range of commercial development types, but only if rental levels increase by 10% from current values.
- 5.10 Some types of retail development are able to bear a CIL charge, with retail warehousing and certain formats of supermarket indicated to have headroom – although this varies in terms of the location of the development with only town centre and out of centre locations being able to support CIL. No commercial development of offices or warehousing was considered to be sufficiently viable to have headroom for the introduction of the CIL, both at current and any enhanced rental levels.
- 5.11 Care Homes shows insufficient capacity to accommodate the introduction of CIL at current values, but some potential with a 10% increase in rental values.
- 5.12 Any significant uplift in development costs with no corresponding increase in rental levels suggests that there is little or no scope for the introduction of CIL for all commercial development types.

6. Infrastructure Needs

- 6.1 In terms of infrastructure needs the consultant's report considered three broad areas;
- Transport
 - Utilities and Environment
 - Community Services
- 6.2 In terms of transport it highlighted the impact that road noise from the surface of the A50(T) could have an adverse impact upon new development in

Doveridge unless appropriate mitigation measures are put in place. It also acknowledged the need to explore options for an Ashbourne Bypass.

- 6.3 In terms of rail services it identified that a passing loop on the Derwent Valley Community Railway potentially between Cromford and Whatstandwell could enable the operation of half-hourly services in the future, but to deliver this would be reliant essentially upon funding, other than from Network Rail.
- 6.4 In relation to other transport related issues it identifies that development proposals have the opportunity to fund enhancements to bus services to serve individual sites, there is generally sufficient car parking spaces across the town centres to accommodate day to day needs but there are occasions where car park capacity is reached. Any improvement to the car park management regime it considered could be funded through the LTP and/or developer contributions. The report also noted the benefits that could be derived from the White Peak Loop along the Matlock-Bakewell corridor.
- 6.5 The impact of the policies and proposals in the Derbyshire Dales Draft Local Plan on the Utilities were reviewed, and based upon consultation with Western Power Distribution, National Grid and Severn Trent Water. As a result no strategic (or local) infrastructure improvements were identified as being required for either the gas or electricity networks. The National Grid confirmed that there are no anticipated capacity issues with either the gas or electricity distribution networks in the plan area.
- 6.6 Severn Trent advised that there were some localised capacity issues associated with the drainage network in the vicinity of some of the sites included within the Derbyshire Dales Draft Local Plan, although they did not consider these to be significant constraints as any upgrades to the network in the vicinity of these sites are likely to be achieved and would be funded by the developers. Ashbourne Water Treatment Works will need to be upgraded to respond to the cumulative impact of both existing and future demand. Severn Trent Water are currently planning for the works to be expanded in a number of phases. There is room on and adjacent to the existing site for expansion subject to planning and the agreement of the Environment Agency. At other sites the report indicated that there was no clear mitigation scheme and this will need to be addressed taking into account the nature and timing of each site as they are brought forward.
- 6.7 Although telecommunication networks were not considered to be a key driver of, or barrier to, new residential development, the report acknowledged that from 31 December 2016 a number of EU directives relating to telecommunications would apply, including one that ensures that "member states are required to ensure that newly constructed buildings and properties subject to major renovation works are equipped with a high-speed-ready in-building physical infrastructure, up to the network termination points". The

consultant's report advised that these will have to be taken into account in taking the Derbyshire Dales Local Plan forward.

- 6.8 In terms of Education the report set out that Derbyshire County Council as Education Authority have a well-established and on-going approach to the assessment of education needs across the plan area. It sets out that Derbyshire County will continue to seek financial contributions from developers to enable the provision of primary and secondary school places.
- 6.9 Derbyshire County Council in their response to the consultation on the Derbyshire Dales Draft Local Plan in May 2016 set out the following detailed comments in respect of education requirements:

"In Ashbourne, housing development within the normal area of Hill Top Infant and Nursery School and Parkside Community Junior School will probably trigger the need to provide additional places at both schools, secured either via Section 106 planning obligations or CIL. DCC has already responded to planning applications for residential development at a number of the proposed site allocations requesting contributions towards the provision of primary school places at these schools.

In Doveridge, it is likely that current planning applications will utilise the available surplus and projected surplus capacity at the primary school. In future, any further residential development will likely result in a requirement for the provision of additional primary school places, to be funded by developers.

In Hulland Ward, any further development will result in a requirement for additional primary school places at Hulland Primary School.

In Brailsford, construction of a new primary school will provide accommodation for new primary school pupils from development already benefitting from planning permission. Any further development in this area may result in a need for additional places at Brailsford Primary School or contributions towards additional provision at the new school site.

QEGS is projected to have a small amount of surplus capacity and could accommodate some additional secondary pupils from a small level of housing development. However, significant housing growth within the normal area of QEGS would see the small amount of projected surplus capacity taken up. There would be a need for developer contributions (secured either via Section 106 planning obligations or CIL) to provide additional secondary places in order to mitigate the cumulative impact of housing development in the QEGS normal area.

The primary schools serving the Darley Dale planning area are all at capacity or over-subscribed currently, and projections are showing rising pupil numbers for all but one primary school in this area. Therefore, any residential development in this area will result in a need for the provision of additional primary places, to be funded either via Section 106 planning obligations or CIL.

In Matlock, further housing development would result in the need for provision of additional primary school places at All Saints Infant School, All Saints Junior School and Castle View Primary School. However, the site of All Saints Infant School is limited in its potential for expansion. Therefore, there may be a requirement for an alternative site for the provision of either an infant school or primary school for Matlock.

In Tansley, housing development would result in the need for provision of additional primary school places which could be delivered subject to funding from developers via Section 106 planning obligations or CIL.

Highfields School is the normal area school for secondary provision in Matlock, Darley Dale and Tansley and is projected to have sufficient surplus capacity to accommodate additional secondary pupils from future housing development in these areas.

In Wirksworth, additional primary school places would be required to accommodate additional pupils from housing development. However, neither infant school site can be expanded, although there is some space at the junior school. It is not clear how additional infant places could be provided. DCC would look to negotiate a site for a primary school in the Wirksworth area.

In Middleton, housing development would result in the need for provision of additional primary school places at Middleton Community Primary School which could be delivered, subject to funding from developers via Section 106 planning obligations or CIL.

Anthony Gell School is the designated normal area school for secondary provision and is projected to have sufficient surplus capacity to accommodate additional secondary pupils from future housing development in its normal area.

- 6.10 In respect of healthcare the report advises that the need for additional health facilities will depend on the amount and type of housing being developed, and whether there will be significant elderly or young populations. This will determine the required make-up of the clinical workforce and may, for example, highlight the need for practice nurse, dental, ophthalmic and pharmacy support. It advised that all the Clinical Commissioning Groups (CCG) that cover Derbyshire Dales Strategic Estate Strategies will set out the need for future facilities. However it noted that without large developments triggering capital works (e.g. new health centres) any enhanced services are likely to rely on 'revenue' funding (e.g. to cover additional staff or rental costs), which developer contributions are unlikely to be able to provide for.
- 6.11 Whilst the report set out an overview of the position with regards to the need for healthcare provision in the future, direct discussions were held with representatives of all three CCGs that cover the plan area. As part of these discussions the CCGs have been asked three specific questions:
1. Is existing health care provision adequate to serve the existing and future needs of the area ?

2. Is there an need to improve health care provision in the Derbyshire Dales ?
3. If there is a need to improve health care provision, what assistance is required from the Local Planning Authority.?

6.12 Each of the CCG's were provided with details of the scale and location of proposed residential developments and they predicted the impact upon existing facilities. However, each of them has advised that it is no longer policy and practice to simply build more GP surgeries or employ more GP's. The approach that is being taken to deal with increasing demands is far broader and includes the following:

- a) Utilisation of technology to facilitate GP service transformation as a means of improving capacity in the health care system as opposed to increasing the number of GP services.
- b) Initiatives in the community which avoid the need for people to call on GP services are increasingly seen as a more effective means of improving the health and well- being of people.
- c) Encouraging GP practices to work more collaboratively with each other in order to improve overall capacity within the health care system.
- d) There is a move nationally and regionally to encourage GP practices to operate more flexibly by extending opening hours and moving to 7 day working.

6.13 As a result of these discussions the position in regard to health care facilities across the Derbyshire Dales is as follows:

- *NHS Southern Derbyshire Clinical Commissioning Group - At the present time, taking into account the scale of development proposed in the emerging Derbyshire Dales Local Plan, the CCG does not envisage the need to invest in any new build GP practices and that the four practices that currently serve the Southern Derbyshire Dales are adequate to meet future needs. However, there may be a need to improve capacity at the existing practice serving Hulland Ward and assistance has already been provided by the District Council in this regard through s.106 contributions from permitted developments.*
- *North Derbyshire Clinical Commissioning Group - At the present time, all 3 General Practice surgeries that serve the northern Derbyshire Dales are beyond their optimum patient levels. As a consequence of the scale of new residential development proposed in the emerging Derbyshire Dales Local Plan, there is likely to be a need to consider the existing arrangements in further detail. However, the solution to this lies with the existing GP practices who need to work collaboratively together.*
- *East Staffordshire Clinical Commissioning Group - In response to development pressures in East Staffordshire, there is a need to increase capacity for health care provision across the CCG area.*

Proposed developments envisaged in Doveridge will place increased pressure on the existing Dove River Practice (Sudbury) and options for the potential expansion and/or relocation of the Dove River (Sudbury) Practice need to be explored with the Practice Partners in order to accommodate an expected increase in patient numbers over the plan period.

- 6.14 The three main emergency services, Police, Fire and Rescue and Ambulance, are responsive organisations with a duty to serve the population within their area, and so the deployment of resources is based on response times to serve this population. These services are not considered to be a significant driver or barrier to growth, as they will deploy resources to serve the scale and location of new development.
- 6.15 The provision of community facilities such as libraries and sports facilities is changing and likely to remain under pressure with future funding settlements for the District Council. Although not a significant influence on growth, such facilities are essential to enhance the quality of life for new residents and the existing population, but funding will be needed outside the Local Plan process.

7. Draft Charging Schedule

- 7.1 The evidence from the Viability Study established that CIL is viable on residential development and certain retail property types. Consultation on a Preliminary Charging Schedule took place from 23rd February 2018 to 6th April 2018. A number of representations were made to the Preliminary Charging Schedule during the public consultation however the District Council considers that none made a substantive case that justifies modification of the proposed charging rates.
- 7.2 As a consequence the District Council is consulting on the following proposed Draft Charging Schedule which continues to align with the viability evidence:

	Draft Charging Schedule (£/sq metre)
Residential Development⁵	
Value Area High	£120
Value Area Medium	£50
Value Area Lower	£10
Retail	
Town Centre	
Shopping Centre	£0
Retail Warehousing	£0
Superstore	£80
Supermarket	£0

⁵ For residential development the three Value Areas are defined on Figure 1 below

Draft Charging Schedule (£/sq metre)	
Convenience Store	£20
Local Centre	
Convenience Store	£0
Villages	
Convenience store	£0
Out of Centre	
Retail Warehousing	£0
Superstore	£80
Supermarket	£0
Convenience Store	£0
Care homes	£0
All other commercial uses	£0

Table 1 - Draft Charging Schedule

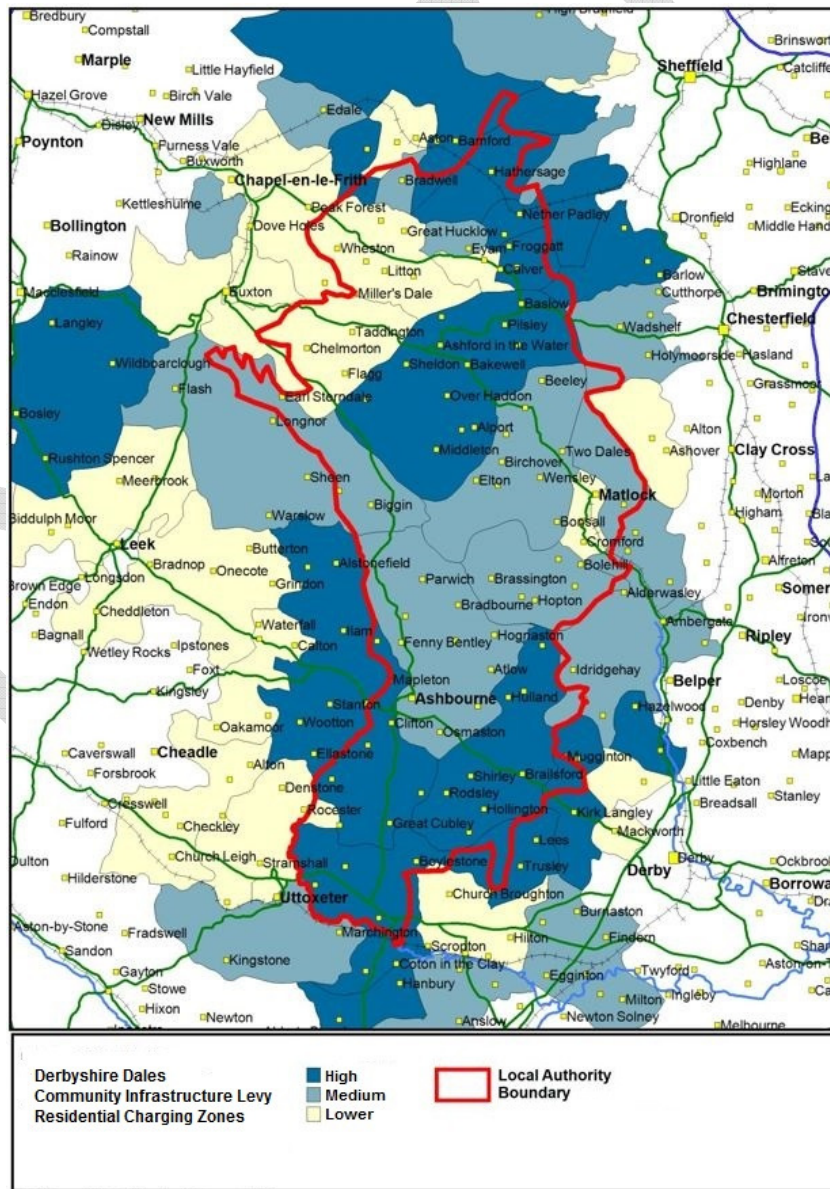


Figure 1 - Residential Value Areas

8. Payment of the Community Infrastructure Levy

8.1 The CIL charge becomes due on the commencement of development. The District Council, as 'charging authority', becomes responsible for collecting payments. Once adopted payment of the CIL applies to all development with the following exceptions:

- **development of less than 100 square metres unless this is a whole house, in which case the levy is payable**
- **houses, flats, residential annexes and residential extensions which are built by 'self builders'**
- **social housing that meets the relief criteria set out in Regulations**
- **charitable development that meets the relief criteria set out in regulations**
- **buildings into which people do not normally go**
- **buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery/structures which are not buildings, such as pylons and wind turbines**
- **specified types of development which local authorities have decided should be subject to a 'zero' rate and specified as such in their charging schedules**
- **vacant buildings brought back into the same use**
- **where the levy liability is calculated to be less than £50, the chargeable amount is deemed to be zero so no levy is due.**
- **mezzanine floors, inserted into an existing building, are not liable for the levy unless they form part of a wider planning permission that seeks to provide other works as well.**

8.2 The CIL Regulations include mandatory exemptions for self-build housing, residential annexes and extensions as well as permitted development. Once set local planning authorities cannot determine which developments to charge as this is dictated by the CIL Charging Schedule.

8.3 The District Council considers that it is appropriate for the introduction of an Exceptional Circumstances Relief Policy which allows the District Council, to use its discretion, and exempt certain types, and sizes of development from payment of the Derbyshire Dale CIL. A copy of the Exceptional Circumstances Relief Policy is set out in Appendix 1.

8.4 A CIL is charged on a £ per square metre basis on net additional (internal) floorspace, with rates being able to be imposed by geographic area or use or size. Furthermore payment is due when the development starts (or phases or instalments - the charging authorities decide). The CIL is index linked and the

landowner is responsible for paying it. Developers may take liability to pay the CIL charge on behalf of the landowner.

- 8.5 The District Council acknowledges that for some developments payment of a large financial contribution due under the Derbyshire Dales CIL may have an adverse impact upon the delivery of the development. To assist, the District Council has resolved to introduce an Instalment Policy. This allows eligible liabilities to pay their Community Infrastructure Levy by instalment. A copy of the Instalment Policy is set out in Appendix 2.
- 8.6 Once the Derbyshire Dales CIL is adopted, the charging rates will be indexed to account for inflation using a nationally recognised index. The overall charging Schedule will be reviewed to take account of changes in viability; particularly when changes to sales values, build costs and developer activity are sufficient to indicate that a review is required.

9. Regulation 123 List

- 9.1 Once a Charging Regime has been adopted the District Council may fund, wholly or in part, the provision of infrastructure through the Community Infrastructure Levy receipts. The inclusion of a type of infrastructure or project on the Regulation 123 list does not represent a commitment by the Council to fund that infrastructure through Community Infrastructure Levy receipts. The order does not imply a priority or preference for funding. The list of projects will be periodically kept under review once the Derbyshire Dales CIL has been adopted, taking into account of emerging infrastructure requirements to support the timely delivery of new development within the District.
- 9.2 The Community Infrastructure Regulations 2010 (as amended) restricts the use of planning obligations secured through S106 agreements for infrastructure that will be funded in whole or in part by the Community Infrastructure Levy. This is to ensure there is no duplication between CIL and planning obligations in funding the same infrastructure projects.
- 9.3 In addition, a development should not have to contribute twice towards the same piece of highways infrastructure through works carried out under Section 278 of the Highways Act 1980, and monies or land provided through CIL.
- 9.4 The relationship between CIL and planning obligations are explained in the Planning Practice Guidance where it notes that it is possible that site specific mitigation may still be necessary subject to certain limits, namely:
- **The application of the statutory test with respect to planning obligations (Regulation 122) namely – it is necessary to make the development acceptable in planning terms, directly relevant to the development and fairly and reasonably related in scale and kind;**
 - **Ensuring no overlap between CIL and Planning Obligations;**

- **Imposing a 5 limit pooled contribution from planning obligations towards infrastructure that may be funded by the levy.**

9.5 In accordance with the CIL Regulations, the Council will pass 15% of relevant CIL receipts to the Town/Parish Council for that area, capped at £100 per dwelling on existing dwellings. If the town/parish council adopts a neighbourhood plan, this percentage will be increased to 25% (uncapped).

9.6 The Infrastructure Assessment identifies that the amount of aggregate funding 'gap' at this time is taken as £22 million. It indicates that transport, healthcare and education infrastructure are considered to be "essential" projects required to support future growth across the local planning authority area that would be eligible for CIL.

9.7 In the case of education, the development of the estimated costs of the infrastructure to date is robust, given Derbyshire County Council's formula for developer contributions and the level of work already undertaken on the improvements required to support growth. Derbyshire County Council, have, however indicated that contributions towards education facilities should be provided through S106 obligations rather than through the Community Infrastructure Levy.

9.8 For transport and green infrastructure improvements, it is more difficult to put a figure on the current funding 'gap' as some of the schemes listed in the updated IDP simply have "unknown" as the cost estimate until more detailed assessment work is undertaken.

9.9 The following are considered to be priority projects (but not in priority order) to be funded through CIL;

- **Junction/highway capacity and traffic management improvements in Ashbourne, Matlock and Wirksworth including works to assist with the implementation of key development sites and as appropriate contributions towards Ashbourne Bypass**
- **Contributions, where appropriate, to Broadband service quality across the local planning authority area for both business and residential premises**
- **Delivery of new, and improvements to existing strategic public open space and green infrastructure across the local planning authority area**
- **Upgrades to healthcare facilities across the local planning authority area.**

10. Consultation – How to Respond

- 10.1 The Derbyshire Dales Draft CIL Charging Schedule and accompanying documents are available for public comment for a six week period from Friday 6th July 2018 until Friday 17th August 2018.
- 10.2 Representations on the Derbyshire Dales Draft CIL Charging Schedule should be made online using the comments form which can be accessed on the following website: www.derbyshiredales.gov.uk/CIL
- 10.3 Although the District Council's preference is for comments to be made using the online comments form an electronic version of the comments form, is available and can be requested from the Planning Policy Team either by telephone on 01629 761251 or by e-mail localplans@derbyshiredales.gov.uk.
- 10.4 The District Council would like response to the following questions:
1. Do the proposed rates strike an appropriate balance between funding infrastructure and any potential effects on the viability of development? If not, please provide alternative appropriate evidence to support your view.
 2. Do you have any comments on the District Council's Instalments Policy ?
 3. Do you have any views on the District Council's Exceptional Circumstances Relief Policy ?
 4. Do you have any views on the content of the Council's Initial Draft Regulation 123 list and the proposed balance between CIL and S106? If so, please give reasoning with your answer?
 5. Do you have any other comments on the Draft Charging Schedule?
 6. Do you have any other comments on the evidence base which supports the Draft Charging Schedule?

11. Next Steps

- 11.1 Following this consultation, the District Council intend to submit this Draft Charging Schedule along with the representations received for Examination in Public. It is anticipated that an Examination will be held in October 2018.

- 11.2 Any person making a representation to this consultation has the right to be heard at a future Community Infrastructure Levy Examination in Public.
- 11.3 Following the examination, the independent Inspector who examines the CIL Charging Schedule will produce a report recommending adoption or changes. The CIL Charging Schedule will then be taken forward for adoption by the District Council with implementation of CIL recommended from a published date.
- 11.4 At this time the District Council is anticipating the introduction of the Derbyshire Dales CIL on 1st April 2019.

DRAFT

COMMUNITY INFRASTRUCTURE LEVY - DISCRETIONARY EXCEPTIONAL CIRCUMSTANCES RELIEF

(COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (AS AMENDED) REGULATION 56 NOTICE)

Derbyshire Dales District Council gives notice that relief for exceptional circumstances is available in its area from the date that the Derbyshire Dales Community Infrastructure Levy comes into effect on xxxx in accordance with Regulations 55 to 58 of the Community Infrastructure Levy Regulations 2010 (as amended).

In such cases the claimant must follow the procedures set out in Regulation 57, including an assessment carried out by an independent person of the cost of complying with the planning obligation together with CIL and its impact on the economic viability of the chargeable development.

It should be noted that the District Council has undertaken viability assessments of different types of development to consider the level at which the proposed Community Infrastructure Levy charges have been set, taking into account the provision of affordable housing and possible development specific S106 obligations.

In view of this, it is important to note that the circumstances under which it is made available are expected to be genuinely exceptional.

A relief claim form is available on the planning portal website:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

For further information regarding the Relief please contact xxxx xxxx on 01629-xxxxxx or email xxx@derbyshiredales.gov.uk

**COMMUNITY INFRASTRUCTURE LEVY – INSTALMENTS POLICY
(COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (AS AMENDED)
REGULATION 69b NOTICE)**

This Community Infrastructure Levy Instalments Policy comes into effect on xxx.

It applies to all Community Infrastructure Levy liable planning applications approved on or after this date.

In accordance with Regulation 69b of the Community Infrastructure Levy Regulations (as amended), Derbyshire Dales District Council will apply the following CIL Instalment Policy to all development on which Community Infrastructure Levy is liable.

Chargeable Amount	Instalment Timescale
Less than £15,000	Full payment within 60 days of development commencing
Between £15,00 and £50,000	First Instalment (50%) within 60 days Second Instalment (50%) within 360 days
Between £50,000 and £100,000	First Instalment (25%) within 60 days Second Instalment (50%) within 360 days Third Instalment (25%) within 540 days
Above £100,000	First Instalment (25%) within 60 days Second Instalment (25%) within 360 days Third Instalment (25%) within 540 days Fourth Instalment (25%) within 720 days

COMMUNITY INFRASTRUCTURE LEVY – PAYMENT IN KIND AND INFRASTRUCTURE PAYMENT POLICY

(COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (AS AMENDED) REGULATION 73 & 74)

In accordance with Regulations 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), Derbyshire Dales District Council as the charging authority for the area will allow the payment of Community Infrastructure Levy by land payments or infrastructure payments.

This policy is effective from the day the Derbyshire Dales Community Infrastructure Levy comes into effect on xxx.

The CIL Regulations 2010 (as amended), allow the District Council to accept full or part payment of a Community Infrastructure Levy liability by way of the transfer of land to the District Council. The District Council may also enter into agreements to receive infrastructure as payment. The infrastructure to be provided must be related to the provision of those projects listed in the District Council's Regulation 123 list.

Any agreement relating to such a payment must be made before the chargeable development commences.

The value of any land or infrastructure offered by way of payment has to be determined by a suitably qualified independent person.

For further information regarding the Payment in Kind and Infrastructure Payment Policy please contact xxxx on 01629-xxxxxx or email xxx@derbyshiredales.gov.uk

BACK TO AGENDA

COMMUNITY AND ENVIRONMENT COMMITTEE
7 JUNE 2018

Report of the Head of Community & Environmental Services

ASHBOURNE PAVILION PROJECT

PURPOSE OF REPORT

For the Community and Environment Committee to consider proposals to remodel the way sports pavilion facilities on Ashbourne Recreation Ground are provided in light of their current condition and the overall financial position of the Council.

RECOMMENDATION

1. That a proposed new model to deliver sports pavilion facilities on Ashbourne Recreation Ground is noted.
2. That approval is given to enter into a long term lease as outlined in Appendix 1 with Ashbourne Recreation Ground Sport and Community Partnership (Charity No 1178134) to include the ongoing management and maintenance responsibilities for the new building, subject to due diligence checks on the governance arrangements and constitution of the organisation, them successfully securing the level of external funding required to complete the project, and subject to Public Open Space consultation.
3. That approval is given to use £70,000 from within the existing Capital Programme budget identified as “Condition Survey Works – Parks and Pavilions”, and that this sum is provided to Ashbourne Recreation Ground Sport and Community Partnership as match funding towards the proposed redevelopment scheme to be drawn down once the remaining level of funding required to complete the project is secured and expenditure of that value has been incurred.
4. That update reports will be provided at key milestones as the project progresses.

WARDS AFFECTED

Ashbourne North and South, and surrounding wards

STRATEGIC LINK

Community and Environmental Services Department support the District Council’s Corporate Aim to promote quality of life and also makes a significant contribution to the safety, health and wellbeing of the community of Derbyshire Dales.

The proposal reflects the District Council’s priorities, whilst also seeking to ensure that we deliver value for money and work effectively with community partners.

1 BACKGROUND

1.1 Ashbourne Recreation Ground located off Cokayne Avenue in the town centre, is a hub for community sport and recreational activities. The sports facilities are used extensively by a number of teams and clubs throughout the summer and winter seasons, in addition to a wide range of community events and recreational use by residents and visitors. Appendix 1 shows a map of the Recreation Ground with pitches and pavilion buildings clearly marked.

1.2 Located within the Recreation Ground are three separate pavilion buildings that are owned, managed and maintained by the District Council. Each building serves different sports including Football, Cricket, Bowls and Rugby.

- **Memorial Pavilion**

Largest of the three buildings, Ashbourne Memorial Pavilion, was built in the 1950's as a memorial to those who lost their lives in both the First and Second World War, therefore has significant local importance.

The building contains 3 changing rooms, 1 officials changing space, kitchen and social space, toilet/shower facilities, store room and is used predominantly by Ashbourne Cricket Club and Ashbourne Aztecs Junior Football Club

- **'Two Team' Wooden Pavilion**

Located adjacent to the Memorial Pavilion, the Two Team Pavilion comprises of 2 changing rooms, 1 officials changing room, toilet/shower facilities and is used predominantly by Ashbourne Rugby Club.

- **Bowls Pavilion**

The Bowls Pavilion is located adjacent to the bowling green, is constructed in wood and used by Ashbourne Bowls Club

1.3 In addition to the pavilion buildings, the site also contains a number of grass playing pitches which are used extensively throughout the year for different sports. These are listed below

- 1 x Adult Rugby Pitch
- 2 x Adult Football Pitches (1 under official size)
- 1 x Junior Football Pitch
- 1 x Cricket Pitch
- 1 x Bowling Green
- Various marked and unmarked training spaces

1.4 Bookings to use the pavilion buildings and pitches, site maintenance (grass cutting, pitch maintenance) is coordinated and managed by the District Council Community Development and Environmental Services and Business Support. Building repair and maintenance work is managed by Estates and Facilities.

- 1.5 Annual hire agreements are used with all customers and detail the terms and conditions of use. Whilst it is positive to have formal agreements in place, they do not provide clubs with security of tenure beyond the period of a year.
- 1.6 Lack of longer ranging agreements can often make it difficult for clubs to attract external funding to improve facilities and help their respective club grow. Longer agreements would help achieve better outcomes in this respect with major funders such as Sport England expecting a minimum of 25 years security of tenure.
- 1.7 In the 2017/18 financial year, pavilion booking for the Memorial Pavilion on Ashbourne Recreation Ground generated £1,285.66 income.
- 1.8 Cleaning of the pavilion buildings costs approximately £5,200 per year.

2 REPORT

Building Conditions

- 2.1 The three buildings are generally in poor condition and are all nearing the end of their natural lives.
- 2.2 Condition surveys for the three pavilion buildings were completed in 2015 and highlight the level of work and costs required to maintain the three facilities over a 5 year period. The survey also classified all three buildings as 'poor'.
- 2.3 The table below highlights the cost of works required in order to keep these facilities wind and water tight and maintained for safe operational use. They do not include any upgrades to the facilities.

Facility	Works identified in Condition Survey 2015	Works identified in Capital Programme 2018/19
Memorial Pavilion	£52,000	£26,660
Bowls Pavilion	£39,000	£37,370
Two Team Wooden Pavilion	£19,600	£14,970
Total	£110,600	£79,000

- 2.4 The pavilion buildings have also been assessed as part of the Derbyshire Dales Built Sports Facilities, Playing Pitch and Open Spaces Strategy 2017 and have been rated as 'poor'.

3 Future Options

- 3.1 The position outlined above presents a situation where a major decision will be required on the long term future of all three pavilion facilities should the status quo remain.

In light of this, officers have assessed the future options and these are summarised below;

A) District Council undertake a rationalisation and upgrading scheme

Estimated costs to replace or upgrade each pavilion to the level required is significant. Based on the design detailed in appendix 1, c. £500,000 would be required to replace one building, which given the current financial position of the Council is unlikely.

As the three pavilion buildings are located in such close proximity, the opportunity to rationalise into one building with sufficient changing rooms and ancillary facilities to cater for all sports is more feasible.

The cost of achieving this would be in the region of £500,000 and given the District Council's current financial position, achieving this outcome is highly unlikely.

B) At the end of the facilities' natural lives, demolish the buildings and cease to provide the service

Provision of playing pitches and associated facilities is not a statutory function of the Council therefore ceasing to provide this service is an option and would result in current users being unable to play the sports described in paragraph 1.3.

Loss of such facilities and opportunities to participate in sport and recreation would have a detrimental impact of the health and wellbeing of residents therefore other options which retain this service but provide it in a different way are preferred.

This option would also affect the events schedule for the Recreation Ground as event organisers often also hire the memorial pavilion as a base for their event, including the use of toilet facilities.

As highlighted in paragraph 1.2, the memorial pavilion holds significant local importance after being built in the 1950's as a memorial to those who lost their lives in both the First and Second World War. Retaining this using another option is another key consideration.

C) Work with the community to explore a different way of providing the service

Given the information provided on the previous two options, further work has been undertaken that is summarised in section 4 which explores this option further.

4 Proposal for Improvements - Work with the community to explore a different way of providing the service.

4.1 In January 2017, the District Council were approached by a partnership of local clubs including Ashbourne Aztecs Junior Football Club and Ashbourne Cricket Club, expressing their desire to work together to improve the pavilion facilities on the Recreation Ground for the benefit of the community.

4.2 In the context of the current condition of the pavilion buildings and recognising that the District Council may not have the resources to meet the future needs and aspirations of customers, Officers have been supporting the partnership to develop their proposals.

- 4.3 The partnership is registered as a Charitable Incorporated Organisation (Charity number 1178134), named Ashbourne Recreation Ground Sport and Community Partnership (ARGSCP) and has been supported by other organisations including Derbyshire Dales Council for Voluntary Services (DDCVS) and England and Wales Cricket Board.
- 4.4 ARGSCP developed plans for a new facility within an extended footprint of the Memorial Pavilion (Appendix 2). These plans formed the basis of a planning application which was reviewed and granted full planning permission by Derbyshire Dales Planning Committee on Tuesday 22 May 2018.
- 4.5 The planning application is for a much improved, modern facility which closely meets the needs and future aspirations of users whilst also recognising the significance the Memorial Pavilion as a War Memorial in the new design. The approach regarding the War Memorial has been discussed by the partnership with Ashbourne Royal British Legion who are in agreement with their proposals.
- 4.6 Whilst gaining planning permission is the first step in the process, the partnership now require the District Council to provide security of tenure on the Memorial Pavilion and related pitches to enable them to meet the requirements of funding bodies (minimum 25 years) as they attempt to raise the amount needed to fund the project.
- 4.7 We propose to achieve this by granting a long lease to ARGSCP thereby providing a balance such that ARGSCP can improve and operate the facility to maximise community use, whilst the District Council retains the freehold of the land in common with its surrounding ownerships. This also protects the District Council's position in the event of the project failing as outlined in the Heads of Terms as Appendix 3 of this report.
- 4.8 Alongside the lease, we recommend approval of a financial contribution from existing Capital Programme resources towards the cost of overall scheme. The contribution would be used by the partnership as match funding in support of funding applications being made towards the project. It would also demonstrate the Council's commitment to the project via a partnership approach, and if successful, would also mitigate the longer term risk associated with replacement of the pavilion funded solely by the District Council.
- 4.9 The level of the financial contribution is suggested to be £70,000. The rationale for this level of contribution is based on costs of works highlighted in the conditions survey summarised in paragraph 2.2 of this report.
- 4.10 Should approval be given, existing pavilion buildings would be maintained in their current condition with only urgent repairs undertaken to allow them to be wind and watertight and safe to use. This work would be funded using a retained amount of £9,000 from the Capital Programme and the ongoing revenue repairs budget. No improvements would be made to the buildings pending redevelopment.
- 4.11 The two remaining pavilion buildings (two team and bowls) would be demolished on successful completion of the new facility and all clubs would transfer to the new facility. Following consultation with Ashbourne Bowls Club, a shelter would be provided and sited adjacent to the bowling green for players to use during breaks in matches or during shorts spells of bad weather.

- 4.12 To assist ARGSCP to attract external funding, security of use on the pitches which clubs from the partnership use is required. Separate licences will be agreed to include priority use and some maintenance responsibilities which will transfer from the District Council to ARGSCP.
- 4.13 Protection for existing users of all pavilions is paramount and provision has been made within the Heads of Terms document (Appendix 3) ensuring ARGSCP works to meet the needs of existing users.
- 4.14 All maintenance, repair and cleaning responsibilities for the new facility would pass to ARGSCP under the terms of the lease. This would result in the District Council reducing the level of resource currently being used to operate the three pavilion buildings and allow for this time to be re-allocated to other duties.
- 4.15 ARGSCP would also be responsible for pavilion bookings and retain the associated income. The District Council would remain responsible for grass pitch bookings and retain the associated income.
- 4.16 Some maintenance responsibilities for grass pitches highlighted in Appendix 1 would pass to ARGSCP under a licence agreement. The remainder of the Recreation Ground would remain under the responsibility of the District Council and be maintained as it is currently.
- 4.17 ARGSCP has developed a comprehensive plan to maximise community use of the new facility, gaining commitment from current sports club users and from St Oswald's Primary School for both education and sporting use. Further to this packages for hiring the facility to community groups, children's parties and meetings is also central to how the partnership see community use developing.
- 4.18 Should applications for funding be unsuccessful or in the event the project is not completed, a further report will be brought back to the Community and Environment Committee with recommendations regarding the way forward.
- 4.19 As part of the recent public conveniences review which resulted in the closure of the Ashbourne Recreation Ground public conveniences, discussions with ARGSCP have taken place and they have agreed to provide a public toilet facility as part of this project.

5 CONCLUSION

- 5.1 Pavilion facilities on Ashbourne Recreation Ground are in poor condition and require significant modernisation to bring them up to modern standards. Given the Council's current financial position, the resources to undertake the level of work required are unavailable, therefore new and innovative ways to achieve this outcome are required.
- 5.2 This outlined in section 4 enables the District Council to reduce operational time spent cleaning and managing the current buildings, whilst also removing all responsibilities for repair and maintenance once the new pavilion is built.
- 5.3 Delivering a project of this complexity and cost is challenging, not least securing the level of funding required. Officers are actively supporting ARGSCP with various large

scale funding applications and the project is also registered in the Derbyshire Dales Built Sports Facilities, Playing Pitch and Open Space Strategy which may open a route to securing Section 106 funding contributions in the future towards the project in the future.

- 5.4 Overall, working with a community organisation such as ARGSCP presents the attractive opportunity to secure the level required to develop a new community pavilion to replace the three existing buildings with a modern facility which when completed, will significantly grow the level of community use on the site.

6 VALUATION

The proposed terms for the lease to ARGSCP comprises an undervalue transaction as permitted under the General Disposal Consent 2003.

It is considered by the Council's Valuer that the value of the disposal equates to £10,000.

Under the General Disposal Consent 2003, Local Authorities are permitted to dispose of any interest in land held under the Local Government Act 1972 which they consider to contribute to the promotion or improvement of the economic, social or environmental wellbeing of the area at less than best consideration subject to various conditions.

It is considered that the proposed terms of this disposal by lease would comply with this legislation.

7 CONSULTATION

In addition to Public Open Space consultation, relevant Ward Members and Town Councils have been consulted on the proposed transfer and any comments received will be reported verbally at the meeting.

8 OTHER EXPRESSIONS OF INTEREST

In addition to various general expressions of interest in development sites/opportunities across the District and the expressions of interest forming part of this report, no other specific expressions of interest have been received in relation to all the sites/properties included in this report.

9 RISK ASSESSMENT

9.1 Legal

The Council has a duty under S123 of the Local Government Act 1972 to dispose of assets for the best price reasonably obtainable. A disposal at an undervalue needs consent under the Local Government Act 1972: General Disposal Consent 2003 if the Council considers that the disposal will secure the promotion or improvement of the economic, social or environmental well-being of its area.

The tenant would be responsible for the District Council's reasonable legal costs related to the preparation and completion of lease and grant documentation.

The duty to consult on the disposals accords with the Council's policy on the disposal of land and property and S123 Local Government Act 1972. The legal risk in that respect is low.

Due diligence checks on the governance structure and constitution of the charity are required to assess the risk of transfer to a charitable body and its ability to move the project forward. The Council will also wish to protect its investment and suitable conditions will need to be drafted.

The legal risk in that regard is medium.

9.2 Financial

The £70,000 proposed contribution towards match funding can be met from the sum allocated in the capital programme for condition survey works at parks and pavilions. This sum will only be provided to Ashbourne Recreation Ground Sport and Community Partnership as match funding towards the proposed redevelopment scheme once due diligence on the governance structure and constitution of the organisation, the remaining level of funding required to complete the project is secured and expenditure of that value has been incurred.

If successful, this proposal would mitigate the longer term risk associated with replacement of the pavilion that would otherwise be a future capital liability for the District Council.

The proposed approach enables the District Council to reduce operational time spent cleaning and managing the current buildings, whilst also removing all responsibilities for repair and maintenance once the new pavilion is built. This will result in a reduction in revenue expenditure that will contribute towards the corporate savings target.

The financial risk is assessed as medium.

10 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

11 CONTACT INFORMATION

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Telephone: 01629 761367; Email: ashley.watts@derbyshiredales.gov.uk

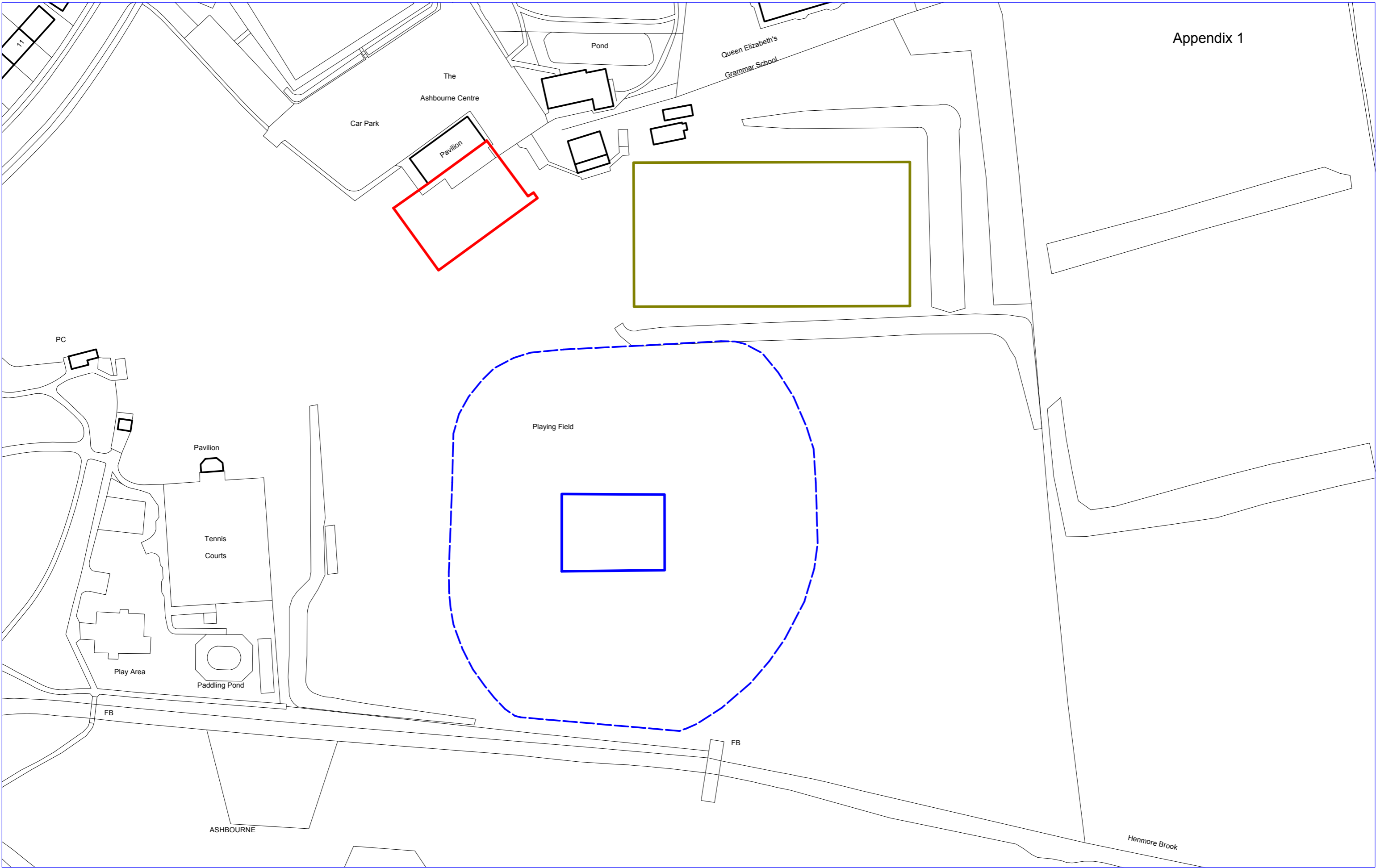
Rob Wilks, Community Development and Wellbeing Officer
Telephone: 01629 761381; Email: rob.wilks@derbyshiredales.gov.uk

12 BACKGROUND PAPERS

Date	Description	Location
January 2018	Derbyshire Dales Built Sports Facilities, Playing Pitch and Open Space Strategy	CD/RW

13 ATTACHMENTS

Appendix 1 – Plan of Ashbourne Recreation Ground
Appendix 2 – Plans for proposed new Sports Pavilion
Appendix 3 – Draft Heads of Terms



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ARGSCP
Pavilion
Ashbourne

SKETCH DESIGN VISUAL

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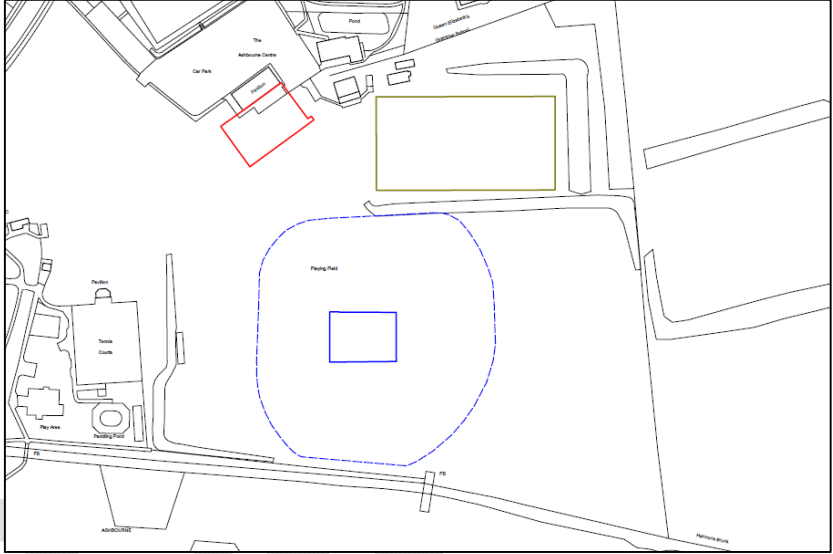
31 August 2017 KMN

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masterplanning •
 environmental assessment •
 landscape design •
 urban design •
 ecology •
 architecture •
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	New Lease	Ashbourne Recreation Area – Part only Subject to Contract, DDDC approval and POS advertising consultation
1.	Lessor	Derbyshire Dales District Council
2.	Lessee	Ashbourne Recreation Ground Sports & Community Partnership (ARGSCP)
3.	Property	<p>Pavilion area Ashbourne Recreation Ground</p>  <ul style="list-style-type: none"> - Boundary of premises outlined in red (leased area only) - Wicket outlined in blue (right to use) - Outfield outlined in dotted blue (right to use) - Football pitch outlined in brown (right to use)
4.	Term	50 years, Tenant only break at 35 years
5.	Rent	£1 pa payable on demand
6.	Use	For the purpose of facilities to provide a community hub to enable the promotion of sport, learning, health and community involvement with the aim to increase local participation in sport and community activity through a lifetime approach to health, fitness, learning and sporting excellence.
7.	Lessee's Obligations	To construct a pavilion (including change rooms, WCs, hall, kitchen, office, terrace, store rooms) as per Planning Application No. (TBA) within 5 years of commencement of the lease and any associated costs in relation to this.
8.	Lessee's Rights	To use the cricket wicket and outfield (in common with all others) but to be treated as a priority user from mid April to mid September.

		<p><i>(‘priority’ is to give first option of use)</i></p> <p>To use the football pitch (in common with all users) but to be treated as a priority user from mid September to mid April. (‘priority’ is to give first option of use)</p> <p>To use adjoining land (in common with other parties) to gain access to the property</p>
9.	Legal Costs	Each party to pay their own costs

BACK TO AGENDA