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11 February 2019

To: All Councillors

As a Member or Substitute of the **Community & Environment Committee**, please treat this as your summons to attend a meeting on **Wednesday 19 February 2020 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN.**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sandra Lamb'.

Sandra Lamb
Head of Corporate Services

AGENDA

MEMBER TRAINING: Safe-guarding. 3:00pm to 5:00pm in the Council Chamber

Members are invited to attend a training session on safe-guarding, which outlines their obligation towards safe-guarding and gives an overview of the current risk around this area and in the District.

1. APOLOGIES/SUBSTITUTES

Please advise the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

30 October 2019

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 email) **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. DERBYSHIRE DALES CLIMATE CHANGE STRATEGY

05 – 07

To consider a report outlining an approach to resourcing the preparation of a Climate Change Strategy in response to the District Council's corporate ambition following the declaration of a climate emergency in May 2019. Also to consider delegation of authority to the Head of Regulatory Services to procure expertise for the formulation of a Derbyshire Dales Climate Change Strategy, a draft of which will be presented to a future meeting of this committee.

7. SUPPLEMENTARY PLANNING DOCUMENT: DEVELOPER CONTRIBUTIONS

08 – 48

To note representations received during the six week period of public consultation held in October/November 2019 and to consider adoption of the Developer Contributions Supplementary Planning Document (SPD) modified in accordance with Officer recommendations for minor changes based on these recommendations.

Appendix 1 – Summary of Representations (Published separately)

8. HOUSING DELIVERY TEST ACTION PLAN

49 – 70

To note representations received during the seven week period of public consultation held between 18th November 2019 and 6th January 2020 and to consider adoption of the Housing Delivery Test Action Plan.

Appendix 1 – Summary of Representations (Published separately)

9. ASHBOURNE AIRFIELD LINK ROAD

71 – 90

To note the outcome of the D2N2 Investment Board meeting held on 7th January 2020, releasing £1m Local Growth Fund to support the Ashbourne Airfield Roundabout and Link Road scheme. Also to consider a report on the progress of development of the Ashbourne Airfield site, seeking approval for delegated authority to enter into legal agreements with the Highway Authority and landowner for the disposal of land on Blenheim Road and alternative recommendations as detailed in the report.

- 10. DERBYSHIRE DALES DISTRICT COUNCIL – LOCAL PLANNING AUTHORITY MONITORING REPORT 2018/2019** **91 – 98**
- To consider approval for publication of the District Council’s Local Planning Authority Monitoring Report in accordance with Section 35 of the Planning and Compulsory Purchase Act 2004.
- Appendix 1 – DDDC LPA Monitoring Report (Published separately)**
- 11. DARLEY DALE NEIGHBOURHOOD PLAN** **99 – 132**
- To note a report on the result of the Darley Dale Neighbourhood Development Plan referendum and consider approval that the Darley Dale Neighbourhood Development Plan be formally “made” under Section 38A (4) of the Planning and Compulsory Purchase Act 2004. Also to consider approval that the Darley Dale Neighbourhood Development Plan be used in the determination of planning applications that are situated within the Plan Area in accordance with the provisions of Section 1 of the Neighbourhood Planning Act 2017.
- 12. PROPOSED AMENDMENT (5) TO THE OFF-STREET PARKING PLACES ORDER 2013** **133 – 138**
- To consider a report seeking approval of proposed amendments to the Derbyshire Dales Off-Street Parking Places Order 2013 and (subject to that approval) that the amendments be published for a period of statutory consultation as timetabled in the report.
- 13. MATLOCK BATH ILLUMINATIONS REVIEW** **139 – 145**
- To consider a report detailing the outturn of the 2019 event and seeking agreement to the general format, as listed in the recommendations of the report, for the 2020 event.
- 14. AFFORDABLE HOUSING DEVELOPMENT PROGRAMME** **146 – 151**
- To consider a report outlining the details of the Affordable Housing Programme and seeking approval for the Capital Funding requirements (outlined in this report) for the Affordable Housing Programme be referred to Council for inclusion in the Capital Programme.
- 15. HURST FARM SOCIAL CLUB LOAN** **152 - 157**
- To consider a report on the progress of the Hurst Farm Regeneration Project and specifically the Hurst Farm Social Club, requesting that an application for a £110,000 interest free loan to facilitate the refurbishment of the Hurst Farm Social Club be agreed and recommended to Council for approval and inclusion in the Capital Programme.

16. BUILDING NEW COUNCIL HOUSING

158 – 210

To consider a report outlining a business case for investment in a modest programme of Council house building and seeking approval for a recommendation to Council for:

- i. Endorsement of the principal of providing Council housing.
- ii. Approval to undertake a tender exercise to appoint a development management agent.
- iii. Approval for authority to be delegated to the Head of Housing to make applications to register Derbyshire Dales District Council with Homes England and the Regulator of Social Housing.
- iv. A report detailing the outcome of the tender process will be presented to a future meeting of the Community & Environment Committee.

17. EVENTS TAKING PLACE ON DISTRICT COUNCIL LAND FOR THE 75TH ANNIVERSARY OF VE & VJ DAY

211 – 213

To consider a report seeking approval of the proposals for upcoming VE & VJ day events. The District Council aims to support these events by treating their applications as separate to the Events Strategy and therefore will not charge for recovery of costs or loss of income.

18. ASHBOURNE BOWLS PAVILION

214 - 217

To consider a report seeking approval for the District Council to enter into a 25 year lease with Ashbourne Park Bowls Club on the site of the current pavilion and allow a new permanent pavilion facility, with the use of external funding, to be developed by the Club. Also to seek approval to utilise a sum of £10,000 from the current Capital Programme to arrange (subject to planning permission) for the demolition of the existing pavilion building and provision of temporary accommodation during the coming season.

Members of the Committee - Councillors Sue Bull, Martin Burfoot, Neil Buttle, Helen Froggatt (Vice Chair), Chris Furness (Chair), Clare Gamble, Susan Hobson, Tony Morley, Peter O'Brien, Joyce Pawley, Garry Purdy, Mike Ratcliffe, Andrew Statham, Alasdair Sutton, Colin Swindell, Steve Wain and Mark Wakeman.

Substitutes - Councillors Robert Archer, Jason Atkin, Richard Bright, Matthew Buckler, Paul Cruise, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Alyson Hill, David Hughes, Stuart Lees, Elisa McDonagh, Michele Morley, Claire Raw, Mark Salt, Andrew Shirley and Peter Slack

COMMUNITY AND ENVIRONMENT COMMITTEE
19 FEBRUARY 2020

Report of the Head of Regulatory Services

DERBYSHIRE DALES CLIMATE CHANGE STRATEGY

PURPOSE OF THE REPORT

This report outlines an approach to resourcing the preparation of a Climate Change Strategy in response to the District Council's corporate ambition following the declaration of a climate emergency in May 2019.

RECOMMENDATION

1. That authority be delegated to the Head of Regulatory Services to procure expertise for the formulation of a Derbyshire Dales Climate Change Strategy.
2. That a draft Derbyshire Dales Climate Change Strategy be presented to a future meeting of this Committee.

WARDS AFFECTED

All

STRATEGIC LINK

Effectively addressing the climate emergency declared by the District Council in May 2019 links strongly with the priorities expressed in the emerging Corporate Plan.

1. REPORT

- 1.1 At its meeting on 30 May 2019 Council resolved to declare a climate emergency and committed itself to the following actions:
 - Make Derbyshire Dales District Council carbon neutral by 2030;
 - Call on the UK Government to provide the powers and resources to make the 2030 target possible;
 - Work with partners across the county and region to deliver this new goal through all relevant strategies;
 - Report back to Council within 6 months with the actions the Council will take to address this emergency.
- 1.2 The immediate response to this declaration was to form the cross-part Climate Change Working Group, in order to form recommendations as to the actions the Council should be taking to meet these commitments. At the same time many of the other local authorities across the county were making similar declarations and a countywide officer group was also formed to look at how these authorities could work

together to greater effect.

- 1.3 The cross-party Climate Change Working Group has reported back to Council to present a road-map of the areas of work it believes should form the areas of work that the Council should concentrate on and with a Year 1 Action Plan. At the same time the countywide officer group has been looking at how authorities might work together to influence decarbonisation across the whole of the county. It has become clear that the ambitions of Derbyshire Dales District Council and its partners across the county are large and will need to be properly resourced if they are to be as successful as Members would like.
- 1.4 There has been much discussion of the issue of resources at the countywide officer group. It is clear that most of the authorities attending do not have any dedicated staff resource to progress this issue, with environmental and sustainability issues having been areas of discretionary work that had been deprioritised during the recent years of austerity. Further discussions at the group have indicated that an effective way of addressing the reprioritisation of the issue would be to consider the current position of each authority in respect to its carbon budget, to develop a strategy to ensure that each authority could become net carbon neutral within its declared timescale and then to embed the mechanisms needed to ensure that the target becomes reality.
- 1.5 The countywide officer group has considered how it might work together to assist authorities in this work. There has been consideration of a model of resourcing the issue that would have established a central bank of officer resource working on behalf of all authorities. However, it does not currently appear likely that such a resource will be established within a reasonable timescale. There is therefore, a need to pursue an alternative approach.
- 1.6 In order to progress this initiative, the District Council has made approaches to a number of academic institutions for assistance including University of Nottingham, Nottingham Trent University and Derby University. In addition, we have also engaged with experts in the field of climate change, most notably Professor Stephen Martin who was the founding Chair of the Higher Education Academy's Sustainable Development Advisory Group and a former member of the UK's UNESCO Education for Sustainability Forum. He has also held visiting professorships at the Open University, University of Hertfordshire, University of Gloucestershire and currently, at the University of the West of England.
- 1.7 Over the past 15 years, Professor Martin has been a sustainability change consultant for some of the largest FTSE100 companies such as BP, Barclays, Tesco and Carillion as well as Government Agencies such as the UK National Commission for UNESCO, Environment Agency, OFSTED, the Higher Education Academy and the Learning and Skills Council. He was formerly Director of Learning at Forum for the Future, the leading Sustainability Charity in the UK and has served on the Council of the Institute for Environmental Sciences one of the UK's foremost professional bodies in sustainable development. He is a former Trustee of the World Wide Fund for Nature and an Honorary Fellow of the Society for the Environment. He is an Honorary Professor at the University of Worcester.
- 1.8 Professor Martin is a Derbyshire Dales resident and is keen to offer his expertise to the District Council. However, in addition, it is considered that a dedicated resource is needed to prepare a draft Derbyshire Dales Climate Change Strategy which will build upon the work already undertaken by the Climate Change Working Group. It is therefore proposed that a budget of £10,000 be set aside in order to procure the

necessary expertise to enable a Climate Change Strategy to be formulated quickly. Further consideration will then be given to the need for any longer term resource to support the District Council's climate change ambitions.

2. RISK ASSESSMENT

2.1 Legal

This report furthers an important decision taken by council. Procurement of external expertise will follow the Council's Contract Standing Orders. The legal risk is therefore low.

2.2 Financial

It is proposed that a budget of £10,000 be set aside in order to procure the necessary expertise to enable a Climate Change Strategy to be formulated quickly. The expenditure will be included in the spending proposals for 2020/21 and financed from the Corporate Plan Priorities Reserve, subject to Council approval on 5 March 2020. The financial risk is assessed as low.

3. OTHER CONSIDERATIONS

3.1 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.

4. CONTACT INFORMATION

Tim Braund, Head of Regulatory Services, Tel: 01629 761118,
Email: tim.braund@derbyshiredales.gov.uk

5. BACKGROUND INFORMATION

None

COMMUNITY AND ENVIRONMENT COMMITTEE
19 FEBRUARY 2020

Report of the Head of Regeneration and Policy

SUPPLEMENTARY PLANNING DOCUMENT: DEVELOPER CONTRIBUTIONS

SUMMARY

This report presents Members with the details of the representations received during the six week period of public consultation held in October/November 2019. The report recommends on the basis of the representations received minor modifications to the contents of the Supplementary Planning Document prior to adoption.

RECOMMENDATION

1. That the representations received, and Officer Recommendations during the public consultation as set out in Appendix 1 be noted.
2. That the revised Developer Contributions Supplementary Planning Document (SPD), attached in Appendix 2 be adopted

WARDS AFFECTED

All wards outside the Peak District National Park

STRATEGIC LINK

The implementation of the Developer Contributions Supplementary Planning Document will support the delivery of the Derbyshire Dales Local Plan and ensure the provision of infrastructure to support future development. The Supplementary Planning Document will also assist with delivering the objectives of the District Council's Corporate Plan.

1 BACKGROUND

- 1.1 Council resolved to suspend preparatory work on the Derbyshire Dales Community Infrastructure Levy (CIL) at its meeting on 5th December 2018 (Minute 271/18). At the same meeting Council resolved that a Developer Contributions Supplementary Planning Document (SPD) be prepared, which would have statutory weight, and provide an overview of the policy approach to securing infrastructure necessary to support future development. Members were advised that a Developer Contributions Supplementary Planning Document would provide transparency for developers about the District Council's future requirements in respect of financial contributions for inclusion in Section 106 obligations.

- 1.2 A draft version of the Developer Contributions Supplementary Planning Document was considered by Council on 25th July 2019 at which it was resolved (Minute 89/19):
1. That a Members Workshop takes place prior to commencement of the public consultation;
 2. That following the Workshop, the draft Developer Contributions Supplementary Planning Document (SPD), is subject to a period of six weeks' public consultation;
 3. That, in the event that no objections are received during the public consultation, on the day after the consultation ends the Developer Contributions Supplementary Planning Document shall then be deemed adopted.
 4. That, in the event of any substantive representations being received during the public consultation on the draft Developer Contributions Supplementary Planning Document, then the Supplementary Planning Document shall not be deemed adopted and a further report be presented for consideration of the representations received.
- 1.3 Members will recall that a workshop was held on 26th September 2019 at which Members were given a presentation on the background to the SPD, the legal aspects in relation to Section 106 Obligations, and Supplementary Planning Documents. Members were provided with an opportunity to ask questions of Officers on the contents of the draft Supplementary Planning Document. **At the conclusion of the Workshop it was agreed by Members that the draft Supplementary Planning Document, as originally considered by Council on 25th July 2019 could be subject to public consultation without any further modification.**
- 1.4 Public consultation on the Draft Supplementary Planning Document ran for six weeks from 7th October – 18th November 2019. Details of the public consultation were made available on the District Council's website along with an online survey which allowed residents and other interested stakeholders to comment on the contents of the draft SPD. Copies of the draft documents were made available for inspection at the Town Hall Matlock, Ashbourne, Wirksworth and Matlock libraries as well as Wirksworth and Ashbourne Leisure Centres and the Arc.
- 1.5 Assuming that Members accept both Recommendations in this report and adopt the revised SPD as set out in Appendix there is a period of 13 weeks for any judicial challenge to be made. The end of the 13 week period would be around 9th April 2020. At that point the District Council would be able to use the SPD in the determination of planning applications.

2 MAIN ISSUES

- 2.1 During the statutory public consultation period a total of 114 representations were received from individuals, organisations and stakeholders. The details of the representations along with Officer Comments on each are set out in Appendix 1.

- 2.2 The main issues raised during the public consultation were:
- Viability – It was suggested that the proposed level of off-site financial contributions, in lieu of on-site provision of affordable housing, and education provision could have an adverse effect upon the viability of development and therefore have an adverse impact upon the deliverability of sites in the future.
 - Biodiversity & Green Infrastructure – It was suggested that there should be references to the provision of open space as a means of meeting the enhancing opportunities for Biodiversity etc. It was also suggested that the SPD should address the Government’s proposals relating to Biodiversity Offsetting
 - Historic Environment – It was suggested that there should be more emphasis in the SPD on supporting the historic environment through developer contributions
 - Climate Change – It was suggested that there should be more done in respect of Solar Panels and tree planting to mitigate the impact of climate change. Also further suggestions were made in respect of electric charging points for vehicles and supporting flood defence infrastructure.
- 2.3 The representations, as set out in Appendix 1, raise useful points that can be addressed via minor modifications as specified and which have accordingly been incorporated in the revised SPD attached. It is not considered necessary or appropriate to make more substantive changes to the contents of the draft Developers Contributions Supplementary Planning Document prior to adoption.
- 2.4 Having given further consideration to the level of the financial contribution towards the District Council’s Affordable Housing Enabling Function and its impact upon viability it is considered that this should be reduced from 1% to 0.5%. This has the effect of reducing the overall Affordable Housing Contribution Rate from £46,209 to £45,464 and a contribution rate down from £1,491 to £745.
- 2.5 An updated version of the Developers Contributions Supplementary Planning Document is set out in Appendix 2 to this report. If both recommendations are accepted by Members then the version of the Supplementary Planning Document set out in Appendix 2 will have been formally adopted by the District Council.

3. NEXT STEPS

- 3.1 The statutory procedures for preparing and adopting a Supplementary Planning Document does not require that any representations are subject to an Examination in Public in the same way as a Local Plan. This allows the District Council to consider the representations, modify and adopt the Supplementary Planning Document it considers is appropriate. Once adopted the Developer Contributions Supplementary Planning Document will have statutory weight in the determination of planning applications.

- 3.2 In light of the recommendation that no substantive changes be made to the contents of the draft Developer Contributions Supplementary Planning Document it is considered appropriate that the version as set out in Appendix 2 is adopted by Council, and that following the period where it may be subject of judicial review (13 weeks) it be used with immediate effect thereafter in the determination of future planning applications – approx. 9th April 2020.

4 RISK ASSESSMENT

4.1 Legal

The contents of the draft SPD have been prepared taking into account the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the public consultation has been undertaken in accordance with the requirements set out within the Town and Country Planning (Local Planning) (England) Regulations 2012.

A failure to comply with the statutory provisions relating to the preparation and adoption of the Supplementary Planning Document could lead to challenge by developers and/or land owners. The updated National Planning Practice Guidance (PPG) published on 1st September 2019, indicates that it is not appropriate for plan-makers to set out formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination. The approach set out in the draft SPD could be seen by developers to be contrary to the PPG and therefore there is a risk that the SPD may be challenged. However the consultation responses from developers did not indicate that such as challenge was likely. Furthermore, the SPD makes it very clear that developer contributions in connection with any planning application would be considered on a case-by-case basis having regard to deliverability and viability in accordance with statutory tests. The legal risk is assessed as medium.

4.2 Financial

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

A failure to comply with the statutory provisions relating to the preparation and adoption of the Supplementary Planning Document could lead to challenge by developers and/or land owners, which could carry a high financial risk. However the consultation responses from developers did not indicate that such as challenge was likely.

4.3 Corporate Risk

Failure to implement the requirements of the draft SPD during the determination of planning applications could result in an under-provision of the amount of infrastructure required to support the level of development identified in the adopted Derbyshire Dales Local Plan.

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

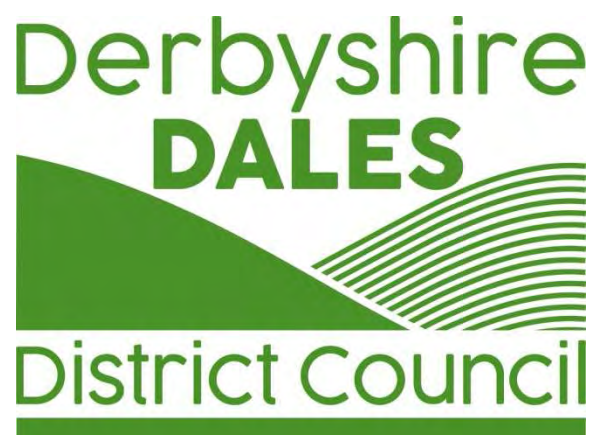
Esther Lindley, Senior Planning Policy Officer
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7 BACKGROUND PAPERS

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
The Community Infrastructure Levy Regulations 2010	April 2010	https://www.legislation.gov.uk/ukdsi/2010/9780111492390/pdfs/ukdsi_9780111492390_en.pdf
National Planning Policy Framework	February 2019	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf
Derbyshire Dales Local Plan	December 2017	http://www.derbyshiredales.gov.uk/planning-a-building-control/local-plan-2015-16

8 ATTACHMENTS

- Appendix One: Schedule of Representations and Officer Comments on the Draft Derbyshire Dales Developer Contributions Supplementary Planning Document (PUBLISHED SEPARATELY)
- Appendix Two: Revised Derbyshire Dales Developer Contributions Supplementary Planning Document



**DERBYSHIRE DALES
DEVELOPER CONTRIBUTIONS
SUPPLEMENTARY PLANNING DOCUMENT**

February 2020

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INTRODUCTION

The purpose of the planning system is to contribute to the achievement of sustainable development, which the National Planning Policy Framework states has three dimensions, economic, social and environmental. One of the key elements of sustainable development is identifying and ensuring that appropriate infrastructure is provided to support development. Planning obligations, also known as Section 106 agreements, can be used by Local Planning Authorities to assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure.

Where new development is granted planning permission across Derbyshire Dales, communities expect that it will be supported by the provision of a requisite level of new infrastructure and, where new or improved infrastructure is required developers will contribute towards its provision. The District Council can seek planning obligations when they assist in mitigating the impact of unacceptable development to make it acceptable in planning terms.

This document sets out how the District Council will ensure that developers make appropriate financial contributions towards the provision of infrastructure.

This Supplementary Planning Document (SPD) primarily sets out the approach to be used by the District Council for the calculation of financial contributions for the provision of infrastructure necessary to support development. This includes affordable housing, open space, community facilities, including those for sport and recreation, education, health care, traffic and transportation, broadband along with some indicative measures to tackle climate change.

Status of the document

The purpose of SPDs are to complement planning policy and provide details about the operation of adopted policy that is not normally possible in a Local Plan. The Derbyshire Dales Local Plan adopted in December 2017 aims to protect the environment of the District whilst enabling sustainable development to take place to meet identified needs. To ensure that sustainable development is achieved, the Local Plan seeks the provision of infrastructure necessary to support new development.

This SPD once adopted will have statutory weight in the decision making process and can be used in the determination of planning applications as a 'material consideration'.

This SPD covers the area of Derbyshire Dales District Council that falls outside the Peak District National Park.

Purpose

The purpose of the SPD is to provide information about the provision of and/or contributions towards infrastructure for the plan area, and identify cases where infrastructure provision, including financial contributions will be sought through planning obligations.

The SPD sets out the likely scope and scale of planning obligations applicable to different types of development and outlines the District Councils general approach to securing them. Importantly the SPD should be viewed as a general guide as development proposals will continue to be assessed on a case by case basis.

It is intended that this SPD will provide clarity and certainty to developers, landowners, and local residents by setting out how the District Council will seek to collect developer contributions to support the provision of appropriate infrastructure within Derbyshire Dales. Importantly this SPD is not a standalone document and should be read in conjunction with the Adopted Derbyshire Dales Local Plan and its supporting evidence base. Further information on the Local Plan can be viewed on the District Council's website:

www.derbyshiredales.gov.uk/localplan

Statutory and Policy Context

Statutory and National Planning Policy

The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (As Amended) and the CIL Regulations 2010 (as amended). The 2019 amendments to the CIL Regulations have removed the previous restriction on pooling more than five planning obligations towards a single piece of infrastructure. Subject to meeting the three tests set out in CIL Regulation 122, Section 106 planning obligations can be used to pay for the same piece of infrastructure regardless of how many planning obligations have already contributed towards an item of infrastructure. This will allow the District Council to seek Section 106 planning obligations to fund infrastructure to help support and bring forward new housing regardless of how many planning obligations have already contributed towards an item of infrastructure.

The National Planning Policy Framework (NPPF) at Paragraph 34 states that Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). The NPPF indicates that such requirements should, however, not undermine the deliverability of the Plan.

Planning Obligations are legal agreements entered into to mitigate the impacts of a development proposal. The NPPF states “local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations legally must only be sought where they meet all of the following tests:

- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development; and
- Fairly and reasonably related in scale and kind to the proposed development.¹”

Further guidance on the use of planning obligations is set out in the National Planning Practice Guidance².

Planning Obligations take the form of a legal agreement entered into by the applicant (and/or any other interested party) under Section 106 of the Town and Country Planning Act 1990 (as amended) can be used for:

- Restricting the development or use of the land in any specific way:
- Requiring specified operation or activities to be carried out in, on, under or over the land:
- Requiring the land to be used in any specified way: or

¹ Paragraph 56 National Planning Policy Framework. Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010)

² <https://www.gov.uk/guidance/planning-obligations>

- Requiring a sum or sums to be paid to the authority on a specified date or dates or periodically.

A Planning Obligation goes with the land to which planning permission has been granted rather than the person or organisations that develops the site. It is therefore recorded as a land charge and the obligations runs with the land ownership until they are fully complied with.

As local planning authority the District Council is responsible for setting the level of any financial contributions and how it should be secured for District Council functions, together with the enforcement of any on or off site measures within the applicant's control. Any infrastructure requirements that relate to functions that rest with Derbyshire County Council then they will be party to the negotiations and obligations and be responsible for enforcement.

Derbyshire Dales Local Plan Policy

The Derbyshire Dales Local Plan adopted in December 2017 aims to meet the sustainable future development needs of the area, whilst at the same time seeking to protect the quality of the local environment across the Derbyshire Dales. In order that development is delivered sustainably, the Local Plan seeks to ensure that the necessary social and environmental infrastructure is provided to support the new development. The District Council expects new development to provide or contribute directly towards the provision of infrastructure to mitigate the impacts of development.

The Local Plan expects new development to contribute to both on-site and strategic off site infrastructure needs, this is established principally in Local Plan Policy *S10: Local Infrastructure Provision and Developer Contributions*, which provides the primary justification for this Developer Contributions Supplementary Planning Document.

Policy S10 states that the “District Council will work with partners to ensure that infrastructure will be in place at the right time to meet the needs of the District and to support the development strategy”. It is envisaged that this will be achieved by providing appropriate health and social care facilities; facilitating enhancements to the capacity of education provision throughout the Plan Area; securing new transport infrastructure; supporting (where feasible) improvements to telecommunication and broadband infrastructure; ensuring the availability of flood risk and green infrastructure and supporting the provision of open space, sports and recreation facilities.

Arrangements for the provision, or improvement of infrastructure where directly related to a planning application will be secured by planning obligation or, where appropriate via condition to ensure that the necessary improvements can be completed prior to the occupation or relevant phase of development.

The purpose of the SPD is to provide further information on and support the implementation of Policy S10 and ensure that development makes a proportionate contribution towards the social, economic and environmental infrastructure

requirements resulting from development. In addition to Policy S10 the SPD seeks to provide further guidance to the following Local Plan policies:

PD1 Design and Place Making

PD7 Climate Change

HC4: Affordable Housing

HC5: Meeting Local Affordable Housing Need

HC11: Housing Mix and Type

HC14: Open Space and Outdoor Recreation Facilities

HC15: Community Facilities and Services

HC17: Promoting Sport, Leisure and Recreation

HC18: Provision of Public Transport Facilities

HC19: Accessibility and Transport

EC1: New and Existing Employment Development

Derbyshire Dales Infrastructure Delivery Plan

This SPD seeks to clarify details of how the policies in the Adopted Derbyshire Dales Local Plan will be implemented and where appropriate make a proportionate contribution to the infrastructure requirements identified in the Derbyshire Dales Infrastructure Delivery Plan (IDP).

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPPG) make it clear that the provision of infrastructure through the planning system is one of the key economic drivers required for delivering sustainable development. The NPPF further advises that Local Plans should plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of the document.

As part of the evidence base to underpin the preparation of the Derbyshire Dales Local Plan an Infrastructure Delivery Plan (June 2016)³ was prepared to identify any gaps in existing infrastructure provision and the infrastructure requirements necessary to support the sustainable growth of the plan area.

The Derbyshire Dales Infrastructure Delivery Plan (IDP) was prepared in consultation and draws upon discussions with infrastructure providers to identify the main infrastructure that would be required given the level of development proposed in the Derbyshire Dales Local Plan. The IDP focusses on requirements for capital investment in the provision of new infrastructure. At a District level the main infrastructure deficits identified in the IDP included:

- Faster broadband connections;

³ https://www.derbyshiredales.gov.uk/images/documents/I/Derbyshire_Dales_2016_Update_Report_with_Appendix_Final.pdf

- Green infrastructure (including rights of way, recreation trails and open space);
- Local sports and recreation facilities; and
- Local health care services

More locally, the following specific issues were identified:

- Educational capacity at Queen Elizabeth’s Grammar School in Ashbourne;
- Congestion in Ashbourne town centre;
- Maintaining good public transport links between Doveridge and Uttoxeter; and
- Mitigating A50 road noise for new development in Doveridge.

The Infrastructure Delivery Plan included a schedule of infrastructure needs to support the planned growth in the District some of which were identified as essential and others were considered desirable. The infrastructure projects considered to be essential in the IDP and to which the District Council should attach great weight in the determination of planning applications include the following:

Infrastructure Category	Infrastructure Project	Lead Agency
Transport	Local Transport Plan – highways maintenance and integrated transport schemes	Derbyshire County Council
	Junction/highway capacity and traffic management improvements in Ashbourne	Derbyshire County Council
	Junction/highway capacity and traffic management improvements in Matlock	Derbyshire County Council
	Bus reliability improvements in Matlock	Derbyshire Dales District Council, Bus Operators
	Ashbourne bus station improvements	Derbyshire Dales District Council, Bus Operators
Green Infrastructure	Delivery of green infrastructure improvements on County Council Countryside Sites	Derbyshire County Council
Utilities Telecoms	Digital Derbyshire – roll-out of superfast broadband	Derbyshire County Council, BT, private sector
Utilities Water/waste water	Localised capacity improvements associated with associated sites	Severn Trent Water
	Upgrade to Ashbourne Water Treatment Works	Severn Trent Water

Infrastructure Category	Infrastructure Project	Lead Agency
Flooding and Drainage	Local flood defence schemes to reduce the risk of surface water flooding	Derbyshire County Council
Social Infrastructure - Education	Additional Primary School capacity in Ashbourne	Derbyshire County Council
	Primary School in Wirksworth	Derbyshire County Council
	Primary Schools across the District	Derbyshire County Council
Social Infrastructure – Adult Care	Provision of accommodation, care and support for older people including ExtraCare	Derbyshire County Council
Social Infrastructure - Health	Improved health facilities	NHS

Most of the infrastructure identified above will be brought forward in conjunction with the relevant lead agency.

Priority infrastructure

The SPD sets out the likely scope and scale of planning obligations applicable to different types of development and the District Councils approach to securing them. Reflecting the Infrastructure Delivery Plan prepared during the preparation of the Local Plan, the draft SPD prioritises the following infrastructure necessary to support a sustainable and thriving Derbyshire Dales. Whilst the infrastructure identified below is prioritised for the district as a whole, the specific infrastructure requirement for each planning application will be assessed on a case by case basis on its own planning merits:

- *Affordable Housing* – **high priority** infrastructure requirement, reflecting high house prices and low incomes across the district
- *Broadband* – **high priority** infrastructure requirement, reflecting comparatively poor provision in the district
- *Tackling Climate Change* – **high priority** infrastructure requirement, reflecting the declared Climate Emergency
- *Traffic and Transportation* – where necessitated to make new development acceptable
- *Health and Wellbeing* – where necessitated to make new development acceptable
- *Education* – where necessitated to make new development acceptable
- *Open Space, Sport and Recreation* – where necessitated to make new development acceptable

The District Council will continue to seek the provision of financial contributions towards infrastructure as part of individual planning applications.

Accordingly, the District Council will continue to negotiate planning obligations on a site by site basis and the priority given to any particular type of Planning Obligation will be at the discretion of the District Council. Where it is necessary to prioritise competing infrastructure demands, the District Council will firstly seek to secure developer contributions towards infrastructure that is deemed essential in that location and without which the development should not take place and which accord with the statutory tests for the use Planning Obligations.

In considering development proposals, in accordance with National Planning Practice Guidance, the Council will ensure that when seeking planning obligations, the combined total impact will not threaten the overall deliverability and viability of the sites and scale of development identified in the Derbyshire Dales Local Plan.

The District Council will only consider reducing planning obligations on particular developments where fully justified through the submission of a financial viability assessment. This will be an exception rather than the rule. If as a result of viability testing the District Council resolves that it is appropriate to accept a reduction in contributions, the extent to which infrastructure is prioritised will be decided on a case by case basis, but only where the overall deliverability of development proposals is not undermined.

Planning Obligation Process

Pre Application Stage

The District Council's Statement of Community Involvement (SCI)⁴ (January 2019) sets out that applicants are encouraged to discuss potential planning applications with the District Council at an early stage and ideally prior to submission.

The guidance contained within this document will be used by the District Council as one of a number of considerations in the determination of planning applications for development. Applicants are therefore strongly advised to have regard to this SPD when preparing planning applications for submission to the District Council. Applicants are also encouraged to engage with the District Councils pre application service. Further information of the Pre Application Service is available here:

<https://www.derbyshiredales.gov.uk/planning-a-building-control/submit-a-planning-application/pre-application-advice>

Other Aspects of Planning Obligations

Viability

If an applicant considers that the requirement for making a developer contribution for the provision of infrastructure will impact negatively upon the viability of the development proposal, it will be the responsibility of the applicant to provide a financial viability assessment to seek to substantiate this. Applicants will be expected to bear the cost of the Council's independent assessment of any such viability assessment.

The District Council expects a viability assessment to take the form of a written report that includes evidence in relation to build costs, including land acquisition and future sales values. It will provide a conclusive opinion on whether the obligations being sought would make the development unviable or not. If the viability assessment is accepted as being an accurate assessment of the cost and liabilities and shows that the development cannot proceed without reduced or revised financial obligations the District Council may agree to the provision of lower rates of contribution for a particular site, provided that the loss of planning obligations is not so significant that the development is no longer acceptable in planning terms.

Holding and Spending Financial Contributions

When negotiating the extent of any financial contributions the District Council will seek to agree how and when payments will be made and the extent to which there is any necessity for payments to be subject to indexation and late payment charges. Indexation will be used to take account of any increases in the cost of

⁴ <https://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/statement-of-community-involvement>

providing infrastructure between the date an agreement is entered into and the date any financial contribution is due.

Financial contributions will be placed in a fund controlled by the signatory responsible for the provision of that service or facility. The contribution will need to be spent on the infrastructure as defined in the s106 Obligation.

Under the terms of most S106 agreements, financial contributions are often required to be spent within a specified time as defined in the agreements. Unspent contributions beyond the 'spend by' date are required to be returned to the developer unless a variation to the agreement to allow a longer spend by date is agreed.

Legal Fees

Monitoring of Planning Obligations

The District Council will monitor the progress of developments to ensure that the terms of any planning obligations are complied with. Payment of financial contributions will be sought in accordance with the clauses set out in the Section 106 Agreements. The District Council will take appropriate action where planning conditions or obligations are not complied with. All Section 106 Agreements will specify a time limit within which any financial contribution will be spent. This will usually be five or ten years after the receipt of the payment. Monies to be refunded to the developer should they remain unspent.

It is appropriate for the District Council where they are party to S106 Obligations to recover their costs associated with the negotiating, production and subsequent monitoring of developer contributions and to include these within the planning obligation. This includes the legal costs of drawing up the Obligations and any costs associated with obtaining independent or specialist advice to validate aspects of the viability assessments.

The District Council will publish in its annual Authority Monitoring Report, and Infrastructure Funding Statements information on planning obligations including the amount of monies secured, for what type of infrastructure, and the expenditure levels.

AFFORDABLE HOUSING

Justification

There is a demonstrable need for affordable housing across the District as a result of high house prices and the relatively low income of local residents. The latest House Price Earnings Ratio published by ONS in March 2019 indicates that in 2018 for Derbyshire Dales this stood at currently 9.21.

The National Planning Policy Framework (2019) sets out that the Government's objective is to significantly boost the supply of homes and that the need of groups with specific housing requirements are met. It states in Paragraph 61 that the "size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies" and "where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on site unless; off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contribute to the objective of creating mixed and balanced communities." (Paragraph 61 & 62 NPPF).

The definition of Affordable Housing is set out in Annex 2 – Glossary of the NPPF.
5

The Adopted Derbyshire Dales Local Plan sets out that one of the key themes is 'Promoting Health and Sustainable Communities'. Strategic Objectives SO7 and SO8 aim to meet the objectively assessed needs of the District and to ensure that there is an adequate mix of housing types, sizes and tenures to meet the needs of all sectors of the community.

Policy HC4 in the adopted Local Plan states that all major residential developments will be required to provide 30% of all dwellings to be affordable, with provision comprising 80% social and affordable rented accommodation and 20% being provided as intermediate housing or discounted starter homes. The policy goes on to describe that provision should normally be in the form of completed dwellings, however in exceptional circumstances the Council may allow provision of affordable housing off site or by means of a financial contribution of equivalent value or through the provision of serviced land or a combination thereof.

The District Council adopted an Affordable Housing SPD in 2006, which for a considerable period of time formed the basis for the calculation of off-site developer contributions towards affordable housing. That SPD is now outdated, and has no legal status following the adoption of the Derbyshire Dales Local Plan in 2017.

It is intended that this section of the SPD will:

- Provide detailed guidance on the procedures the Council will operate to determine the amount, type and size of affordable housing to be provided in accordance with the policies in the adopted Derbyshire Dales Local Plan

⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810507/NPPF_Feb_2019_print_revised.pdf

- Provide certainty to developers about the requirements on affordable housing as part of residential developments
- Demonstrate to local residents that the Council is being pro-active in seeking to deliver an increase in the provision of affordable housing to meet local housing needs
- Provide detailed guidance on the amount of financial contribution payable in lieu of on-site provision of affordable housing.

Affordable Housing Contributions

In exceptional circumstances the Council, may as an alternative consider off site-affordable housing where the required amount of affordable housing is provided on a site other than the one which is subject of a planning application. The provision of any such off-site affordable housing will be subject to a planning obligation secured through a S106 agreement. Any off-site provision of affordable housing would 'make-up' the difference between the overall requirements of Policy HC4 and those provided on-site.

If neither on-site or off site provision of affordable housing is possible then, as an alternative the District Council will consider a financial contribution towards the provision of affordable housing elsewhere in the plan area or through the provision of serviced land or a combination of both.

Where the Council indicates that it considers it is appropriate for an applicant to make a financial contribution towards affordable housing in lieu of on-site provision, the amount of contribution will reflect the type, size and number of properties that would have been required to be provided on site.

Calculation of Off- Site Affordable Housing Contribution

The Off Site financial contributions for affordable housing have been re-appraised using up to date land values, build costs, dwelling and plot sizes.

The approach set out in this SPD seeks to ensure that any off-site financial contribution is sufficient to cover land acquisition and construction costs for the provision of affordable housing elsewhere in the District. Taking account of land values, build costs, dwelling and plot sizes along with financing costs it is proposed that where appropriate developers would be required to pay an off-site affordable housing contribution of £45,464 per unit. This includes a 1.6% contribution (£745 per dwelling) towards the District Council's housing enabling role.

The following assumptions have been made:

1. Property Size Technical Housing Standards
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf
2. Build Costs BCIS General Estate Housing Median – October 2018
3. Blended Figure to reflect housing mix requirements in Policy HC11 - £46,209 per dwelling

Worked Example

Development of 20 units – Policy Requirement 30% affordable housing = 6 units

2 affordable units provided on-site

4 affordable units to be provided off-site – off site contribution = $£45,464 \times 4 = £181,856$

DDDC Enabling Fee = $£745 \times 4 = £2,980$

Affordable Housing Contribution = $£181,856 - £2,980 = £178,876$

House Type - Number of bedrooms	2 storey dwelling (m2)	Built Cost £1,455 per sqm (including 10% uplift for external works) £1695 for flats	Plot Size	Land Value at £1,249,250 ha (£124.925 sqm)	Fees 3% Contingency 8% Professional Fees	Overall Developmen t Costs	Interest 6.75%	Total Cost	30% Contribution (as HC4)	DDDC Enabling Fee (0.5%)	Total	HC11 Proportion of 30%	Contribution	
		£1,455.00		£124.93										
1 bed flats	39	£66,105.00	90	£11,243.25	£7,271.55	£84,619.80	£5,711.84	£90,331.64	£27,099.49	£451.66	£27,551.15	0.05	£1,377.56	£22.58
1 bedroom	58	£84,390.00	150	£18,738.75	£9,282.90	£112,411.65	£7,587.79	£119,999.44	£35,999.83	£600.00	£36,599.83	0.35	£12,809.94	£210.00
2 bedroom	79	£114,945.00	170	£21,237.25	£12,643.95	£148,826.20	£10,045.77	£158,871.97	£47,661.59	£794.36	£48,455.95	0.35	£16,959.58	£278.03
3 bedroom	93	£135,315.00	170	£21,237.25	£14,884.65	£171,436.90	£11,571.99	£183,008.89	£54,902.67	£915.04	£55,817.71	0.2	£11,163.54	£183.01
4 bedroom	106	£154,230.00	180	£22,486.50	£16,965.30	£193,681.80	£13,073.52	£206,755.32	£62,026.60	£1,033.78	£63,060.37	0.05	£3,153.02	£51.69
													£45,464	£745

The NPPF sets out that the provision of affordable housing should be sought as part of ‘major’ residential developments i.e. housing developments, involving 10 or more homes or where the site has an area of 0.5ha or more. As the NPPF was published after the adoption of the Derbyshire Dales Local Plan this supersedes the existing Local Plan threshold within policy HC4 which stipulates an affordable housing contribution on schemes of 11 or more.

The Council will seek to secure affordable housing on relevant sites by negotiating a S106 agreement to provide an appropriate number of units and an appropriate mix of sizes and tenure on the site. The precise nature of the affordable housing to be provided shall be determined by negotiation between the Council, acting as local planning authority, and the applicant and will reflect national and local policy in place at the time.

OPEN SPACE SPORT AND RECREATION

Justification

The Derbyshire Dales is fortunate in that it is naturally provided with abundant high-quality open space, which provides opportunities for exercise and social interaction. Quality open spaces not only provide benefits in terms of the health and wellbeing of the wider community; they can support biodiversity, help to reduce flood risk and enhance the environment.

The National Planning Policy Framework defines open space as *“all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as visual amenity”*. It recognises the importance of having planning policies and making decisions that plan positively for the delivery of healthy, inclusive safe places which promote social interaction make provision for open space, sport and recreation facilities; and enable and support healthy lifestyles, through for example the provision of safe and accessible green infrastructure, sports facilities, allotments and encourage walking and cycling (paragraph 91 NPPF).

The adopted Derbyshire Dales Local Plan includes the key theme of ‘Promoting Healthy and Sustainable Communities’ and Strategic Objective 11 seeks to encourage development that increases opportunities for healthy lifestyles. Local Plan Policy HC14: Open Space and Outdoor Recreation Facilities and Policy HC17: Promoting Sport and Recreation seek to ensure that both the quantity and quality of open space, sport, leisure and recreation facilities throughout the plan area are maintained and wherever possible enhanced, with the loss of any such facility only being countenanced if there is either a subsequent quantitative or qualitative increase in overall provision.

The District Council has worked with Sport England to produce the Derbyshire Dales Built Sports Facilities, Playing Pitch and Open Space Strategy (2018). This

reviewed the supply and demand of open space, and sport and recreation facilities within the Plan Area. It also undertook an assessment of the quantity and quality of different types of open spaces and recreation facilities, along with their accessibility and value to the local community.

The Local Plan seeks to ensure that proposals for new residential development contribute to the provision and/or enhancement of open space in areas where there is a deficiency in provision or poor quality of open spaces. This provision could be either on or off site depending on the scale and nature of development and the level and quality of existing facilities in the local area.

Policy HC14 of the Local Plan refers to new opportunities being 'informed by the Peak Sub Region Open Space, Sport and Recreation Study or successor documents'. The Derbyshire Dales Built Sports Facilities and Open Space Strategy (January 2018) is the successor document and can be viewed here:

- [Derbyshire Dales Indoor Facilities Strategy And Action Plan 2016-2037](#)
- [Derbyshire Dales Indoor and Built Facilities Needs Assessment March 2017](#)
- [Derbyshire Dales Open Space Standards Paper](#)
- [Derbyshire Dales Open Space Study Assessment Report November 2016](#)
- [Derbyshire Dales Playing Pitch Strategy and Action Plan](#)
- [Derbyshire Dales Playing Pitch Assessment Report February 2017](#)

It is intended that this section of the SPD will:

- Provide guidance on the provision and enhancement of open space, sport and recreation facilities as part of new development;
- Encourage an integrated approach to development which includes a comprehensive consideration of open space, sport and recreation facilities; and
- Supporting the provision of open space sport and recreation facilities in order to meet the current and future needs of the district.

How much open space is needed in the Derbyshire Dales?

The Derbyshire Dales Open Space Standards Paper (2018)⁶ sought to identify the deficiencies and surpluses in existing and future provision of open space. The study considered all sites within the following typologies with a site area of 0.2 hectares or above:

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https://www.derbyshiredales.gov.uk/images/documents/D/Approved_Derbyshire_Dales_Open_Space_Standards_Paper.pdf

https://www.derbyshiredales.gov.uk/images/documents/D/Derbyshire_Dales_Open_Space_Assessment_Report.pdf

Typology	Primary Purpose
Parks and Gardens	Accessible, high quality opportunities for informal recreation and community events.
Natural and semi-natural greenspaces	Wildlife conservation, biodiversity and environmental education and awareness. Includes urban woodland and beaches, where appropriate.
Amenity greenspace	Opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas.
Provision for children and young people	Areas designed primarily for play and social interaction involving children and young people, such as equipped play areas, MUGAs, skateboard areas and teenage shelters.
Allotments	Opportunities for those people who wish to do so to grow their own produce as part of the long term promotion of sustainability, health and social inclusion.
Cemeteries, disused churchyards and other burial grounds	Quiet contemplation and burial of the dead, often linked to the promotion of wildlife conservation and biodiversity.
Civic and market squares and other hard surfaced areas designed for pedestrian including the promenade	Providing a setting for civic buildings, public demonstrations and community events.

(Derbyshire Dales District Council Open Space Study Standards Paper Approved January 2018)

The Open Space Standards Paper established that there is a good supply of high quality open space for sport and recreation across the Local Plan area. The study concluded that whilst the quantity and quality of open space and recreation facilities across the District are in most cases sufficient the following deficiencies were identified as likely to occur by 2033 (the end of the Local Plan period):

- Parks and Gardens – 2.42ha
- Natural and semi natural greenspaces – 16.16ha ⁷
- Amenity greenspace – 2.54ha
- Provision for children and young people – 0.13ha
- Allotments – 0.45ha

How will open space be provided?

New housing development will need to provide access to open space provision in addition to private and communal space. The requirement for on-site or off site provision will however vary according to the type of open space to be provided and

⁷ Given that the towns and villages across the Plan area are set in natural surroundings generally with ready access to the countryside, developer contributions for Amenity Green Space and Semi/Natural Green Space will not be sought.

existing local open space provision. For some developments open space may be unsuitable for on-site provision, in which case an off-site contribution will be accepted.

There is an expectation that developers of residential schemes will mitigate the impact of development via the provision and enhancement of open space in the District irrespective of whether this is provided on or off site.

As part of the determination of each proposed residential development an assessment of whether there is sufficient open space within locality of the development site will be carried out, and this will be used to determine the need for additional open space provision.

The Derbyshire Dales Open Space Standards Paper 2018 provides information on local standards for open space provision and sets out the approach for determining the level of contributions towards open space that will be sought from developers applying for new residential development where this is needed to make the development acceptable.

In order to improve the quantity, quality and value of play, sports and other amenity greenspace provision new residential developments of 11 or more dwellings will be required to provide or contribute towards public open space in line with the standards identified in the Derbyshire Dales Built Sports Facilities and Open Space Strategy (January 2018) as set out below:

Type	Area Requirement Square Metres per dwelling
Parks and Gardens	9.74
Provision for children and young people	1.62
Allotments	3.94

In order to establish the requirement for new open space the Derbyshire Dales District Council Open Space Study Standards Paper calculated the number of persons generated from the net increase in dwellings in the proposed scheme, using the average household occupancy rate of 2.3 people per dwelling as derived from the Census. On this basis, 1,000 persons at 2.3 persons per household equates to 431 dwellings.

The next stage is to calculate the open space requirement by typology per dwelling, this is illustrated for parks and gardens below:

Parks and Gardens standard based on current demand = 0.42ha per 1000 population = 4200m² per 1000 population

4200m² divided by 431 dwellings = 9.74m² per dwelling

Calculation of open space provision

The Fields in Trust⁸ recommends minimum requirements for the more popular open space typologies, which provide a suitable basis for the consideration of planning decisions on individual development proposals within the District. The Fields in Trust provides guidance on minimum site sizes available for open spaces in instances where provision is deemed below standard. The recommended minimum sizes for open spaces are set out below:

Classification	Minimum size in site (ha)
Allotments	0.4ha (0.025per plot)
Civic Spaces	0.4ha
Parks and Gardens	2ha
Play Areas – LAP	0.01ha
Play Areas – LEAP	0.04ha
Play Areas – NEAP	0.1ha
MUGA	0.1ha

On-site or off site provision

The requirement for on-site or off site provision will vary according to the type of open space to be provided. Appropriate on site provision will be negotiated with developers on a case by case basis, having regard to the location and characteristics of the site. To ensure a high quality of design and layout of new residential developments some *informal open space* provision will generally be required on site.

In instances where it is not realistic for new provision to be provided on site it may be more appropriate to seek to secure a financial contribution to enhance the existing quality of provision and/or improve existing open space through a S106 agreement.

A financial contribution where appropriate will be required for the following typologies to either make up an identified deficit, enhance existing or to provide new facilities where appropriate and subject to other priority infrastructure needs:

Type	Area requirement sq/m per dwelling	Cost per sq/m £	Cost per dwelling £
Parks and Gardens	9.74	15.00	£146.10
Children's play	1.62	105.00	£170.10
Allotments	3.94	15.00	£59.10

⁸ <http://www.fieldsintrust.org/Upload/file/guidance/Guidance-for-Outdoor-Sport-and-Play-England-Apr18.pdf>

The standard costs for the enhancement of existing open space and provision of new open spaces will be reviewed regularly by the Council and where appropriate indexation applied.

Allotments

Allotments are valuable community spaces that provide people with the opportunity to enjoy an active and healthy lifestyle. The evidence demonstrates that the provision of allotments within the Derbyshire Dales Plan area is below the nationally recommended amount and existing sites are at capacity. The need for additional allotment space is to be led by demand and in appropriate circumstances the District Council will seek to secure a proportionate financial contribution towards the provision and enhancement of allotments within the Parish where development occurs.

Cemeteries

Cemeteries provide space for the quiet contemplation and burial of the dead. The Derbyshire Dales District Council Open Space Standards Paper concludes that the need for additional cemetery provision should be led by demand, with no standards set for the provision of cemeteries. The District Council is currently investigating the feasibility of providing additional cemetery provision in Wirksworth and Ashbourne to meet future anticipated needs. Accordingly, the District Council will not seek to secure financial contributions towards cemetery provision.

Children's Play Space

Residential development will generally be required to meet the need for children's play on-site as an integral part of the site layout and design. Where a proposed new development is within a 15 minute walk (1200m) of an existing play area which can be readily accessed by new residents the District Council will seek an off-site contribution to enhance the existing facility.

The Fields in Trust (FIT) recommended area for a Local Equipped Area for Play (LEAP) is 0.04hectares. To achieve this space standard would require a significant amount of new housing development to warrant the on site provision of a formal children's play space of a FIT standard. Consequently with the exception of larger development sites the provision of children's play space will take the form of a financial contribution that will be used by the District Council to up-grade equipped children's play facilities in the vicinity of the development.

The extent to which the amount of the required open space should be provided on site by way of informal provision will be determined on a case by case basis and will be subject to site size, shape, topography, the risk of conflict with existing neighbouring residential properties and feasibility.

Maintenance and Management of Open Space

The future maintenance of any new open space provision will be the responsibility of the developer. There will be a requirement on developers to demonstrate that where on-site provision is provided it will be managed and maintained to an appropriate standard. Where new provision of open space is made either within a development or elsewhere, developers will be required to demonstrate that they have appropriate arrangements for its future management and maintenance. The future management and maintenance of new open space may be secured by a variety of means, including by a management company and estate management charges.

A number of sites across the Derbyshire Dales plan area are currently managed and maintained by Parish Councils. Where development relates to and involves the potential enhancement of open spaces within Parish Council management the District Council will seek to secure a proportionate financial contribution to be determined on a case by case basis.

Playing Pitches

The Playing Pitch Strategy⁹ for the Derbyshire Dales seeks to provide a strategic framework for the maintenance and improvement of existing playing pitches and ancillary facilities for the period to 2033, meeting the local needs of existing and future residents. The objectives of the Playing Pitch Strategy include:

- To *protect* the existing supply of playing pitches where it is needed for meeting current and future needs
- To *enhance* playing field, pitches and ancillary facilities through improving quality and management of sites
- To *provide* new playing pitches where there is a current or future demand to do so.

A refresh of the Derbyshire Dales Playing Pitch Action Plan was published in January 2019¹⁰. Regular reviews of the Playing Pitch Action Plan will be undertaken to reflect up to date evidence and circumstances.

Future Playing Pitch Requirements

The Playing Pitch Strategy considered the need for all types of playing pitches across Derbyshire Dales and assessed the future demand for pitches based upon the planned housing and population growth envisaged in the Derbyshire Dales Local Plan. Consultation with local Sports Clubs was also undertaken, with a view to establishing the extent of demand for usage from them. The Strategy concludes that the majority

⁹ https://www.derbyshiredales.gov.uk/images/documents/S/Derbyshire_Dales_PPS_Strategy.pdf
https://www.derbyshiredales.gov.uk/images/documents/D/Derbyshire_Dales_PPS_Assessment_Report_Feb17_003.pdf

¹⁰

https://www.derbyshiredales.gov.uk/images/Derbyshire_Dales_PPS_Action_Plan_Refresh_January_2019.pdf

of all playing pitches in the Derbyshire Dales are being well utilised and require protection from loss to other uses and that there are likely to be shortfalls in provision in the future for football (grass pitches and 3G pitches for training) and rugby.

The action plan within the Playing Pitch Strategy sets out recommendations based on current levels of usage, quality and future demand as well and the potential that each site has for improvement and enhancement. The future priority projects for the Council identified in the strategy are set out below:

Site	Sport	Action	Timescale	Priority
Ashbourne Recreation Ground	Football	Improve changing facilities	Short term	High
	Rugby	Relocation and improvements to changing facilities at QEGS site.	Medium term	Low
	Tennis	Floodlighting Ancillary provision	Short/Medium term	Medium
	Bowls	Ancillary facilities	Medium term	Medium
Queen Elizabeth Grammar School (QEGs), Ashbourne	Rugby	Floodlighting Improve changing facilities at QEGS site	Short/Medium term	Medium
Waterside Park, Ashbourne	Football	Develop two adult pitches and changing facilities, with ancillary junior pitches to create a football hub.	Short/Medium term	Low
Cavendish Fields, Darley Dale	AGP	Replacement/upgrading	Medium term	Medium
Cromford Meadows	Rugby	Changing facilities	Short/Medium term	Medium
	Cricket	New NTP on site and practice nets.	Short/Medium term	Low
Highfields School, Matlock	Football	New full size 3G pitch	Short term	High
Hall Leys Park, Matlock	Tennis	Floodlighting	Medium term	Low
Wirksworth Leisure Centre	Tennis	Floodlighting	Long term	Low

The Playing Pitch Strategy identified a likely minimum level of requirement generated from future development envisaged in the Local Plan as follows:

Pitch Sport	Requirement
Adult football	5 pitches
Youth football	5 pitches
Mini soccer	4 pitches
Rugby union	1 pitch
Hockey	0.4 artificial grass pitches
Cricket	3 pitches

How will developer contributions be considered?

Contributions towards playing pitch provision will be sought from residential developments of 11 or more dwellings to ensure that the sporting needs arising from the residents of new development are met only where there is a demonstrable need for additional provision occasioned by new development and subject to other priority infrastructure needs.

The requirement for the provision of open space and recreation facilities will be considered on a case by case basis. New housing development will be required where appropriate to make further playing pitch provision, or improvements to existing pitches in the area where it is considered necessary to accommodate additional demand.

In assessing development proposals the District Council will use the Derbyshire Dales Playing Pitch Calculator, developed by Sport England to inform the contributions required towards playing pitch provision including artificial turf pitches. The calculator is populated with current demand data from the Playing Pitch Assessment Report (excluding land or abnormal costs) and the national average occupancy figure of 2.3 per dwelling to inform the required level of both capital and revenue contributions.

Revenue contributions for maintaining upgraded and existing facilities will be required over a three year period from handover and completion. Contributions towards maintaining new facilities will be multiplied across a 5 year period from handover and completion.

Where provision of a new pitch or more is required, additional contributions for ancillary facilities (changing rooms, car parking, floodlighting) may be required in addition to the playing pitch contribution.

The calculation to inform the level of contribution towards ancillary facilities will be taken from the Sport England published costings and where possible, formal quotations sourced from contractors to formalise cost estimates.

Built Facilities

The Indoor Sports Facilities Strategy and Action Plan 2016-2037 forms part of the Derbyshire Dales Built Sports Facilities and Open Space Strategy approved as Council policy in January 2017. The Local Plan is planning for a population and

household increase by 2033 which will affect demand for indoor sports facilities at all times of the day.

What are built sports facilities?

Built sports facilities includes sports halls, swimming pools and the use of community venues for activities.

Derbyshire Dales District Council has engaged Freedom Leisure to manage the District Council owned Sports Centres, including the swimming pools until 2028, with an option to continue for a further five years

What facilities are there in the Derbyshire Dales Local Plan Area?

Key Provision	Lead Agency
Arc Leisure Centre	Freedom Leisure/DDDC
Ashbourne Leisure Centre	Freedom Leisure/DDDC
Neighbourhood Provision	
Wirksworth Leisure Centre	Freedom Leisure/DDDC
Highfields School	School & DDDC
Queen Elizabeth Grammar School	Academy
Smaller Community Facilities	
various	DDDC and Public Health

What are the priorities for the District?

Following sustained financial investment by the District Council and others, the Derbyshire Dales is well provided with built facilities, as is reflected in the high sport participation rate. Contributions will only be sought for additional provision where there is a demonstrable need occasioned by new development and subject to other priority infrastructure needs.

HEALTH AND WELLBEING

Justification

The development of sustainable communities requires not only appropriate levels of residential and employment opportunities but also appropriate levels of community facilities, including health care infrastructure. One of the principal demands of a growing community is the need to provide new high quality healthcare facilities and extend, alter or improve existing health care provision.

Where a development would produce extra demand on local health care provision beyond the capacity of existing provision, developer contributions may be sought to meet the needs arising.

The District Council currently works with the Derby and Derbyshire Clinical Commissioning Group to facilitate improvements to health provision within the

Plan area, meet the health needs of residents and deliver the Derbyshire Health and Wellbeing Strategy.

The Derby and Derbyshire Clinical Commissioning Group (CCG) will be consulted on all major planning applications submitted to the Local Authority, and as a general rule the District Council will seek developer financial contributions towards the provision of healthcare infrastructure provision for schemes of 50 dwellings or more. There may, however, be instances where requests towards health care provision may be made from smaller schemes were it may be linked to one particular premises project. The formula for calculating a financial contribution towards healthcare infrastructure, as advised by the CCG is set out below:

The calculation below provides an example for an 800 dwelling scheme:

(B) Additional patients to be accommodated		(D) Standard area m ² /person Based on total list size of approx.		(E) Cost of extension including fees £/m ²		Total Cost (B) x (D) x (E)
(Number of dwellings x 2.5)	x		x		=	
2000		0.08m ²		£2400		£384,000

The Derbyshire County Council Developer Contributions Protocol April 2019 provides additional guidance and advice upon ensuring that the potential impact on population and human health are considered early in planning proposals, to enhance the design of places from a health perspective and ensure that appropriate health infrastructure and financial contributions are secured. The County Protocol reiterates the need to support the Derby and Derbyshire Clinical Commissioning Group to deliver a shared approach to assessing the impact of development proposed through planning applications on the delivery of primary care services and health care facilities.

DERBYSHIRE COUNTY COUNCIL

Derbyshire County Council are the provider of a wide range of services across the District Council area, including education, and social services. They are also responsible for providing, as well as managing and maintaining the highways network across the District Council area, including public rights of way and Country Parks. Derbyshire County Council has adopted a 'Developer Contributions Protocol' which sets out the County Councils approach to seeking planning obligations. The draft Developer Contributions SPD signposts developers to the County Council Protocol as providing the relevant information on the requirements for financial contributions towards education, traffic and transportation and other matters.

EDUCATION

Justification

As Local Education Authority the County Council has a statutory duty to make education provision available for each young person and where possible to provide a school place for each child in their normal school area. This duty applies across all schools and includes Academies. In some instances new development puts pressure on the capacity of existing schools, and in such cases it is reasonable to seek from a developer a financial contribution towards the costs of improving existing educational facilities.

In assessing the need for additional education provision on individual planning applications, the County Council will calculate the predicted number of pupils that the development is expected to generate, the net capacity of the normal area school, the current number of pupils on roll and the projected number of pupils on roll for the next five years at the normal area school.

When appraising proposals the County Council will also consider the impact of all major residential development with extant planning permissions within the normal area to assess the impact that committed development coming forward will have on school capacity. Where the County Councils assessment concludes that the schools normal area would not have capacity to accommodate the pupils arising from the proposed development, the County Council will request a financial contribution to provide additional capacity. Where the County Council seek a financial contribution towards the provision of school places the County Council's response identifies which specific project would be funded by the contribution.

The thresholds and level of contribution for providing additional school place capacity at an existing school in Derbyshire for 2019-20 are provided in the Table below:

2019/2020 Contribution Rates¹¹					
	Places per 100 dwellings	Cost per pupil place	Cost per 1 dwelling	Cost per 10 dwellings	Cost per 100 dwellings
Primary School	20 places	£16,812.24	£3,362.45	£33,624.48	£336,244.77
Secondary School	15 places	£25,332.89	£3,799.93	£37,999.34	£379,993.35
Post 16 education	6 places	£27,474.03	£1,648.44	£16,484.42	£164,844.16

¹¹ Education Contribution Rates may be subject to annual indexation

TRAFFIC AND TRANSPORTATION

Justification

The National Planning Policy Framework promotes sustainable transport and states that development should be focused in locations that are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes (paragraph 103 NPPF).

When considering development proposals the NPPF reiterates that the planning process should ensure ‘any significant impact from the development on the transport network (in terms of capacity and congestion, or on highway safety, can be cost effectively mitigated to an acceptable degree’ (para 108 NPPF).

Policy *HC19: Accessibility and Transport* in the adopted Derbyshire Dales Local Plan indicates that the District Council will seek to ensure that new development will only be approved where it can be accessed safely and in a sustainable manner. It goes on to indicate support for development proposals that minimise the need to travel and assist with the delivery of the Derbyshire Local Transport Plan. It sets out that where necessary developer contributions will be used to deliver transport and accessibility improvements.

New development can result in increases and/or changes in the circulation pattern of traffic and travel in any given location, including trips by pedestrians, cyclists as well as those undertaken by public transport or the private car. To accommodate this increase in demand and to support a change to more sustainable modes of travel, additional infrastructure may need to be provided. This could include for example the provision of cycle storage facilities at both new residential and employment developments.

The developer may need to undertake highway works to secure access to address the short term impacts of development and/or provide financial contributions to mitigate the longer term cumulative effects of development including but not limited to local bus service contributions to provide socially necessary services, and bus infrastructure contributions. Further detailed information is provided in the County Councils emerging Developer Contributions Protocol.

The District Council works in partnership with the County Council as Highways Authority to ensure that new development is delivered and the associated impacts on traffic and transportation are mitigated.

The adopted Derbyshire County Council Developer Contributions Protocol requires the Highways Authority to be consulted on highway matters, including those likely to have an impact upon the Rights of Way network. The Highways Authority will consider on a case by case basis the requirements for and identifying the measures required to mitigate against the impact of development, and where a planning obligation is required may be party to any negotiation and/or agreement. The County Council may also require financial contributions to fund Travel Plan measures and the costs incurred by the County Council in reviewing and monitoring Travel Plans.

The threshold, level and type of contribution sought by the County Council as Highways Authority will be determined on a case by case basis. As any required mitigation measures would be site and development specific, highways planning obligations will be secured by legal agreement either through a S106 agreement or an agreement under S278 of the Highways Act 1980 (as amended) which will be made directly with the Highways Authority.

BROADBAND

Justification

The NPPF sets out in Paragraph 112 that;

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments(as these connections will, in almost all cases, provide the optimum solution)”

Derbyshire Dales Local Plan Policy S10: Local Infrastructure Provision and Developer Contributions states that the District Council will “support improvements to and extension of telecommunications and the provision of superfast broadband infrastructure (where feasible) in accordance with industry standards.”¹²

The District Council’s Economic Plan aims to help enable the creation of more higher value jobs in the Derbyshire Dales, one of the priorities for which is investment in broadband speeds and access in rural areas.

Whilst there has been progress across Derbyshire Dales with the provision of Superfast Broadband (i.e. download speeds of at least 24 Mbps) available to approx. 83% of premises, this remains below the national average of 95%. There still remains about 9% of premises in Derbyshire Dales who are still unable to connect to a decent broadband connection¹³.

The NPPF sets out an aspiration for the increased provision of full fibre connectivity, with the potential for speeds of up to 1000Mbps. To achieve this will, however, necessitate the provision of a continuous fibre, rather than copper based, broadband network – both within a development site and off site to the wider network. This is known as Fibre to the Premises (FTTP)¹⁴.

¹² The UK Government defines superfast broadband as download speeds of 24 megabits per second (Mbps), while Ofcom (the UK telecoms regulator), and the EU define it as 30 Mbps.

¹³ Premises below the Universal Service Obligation - those unable to receive 10 Mbps download speed or 1 Mbps upload speed, which Ofcom regards as necessary components of ‘decent broadband’.

¹⁴ Also known as Fibre to the Home (FTTH)

The evidence from the Government is that many developers are not actively pursuing the provision of FTTP or future-proofing broadband connections as an integral part of their developments. As FTTP is normally deployed via underground ducts, the most opportune time for it to be deployed to new build sites is when civils works are taking place (i.e. when other utilities are on site). The District Council therefore considers that as a minimum all new development should provide the necessary ducting within a site to facilitate FTTP.

Openreach are the main provider of FTTP networks in the UK¹⁵. At the present time for sites of 30 dwellings or more Openreach will install FTTP free of charge¹⁶. For sites of less than 30 dwellings Openreach will seek a contribution from developers towards the cost of providing FTTP, ranging from £493 for 29 dwellings up to £6,344 for 2 dwellings¹⁷.

To ensure that FTTP is provided the District Council will encourage developers of new residential developments to liaise with Openreach (or another provider) in advance of development commencing to ensure that FTTP is available to future residents of the development.

For commercial developments Openreach advise that they will contribute £1,000 per plot toward the cost of FTTP to commercial sites, where it is available. If the costs for Fibre to the Premises (FTTP) are more than £1,000 per plot, developers will be expected to contribute the extra amount. Commercial developers are advised to register their site with Openreach for further details and estimates. For Strategic Site Allocations (Local Plan Policy DS1 to DS9) and new Employment Land Allocations (Local Plan Policy EC2) developers are advised that FTTP connectivity should be designed into the development at the masterplan stage.

The Government has indicated that in the future it is likely to introduce legislation which requires developers of all new build development – residential and commercial - to incorporate FTTP as an integral part of the development.

To support this objective and ensure that development sites are capable of accommodating FTTP the District Council will seek to impose a condition on developments of 10 dwellings or more and commercial development totalling 465sq metres or more that will require the provision of ducting capable of accommodating a full fibre network from a suitable entry point into the site and onwards to each dwelling/commercial unit which obtains the benefit of planning permission. Ducting provided will be required to satisfy the Openreach Technical Standards¹⁸

For all other developments the District Council will add a detailed advisory note which encourages developers to provide ducting within the development site.

¹⁵ ¹⁵ Openreach is the main but not necessarily the only provider of FTTP. Developers should consider who is best placed to install FTTP. Openreach are used in this SPD as an example of what developers could obtain from providers in respect of FTTP.

¹⁶ <https://www.openreach.com/fibre-broadband/fibre-for-developers>

¹⁷ <https://www.openreach.com/content/dam/openreach/openreach-dam-files/images/fibre-broadband/fibre-for-developers/Rate%20card%20website.pdf>

¹⁸ https://www.openreach.com/content/dam/openreach/openreach-dam-files/images/fibre-broadband/fibre-for-developers/guides-and-handbooks/Quick_Guide_Duct_Laying.pdf

The District Council advises the applicant that in order to facilitate the provision of full fibre broadband to future occupants of the properties on this development that a scheme for fibre ducting, drawn up to Openreach Technical Standards should be installed during the construction of the development hereby approved.

For sites of 30 dwellings or more the following footnote will also be added to the planning permission:

The applicant is further advised that as the site consists of 30 or more dwellings to discuss with Openreach at least six months before development commences on site the provision of full fibre connections to the site. It is understood that this is provided free of charge by Openreach to the applicant.

Similarly, Virgin Media also provide fibre connectivity to new developments, please follow the link for more information;

<https://www.virginmedia.com/lightning/network-expansion/property-developers>

There are other suppliers which can be approached such as

- *Independent Fibre Networks Limited (INFL)*
- <https://www.ifnl.net/developers>
- *GTC Utility Network*
- <https://www.gtc-uk.co.uk/house-builders/fibre-to-the-home>

The HBF is actively encouraging suppliers to install fibre as part of installation to new sites, please see the link for more information <https://www.hbf.co.uk/search/?q=fibre>

For sites of less than 30 premises the following footnote will be added to the planning permissions:

*The applicant is advised that as the site consists of less than 30 dwellings to discuss with Openreach at least six months before development commences on site the costs of the provision of full fibre connections to **the site**. In the event that appropriate evidence is provided that the costs of a full fibre connection is unviable then the District Council expects that ‘superfast’ broadband provision to the site is facilitated. It is understood that this is provided free of charge by Openreach to the applicant.*

Similarly, Virgin Media also provide fibre connectivity to new developments, please follow the link for more information;

<https://www.virginmedia.com/lightning/network-expansion/property-developers>

There are other suppliers which can be approached such as

- *Independent Fibre Networks Limited (INFL)*
- <https://www.ifnl.net/developers>
- *GTC Utility Network*
- <https://www.gtc-uk.co.uk/house-builders/fibre-to-the-home>

The HBF is actively encouraging suppliers to install fibre as part of installation to new sites, please see the link for more information <https://www.hbf.co.uk/search/?q=fibre>

For Commercial Developments the following footnote will be added to the planning permission:

The applicant is advised that in order to facilitate the provision of Full Fibre broadband connection, where it is already available Openreach are understood to be willing to contribute £1,000 per plot toward its cost. The District Council understands that where the costs for Fibre to the Premises (FTTP) are more than £1,000 per plot, developers will be expected to contribute the extra amount. Commercial developers are advised to register their site with Openreach for further details and estimates. As a minimum the District Council expects that 'superfast' broadband provision to the site is facilitated. It is understood that this is provided free of charge by Openreach to the applicant.

Similarly, Virgin Media also provide fibre connectivity to new developments, please follow the link for more information;

<https://www.virginmedia.com/lightning/network-expansion/property-developers>

There are other suppliers which can be approached such as

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The HBF is actively encouraging suppliers to install fibre as part of installation to new sites, please see the link for more information <https://www.hbf.co.uk/search/?q=fibre>

TACKLING CLIMATE CHANGE

Justification

The District Council on 30th May 2019 pledged to declare a Climate Emergency.

As such the District Council is committed to taking forward initiatives which mitigate and adapt to the impacts of Climate Change on Derbyshire Dales. The Planning system can play an important role in ensuring that such initiatives are brought forward in new developments.

Tackling climate change is a national priority. The long-term aim is to reduce carbon dioxide emissions by 80% below the 1990 baseline by 2050 and this is now a statutory duty embedded in the Climate Change Act 2008.

The National Planning Policy Framework (NPPF) indicates that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. Paragraph 148 of the NPPF states that the planning system should “help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Climate Change is a theme that is embedded in the Derbyshire Dales Local Plan from the outset:

- Key Issue 1 – Protecting and Enhancing the Character and Distinctiveness of the Landscape, Towns and Villages in the Plan Area
- Key Issue 3 – Addressing the Challenges of Climate Change
- Key Issue 5 – Managing Travel Demand and Improving Accessibility

Climate Change is also a factor in relation to the following Strategic Objectives of the Local Plan:

- SO5 – To address, mitigate and adapt to the effects of climate change on people, wildlife and places
- SO10 – To support development that minimises risks to safety and health as a result of crime (or fear of crime), flooding, pollution and climate change
- SO12 – To promote the efficient use of suitably located previously developed land and buildings whilst minimising the use of greenfield land
- SO13 – To facilitate low carbon development and energy generation from renewable sources of a type and scale appropriate to its location
- SO14 – To increase the opportunities for travel using sustainable forms of transport by securing improvements to public transport, walking and cycling infrastructure.

The following policies are relevant to the Climate Change:

- Policy S1 - Sustainable Development Principles
- Policy S10 - Local Infrastructure Provision and Developer Contributions
- Policy PD1 – Design and Place Making
- Policy PD2 – Protecting the Historic Environment
- Policy PD3- Biodiversity and the Natural Environment
- Policy PD4 – Green Infrastructure
- Policy PD6 – Trees, Hedgerows and Woodlands
- Policy PD7 – Climate Change
- Policy PD8 – Flood Risk Management and Water Quality
- Policy HC18 – Provision of Public Transport Facilities
- Policy HC19 – Accessibility and Transport
- Policy HC20 – Managing Travel Demands

In taking forward the requirements of the policies in the adopted Derbyshire Dales Local Plan energy efficiency and use of renewable/low carbon energy will be encouraged in new residential development.

Commercial developments will be expected to achieve a very good or above assessment using the BREEAM standards which continue to apply. To ensure these requirements do not affect the viability of new developments, they will only apply to commercial development over 1,000 square metres. Pre-assessment certificates that set out the estimated performance of the development against BREEAM will be required to be submitted for applications involving commercial development over this threshold.

The adopted Local Plan sets out that the strategic approach will therefore be to mitigate the effects of climate change without adversely affecting the quality and distinctiveness of the local environment by:

- directing development to sustainable locations;
- promoting low carbon sustainable development ;
- maximising carbon reductions in new build by reducing the need for energy ;
- using energy more efficiently; and
- generating energy from low carbon or renewable sources

The approach in the Local Plan seeks to reflect the energy hierarchy;

- Reduce the need for energy;
- To use energy more efficiently
- To use renewable energy;
- Any continuing use of fossil fuels to be clean and efficient for heating and co-generation

For new development this will include support for good design that is able to take account of passive solar gain, for example, and ensuring that new development does not increase the risk of flooding or is susceptible to flooding. Sustainable

Drainage Systems will be sought for all new developments to ensure that surface water run-off is attenuated before entering the main water courses.

The future maintenance of any new SuDs will be the responsibility of the developer. There will be a requirement on developers to demonstrate that where SuDs are provided that they will be managed and maintained to an appropriate standard. The future management and maintenance of new SuDs may be secured by a variety of means, including:

- A management company with estate management charges:
- by water companies: and
- charities

In order to facilitate new technologies and future proof developments the District Council will encourage the provision of Electric Vehicle Charging Points to be incorporated into the design of new dwellings and also for communal charging facilities to be provided for visitors with Electric Vehicles to the development.

Similarly the District Council will encourage developers to provide both renewable energy systems on new developments and in communal locations.

COMMUNITY AND ENVIRONMENT COMMITTEE
19 FEBRUARY 2020

Report of the Head of Regeneration and Policy

HOUSING DELIVERY TEST ACTION PLAN

SUMMARY

This report presents Members with the details of the representations received during the seven week period of public consultation held between 18th November 2019 and 6th January 2020. The report recommends on the basis of the representations received that the Housing Delivery Test Action Plan be approved.

RECOMMENDATION

1. That the representations received, and Officer Recommendations during the public consultation as set out in Appendix 1 be noted.
2. That the Housing Delivery Test Action Plan as set out attached in Appendix 2 be approved

WARDS AFFECTED

All wards outside the Peak District National Park

STRATEGIC LINK

The Derbyshire Dales District Council Local Plan is a pivotal tool in the delivery of the Council's Corporate Plan. Maintaining the rate of housing delivery is important to ensuring that the policies and proposals set out the adopted Derbyshire Dales Local Plan can endure. Failure to maintain delivery rates will undermine the overall strategy of the plan.

1 BACKGROUND

- 1.1 The Government has set an objective of significantly boosting the supply of new homes, and delivering a target of 300,000 new homes a year. The National Planning Policy Framework (NPPF) published in February 2019 indicates in Paragraph 59 that the Government considers it imperative that land with planning permission is developed without unnecessary delay. The NPPF expects that local planning authorities should be able to identify, annually, a minimum of five years' worth of deliverable housing sites.
- 1.2 The Housing Delivery Test (HDT) is an annual measurement of housing delivery for a local planning authority. It is a percentage measurement of

the number of net homes delivered against the number of homes required over a rolling three year period.

- 1.3 The Ministry for Housing Communities and Local Government (MHCLG) published the results of the first assessment on 19 February 2019.
- 1.4 The NPPF indicates that where a local planning authority's housing delivery falls below 95% of homes required, it should prepare an Action Plan whose purpose is to assess any causes of under-delivery and set out ways in which under-delivery can be improved in the future.
- 1.5 The results of the HDT for Derbyshire Dales published in February 2019 indicated a requirement to deliver 646 dwellings over the past three years and that 598 dwellings had been delivered over the same period, giving a measurement of 93%.
- 1.6 However, whilst the requirement figure published was one for the whole of the local authority area, the delivery figures published did not include 76 residential units delivered within the Peak District National Park over the same period. This situation was raised with MHCLG, and on 13th May 2019 they conceded that they had got the calculation wrong. As a consequence the District Council has a HDT score of 104% (674 dwellings delivered against a requirement to deliver 646).
- 1.7 As a result the District Council is not required to prepare and submit to MHCLG a formal Housing Delivery Action Plan. Notwithstanding this situation Council agreed that, although not mandatory, the District Council should undertake the preparation of an informal Housing Delivery Action Plan, which sets out how the District Council will seek to maintain an adequate level of housing.
- 1.8 Council agreed at its meeting on 25th July 2019 to the preparation of a Derbyshire Dales Housing Delivery Test Action Plan. It was resolved by Council that authority be given to the Head of Regeneration and Policy to consult on a draft Housing Delivery Test, and that the results of the public consultation be considered by Members prior to adoption. (Minute 87/19).
- 1.9 The Draft Derbyshire Dales Housing Delivery Action Plan was subject to a seven week period of public consultation from 18th November 2019 to 6th January 2020. Details of the public consultation were made available on the District Council's website, alongside an online survey which allowed residents and other interested stakeholders to comment on the contents of the draft SPD.

2 MAIN ISSUES RAISED BY CONSULTEES

- 2.1 During the seven week public consultation period a total of 54 representations were received from individuals, organisations and stakeholders. The details of the representations, along with Officer Comments on each, are set out in Appendix 1.

- 2.2 Whilst there was some support for the processes suggested within the HDT Action Plan there were more representations that raised objections to the contents of HDT Action Plan. The main issues raised during the public consultation were:
- Concerns about the inclusion, and assumptions made about development on the site at the Gritstone Road, Matlock in the calculation of the five year supply of land for housing.
 - That concessions should not be given to developers that would allow them to be released from conditions relating to the historic environment and affordable housing
 - That development should come forward on brownfield sites in advance of greenfield sites
 - That there were a couple of sites omitted from the assumptions made on the future HDT calculations and five year supply of land for housing
- 2.3 Many of the concerns in relation to the Gritstone Road site are ones that are currently being pursued by local residents during the determination of the current planning application on the site – as such these did not address any aspects of the HDT Action Plan.
- 2.4 Concerns were raised about the assumptions made about the delivery rate on the Gritstone Road site over the next five years, and why any development on the site was included in the assumptions used to calculate the five year supply of residential development. As set out in the Officer Comments, given the allocation of the site in the Derbyshire Dales Local Plan, the current and future status of the site it is considered reasonable to include 165 dwellings in the five year supply of land for housing calculation.
- 2.5 The inclusion of any assumption about the number of potential dwellings likely to come forward on a site within the calculation of the five year supply of land for housing where that sites currently does not have the benefit of planning permission does not indicate any pre-determination on the part of the District Council in respect any application for planning permission. It is for the Members of the District Council's Planning Committee to determine a planning application based upon the evidence they have before them at the appropriate time.
- 2.6 Whilst the HDT Action Plan suggests considering the release of conditions relating to affordable housing etc. to enable development to come forward on a site, in reality any proposals for this would require formal approval from the District Council. Only in appropriate circumstances, where for example the benefits of allowing the removal of conditions outweighs any disadvantages of doing so, is it considered that such approval would be likely to be given.
- 2.7 Although there is a preference from residents for development to take place on the brownfield sites in advance of greenfield sites, there is no Government policy as identified in the NPPG or NPPG that sets it out in such a way. Whilst desirable, there are no planning policy tools available to achieve this.
- 2.8 For those sites not included in the calculation of the five year supply of land for housing at 1st April 2019, there was insufficient evidence to demonstrate that they were 'deliverable' as defined in the NPPF.

- 2.9 The representations, as set out in Appendix 1, do not, therefore, raise any substantive points that necessitate modifications to the contents of the draft Housing Delivery Test.
- 2.10 The Housing Delivery Test Action Plan as set out in Appendix 2 to this report is therefore recommended for approval. As this is a non-statutory document then it can be brought into immediate effect.

3 RISK ASSESSMENT

3.1 Legal

At present there is no legal requirement to prepare a Housing Delivery Action Plan. However, as there is a risk in forthcoming years that the full allocation of housing will not be provided, the preparation of a plan is an essential tool to make sure the Council takes the necessary steps to achieve the required supply of new homes.

Failure to make sure sufficient housing is provided means that the Council could lose control of development in the district. A consequence might be that the Council finds itself required to approve development that is not in accordance with the Local Plan. Alternatively there might be a greater risk of appeals of decisions to the Planning Inspectorate and a resultant increase in legal costs to the council.

3.2 Financial

Some of the actions which could derive from the Action Plan could have financial consequences, which would need to be addressed at the relevant time.

3.3 Corporate

A Housing Delivery Action Plan would seek to ensure that the District Council can maintain a clearly evidenced five year supply of housing land. Without a five year supply, the District Council would have to grant planning permission for residential development on sites that are not allocated for such purposes.

4 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.

5 CONTACT INFORMATION

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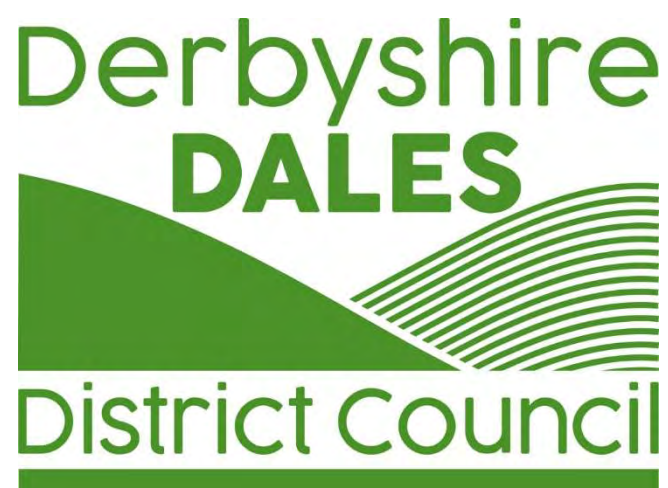
6 BACKGROUND PAPERS

Description	Date	File
Report to Council	25 th 2019	July

7 ATTACHMENTS

Appendix One: Schedule of Representations and Officer Comments on the Draft Derbyshire Dales Housing Delivery Test Action Plan (PUBLISHED SEPARATELY)

Appendix Two – Revised Derbyshire Dales Derbyshire Dales Housing Delivery Test Action Plan



HOUSING DELIVERY ACTION PLAN

JANUARY 2020

DERBYSHIRE DALES HOUSING DELIVERY ACTION PLAN

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INTRODUCTION

The Government has set an objective of significantly boosting the supply of new homes, and delivering a target of 300,000 new homes a year. The National Planning Policy Framework (NPPF) published in February 2019 states in Paragraph 59 that the Government considers it imperative that land with planning permission is developed without unnecessary delay. The NPPF also expects that local planning authorities should be able to identify, annually, a minimum of five years' worth of deliverable housing sites.

The Housing Delivery Test (HDT) is an annual measurement of housing delivery for a local planning authority. It is a percentage measurement of the number of net homes delivered against the number of homes required over a rolling three year period. The HDT Measurement Rule Book¹ published by the Government in July 2018 sets out in detail the methodology used for calculating the HDT.

The NPPF indicates that where a local planning authority's housing delivery falls below 95% of homes required, it should prepare an Action Plan whose purpose is to assess any causes of under delivery and set out ways in which under-delivery can be improved in the future.

The results of the HDT for Derbyshire Dales originally published in February 2019 indicated a measurement of 93%. However, whilst the requirement figure published was one for the whole of the local authority area, the delivery figures published did not include residential units delivered within the Peak District National Park over the same period. This situation was raised with MHCLG, and in May 2019 it was accepted that completions in the National Park should contribute towards the overall HDT assessment. As a consequence the District Council has a HDT score of 104%.

Although the District Council is, as a consequence, not required to prepare and submit to MHCLG a formal Housing Delivery Action Plan it has agreed that it would be good practice to undertake the preparation of a Housing Delivery Action Plan.

This Action Plan is therefore intended to be a practical document that seeks to set out how the District Council will minimise the risk of housing under-delivery, and how it will maintain an adequate level of housing completions over the next few years.

The District Council considers that this document is one all stakeholders with responsibility for delivering residential development in Derbyshire Dales should use their best endeavours to implement.

HOUSING DELIVERY ANALYSIS

Housing requirements in Derbyshire Dales historically set in the Derbyshire Structure Plan and East Midlands Regional Plan were approximately 25 to 30%

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728523/HDT_Measurement_Rule_Book.pdf

below that required. This policy approach having been taken in the interests of safeguarding the high landscape and environmental quality of the area.

However, Government Guidance included within the National Planning Policy Framework (2012) indicated that local planning authorities should plan, through strategic plans, to fully meet their objectively set housing need. As a consequence the housing requirement in the Derbyshire Dales Local Plan adopted in 2017 set a target for the plan period 2013-2033 of 5,680 or 284 dwellings per annum – a rate almost 50% higher than that previously required in the East Midlands Regional Plan.

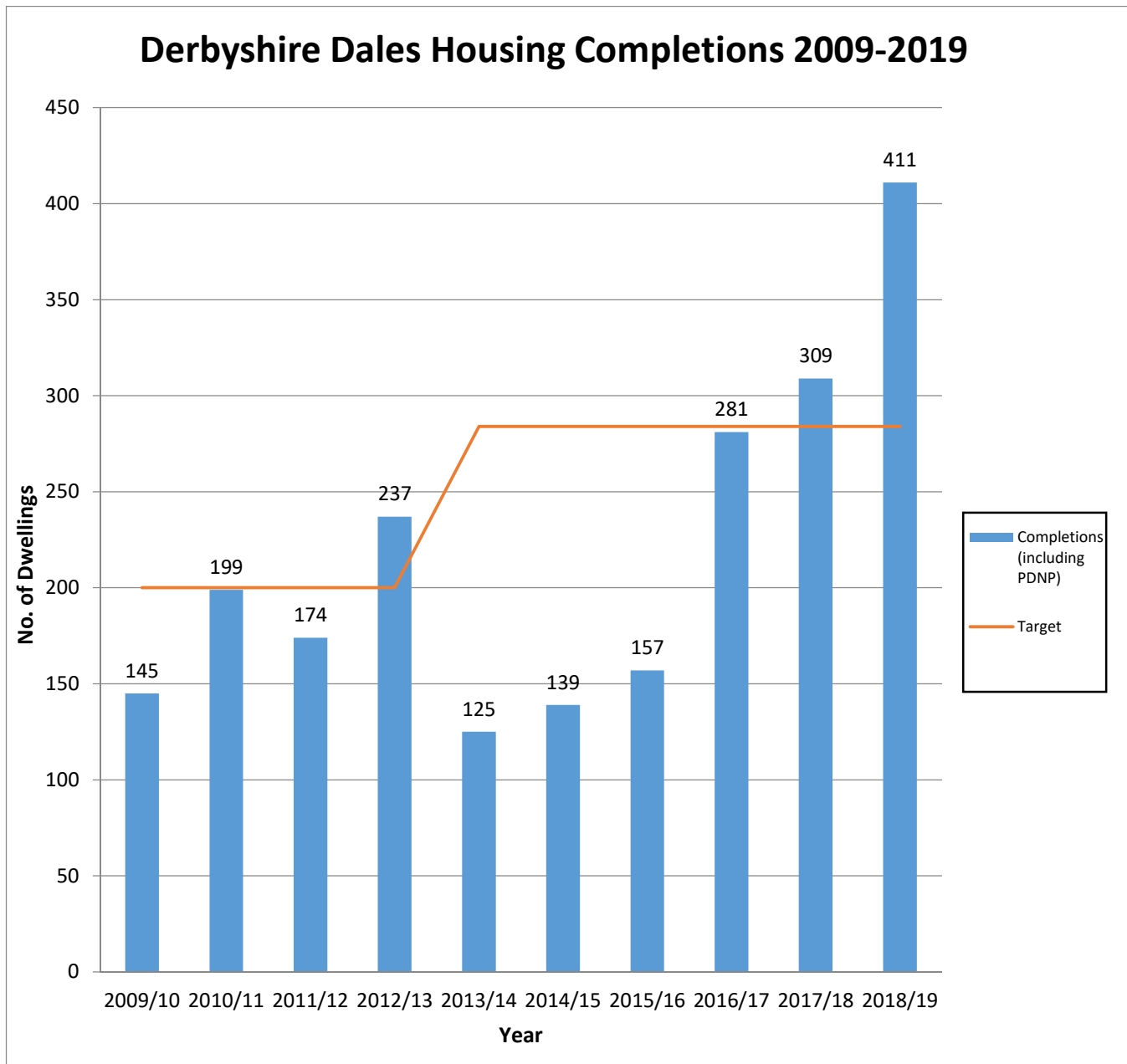


Figure 1 - Housing Completions 2009-2019

The evidence suggests that since the requirement for local planning authorities to fully meet all their objectively assessed housing needs that the level of residential completions has steadily risen over time. Housing completion data, indicates that across the District Council area there were 411 net completions over the period 1st April 2018 to 31st March 2019. This level of completions is the highest achieved across Derbyshire Dales for at least the past 30 years.

This increase in completions is reflective of the fact that as sites have been allocated for residential development (primarily greenfield sites) in the emerging and subsequently adopted Derbyshire Dales Local Plan landowners and developers have sought to bring sites forward.

Estimates of housing delivery suggest that over the next five years housing delivery will year on year exceed the HDT.

Year	Housing Requirement	Three Year Rolling Housing Target	Estimated Three Year Housing Delivery ²	HDT
2018	232	646	674	104.33%
2019	230	642	862	134.26%
2020	226	638	1249	195.77%
2021	222	688	1445	210.03%
2022	215	678	1414	208.55%
2023	208	663	1137	171.49%

Table 1 - Estimated HDT Completions 2019-2023

An assessment of the District Council's current five year supply of land for housing has been undertaken. This suggests that the District Council currently has the equivalent of **5.89 years**' worth of supply – which includes a 5% buffer to ensure choice and competition in the market, as required in the NPPF.

² Does not make any assumptions about commitments and completions within the Peak District National Park for 2019 onwards

	Objectively Assessed Housing Need 2013-2033	5680
	Annual Housing Requirement	284
A	Total Objectively Assessed Need 2019 to 2024 : OAHN dwellings per annum x 5 years	1420
	Shortfall in Housing Provision between 1st April 2017 and 31st March 2018	
B	Dwellings required between 1st April 2013 and 31st March 2019 = (A) divided by 5 multiplied by 6 years	1704
C	New dwellings completed between 1st April 2013 - 31st March 2019	1272
D	PDNP New dwellings completed between 1st April 2013 - 31st March 2019	150
E	Shortfall between requirement (B) and total completions (C)+(D)	282
F	Revised housing requirement for period 2019-2024 (A plus E)	1702
G	Plus 5% Buffer (NPPF Advice)	85
H	Five Year Requirement 2019-2024	1787
I	Revised Annual Requirement 1st April 2019 - 31st March 2024	357
	Housing Supply 2019	
J	Commitments at 31 st March 2019 (Net) (2019-2024)	1534
K	Peak District National Park Contributions	100
L	Windfall Contribution (5 x 15 p.a.)	75
M	Local Plan Allocations Potential 2019-2024 (0-5 Years)	396
N	Total Supply 2019 - 2024 (J+K+L+M)	2,105
O	Five Year Supply 2019-2024 (N divided by I)	5.89

Table 2 - Five Year Supply of Land for Housing 2019-2024

The assessment indicates that the District Council has sufficient housing land to demonstrate a deliverable five year supply. As such it safeguards the District Council for the next 12 months against the potential that it will have to grant planning permission for housing development not specifically allocated or not in accordance with the policies set out in the adopted Derbyshire Dales Local Plan.

An assessment of the realistic delivery rates suggests the following potential trajectory over the next five years:

	2019/20	2020/21	2021/22	2022/23	2023/24	TOTAL
Allocated in Derbyshire Dales Local Plan	0	57	89	135	115	396
Resolution to Grant – Planning Permission Not Yet Issued	16	32	59	40	49	196
Minors less than 10 units	64	64	64	64	60	316
Major 10plus	480	338	151	44	9	1022
National Park	20	20	20	20	20	100
Windfall Assumption	15	15	15	15	15	75
Total	595	526	398	318	268	2,105

Table 3 - Source of Housing Delivery 2019 - 2024

This equates to an average annual rate of 421 dwellings per annum. This rate is well above 284 dwellings plus 5% for a buffer, and is almost double the rate which the District Council achieved during the last plan period.

Although it is difficult to accurately assess the District Council's future five year supply, because there are so many variables which cannot be legislated for, an estimate of the position of the five year supply as at April 2020 and April 2021 has been calculated. These suggest that the District Council will continue to be able to demonstrate that it has a five year supply of deliverable land for housing in both future years (5.77 & 5.85 years respectfully).

KEY ISSUES

The District Council is committed to meeting the identified Objectively Assessed Need for Housing for the period up to 2033 through the strategy set out in the adopted Derbyshire Dales Local Plan. There are two key issues which the District Council has identified that it considers needs to be addressed to ensure that future housing delivery meets the strategic requirements of the area.

Key Issue 1 – Future Supply of Housing Land

Advice in the NPPF is that strategic policies should set out a clear strategy for accommodating objectively assessed needs in a way that makes as much use of previously-developed land as possible. The adopted Derbyshire Dales Local Plan

allocates land for 2,890 dwellings, of which 2,116 dwellings (73.32%) are allocated on brownfield sites.

At the present time, for those dwellings allocated on brownfield land the District Council does not have sufficient evidence that 1,966 (93% of brownfield allocations) dwellings will be completed within the next five years to be able to satisfy the NPPF definition of deliverable. This equates to 68% of all allocated dwellings.

Of the 1,966 dwellings, 1,745 dwellings are allocated on two large brownfield sites (Ashbourne Airfield and Middle Peak Quarry, Wirksworth). This equates to 31% of the overall Objectively Assessed Need for the period to 2033. Both of these sites are not anticipated to deliver housing until later in the plan period as they have complex and costly remediation requirements. Along with ownership issues, this will inevitably have a detrimental effect upon their attractiveness to the market and delivery on site.

In terms of the 774 dwellings allocated on greenfield sites 606 dwellings now have the benefit of planning permission or are likely to obtain planning permission within the foreseeable future, leaving only 168 dwellings allocated on greenfield sites yet to obtain the benefit of planning permission.

The evidence suggests therefore, that of those sites allocated in the adopted Derbyshire Dales Local Plan there is likely to be a continuation of readily deliverable sites coming forward in the next five years – however in the longer term the outlook is less positive. This is primarily because of issues associated with the large brownfield allocations.

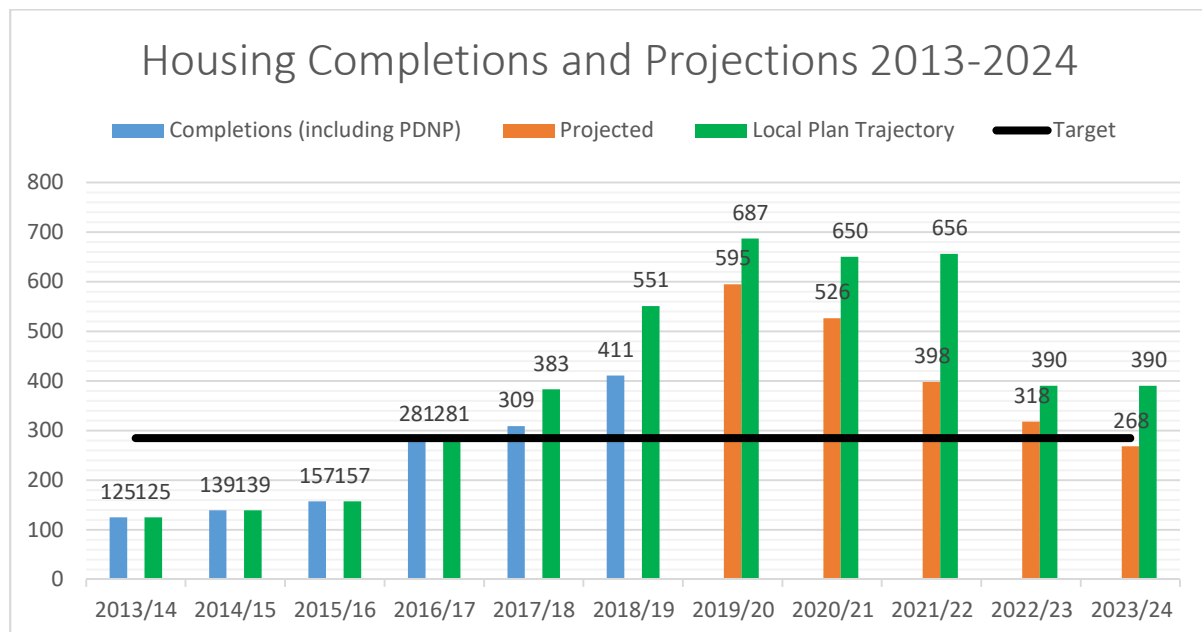


Figure 2 - Housing Completions and Projections 2013-2024

However, any slippage in sites being delivered at the rate envisaged could have a detrimental impact of the District Council's five year housing position. The consequences of not being able to demonstrate a five year supply of land for housing

is that the presumption in favour of development as set out in the NPPF comes into effect. This means that the District Council would be obliged to grant planning permission for residential development on sites that are not allocated for such purposes in the adopted Derbyshire Dales Local Plan, and where there are no other factors which could be seen to override that presumption. Such sites, given experience, are more than likely to be easier-to-develop greenfield sites.

The District Council, therefore consider that in order to ensure that all the sites in the adopted Derbyshire Dales Local Plan can contribute to meeting the strategic housing needs over the whole of the plan period that it is necessary to seek ways to assist 'de-risk' the large brownfield allocations.

This also suggests that the District Council will need to carefully monitor and take pro-active action to maintain the supply and delivery of land allocated for residential development, otherwise there is a significant risk of failure of the current strategy in the adopted Derbyshire Dales Local Plan.

Key Issue 2 – Development Management Processes

The allocation of land for residential development in the adopted Derbyshire Dales Local Plan usually starts the process of bringing a site forward for development. However each site requires the benefit of planning permission before any development can take place on it.

The approach that the District Council takes in respect of taking forward individual planning applications is likely to have a significant effect upon the confidence and ability of landowners/developers to deliver the aspirations of the Local Plan.

The District Council operates a Paid Pre Application Service. This allows applicants and potential applicants to obtain advice from the local planning authority prior to the submission of a planning application³. The service is available for all types of proposals from small domestic extensions to large residential developments.

This allows the District Council to work with developers and influence the design and layout of major developments as well as ensure that they are able to satisfy all the relevant policies in the adopted Derbyshire Dales Local Plan. This is one reason why for major planning applications the District Council has a performance for the determination of major planning applications of 100%, against a target of more than 60%.

By taking such a positive approach the District Council is able to remove some of the uncertainty involved in submitting a major planning application and process the application more quickly.

The majority of the major residential applications for planning permission require the developers enter into a S106 Planning Obligation with the District Council.

³ <https://www.derbyshiredales.gov.uk/planning-a-building-control/submit-a-planning-application/pre-application-advice>

Reaching agreement on the content of S106 Obligations can delay the issuing of a planning permission for the major residential development,

Completion of legal agreements can be a source of delay in the determination of a major planning application and the subsequent commencement of development on site. Wherever possible the District Council will seek to agree the content of a legal agreement during the determination of the planning application.

The District Council will continue to take a positive and pro-active approach to the determination of all planning applications for residential development, particularly those that are able to fully satisfy the policies and proposals in the adopted Derbyshire Dales Local Plan. The District Council will also seek to ensure that in respect of its role in the preparation of legal agreements it does all it can to avoid any unnecessary delays to their completion.

ACTION PLAN

The granting of planning permission does not guarantee that those sites in the adopted Derbyshire Dales Local Plan will come forward. There are many factors that influence the sites which come forward for development, as well as the rate at which they come forward. Some of the factors that influence development are in fact beyond the control of the District Council such as the availability of capital funding for remediation works, and the availability of labour and materials of construction.

Nevertheless the District Council can take a pro-active role in respect of housing delivery by seeking to influence land owners/agents and developers to bring forward sites in a manner which is appropriate to the strategy set out in the adopted Derbyshire Dales Local Plan.

The actions set out below are considered by the District Council to be the most appropriate for ensuring the delivery rate of new housing is maintained at the rate required in the adopted Derbyshire Dales Local Plan and for passing the MHCLG Housing Delivery Test:

Monitoring

Effective monitoring of housing delivery is essential for understanding progress on delivery. At the present time the District Council undertakes monitoring of residential completions on an annual basis in April, as part of the work it undertakes for the Authority Monitoring Report, the data from which feeds into the calculation of the five year supply of land for housing.

Biannual monitoring is also undertaken to assess progress on residential development sites and as a means of determining whether specific triggers have been met in relation to S106 Planning Obligations.

In order to inform future development rates in the housing trajectory the District Council collates on an annual basis pro-forma data from land-owners and

developers about their future intentions for development on each of the sites allocated for residential development in the adopted Derbyshire Dales Local Plan.

Guidance in the NPPF now sets out that in order to include a site within the calculation of five year supply of land for housing it must have 'clear evidence' that a site will come forward within the next five years. At the present time the assessment of what sites are included in the list of sites that contribute towards the five year supply calculation are undertaken internally.

To move towards a more collaborative approach in confirming sites appropriate for inclusion in the calculation of five year supply of land for housing, the District Council considers that the establishment of a Developer Forum, involving, large and small developers, along with key landowners will be beneficial to the process.

Actions

- M1 Undertake annual monitoring exercise of residential development
- M2 Continue to collect pro-forma data both on sites allocated in Derbyshire Dales Local Plan and Major Sites with outline & full planning permission
- M3 Utilise collated data to inform future housing trajectory
- M4 Convene a Developer Forum of large/small developers and key landowners to inform the five year supply requirement in relation to 'clear evidence' and provide intelligence on site progress.
- M5 Continue to have regular engagement with land owners/developers for the more complex brownfield sites to ensure their accelerated delivery
- M6 Seek to encourage potential applicants of major residential developments at the pre-application stage that the submission of any planning application should include the outline terms of any legal agreement and that wherever feasible agreement on the contents of any legal agreement should be reached in conjunction with the determination of the application.

Site Delivery

The adopted Derbyshire Dales Local Plan has sought to ensure that there is a broad range of sites to meet the strategic housing requirements for the period up to 2033. However the evidence suggests that in the period beyond 2024 there could be some uncertainty about the rate at which new homes come forward on sites across the Derbyshire Dales.

Legislation requires that a review of the Derbyshire Dales Local Plan is completed by December 2022. Future housing requirements and monitoring of residential delivery rates, along with on-going discussions with developers/landowners about

the future rate at which sites are likely to come forward will influence the extent to which the District Council considers it will be necessary to allocate new land for residential development.

The District Council will utilise, the following actions where considered necessary to ensure that there are sufficient sites to meet the District Council's future housing requirements.

ACTIONS

Review failed/lesser ranked sites in the Strategic Housing Land Availability Assessment (SHLAA) to determine if any could be considered sites with development potential to meet any shortfall in five year housing supply.

- SR1 When undertaking a Call for Sites use the same methodology as used previously, in an attempt to identify any new sites capable of coming forward for residential development
- SR2 As part of the review of the Derbyshire Dales Local Plan seek to provide a more extensive portfolio of different site sizes and types and to encourage early development of sites
- SR3 Bring forward proposals for the District Council to act as a housing developer for new affordable housing schemes.
- SR4 If appropriate consider use of Compulsory Purchase powers to attempt to unblock sites
- SR5 Take a multi-disciplinary team approach to the development of strategic sites and consider the creation of a team with expertise in site delivery
- SR6 In appropriate circumstances facilitate discussions between landowners/developers and Homes England, with a view to seeking funding and/or joint venture arrangements to enable the acceleration of site delivery.
- SR7 In appropriate circumstances consider the release/removal of conditions including any affordable housing requirements from extant and/or unimplemented planning permissions

ACTION PLAN & PERFORMANCE MANAGEMENT

Ref No.	Action	By Whom	By When
M1	Undertake annual monitoring exercise of residential development	DDDC (Planning Policy)	Annually in December
M2	Continue to collect pro-forma data both on sites allocated in Derbyshire Dales Local Plan and Major Sites with outline & full planning permission	DDDC (Planning Policy)	Annually in April
M3	Utilise collated data to inform future housing trajectory	DDDC (Planning Policy)	Ongoing
M4	Convene a Developer Forum of large/small developers and key landowners to inform the five year supply requirement in relation to 'clear evidence' and provide intelligence on site progress.	DDDC (Planning Policy & Development Management)	April 2020
M5	Continue to have regular engagement with land owners/developers for the more complex brownfield sites to ensure their accelerated delivery	DDDC/Homes England	Ongoing
M6	Seek to encourage potential applicants of major residential developments at the pre-application stage that the submission of any planning application should include the outline terms of any legal agreement and that wherever feasible agreement on the contents of any legal agreement should be reached in conjunction with the determination of the application.	DDDC (Development Management and Legal Service)	Ongoing

Ref No.	Action	By Whom	By When
SR1	When undertaking a Call for Sites use the same methodology as used previously, in an attempt to identify any new sites capable of coming forward for residential development	DDDC (Planning Policy)	December 2021
SR2	As part of the review of the Derbyshire Dales Local Plan seek to provide a more extensive portfolio of different site sizes and types and to encourage early development of sites	DDDC (Planning Policy)	December 2022
SR3	Bring forward proposals for the District Council to act as a housing developer for new affordable housing schemes.	DDDC (Housing Services)	December 2019
SR4	If appropriate consider use of Compulsory Purchase powers to attempt to unblock sites	DDDC	As Necessary
SR5	Take a multi-disciplinary team approach to the development of strategic sites and consider the creation of a team with expertise in site delivery	DDDC	Ongoing
SR6	In appropriate circumstances facilitate discussions between landowners/developers and Homes England, with a view to seeking funding and/or joint venture arrangements to enable the acceleration of site delivery.	DDDC/Homes England	Ongoing
SR7	In appropriate circumstances consider the release/removal of conditions including any affordable housing requirements from extant and/or unimplemented planning permissions.	DDDC/Developers	As Necessary.

APPENDIX 1

LIST OF BROWNFIELD & GREENFIELD SITES

BROWNFIELD SITES

SITE REF	NAME	NO. OF DWELLINGS	NPPF DELIVERABLE WITHIN FIVE YEARS	FIVE YEAR ASSUMPTION
HC2(b)	Former Mirage Hotel, Ashbourne	20	x	0
HC2(d)	Ashbourne Airfield (Phase 2)	1,100	x	0
HC2(m)	Stancliffe Quarry, Darley Dale	100	x	0
HC2(u)	Land at RBS, Matlock	24	✓	24
HC2(y)	Former Permanite Works, West of Cawdor Quarry, Matlock	50	x	0
HC2(aa)	Whitelea Nursery, Tansley	27	✓	26
HC2(cc)	Land at Middleton Road, Wirksworth	150	✓	100
HC2(dd)	Land at Middlepeak Quarry	645	x	0
	TOTALS	2,116		150

GREENFIELD SITES

SITE REF	NAME	NO. OF DWELLINGS	PLANNING PERMISSION (October 2019) ⁴	FIVE YEAR LAND STATUS	FIVE YEAR ASSUMPTION
HC2(e)	Land off Cavendish Drive, Ashbourne	28	x	✓	28
HC2(f)	Land to North of A52, Brailsford	32	✓	✓	32
HC2(i)	Land at Old Hackney Lane, Darley Dale	57	x	✓	41
HC2(j)	Land off Old Hackney Lane, Darley Dale	9	✓	✓	9
HC2(k)	Land to rear of RBS, Darley Dale	135	✓	✓	100
HC2(l)	Land off Normanhurst Park, Darley Dale	20	x	✓	20
HC2(p)	Land at Marston Lane, Doveridge	18	x	✓	18
HC2(w)	Land off Gritstone Road/Pinewood Road, Matlock	430	✓	✓	165
HC2(x)	Land to north of Porter lane/East of Main Street, Middleton by Wirksworth	45	x	x	0
	TOTAL	774	606		413

⁴ Or anticipated to obtain planning permission in the foreseeable future.

COMMUNITY & ENVIRONMENT COMMITTEE
19 FEBRUARY 2020

Report of the Head of Regeneration and Policy

ASHBOURNE AIRFIELD LINK ROAD

PURPOSE OF REPORT

To advise Members of progress towards opening up the Ashbourne Airfield site for development through provision of enabling infrastructure, and to seek delegated authority to enter into legal agreements with the Highway Authority and landowner for the disposal of land on Blenheim Road to enable necessary remedial and drainage works, and future adoption as highway.

The report is proposed for consideration by C&E Committee due to the urgent requirement to progress legal agreements enabling the infrastructure scheme to commence this financial year, as required by the D2N2 funding approval. Consideration of the report by C&E Committee has been agreed with the Chair and Vice Chair of Governance and Resources Committee.

RECOMMENDATIONS

1. The outcome of the D2N2 Investment Board meeting held on 7 January 2020, releasing £1m Local Growth Fund to support the Ashbourne Airfield Roundabout and Link Road scheme, is noted and welcomed;
2. The Committee approve the disposal of highway land at Blenheim Road shown in Appendix 2 for £1 to Derbyshire County Council (Highway Authority) to enable adoption of Blenheim Road in its entirety and facilitate connection of the proposed link road, creating a through route and second access to Ashbourne Airfield;
3. In the alternative, should Derbyshire County Council refuse the transfer of the land, authorisation is given to the Head of Regeneration and Policy to pursue a dedication agreement with all necessary indemnities as required, and associated easements and wayleaves at no cost to the Council or developer;
4. The Head of Regeneration and Policy is granted delegated authority to negotiate the final tripartite legal agreement with Derbyshire County Council and FW Harrison (landowner), including the District Council's grant contribution from the approved Capital Programme to meet the cost of necessary works on Blenheim Road;
5. Should the County Council require a dedication agreement, the Head of Regeneration and Policy is granted delegated authority to negotiate a separate legal agreement with FW Harrison and Vital Earth GB Ltd. to enable necessary drainage works to be completed to divert surface water plot flow and enable adoption of the Blenheim Road drainage system;
6. The total District Council capital funding contribution to Blenheim Road remedial and drainage works, including surface water diversion, is limited to a

maximum of £200,000. Should unforeseen costs require any further contribution, this will be subject to agreement with the Chair of the Committee and in any event be capped at the maximum sum allocated to the scheme within the Council's Capital Programme.

WARDS AFFECTED

Ashbourne South; Clifton and Bradley

STRATEGIC LINK

The District Council's contribution to the scheme will secure adoption of Blenheim Road and facilitate connection of new enabling infrastructure, providing a second access to the Ashbourne Airfield site. The scheme positively contributes to the Corporate Plan priority of delivering a thriving district, in particular enhancing market towns and promoting business growth and job creation through the promotion of key development sites in / around towns. The delivery of the scheme itself is identified as a Key Performance Indicator.

1 BACKGROUND

- 1.1 Ashbourne Airfield Industrial Estate is the largest employment location in the Derbyshire Dales, and is the focus of the district's manufacturing economy. The 35 hectare site is virtually fully occupied, with more than 70 businesses employing an estimated 2,000+ people, including four of the top-ten contributors of private sector jobs in the Derbyshire Dales.
- 1.2 Enabling delivery of the Ashbourne Airfield site is a strategic priority for the District Council, both from a housing and economic development perspective. The proposed business park is identified as the main future employment location in the Derbyshire Dales Local Plan (December 2017) accounting for a third of all new employment development land allocated within the district (9 ha). The Phase 1 development also comprises 367 new dwellings with a further 1,100 proposed in Phase 2 plus a further 6-8 ha of employment land.
- 1.3 The highways infrastructure proposed will provide an important second access off the A52 and provide a link through to the established Airfield Industrial Estate, helping address existing highway capacity problems. Together with new drainage infrastructure, it will enable the accelerated development of the new business park and housing development.

2 D2N2 LOCAL GROWTH FUND SUBMISSION

- 2.1 On 7 January 2020, project partners – Derbyshire County Council (scheme promoter and Highways Authority), the District Council (Planning Authority and Economic Development lead) and FW Harrison (landowner and developer) – supported by consultancy input, presented the Stage 2 Full Business Case to the D2N2 Investment Board (submitted for appraisal on 1 November 2019).

Attached at Appendix 1 is a copy of the presentation which provides a summary of the scheme and Business Case submission.

- 2.2 The Investment Board approved the requested £1m grant from the Local Growth Fund (LGF) allocation, and an offer letter has been issued to the County Council. The project overall will see the delivery of a new roundabout access off the A52 (supported by the LGF grant), a new link road connecting to Blenheim Road, 9 hectares of serviced and development-ready employment land forming Ashbourne Business Park, 367 new homes, and private sector commitment to deliver at least 60,000 sqft (5,575m²) of new employment floorspace.
- 2.3 The District Council has allocated £250,000 within the Capital Programme towards works on Blenheim Road to be delivered as part of the scheme, and included a capital funding commitment of £200,000 in the submission to D2N2 plus a proposed £20,000 in-kind contribution to cover required easements. The grant approval represents a key milestone for the scheme, and follows detailed partnership working in order to reach this stage.
- 2.4 On 4 February 2020, the District Council's Planning Committee passed the hybrid planning application for the Airfield site, wrapping together existing consents for the roundabout, link road and drainage basin with a new outline permission for the employment and residential land and detailed permission for the first phase of employment floorspace (c 20,000 sqft).

3 LEGAL AGREEMENTS TO ENABLE IMPLEMENTATION

- 3.1 Subsequent to the D2N2 grant approval, a legal agreement is required to be signed by the project partners formalising arrangements for delivering the scheme and monitoring the economic benefits. The overall agreement will comprise the land required to construct the roundabout, link road and drainage facilities; works required to bring Blenheim Road up to adoptable standard; the funding contributions from each partner; treatment of cost-over runs; clawback provisions; and the economic outputs and outcomes required from the scheme.
- 3.2 The full length of Blenheim Road is owned by the District Council, but the final c200m is currently unadopted. Works required to bring this remainder of Blenheim Road up to adoptable standard include: drainage remedial works; highway re-surfacing; footway repairs and street lighting. Additional works have also been identified to facilitate the link road connection including repairs to the culvert discharging into Snipesmoor Lane (licence to undertake works agreed at Governance & Resources Committee 9 January 2020). The works required to bring the road to adoptable standard have been costed through the tender process for the Link Road undertaken by Derbyshire County Council (with a view to delivering the works under one contract). Any works outside of this contract will need to be separately costed.
- 3.3 The District Council's proposed commitment to the scheme is the disposal of the Blenheim Road highway for £1 and the Council's proposed funding contribution to works on Blenheim Road in the form of a grant to the County

Council to enable highway adoption and the new link road connection. The proposed land transfer involves the whole of the Blenheim Road highway, excluding parcels of land within the Blenheim Road titles deemed to have value. Appendix 2 identifies the extent of highway land proposed for disposal through a part land transfer (for identification purposes only). The area outlined in red excluding the parcels of land shown in green is proposed for transfer. The area marked in grey denotes the current extent of adoption. The District Council has no operational reason to retain the land, and associated liabilities, proposed for transfer.

- 3.4 Since receiving the draft tripartite legal agreement proposing freehold transfer, the County Council has indicated a dedication agreement (dedicating the land as public highway rather than seeking transfer of ownership) is likely to be preferable. The District Council's preferred position remains to dispose of the highway land as identified with a grant towards the required remedial works. This has been feedback to the County Council and a formal response is awaited. Should the County Council not accept this, as a fall-back position authority is sought for officers to pursue a dedication agreement as an alternative, subject to the necessary indemnities being agreed. A dedication agreement would also require the District Council to negotiate easement and wayleave agreements with FW Harrison as developer to enable drainage and utility connections off Blenheim Road. Should this be the case, it is proposed to negotiate the required agreements at no cost to the Council or developer (other than officer time).
- 3.5 To enable adoption of the surface water drainage system under Blenheim Road (as well as the Highway), a solution needs to be found to divert surface water plot flow currently entering the Blenheim Road system from Vital Earth and across FW Harrison land. The current position relates to an historical agreement between the Council and FW Harrison dating back to the extension of Blenheim Road enabling the Vital Earth development. Potential options are currently being explored and costed to determine the funding requirement.
- 3.6 To enable the scheme to progress to implementation, delegated authority is sought for the Head of Regeneration and Policy, with support from the Council's Solicitor, to negotiate the final tripartite legal agreement with Derbyshire County Council and FW Harrison with regard to the District Council's land and funding commitment to the works necessary on Blenheim Road. The extent of the Council's capital funding contribution has already been approved and adequate budgetary provision is included within the agreed Capital Programme.
- 3.7 Subject to the outcome of negotiations regarding the disposal or dedication of highway land, a separate legal agreement may also need to be prepared with FW Harrison and Vital Earth GB Ltd. to enable adoption of the Blenheim Road drainage system. Again authority is sought for the Head of Regeneration and Policy to pursue this with support from the Council's Solicitor, should this be required.

4 RISK ASSESSMENT

4.1 Legal.

Whilst Derbyshire County Council is the lead authority on this project, the District Council owns the freehold on land at Blenheim Road - the point of connection for the new link road - and is a major funder. To enable implementation, a formal agreement is required with the County Council and landowner. Regarding the potential for State Aid, the Council's capital contribution relates to highway and drainage works on land currently within its ownership and to historical access rights to infrastructure within Blenheim Road. External legal opinion procured for the Ashbourne Airfield Roundabout and Link Road scheme suggests agreement of necessary easements and wayleaves at no cost would not constitute State Aid. However, as a development related cost it is proposed to treat this contribution under the de minimis aid exemption (a de minimis aid declaration has been received from the developer). At this stage, the legal risk is considered to be medium subject to clarification from the County Council as to whether land disposal is acceptable. Disposal would reduce the risk to low once the necessary legal agreements are in place.

4.2 Financial.

The District Council proposes to contribute up to £200,000 as a grant to meet the cost of necessary remedial and drainage works to enable adoption of the highway and surface water drainage system as per the agreed sum within the project Business Case to D2N2. The Council's Capital Programme includes a maximum of £250,000 for this project. The value of associated easements and wayleaves is also proposed as a contribution, estimated at up to £20,000.

In addition to contributing officer time, the District Council also funded the costs of specialist consultancy input to support preparation of the final Full Business Case to D2N2 at a cost of £15,550 (approved under Delegated Decision – Procurement of consultancy complying with Contract Standing Orders through use of a waiver).

The overall investment should result in new business and residential properties that will generate business rates and council tax income for the Council once occupied. The financial risk is assessed as low.

4.3 Corporate.

Delivery of the roundabout and link road project is important to growing the Ashbourne and wider Derbyshire Dales economy. Completing the road in a single phase will help provide a much-needed second access to this important industrial site, enable the delivery of workspace, job creation and the safeguarding of jobs, and will help address the risk that significant employers will relocate from the Derbyshire Dales due to the lack of serviced sites to accommodate their growth.

By contributing financially to the Link Road project the point of connection at Blenheim Road will be brought up to adoptable standard, enabling a new adopted through route to be formed.

The Ashbourne Airfield Link Road was highlighted as a Strategic Risk within the Annual Risk Management report considered by the Governance and Resources Committee on 9 January 2020.

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.

CONTACT INFORMATION

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BACKGROUND PAPERS

- Community and Environment Committee, 29 October 2015: Derbyshire Dales Economic Plan
- Community and Environment Committee, 27 October 2016: Ashbourne Airfield Link Road
- Community and Environment Committee, 12 January 2017: Employment Sites Regeneration
- Council, 22 June 2017: Capacity and Skills for Economic Regeneration
- Community and Environment Committee, 26 June 2019, Derbyshire Dales Economic Plan Update

ATTACHMENTS

- Appendix 1 – D2N2 Investment Board Presentation 7 January 2020
- Appendix 2 – Extent of Blenheim Road highway proposed for disposal to Derbyshire County Council



F. W. H. HARRISON

(COMMERCIALS) LTD



D2N2 Investment Board Ashbourne Airfield - Full Business Case

Derbyshire County Council, Derbyshire Dales District Council,
FW Harrison, GENECON, Thomas Lister

Introduction

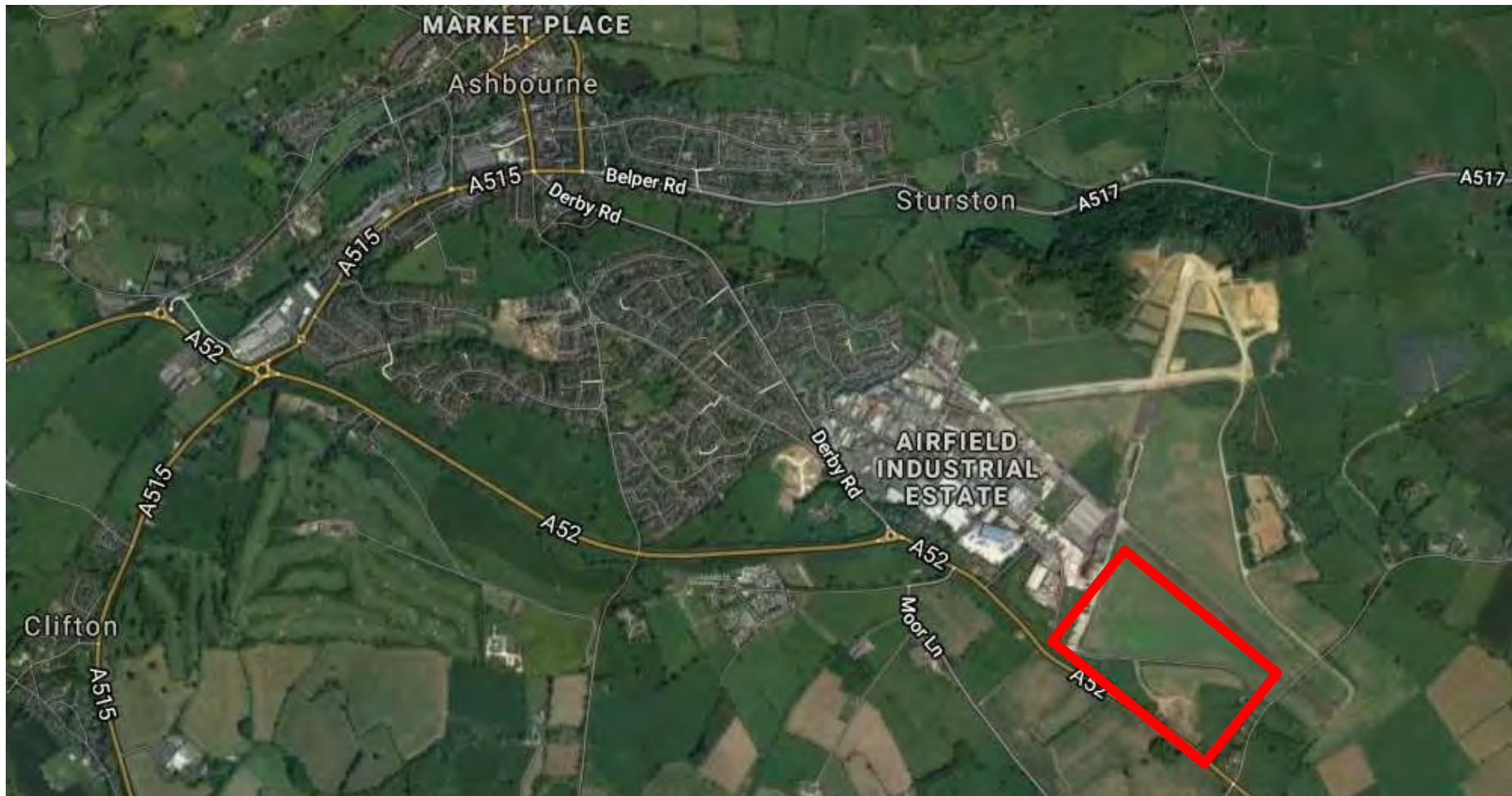
Strong public / private sector partnership:

- Shared approach
- Significant upfront investment by all partners
- Good governance (regular partnership project meetings)

Project team:

- Derbyshire Dales District Council – local planning authority
- Derbyshire County Council – highway authority
- FW Harrison – landowner and developer
- GENECON and Thomas Lister – specialist advisers

Strategic Case - Location



Strategic Case - Proposition

The proposed **direct outputs** from the D2N2 LGF investment are:

- a. Delivery of a **new 50m three-arm roundabout** on the A52 connecting to a new **720m link road** by the end of 2020
- b. Construction of at least **60,000sqft (5,575m²)** of commercial employment floorspace by the end of 2023
- c. **9ha** serviced employment site by 2021

The proposed **wider economic benefits** from the D2N2 LGF investment are:

- Capacity for the accelerated development of **34,970m²** of commercial employment floorspace on the Ashbourne Airfield Business Park site by **2028**
- Estimated **501** net local jobs supported by new commercial premises in total ('direct' and 'indirect' employment) comprising:
 - Estimated **363** net local on-site jobs supported by new commercial premises
 - Estimated **138** net local off-site jobs in the Derbyshire Dales / D2N2 economy due to multiplier effects (i.e. local supply chain and employment from other local expenditure)
 - Highway access to residential development land for 367 new homes
- Unlocked highway capacity to accommodate further economic and housing growth in the area – including allocated land of up to **8 hectares** of further employment development land and residential land for another **300 homes**

Strategic Case - Context

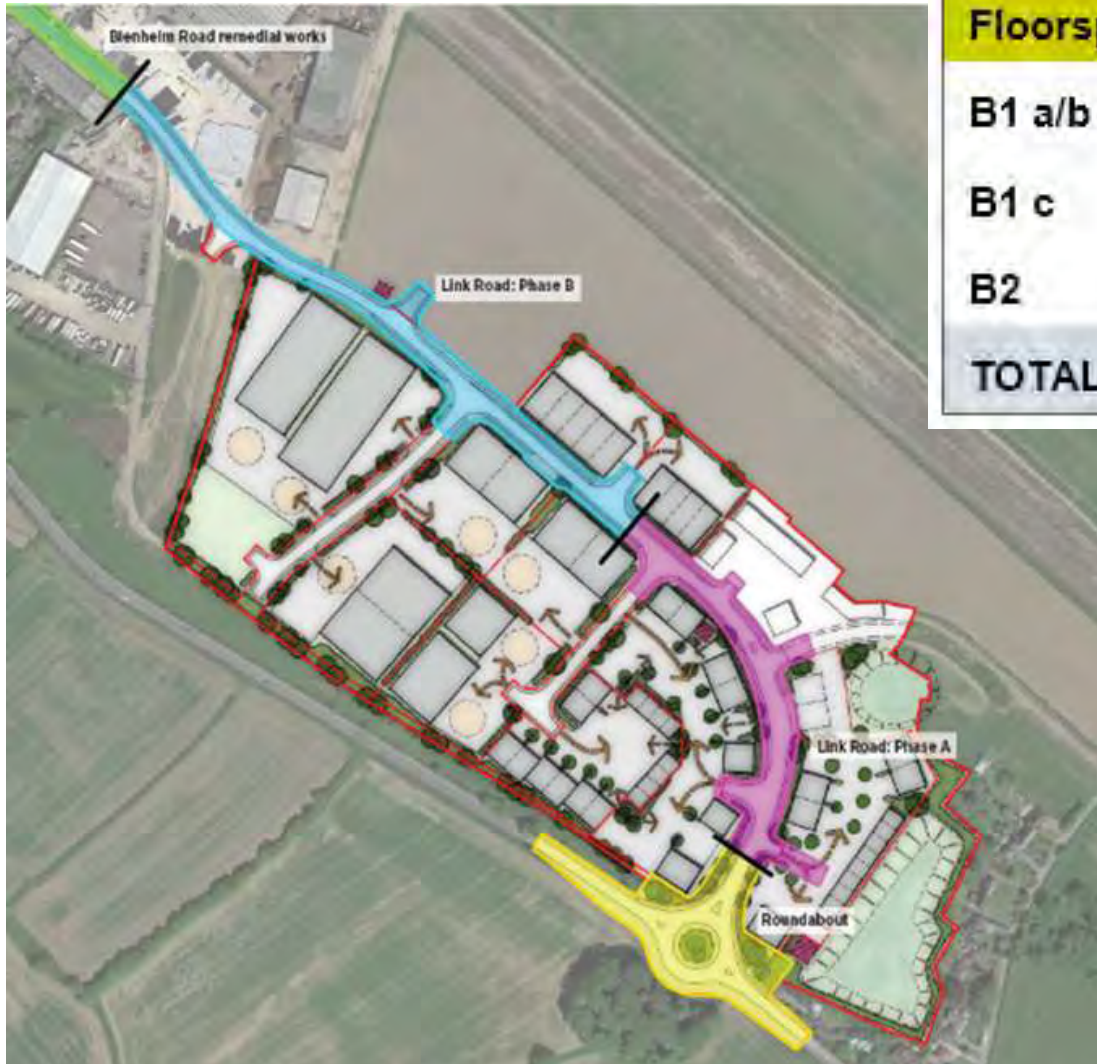
Context:

- Ashbourne Airfield Industrial Estate is the largest employment location in the Dales and focus of the District's manufacturing economy (inc. several of largest employers)
- The site accounts for a third of the district's employment land allocation – it's the largest and most deliverable site – and significant proportion of the district's housing allocation
- Industrial Estate almost fully occupied (>70 businesses / c2,000 employees), with pressing need to provide capacity for growth

The proposal:

- Highway infrastructure to enable and accelerate Phase 1 expansion
- Will avoid need for access alterations as and when Phase 2 brought forward

Strategic Case – Indicative Masterplan



Floorspace use	Area m ² (GEA)
B1 a/b	2,700 m ²
B1 c	10,180 m ²
B2	22,090 m ²
TOTAL	34,970 m²

5 elements:

1. A52 roundabout (yellow)
2. Link Road phase A (purple)
3. Link Road phase B (blue)
4. Benheim Road improvements
5. Utilities infrastructure

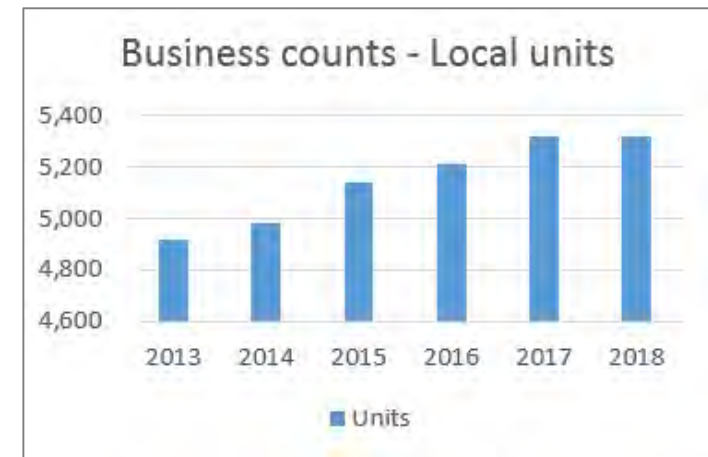
Commercial Case

Context:

- Strong local business growth (+400 businesses) and resilience, supplemented by inward investment
- Local (Ashbourne) growth in manufacturing – recent survey showed 45% of companies across Derbyshire Dales have active growth plans, 54% of these requiring new premises
- Manufacturing – 5,000 jobs, Ashbourne is main manufacturing centre (2,000 jobs)
- Lack of available premises

Market demand

- Clear evidence of expansion plans from existing businesses and of potential inward investment
- FW Harrison Commercial have 21 live enquiries for space



Economic Case

Options assessed:

- Option A: 'Do less' £1m LGF, £1.5m landowner
- Option B: (Best reference case) 'Landowner-led' – proceed step at a time, reverting to previous approved signalised junction (£1.37m saving)
- Option C: 'Preferred' £1m LGF, £1m DDDC & DCC matched by £5m of private sector investment – plus £3m for 60,000sqft of floorspace by end of 2023

Benefits of Preferred Option:

- 363 net local on-site jobs (plus 138 off-site locally) = 501 net local jobs enabled
- 58 net additional jobs enabled (over reference case)
- Net additional £18.6m GVA by 2033
- BCR of public investment 10:1

Finance Case - Costs

Link Road Phase A	£1.564m
Link Road Phase B	£1.136m
Roundabout on A52	£1.921m
Blenheim Road remediation (funded by DDDC)	£0.199m
Link Road land	£0.200m
Roundabout land south of A52	Commercially confidential – FWH in kind contribution
Utility diversions (WPD + STW)	£0.205m
Site Supervision	£0.176m
Site Inspection	£0.407m
Bond (estimated)	£0.020m
Project Management and easement on Blenheim Road	£0.035m
Contingencies (Project Risk Register)	£0.200m
Detailed Roundabout design and pricing	£0.218m
SUB TOTAL	£6.281m
Western Power Electricity	£0.681m
Fulcrum - Gas	£0.084m
Severn Trent foul drainage	Off-site reinforcement by STW
BT Openreach	£0.052m
Severn Trent Water	£0.175m
INFRASTRUCTURE SUB TOTAL	£7.273m
Commercial development of 5,575m ² employment floorspace	At least £3m
TOTAL gross cost (excl. VAT)	£10.273m

Finance Case - Funding

Funding source	Value
D2N2 Local Growth Fund Grant towards roundabout	£1.00m
FW Harrison cash reserves towards roundabout and link road	£1.50m
FW Harrison Barclays Bank loan facility towards roundabout and link road (inc. contingencies)	£2.361m
Derbyshire Dales DC contribution to Blenheim Road remedial works	£0.200m
FW Harrison Barclay's Bank loan facility to meet cost of utilities	£1.156m
FW Harrison land in kind for the link road	£0.200m
Derbyshire County Council in kind contribution of Highway Authority fees (Site supervision, Inspection, PM and Bond)	£0.618m
Derbyshire County Council in kind contribution of roundabout design	£0.218m
Derbyshire Dales DC in kind contribution to Blenheim Road (easement)	£0.020m
INFRASTRUCTURE SUB TOTAL	£7.273m
FW Harrison Barclay's Bank loan facility	At least £3m
Commercial employment floorspace (20,000sqft x 3 developments)	
TOTAL	£10.273m

Management Case

Highway infrastructure delivery through County Council capital programme:

- Infrastructure designed and ready for delivery in single phase
- Contractors appointed for roundabout through Midlands Highways Alliance framework (and in place throughout design process)
- Tenders evaluated for the Link Road (and preferred bidder notified) and to be awarded on confirmation of funding
- Site inspection & supervision to be provided by the County Council
- Progress monitored by standing Major Projects Delivery Panel

Project advisory group:

- DCC, DDDC, FW Harrison – to monitor and advise on the completion of serviced employment plots

D2N2 VfM Appraisal

Full Business Case submitted for review by Hatch Regeneris on 1 November 2019

Key findings:

- “Strong evidence of strategic fit, supporting economic growth...”
- “Property market evidence shows there is market demand for employment land locally and regionally...”
- “It is evident there are a number of market failures...”
- “Based on DCLG’s 2016 Appraisal Guidance, the estimated value for money for this potential investment is High...”

Summary

- Critically important project ready to deliver – without intervention the Derbyshire Dales and D2N2 risk further employers relocating and the loss of investment opportunities
- Strategic growth site central to delivering Local Plan employment and housing allocations
- Safeguarding existing jobs
- Evidenced demand for new employment premises
- Heavily constrained supply of employment floorspace
- Significant Public / Private Sector partnership investment – over £0.5m spent ‘at risk’
- Significant local economic benefits anticipated - £18.6m GVA by 2033
- Excellent value for LGF investment – 10:1 ratio

Questions?



COMMUNITY & ENVIRONMENT COMMITTEE
19 FEBRUARY 2020

Report of the Head of Regeneration and Policy

**DERBYSHIRE DALES DISTRICT COUNCIL – LOCAL PLANNING AUTHORITY
MONITORING REPORT 2018/2019**

PURPOSE OF REPORT

This report advises Members of the requirements under Section 35 of the Planning and Compulsory Purchase Act 2004 to prepare an Authority Monitoring Report (AMR) setting out the extent to which the District Council is meeting the milestones for Local Plan documents as set out in the Local Development Scheme (LDS) and the extent to which the District Council is monitoring the effectiveness of Local Plan policies, in particular those relating to housing and economic development. The Local Planning Authority Monitoring Report covers the period 1st April 2018 to 31st March 2019.

RECOMMENDATION

That the contents of the Authority Monitoring Report as set out in Appendix 1 be approved for publication.

WARDS AFFECTED

All outside the Peak District National Park.

STRATEGIC LINK

The Local Planning Authority Monitoring Report contains information on the effectiveness of policies in the Adopted Derbyshire Dales Local Plan (2017), many of which directly contribute towards the achievement of the objectives contained in the District Council's Corporate Plan.

1 BACKGROUND

- 1.1 The Planning and Compulsory Purchase Act 2004 requires every Local Planning Authority to prepare an Authority Monitoring Report (AMR) containing information on the implementation of the Local Development Scheme (LDS) and the extent to which policies set out within the Local Development Documents are being achieved.
- 1.2 Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ('the Regulations') requires more specifically that the following matters be addressed in the AMR:
 - The title of the Local Plan or Supplementary Planning Documents specified in the Local Development Scheme and a review of proposed and actual progress in terms of preparation against the timetable and milestones in the LDS;

- An assessment of the extent to which policies in Local Development Documents (Local Plan) are being implemented;
 - Where policies specified in a Local Plan are not being implemented, include a statement of the reasons why the local planning authority are not implementing the policy and the steps (if any) that the local planning authority intend to take to secure that the policy is implemented;
 - Where a policy in the local plan specifies an annual number of net additional dwellings or net additional affordable dwellings in any part of the local authority's area, the AMR must specify the relevant number for the part of the local planning authority's area concerned in the period in which the report is made and since the policy was first adopted;
 - Local Planning Authorities may also use the AMR to provide up to date information on the implementation of Neighbourhood Development Plans: report an update with respect of regulation 62 of the Community Infrastructure Levy and activity relating to the Duty to Cooperate.
- 1.3 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires that policies in local plans should be reviewed to assess whether they need updating at least once every five years. The Council's AMR is the main mechanism for assessing how effectively the Derbyshire Dales Local Plan is being implemented and for dealing with the risks associated with aspects of its delivery. The AMR identifies which policies and implementation measures are succeeding, and which may need some form of review. The evidence from the AMR indicates to the District Council whether a review of the Local Plan is necessary, if for example, key targets, such as maintenance of a five year housing land supply are not met over a sustained period.

2 AUTHORITY MONITORING REPORT 2018 – 2019 KEY FINDINGS

- 2.1 The Derbyshire Dales Local Planning Authority Monitoring Report (AMR) covers the period 1st April 2018 to 31st March 2019 and is set out at Appendix 1 for information.
- 2.2 Section 1 sets out the context for the preparation of the AMR and the legislative requirements.
- 2.3 Section 2 outlines progress against key Local Plan milestones included in the Councils Local Development Scheme (LDS) 2018-2021. Section 2 also reports on new Supplementary Planning Documents which have been adopted over the monitoring period or are currently being prepared; and also progress on Neighbourhood Plans being prepared across the District.
- 2.4 Sections 3 – 10 of the AMR reports upon the implementation of planning policies contained within the Adopted Derbyshire Dales Local Plan (2017). From the date of Adoption the District Council has formally monitored the effectiveness of policies in the Local Plan against the indicators and targets set out within Chapter 9. The AMR sets out under key themes how effectively the policies have been used in the determination of planning applications across the local planning authority area. The key findings within the AMR are set out below for consideration:

Spatial Strategy

- 2.5 The Spatial Strategy within the Adopted Derbyshire Dales Local Plan sets out a broad approach to the overall distribution of development across the Plan area and supports sustainable development by improving the economic, environmental and social conditions of the area wherever possible. The spatial strategy seeks to direct new development towards the most sustainable locations in accordance with the Settlement Hierarchy set out within Policy S2 and within the defined Settlement Boundaries (Policy S3).
- 2.6 The District Council has granted 91% of residential development within the Settlement Development Boundaries of the Tier 1, 2 and 3 settlements over the monitoring period. However the District Council has also granted planning permission for residential development for 19 dwellings within Tier 4 & 5 settlements where they were considered to represent appropriate infill and consolidation development in those locations.

Housing Delivery

- 2.7 Paragraph 73 in the NPPF sets out that local planning authorities should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing against their requirements.
- 2.8 The adopted Local Plan identifies that the housing requirement for the whole of the Derbyshire Dales, including that part of the Peak District National Park that is situated within Derbyshire Dales for the period 2013-2033 is 5,680 dwellings at a rate of 284 dwellings per annum. There were 411 dwellings completed over the monitoring period 2018/19, the highest number of dwellings to be completed annually over the last 30 years. This increase in completions is reflective of the fact that as sites have been allocated for residential development (primarily Greenfield sites) in the emerging and subsequently adopted Derbyshire Dales Local Plan landowners and developers have sought to bring sites forward.
- 2.9 At 1st April 2019 1087 dwellings on allocated sites had the benefit of planning permission, four sites allocated for housing had commenced development with 53 dwellings on those sites under construction during the monitoring period 2018/19. The allocation sites under construction include, Lathkill Drive, Ashbourne (HC2(a)); land off A517 and Dog Lane, Hulland Ward (HC2(s)); Land North of Luke lane, Brailsford (HC2(h)) and land at Derby Road, Doveridge (HC2(o)). Since that time further sites allocated in the Local Plan for residential development have commenced on site. These include Cawdor Quarry, Matlock. Updated data will be reported in the next AMR.
- 2.10 The 2018/19 housing trajectory sets out how much housing is anticipated to come forward over the Plan period and at what point in the future. The housing trajectory indicates that 1421 dwellings have been completed between 2013 to 2019 and a further 4376 dwellings are anticipated to be delivered over the plan period to 2033. The District's housing supply is reliant upon a number of strategic sites allocated within the Local Plan being delivered within a timely manner. It is now anticipated that 925 dwellings will be delivered beyond the Plan period, including 205 dwellings at Middlepeak Quarry, Wirksworth and 720 dwellings at Ashbourne Airfield Phase 2. Whilst there has been slippage in the timetable for some strategic sites, others will

be delivered sooner than originally planned, including Cawdor Quarry, Matlock. It is therefore anticipated that the Objectively Assessed Housing Need identified in the adopted Derbyshire Dales Local Plan of 5680 dwellings will be met by 2033.

- 2.11 The AMR confirms that as at 1st April 2019 the District Council has 5.75 years' worth supply of land for housing and that that it is able to satisfy the Government's Housing Delivery Test.
- 2.12 In order to ensure that there is an adequate delivery of new homes the Government introduced in 2018 the Housing Delivery Test (HDT). The HDT is a percentage measurement of the number of net homes delivered against the number of homes required over a rolling three year period. The NPPF indicates that where a local planning authority's housing delivery falls below 95% of homes required, it should prepare an Action Plan whose purpose is to assess any causes of under delivery and set out ways in which under-delivery can be improved in the future. The results of the HDT for Derbyshire Dales originally published in February 2019 indicated a measurement of 93%. However, whilst the requirement figure published was one for the whole of the local authority area, the delivery figures published did not include residential units delivered within the Peak District National Park over the same period. This situation was raised with MHCLG, and in May 2019 it was accepted that completions in the National Park should contribute towards the overall HDT assessment. As a consequence the District Council has a HDT score of 104%.
- 2.13 Although the District Council are not required to prepare and submit to MHCLG a formal Housing Delivery Action Plan, it has been agreed that it would be good practice to undertake the preparation of a Housing Delivery Action Plan. A further report of the Housing Delivery Test Action Plan is set out on the Agenda of this meeting.
- 2.14 The AMR indicates that there remains only one entry on the Derbyshire Dales Self and Custom Build Register and that it continues to seek agreement from developers to release land to meet this requirement.

Affordable Housing

- 2.15 There were 105 new affordable dwellings homes completed over the monitoring period. In addition a further 26 affordable homes were through Section 106 agreements on site. During the monitoring period £450,970.00 was secured through Section 106 agreements for affordable housing contributions off site. The District Council received a further £1,811,849.87 contributions from Section 106 agreements which will be allocated to specific projects to provide further affordable dwellings where it can be demonstrated that there is evidence of need. Monitoring data for 2018/19 indicates that the requirement of 30% affordable housing on developments of 11 or more dwellings was not met in all instances, however two sites were granted permission prior to the adoption of the Derbyshire Dales Local Plan, and little weight was applied to Policy HC4 in the determination of those applications.
- 2.16 Policy HC4 does, however allow flexibility in exceptional circumstances for provision to be made off site or by way of a financial contribution. Planning applications of 11 or more granted over the monitoring period did not all meet the 30% affordable housing requirement on site as additional viability evidence was submitted to support a reduced level of contribution and the District Council agreed in these

circumstances that offsite contributions would be acceptable for the remaining amount. There were 40 affordable homes granted planning permission across three sites over the monitoring period 2018/19, located within Darley Dale, Doveridge and Hlland Ward.

- 2.17 The adopted Derbyshire Dales Local Plan sets out that a minimum of 9 pitches for Gypsy and Travellers should be provided over the plan period. As Members will be aware the site allocated in the Local Plan is no longer a viable solution and as such the District Council continues to work diligently to find a suitable alternative provision.
- 2.18 Policy HC11 in the adopted Derbyshire Dales Local Plan sets out that for residential development of 11 dwellings or more they should seek to achieve a mix of smaller housing sizes to meet the anticipated demographics of the District Council in the future. The AMR indicates that over the monitoring period the District Council has not achieved this target on all permissions granted. The analysis of site permissions reveal that of 11 applications of 11 dwellings or more granted planning permission eight applications were Reserved Matters where the prescribed mix had already been approved as part of outline permission prior to the adoption of the Local Plan. In some cases the prescribed mix was not achieved as a result of other evidence including, viability, housing need, and the locations of development relative to the settlement.
- 2.19 The District Council continues to provide suitable accommodation to support the elderly across the District as part of the granting of planning applications. Seven permissions were granted for elderly persons accommodation over the monitoring period, within both the towns and smaller settlements, including, Matlock, Wirksworth; Kniveton; Kirk Ireton; Alkmonton and Offcote & Underwood.
- 2.20 Over the monitoring period the District Council received payment of £84,199.04 from Section 106 contributions for open spaces and parks from two sites, at Matlock & Ashbourne. The District Council secured a further £32,699.00 in future Section 106 contributions for parks and open spaces in Darley Dale. The S106 payments are currently being held in reserve, awaiting suitable schemes to allocate it to.
- 2.21 The Local Plan sets out that all new residential development is to be served by public transport services, including the provision of additional bus shelters as part of the developments. Over the monitoring period two new bus shelters and 4 bays were installed at Ashbourne Bus Station. All new major residential developments granted over the monitoring period were identified to be within 800m of a bus stop.

Employment Land Delivery

- 2.22 The adopted Derbyshire Dales Local Plan (2017) sets out that the Council will make provision for at least 24 hectares over the Plan period on new allocated sites The Local Plan identifies a number of Strategic Sites which will deliver mixed use developments and a proportion of the employment land. The District Council set a target to deliver 0.75 hectares of employment land annually. During the monitoring period 1.13 hectares of B1 uses in Ednaston and B8 uses in Brassington; Longford and Ashbourne were completed.
- 2.23 Policy EC2 of the Derbyshire Dales Local Plan allocates eight sites for employment land to be developed up to 2033. The target set for Policy EC2 is for 1 hectare of

employment land to be completed per annum on these sites. This target was not however achieved over the monitoring period 2018/19 as none of the sites allocated in the adopted Local Plan had commenced development. The District Council is continuing to work with the landowners and developers as well as D2N2 to ensure that the delivery of employment land is achieved in future years. Further detailed information regarding individual site progress over the monitoring period is set out within Chapter 6 of the AMR Report.

Retail Development, Town and Local Centres

- 2.24 Policy EC6: Town & Local Centres requires that the District Council monitors and records the amount of floorspace across each of the town centres to ensure that an appropriate mix of uses is retained. The AMR indicates that the vacancy rates within Matlock (5%) and Matlock Bath (7%) town centres are below the prevailing national average retail vacancy rate of 10.3 %. However the vacancy rates in Ashbourne (12%) and Wirksworth (13%) town centres are above the national average. Although the vacancy rate in Ashbourne and Wirksworth remains above the national average, the District Council will, however, seek to retain as much as is feasibly possible retail floorspace in both town centres through the determination of planning applications and where evidence demonstrates there is a demand for the retail in accordance with Policy EC6.

Protecting Derbyshire Dales Character

- 2.25 The Derbyshire Dales Local Plan (2017) sets out to protect the character and appearance of the area with regard to design, the built and historic environment, biodiversity and landscape character. The Local Plan seeks to reduce the number of properties on the buildings at risk register. At 1st April 2019 there were 28 buildings on the District Council's Buildings at Risk Register. Over the monitoring period five properties were removed following assessments where repairs/refurbishments had been undertaken. No new properties were added to the Register.
- 2.26 The District Council works closely with Derbyshire Wildlife Trust in respect of areas important for biodiversity. Over the monitoring period 2018/19 one of the designated wildlife sites suffered a loss in its quality for biodiversity in preparation for development, but the site has not been formally reduced in size. A new wildlife site was, however designated on the Derbyshire Wildlife Sites Register at Allen's Hill, Cromford (DD469) providing an additional 0.77 hectares of land important for biodiversity.
- 2.27 The Local Plan seeks to protect new development from areas of flooding. Over the monitoring period there were no planning applications granted planning permission contrary to the advice of the EA on flooding or water quality.

Brownfield land Register

- 2.28 The Town and County Planning (Brownfield Land Registers) Regulations 2017 came into force in April 2017, The Regulations required each local planning authority to prepare and publish a Register of Previously Developed Land (Brownfield Land) by 31st December 2017, and maintain it annually thereafter. Part 1 of the Brownfield Land Register 2018 recorded 24 sites with potential for 2938 dwellings, and is shown in Appendix 4 of the AMR.

- 2.29 The position with regards to the Brownfield Land Register at 31st December 2019 is that it contains 26 sites comprising a total of 2780 dwellings. A copy of the sites that make up the Brownfield Land register is set out in Appendix 2 to this report. .

Neighbourhood Plans and Supplementary Planning Documents

- 2.30 The AMR sets out an update of progress on the preparation of Neighbourhood Plans in the planning authority area. Darley Dale and Kirk Ireton Neighbourhood Plans have both reached examination stage and referendum for Darley Dale. A separate report is included on this Agenda in respect of the Darley Dale Neighbourhood Plan.
- 2.31 Work has been undertaken on the preparation of a Developer Contributions SPD over the monitoring period. The SPD sets out the basis of the calculation for financial contributions and obligations to be sought from development for the provision of infrastructure and includes affordable housing, open space, community facilities including for sport and recreation, education, health care, traffic and transportation and indicative measures that seek to address the challenges of climate change. A separate report is included on this Agenda in respect of the Developer Contribution SPD.

3 RISK ASSESSMENT

3.1 Legal

The proposals accord with the provisions of the relevant legislation, accordingly the legal risk is low.

3.2 Financial

There are no financial risks arising from this report.

3.3 Corporate Risk

The failure to comply with Government policy advice would constitute a strategic risk to the Council. However, the overall degree of risk is considered to be low.

4 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.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

Description	Date	Location
Planning and Compulsory Purchase Act	13th May 2004	G/5/P2
Localism Act 2011	15th November 2011	G/5/P2
Town and Country Planning (Local Development) (England) Regulations 2012	6th April 2012	G/5/P2
National Planning Policy Framework and Planning Practice Guidance	24 th July 2018	G/5/P2
Derbyshire Dales Local Plan	Adopted December 2017	G/5/P2

7 ATTACHMENTS

Appendix 1 – Derbyshire Dales Authority Monitoring Report 2018/19 and Summary of Brownfield Land Register December 2019 (PUBLISHED SEPARATELY)

COMMUNITY & ENVIRONMENT COMMITTEE
19 FEBRUARY 2020

Report of the Head of Regeneration and Policy

DARLEY DALE NEIGHBOURHOOD PLAN

SUMMARY

This report sets out the outcome of the referendum into the Darley Dale Neighbourhood Plan and recommends that the Darley Dale Neighbourhood Development Plan be formally “made” under Section 38A(4) of the Planning and Compulsory Purchase Act 2004.

RECOMMENDATION

1. That the result of the referendum on the Darley Dale Neighbourhood Development Plan be noted.
2. That the Darley Dale Neighbourhood Development Plan be formally “made” as a Neighbourhood Development Plan, and form part of the Development Plan for the Derbyshire Dales.
3. That the Darley Dale Neighbourhood Development Plan be used in the determination of planning applications that are situated within the Plan Area in accordance with the provisions of Section 1 of the Neighbourhood Planning Act 2017

WARDS AFFECTED

Darley Dale

STRATEGIC LINK

The implementation of the Darley Dale Neighbourhood Plan will provide a wider planning framework for the Derbyshire Dales, focused within Darley Dale. The Neighbourhood Plan will complement policies set out within the Derbyshire Dales Local Plan (adopted 2017) to achieve high quality developments and environments for existing and new residents and communities of Darley Dale, and form part of the development plan for the District.

1 BACKGROUND

- 1.1 The Parish of Darley Dale was designated as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act (as amended by the Localism Act 2011) on the 18th August 2014. The designation of a Neighbourhood Area is one of the statutory requirements needed to be in place to enable a Neighbourhood Plan to be adopted, and formally become a part of the Development Plan, and be used in the determination of planning applications by the District Council.
- 1.2 Since that time the Darley Dale Neighbourhood Plan Steering Group along with the Darley Dale Town Council has undertaken consultation amongst the local community

to determine the key issues in Darley Dale and prepare the draft Darley Dale Neighbourhood Plan.

- 1.3 In accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations (2012), Darley Dale Town Council submitted the draft Darley Dale Neighbourhood Plan to the District Council on 30th November 2018. Following submission of the Plan, the District Council assessed whether the Plan met the requirements of the Neighbourhood Planning (General) Regulations (2012).
- 1.4 Public consultation on the draft Darley Dale Neighbourhood Plan was undertaken for a period of six weeks, commencing on 26th February and finishing on 9th April 2019. The results of the consultation were reported to Community & Environment Committee on 26th June 2019, (Minute 45/19).
- 1.5 The Examination of the Plan was undertaken by an independent Examiner, Andrew Matheson MSc MPA DipTP MRTPI FCIH. The Examination in Public was undertaken by written representation during August/September 2019, and the Examiner's report was received on the 26th September 2019. This recommended that subject to a series of modifications to meet the necessary legal requirements, the Plan could proceed to Referendum. The District Council resolved on 30th October 2019 that in accordance with the Examiners recommendations, the Darley Dale Neighbourhood Plan should proceed to referendum (Minute 184/19)
- 1.6 The provisions of Section 1 of the Neighbourhood Planning Act 2017 are such that the District Council must already have regard, in dealing with planning applications, to the post examination draft Darley Dale Neighbourhood development plan, so far as material to the application.

3. REFERENDUM RESULTS

- 3.1 A referendum was held on the 21st January 2020 at which the following question as defined in the Neighbourhood Planning (Referendums) Regulations 2012 Schedule 1 was asked:

Do you want Derbyshire Dales District Council to use the neighbourhood plan for Darley Dale to help it decide planning applications in the neighbourhood area?

- 3.2 The results of the Referendum were as follows:

Those voting in Favour **YES** 682
Those Voting Against **NO** 117
Rejected ballot papers 0
(16.9% turnout)

- 3.3 Section 38A (4) of the Planning and Compulsory Purchase Act 2004 requires that the local planning authority must make a Neighbourhood Development Plan as soon as reasonably practicable after the referendum has been held in the event that more than half of those voting have voted in favour of the plan. Regulation 18a of the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 state that a neighbourhood development plan must be made within eight weeks of the day after the referendum, which in this instance is 18th March 2020.

- 3.4 Given the result of the referendum it is recommended that the Darley Dale Neighbourhood Plan be formally made and used in the determination of planning in accordance with the provisions of Section 1 of the Neighbourhood Planning Act 2017.
- 3.5 A copy of the final version of the plan is attached at Appendix 1 to this report. The Darley Dale Neighbourhood Plan will be available online (www.derbyshiredales.gov.uk/darleydaleNP) and hard copies provided to the local libraries.
- 3.6 The Neighbourhood Plan will remain in force until the Qualifying Body proposes to either modify or replace it. Monitoring of the Darley Dale Neighbourhood Plan will be undertaken by Darley Dale Town Council.
- 3.7 There is a six week period were a claim for judicial review can be brought, starting from the date of the decision statement. This claim can only be brought for where it considered that there have been essentially procedural irregularities or an error of law associated with the preparation of the Plan, such as the conduct of the referendum. A Decision Statement and Notice, see Appendix 2, have been produced in accordance with Section 38A (4&9) of the Planning and Compulsory Purchase Act 2004. The date of the Decision Statement will signify the start of the six week period.

4 RISK ASSESSMENT

4.1 Legal

The preparation of the Darley Dale Neighbourhood Plan has been undertaken in accordance with all relevant legislative requirements. The legal risk is therefore considered to be low.

4.2 Financial

The costs associated with the Neighbourhood Plan (mainly officer time, publicity and the independent examination) will be reclaimed through a government grant. 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

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Tel: 01629 761243

7 BACKGROUND PAPERS

Description	Date	File
Darley Dale Neighbourhood Development Plan	November 2019	https://www.derbyshiredales.gov.uk/darleydaleNP
Representations received on Darley Dale Neighbourhood Plan – Regulation 16 responses	April 2019	https://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning/darley-dale-neighbourhood-plan
Darley Dale Neighbourhood Plan Basic Conditions Statement (November 2018)	November 2018	https://www.derbyshiredales.gov.uk/images/documents/D/Darley_Dale_Neighbourhood_Plan_Basic_Conditions_Statement_Nov18_30112018.pdf
Darley Dale Neighbourhood Plan Consultation Statement (November 2018)	November 2018	https://www.derbyshiredales.gov.uk/images/documents/D/Darley_Dale_NP_Consultation_Survey_September_2018.pdf
Correspondence between the Examiner to the Darley Dale Town Council	August – September 2019	https://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning/darley-dale-neighbourhood-plan
Community & Environment Committee Report 25 th June 2019 Agenda item 9	25 th June 2019	https://www.derbyshiredales.gov.uk/images/AGENDA_26-06-19_Community_Environment_Committee.pdf
Examiner's Report	26 th September 2019	Darley Dale Neighbourhood Plan - Derbyshire Dales District Council
Council's Report: Darley Dale Neighbourhood Plan Agenda item ?	30 th October 2019	Darley Dale Neighbourhood Plan - Derbyshire Dales District Council
Darley Dale Neighbourhood Plan Referendum Version	December 2019	Darley Dale Neighbourhood Plan - Derbyshire Dales District Council
Planning and Compulsory Purchase Act 2004		http://www.legislation.gov.uk/ukpga/2004/5/section/38A
The Neighbourhood Planning (General) Regulations 2012		http://www.legislation.gov.uk/uksi/2012/637/contents/made

8. ATTACHMENTS

Appendix 1: The Darley Dale Neighbourhood Plan February 2020

Appendix 2: The Darley Dale Neighbourhood Plan Decision Statement February 2020

and : Notice of making of the Darley Dale Neighbourhood Plan February 2020

Referendum Version

Darley Dale Neighbourhood Plan

2019-2033

**Darley Dale Neighbourhood Plan Steering Group on behalf of Darley Dale
Town Council, residents and businesses**

04/12/2019

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All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

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1. What is the Darley Dale Neighbourhood Plan?

1. This Neighbourhood Plan is a new type of land use planning document prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 (and updates)¹ by the Neighbourhood Plan Steering Group (NPSG) made up of residents and councillors from Darley Dale Town Council. It is a legal planning policy document and once it has been 'made' by Derbyshire Dales District Council (DDDC) it must be used by:
 1. Planners at Derbyshire Dales District Council in assessing planning applications
 2. Developers as they prepare planning application for submission to DDDC
2. The Plan has been prepared by Darley Dale Neighbourhood Plan Steering Group on behalf of Darley Dale Town Council. It covers the Neighbourhood Area which is the whole of the Parish of Darley Dale (see Map 1 over leaf) and sets out planning policies for the Area from 2019-2033. This time frame is intended to cover the same time span as the evidence base documents produced to support the Derbyshire Dales Local Plan (2017).
3. A design and character study of the Plan area entitled 'Darley Dale Place Analysis' (DDPA) was commissioned for this Plan and was consulted on as part of the Pre-Submission Consultation; it forms a key part of the evidence base for this Plan and is Appendix A of the Plan. Due to file size it is a separate document².

¹ <http://www.legislation.gov.uk/uksi/2012/637/contents/made>

² <http://www.darleydale.gov.uk/uploads/darley-dale-place-analysis-full-draft-c-sept-16-version-1.4.pdf>

3

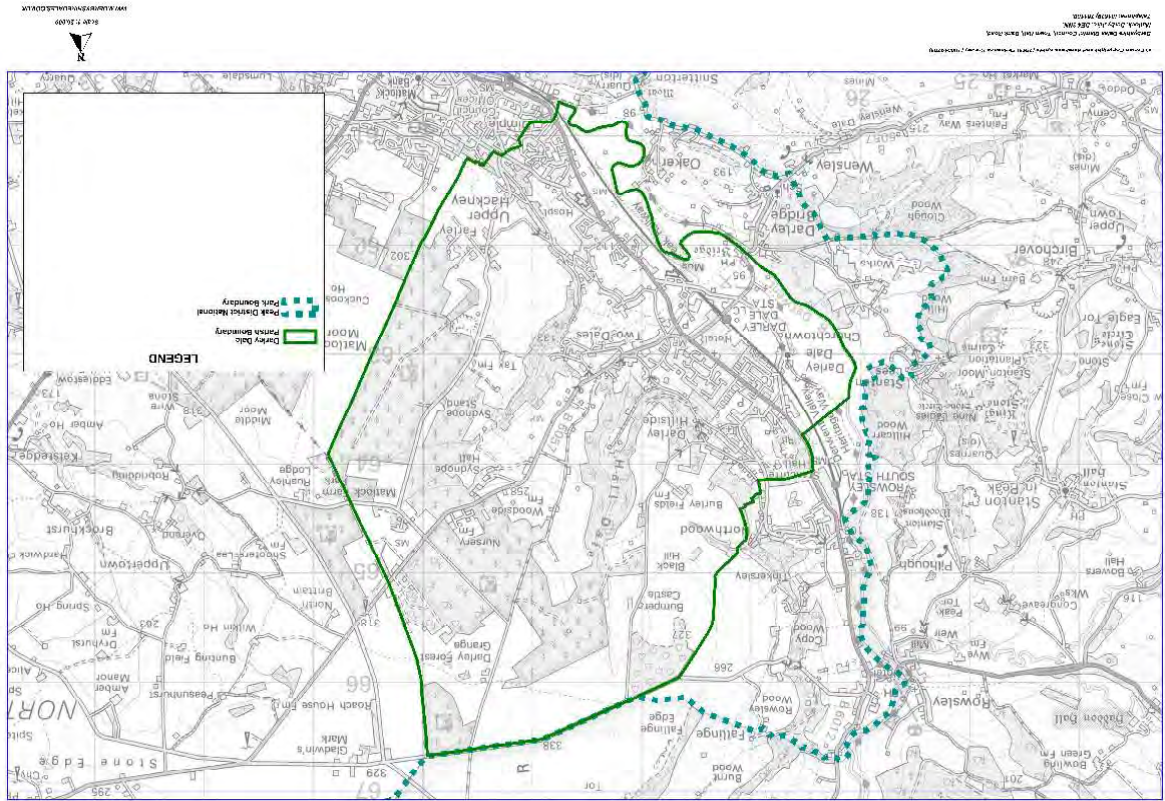
All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

4

All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

Map 1 Darley Dale Neighbourhood Area and relationship with Peak Park Boundary

(see also <http://www.darleydale.gov.uk/> for maps)



2. Why is a Neighbourhood Plan needed?

4. Since 1981 the District's population has grown by 5.2%³. Since 2000 there has been significant residential development in the Parish particularly on sites adjoining the A6. Between 2001 and 2011, Darley Dale grew at more than twice the rate of the whole of the Derbyshire Dales, and in particular far more than the market towns of Matlock, Wirksworth and Bakewell and local people consider that the visible impact of new estates has been noticeable.⁴
5. Current settlement patterns and the previous DDDC Local Plan 2005 policy NBE9 to protect land along the A6 from development not only protected the views out of the existing Darley Dale settlements to the Peak Park but also prevented coalescence with Matlock. Despite this policy, development has taken place on land between Matlock and Darley Dale.
6. Policy PD10 in the adopted Derbyshire Dales Local Plan 2013-2033 also recognises the importance of safeguarding the 'intrinsic character and quality of the open spaces through the Derwent Valley between Matlock and Darley Dale'. The proposals map from the adopted Derbyshire Dales Local Plan identifies gaps along the valley floor where development will be resisted. Whilst this gives protection to specific sites, local people are keen to provide more detailed policies to ensure development across the Parish does not erode the character.
7. Consultation with the community in the Household Survey 2015 identified clear preferences for development on brownfield land first (86%) and only 5% supported development on green fields.⁵
8. The Neighbourhood Plan Steering Group (NPSG) and the Town Council, recognise that over the next 15 years there will be growth in the Parish to meet District housing requirements. This Neighbourhood Plan seeks to positively influence the quality of development likely to come forward over the plan period to 2033 in the Parish by:
 - promoting a constructive dialogue with developers before a planning application is submitted,
 - providing design policies that recognise the distinctive character of the separate settlements that make up Darley Dale Parish,
 - identifying areas of separation between the settlements that will ensure that future development does not erode this character,
 - protecting the landscape character of the area including the views out of the settlements and the views to and from the Peak District National Park

³ Derbyshire Dales District Council Sustainability Appraisal Report 2016 Part 2 Annex B

⁴ Derbyshire Dales District Council Assessment of Housing Need Atkins Study Feb 2014 now superseded but used here for background information

⁵ See Household Survey Results (Consultation Process Annex 5a) <http://www.darleydale.gov.uk/uploads/neighbourhood-survey-main-results.pdf>

3. How does this Neighbourhood Plan fit with District and national planning policies?

9. Planning policy has always been formulated by Derbyshire Dales District Council (DDDC) and this body will continue to have a legal duty to provide this. However, the Localism Act 2011 gave new powers to Parish and Town Councils to produce a Neighbourhood Plan, if they wished.
10. This Neighbourhood Plan, when 'made', will form part of the development plan for Derbyshire Dales District Council which will be applicable within the Neighbourhood Area, which also includes the Derbyshire Dales Local Plan 2013-2033 and the Derbyshire Minerals Local Plan (November 2002) and the Derbyshire Waste Local Plan (March 2005)⁶.
11. In December 2017 Derbyshire Dales District Council adopted its new Local Plan 2013-2033. This Neighbourhood Plan has been drafted in the context of the National Planning Policy Framework⁷, and the adopted policies in the Derbyshire Dales Local Plan.
12. The Derbyshire Dales Local Plan 2013 – 2033 sets out the big issues that the council, public and private sector partners need to address up to 2033 in Derbyshire Dales. It sets a vision, objectives and policies to help deliver the development and change identified.
13. The objectively assessed housing need is established to be 5680 dwellings up to 2033. The Derbyshire Dales Local Plan identifies how this housing provision will be met and policy HC2 allocates sites for 2485 dwellings. There are 4 allocated sites in Darley Dale parish these are:

Site allocation	Location	Site area (ha)	No of dwellings
HC2i	Land off Old Hackney Lane	1.68	57
HC2j	Land off Old Hackney Lane	0.49	9
HC2k	Land to rear of RBS	4.41	135
HC2m	Land at Stancliffe Quarry	10.16	100

14. Policy S2 settlement hierarchy establishes Darley Dale as a second-tier centre 'Darley Dale is an amalgam of smaller settlements which has the ability to support sustainable patterns of living in the District because of the current levels of facilities, services and employment opportunities that are available. It has the ability to provide for additional jobs and homes in order to help

⁶ See documents at <https://www.derbyshire.gov.uk/environment/planning/planning-policy/minerals-waste-development-framework/minerals-and-waste-planning-policy.aspx>

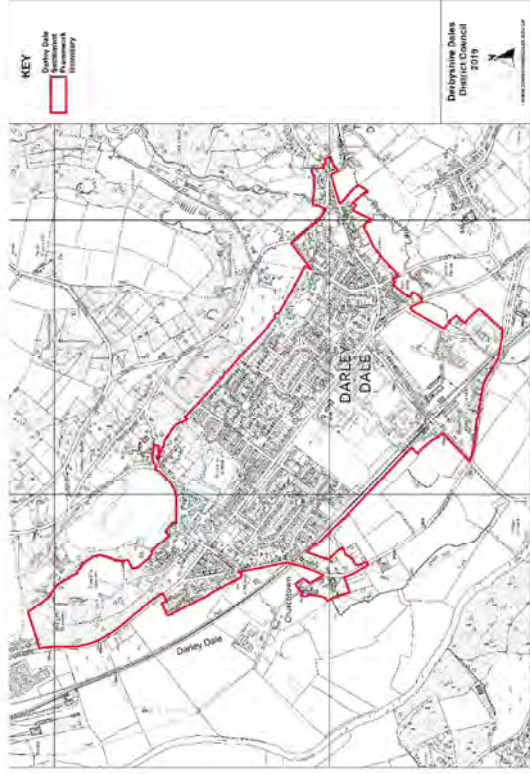
⁷ 'Neighbourhood Plans are required to "have regard to national policies and advice contained in guidance issued by the Secretary of State"; national policies are primarily set down within the National Planning Policy Framework (NPPF) and guidance is set down in the Planning Practice Guidance (PPG) (both of these are updated from time to time). As the Neighbourhood Area is adjacent to, and in places contiguous with, the boundary of the Peak District National Park, the 1995 Environment Act places a duty on "relevant authorities" to have regard to the purposes of the National Park.'

7 All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

sustain and, where necessary, enhance current services and facilities, promoting better levels of self-containment and a viable, sustainable community.'

15. 'Under Policy S3 of the Local Plan a Settlement Development Boundary for Darley Dale is defined as shown on Map 2.'

Map 2 Settlement Development Boundary⁸



(Source: Derbyshire Dales District Council)

16. The Spatial Vision in the Derbyshire Dales Local Plan references the need to ensure 'that there is appropriate separation between settlements, in particular between Matlock and Darley Dale along the A6 corridor.'⁹
17. The Derbyshire Dales Local Plan identifies key issues and the first two align with the greatest concerns raised by the community in Darley Dale.

⁸ From DDDC Local Plan Policies Map at: <https://www.derbyshiredales.gov.uk/images/documents/Local%20Plan%20-%20maps/DD%20Inset%201.pdf>

⁹ Derbyshire Dales Proposal Map Inset 1.

8 All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

Table 1

Key Issues taken from Derbyshire Dales Local Plan 2013-2033 ¹⁰	
Key Issue 1	Protecting and Enhancing the Character and Distinctiveness of the Landscape, Towns and Villages in the Plan Area
Key Issue 2	Managing the impact of development on the Peak District National Park and its setting

18. The Darley Dale Neighbourhood Plan has referenced many of the reports used to support the Derbyshire Dales Local Plan these include¹¹:

- a) Landscape Sensitivity Study 2015 - Wardell Armstrong
- b) Local Plan Derbyshire Dales Viability Report 2015 - Cushman & Wakefield
- c) Local Plan Settlement Hierarchy Assessment 2015 - DDDC
- d) Derbyshire Dales Housing Needs Study 2015 - GL Hearn
- e) Strategic Housing Land Availability Assessment 2013– DDDC
- f) Sustainability Appraisal Scoping Report April 2016 – DDDC
- g) Darley Dale Place Analysis 2016– Urban Forward for Darley Dale Town Council
- h) Darley Dale Town Plan 2009¹²
- i) Housing Needs Survey 2010¹³

4. Consultation

19. The NPSG recognized consultation involving a wide range of people young and old and from across all the settlements in the Parish was key to successfully developing a Neighbourhood Plan for Darley Dale Parish.

20. The NPSG has undertaken consultations to ensure that local people of all ages and from across the parish can shape and influence the scope and intent of this Neighbourhood Plan.

21. Poster publicity and 5 public consultations were held during 2014. A questionnaire survey of 2500 households in early 2015 was followed by an exhibition/display on the Town Council web site and at the Whitworth Institute.¹⁴ Also in 2015 there was a school consultation and consultations with local businesses and potential developers. The Parish Magazine, Community Voice, was used to publicise the Neighbourhood Plan and Whitworth Trust development proposals.

¹⁰ see https://www.derbyshiredales.gov.uk/images/L/DDDC_Planning_Doc_2018_-_web2.pdf page 27

¹¹ Documents 18 a-f can be found at <http://www.derbyshiredales.gov.uk/planning-a-building-control/local-plan-2015-16/local-plan-examination/examination-library>

¹² <http://www.darleydale.gov.uk/uploads/darley-dale-town-plan-2009.pdf>

¹³ <http://www.darleydale.gov.uk/uploads/housingneed-dec-2010.pdf>

See findings of Woodoo Survey at <http://www.darleydale.gov.uk/uploads/annex-8.pdf>.

9

All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

22. Regulation 14 consultation took place from 4th April to 14th May 2016 and was repeated from 12th March to 4th June 2018. The adoption of a new Derbyshire Dales Local Plan and the changes made to the Neighbourhood Plan at Reg. 14 in 2016 made this desirable.

23. Feedback from the Household Questionnaire has been collated and summarised in separate reports.¹⁵ The key consultation events and activities that shaped the production of this Neighbourhood Plan are summarised in the Consultation Statement.¹⁶

5. Darley Dale in context

24. In 2011 the Census recorded 5413 residents living in 2392 dwellings in Darley Dale Parish.

25. The Parish of Darley Dale covers approximately 6.5 square miles and lies 2.5 miles North West of the market town of Matlock. Matlock supports the wider rural hinterland including the Plan area. The north western edge of Matlock's development boundary runs into Darley Dale Parish so that although the areas known as Hooleys and Morledge are in Darley Dale they have a stronger connection with Matlock.

26. The Parish of Darley Dale is made up of a number of settlements. The largest is Oker/Parkway which sits along the A6. Only one other settlement, Churchtown, is to the south of the A6. The other settlements are in distinct clusters up the valley side to the north east of the A6.

27. To the west (outside the Parish) the Peak District National Park rises 400 metres above sea level and its nearest viewpoint is less than 60 metres from the Darley Dale Parish boundary.

28. Darley Dale's proximity to the Peak District National Park, and its extensive views into and from the Park, make it a natural base for visitors to the Park and its attractions. The high-quality landscape combined with a range of community amenities (parks, tea rooms, a hotel, B and B's, etc.) means that Darley Dale is a visitor destination for day trippers and those looking for longer visits.

29. In addition to 35 holiday cottages, and 6 bed and breakfast establishments, Darley Dale is also home to the Darwin Forest Country Park.¹⁷ This large and environmentally-friendly resort, with 112 lodges and popular leisure facilities, welcomes over 15,000 people per year for an average of between 3 and 4 nights and introduces people to both the facilities of Darley Dale and to nearby Peak Park venues such as Chatsworth House and Haddon Hall. It employs over 130 people from the local area in high season.

¹⁵ see <http://www.darleydale.gov.uk/consultation-undertaken-for-the.html> for all the reports

¹⁶ see <http://www.darleydale.gov.uk/uploads/consultation-statement-ddnp-9-october-5.pdf>

¹⁷ <https://www.darwinforest.co.uk>

10

All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

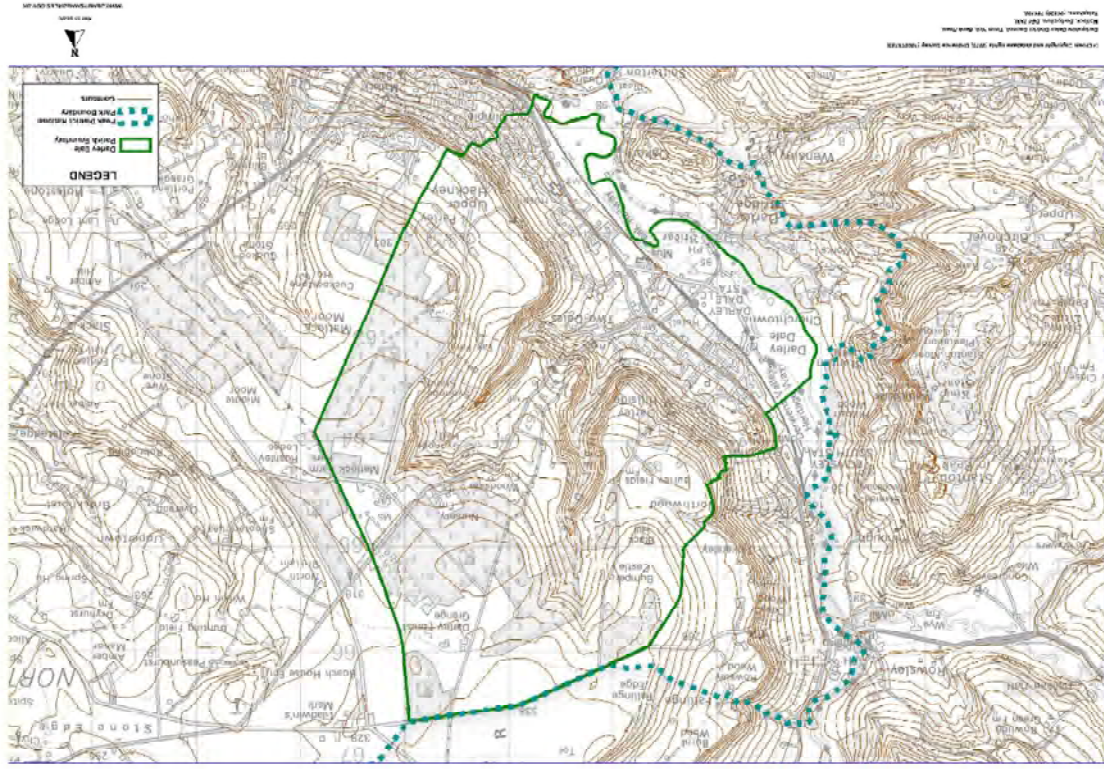
Topography

30. Extensive countryside views into the Peak District National Park can be seen from all the Darley Dale settlements on the eastern slopes. From the A6 there still exist open westward vistas. Map 1 shows that the northern boundary of the Parish is contiguous with the Peak Park boundary, whilst the western boundary of the Parish runs near to the Peak Park boundary (at its nearest, near Churchtown the Peak Park boundary is about 100 m away)
31. The main peaks in the area are Synnove Hill, Round Hill and Black Hill. Darley Dale's location on the northern and eastern slopes of the Derwent valley means that it is visible from the Peak District National Park. The Wardell Armstrong study categorised landscapes that can be seen from the Peak District National Park as having 'high landscape sensitivity'. Currently most development in the Parish (save for a few isolated dwellings) sits in the less visually intrusive valley floor or on the lower levels of the slopes.
32. The topography of the Parish is shown in Map 3.
33. Only in the eastern direction are views restricted - by elevated, wooded slopes. These views are also discussed in the Darley Dale Place Analysis.
34. The A6 is a major highway and the centuries old pack-horse routes¹⁸, which ran north south, are merely attractive footpaths now.
35. A railway line also cuts along the valley floor, running from Matlock to Rowsley as a tourist railway; the nearest mainline train station for Darley Dale residents is in Matlock (this is 2.3 miles from the centre of Darley Dale and about a mile from the south eastern boundary of the parish).

¹⁸Peakland Roads & Trackways A E Dodd & E M Dodd

- 11** All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

Map 3: Contour Map



(Source: Derbyshire Dales District Council)

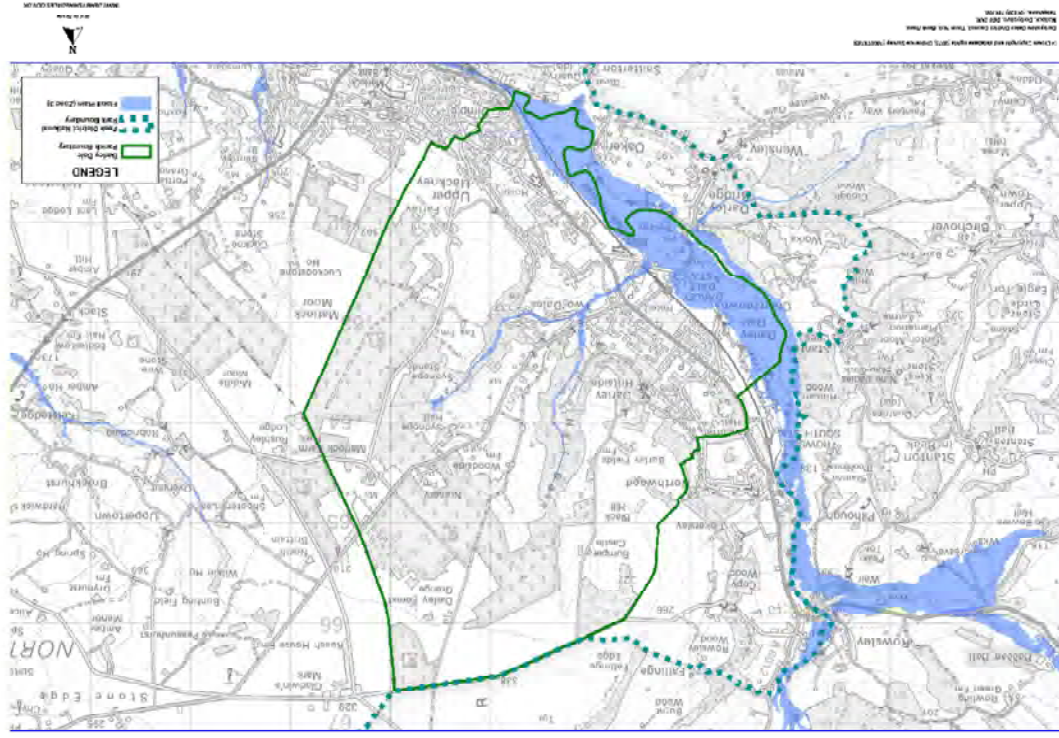
- 12** All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

36. The River Derwent meanders through the valley in which Darley Dale sits. The river forms the western boundary of the Parish, and much of the land along the river corridor is flood zone 3 making it unsuitable for most types of development. The boundary of the flood plain defines the start of the built environment.

37. Map 4 shows the flood zones and the edge of the Peak National Park boundary that set the landscape context for Darley Dale.

38. The Strategic Flood Risk Assessment 2016 also considers surface water run-off and the map for Darley Dale can be viewed at http://www.derbyshiredales.gov.uk/images/documents/L/LocalPlan_evidence_base_docs/July_2016/Appendix_D_uFMfSW.pdf

Map 4 Flood Zones



(Source: Derbyshire Dales District Council)

Landscape Character

39. Derbyshire County Council's Landscape Character of Derbyshire Dales 2004¹⁹, identifies Darley Dale as being in the Dark Peak Landscape Character Area and the landscape type is described as 'settled valley pastures'. The 2015 Wardell Armstrong Landscape Sensitivity Study produced to support the Derbyshire Dales Local Plan provides an overview (see paras 6.3.1 to 6.3.12). This study and its findings are considered in more detail in section 10 Protecting the Landscape Character of Darley Dale.

40. The prominent and key habitat characteristics of the Parish are described in the Landscape Character of Derbyshire Dales as follows:

- Ancient and semi natural broadleaved woodland
- Wet woodland
- Veteran trees
- Ancient and species rich hedgerow
- Rush pasture
- Reed beds
- Neutral grassland
- Standing open waters and canals
- River Derwent and streams

41. The parish provides a network of footpaths enabling residents and visitors to access the high-quality landscape around the parish. The white peak cycle loop completed in 2017 is another attractive route through the parish connecting Matlock with the Peak District.

42. The benefits of incidental exercise to health and well-being are well evidenced. Local people benefit from safe and direct access to various walking routes and the Darley Dale Neighbourhood Plan supports proposals that seek to maximise opportunities to create and extend walking and cycling routes in accordance with Derbyshire County Council's Strategic Statement on Planning and Health across Derbyshire.²⁰

43. Map 5 shows the areas that have been identified in existing district policy as having particular environmental value.²¹ The criteria for development on the areas identified as important open spaces along the A6 is set out in Policy PD10 of the Derbyshire Dales Local Plan.

¹⁹ [Derbyshire Dales Landscape Character & Design Supplementary Planning Document \(September 2018\)](#) page 7

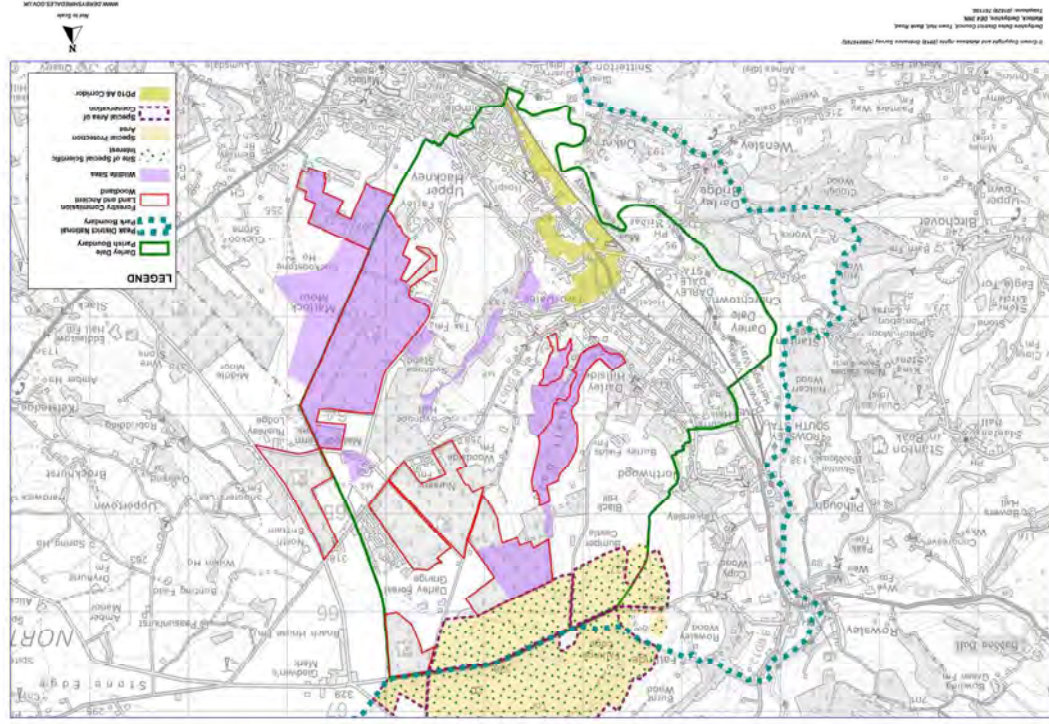
²⁰ See <https://www.derbyshire.gov.uk/site-elements/documents/pdf/council/meetings-decisions/meetings/health-wellbeing-board/12-7-2018-health-and-wellbeing-strategy-update.pdf>

²¹ For the important open spaces along the A6 see also the [Proposal Map Inset 1](#)

15

All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

Map 5 Areas of Nature Conservation, Peak Park and Parish Boundaries and land covered by Local Plan Policy PD10²²



²² (Source: Derbyshire Dales District Council)

16

All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

History

44. The Domesday Book of 1086 notes that Darley (Dereleie) consisted of seven villagers and a priest, all settled near St Helen's church in the settlement known as Churchtown. Further small settlements gradually took shape, most evolving in the last two to three hundred years, such as Farley, Darley Hillside, Two Dales and Hackney, which remain in the Parish of Darley Dale, and Northwood and Darley Bridge, which are now separate Parishes.

45. The area is steeped in history with the 12th Century St Helen's Church denoting the oldest part of the Parish. There are the remains of 5 quarries and a disused former flax mill which relate to the impact of the industrial revolution. Cromford Mills, part of the Derwent Valley Mills World Heritage Site, is only 5 miles south of Darley Dale down the Derwent valley. This site stretches from Derby to Cromford.²³

46. There are 24 Grade II listed buildings and 3 Grade II* listed structures in the Parish. The benefaction of the successful industrialist Joseph Whitworth left an indelible mark on Darley Dale. The Whitworth Institute, an imposing Grade II listed building that fronts the A6, opened to the public in the late 19th century. The Institute comprised an indoor (heated) swimming pool, an assembly hall, various reading and committee rooms and eventually a library, a billiard room, a museum of natural history and a hotel. The extensive landscaped grounds are also open to the public and are on Historic England's list of Registered Parks and Gardens. The land around Sydnope Hall is also on Historic England's list of Registered Parks and Gardens.

47. The consultation session with the school children for this Neighbourhood Plan revealed how much they love the Whitworth Park. The wider Household Questionnaire showed the Institute and the Park are valued by residents of all ages. The Whitworth Institute was gifted to the people of Darley Dale and has recently undergone extensive renovations to ensure its continued use for future generations.

48. The Whitworth's lived at Standcliffe Hall, another imposing private dwelling. It was built in the 17^c but extensively extended by Joseph Whitworth in the 1880's. The former Standcliffe Quarry is adjacent to the hall and is a strategic site allocation for 100 dwellings in the Derbyshire Dales Local Plan.

Darley Dale today

49. In June 2016, the average house price in Darley Dale was £63,000 more than the County average (£245,000 compared to £182,000)²⁴. Affordability is an issue across the district but since 2011 there have been 82 affordable dwellings built in Darley Dale. In the short term the Town Council considers there is an adequate supply of Affordable Houses in the area. However, over the duration of this Neighbourhood Plan it is likely that further Affordable dwellings will be required. It is anticipated that any additional Affordable Housing will be delivered as part of legal agreements on housing allocation sites.

²³ see <http://www.derwentvalleymills.org>

²⁴Zoopla website showing purchase prices of houses accessed June 2016 <https://www.zoopla.co.uk/house-prices/>

50. The Parish of Darley Dale is a vibrant community. The Town Council website reports that the Parish offers something for everyone, from nurseries to Over 60s clubs. It has a range of restaurants and pubs as well as several community halls and there is always some activity to attend.

51. There are 18 shops, 2 primary schools, community centre, a GP surgery, community hospital, post office and 5 pubs. There is a regular day time bus service to Matlock, Bakewell and beyond.

52. Maps 6 and 7 show the retail and employment facilities in Darley Dale (these were provided by DDDC and are taken from the Local Plan Proposals Maps).

53. In a report published by DDDC on Settlement Hierarchy, Darley Dale scored highly for its accessibility to employment opportunities, with an estimated 46-50 local businesses within the Parish, and with easy and quick access to employers in Matlock and around.

54. However, the Settlement Hierarchy report also noted that Darley Dale does not have a town centre and 'buses pass through it rather than radiate from it'.²⁵

²⁵ http://www.derbyshiredales.gov.uk/images/documents/5/Report_Sett_Hchy_Rev_8.pdf

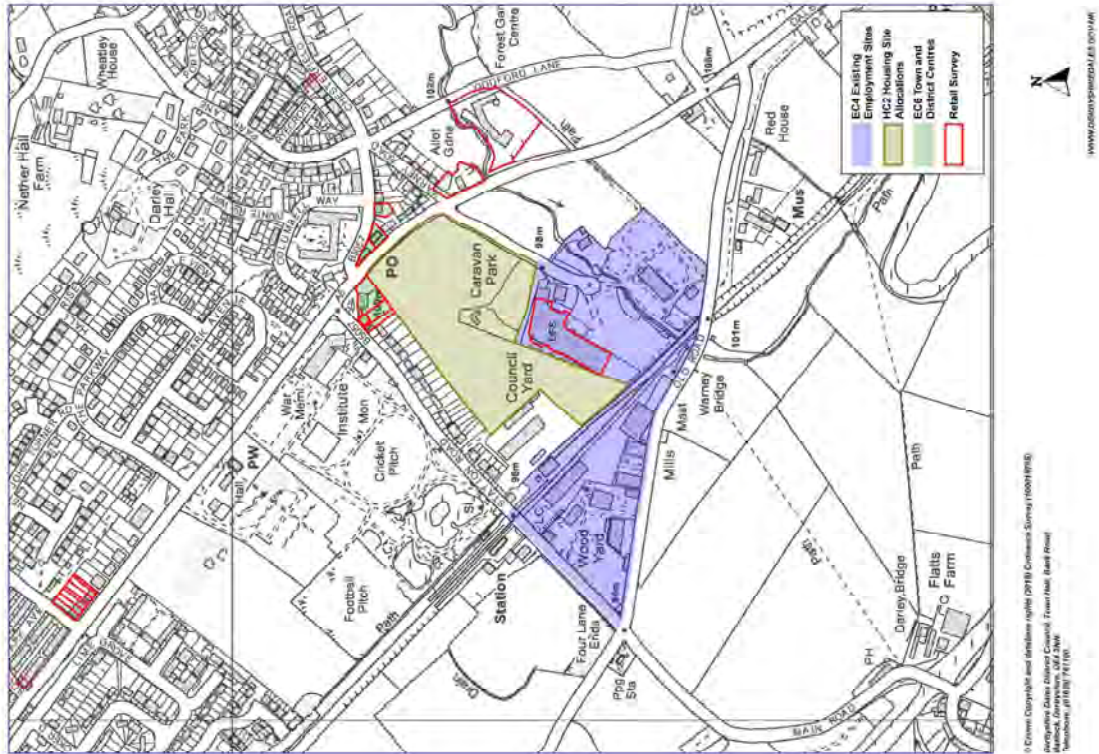
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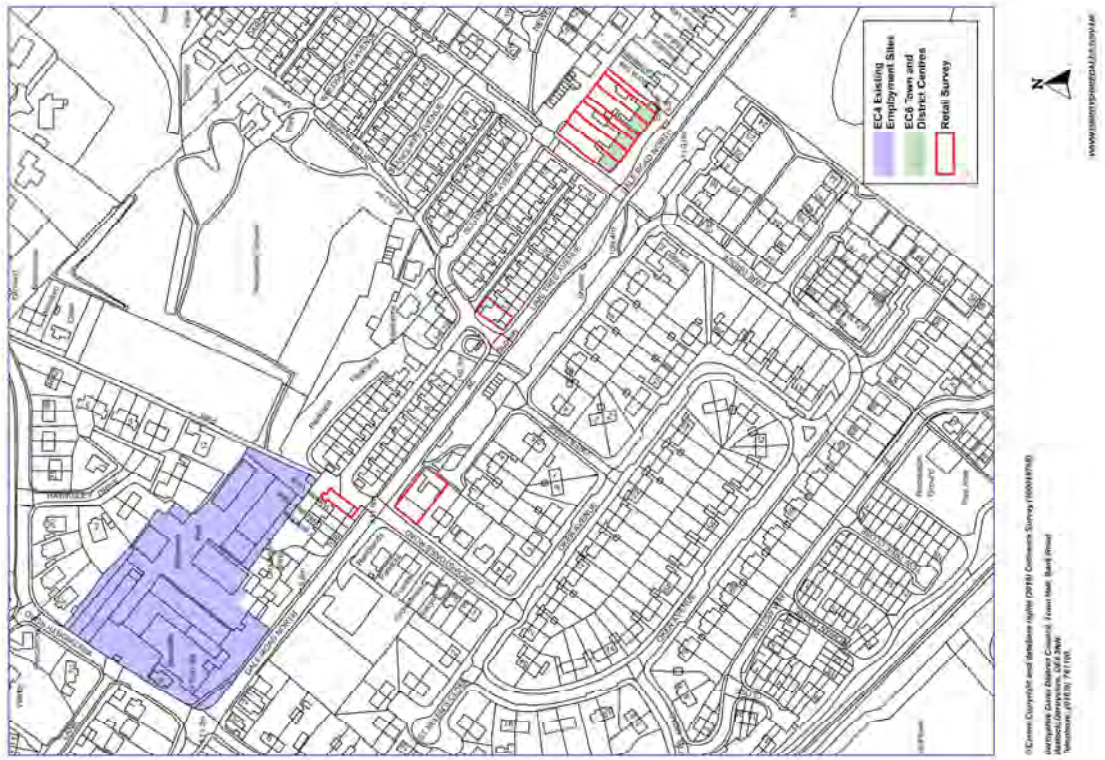
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Map 6: Existing Retail and Employment Sites in Darley Dale (from Policies Map from Local Plan)



Map 7 Existing Retail and Employment Sites in Darley Dale (from Policies Maps for Local Plan)



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Settlement Pattern

55. Darley Dale Parish is made up of a number of settlements each of which has identifiable characteristics. Churchtown is the oldest part of the Parish, the old routes that over time became the A6 resulted in a clustering of other settlements along the A6 and up the lower slopes. The separate and distinct nature of the settlements is what makes up the distinctive character of Darley Dale. In his 2002 book on Darleys in the Dale a local historian noted that 'Darley became known in the 1800s as Darleys in the Dale because of the size and make up of scattered hamlets on the east and west side of the valley'.²⁵

56. These settlements are described in full in the Darley Dale Place Analysis at <http://www.darleydale.gov.uk/uploads/darley-dale-place-analysis-full-draft-c-sept-16-version-14.pdf> and there is further discussion of them in section 10 Protecting Landscape Character and section 12 the Importance of Good Design.

Table 2 Settlement Pattern

Settlement	Description
Darley Hillside	Darley Hillside has a strong relationship with its landscape setting, with street alignment and terraced plots allowing for long views across to the Peak District National Park.
Broadwalk	Broadwalk is not a separate settlement but is distinctive enough in townscape terms to merit analysis. It sits in the lower part of the valley, and the alignment of the streets means that it has high visual connections to the Peak District National Park and to the ridge line to the east.
Churchtown	Churchtown is a low valley settlement that has strong visual links with both the ridge lines and valley sides of the surrounding hills, and with long views up and down the valley.
Oker and Parkway	Both Oker and Parkway are confined to the valley floor. In terms of settlement pattern, both estates are based on loops, with some dead end streets which do not connect directly to other character areas.
Two Dales	Two Dales occupies the lower slopes of the Derwent Valley, running from the A6 up Synnove Hill towards the valley ridge and is arranged in a loose ribbon along the B5057 towards Synnove Hill.
Lower Hackney	Lower Hackney sits on flatter ground, away from the valley slopes, either nestled in the valley floor or ridges up the valley side. This gives parts of it commanding views across to the Peak District National Park, or, for the lower parts, a feeling of being contained within the landscape. The green spaces that serve to separate the various parts of Lower Hackney add a great deal in character terms and help provide access to the views that help landscape shape the

²⁵ Darleys in the Dale - Echoes from the Valley by Lewis R. Jackson 2002

experience of being in a village.

Upper Hackney
Upper Hackney has a distinct relationship with its landscape, enjoying far views across the valley to the Peak District National Park.

The settlement pattern of Upper Hackney is strongly linked to the wider landscape and the topography shapes the way development has occurred. The narrow ridge that Upper Hackney occupies creates a linear settlement, with very little development occurring away from the main through routes.

Farley
Farley is a small settlement high up in the Dales, and has a connection with both the far landscape via long views to the Peak District National Park, and to the local landscape setting through its openness and the fragmented nature of development.

Hooleys and Morledge
Although Hooleys and Morledge are in Darley Dale Parish their character and location means these areas have a stronger connection with Matlock.²⁷

²⁷ As this Neighbourhood Plan is setting a policy framework to protect the character of the separate settlements in Darley Dale it was not considered necessary to provide a separate character analysis of these areas as they are contiguous with Matlock.

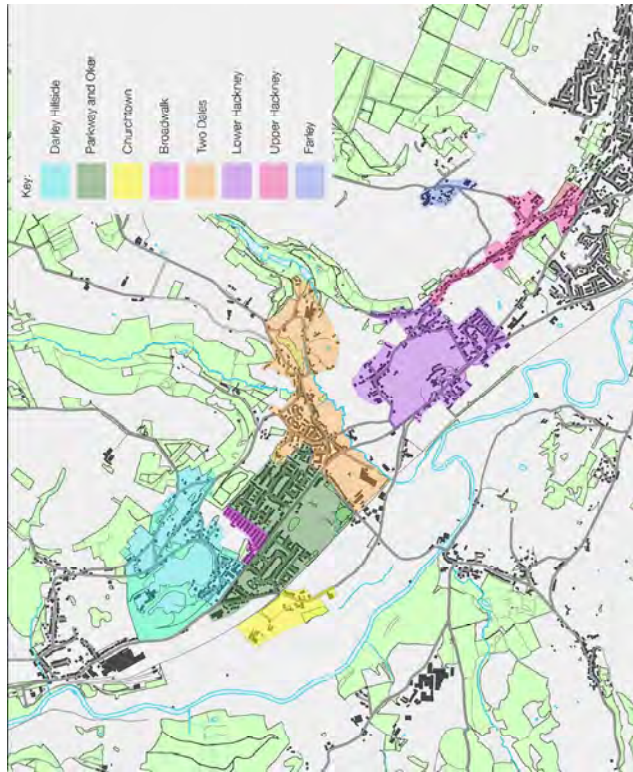
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Map 8: Settlements in Darley Dale



6. Community Vision

57. This vision has been prepared and endorsed by the NPSG based on the consultation events and questionnaire feedback. The initial consultations with the community upon which the consultations are based are at <http://www.darleydale.gov.uk/>

'In 15 years' time Darley Dale Parish will be a welcoming and thriving community for all ages. It will still be a predominantly rural area but it will also provide a high-quality environment in which to live, work and spend leisure time. New development will have blended sensitively with the existing character of the settlements. Great care will have been taken to protect the special landscape which defines the Parish so that the buildings and landscape continue to inspire local people and visitors alike.'

7. Community Objectives

58. A range of issues were raised through the various consultations however the objectives below reflect the greatest concerns and the area of focus for this Neighbourhood Plan.

Community Objective 1: Ensuring that all new development is designed and located so that it minimises its impact on the natural and built environment, whilst providing direct benefit to local people by:

- Being suitable to meet Parish needs, and
- Being informed by the Darley Dale Place Analysis (as well as other District and County studies), and
- Being underpinned by extensive local consultation

Community Objective 2: Ensuring that all new development is designed so that it

- respects the materials, style, and layout of the existing settlement (where applicable), and
- enhances, rather than diminishes, the existing character of Darley Dale Parish.

Community Objective 3: Protecting the landscape character of Darley Dale, like the green gaps that keep the settlements separate and the wide public vistas across to the Peak District National Park.

Community Objective 4: Seeking opportunities, whenever possible, to maintain and enhance the community facilities within Darley Dale.

Community Objective 5: Encouraging voluntary pre-application community engagement so that developers can identify and address community priorities for the particular location proposed.

8. Sustainable Development Principles

59. The sensitivity of the landscape of the Parish means that new development must be very carefully located. Map 5 shows the extent of nature conservation areas across the Parish. The countryside around Darley Dale provides a green lung for a much wider population than just local residents. With ready access to a network of footpaths and bridleways and on the doorstep of the Peak District National Park, it is not surprising that Darley Dale residents are unequivocal in their desire to retain this character and protect its rural setting.

60. However, Darley Dale's proximity to Matlock means that it is also close to a range of facilities and services. It is well connected by bus to main centres, a short distance from the railway station in Matlock and has the benefit of a newly opened cycle route, which connects to the wider Peak District and the train station. A further example of the social aspects of sustainable development, include the Primary Schools, the hospital, a GP surgery and numerous care homes.

61. Given the growing and ageing population of the district (as reported in the Strategic Housing Market Assessment 2015) the NPSG also accepts that between now and 2033 Darley Dale Parish will need to grow.

62. The importance of balancing the economic, social and environmental implications of all development is emphasised in the National Planning Policy Framework (NPPF) (para. 8).

63. The Neighbourhood Plan policies are intended to provide locally specific guidance to developers based on the Place Analysis to ensure that development can be *'sympathetic to local character and history including the surrounding built environment and landscape setting while not*

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preventing or discouraging appropriate innovation'²⁸. The Neighbourhood Plan policies are 'prepared positively in a way that is aspirational but deliverable'²⁹.

64. In the context of planned housing growth in the parish on the site allocations in the Derbyshire Dales Local Plan and for any other development that is located in accordance with District policies, the Neighbourhood Plan policies provide a framework for developers to enable them to bring forward proposals that will minimise the environmental impact by securing high quality design that works with the landscape character.

65. When commenting on development proposals Darley Dale Town Council will take a positive approach that reflects the presumption in favour of sustainable development where it accords with the policies in this Neighbourhood Plan.

66. The Town Council will work proactively with applicants proposing major development to find joint solutions and will encourage applicants to work with them to ensure the scheme is in accordance with the design and location principles in this Neighbourhood Plan.

9. Engagement with the Community: A Key Principle

67. This Plan reflects the community's desire to play a role in shaping the future of development in the Parish. The importance of pre-application engagement is endorsed in paragraph 188 of the National Planning Policy Framework.

68. The Housing White Paper 2017 and National Planning Policy Framework 2018³⁰ reinforces the value of pre-application engagement so that 'policy strengthens the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided'³¹.

69. This community knows their area and wants to be involved constructively in ensuring new development is well designed. The key principle set out below is a voluntary process and is intended to encourage applicants who are submitting plans for new build or replacement buildings to talk to the Town Council prior to a scheme being submitted for planning permission. All decisions on planning applications are undertaken by Derbyshire Dales District Council as the Local Planning Authority.

70. Due to the volume of planning applications for extensions and minor development, pre-application engagement is encouraged usually on major development³² except where the proposal is outside the Settlement Boundary (as defined in the Adopted Derbyshire Dales Local Plan Policy S3). This is because of the landscape sensitivity of sites outside the Settlement

²⁸ NPPF Para 127 c

²⁹ NPPF para 16 b

³⁰ NPPF para 40-42

³¹ Housing White Paper 2017 para A.65 at <https://www.gov.uk/government/publications/fixing-our-broken-housing-market>

³² Major development defined by the GPDO 1995 is 10 or more dwellings, sites 0.5 hectares or larger or buildings 1,000 sq. metres or bigger

Boundary and the impact of minor development (that could be up to 9 dwellings) on the landscape character.

71. Encouraging community engagement between the developer, the local community and the Town Council at an early stage in the planning process will be of benefit to the applicant as issues can be discussed and resolved at an early stage in the process. This process should result in a scheme that is more acceptable to the community and is more likely to secure approval by DDDC.

Key Principle: Pre-application Community Engagement

1. Applicants submitting a major development proposal, or a proposal for minor development (excluding extensions) where it is outside the Settlement Boundary, are encouraged to actively engage in consultation with the Town Council and the community as part of the design process at the pre-application stage.
2. Applicants are encouraged to include within their application submission details of ;
 - a) how they have consulted with the community; and
 - b) how issues of concern have been addressed.

10. Protecting the Landscape Character of Darley Dale

72. The Darley Dale Place Analysis provides a detailed analysis of both the character of the existing settlements and how they relate to their landscape. It states that 'The aim of examining the landscape ... is to help understand the role it has in supporting the character and identity of the Darley Dale settlements.' The settlement morphology, views and connections with the Dales work together to shape the experience of being in Darley Dale; this is an integral part of the character of the built environment. When viewed across the valley from west to south east the gaps between settlements and the way settlement shape responds to the underlying valley slopes is more apparent.

73. In image 1 Upper Hackney appears largely separate from Matlock; despite more recent developments the valley floor between Matlock and Darley Dale offers undeveloped open spaces that as you drive out of Matlock give you a sense that you are moving from an urban area to a more rural location. Lower Hackney, Upper Hackney and Farley are recognisably separate settlements sitting in their own landscape setting.

Image 1



74. Looking further to the north but still from across the valley image 2 shows the extent to which Warney Brook defines the boundary between Two Dales and Lower Hackney. In both images the upper valley slopes are relatively free from development; this is a key settlement characteristic reflecting previous planning policy of restraint.

Image 2



75. Wardell Armstrong in their Landscape Sensitivity Report 2015 for DDDC³³ observed that it was the open space along the A6 that had prevented coalescence. The Wardell Armstrong report concludes that 'land which prevents visual coalescence is of high sensitivity'.

76. The Wardell Armstrong Study highlights that visual coalescence between Matlock and Upper Hackney and Darley Dale and Two Dales is prevented by extensive landscape screening. (see para 7.1.2) Image 1 and Image 2 show that whilst some settlements have boundaries defined

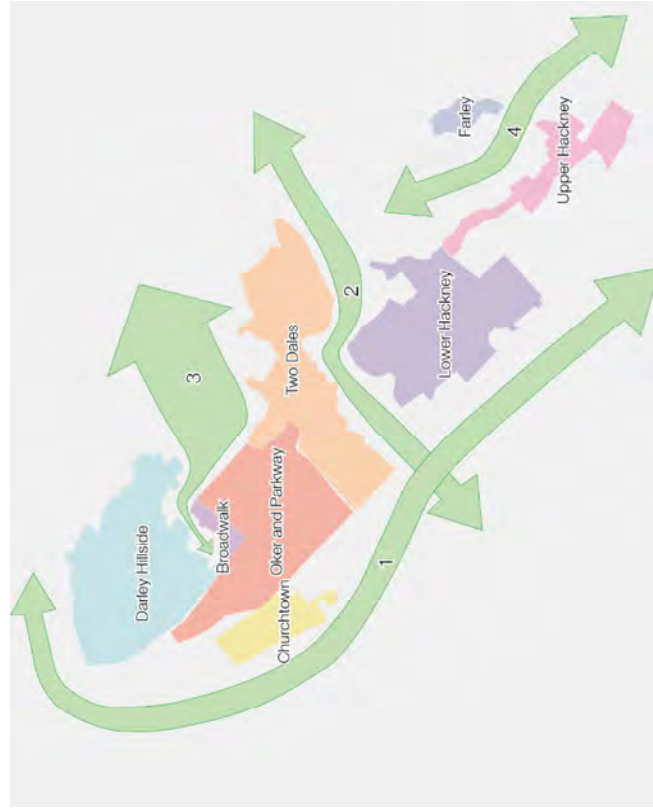
³³ see Derbyshire Dales District Council web site http://www.derbyshiredales.gov.uk/images/documents/C/Committee/Local_Plan_Advisory/Full%20and%20Reduced.pdf

27 All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

by landscape screening (trees) there are also gaps between the settlements which actually create this separation.

77. The Darley Dale Place Analysis (DDPA) identified key gaps between some of the settlements. These are shown in diagram 1 below and contribute to the character of Darley Dale Parish. Note that Two Dales, Oker and Parkway and Broadwalk are conjoined. However, between Broadwalk and Darley Hillside the recreation area affords some separation that extends east (green corridor 3).

Diagram 1



78. These green corridors are described in the Darley Dale Place Analysis as:

Corridor Number	Description
1	The A6/River Derwent corridor at the valley floor both limits and bounds the settlements and is a major contributor to the open public views from all the settlements out of Darley Dale Parish and onto the Peak District National Park to the West and South.
2	The green corridor that runs along Warney Brook acts to define the limits of both Two Dales and Upper and Lower Hackney and provides a visual link between the valley floor and the ridge line above.

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3	The green corridor provided principally by the recreation ground and the woodland which helps prevent coalescence between Parkway/Broadwalk and Darley Hillside and Two Dales and Darley Hillside.
4	The green corridor that keeps Farley separate from Upper Hackney and that screens development higher up the slope reduces its visibility when viewed from the National Park.

79. Given the landscape sensitivity of much of the Plan area, the value placed on open spaces that prevent coalescence (as reported in the Wardell Armstrong and from the consultation feedback) and the function of these green corridors in contributing to the distinctive character of the settlements in Darley Dale.

80. Fundamental to the success of these green corridors is the need to protect their open and undeveloped character through the prevention of inappropriate development, maintaining a degree of separation between certain settlements and avoiding coalescence.

81. NP 1 supports development that reinforces this existing distinctive character across the whole parish. NP2 – 8 are area specific policies that reflect the specific requirements of each identified area.

NP 1: Protecting the Landscape Character of Darley Dale

Planning permission will be supported for development where the proposal can demonstrate:

- a high design quality that protects and contributes to the distinctive landscape character of the Parish; and
- a scale that reflects that of the settlement to which it adjoins and the rural nature of the Parish; and
- that a sense of openness has been maintained between the settlements (where this is a key component of their distinctive character as identified in the Darley Dale Place Analysis). This is a particular character feature of Farley and Upper Hackney, Lower Hackney and Two Dales, Darley Hillside and Broadwalk; and
- the green corridor and sense of openness has been maintained along the Derwent Valley; and
- that the location is on the least visually sensitive parts of the valley or on plateaus but not on the steeper slopes where development would be prominent from the Peak District National Park.

82. **Darley Hillside** is located to the north of the built-up area of Darley Dale. Darley Hillside has a strong relationship with its landscape setting, with street alignment and terraced plots allowing for long views across to the Peak District National Park. Whitworth Road runs up the gentler parts of the valley slope but once on steeper ground the streets run along the ridgeline. Plots sit into the topography with terracing across the street enabling long views. The feeling of being high up in the landscape but also nesting up to the hillside is an important character-forming element, and new development should seek to replicate this relationship.

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83. Plots are arranged in a semi regular way with buildings loosely aligned on a common building line³⁴ and with the short edge of the plot to the street³⁵. More formal arrangements on the valley floor give way to a varied approach further up the hillside.

NP 2: Protecting the Landscape Character of Darley Hillside

Planning permission will be supported for development in Darley Hillside where the proposal can demonstrate:

- a street alignment that reflects the terraced plots which work with the landform, to help retain the link between settlement pattern and setting by allowing for long views across to the Peak District National Park; and
- reflecting the underlying topography with streets on the steeper ground running along the ridgeline; and
- a layout that allows for front gardens to provide landscaping to enhance the street scene and to link Darley Hillside with the woodland beyond and
- that plots located lower in the valley have the short edge to the street and follow a common building line.

84. **Broadwalk** is not a separate settlement, it is directly south of Darley Hillside, but is distinctive enough in townscape terms to merit analysis. Although it is unlikely that any new development will occur in this part of Darley Dale there may be small infill sites that become available and new development may also wish to adopt cues from Broadwalk should designers wish to use a locally referenced but still distinctive approach to development.

NP 3: Protecting the Landscape Character of Broadwalk

Planning permission will be supported for development in Broadwalk where the proposal can demonstrate:

- a layout that still provides opportunities to maintain far views across the valley to the Peak District National Park; and
- opportunities to enhance the character and setting of the area and introducing natural features such as trees to improve the attractiveness of the street.

85. **Churchtown** is a low valley settlement that has strong visual links with both the ridge lines and valley sides of the surrounding hills, and with long views up and down the valley. This landscape

³⁴ the common building line is defined by the predominant alignment of building frontages along a street. The building line is not just a line on the ground; it also extends vertically as a building line plane. Any new building should normally follow the established building line. See Darley Dale Place Analysis Version E page 54 <https://www.darleydale.gov.uk/uploads/darley-dale-place-analysis-full-draft-c-sept-16-version-14.pdf>

³⁵ The settlement pattern in the lower valley of Darley Hillside is to have rectangular plots arranged end on so the short edge faces the street and they run deeply back to allow for good sized back gardens) see Darley Dale Place Analysis Version E page 54 and link above

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is seen through fragmented high trees and buildings. Future development should respect this relationship and should ensure that views to the landscape are designed in from the outset.

NP 4: Protecting the Landscape Character of Churchtown

Planning permission will be supported for development in Churchtown where the proposal can demonstrate:

- a) plots that follow the linear development pattern with gaps sufficient to glimpse the wider valley from within the character area; and
- b) the layout ensures that rear gardens provide a soft edge to the open landscape of the valley bottom to provide greenery to the long views from the Peak District National Park and from higher vantage points in Darley Dale Parish; and
- c) publicly accessible views of the Church spire are protected.

86. Both **Parkway and Oker** are confined to the valley floor and as such have a feeling of being contained within the landscape with ridge lines visible between and above buildings. New development should seek to ensure that long views onto the Dales are not overly obstructed to maintain this visual connection.

87. Both estates use perimeter blocks arranged in a series of loop roads and cul de sacs with most roads/footpaths not running to the edge of the estates but forming internal network. Routes out of the estates to the surrounding area are not direct and Parkway and Oker are not well integrated with surrounding character areas.

NP 5: Protecting the Landscape Character of Parkway and Oker

Planning permission will be supported for development in Parkway and Oker where the proposal can demonstrate:

- a) a layout confined to the less visually sensitive areas of the valley floor that allows glimpsed views onto the backdrop of local hills avoiding building across the end of streets where this blocks off views to the wider countryside.

88. **Two Dales** looks and feels contained within a steep landscape. Development on the steeper slopes is terraced allowing long views over the Peak District National Park and to local areas of prominent topography that help give it character. Gaps between buildings allow for glimpse views along the valley side. New development should seek to maintain and enhance both far and more local views.

89. Development is arranged in a loose ribbon along the B5057. Here development fronts the street more strongly on the northern side than on the southern edge. Development away from this main route is generally found to the northern edge and here back lanes and denser development feel closer knit. Steeply rising land creates a sporadic development pattern.

90. The open spaces in Two Dales bring the landscape into the settlement. The fields adjacent to the B6057 help the main route feel open and allows visual connections to the wider landscape.

NP 6: Protecting the Landscape Character of Two Dales

Planning permission will be supported for development in Two Dales where the proposal can demonstrate:

- a) a layout contained within the steep landscape that maintains both far and local views; and
- b) a layout that follows the existing development pattern along the roads through Two Dales; and
- c) a distinction between the layout on the steeper slopes (which is more fragmented and terraced into the landscape) with a layout lower in the valley which fronts the street.

91. **Lower Hackney** sits on flatter ground, away from the valley slopes and is either nestled in the valley floor or on ridges further up the valley side. This gives parts of it commanding views across to the Peak District National Park, and on the lower parts, a feeling of being contained within a large landscape. The green spaces that serve to separate the various parts of Lower Hackney add a great deal in character and provide access to the views that pull the landscape into the village. New development should seek to incorporate visual connections to the wider landscape within any proposals.

92. Lower Hackney has a settlement pattern that reflects the relationship between landform and development, with development occupying flatter areas and spaces occurring where the valley slopes are located. It is this general rule that helps to generate the gap within the village, and through this arrangement local topography is clearly reflected in the way the village is arranged.

93. Lower Hackney is nucleated on the valley floor, with development forming perimeter blocks³⁶ around a grid of interlinking lanes to form a settlement that is compact. Other parts of the village are linear, following the main lines of movement as it works up the valley towards the ridge above. A more dense area occurs as you move up Grove Lane that again is made up of lanes connecting to form a grid, with buildings arranged to create perimeter blocks.

94. The streets and spaces of Lower Hackney can be grouped as either major routes that connect to places beyond the village or as a loose grid of lanes that interconnect within the settlement. Trees and other landscaping in private plots adds a great deal to the village.

³⁶ There are various types of perimeter blocks yet good perimeter blocks have the same characteristics: **public fronts** that form a strong outward (or public facing) edge and **private backs**. For more information on perimeter blocks see http://www.emcouncils.gov.uk/write/What_on_earth_is_a_perimeter_block.pdf

NP 7: Protecting the Landscape Character of Lower Hackney

Planning permission will be supported for development in Lower Hackney where the proposal can demonstrate:

- a) that the green spaces that separate the various parts of Lower Hackney that provide access to the views have been protected; and
- b) a layout that reflects the underlying topography by developing on the less visually sensitive areas of the valley floor and plateaus keeping the steeper areas open and undeveloped; and
- c) a layout that ensures there is space for planting on private plots to add richness to the street scene; and
- d) that developments reflects existing development patterns with frontage development along the major routes and a looser plot configuration on the interconnecting lanes.

95. Upper Hackney has a distinct relationship with its landscape, enjoying far views across the valley to the Peak District National Park. The way the landscape is experienced in Upper Hackney adds a great deal to its character, with a feeling of being perched high on the landscape and commanding over the valley below, but with a sense of enclosure on the valley side to the east. Future development should respect this important relationship and maintain these important views.

96. Upper Hackney occupies a narrow ridge within steeply sloping landscape, and as such is a highly linear settlement. The main routes of Greenway Lane and Hackney Road run parallel to the ridge, and back lanes such as Ameycroft Lane also follow this alignment, making the overall structure of Upper Hackney highly reflective of its landscape setting and of the way the local topography is arranged.

97. On the main routes, buildings are arranged in a regular fashion, with fronts facing the street. Development is more intense along the eastern side of the settlement, with views across the landscape from properties terraced into the valley side. Properties on the western side of the street tend to sit lower in the landscape.

NP 8: Protecting the Landscape Character of Upper Hackney

Planning permission will be supported for development in Upper Hackney where the proposal can demonstrate:

- a) a layout that maintains far views across the valley to the Peak District National Park; and
- b) a layout that is reflective of the local landscape and topography with frontage development on Greenway Lane, Hackney Road and Ameycroft Lane to reinforce the linear settlement pattern.

98. Farley is a small settlement high up in the Dales, and has a connection with both the far landscape via long views on to the Peak District National Park, and to the local landscape setting through its openness and the fragmented nature of development. Future development should maintain this sense of openness and should not break the connection that Farley has with its landscape setting.

NP 9: Protecting the Landscape Character of Farley

Planning permission will be supported for development in Farley where the proposal can demonstrate a layout that reflects the open and fragmented character which allows for long views to the Peak District National Park.

11. Protecting the Setting of the Peak District National Park

99. Darley Dale sits in the foothills of the Peak Park. Part of the Parish boundary is contiguous with or close to the Peak District National Park Boundary (see Map 1). Darley Dale is an enclave encircled by the PDNP on its west and northern boundary and this proximity matters greatly to local residents.³⁷
100. In the Peak District National Park's Core Strategy 2011 para 9.15 one of the park's valued characteristics was identified as *'the flow of landscape character across and beyond the National Park boundary, providing a continuity of landscape and valued setting for the National Park'*.³⁸
101. Darley Dale is in the Dark Peak Landscape Character Area and the landscape types in Darley Dale are defined as lowland villages/farmlands and settled valley pastures.
102. The response from officers at the PDNP on this Neighbourhood Plan confirmed that they supported the inclusion of this policy (see consultation statement). This approach is also supported by other statutory consultees.³⁹
103. Previous planning policy has helped to keep land to the west of the A6 open providing long vistas towards Bonsall Moor and the hillsides around Wensley and Winster.
104. Equally, views from the Peak Park across to Darley Dale Parish show that the gaps between settlements and the way settlement shape responds to the underlying valley slopes. Image 1 and 2 show how little development there is on the valley floor, this creates a green wedge between the A6 and the Peak park boundary.
105. Section 62(2) of the Environment Act 1995 requires local authorities to have regard to the purposes of the National Park in performing its function (that is of *'conserving and enhancing the natural beauty, wildlife and cultural heritage'*⁴⁰) when it (Derbyshire Dales) is performing its functions and *'where there is conflict between those purposes, [it] shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.'*
106. Darley Dale Town Council, as the Qualifying Body preparing the Neighbourhood Development Plan within the strategic framework of the Derbyshire Dales Local Plan, should also have regard to this requirement.

³⁷ Consultation on the draft Neighbourhood Plan showed that 83% of respondents supported development proposals that required developers to demonstrate how the design, layout and boundary treatments are informed by, and sympathetic to, the setting of the Peak District National Park." See <http://www.darleydale.gov.uk/uploads/annex-8a.pdf>

³⁸ see http://www.peakdistrict.gov.uk/_data/assets/pdf_file/0014/141215/LDF-CoreStrategyFinal.pdf

³⁹ See Natural England's response in the comments received as part of the first Reg 14 consultation at <http://www.darleydale.gov.uk/uploads/consultation-statement-ddnp-april-2017.pdf>

⁴⁰ See 1995 Environment Act 61 (1)

107. The scale, location and design of development in Darley Dale should not be detrimental to the setting of the Peak Park. NP 4 relates to design and location. If development proposals are in accordance with these policies, it is unlikely that the scheme will then be so incongruous as to cause material harm to the setting of the National Park.

108. As part of the pre-application engagement the Town Council will seek to ensure that proposals for major development will appropriately assess and address their impact on the setting of the Peak District National Park and where necessary modifications to design and landscaping will be discussed with the developer to see if alternative approaches can be accommodated.

109. Policy NP 10 provides an additional check; reminding developers that in Darley Dale the scheme must be able to demonstrate that the visual impact of the proposal from the Peak District National Park has been assessed and where necessary mitigation measures have been put in place.

110. Policy PD5 of the Derbyshire Dales Local Plan requires development to 'protect or enhance the setting of the Peak District National Park' and Policy S1 requires development where possible to enhance the distinct Peak District character including its setting. Policy NP 10 works in conjunction with these policies. The significance of protecting the setting of the National Park to the local community is reflected in their support for a separate policy rather than it being implicit in other District policies.

NP 10: Protecting the Setting of the Peak District National Park

1. The impact on the Peak District National Park and its setting of major development proposals with the Neighbourhood Area should be assessed and addressed to ensure that their design, layout and boundary treatments are appropriate.
2. Proposals for major development should not adversely affect the landscape character of the Peak District National Park.

12. The Importance of Good Design in Residential Development

111. The NPPF paragraph 56 acknowledges that 'good design is a key aspect of sustainable development and is indivisible from good planning'. The NPPF para 125 states that 'Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.'

112. Darley Dale offers residents a quality of life that is reflected in its house prices and land values. It is reasonable to expect that new development should achieve a high quality of design using local materials.

113. The Darley Dales Place Analysis (DDPA) 2016 provides a detailed study of the Parish looking particularly at design, materials used, movement and connections and how the built environment sits in the landscape.⁴¹ This document should be used by developers to help them design schemes that maintain and where possible enhance the qualities that make Darley Dale distinctive.

114. The Place Analysis divides the parish into character areas. Policies NP12-NP19 are supported by the detailed analysis and before each policy is a description of the design elements of each character area.

115. Housing development may include C3 (residential) and C2 (care homes). Given the changing (and ageing) demographics of the parish it is likely that there will be a demand for C2 developments within the parish. The Derbyshire Dales Local Plan identifies a need for 500 bed spaces in residential Care Homes across the District

116. C2 development should still be of a high design quality. It is considered that Policy PD1 of the Derbyshire Dales Local Plan provides an adequate policy framework for the consideration of C2 planning applications within the parish.

117. The Table below is a summary of the Key Design Principles based on the Darley Dale Place Analysis.

Table 3 Key Design Principles for Darley Dale Parish

<ul style="list-style-type: none"> Development should enhance or complement the location, respect established patterns of design, materials, form, size, scale and massing.
<ul style="list-style-type: none"> Whilst new design does not have to replicate existing buildings, developers should demonstrate how their proposal sensitively complements the character of the surrounding area.

⁴¹ Darley Dale Place Analysis is Appendix A but due to file size it is on the Darley Dale Town Council web site at <https://www.darleydale.gov.uk/uploads/darley-dale-place-analysis-rev-e-oct-18pdf-oct-18.pdf>

- Development is required to
 - preserve the character of the surrounding countryside; and
 - reflect and enhance the distinctive settlement characteristics⁴² of Darley Dale Parish (as set out in the Darley Dale Place Analysis).

118. In addition, this Plan also encourages the use of Building for Life 12 (BfL12) by developers in the preparation of their planning applications. BfL 12 is the industry standard endorsed by government for well-designed homes and neighbourhoods that local communities, local authorities and developers are encouraged to use to help stimulate conversations about creating good places to live. It can be used at all stages in the design process to check that new development is meeting the standards required. The NPPF para 129 also endorses the uses of assessment frameworks such as BfL 12.

119. BfL 12 comprises 12 easy to understand questions that are intended to be used as a way of structuring discussion about proposed development.

120. Based on a simple 'traffic light' system (red, amber and green) proposed new developments should aim to:

- Secure as many 'greens' as possible
- Minimise the number of 'ambers' and;
- Avoid 'reds'

121. The more 'greens' that are achieved, the better a development will be. A red light gives warning that a particular aspect of a proposed development needs to be reconsidered. 9 greens are considered the acceptable threshold for a well-designed scheme.

122. The importance of ensuring that areas can connect to each other and are easy to move through is an important principle of good design that is reflected in Derbyshire Dales Local Plan Policy PD1, PD4 and PD5.

123. The Darley Dale Place Analysis provides a robust assessment of the design of each settlement within Darley Dale and from that provides a guide to the sort of considerations that need to be considered when planning future development. For example, the predominant materials used are identified, this creates a natural and muted colour palette that is key to the character of the parish.

124. The DDDC Local Plan will only allocate sites for 10 or more dwellings. Over the Plan period there may be further small scale residential schemes of 1-9 dwellings that are within the settlement boundary. These are sometimes called windfall sites. Policy NP 3 sets out the design requirement for all residential development within the Plan area.

⁴² The distinctive characteristics are set out in the justification text before policy NP12 – NP 19.

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All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

37

All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

125. Policies NP11-19 should be read in conjunction with the policies Protecting Landscape Character as there is a close connection between the way settlements sit within their landscape, the role of the landscape setting in shaping the character and identity of the area and the styles and materials needed to reinforce this local distinctiveness.

126. Policy NP 11 is an overarching design policy and should be read in conjunction with the relevant design policy NP 12- 19 for each character area. Policies NP12-19 provide more specific detail regarding design principles for each character area.

NP 11: Design Principles for C3 Residential Development

1. Planning permission will be supported for residential development within the Plan area where the proposal demonstrates:
 - a) a high design quality that will contribute to the character of the parish; and
 - b) a layout that maximises opportunities, where possible, to integrate development into the existing settlements through creating new connections and improving existing ones and which allows for easy, direct movement for people of all ages particularly to access local amenities; and
 - c) the use of materials, scale and massing that reinforces the existing character; and
 - d) regard for the content of the Darley Dale Place Analysis⁴³ (which is briefly summarised in Table 3).
2. Well-designed buildings should be appropriate to their location and context – this may include innovative and contemporary design solutions provided these add to the overall quality of the area, enhance character and local distinctiveness.
3. For major development⁴⁴ the use of national design guidance (BFL12 or equivalent) in developing design concepts, testing the final designs for quality and demonstrating how local distinctiveness has been reinforced.

127. Development should respect local character and what this means for each settlement in the Parish is set out in Policies NP 12-19 below. The descriptions for each settlement have been summarised from the Darley Dale Place Analysis.

⁴³ see <https://www.darleydale.gov.uk/uploads/darley-dale-place-analysis-rev-e-oct-18pdf-oct-18.pdf>

⁴⁴ All schemes of 10 or more dwellings on sites of 0.5 hectares or larger or buildings of 1,000 sq. metres (defined as major development in the General Permitted Development Order 1995)

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All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

Darley Hillside

Table 4: Summary of Character Darley Hillside

Character Area	Brief Description
Darley Hillside	The streets vary from the formal arrangement lower in the valley to more informal lanes as you reach higher ground. Spaces marking junctions are sometimes featured
	Boundaries are strongly related to street types, with more formal streets having a strong boundary of low walls with hedging above and lanes having verges and more greenery
	Landscaping in private plots adds visible trees to the street scene, encloses the street and links Darley Hillside with the woodland beyond
	Plots tend to vary in size but their arrangement is semi-regular, with buildings placed to address the street. Plots are more regular lower in the valley, with more variety the higher you go.
	A narrow range of materials and forms, with steep roof pitches, some bay windows and terracing of buildings in relation to landform all add to the character of the area.

NP 12: Design Principles for C3 Residential Development in Darley Hillside

Planning permission will be supported for residential development in Darley Hillside where the proposal is of a high design quality that will positively contribute to the character of its setting and may demonstrate:

- a) inspiration taken from the use of local materials (like local stone and slate roof tiles) to ensure a narrow range of colours reflecting the hues of local materials; and
- b) the use of boundaries of either low stone walls or low rendered walls to delineate public and private space lower in the valley with higher boundary walls higher up the valley; and
- c) the use of features reflecting local character (bay windows, projecting gables and steep roof pitches) to reflect the style of the older properties.

40

All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

Broadwalk

Table 5: Summary of Character Broadwalk

Character Area	Brief Description
Broadwalk	The pattern of development is locally distinctive and could be useful for designers who need to provide frontage but who cannot allow direct on-plot access from the front. Buildings are mid-frontage terraces, with reconstituted stone brickwork to the front, and red brick to the rear elevation. Stone window casing and door headers, and corner detailing are all common. Roofs are continuous pitch with grey slate, with some terracotta detailing. (see Place Analysis page 61)
	The linear streets and junction spacing of Broadwalk again add a locally distinctive development pattern.
	The boundary treatments in Broadwalk are very uniform, which gives the area a cohesive character.
	The highly repetitious built form and detailing adds to rather than detracts from the overall character, as enough similarity is present to give the impression of a 'set piece'.

128. Diagram 2 is taken from the Place Analysis page 61 and shows the conformity of plot sizes and how dwellings tend to sit in the middle of the plot.

Diagram 2 Broadwalk Plot Sizes and how buildings sit on the Plot



NP 13: Design Principles for C3 Residential Development in Broadwalk

Planning permission will be supported for residential development in Broadwalk where the proposal is of a high design quality that will positively contribute to the character of its setting and may demonstrate:

- a) the use of regular plots (as shown in figure 1) with development set into the middle of the plot with entrances visible to the street; and
- b) the inclusion of front gardens with low stone walls hard up against the footpath;
- c) inspiration taken from the use of local materials (like local stone and slate roof tiles) to ensure a narrow range of colours reflecting the hues of local materials; and
- d) the use of features reflecting local character (stone window casing, door headers and corner detailing.)

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All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

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All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

Churchtown

Table 6: Summary of Character Churchtown

Character Area	Brief Description
Churchtown	Although there are a range of plots and buildings, the way they sit in relation to the street and the way in which buildings occupy their plot has a consistency that helps build character. Smaller dwellings have regular arrangements and with more uniform building lines, whereas larger buildings have weaker relationships with the street and are more fragmented.
	There is a strong and consistent boundary treatment in local stone and with some hedging which helps delineate public and private space and adds enclosure to the street. Mature trees in private plots add a great deal of character to the street scene.
	A narrow range of locally distinct materials (almost exclusively local stone see Place Analysis page 47) helps bring all the different types of buildings in Churchtown together

NP 14: Design Principles for C3 Residential Development in Churchtown

Planning permission will be supported for residential development in Churchtown where the proposal is of a high design quality that will positively contribute to the character of its setting and may demonstrate:

- inspiration taken from the by the range of local materials (the use of local stone and slate tile roofs) to ensure a narrow range of colours reflecting local hues and to reinforce the unity of the settlement; and
- boundary treatments consisting mostly of low stone walls with occasional hedges to delineate public and private space to add enclosure to the street; and
- roof pitches that run parallel to the street with entrances visible from the street.

Parkway and Oker

Table 7: Summary of Character Parkway and Oker

Character Area	Brief Description
Parkway and Oker	Standardised street geometries and types typify both estates, reflecting their era of planning and construction but leading to streetscapes that have less variation than those typically found elsewhere in the Dales.
	In terms of street pattern both estates are based on loops with some dead-end streets and few connections to the outside world, although Oker is better connected than Parkway.
	Landscaping is generally dealt with in private plots, with either hedges or trees visible from the street. Where these occur, they add a great deal in terms of character and in softening the street scene.
	Boundary treatments differ both within and across each estate, with some low walls and hedges on Parkway, some hedges and fences on Oker, and open frontages in some instances on both estates. This approach erodes rather than adds to the character of the area, and breaks these estates from the approach taken elsewhere in the Darley Dale, where a consistent boundary treatment unifies the various settlements.
	Regular plots , with buildings set back from the street with front gardens typify both estates. Buildings face the front, with a consistent building line and regular spacing. Oker uses a narrower range of types than Parkway, and Parkway also has a greater range of storey heights.
	The materials used across both estates are not in keeping with the local vernacular, leading to the properties feeling less bespoke than those found elsewhere in Darley Dale. Oker is mainly a buff brick or concrete screed render, with concrete roof tiles. Parkway has more variation, with buff and red brick and white weather boarding.

NP 15: Design Principles for C3 Residential Development in Parkway and Oker

Planning permission will be supported for residential development in Parkway and Oker where the proposal is of a high design quality that will positively contribute to the character of its setting and may demonstrate:

- a) that it has drawn on the wider local character of the Parish; and
- b) a development that is well connected and provides appropriate linkages to improve connectivity across the wider neighbourhood; and
- c) the use of regular plots with buildings facing the front with consistent building lines and regular spacing; and
- d) inspiration taken from the range of local materials (local stone and slate roof tiles) to ensure a narrow range of colours reflecting the hues of local materials; and
- e) the use of low walls made from local materials and hedges as boundary treatments, to delineate public and private space.

Two Dales

Table 8: Summary of Character Two Dales

Character Area	Brief Description
Two Dales	The settlement pattern is generally linear and follows the main lines of movement. Away from the main road, development is arranged in semi-regular perimeter blocks with buildings that face the street. Development on the steeper slopes is loose and fragmented, terraced into the landscape. The main part of the village lower in the valley is comprised of mainly terraces or tightly arranged semi-detached houses. Some larger detached properties are also present, generally on more major routes and set back on deeper plots. There are a narrow range of materials used in this character area with mostly stone but some red brick (see Place Analysis page 19). Most buildings have banding and detailing at the finer grained level, which adds to character and richness to the simply proportioned buildings. Slate roof tiles with eaves perpendicular to the street edge is a common feature.

NP 16: Design Principles for C3 Residential Development in Two Dales

Planning permission will be supported for residential development in Two Dales where the proposal is of a high design quality that will positively contribute to the character of its setting and may demonstrate:

- a) roof tiles) to ensure a narrow range of colours reflecting the hues of local materials; and
- b) it is of a scale and plot orientation that reflects the local character (eaves perpendicular to the street edge, or facing onto the street, relatively narrow fronted properties, with regular plots) and with buildings behind a strong boundary; and
- c) the use of features reflecting local character (brick and stone banding, window headers and door casings); and
- d) a scale and mass that does not obstruct views to the wider landscape; and
- e) boundary treatments that clearly define the street using locally sourced materials for stone walls and which allow greenery along the boundary to be seen from the street.

Lower Hackney

Table 9: Summary of Character Lower Hackney

Character Area	Brief Description
Lower Hackney	The streets and spaces can be grouped as either major routes that connect to places beyond the village or as a loose grid of lanes that interconnect within the settlement. The more major routes have long sight lines and are more formal in their arrangement, where the back lanes are narrow and have less regular edges in terms of the way development addresses them. New development that is generating new streets should respect this difference and use it to create a hierarchy of streets. Boundaries to the street edge are generally hard against the footpath and are made up of low walls or hedges. This approach is used save for where buildings are placed at the plot boundary. The consistency in this approach helps Lower Hackney have a cohesive overall character, even when differences in other detailing occurs. Although a range of building types and scales are present, the predominant form is two storey, either detached in large

Character Area	Brief Description
	plots or terraced. The setback of buildings is sporadic and it is the plot boundaries that provide the consistency along the street edge.
	Most of the buildings use local stone or reconstituted stone bricks, with strong banding to give finer grained detailing. Stone window headers and door casing adds further detail. Different materials on building facades to those on the return faces makes for a distinctive design feature. (see Place Analysis page 33). This narrow range of materials and colours helps different building types and scales work together to build character.

NP 17: Design Principles for C3 Residential Development in Lower Hackney

Planning permission will be supported for residential development in Lower Hackney where the proposal is of a high design quality that will positively contribute to the character of its setting and may demonstrate:

- a) a layout that fronts the street; and
- b) inspiration taken from local materials (local stone) to ensure a narrow range of colours reflecting the hues of local materials; and
- c) uses simple design detailing e.g. stone window headers and door casings to reinforce local distinctiveness and uses low stone walls or hedges as boundary treatments hard against the footpath to add enclosure to the street; and
- d) that it is no more than 2 storeys high.

Upper Hackney

Table 10: Summary of Character Upper Hackney

Character Area	Brief Description
Upper Hackney	The streets are either long and linear, with good sight lines running along the ridge, or are back lanes with shared footpaths and narrow carriageways
	Strong boundaries in the form of low stone walls with some hedging help the various parts of Upper Hackney work together to form a consistent character and identity. Boundaries are generally hard against the footpath and help enclose the street
	Regular plots with buildings arranged to face the street give rhythm to the street and help generate character in Upper Hackney. Small front gardens in places add space for green landscaping, which helps break up long runs of street and add diversity and softness. A relatively narrow range of materials, often local stone but with some render (see Place Analysis page 26), maintains consistency and helps build visual character.

NP 18: Design Principles for Residential Development in Upper Hackney

1. Planning permission will be supported for residential development in Upper Hackney where the proposal is of a high design quality that will positively contribute to the character of its setting and may demonstrate:

- a) inspiration taken from local materials (mostly local stone, with some render and slate roof tiles) to ensure a narrow range of colours reflecting the hues of local materials; and
- b) simple design detailing like banding and stone window headers to reinforce local distinctiveness; and
- c) a scale and mass that does not obstruct views to the wider landscape; and
- d) the use of boundary treatments (low stone walls or hedging) that are hard against the footpath to help enclose the street with greenery in front plots.

Farley

Table 11: Summary of Character Farley

Character Area	Brief Description
Farley	Although Farley is very fragmented, the way the street is enclosed still makes Farley feel loosely linear. (Landscaping and boundaries create this impression.)
	Boundaries and landscaping work together to give an edge to the street. Dry stone walls and large trees near to the edge if the plot both help enclose streets and to add visual character
	A simple range of materials and colours - almost exclusively local stone (see Place Analysis page 68) helps to give Farley a cohesive character despite the buildings being quite varied

NP 19: Design Principles for C3 Residential Development in Farley

Planning permission will be supported for residential development in Farley where the proposal is of a high design quality that will positively contribute to the character of its setting and may demonstrate:

- a) the use of local stone and slate tile roofs to reinforce the unity of the settlement; and
- b) a range of boundary treatments to delineate boundaries and reinforce the distinctive character (dry stone walling) and landscaping (trees).

All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

13. Enhancing the Provision of Community Facilities

129. Darley Dale benefits from a wide range of community facilities including allotments and recreation areas, The Tipping and Willow Way, in addition to the facilities at Whitworth Park.
130. Derbyshire County Council have completed a multi user trail that runs through Darley Dale that will allow safe non-vehicular movement between Rowsley and Matlock called the White Peak Loop. The Town Council supports the implementation of this route and expects that once the route is part of a wider network to Bakewell it will be a significant attribute for the Parish.
131. The consultation for this Plan across all ages⁴⁵ showed that Whitworth Park is particularly highly valued by local people. It also attracts visitors from further afield who similarly rate it very highly.⁴⁶ Whitworth Park includes a lake, skate bowl, two playgrounds for different age children, two football pitches, a bowling green and croquet lawn. The Whitworth Institute runs a tea room on the terrace.
132. The Whitworth Institute Building itself also provides meeting rooms and is a social hub for local groups and organisations. However, both the building (Grade II) and the park (a Registered Park) are heritage assets and require ongoing care and maintenance to keep them suitable for local use.
133. Over the Plan period it is likely that the population of Darley Dale will increase significantly as the housing sites allocated in the Derbyshire Dales Local Plan are built out. To ensure that future growth is sustainable, it is important to ensure that community facilities and services are provided to meet this growing local need.
134. Policy NP 20 supports proposals that enhance community facilities across the Plan area. The Town Council will work with DDDC to secure planning gain, (via S106 Obligations or Community Infrastructure Levy if applicable) that could be used to support improvements to local community facilities.
135. As part of the Neighbourhood Plan preparation the Town Council has worked with the youth working group and identified a number of community projects that contribute to the delivery of Policy NP 20 these are listed in Appendix B.

NP 20: Enhancing the Provision of Community Facilities

1. Planning permission will be supported for the development of new and improvement of existing community facilities in Darley Dale Parish where the proposal demonstrates:
 - a) the scheme is meeting a local need; and
 - b) the scheme is appropriate to its rural setting.
2. The provision of additional community facilities for young people will be supported.

⁴⁵ See results from school consultation and household questionnaire both 2015
⁴⁶ Tripadvisor reviewed October 2015

All policies should be read in conjunction with policies in Derbyshire Dales District Council's adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

14. Implementation

136. The policies in this plan will be implemented by DDDC as part of their development management process. Where applicable, Darley Dale Town Council will also be actively involved, for example as part of the pre-application engagement process (see earlier Key Principle).
137. The policies in this Neighbourhood Plan will be considered alongside District and national policy in deciding planning applications.
138. The Town Council will also use this Neighbourhood Plan to frame their representations on submitted planning applications.
139. There are several areas of activity which will affect how, where and how much development takes place in Darley Dale Parish in the months and years ahead. These comprise:
- the statutory planning process; this Neighbourhood Plan will direct and shape private developer and investor interest in the Plan area. However, this is also in the context of the wider Derbyshire Dales District Council planning policies and the National Planning Policy Framework.
 - investment in and active management of public services, and community assets, together with other measures to support local services for the vitality and viability for the Parish. In the context of the prevailing economic climate and public funding there is recognition that public investment in the Parish will be challenging to secure.
 - the voluntary and community (third) sector will have a strong role to play particularly in terms of local community infrastructure, events and parish life. This sector may play a stronger role in the future.
140. In relation to improvements to the Plan area, the Town Council will also look to District and County Council investment programmes where a policy can be shown to be delivering District and County objectives.

15. Monitoring and Review

141. The impact Neighbourhood Plan policies have on influencing the shape and direction of development across the Plan area during the Plan period will be monitored by Darley Dale Town Council.
142. The Town Council will publish a report on the implementation of the Plan. The findings of the report will be shared with DDDC.
143. If it is apparent that any policy in this Plan has unintended consequences or is ineffective it will be reviewed. It is the expectation of the Neighbourhood Plan group and the Town Council that there will be a complete review of the Plan 5 years after it has been made.
144. Minor amendments that will not materially affect planning applications can be made by DDDC with the approval of the Town Council. Any amendments to the Plan will only be made following consultation with Derbyshire Dales District Council, local residents and other statutory stake holders as required by legislation.

Appendix A: Darley Dale Place Analysis

Separate document due to file size see <https://www.darleydale.gov.uk/uploads/darley-dale-place-analysis-rev-e-oct-18pdf-oct-18.pdf>

Appendix B: Community Projects

- Project 1: Update the trim trail in Whitworth Park
- Project 2: Install an all weather sports pitch at Whitworth Park
- Project 3: Develop a wildlife area in Whitworth Park
- Project 4: Improve the scout hut at Churchtown



DERBYSHIRE DALES DISTRICT COUNCIL

DARLEY DALE NEIGHBOURHOOD PLAN

DECISION STATEMENT PUBLISHED PURSUANT TO SECTION 38A (9) OF THE PLANNING AND COMPULSORY PURCHASE ACT 2004 AND REGULATION 19 OF THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012

Derbyshire Dales District Council on 19th February 2020 resolved to 'make' the Darley Dale Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004.

The Darley Dale Neighbourhood Development Plan now forms part of the Development Plan for Derbyshire Dales and will be taken into account in local planning decisions.

The District Council has now published this decision statement that sets out the decision to make the neighbourhood plan and the reasons for doing so.

Decision and Reasons

The minutes of the decision of the Council on 19th February 2020 are as follows:

1. That the result of the referendum on the Darley Dale Neighbourhood Development Plan be noted.
2. That the Darley Dale Neighbourhood Development Plan be formally "made" as a Neighbourhood Development Plan, and form part of the Development Plan for the Derbyshire Dales.
3. That the Darley Dale Neighbourhood Development Plan be used in the determination of planning applications that are situated within the Plan Area with immediate effect.

The reasons for the District Council making this decision are as follows:

"The Neighbourhood Plan meets the basic conditions and its preparation process is compliant with legal and procedural requirements. Section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan if more than half of those voting in the referendum upon the plan have voted in favour of the plan being used to help decide planning applications in the area. The plan was endorsed by more than the required threshold in the referendum held on 21st January 2020."

Information on where to view the Neighbourhood Plan and its associated documents

You can view the Darley Dale Neighbourhood Plan and Decision Statement at the following locations during normal opening hours.

- Derbyshire Dales District Council, Town Hall, Bank Road, Matlock DE4 3NN (Monday to Friday 9am – 5pm except, Wednesday 9.30am – 5pm)
- The Whitworth Centre, Station Road, Darley Dale, DE4 2EQ (Monday to Friday 9-5pm and Saturday and Sunday 9-5pm * please note times may vary at weekends 9-1pm).

It can also be viewed on the District Council's Website at www.derbyshiredales.gov.uk/darleydalenp

A copy of this decision statement is being sent to:

- Darley Dale Town Council as the qualifying body and
- To any person who asked to be notified of the decision.



Notice of Making of the Darley Dale Neighbourhood Plan

**Planning and Compulsory Purchase Act 2004
Section 38A (4)
The Neighbourhood Planning (General) Regulations 2012
Regulations 19 & 20**

Derbyshire Dales District Council hereby gives notice that on 19th February 2020 it resolved to make the Darley Dale Neighbourhood Plan and bring it into force for the use in the determination of planning applications.

In making this decision the District Council considered that:

“The Neighbourhood Plan meets the basic conditions and its preparation process is compliant with legal and procedural requirements. Section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan if more than half of those voting in the referendum upon the plan have voted in favour of the plan being used to help decide planning applications in the area. The plan was endorsed by more than the required threshold in the referendum held on 21st January 2020.”

A Decision Statement that sets out the decision and reason for making the decision to make the Darley Dale Neighbourhood Development Plan has been published in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

Where can the Darley Dale Neighbourhood Plan & Decision Statement be inspected

You can view the Darley Dale Neighbourhood Development Plan and Decision Statement at the following locations during normal opening hours.

- Derbyshire Dales District Council, Town Hall, Bank Road, Matlock DE4 3NN (Monday to Friday 9am – 5pm except, Wednesday 9.30am – 5pm)
- The Whitworth Centre, Station Road, Darley Dale, DE4 2EQ (Monday to Friday 9-5pm and Saturday and Sunday 9-5pm * please note times may vary at weekends 9-1pm).
- It can also be viewed on the District Council's Website at www.derbyshiredales.gov.uk/darleydalenp

COMMUNITY AND ENVIRONMENT
19th FEBRUARY 2020

Report of the Head of Community & Environmental Services

PROPOSED AMENDMENT (5) TO THE OFF-STREET PARKING PLACES ORDER 2013

PURPOSE OF REPORT

This report seeks approval to make various amendments to the current Off-Street Parking Places Order, which was last updated in 2018.

RECOMMENDATION

That the proposed amendments to the Derbyshire Dales Off-Street Parking Places Order 2013 contained within the appendix to this report be approved and published for a period of statutory consultation.

WARDS AFFECTED

All

STRATEGIC LINK

The car parking service provides a significant source of funding which is used to directly support the Council's Corporate Aims and Priorities, in particular: -

Improving the quality of life, providing excellent services and stimulating economic, community and environmental regeneration.

1 SUMMARY

- 1.1 The Off-Street (Parking Places) Order provides a framework through which the District Council's numerous car parks are regulated. There is a requirement to keep the Order up to date, which is achieved by the process of formal amendment.
- 1.2 This proposed amendment (No.5) seeks to introduce controls on the use of electric vehicle (EV) charging bays, introduce a new car park at the Henmore, Ashbourne, and make revisions to existing car parks within the Order.

2 REPORT

- 2.1 The following items have been identified for inclusion or revision in the Council's Parking Order:

ELECTRIC VEHICLE CHARGING POINTS

At a meeting of the Governance and Resources Committee on 5th September 2019, delegated authority was given to the Head of Community and Environmental Services to negotiate and enter into agreement for the provision of third party EV charging points on District Council owned car parks. Since that meeting, one charging point has been installed on Wirksworth Market Place and negotiations are taking place for the installation of further points in Ashbourne, Matlock and Bakewell.

The inclusion of control measures in the Parking Order will ensure that all new EV charging bays are used solely for the purpose of charging Electric Vehicles whilst parked.

HENMORE CAR PARK, ASHBOURNE

A new car park has been created on the site of the former Henmore Centre on King Edward Street, Ashbourne. The proposed inclusion in the Parking Order will allow for its formal regulation as a long stay pay and display car park.

BUS STATION CAR PARK, ASHBOURNE

As part of the aforementioned development of the Bus Station site on King Edward Street, Ashbourne, the former Bus Station Car Park has reduced in size. The proposed revision to the Order will reflect that change and clearly define the amended boundary.

ROWSLEY CAR PARK

The proposed revision to the Parking Order reflects the changes to the car park boundary, brought about as a consequence of extending the parking area into the former adjoining storage compound.

THORPE CAR PARK

Following the closure of the public conveniences site at Thorpe, there is no longer a requirement to regulate the use of the associated parking area and it may now be removed from the Parking Order.

2.2 The timetable for amending the Parking Order is as follows:

- 9th March 2020 – publication of notice in local press, draft documents on deposit and consultees notified;
- 30th March 2020 – last date for receipt of objections (21 days from publication of notice);
- 15th April 2020 – further report to this Committee to comment on representations received and to make the Order, with any revisions considered appropriate;
- 4th May 2020 – publication of notice, with Order coming into effect on Monday 11th May 2020.

3 RISK ASSESSMENT

3.1 Legal

Under The Road Traffic Act 1984, Part IV and Schedule 9, as amended, give the Council power to control parking within the district. Further the Act gives the Council the power to amend any parking order it has previously approved.

The proposed amendments will make sure the Order accurately covers the parking facilities provided and thus will decrease the potential of challenge to any parking enforcement. The proposal is also for consultation at this stage, thus the risk is low.

3.2 Financial

The EV charging points will be entirely funded and operated by BP Chargemaster, who will receive all income, though the Council will still receive parking fees for these bays.

The proposed introduction of charging at the newly constructed Henmore car park will generate a modest increase in income. The other proposed changes have no impact on income.

The financial risk is assessed as low.

3.3 Corporate Risk

None

4 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.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

Date	Description	Location
2013	Derbyshire Dales District Council (Off-Street Parking Places) Order 2013	Legal
2013	Off-Street Parking Places (Amendment No.1) Order 2013	Legal

2017	Off-Street Parking Places (Amendment No.2) Order 2017	Legal
2018	Off-Street Parking Places (Amendment No.3) Order 2018	Legal
2018	Off-Street Parking Places (Amendment No.4) Order 2018	Legal

7 ATTACHMENTS

Proposed Off-Street Parking Places (Amendment 5) Order 2020



OFF-STREET PARKING PLACES (AMENDMENT NO. 5) ORDER 2020

The Derbyshire Dales District Council with the consent of Derbyshire County Council hereby made the following Order under Section 35(1) and (3) of the Road Traffic Regulation Act 1984 and Schedule 9 of the said Act and all other enabling powers to amend the Derbyshire Dales (Off-Street Parking Places) Order 2013 as follows:-

- A) This Order shall come into operation on the 11th May 2020 and may be cited as “The Off-Street Parking Places (Amendment No. 5) Order 2020.
- B) This Order is supplemental to the Derbyshire Dales District Council (Off-Street Parking Places) Order 2013 (as amended) (“The 2013 Order”), which subject to the amendments hereinafter mentioned remains in full force and effect.
- C) The 2013 Order shall be amended as set out in the following provisions of this Order.
- D) Amendment to Part 1 of the Order – General

Provision is made for the inclusion of the following interpretations within clause 2:

“Electric Charging Point”	means an installation adjacent to a Parking Bay for the purpose of recharging the supply of an Electric Vehicle by way of a connecting lead;
“Electric Vehicle”	means a motor car or motor cycle that is powered entirely or partially by electricity and is capable of being charged from an external source;
“Electric Vehicle Parking Bay”	means bays designed for use by Electric Vehicles in order to recharge their supply, using an Electric Charging Point, defined by lines, symbols and/or signage located within the boundaries of the Parking Bay;

- E) Amendment to Part 2 of the Order - Designation and Use of Parking Places

Clause 15.1 to be inserted to read as follows:

Electric Vehicle (EV) Parking Bays

15.1. Where within a Car Park there is a sign and/or surface markings that indicates a Parking Bay is designated as an Electric Vehicle Parking Bay, no motor vehicle or electric vehicle shall be permitted to stand or wait in the Parking Bay unless it is connected to an Electric Charging Point for the entire duration, for the purpose of charging.

F) Amendments to Schedule 1 of the Order

To provide the following entries:

1. Henmore Car Par, Ashbourne

Column 1	Map Reference 48
Column 2	Henmore Car Park, Ashbourne
Column 3	Wholly within a parking bay, but not where designated for disabled persons vehicles
Column 4	Motor vehicles which are: a) small passenger vehicles b) light goods vehicles
Column 5	All days, including weekends and Bank Holidays
Column 6	Peak hours 8am to 6pm, Off-peak hours 6pm to 8am
Column 7	24 hours
Column 8	Tariff Table D

2. Wintercroft Lane Car Park, Thorpe (Map Reference 42)

DELETE ENTRY

3. Edgefold Road Car Park, Matlock (Map Reference 26)

The Maximum period for which vehicles may wait at Column 7 shall be amended to read:-

“1 hour during peak hours except in a designated EV charging bay when connected to an Electric Charging Point for the purpose of charging an Electric Vehicle, no return within 1 hour”

G) Amendments to Maps

1. Henmore Car Park, Ashbourne (Map Reference 48) – New Addition
2. Bus Station Car Park, Ashbourne (Map Reference 1) – Amended Boundary
3. Industrial Estate Car Park, Rowsley (Map Reference 41) – Amended Boundary
4. Wintercroft Lane Car Park, Thorpe (Map Reference 42) – Delete Entry

Given under the Common Seal of Derbyshire Dales District Council on the _____ day of 2020

Executed as a Deed by affixing The Common Seal of DERBYSHIRE DALES DISTRICT COUNCIL In the presence of		
Sandra Lamb Head of Corporate Services		
Seal Number		
Authority	Community and Environment Committee	
KLF/470		

COMMUNITY & ENVIRONMENT COMMITTEE
22 FEBRUARY 2019

Report of the Head of Community & Environmental Services

MATLOCK BATH ILLUMINATIONS REVIEW

PURPOSE OF REPORT

This report details the outturn of the 2019 event and seeks agreement to the general format of the 2020 event.

RECOMMENDATIONS

1. That the achievements of the event in 2019 following the review are noted.
2. That Officers and Members of the Committee thank the boat builders for the efforts made in the challenging conditions on the river this year.
3. That approval is given for the fees and charges outlined in the report below and any promotional offers be agreed by the Working Group, with the aim of increasing attendance in September.
4. That the Event Organiser is again given delegated authority to make operational decisions in relation to the staging of the 2020 event, in consultation with the Working Group and Head of Community & Environmental Services.
5. That approval is given to invite Mr G E M Stevens MBE to compere the 2020 event.
6. That approval is given to invite Mrs Stevens as Mr Stevens' support.
7. That £14,497.54 is invested from 2019 surplus into the event in order to further improve the lights, including further steps addressing the climate emergency.

WARDS AFFECTED

Masson and surrounding area

STRATEGIC LINK

The Matlock Bath Illuminations supports the District Council's Corporate Aim to promote quality of life and also makes a significant contribution to the communities of Derbyshire Dales. The review has reflected on the District Council's priorities whilst also seeking to ensure that we deliver value for money and work effectively with partners.

1 THE 2019 EVENT

Matlock Bath Illuminations took place between Saturday 7 September and Sunday 27 October, with firework displays every Saturday (eight in total) and the final Sunday.

The event comprised entertainment on or around the bandstand in Derwent Gardens, a parade of illuminated boats, festoon lighting, lighting displays and lighting of the natural features. In addition there was a funfair, food stalls and children's themed entertainment.

1.1 Weather

The 2019 season saw the first cancellation of the event for 17 years due to high river levels. On the final weekend (26 & 27 October) both events were cancelled. During the season, ticket sales were suspended on two other occasions due to river levels. The river level was too high for the boats to go out on these two occasions. As a result, ticket sales were affected and a large number of refunds were issued during the events.

1.2 Electrical Contract

The new electrical contract was awarded to Technical Stage Services. Technical Stage Services provided an excellent service and worked closely with the Event Team to create spectacular lighting around the event. Technical Stage Services also carried out a number of upgrades to the lighting which included steps to address the Climate Emergency.

1.3 Climate Change Progress

In January 2019 the Community & Environment Committee approved £15,000 to be reinvested into the Illuminations. This investment was used in the first phase of upgrading the lights used for the event and to improve the energy consumption levels.

90% of the festoon used at the event was replaced along with a number of uplighters. The new festoon used 0.6w lamps replacing the 15w lamps used in previous years. The new lights provided a 91% reduction in energy consumption compared to the lights they replaced. Overall calculations show a reduction of 6,859kWh the equivalent of 1.9 tonnes of carbon Dioxide saved.

Outbar Events who operated the bar during the 2019 season committed to using compostable cups made from 100% renewable corn starch.

1.4 Security & Police

We Are Stadium (previously known as Stadium Traffic Management) provided security during the 2019 season and have one more year remaining on their contract.

Police were present at the event each week and assisted the Illuminations team when requested throughout the night with crowd dynamics, pedlars and traffic management.

During the 2019 season, 58 pedlars attended Matlock Bath, compared to 64 in 2018. The number of pedlars in attendance has reduced each year, 107 pedlars attended Matlock Bath in 2015.

Trading Standards supported DDDC officers and the police after a complaint from a member of public and seized a number of items.

1.5 Illuminated Boats

Visitors to the opening night of the event were asked to vote for their favourite boat, on the night, for the second time by placing a token in a bucket marked with a picture of that boat. 1,227 votes were made which is up from 1068 the previous year.

1.6 Park & Ride

The Park and Ride in Matlock continued as a shuttle bus service running from Matlock Bus Station. During the 2019 season this was only available on Saturdays in October. Cromford Meadows Park and Ride service operated on every Saturday except the first night which traditionally sees fewer visitors.

1.7 Attendance

In 2019, attendance was down on 2018, with 41,155 visitors compared to 58,393. The cancellation of the final weekend lost an estimated 11,000 visitors, in addition to the unknown number of visitors who were unable to purchase tickets on the weekends we stopped ticket sales, due to the boats not being able to parade on the river.

1.8 Expenditure

The expenditure for the 2019 event is £155,860 against an original budget of £171,325. There is a decrease of £4,574 in staffing costs mainly due to the success of online ticketing, which means that fewer staff are required on the night to sell tickets. The event also uses multi skilled staff to operate the event efficiently. Staffing costs have decreased by £13,954 overall since the 2017 event.

Further savings against the budget were made on the new electrical contract which was procured through a competitive tendering process. This resulted in an overall under-spend of £13,085.

1.9 Income

There was a decrease of £38,140.66 in income from ticket sales (£143,178) compared to 2018 (£181,319). This is due to the bad weather throughout the season and cancellation of the final weekend. There is additional income for concessions from the 2018 season which was not included in the previous year's budget.

There was an increase in local traders contributions and sponsorship in 2019 (£4,300) compared to 2018 (£2,350).

	Actual Income £	Original Budget £	Variance £
Tickets	143,178.34	181,319.00	-38,140.66
Park & Ride	380.63	2,065.00	-1,684.37
Sponsorship	2,000.00	1,500.00	+500
Traders' Contributions	2,300.00	350	+1,950.00
Stall Concessions	38,147.07	24,410.00	+13,737.07
Total	186,006.04	209,644.00	-23,637.96

1.10 Financial Outturn

The income and expenditure attributed to Matlock Bath Illuminations 2019 event shows a surplus of £30,146, against a budgeted surplus of £38,319.

	Actual Net Income £	Budgeted Net Income £	Variance £
Surplus	30,146	38,319	-8,173

The main reason for the negative variance is an increase in expected income from ticket sales based on the success of 2018.

It was agreed after the 2018 season that each individual boat builder would receive 1% of the actual net income, on the 2019 figures this will equate to a total of £3,014.60. It's proposed to carry this agreement onto the 2020 season.

This means the final Actual Net Income for the 2019 season is £27,131.40.

1.11 Online Ticket Sales

As for the previous 3 years, online tickets were processed through www.ticketsource.co.uk with TicketSource offering customers a number of secure payment options and allowing customers to receive tickets via email, post or text message.

TicketSource allow tickets to be sold up until 6.00pm on the day of each event, enabling members of the public to track the weather and decide to buy tickets closer to their preferred date.

In 2019 the pricing structure was changed to add 50p to all ticket prices, this was put in place on the back of the £15,000 investment made to upgrade the lights in 2019. 80% of ticket sale were made online compared to 79% in 2018. The continued success of online tickets allowed for a reduction in staff required in the ticket office. TicketSource allowed the event organisers to have easy control of ticket sales when river levels caused concerns about the event going ahead, as well as easy communication with customers who purchased online during the cancellation of the final weekend.

1.12 Facebook and Website

Matlock Bath Illuminations Facebook page is used as the main source of advertising and marketing for the event, the page now has 31,028 followers which has risen from 19,836 over the last two years. The most successful post of the 2019 season reached 115,176 people.

The Illuminations website page was viewed 101,160 times and increase of 8.92% on last year. 21% of all visits to the Council's website during the Illuminations season were on the illumination pages.

1.13 Marketing & Promotional opportunities

The 2019 season received a number of opportunities for the Illuminations to feature on television. The Illuminations were filmed for The Great Staycation on ITV and used as a finishing point for day 5 of The Rickshaw Challenge, which raises money for Children in Need, and was filmed live on The One Show from Derwent Gardens.

2 PLANS FOR THE 2020 EVENT

- 2.1** Invest £14,497.54 to complete the upgrade of old lights used for the event. The upgrade will provide brighter lights, financial savings on electricity and benefit the environment using less power. A quote has been received from Technical Stage Services to complete the upgrade to the remainder of the current lights, this will improve the lighting to make the event more spectacular.
- 2.2** Develop a set procedure through the working group on what will happen in the event of high river levels, this will give clear guidance to Officers, other companies and parties involved in the event, a clear procedure will also allow clear communication to the public who have purchased tickets or wish to purchase tickets.
- 2.3** Explore ticket offers through the working group to increase September attendance, such as joint discounted tickets with other local attractions and cheaper group booking prices.

2.4 Fees & Charges

It is recommended that prices remain the same for 2020, there has been an increase to online prices in the previous two seasons and on the night prices were also raised in 2019. After bad weather affected a number of evenings during the 2019 season there were customers who did not get chance to enjoy the full event and it is vital this season that visitors enjoy the full event at a reasonable price.

The table below shows the proposed pricing structure for 2020.

Saturday		Sunday	
On-the night	£8.00	On-the-night	£7.00
Advanced/Online/Public Transport	£6.50	Advanced/Online/Public Transport	£6.60
Concession (on-the-night)	£7.00	Concession (on-the-night)	£6.00
Concession (Advanced/Online)	£5.50	Concession (Advanced/Online)	£4.50
Child (<16yrs)	FREE	Child (<16yrs)	FREE

2.5 Proposed budget

The table below shows proposed income and expenditure for the 2020 event

Item	Proposed Budget 2020/21
Expenditure:	£
Staff pay	18,412
Contracts	50,261
Electricity & water charges	2,659
Decorated Boats	10,660
Marketing & Promotion	9,719
First Aid Items	11,500
Firework Displays	26,642
Entertainment & Band Concerts	6,780
Stewards	23,939
Other Expenses	6,868
Total expenditure	167,440
Income:	
Tickets	181,319
Local Traders Contributions	350
Park and Ride	2,065
Stall Concessions	24,410
Sponsorship	1,500
Total income	209,644
Budgeted net income for 2020 event	42,204

2.6 Delegated Powers

It is recommended that the Illuminations Event Officer is given delegated authority to make operational decisions in relation to the staging of the 2020 event, in consultation with the Working Group and Head of Community & Environmental Services.

2.7 Illuminations Staff Roles

Staff roles will remain the same as previous years with a pay increase in line with the District Council's pay increase for 2020.

2.8 Health & Safety

Matlock Bath Illuminations must comply with recognised safety standards. The District Council is responsible under the Health and Safety at Work Act 1974 and its accompanying Regulations for the safety of everyone at the event including the public, employees and volunteers.

2.9 General

It is proposed that detailed monitoring takes place of the implementation of the above proposals to identify their impact.

3 RISK ASSESSMENT

3.1 Legal

The proposals in the report are covered by the general powers of competence contained in the Localism Act 2011. Sponsorship of the event will be in accordance with the District Councils sponsorship protocol. The event is also comprehensively risk assessed during the planning stage to mitigate the risk of harm to visitors. The legal risk is therefore low to medium.

3.2 Financial

As set out above, the 2019 event resulted in a surplus of £30,146. After the agreed payments to boat builders totalling £3,014.60 the final Actual Net Income for the 2019 season is £27,131.40.

As shown above, the budgeted net income for the 2020 event is £42,204. There is a risk that expected income might not cover expenditure. This risk is assessed as 'medium'.

4 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.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

Illuminations Report Data

COMMUNITY AND ENVIRONMENT COMMITTEE
19TH FEBRUARY 2020

Report of the Head of Housing

AFFORDABLE HOUSING DEVELOPMENT PROGRAMME

PURPOSE OF REPORT

This report sets out the details of the proposed affordable housing programme which requires Capital Funding support.

RECOMMENDATION

That the Capital Funding requirements outlined in this report for the affordable housing programme be approved and referred to Council for inclusion in the capital programme.

WARDS AFFECTED

All wards

STRATEGIC LINK

Enabling the development of affordable housing supports the District Council's priority of providing housing which meets local needs. The schemes in this report are a key part of alleviating housing need within the District.

1 SUMMARY

- 1.1. As previously reported to the Committee, over the last few years, there has been a rapid acceleration of private developer led sites in the Derbyshire Dales where the Council has successfully negotiated the provision of on-site affordable homes. Some of these sites also provide an off-site financial contribution in the form of payments to the Council which are then used to support our wider housing enabling activity.
- 1.2. The government policy towards housing associations fluctuates over time. Currently, we are in a period of high investment, with significant financial support to fund the delivery of affordable housing.
- 1.3. The Derbyshire Dales has a strong relationship with several housing association partners, Platform Housing Limited (formerly Waterloo Housing Group), Nottingham Community Housing Association (NCHA), Peak District Rural Housing Association (PDRHA) and with private developers to ensure on site homes can be bought by the 3 associations. The District Council's funding has given NCHA, PDRHA and Platform the confidence to invest more of their resources here rather than elsewhere. The District Council also works with other housing associations, Community Land Trust and Almshouses.
- 1.4. This report sets out the Capital Funding requirements for the affordable housing delivery programme. The objectives of providing funding are as follows:
 - To provide grant support to one housing association development on 1 site
 - To support empty property work and bring two homes back in to use

- 1.5. The total proposed programme represents 59 affordable homes for rent and shared ownership funded by £621,500.
- 1.6 Unallocated funding in the Capital Programme stands at over £3,000,000 with more contributions continuing to be negotiated. Proposals for further schemes will continue to be developed with a further application for funds in November 2020. This will include Council housing (subject to approval by Council) as well as support for housing associations, almshouse charities and community land trusts.

2 REPORT

- 2.1. Table 2.1 below shows the Capital Grant required to support 2 housing associations and an almshouse.

Table 2.1

Village/Town	Proposal	Provider	No. of Homes	Funding	Year funding required
Matlock	1 empty home brought back into use at Matlock Green, Matlock	Harrison Almshouse Charity	1	£26,500	2020/21
Ashbourne	1 empty home brought back into use in Ashbourne	Platform	1	£25,000	2020/21
Darley Dale	57 affordable homes on Bakewell Road, Darley Dale	Nottingham Community HA	57	£570,000	2020/21
Total			59	£621,500	

- 2.2 The 57 affordable homes on Bakewell Road, Darley Dale represents a significant investment from several agencies and will be one of the biggest affordable housing schemes underway in Derbyshire during 2020/21. The total scheme cost is £10,414,430 and is financed as follows:

- Derbyshire Dales District Council £570,000
- NCHA 'internal grant' i.e. their own capital receipts
- Sale proceeds from shared ownership properties on the site £1,546,625
- A substantial grant from Homes England (the funding agreement between Homes England and housing associations restricts publication of grant rates) and
- A balancing loan raised by NCHA for the remainder of the scheme.

- 2.3 The District Council contribution is essential to ensure scheme viability and to secure the specific and unique housing mix of the overall scheme. The proposal delivers a very high proportion of bungalows at a space standard which exceeds anything currently delivered as part of NCHA's programme. As stated above all of the 25 bungalows comply with M4(2) wheelchair adaptable standard. In addition to the unit types and space standard the scheme is of a very high quality in terms of the layout design, and use of materials. Stone features throughout the development and there is a strong emphasis on delivering an environmentally friendly scheme, the following key point are noted in this regard;

- The drainage strategy to be implemented on this development
- Landscaping and planting

- Timberframe design and energy performance
- Locally sourcing labour, materials and subcontractors

Further details are set out in Appendix 1.

2.4 The Capital Programme scoring matrix for this programme is attached at Appendix 2.

3 RISK ASSESSMENT

3.1. Legal

This report is a recommendation of the plan and funding to Council. The approval of the capital funding requirement for affordable housing will result in the funding being included in the Capital Funding Report that will be approved by Full Council.

Money received into the Capital Programme from 106 payments have to be spent as detailed in the 106 Agreement. Failure to spend the money as detailed or within statutory time limits can result in the money having to be repaid to the developer.

By allocating these funds for the provision of affordable housing within the relevant time scales reduces the risk of developers seeking to reclaim the money paid.

3.2. Financial

Capital financing for this proposed affordable housing programme is currently available from unallocated Section 106 contributions and from capital grants, subject to Council's approval at the meeting on 5 March. Given the pressures on the Council's resources, the financial risk is assessed as high.

4 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.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

Date	Description	Location
2019	Community and Environment Committee 26 June 2019, Affordable Housing Development Programme	Head of Housing
2018	Community and Environment Committee 12 July 2018, Affordable Housing Development Programme	Head of Housing
2017	Community and Environment Committee 15 June 2017, Affordable Housing Development Programme	Head of Housing
2015	Community Committee 9 April 2015, Affordable Housing Development Programme	Head of Housing

Appendix 1

Scheme design standards

SUDs approach to drainage design

The drainage strategy to be implemented on this development will successfully incorporate a wide range of sustainable drainage features including swales, permeable paving, perforated land drains, balancing pond and a surface water outfall into an existing land drainage ditch. Reducing the overall areas of hard standings provided on the site allows more area of soft landscaping to be incorporated into the development.

By utilising SUDs on this development, we have also benefited from the aesthetic enhancements these features offer. We have included not only below ground drainage but also above ground features i.e swales/balancing ponds. These additions, as well as providing much need attenuation (storage of surface water during storm events) also helps the encouragement of existing and new wildlife by creating a bio-diverse environment using aquatic ecosystems within the amenity space provided on the site.

The landscape and planting proposal

The design objectives are:

- To integrate the proposed development and associated infrastructure into the existing landscape, minimising the impact on surrounding areas using tree, shrub and hedgerow planting.
- Protecting valuable existing landscape features where possible and introducing new habitat types such as hedgerows and meadow grass. Existing trees and hedgerows will be retained and protected where possible to provide valuable mature landscape features.
- Creating and reinforcing wildlife corridors through the site will assist to maintain existing bat commuting corridors and enable other wildlife to connect with existing green infrastructure, ensuring the site will be a positive benefit to the environment.
- To plant additional trees around the site and set the development within the landscape. Species will be selected that increase food provision and potential roosting sites for birds. In addition, trees will increase the potential for linear foraging routes for bats and increase the value of the site by providing plant species that will encourage insects. Trees will also assist in the mitigating the effects of potential climate change and help to mitigate flooding.
- Existing hedgerow/tree groups along all boundaries will be retained and any gaps will be filled with locally native species. New tree and shrub planting along the site boundary will not only help to visually mitigate the development but also provide additional bio-diversity benefits.
- Tree planting will be added across the site. Where practical native only species will be used. The trees will not only mitigate the effects of the development and improve the visual amenity of the area they will provide considerable habitat and improve the appearance of the site. Trees will be planted to reinforce the existing avenues through the site.

- To create privacy and seclusion for individual plots as well as providing a pleasant and attractive environment. Species will be included that will be attractive to insects and birds as well as providing all year round colour and interest. Boundary hedges will be a mix of native and ornamental species as appropriate.

Timberframe and energy performance

All of the houses are to be constructed from a timberframe form of construction. The materials are sourced from sustainable sources and will hold the PEFC or FSC certification. A key advantage of utilising this form of construction in terms of sustainability is not only that the raw materials are sustainably sourced, but also that the other method of masonry blockwork with materials quarried from the ground has been eliminated. Timberframe is also a faster form of construction which means that emissions from running a construction site are shortened.

In addition to this, it is widely acknowledged that processing of the timberframe systems in the factory uses far less energy than the production of the blockwork alternatives. Waste which is generated from the timberframe process is also far easier to recycle (and is often used in wood burning facilities to heat the factory).

The timberframe construction is also more thermally efficient. There are many forms of insulation that can be adopted with this method, whereas with the traditional method of masonry construction, only the cavity within the wall thickness offers this solution. As well as having the option to increase insulation levels to meet and/or exceed the requirements of Building Regulations, the membranes which are integral to the performance of the system offer much greater reduction in air leakage. Air leakage is one of the largest areas of heat loss within a house and adopting this construction method will ensure that running costs for the end users are kept to a minimum.

Locally sourcing

As part of our Environmental Policy, we encourage and monitor the use of locally sourced labour, materials and subcontractors. We also request that appointed subcontractors do the same. The advantages of this are;

- Consistency of supply
- Reduction in non-operative days
- Materials which meet the expectations of the LPA
- Reduction in carbon emissions
- Potential reduction in cost

For example, a large proportion of the site shall incorporate a stone façade. It is intended that this material would be sourced from the Birchover Stone quarry.

Where possible and working alongside our partner subcontract trades, we can offer trainee/apprentice places from suitable local further education centres for sub-trades such as general labourers, groundworkers, bricklayers and joiners/carpenters.

Appendix 2

Capital Programme Scoring Matrix

BUSINESS CASE PRIORITISATION SCORE SHEET					
Project Name:		Affordable Housing Programme			
Project Sponsor:		Robert Cogings			
Project Manager:		Isabel Cogings			
Date:		20th Jan 2020			
Brief Scheme Description:		District Council Capital Funding investment to secure the delivery of affordable housing			
Ref	Criteria	Considerations	Points Available	Score	Justify your score Refer to the Considerations shown on the left
Strategic					
1	Urgency of investment in order to meet statutory obligations (e.g. Disability Discrimination Act, Health & Safety, Security)	If there an urgency to invest in this project order to meet statutory obligations (e.g. Disability Discrimination Act, Health & Safety, Security), describe the circumstances.	Pass		The District Council has a legal power to deliver affordable housing .
Risk Management/ Continuity of Service					
2	Potential to generate income?	The level of income expected to be generated. Is it annual or one-off? Will it exceed the costs of the project?	Up to 15	5.0	Bringing homes back in to use can generate new homes bonus
3	Meets Corporate Priorities or Has Potential to Generate Income	Which corporate priority does this project meet? What is the potential for income generation?	Up to 15	15.0	Supports the provision of affordable homes and, in the process, it also supports the local economy by the use of local workers, building materials, and the use of shops and services.
3	Reputational & Political Risk	Describe the potential reputational & political risks if this project does not go ahead.	Up to 15	13.0	Insufficient provision of affordable housing to meet local need would risk damaging the Council's reputation and pose a political risk, as local residents, some of whom will be vulnerable, potentially struggle to find suitable accommodation to meet their needs and those of their families.
4	Level of Complaints	If significant, describe the current level of complaints relating to this project area? Is that likely to increase if this project does not go ahead?	Up to 5	2.0	The District Council's role is to enable the provision of affordable housing in the District to meet local needs. There is the potential for complaints from people inadequately housed or unable to access the housing ladder and due to the District Council potentially being unable to meet its obligations under the Prevention of Homelessness Act due to a lack of affordable housing.
5	Commitments to other organisations	Provide details of any commitment hat has been given to another organisation in respect of delivering this project?	Up to 10	7.0	Housing associations and other development partners such Community Land Trusts and almshouses are dependent on District Council funding to make their affordable housing development proposals financially viable, Homes England grant rates being insufficient. District Council funding provides development partners with the confidence to invest here rather than in other areas.
6	Capacity to Deliver	Describe the capacity to deliver, especially in terms of financing. Will the project be (part) funded by grants, Section 106 / CIL or a specific capital receipt? Is it likely be approved for financing from the Investment Fund?	Up to 20	14.0	Unallocated funding in the Capital Programme from the sale of Right to Buy receipts and s106 monies for affordable housing stands at over £3,000,000. Some of the capital grants have already been allocated previously. The District Council's Housing Team has significant housing development knowledge and Altair consultancy is also assisting with proposals to develop on Council owned land.

COMMUNITY AND ENVIRONMENT COMMITTEE
19TH FEBRUARY 2019

Report of the Head of Housing

HURST FARM SOCIAL CLUB LOAN

PURPOSE OF REPORT

This report sets out the progress with the Hurst Farm Regeneration Project and specifically the Hurst Farm Social Club. The Social Club is working towards a significant improvement programme of works to secure the future of the building. The report seeks to approve a £110,000 interest free loan be made available to enable the improvement project to take place.

RECOMMENDATION

That the provision of a £110,000 interest free loan to facilitate the refurbishment of the Hurst Farm Social Club be noted and referred to Council for approval and inclusion in the capital programme.

WARDS AFFECTED

Matlock St Giles

STRATEGIC LINK

The project links to Priority 3 – Market Towns public realm improvements. The cashflow loan is a critical element in facilitating one of the 3 major funding bids which support the implementation of the Estate Regeneration Master Plan for Hurst Farm.

1 SUMMARY

- 1.1. As previously reported to Committee, the Hurst Farm Regeneration Project is gathering pace with several grant awards and investment programmes starting to come to fruition. The most important community asset on Hurst Farm is the Social Club. The redevelopment of the Social Club forms a central part of the regeneration plans for the Hurst Farm project which the Council have spearheaded over the past two and half years. The Social Club project has been in development since June 2019 and is supported by a professional team of architects, quantity surveyor and funding / business planning consultant.
- 1.2. The Social Club was built in the 1950s and was transferred on a 200 year lease to the community. A Community Interest Company now run the Social Club and there is a new energy and desire to secure the future of the building through extensive improvements. To date the Hurst Farm Social Club Community Interest Company have made good progress in delivering an open and accessible community venue on the estate and in acknowledgement of this have been awarded;
 - £7,000 by Derbyshire County Council towards the costs of urgent repairs to the building (one of only 6 projects funded out of 84 applications made);
 - Just under £40,000 from the Co-op Foundation to pilot and test a range of community activities on site, including café and youth activities, prior to the capital

redevelopment project. The latter grant was one of only around 8 awarded nationally, showing the strength of the project.

- 1.3. As part of the original application in 2016 by the District Council to the Ministry of Housing and Local Government for the regeneration programme, funding was secured to undertake a condition survey of the social club land and building. The survey revealed that substantial improvements were required to secure the future of the building and provide a community space for the residents of Hurst Farm and Matlock. Community consultation took place concerning the preferred route to follow and residents chose to retain the existing building, undertake repairs and extend and develop the building.

2 REPORT

- 2.1. The project has now reached RIBA Stage 3 and a cost plan has been produced by the project quantity surveyor totalling just over £515,000 ex VAT. Planning Permission for the improvements was granted on the 4th February 2020. A fundraising plan, set out in Appendix 2, has identified a total potential funding pot of around £585,000, including grants and a loan from an ethical bank. This gives some contingency to the fundraising programme allowing some applications to be unsuccessful. However, the business planning process has also identified that the majority of grants are paid in arrears on receipt of evidence of expenditure. Furthermore, the £515,000 construction costs will incur VAT of nearly £104,000 which will need to be paid out before being reclaimed from HMRC.
- 2.3 Whilst Hurst Farm Social Club has made great progress in growing as an organisation, as a relatively new entity, the CIC does not have the reserves to cash flow these costs up front and, therefore, it is seeking an interest free cash flow loan of up to £110,000 from the District Council to support the delivery of the new vision for Hurst Farm. This loan would be repaid on receipt of grant claims from funders in arrears and repayment of VAT from HMRC as set out in the financial summary below.
- 2.4 The project timescale has been revised recently as unfortunately, the CIC's initial bid to the Power to Change was unsuccessful (the fund receives around 250 applications to each round and is able to fund only around 17). However, the Hurst Farm Social Club remain committed to the project and, to this end, are planning to resubmit their bid in May 2020. They have plans in place to address the feedback provided by Power to Change, between now and then, strengthening the bid for a re-application. Following a very positive meeting with Sport England in December 2019, the second major project funder, £100,000 has been allocated by Sport England. The project architect is considering further options for phasing the project should the full funding package not be obtained in one go.
- 2.5 The District Council's powers to lend to community groups to stimulate economic growth has been confirmed in the Corporate Investments Strategy for 2019/20 by the Council's Head of Resources, with an upper limit of £500,000. The project is therefore allowable by the Council's own criteria, though delegated authority and a capital programme bid would still be required. The Council's support for the project in the form of an interest free cash flow loan is critical in unlocking the capital investment and enabling the project to go ahead.
- 2.6 The project will be overseen by the Hurst Farm Estate Regeneration Manager who will work with the appointed architect, quantity surveyor, business advisor and Hurst Farm

Social Club to ensure invoices are paid to contractors and grant claims are submitted to funders in a timely way to maintain the project cash flow and ensure repayment of the cash flow loan to the Council within the above timescales. The Capital Programme scoring matrix is set out in Appendix 1.

- 2.7 Derbyshire Dales CVS and the Council are currently working with Hurst Farm Social Club to further strengthen governance and develop the skills of the Board of Directors. The board development programme is an ongoing part of the Hurst Farm regeneration programme.
- 2.8 Officers have been mindful to incorporate building features which reduce CO2 emissions within the design. Implementing these features has proved problematic because the major funding agencies do not necessarily prioritise climate change in their schemes. The approved design includes the potential to add solar panels, a green roof and rainwater harvesting should funding become available in the future.

3 RISK ASSESSMENT

3.1. Legal

The Council has a specific power to invest under section 12 of the Local Government Act 2003. The act does not define what invest means and the general definition is to provide profit/financial gain or benefit.

Even though the loan does not provide a financial gain directly with interest payments, it does have various other benefits both to the community and potential financial benefits to the Council. The loan will secure the site and provide improvements to the building, which the Council is currently the freehold owner. The improvements to the building could encourage further investment in the area and improve living standards. Also the provision of community services could result in a reduction in demand on Council Services and support. This is further supported by the Corporate Investments Strategy for 2019/20.

Therefore the Council does have the power to invest in an interest free loan. The loan however would be subject to agreeing a funding arrangement that secured the return of the loan.

3.2. Financial

The District Council's Corporate Investments Strategy for 2019/20 includes service loans. The Authority has powers to lend money to any subsidiaries, its suppliers, business partners, parish and town councils, local charities, housing associations, its employees and to community groups to support local public services and stimulate local economic growth. For loans to community groups, there is an upper limit of £500,000. The proposed loan is for up to £110,000. The project is therefore allowable by Council's own criteria, though delegated authority and a capital programme bid would still be required. The Council's support for the project in the form of an interest free cash flow loan is critical in unlocking the capital investment and enabling the project to go ahead.

Accounting standards require the Authority to set aside loss allowance for loans, reflecting the likelihood of non-payment. Should the Authority decide to make such a service investment in 2019/20, the figures for loans in the Authority's statement of accounts from 2019/20 onwards will be shown net of this loss allowance.

With regard to the loan being interest free, the estimated cost of the investment income foregone is £244.

While a funding arrangement will be required, the community group is not thought to have significant assets that could be used as security for a loan. However, the Authority will make every reasonable effort to collect the full sum lent and has appropriate credit control arrangements in place to recover overdue repayments.

The financial risk has, therefore, been assessed as high.

4 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.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

Hurst Farm Regeneration Bid, Community and Environment Committee 15th
March 2017

Hurst Farm Regeneration Project, Community and Environment Committee 15th
November 2018

7 ATTACHMENTS

Appendix 1 – Capital Programme Scoring Matrix

Appendix 2 – Funding Plan

Appendix 1

Capital Programme Scoring Matrix

BUSINESS CASE PRIORITISATION SCORE SHEET					
Project Name:		Hurst Farm Social Club			
Project Sponsor:		Robert Cogins			
Project Manager:					
Date:		20th Jan 2020			
Brief Scheme Description:		Hurst Farm Social Club - interest free loan of £110,000 to support the cash flow of the improvement works			
Ref	Criteria	Considerations	Points Available	Score	Justify your score Refer to the Considerations shown on the left
Strategic					
1	Urgency of investment in order to meet statutory obligations (e.g. Disability Discrimination Act, Health & Safety, Security)	If there an urgency to invest in this project order to meet statutory obligations (e.g. Disability Discrimination Act, Health & Safety, Security), describe the circumstances.	Pass		The building is in a poor state of repair and is the cornerstone community asset for the regeneration project
Risk Management/ Continuity of Service					
2	Potential to generate income?	The level of income expected to be generated. Is it annual or one -off? Will it exceed the costs of the project?	Up to 15	10.0	Improving the building will help generate income for the Social club, which will help maintain the improved building and support wider community objectives
3	Meets Corporate Priorities or Has Potential to Generate Income	Which corporate priority does this project meet? What is the potential for income generation?	Up to 15	15.0	Supporting and regenerating market towns is a corporate priority
3	Reputational & Political Risk	Describe the potential reputational & political risks if this project does not go ahead.	Up to 15	13.0	The Council has been supporting the regeneration project for several years. If the building was not improved, this could lead to a decline in the standing of the project and affect community involvement. The reputation of the Council could be tarnished if the building was allowed to decline further.
4	Level of Complaints	If significant, describe the current level of complaints relating to this project area? Is that likely to increase if this project does not go ahead?	Up to 5	2.0	There have not been any complaints about the building itself, but the potential for complaints remains. The current building is not attractive and further decline could lead to complaints from neighbouring properties
5	Commitments to other organisations	Provide details of any commitment that has been given to another organisation in respect of delivering this project?	Up to 10	7.0	The Council has made commitments to the Hurst Farm Social Club and the wider regeneration project concerning the improvement of the social club
6	Capacity to Deliver	Describe the capacity to deliver, especially in terms of financing. Will the project be (part) funded by grants, Section 106 / CIL or a specific capital receipt? Is it likely be approved for financing from the Investment Fund?	Up to 20	14.0	There is a strong partnership with support from an architect, quantity surveyor and business planning consultant taking the project forward. External grants have already been secured from Sport England (£100,000).
7	Critical Deadline	Provide details of any critical deadline. Specify the risks (such as business interruption) and hazards (such as loss of income) that will be caused by any delay.	Up to 20	15.0	There are no current critical deadlines but if approved, the Council's support will have a major impact on the likelihood of other funding agencies investing in the project.
Total				76.0	

Appendix 2 Funding Plan

Months:	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	TOTAL
Capital costs:												
Phased in six equal payments	85,907	85,907	85,907	85,907	85,907	85,907						515,445
VAT	17,181	17,181	17,181	17,181	17,181	17,181						103,089
Repayment of DDDC cashflow loan							90,000				20,000	110,000
TOTAL	103,089	103,089	103,089	103,089	103,089	103,089	90,000	0	0	0	20,000	728,534
Income:												
HFSC Reserves	5,000											5,000
Power to Change	63,174		63,174	63,174		63,174						252,696
Sport England		18,000	18,000	18,000	18,000	18,000	10,000					100,000
Trusthouse							30,000					30,000
Clothworkers	3,920		3,920		3,920	3,920						15,682
Awards for All	9,500											9,500
Triodos loan*	102,567											102,567
Cashflow loan from DDDC		5,000	20,000		70,000	15,000						110,000
Repayment of VAT from HMRC				34,363			51,544			17,181		103,089
TOTAL	184,161	23,000	105,094	115,537	91,920	100,094	91,544	0	0	17,181	0	728,534
Income minus expenditure	81,072	-80,089	2,006	12,448	11,168	-2,994	1,544	0	0	17,181	-20,000	
Cashflow	81,072	983	2,989	15,437	4,269	1,274	2,819	2,819	2,819	20,000	0	

Triodos have offered a loan of up to £150k, however, as there are interest payments to meet on this, the CIC has sought to minimise the amount of loan in favour of grants. This does mean that there is around £75k contingency in the capital funding to allow for some grants to be unsuccessful. The Triodos loan is not considered suitable for short-term cashflow needs as it is offered on a 20-year fixed term repayment basis.

COMMUNITY AND ENVIRONMENT
19TH FEBRUARY 2020

Report of the Head of Housing

BUILDING NEW COUNCIL HOUSING

SUMMARY

This report builds on previous reports to the Commercial Board and sets out a business case for potential investment in a modest programme of new Council housing. The initiative is designed to yield an ongoing rental stream and provide good quality social housing, whilst minimising risk to the Council. Management and maintenance services would be delivered by a third party such as housing associations or private agents.

RECOMMENDATION

1. That a report be taken to full Council to seek the following;
 - 1.2 That Council be requested to endorse the principle of providing Council housing
 - 1.3 Approval for the District Council to undertake a tender exercise for a development and management agent,
 - 1.4 Delegated authority is given to the Head of Housing to make applications to register Derbyshire Dales DC with Homes England and the Regulator of Social Housing.
 - 1.5 The Community and Environment Committee receive a future report detailing the outcome of the tender process

WARDS AFFECTED

All

STRATEGIC LINK

Delivering council homes to local people will help to meet housing need in the district and generate rental income to support the Council's wider strategic objectives.

1 BACKGROUND

- 1.1 The Community Housing Team made a successful bid to The Local Government Association Housing Advisers Programme 2018/19 for a grant of £14,000. This funding was used to appoint consultants through the Local Government Association in order establish the feasibility of developing a modest programme of council housing.

- 1.2 The Local Government Association appointed Altair, an experienced housing consultancy, and work began on the project. The Commercial Board received two reports on progress with the development of the business plan in March 2019 and November 2019. The business plan is based on several principles including minimising risk and providing social housing tenancies. Housing development is not a risk-free undertaking and whilst there are different tenures and housing designs that could be adopted, getting the basics right first, is vital to guarantee a longer-term sustainable plan. Altair recommended a relatively low risk approach – both in legal and financial terms - to reflect the resource levels available and the Council's limited experience of building new homes to date. This is reflective of other Local Authority areas where housing stock has been transferred out of Council ownership in the past.
- 1.3 The Council has a key corporate priority to identify and deliver new affordable housing sites and improve housing for vulnerable people (Corporate Plan 2015-2019). Following confirmation of support for the direct delivery of new Council homes at previous Commercial Board meetings, this report outlines the refined business case and the project programme for appointment of a development and managing agent for the new homes.
- 1.4 The initial proposal would involve the Council identifying, developing and owning 52 Council homes for affordable rent (rents capped at Local Housing Allowance (LHA) levels) and shared ownership. The first phase (2020/21) would potentially deliver 7 units, with the full programme reaching 52 homes. These properties would sit outside the thresholds of a Housing Revenue Account, which currently stands at 200 homes.
- 1.5 Initially, it is proposed to fund schemes from s106 income and Right to Buy (RTB) receipts, combined with Homes England (HE) grant and sales receipts (from first tranche shared ownership sales) as appropriate. Borrowing additional capital could supplement / speed up the delivery of the programme further if required and supported by a future business case. Such borrowing would be subject to further Council approval.
- 1.6 Altair have been supporting the Council with a number of activities in delivering the new Council homes including:
 - Review of the initial business plan
 - Support to produce a specification and tender documents for a development agent and a managing agent for the affordable homes
 - Procurement advice relating to a development agent and managing agent
 - Registration with Homes England and the Regulator of Social Housing as a registered provider and investment partner

2 BUILDING AND MANAGING THE HOMES

- 2.1 It is proposed that the Council will be the client and procure property development services from local housing associations or from private practice. This is a common approach to development, with larger housing associations providing development management for smaller associations and councils. Larger housing associations have the in-house skills and capabilities to deliver not just their own housing programmes but those of others. The development service they provide brings income to the association and strengthens their partnership with local authorities.
- 2.2 Typically, a fee is charged per unit, payable 50% start on site and 50% on completion of the development. For a home delivered through the s106 process the fee would be between £1000 and £2000, while a home built for the Council outside the s106 process, the fee would be between £2000 and £3000 per home. The development service typically covers all aspects of the development process including site finding, acquisition and planning, financial modelling, consent to applying for Homes England (HE) grant, procuring tenders, management of the build contract, quality control, HE grant claims and handover of completed units.
- 2.3 As well as the development of the new homes, it is proposed that the Council seeks to procure a provider of housing management and maintenance services for the new homes. Under this model, once the homes are completed, the Council will allocate tenants (who will have tenancies with DDDC) to the properties, with tenancy management services and maintenance delivered by the managing agent. In effect, all day to day operations relating to the homes will be carried out by the Council's contractor.
- 2.4 The specifications for the Development Agent and Managing Agent are attached at Appendix 1 and 2. Contained within these specifications is a performance management framework designed to reflect the scale of the contract, utilising the contractor's existing performance systems rather than creating new systems. This will help to keep costs to a minimum and attract prospective bidders. The specifications will form part of the contract documentation to be signed by the Council and its chosen supplier following the tender exercise.
- 2.5 The specifications include key services to be provided by the supplier. These include a preference for use of local businesses and ensuring pre-application meetings with Development Management (where applicable) as part of the development agent service. Within the Management Agent specification there is, for example, requirements for excellent customer services including tenancy management and dealing with anti-social behaviour.
- 2.6 The specifications have been developed with the support of the Council's consultants and using examples from other local authorities. It is however important to undertake soft market testing with potential providers in order to ensure the specifications are deliverable and within the cost assumptions built in to the business plan. Officers will be meeting with prospective bidders during

February and March 2020 and will update the specifications prior to the full Council meeting in April.

- 2.7 The programme for procurement of a Development and Managing Agent is set out in para 4.2 below. This targets a Development and Management Agent on board and ready to support the Council by September 2020 with the first homes potentially handing over in November 2020. The intention is a single contract will be used to procure both services under a single provider (although partnerships bids could be acceptable).

3 UPDATED BUSINESS PLAN

- 3.1 It is intended the business plan will be updated annually as schemes come through the programme and forecasts can be updated. It is also intended that quarterly reporting will take place on new projects or opportunities.

- 3.2 The business plan has evolved over time and been updated to factor in several changes since the original business plan including:

- A property bequeathed to the Council and 7 new homes for affordable rent secured for £7;
- An additional £10,000 of expenditure on Empty Homes and homes delivered on Derbyshire Dales sites to deliver energy saving initiatives that respond to the climate emergency with the level and type of intervention determined on a project by project basis;
- The first homes due to complete and handover to the Council in November 2020;
- Revised timings of delivery and size of potential projects.

- 3.3 The latest programme of development, following a further review of the programme to date includes:

Type	Affordable Rent	Shared Ownership	Other Rent	Total
Empty Homes	8	0	1	9
s106 Schemes	29	6	0	35
DDDC Led Schemes	6	2	0	8
Total	43	8	1	52

- 3.4 Altair and the Council have assessed the updated delivery profile of the programme and anticipate the following schemes coming forward. The completion year is in brackets. It is likely this profile will change over time as some opportunities come to fruition whilst others experience delays e.g. where the owner of a S106 scheme sells or delays starting on site. The programme also reflects the size of the Council's available funding, as S106 funds are received, and assumes the purchase of small groups of properties rather than investing in one or two large sites.

	Scheme Name	Unit Details			
		Affordable Rent	Shared Ownership	Other Rent	Total
1	Ph1 Bequest Home (19/20)	0	0	1	1
2	Ph1 S106 (20/21)	7	0	0	7
3	Ph2 DDDC site 1 (21/22)	4	0	0	4
4	Ph2 DDDC site 2 (21/22)	0	2	0	2
5	Ph2 Empty Homes (21/22)	2	0	0	2
6	Ph3 Darley Dale s106 (22/23)	8	0	0	8
7	Ph3 Empty Homes (22/23)	2	0	0	2
8	Ph4 DDDC site 3 (23/24)	2	0	0	2
9	Ph4 s106 (AR&SO) (23/24)	2	2	0	4
10	Ph5 Empty Homes (24/25)	2	0	0	2
11	Ph5 s106 (AR&SO) (24/25)	2	2	0	4
12	Ph6 s106 (AR&SO) (25/26)	4	2	0	6
13	Ph6 Empty Homes (25/26)	2	0	0	2
14	Ph7 s106 (AR) (26/27)	6	0	0	6
Total		43	8	1	52

3.5 There are some resource implications for the Council to consider:

- The assumptions in the financial appraisal are based on the use of S106 income and grant from Homes England. The pace of delivery will be governed by the availability of grant and/or the Council's desire to borrow from the Public Works Loans Board (PWLB).
- Some services, such as Housing, Estates, Procurement, Legal and Finance, will need to provide support to the programme.

3.6 During the course of 2019, the Council has been approached by a solicitor acting for the estate of a former resident. The Council has been bequeathed a house in the district and capital funding (approx. £100,000) which will help to support the proposed development programme, ideally in the same village as the existing home. The intention is to fulfil the wishes of the will and formally recognise the contribution made.

3.7 Delivering its own homes will mean that the Council can specify and deliver exactly what is required to meet local need and to a standard that fully supports vulnerable households. This will include using the £10,000 per home (empty homes and DDDC direct delivery only) for energy saving measures such as inclusion of photovoltaics, fabric enhancements (i.e. fabric first building), reducing water usage to the properties with the aim of exceeding building regulation minimum requirements for energy efficiency and carbon savings or an improved EPC rating for the property through retrofit of empty homes.

3.8 In addition, the indicative development programme is estimated to generate a Net Present Value (NPV) to the Council of £821,000 based on an outline total cost of £5.95m. Year 1 rental yields across the programme range from 3.5% for empty home purchase and repair schemes to 71.0% for the 7 s106 homes for £7. This equates to an additional net revenue stream for the Council of circa £200,000 per annum (assuming all 52 homes are developed and based on the key development assumptions set out in the detailed business case). Over the

medium to longer term, up to 200 homes could be delivered (without the need to establish a Housing Revenue Account) providing a new and substantial revenue stream to the Council. Given the size of the programme, this will be monitored on an on-going basis against government policy and other Councils.

4 NEXT STEPS

4.1 Altair and the Council have produced an initial programme for delivering the next phase of the project up until appointment of the development and managing agent in readiness for handover of the first homes, planned for November 2020.

4.2 Several of the key dates are highlighted below:

- 30th April 2020 – Full Council report on tender and delegated authority to register with Homes England and the Regulator of Social Housing
- w/c 4th May 2020 – issue tender for managing and development agent
- 1st May 2020 – register with Homes England and RSH
- w/c 22nd June 2020 – confirm successful tenders
- w/c 30th July 2020 – report to full Council
- w/c 10th August 2020 – appoint managing and development agent

4.3 Another key task is registering as a Registered Provider (RP) with the Regulator for Social Housing (RSH). The RSH have confirmed a local authority must notify the regulator when they provide or intend to provide social housing. (Councils are automatically registered). Once notified the RSH will issue a certificate and confirm when the Council has been placed on the register. This will place some regulatory requirements on the Council. Although this is only the RSH consumer and rent standards that are applicable to Councils who are Registered Providers. The Consumer and Rent standards relate to risks to tenants e.g. health and safety. The Council will ensure through the management agreement that these standards are complied with. The rent standard is the level at which rents can be set at and how they should be set.

4.4 In addition, the Council will have to sign up as an Investment Partner with Homes England (either direct or via an existing consortium of housing providers) to access grant funding.

5 RISK ASSESSMENT

5.1 Legal

Local authorities have statutory powers to develop housing to meet housing need in their area. The two main powers available are Section 9 of the Housing Act 1985 (relating to general housing need) and Part VII of the Housing Act 1996 (relating to temporary homelessness).

The provision of housing through properties owned by the Council provides a low risk to the Council as long as the successful tendered is a competent landlord with clear knowledge of how to manage social housing tenancies.

The tender will have to comply with the requirements of the Council's Contract Standing Orders.

5.2 Financial

The business case will continue to be developed further; the financial risks will be identified and assessed and included in a future report to the Commercial Board. The financial risk of this report is assessed as low.

6 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.

7 CONTACT INFORMATION

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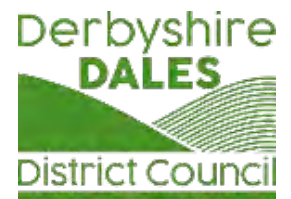
8 BACKGROUND PAPERS

Commercial Board Reports as follows

- November 2019
- March 2019

9 ATTACHMENTS

Appendix 1: Development Agent Specification
Appendix 2: Managing Agent Specification



Derbyshire Dales District Council

Development Agent Specification

Council Housebuilding Programme

XXXX 2020

Derbyshire Dales District Council, Town Hall, Bank Rd, Matlock DE4 3NN

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DRAFT

1 | Introduction

1.1. Derbyshire Dales District Council

- 1.1.1. Derbyshire Dales District Council (DDDC) are initiating a modest council housebuilding programme. This is to be a phased programme that will deliver 52 homes for affordable rent (rent capped at Local Housing Allowance levels) and shared ownership. It is likely that subject to funding, further phases will also be commissioned through this contract
- 1.1.2. Whilst the initial programme is phased over 5 years, it could take place over a shorter time period, depending on opportunities and funding. The Council wish to appoint a Development Agent for a period of 10 years. The first phase (2020/2021) will potentially deliver 7 units. The homes across the programme will be delivered through a mixture of means: new build construction, S106 units and empty home renovation. All the homes will be built with features enabling strong energy efficiency, responding to the DDDC's declaration of a climate emergency.
- 1.1.3. The housebuilding programme will be funded by monies from S106 income, Right to Buy (RTB) receipts, combined with Homes England (HE) grant and sales receipts, from first tranche shared ownership sales, as appropriate.
- 1.1.4. Strategically, this programme aims to deliver council homes to local people which will help meet housing need in the district and generate rental income to support the Council's wider strategic objective.

1.2. Services Required

- 1.2.1. For this program, DDDC is seeking the services of a third party to operate as a development agent for their housebuilding programme. This specification sets out in detail the services required during the following stages of the development programme's phases:
 - Stage 1: Land and Property Acquisition
 - Stage 2: Scheme Design and Planning Permission
 - Stage 3: Tendering
 - Stage 4: Building Contract / Onsite
 - Stage 5: Bid (if appropriate)
 - Stage 6: Audit Compliance
- 1.2.2. As the programme is phased, these stages will all occur multiple times throughout the contract, occurring each time a new phase is initiated. There is significant possibility, if there are programme delays or overruns, that multiple stages could occur concurrently. Therefore, it is important that the Development Agent has the capacity and resources to undertake multiple stages simultaneously.

2 | Stage 1: Land and Property Acquisition

2.1. Introduction

- 2.1.1. This section sets out the specification of services required from the Development Agent for Land and Property Acquisition.
- 2.1.2. The following sections of this specification describe the key purpose and objectives of the service, as well as processes and activities that need to be undertaken and delivered by the Development Agent. This includes a number of target outcomes and standards expected from the service.

2.2. Purposes and Objectives

2.2.1. These services aim to:

- Identify and purchase suitable site / property and S106 opportunities
- Appoint all the necessary technical and professional sub-consultants
- Brief the sub-consultants and provide guidance on preliminary matters

2.3. Services to be provided

- 2.3.1. The Development Agent will be required to identify, assess and view sites / properties / S106 opportunities where necessary. This will include financial appraisals.
- 2.3.2. Then, the Development Agent will prepare outline proposals for the Council's requirements, report on their feasibility and discuss with the Council and any relevant stakeholders.
- 2.3.3. Once the Council has agreed to acquire certain sites / properties / S106 opportunities, the Development Agent will notify the Council when the purchase has been formalised and obtain signatures to contract and legal agreements from the Council. Where required, the Development Agent will also arrange appointment of solicitors and liaise with the appointed solicitors on the legal matters of the schemes.
- 2.3.4. Specifically, for S106 opportunities, the Development Agent will be required to:
 - Build a relationship with the Developer
 - Organise the handover of the units
 - Ensure the units are in line with the Council's requirements
 - Undertake financial modelling of the units
- 2.3.5. With the Council's approval, the Development Agent will select and appoint an architect, cost consultant and any other necessary specialist advisors for the programme / phase. The Development Agent will obtain evidence of professional indemnity insurance from these appointees.
- 2.3.6. The Development Agent will prepare an outline brief for these sub-consultants.
- 2.3.7. The Development Agent will provide general guidance to sub-consultants and the Council on a variety of issues including (but not limited to):
 - Surveys

- Scheme sketches
- Preliminary costs

2.4. Target Outcomes and Standards

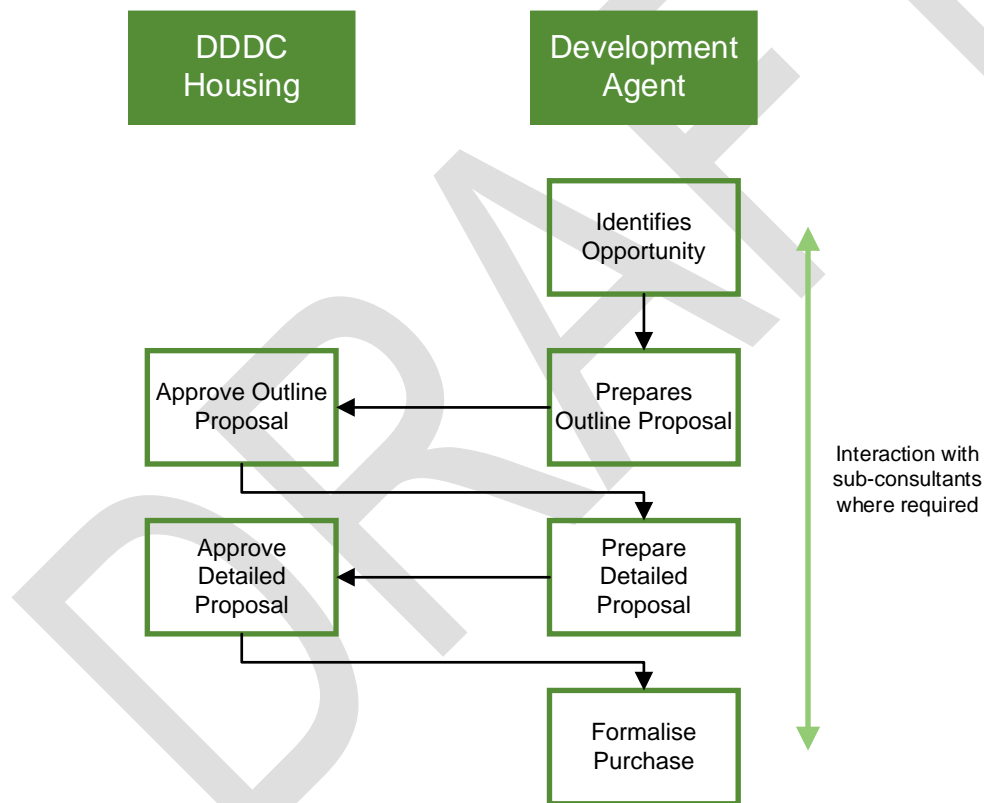
2.4.1. The successful delivery of these services will result in:

- The acquisition of appropriate sites / properties and S106 opportunities
- The appointment of appropriate and well-qualified sub-consultants
- The swift and effective delivery of initial guidance and outline briefs

2.4.2. DDDC wishes that there is an extra effort to attempt to appoint professional and technical appointees from the local economy to support local businesses.

2.5. Key Roles and Responsibilities

2.5.1. The following flow chart provides a brief overview of the responsibilities and roles of both the Development Agent and DDDC Housing for this stage.



3 | Stage 2: Scheme Design and Planning Permission

3.1. Introduction

3.1.1. This section sets out the specification of services required from the Development Agent for Scheme Design and Planning Permission.

3.1.2. The following sections of this specification describe the key purpose and objectives of the service, as well as processes and activities that need to be undertaken and delivered by the Development Agent. This includes a number of target outcomes and standards expected from the service.

3.2. Purposes and Objectives

3.2.1. The aims of these services are to:

- Assist the phases of DDDC's housebuilding program gain full planning permission
- Ensure compliance with CDM and Health and Safety Regulations
- Finalise scheme design

3.3. Services to be provided

3.3.1. The Development Agent must provide advice on the overall design approach.

Namely, whether the new build construction and renovations should be through a design and build route or other suitable form of contract.

3.3.2. The Development Agent will be required to prepare a detailed project brief. This preparation will occur in consultation with DDDC and any relevant sub-contractors.

3.3.3. Alternative layouts and designs will additionally need to be produced and presented to DDDC Housing to assist in the finalisation of site layout and detailed plans.

3.3.4. There will need to be assurances around compliance with CDM Regulations and the production of the Health and Safety file.

3.3.5. The Development Agent will also need to produce design stage financial appraisals and report on these to DDDC Housing.

3.3.6. In terms of planning, the Development Agent will be required to provide the following services:

- Undertake a pre-application process and meet with Council Officer's to discuss the pre-application
- In consultation with DDDC, progress submission for full planning permission and all necessary statutory consents and approvals
- Undertake any planning obligation / S106 exercises
- Submit any alterations to the planning permission, if required
- Attend public consultations and any other scheme specific activities, if necessary

3.3.7. Also, during this stage, the Development Agent should identify whether any external or additional funding is required, beyond that which DDDC have already stipulated.

3.3.8. It should be noted that these services around design and planning will not be required for any S106 properties in the programme. These properties will be acquired after external parties have completed their design, planning and construction.

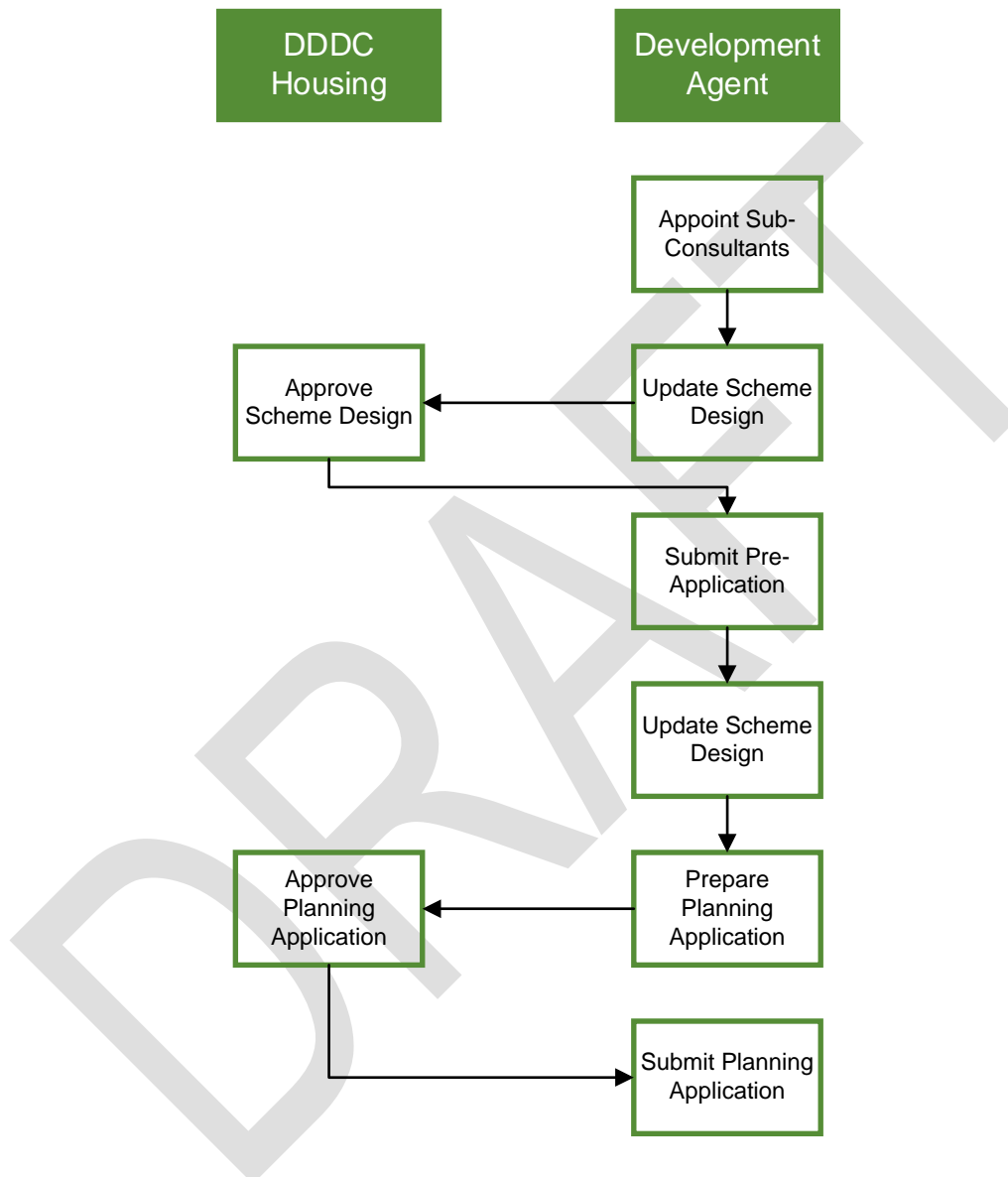
3.4. Target Outcomes and Standards

3.4.1. The outcomes of these services are:

- Full planning permission is obtained in an appropriate timeframe
- The scheme design is finalised to a high quality
- Any requirements for external funding have been identified

3.5. Key Roles and Responsibilities

3.5.1. The following flow chart provides a brief overview of the responsibilities and roles of both the Development Agent and DDDC Housing for this stage. It is important to note that this stage will not be required for all opportunities as some schemes, like S106 opportunities, will already be designed and have planning.



4 | Stage 3: Tendering

4.1. Introduction

- 4.1.1. This section sets out the specification of services required from the Development Agent for Tendering.
- 4.1.2. The following sections of this specification describe the key purpose and objectives of the service, as well as processes and activities that need to be undertaken and delivered by the Development Agent. This includes a number of target outcomes and standards expected from the service.

4.2. Purposes and Objectives

4.2.1. This stage aims to:

- Procure / appoint contractors required for the phases' developments
- Complete any required documentation prior to Start on Site

4.3. Services to be provided

- 4.3.1. A key service the Development Agent will have to provide is the appointment of all professional and technical assistance required to progress the phases in line with relevant procurement policies and DDDC's requirements.
- 4.3.2. The Development Agent and DDDC will discuss what procurement route should be taken for the programme. The Development Agent will provide advice, specifically identifying an EU compliant approach to partnering of competitive tendering.
- 4.3.3. The Development Agent will be required to undertake the following services related to tendering:
 - Support, where necessary, the production of procurement documents
 - Assisting DDDC's in the analysis of tender documents
 - Preparation of Tender Report with conclusions and recommendation
 - Check the successful bidders workload, capacity and insurances
- 4.3.4. It is paramount that these procurement exercises are undertaken with concern and awareness for ensuring value for money and the Council's strategic objectives.
- 4.3.5. The Development Agent will appoint the successful bidders on behalf on DDDC.
- 4.3.6. Once appointed, the Development Agent will negotiate the site start date and programme of work with the sub-contractor.
- 4.3.7. After appointment and prior to Start on Site, the Development Agent will be required to produce pre-start financial appraisals and cashflows for each phase.
- 4.3.8. Additionally, the Development Agent will liaise with DDDC's legal advisors on all aspects of the scheme and arrange for the completion of any required legal documentation prior to Start on Site.
- 4.3.9. Again, it should be noted that these services around tendering will not be required for any S106 properties in the programme. These properties will be acquired after

external parties have completed their design, planning and construction so no tender process will be required to acquire them.

4.4. Target Outcomes and Standards

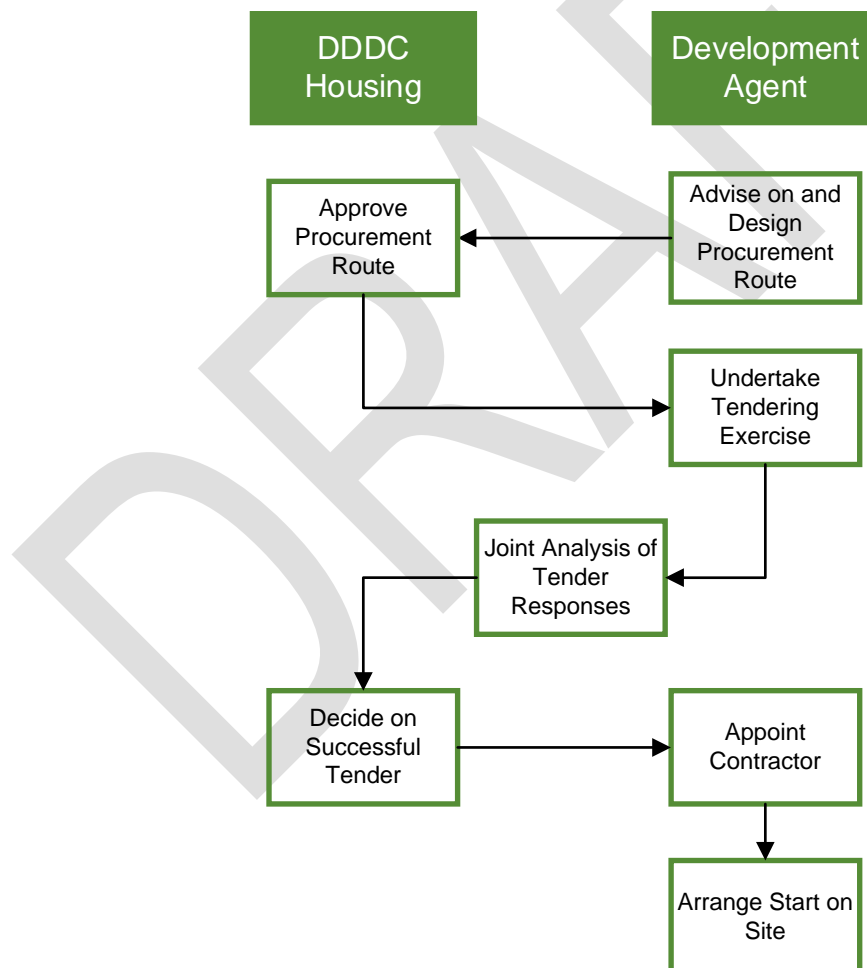
4.4.1. The outcomes and standards of this stage are:

- All appointees are in line with the Council's requirements
- Value for money has been achieved with the appointees
- All documentation and enabling activities for the Start on Site has occurred for the scheme to progress

4.4.2. DDDC wish that extra effort is made to try and procure bidders that are local businesses in order to support the local area.

4.5. Key Roles and Responsibilities

4.5.1. The following flow chart provides a brief overview of the responsibilities and roles of both the Development Agent and DDDC Housing for this stage.



5 | Stage 4: Building Contract / Onsite

5.1. Introduction

- 5.1.1. This section sets out the specification of services required from the Development Agent during the Building Contract / Onsite stage of the DDDC's development programme.
- 5.1.2. The following sections of this specification describe the key purpose and objectives of the service, as well as processes and activities that need to be undertaken and delivered by the Development Agent. This includes a number of target outcomes and standards expected from the service.

5.2. Purposes and Objectives

- 5.2.1. The purposes and objectives of these services are to:
 - Manage the activities of the onsite components of the phases
 - Monitor and report on the activities of the onsite components of the phases
 - Update DDDC on the progress of the scheme

5.3. Services to be provided

- 5.3.1. The Development Agent will be required to undertake the following project management services whilst construction occurs:
 - Attend pre-start meetings
 - Attend site meetings
 - Check and process contract payments
 - Advise the DDDC on any revisions or variations to agreed cost and specification
 - Monitor scheme against agreed milestones and advise DDDC of progress and, if delays occur, swiftly notify DDDC of the length of delay and any cost implications
 - Manage and maintain a live risk register that evolves with the construction
 - Update the DDDC quarterly on the scheme's cash flow
 - Organise design review meetings and provide summaries of these meetings
- 5.3.2. The Development Agent will coordinate the practical completion of the property and ensure that the properties have been scheduled into the Management Agent's systems. The Development Agent will also be required to provide support for any opening events and work with DDDC PR to ensure there is good publicity for the new Council homes.
- 5.3.3. Once each phase is complete, the Development Agent will be required to provide DDDC with a report on the phase and, if required, present this report at relevant Council or Committee meetings.

5.3.4. DDDC anticipate that, given the variety of delivery routes in the housebuilding programme, that the onsite services will differ between S106, empty homes and new build schemes. The Development Agent should be adaptable to these differences and have experience of tackling these different delivery routes.

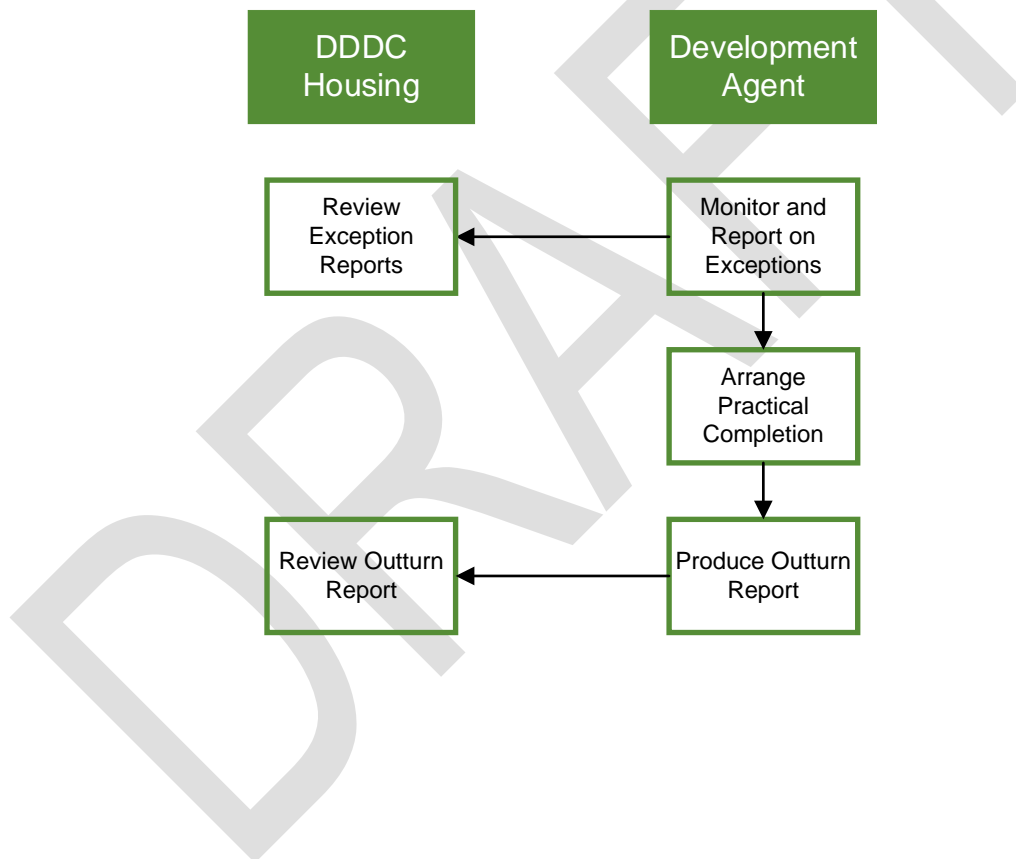
5.4. Target Outcomes and Standards

5.4.1. The outcomes of these services are:

- The onsite activity is well-managed
- DDDC swiftly notified of any significant changes and any minor changes are reported appropriately

5.5. Key Roles and Responsibilities

5.5.1. The following flow chart provides a brief overview of the responsibilities and roles of both the Development Agent and DDDC Housing for this stage.



6 | Stage 5: Bid (if appropriate)

6.1. Introduction

- 6.1.1. This section sets out the specification of services required from the Development Agent for Bidding.
- 6.1.2. The following sections of this specification describe the key purpose and objectives of the service, as well as processes and activities that need to be undertaken and delivered by the Development Agent. This includes a number of target outcomes and standards expected from the service.

6.2. Purposes and Objectives

6.2.1. This stage aims to:

- Successfully bid for Homes England funding, if appropriate and needed for the programme or phase

6.3. Services to be provided

- 6.3.1. If appropriate, the Development Agent will provide advice to the Council on prevailing market conditions and recommend the level of grant to be bid for. Additionally, the Development Agent should provide guidance on the process of submitting a bid to Homes England.
- 6.3.2. If it has been agreed with DDDC that a bid is to be submitted, the following services are required from the Development Agent:
 - Preparation of bid stage information that is submitted to the Council for approval
 - Arrange submission of the bid into the Homes England system
 - Monitor the submission of the bid and respond to any queries by Homes England regarding the bid
 - Inform the Council of the results of the bid submission when informed by Homes England

6.4. Target Outcomes and Standards

6.4.1. These services will ensure:

- A bid to Homes England is approved by the Council
- The process of bidding to Homes England is seamless
- A bid to Homes England is successful

6.5. Key Roles and Responsibilities

- 6.5.1. The flow chart overleaf provides a brief overview of the responsibilities and roles of both the Development Agent and DDDC Housing for this stage.

DDDC
Housing

Development
Agent

Approve Bid

Advise on and
Produce Bid

Submit Bid

Notify of Bid
Decision

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7 | Stage 6: Audit Compliance

7.1. Introduction

- 7.1.1. This section sets out the specification of services required from the Development Agent for Audit Compliance.
- 7.1.2. The following sections of this specification describe the key purpose and objectives of the service, as well as processes and activities that need to be undertaken and delivered by the Development Agent. This includes a number of target outcomes and standards expected from the service.

7.2. Purposes and Objectives

7.2.1. These Audit Compliance services aim to ensure:

- The Council remains informed throughout the programme
- The homes are built to a required standard
- The Council's interests remain primary throughout the programme
- All contractual obligations of external funding are met

7.3. Services to be provided

7.3.1. The following audit compliance services as required of the Development Agent:

- Provide monthly performance reports to the Council that detail:
 - XXX
- Production and maintenance of a detailed audit trail for the developments that is in line with the requirements of DDDC and any external funders
- Ensure schemes meet all required standards
- Ensure schemes meet contractual obligations in line with the requirements of any external funding
- Provision of ongoing management of schemes against milestones agreed with any external funding bodies, for instance Homes England, and provide advice where delays occur
- Coordination of the provision of all certification and approvals required for any external funders

7.3.2. The Development Agent should throughout the project act and progress the phases and the overarching programme in the best interests of the Council.

7.3.3. Throughout the contract, the Development Agent will report to DDDC Housing.

7.3.4. Where required, the Development Agent may be requested to provide training on development matters to DDDC staff.

7.3.5. The Development Agent will ensure the Council's Building Control Service undertakes the Building Control service for the programme

7.4. Target Outcomes and Standards

7.4.1. These services will ensure:

- All homes are built to a high-quality standard as well as containing strong energy efficiency measures
- There is a robust detailed audit trail that covers the entire scope of the programme
- The Council is well-informed throughout the programme
- External funders, where there are delays, are notified promptly and there are assurances that no contractual obligations are being broken

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8 | DDDC's Responsibilities and Performance Management

8.1. DDDC Responsibilities

8.1.1. DDDC's responsibilities are as follows:

- Setting its development appraisal assumptions and informing the company of the approved assumptions.
- Checking and ensuring the development appraisal model is set in accordance with its assumptions.
- Obtaining all necessary internal approvals in order for the development to proceed in a timely manner.
- Putting in place the necessary development finance in order to ensure completion of the development.
- Checking the financial capacity of all suppliers in relation to the development

8.2. Performance Management

8.2.1. DDDC request the following reporting and performance management from the Development Agent:

- XXX

9 | Appendix 1 – Development Pipeline

9.1. DEVELOPMENT PIPELINE to be inserted

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Derbyshire Dales District Council

Management Agent Specification

Council Housebuilding Programme

XXXX 2020

Derbyshire Dales District Council, Town Hall, Bank Rd, Matlock DE4 3NN

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1 | Introduction

1.1. Derbyshire Dales District Council

- 1.1.1. Derbyshire Dales District Council (DDDC) are initiating a modest council housebuilding programme. This is to be a phased programme that will deliver 52 homes for affordable rent (rent capped at Local Housing Allowance levels) and shared ownership.
- 1.1.2. Whilst the initial programme is phased over 5 years, it could take place over a shorter time period, depending on opportunities and funding. The Council wish to appoint a Development Agent for a period of 10 years. The first phase (2020/2021) will potentially deliver 7 units. The homes across the programme will be delivered through a mixture of means: new build construction, S106 units and purchase of empty homes. All the homes will be built with features enabling strong energy efficiency, responding to the DDDC's declaration of a climate emergency. Additionally, a home bequeathed to DDDC will be covered by the services of this management agent specification.
- 1.1.3. The housebuilding programme will be funded by monies from S106 income, Right to Buy (RTB) receipts, combined with Homes England (HE) grant and sales receipts, from first tranche shared ownership sales, as appropriate.
- 1.1.4. Strategically, this programme aims to deliver council homes to local people which will help meet housing need in the district and generate rental income to support the Council's wider strategic objective.

1.2. Services Required

- 1.2.1. DDDC wants to solely act as a landlord and not provide any management services. Therefore, DDDC requires a third party to undertake management services for the Council including those relating to tenancy management and property management. This specification sets out in detail the services required in the following areas:
 - Corporate / General Services
 - Customer services and resident engagement
 - Tenancy management
 - Income management
 - Lettings
 - Assignments, stair-casing and mortgage requests
 - Estate services
 - Responsive repairs
 - Void works
 - Planned maintenance

2 | Corporate / General Services

2.1. Introduction

2.1.1. This section sets out the specification for the corporate services of the Managing Agent for DDDC. Additionally, this section includes general service requirements that also feature in the dedicated service area sections that follow this section.

2.1.2. The Managing Agent throughout the contract will be required to report to DDDC Housing.

2.2. Purposes and Objectives

2.2.1. The purpose of these services are to ensure that:

- DDDC has appropriate financial oversight over the Managing Agent
- The Managing Agent maintains suitable information management systems that are used effectively
- DDDC Housing and DDDC's Cabinet / Committees receive a sufficient level of information that is well managed to maintain oversight

2.3. Services to be provided

2.3.1. The following financial services are required:

- Preparation of an annual budget for all service areas to be signed off by DDDC
- Provision of a periodic budget report of income, expenditure and cash flow
- Arrange for the preparation of draft accounts in anticipation of an examination by an independent accountant
- Preparation of a reserve fund plan relating to cyclical maintenance
- Weekly/monthly payment of invoices
- Provision of advice on block insurance and any other appropriate cover including necessary insurance valuations of the estate by an independent third party

2.3.2. The Managing Agent must adopt their own branding when interacting with staff and will not be required to adopt DDDC branding. DDDC requires this to avoid any confusion; for instance, tenant requests being sent to DDDC rather than the Managing Agent.

2.3.3. The Managing Agent will be required to manage information requirements of the housing management service on their business applications and will be expected to provide the following functionality:

- Customer relationship management
- Case management
- Rent accounting
- Service charge calculation and accounting
- Income collection including:

- Card payments
- Direct debits
- Housing Benefits/Universal Credit
- Income recovery
- Allocations
- Voids management
- Responsive repairs (client side – including appointments)
- Cyclical works
- Servicing and compliance
- Tenancy management
- Anti-Social Behaviour (ASB)
- Domestic violence and harassment
- Resident involvement
- Online services including:
 - Rent payments
 - Setting up DD
 - Rent statements
 - Repairs ordering (including making appointments)
 - Repairs tracking
 - Household details management
 - ASB reporting
 - Resident involvement
- General ledger
- Purchase ledger
- Sales ledger
- Purchase ordering
- Invoice processing
- Cashbook
- Electronic documents and records management
- Interfaces to:
 - DDDC Website
 - Home-Options
- GDPR Compliance

2.3.4. The Managing Agent will need to hold DDDC properties and tenancies as a separate entity within its systems, though in the same way as the Managing Agent holds their own properties.

- 2.3.5. DDDC will define the data required for management purposes, however as a minimum it will require:
- Tenancy details
 - Tenancy agreements
 - Income and expenditure reports
 - Information for preparation of annual accounts
 - KPIs (to be agreed but to include lettings, voids measures, repairs measures, income collection and customer enquiries)
 - Compliance data
- 2.3.6. The Managing Agent will be expected to provide secure transfer of the data in CSV, Excel or XML format at a frequency to be agreed. At completion or termination of the contract the contractor will be required to return all data to DDDC. Information regarding DDDC's tenants and properties must be made available to DDDC on request. Data must be stored and processed in accordance with the General Data Protections Regulations.
- 2.3.7. The Managing Agent will ensure that an appropriate Risk Management Strategy and Risk Register is in place. The Agent and The Organisation will review identified risks as required at the contract monitoring meetings.
- 2.3.8. The Agent shall keep and maintain performance management information as the organisation shall specify and will provide all necessary assistance to enable the company to monitor the Agent's performance and obligations under this agreement.
- 2.3.9. The Managing Agent will be required to keep and maintain performance management information that DDDC and the Managing Agent will agree. It is preferable that KPIs are used that the Managing Agent currently utilises for their existing stock of properties.
- 2.3.10. The Managing Agent will hold quarterly meetings with DDDC to discuss performance and any issues arising. If the desired KPIs are not being achieved, DDDC reserve the right to increase the frequency of these meetings until the issue is resolved.
- 2.3.11. The following services to support the Council's Cabinet are required:
- Attend Cabinet or Committee meetings when required
 - Provide periodic status reports
 - Report on significant tenant communications
 - Keep DDDC informed of status of agreed actions through regular reports
 - Report on risk management, fire and health and safety compliance
 - Carry out an annual self-assessment against the RSH's Regulatory Standards
- 2.3.12. The Managing Agent, if required, must be able to represent DDDC at County Court, arbitration and Tribunals.
- 2.3.13. The Managing Agent may engage with sub-contractors for the delivery of work specified within this specification with the exception of management related activities. Sub-contractor and their employment must meet all the required legislative and

regulatory standards. Additionally, the Managing Agent should primarily seek local sub-contractors to benefit the local area.

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3 | Customer Services and Resident Engagement

3.1. Introduction

3.1.1. This section sets out the specification for the delivery of the Customer Services and Resident Engagement service for DDDC.

3.1.2. The following sections of this specification describe the key purpose and objectives of the service, as well as processes and activities that need to be undertaken and delivered by the Managing Agent. This includes a number of target outcomes and standards expected from the service. It also outlines how these areas of performance need to be monitored and reported on to DDDC so they can be satisfied that the service objectives are being achieved.

3.2. Purposes and Objectives

3.2.1. The purpose of the Customer and Resident Engagement services are to ensure that:

- Residents have access to a responsive customer service
- Residents have the ability to influence services and register complaints
- Residents are kept informed of changes and issues

3.3. Services to be provided

3.3.1. The Managing Agent should set up or have already processes to deal effectively with the full range of tenant enquiries related to their management service. The specific customer service requirements that the DDDC requests are listed below:

- The Managing Agent must ensure that all residents can easily contact the organisation and receive a sensitive, accurate and timely response. This will include:
 - A responsive and customer focussed telephone service, operating between 8:00 and 17:30 Monday to Friday
 - Emergency telephone service which will be answered 24/7
 - A dedicated website containing appropriate customer focussed information on services and performance
 - Ability to respond to tenants through email, phone, text and mail
 - When visiting properties, the Managing Agent's staff should be approachable and friendly, reflecting the needs of tenants
 - A web portal for services including logging home, repair and estate related queries and paying rent and service charges
- The Managing Agent must provide proactive communication about services it offers, issues effecting residents or changes to services. This will include:
 - Online information
 - Producing a periodic newsletter to residents
 - Producing clear written communication in plain English
 - Providing communications in alternative formats, where required

- As far as reasonably practicable, resolve queries at the first point of contact
 - Treat residents with honesty and respect
 - Record customer contact and resolution of enquiries appropriately
- 3.3.2. These specific customer service requirements should be present in all activities where the Managing Agent interacts with the tenant in this specification.
- 3.3.3. The Managing Agent should have or be willing to produce a robust complaints procedure, which includes an escalation procedure which refers escalated complaints to DDDC for investigation. This procedure should seek to:
- Deal with any complaints received from whatever source in a prompt, courteous and efficient manner
 - Keep residents informed of progress at regular stages of the complaints process
 - Keep a written record of all complaints received and of the action taken in relation to such complaints
 - Carry out regular analysis of complaints and their causes to identify trends and common issues
 - Support any issues reported to the Housing Ombudsman
- 3.3.4. Complaints data should be analysed on a quarterly basis to identify causes, trends and common issues. This should inform service improvement work and the findings, in addition to any actions, should be reported to DDDC Housing.
- 3.3.5. The Managing Agent should have or be willing to produce a strong resident engagement policy that contains provisions for the following activities:
- Annual satisfaction surveys
 - Listening to residents' ideas for improvement
 - Record all resident engagement
 - Analysis of feedback to identify trends and common issues
 - Feedback to residents how resident engagement has led to improvements
- 3.3.6. All resident data must be stored in line with data protection standards outlined in GDPR and comply with the relevant frameworks and consumer standards of the RSH.
- 3.4. Target Outcomes and Standards
- 3.4.1. The Managing Agent should provide these services in accordance to the following outcomes and standards:
- Tenants must be easily able to access and contact services
 - The Managing Agent must respond to all tenant communication promptly, friendly and efficiently
 - Tenants must be regularly updated of any changes
 - The Managing Agent must deal with complaints effectively and swiftly, responding to them within the normal timescales of the managing agent.

- Offer multiple opportunities for tenants to feedback on services
- 3.4.2. DDDC also requests that a number of KPIs are used that relate to this service. It is preferable that these KPIs are already in existence and used by the Management Agent for different properties.

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4 | Tenancy Management

4.1. Introduction

- 4.1.1. This section sets out the specification for the delivery of the Tenancy Management service for DDDC.
- 4.1.2. The following sections of this specification describe the key purpose and objectives of the service, as well as processes and activities that need to be undertaken and delivered by the Managing Agent. This includes a number of target outcomes and standards expected from the service. It also outlines how these areas of performance need to be monitored and reported on to DDDC so they can be satisfied that the service objectives are being achieved.

4.2. Purposes and Objectives

- 4.2.1. These Tenancy Management services are specified so:
 - Tenants are both supported in their tenancies and encouraged to be independent
 - Tenants receive swift responses to issues relating to residents' tenancies
 - The possibility of tenancy fraud is minimised
 - Tenants feel safe in their home and neighbourhood

4.3. Services to be provided

- 4.3.1. DDDC's properties will be let on XXX-year fixed term assured tenancy, followed by a XXX-year fixed term assured shorthold. Tenancy inspections will be carried out at XXX weeks, and XXX months into the tenancy, this will include a visual inspection of the property, identifying who is living at the property and identify any vulnerability or safeguarding concerns. The inspections will form part of the decision to issue a further XXX-year assured shorthold tenancy.
- 4.3.2. Additionally, the Managing Agent will carry out annual tenancy inspections and tenancy audits to support the detection of fraud, assurance that tenants are in accordance to DDDC's tenancy agreements and homes are being lawfully occupied.
- 4.3.3. The Managing Agent should keep comprehensive records of these inspections and audits that can be sent to DDDC at their request.
- 4.3.4. The Managing Agent should have comprehensive procedures in place to tackle ASB, hate crime, harassment and nuisance which uses legal and non-legal measures, where appropriate. This procedure should also have provisions to work closely with other stakeholders to provide resolution to these issues. Reasonable non-legal measures should be sought, prior to escalation to legal measures.
- 4.3.5. The Managing Agent will also collaboratively work with local stakeholders to assess the vulnerability of all Tenants and aim to resolve tenancy management issues before taking legal action. This includes communicating and working jointly to safeguard vulnerable Tenants.

4.3.6. The Managing Agent will handle any tenancy management issues, enquiries and disputes with the customer service standards and requirements set out previously. There must be clear communication routes for the reporting of:

- ASB
- Sub-letting
- Abandonment
- Hoarding behaviour

4.3.7. Where there are breaches of tenancy, the Managing Agent should:

- Ensure there is a swift, clear and effective response
- Use all available and appropriate legal sanctions to deal with ASB, using eviction as a last resort where all other measures have been unsuccessful
- Progress enforcement action as required
- Make recommendations to DDDC on relevant legal matters
- Implement recovery procedures to obtain possession of the property, where lawful occupation is not in place

4.3.8. The Managing Agent should maintain robust records of tenancy agreements and update these records when required.

4.3.9. Tenants should be easily able to request variation of their Tenancy Agreement and received consultation and advice on the consequences of any variations.

4.4. Target Outcomes and Standards

4.4.1. The Managing Agent should provide these services aligned to the following outcomes and standards:

- The Managing Agent must deliver an effective and proactive service
- Inspections and audit should be thorough and respond to DDDC's requirements
- Breaches of tenancy should be dealt with swiftly and appropriately, escalating the measures applied when necessary
- Tenants must be kept informed and be able to access the services easily

4.4.2. DDDC also requests that a number of KPIs are used that relate to this service. It is preferable that these KPIs are already in existence and used by the Management Agent for different properties.

5 | Income Management

5.1. Introduction

5.1.1. This section sets out the specification for the delivery of the Income Management service for DDDC.

5.1.2. The following sections of this specification describe the key purpose and objectives of the service, as well as processes and activities that need to be undertaken and delivered by the Managing Agent. This includes a number of target outcomes and standards expected from the service. It also outlines how these areas of performance need to be monitored and reported on to DDDC so they can be satisfied that the service objectives are being achieved.

5.2. Purposes and Objectives

5.2.1. These Income Management services are specified so:

- There is efficient and effective income management which maximises the income due and collectable from rent, service and other charges
- The income management service is customer focused
- There is positive work to sustain tenancies

5.3. Services to be provided

5.3.1. Calculation of rent and service charges for new tenancies and any increases during reviews of rents and charges. These calculations will be recommended to DDDC Housing before implementation. Any changes that are approved will be administered by the Managing Agent in line with conditions of tenancy, regulation and legislation.

5.3.2. Rent collection by the Managing Agent will be paid to DDDC quarterly in arrears within 30 business days of the quarter end.

5.3.3. In regard to income collection and recovery, the Managing Agent is required to provide the following services:

- The undertaking of an affordability review before a housing offer to ensure the tenant(s) is suitable
- Provision of a variety of payment methods, though tenants should be encouraged to pay by DD
- Collect rent, service charges and any other monies that relate to the tenancy or property
- Have a proactive approach to tenant sustainment, where advice is offered and referrals made, prior to and when debt arises
- Have or be willing to produce a comprehensive procedure and policy for arrears, where DDDC are notified of arrears of over £1000, which should include:
 - Repayment plans
 - Methods for pursuing former tenants and recommendations when balances should be written off
 - Escalation of interventions to formal legal / court action

- Where enforcement action is required, the Agent will undertake legal and enforcement activity, including:
 - Service of notices
 - Processing relevant paperwork
 - Instructing legal counsel
 - Attendance at court hearings
- 5.3.4. These Income Management services should be supported by strong information management that ensures prompt identification of arrears and provides DDDC with quarterly statistics and reporting on income.
- 5.3.5. All interactions with debtors should make them aware of their liability and responsibilities and action that could be taken in line with the Managing Agent's arrears escalation policy. All this customer interaction should be conducted within the same requirements and standards previously set out.
- 5.4. Target Outcomes and Standards
- 5.4.1. The Managing Agent should provide these services aligned to the following outcomes and standards:
- Provide tenants with clear information on how their rents and service charges are set and 28 days' notice of any intended changes
 - Offer multiple ways to pay the required monies
 - Respond appropriately and effectively when debt arises
 - Send statements to DDDC every XXX
 - Send resident statements every XXX
 - Refer residents to other agencies, where appropriate
- 5.4.2. DDDC also requests that a number of KPIs are used that relate to this service. It is preferable that these KPIs are already in existence and used by the Management Agent for different properties.

6 | Lettings

6.1. Introduction

6.1.1. This section sets out the specification for the delivery of the Lettings service for DDDC.

6.1.2. The following sections of this specification describe the key purpose and objectives of the service, as well as processes and activities that need to be undertaken and delivered by the Managing Agent. This includes a number of target outcomes and standards expected from the service. It also outlines how these areas of performance need to be monitored and reported on to DDDC so they can be satisfied that the service objectives are being achieved.

6.2. Purposes and Objectives

6.2.1. The Letting services aim to ensure:

- Properties are let through Home-Options in accordance with legal and regulatory requirements and with the intention of incurring minimal rent loss
- Homes are let fairly

6.3. Services to be provided

6.3.1. The Managing Agent will use the Home-Options Allocation Policy.

6.3.2. In regard to lettings, the Managing Agent will be required to provide the following the services:

- Deal with potential tenant enquiries
- Arrange and undertake viewings of homes
- Undertake a pre-tenancy check assessing:
 - Tenant identity
 - Tenant right to rent
 - Whether the Tenant meets any criterion set out by DDDC
- Collection of one months rent in advance for all new tenants
- Undertake a sign-up process that includes:
 - Provision of inventory and schedule of condition
 - Signing of tenancy agreement
 - Advice on tenant rights and obligations
 - Provide support to ensure tenants and particular vulnerable tenants receive support to sign up with Housing Benefit and/or Universal Credit, council tax and utilities

6.3.3. Tenant viewings will take place individually; once an eligible tenant requests to see the property, they will view the property and then have 48 hours to decide whether they would like to rent the property. Individuals will not have to decide to rent the property immediately after the viewing ends.

6.3.4. As new properties developed in the program are finished and vacant, the Managing Agent will be responsible for key management and security of these properties before they are let.

6.3.5. The Managing Agent should also have procedures for void management. These procedures should include activities for:

- Early identification of void properties
- Pre-termination inspections of prospective void properties to establish:
 - Why the tenant is leaving the property
 - Identify any required void works
 - Advise the tenant of any chargeable damage
 - Advise the tenant on any outstanding charges on their account
- Full check-out and inventory update
- Management of voids resulting from death of a tenant or abandonment
- Security arrangements for empty homes

6.4. Target Outcomes and Standards

6.4.1. The Managing Agent should provide these services aligned to the following outcomes and standards:

- Re-let properties as quickly as possible, at most within **XXX** days of them becoming vacant
- Allocate properties in a fair way
- Allow tenants 2 days to make a decision on a property after a viewing
- Provide a welcome pack when they move in and a check-up visit 6 months after they move in

6.4.2. DDDC also requests that a number of KPIs are used that relate to this service. It is preferable that these KPIs are already in existence and used by the Management Agent for different properties.

7 | Assignments, Stair-Casing and Mortgage Requests

7.1. Introduction

7.1.1. This section sets out the specification for the delivery of the Assignments, Stair-Casing and Mortgage Requests service for DDDC.

7.1.2. The following sections of this specification describe the key purpose and objectives of the service, as well as processes and activities that need to be undertaken and delivered by the Managing Agent. This includes a number of target outcomes and standards expected from the service. It also outlines how these areas of performance need to be monitored and reported on to DDDC so they can be satisfied that the service objectives are being achieved.

7.2. Purposes and Objectives

7.2.1. The Assignments, Stair-Casing and Mortgage Requests services are specified so that:

- There is efficient and timely administration of request from Shared Ownership residents, including requests relating to:
 - Stair-casing and assignments
 - Remortgaging
 - Improvements and alterations
- There is compliance by Shared Ownership residents at the time of any assignment with all repairing covenants contained

7.3. Services to be provided

7.3.1. The following services should be provided:

- Instruction within 10 working days a RCIS accredited valuer to inspect and value a property upon receipt of a resale / stair-casing application and to ensure this valuation is completed in line with provisions within the lease
- Making sure any leaseholder has complied with his or her repairing obligations under the terms of their lease prior to any staircasing or resale activity
- Assessment of requests from Shared Ownership and Shared Equity Residents for mortgage or re-mortgage approval in accordance with the agreed Client eligibility criteria where consent is required under a lease
- Liaison with queries from purchasers, solicitors and others involved in the assignment and / or stair-casing process
- Provision of information on Service Charge levels, restrictions etc for sales and marketing information
- Undertaking all administration relating to changes in Shared Ownership and Shared Equity Residents and Open Market Residents including closing old accounts, creating new accounts and setting up new direct debits

- Setting out and administrating schedule of fees for assignment, stair-casing, re-mortgage services, request to alter and other ownerships related transactions
- To instruct and administer legal work including Consents, Sealing etc as directed on behalf of DDDC in accordance with the assignment, staircasing and mortgage requests procedures

7.4. Target Outcomes and Standards

7.4.1. The Managing Agent should provide these services aligned to the following outcomes and standards:

- Efficient and swift response to any requests relating to Shared Ownership properties
- Effectively and appropriately manage the legal and administrative components of Shared Ownership properties and tenancies
- Set appropriate service charge levels

7.4.2. DDDC also requests that a number of KPIs are used that relate to this service. It is preferable that these KPIs are already in existence and used by the Management Agent for different properties.

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8 | Estate Services

8.1. Introduction

- 8.1.1. This section sets out the specification for the delivery of the Estate Services for DDDC.
- 8.1.2. The following sections of this specification describe the key purpose and objectives of the service, as well as processes and activities that need to be undertaken and delivered by the Managing Agent. This includes a number of target outcomes and standards expected from the service. It also outlines how these areas of performance need to be monitored and reported on to DDDC so they can be satisfied that the service objectives are being achieved.
- 8.1.3. The current business plan does assume that 90% of the homes in the programme will be houses. The remaining 10% will be flats. It is for these 10% that the following estate services apply.
- 8.1.4. DDDC will notify the Managing Agent of who owns and is responsible for all land adjacent to the demised premises and any adopted areas, including public rights of way.

8.2. Purposes and Objectives

- 8.2.1. These Estate Services aim to:
- To keep any communal estate areas clean and safe for the residents and the surrounding communities
 - Organise and maintain necessary internal and external cleaning and repairs service
 - Undertake regulator inspections to ensure the estate's remain at a high standard
- 8.2.2. The Managing Agent should assume that a full decoration of the demise presumes will be undertaken in Year **XXX**.

8.3. Services to be Provided

- 8.3.1. The table below and overleaf sets out a full description of the general elements of the property services function to be delivered by the Managing Agent in accordance with industry good practice. The requirements relating to each scheme will be agreed and specified on a scheme by scheme basis by DDDC and the Managing Agent:

Property Services Element	Description
TV Cable, Telephone and Broad	XXX
Window Cleaning	Internal and external of the communal areas where appropriate
Communal waste bins and recycling	Provision, maintenance and cleaning of communal bins and/or bin stores

Property Services Element	Description
Cleaning	Internal and external of common areas including gutters and pipes
Door entry systems maintenance	Administration, repair and annual maintenance
Communal Lifts	Maintenance and cleaning
Graffiti	Removal
Generator	Maintenance
Sprinkler System / Auto mist	Maintenance
Water Tank and Dosing System	Maintenance

- 8.3.2. These communal areas will be confirmed on a scheme by scheme basis by an agreement between DDDC and the Managing Agent.
- 8.3.3. For communal areas, the Managing Agent will carry out monthly inspections and will encourage tenants to be involved. At these inspections, the Managing Agent will record all issues and instruct and monitor remedial action, including repairs.
- 8.3.4. The Managing Agent will fit noticeboards in communal areas where appropriate and be responsible for maintaining these with up to date information.
- 8.3.5. The Managing Agent will be responsible for ensuring there is no environmental damage from pests and for reporting infestations to a relevant pest control service.
- 8.3.6. The Managing Agent will report any illegal dumping of bulk refuse and arrange for its removal. The Managing Agent will also take steps to identify those responsible for unauthorised dumping and environmental damage and take appropriate action against them.
- 8.3.7. Regarding the internal cleaning of communal areas, the Managing Agent will:
- Clean all halls, stairs and landings and the areas where bins are stored each week
 - Remove graffiti, where it is offensive within twenty-four hours of becoming aware of it, and where it is not offensive as part of the weekly clean
 - Work in partnership with the Council to ensure regular refuse collections take place
 - Clean all windows regularly so as to maintain a clean appearance at all times where required
 - Undertake an annual deep clean following a full risk assessment where required
 - Take immediate action to remove bulk items, such as prams, plants, bicycles, motorbikes etc have been left in the communal areas to minimise fire risk and ensure escape routes are clear

8.3.8. Regarding the internal maintenance of communal areas, the Managing Agent will:

- Check and carry out maintenance to door entry systems and lighting and report and rectify any faults
- Report and carry out any repairs which are needed including repairs to lighting and make safe all areas where appropriate
- Ensure fire exits are clearly marked and escape routes kept clear at all times
- Inspect the lifts, including emergency alarms and lighting
- Undertake annual servicing and specialist testing of the following fire equipment:
 - fire alarms
 - smoke detectors
 - extinguishers
 - fire blankets
- At all times comply with all regulations and other requirements relating to fire precautions and means of escape
- Carry out fire alarm tests and fire drills at appropriate intervals and record these for inspection
- Report to the DDDC any recommendations from the Fire Service or the Agent for the replacement of fire detection or emergency lighting equipment
- Undertake re-decoration on a rolling programme to be agreed with DDDC from time to time

8.3.9. Regarding the external cleaning and maintenance of communal areas, the Managing Agent will:

- Clean all external windows at least twice each year
- Carry out roof checks and cleaning (including guttering) at a minimum of every six Months
- Clean the drainage system at least once each year
- During inclement weather conditions arrange for snow clearance or assist in gritting communal areas where appropriate during the winter months
- Take immediate action to remove combustible items left against or near buildings

8.3.10. The Managing Agent will be responsible for carrying out health and safety checks including fire safety checks. on the property, and will resolve any health and safety hazards identified, providing DDDC with a written report of actions taken.

8.3.11. Before carrying out relevant tasks, the Managing Agent will complete risk assessments as appropriate, to minimise and mitigate any risks

8.3.12. Where there are external landscaped areas, the Managing Agent will be responsible for maintaining the external and landscaped areas surrounding DDDC's properties, including any private roads.

8.3.13. The Managing Agent will supply appropriate, seasonal gardening services to ensure the external areas are maintained to a high standard, including as applicable:

- Grass cutting and grass edging
- Turf maintenance
- Shrub/herbaceous bed maintenance, including planting new and replacement shrubs, hedges and bulbs
- Hedge and young tree maintenance
- Cleaning of grounds

8.3.14. The Managing Agent should have or is willing to produce an Estates Management policy to govern these services.

8.4. Targets and Standards

8.4.1. The key service standards and outcomes that must be delivered with these Estate Services are:

- Publicise cleaning schedules (where notice boards are available) and on the company website
- Remove racist and offensive graffiti and any dangerous items within 24 hours
- Update the cleaning schedules and monitor the attendance sheets in communal blocks
- Meet a target of estate inspections carried out on time

8.4.2. DDDC also requests that a number of KPIs are used that relate to this service. It is preferable that these KPIs are already in existence and used by the Management Agent for different properties.

9 | Responsive Repairs

9.1. Introduction

- 9.1.1. This section sets out the specification for the delivery of the Responsive Repairs service for DDDC.
- 9.1.2. The following sections of this specification describe the key purpose and objectives of the service, as well as processes and activities that need to be undertaken and delivered by the Managing Agent. This includes a number of target outcomes and standards expected from the service. It also outlines how these areas of performance need to be monitored and reported on to DDDC so they can be satisfied that the service objectives are being achieved.

9.1.3. BUDGETARY ARRANGEMENTS

9.2. Purposes and Objectives

- 9.2.1. The purposes and objectives of the services relating to Responsive Repairs regard:
- Provision of a cost effective and high-quality repairs service that is well-monitored, implemented and recorded
 - Achievement of value for money
 - Ensure properties are well-maintained
 - Ensure tenants are aware of their responsibilities of repairs
 - Compliance with all relevant legislation, regulatory guidance, codes of practice

9.3. Services to be provided

- 9.3.1. The tenant has responsibility for multiple different components of their homes. The Managing Agent has a responsibility to communicate these responsibilities to the tenant to ensure they are made aware of these responsibilities. These responsibilities will also be set out in tenancy agreements.

9.3.2. The Managing Agent has responsibility to repair or procure the repair of items in respect of the main structure and fabric of any home or block and any other building at the property, as required and in line with Landlord and tenants obligations set out in the tenancy agreement or shared ownership lease including roofs, walls, foundations, doors, windows, gutters and drains, paths, boundaries and internal or external communal area, including outside painting and decoration and all utility services.

9.4. Oversee and manage insurance works

- 9.4.1. Furthermore, the Managing Agent has responsibility to repair or procure the repair of all repairs (which are not Non-Statutory Repairs) to the internal areas of homes including walls, skirting boards, external doors and door frames, hinges, locks, (except when the Tenant loses the keys), door posts, thresholds, floors and ceilings inside a home (but not painting and decorating), fixtures and fittings, bathroom fixtures and fittings, kitchen units, floor and wall tiles, switches and sockets, internal doors and softwood goods.

- 9.4.2. Additionally, the Managing Agent has responsibility for all routine Statutory repairs.
- 9.4.3. All repairs will be completed in a customer-focused way that seeks to deliver consistent quality and friendly service. The Managing Agent is expect to have or be willing to produce a repairs policy to govern this.
- 9.4.4. Where possible, the Managing Agent will seek to complete repairs within a single visit by getting it right the first time. The performance of this and the other components of responsive repairs will be measured by independent external and internal customer satisfaction surveys specifically focused on the repairs service.
- 9.4.5. Responsive repairs will be categorised as defined in the table below.

Response and Rectification Level	Response Period	Description
Emergency	Twenty-four hours	Unless danger to life or limb health and safety, serious disruption to a Dwelling or at the Property
Urgent	Five working days	Events that will cause operational disruption and problems if not attended to quickly, or which may develop into an Emergency if not attended to and remedied
Routine	Twenty working days	Events that are not considered to be immediately detrimental and not causing significant operational problems

- 9.4.6. For emergency repairs that are outside normal Working Hours, e.g. major burst pipes, total loss of electric or dangerous structural damage will be dealt with through an out of hours service. The Managing Agent shall be responsible for coordinating and delivering this out of hours service from 17:30pm to 08:00am Mondays to Fridays and twenty-four hours a day on all other days including bank holidays.
- 9.4.7. The Managing Agent shall report all gas leaks directly to Transco/British Gas.
- 9.4.8. The Managing Agent must set up systems to allow the easy reporting of repairs by multiple means. These systems will also concurrently provide tenants with details of their appointments for repair at a mutually convenient time. The Managing Agent should have appropriate measures to keep the tenant informed of a repair as it progresses.
- 9.5. Target Outcomes and Standards
- 9.5.1. The key service standards and target outcomes that must be delivered with the aforementioned responsive repairs service are:

- Good quality repairs delivered first time and within the appropriate timeframes
- A pragmatic and informative appointment system
- Procedures for keeping tenants informed of their repairs

9.5.2. DDDC also requests that a number of KPIs are used that relate to this service. It is preferable that these KPIs are already in existence and used by the Management Agent for different properties.

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10 | Void Works

10.1. Introduction

10.1.1. This section sets out the specification for the delivery of the void works service for DDDC.

10.1.2. The following sections of this specification describe the key purpose and objectives of the service, as well as processes and activities that need to be undertaken and delivered by the Managing Agent. This includes a number of target outcomes and standards expected from the service. It also outlines how these areas of performance need to be monitored and reported on to DDDC so they can be satisfied that the service objectives are being achieved.

10.2. Purposes and Objectives

10.2.1. The purpose of the voids works services are to get properties available for letting as soon as possible after a change of tenancy to minimise rent loss.

10.3. Services to be provided

10.3.1. Where the Managing Agent is notified that a home will become vacant, either through the receipt of a notice of termination from the tenant, or due to tenancy enforcement action, the Managing Agent will arrange to undertake a pre-void inspection to identify works to be completed, and identify any items rechargeable to the tenant.

10.3.2. Once a home is vacant, the Managing Agent will identify the defects and works required to meet the Managing Agent's lettable standard. This will include decorating works and repairs and maintenance works. Minor repairs may be completed post-letting to speed up the reletting process.

10.3.3. The Managing Agent should also undertake all activity relating to utilities and other services, such as taking meter readings, testing services and disconnecting supplies.

10.3.4. Throughout the process the Managing Agent will be responsible for the effective management of keys. All homes should have the locks changed once a tenant has vacated to ensure the former tenant is not able to gain access.

10.3.5. The Managing Agent will also administer and undertake the processes required for the recovery of costs for refuse removal, cleaning or damage that were a former Tenant's responsibility.

10.4. Target Outcomes and Standards

10.4.1. The target outcome and standard of this service is to ensure voids are available for letting **XXX** days after they become void.

10.4.2. DDDC also requests that a number of KPIs are used that relate to this service. It is preferable that these KPIs are already in existence and used by the Management Agent for different properties and Former Tenant Arrears

11 | Planned Maintenance

11.1. Introduction

- 11.1.1. This section sets out the specification for the delivery of the Planned Maintenance service for DDDC.
- 11.1.2. The following sections of this specification describe the key purpose and objectives of the service, as well as processes and activities that need to be undertaken and delivered by the Managing Agent. This includes a number of target outcomes and standards expected from the service. It also outlines how these areas of performance need to be monitored and reported on to DDDC so they can be satisfied that the service objectives are being achieved.
- 11.1.3. Planned Maintenance will differ dependent on whether the properties are new build and S106 or empty home renovations. The Managing Agent contract will also cover a home that was bequeathed to the Council from a local resident. The planned maintenance surrounding this property will be agreed through a discussion between the Managing Agent and DDDC.

11.2. Purposes and Objectives

- 11.2.1. The purpose of the services relating to Planned Maintenance is to ensure that the Managing Agent has a planned programme of maintenance that is delivered effective to ensure the long-term integrity of the housing stock.

11.3. Services to be provided

- 11.3.1. A cyclical works programme and budget will be agreed between DDDC and the Managing Agent on an annual basis, and the Managing Agent will carry out planned cyclical and servicing maintenance at the frequencies required to ensure compliance with Good Industry Practice, industry and government standards, and manufacturer's recommendations.
- 11.3.2. The following works are to be provided cyclically to all the properties:

Description of work	Frequency
XXX	XXX
XXX	XXX

- 11.3.3. The following works are to be provided cyclically to only the empty home properties:

Description of work	Frequency
XXX	XXX
XXX	XXX

- 11.3.4. The Managing Agent has a responsibility to notify tenants of any planned works and to undertake relevant consultation activity.

11.4. Target Outcomes and Standards

11.4.1. These services will ensure that:

- All property and equipment maintained in line with all required standards
- Residents kept regularly informed of maintenance work programmes

11.4.2. DDC also requests that a number of KPIs are used that relate to this service. It is preferable that these KPIs are already in existence and used by the Management Agent for different properties.

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12 | Appendix 1 – Development Pipeline

12.1. INSERT DEVELOPMENT PIPELINE

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COMMUNITY & ENVIRONMENT COMMITTEE
19 FEBRUARY 2019

Report of the Head of Community & Environmental
Services

EVENTS TAKING PLACE ON DISTRICT COUNCIL LAND FOR THE 75th ANNIVERSARY OF VE & VJ DAY.

PURPOSE OF REPORT

This report outlines the proposals for upcoming VE & VJ day events, the District Council aims to support these events as much as reasonably possible by treating these event applications separate to the event strategy and not charge for recovery of costs or loss of income.

RECOMMENDATION

1. That VE & VJ day events are treated outside the governance of the Event Strategy.
2. The standard charge of £50 for events which require a licence is waived for events that take place on District Council owned land for VE & VJ day.
3. That District Council costs associated with the event are not recovered for stall rental up to a maximum of 10 market stalls per VE or VJ day event.
4. Loss of income/revenue is not recovered from the event organiser for an event taking place on District Council owned land for VE or VJ day.

WARDS AFFECTED

ALL WARDS

STRATEGIC LINK

Increasing footfall and trade in local communities, support local communities organising events.

1 SUMMARY

- 1.1 The report looks for the District Council to support, where possible, VE and VJ Day Events taking place on District Council owned land. This support is for events which require a licence to occupy the land and fall under the Community Event category, as outlined in the Event Strategy.
- 1.2 It is recommended that fees for officer time and loss of income is not recovered. The District Council will need to consider each application in order to manage the impact this has on its own resources and income. This can be achieved by restricting the amount of market stalls available for hire, as well as ensuring that adequate car

parking is available for the local area. Consideration must also be given to the time of year (Bank Holidays, School Holidays, etc.) and the additional car parking needs created by hosting events in the area.

2 REPORT

- 2.1 On 26 June 2019, the Community and Environment Committee approved the revised Event Strategy for implementation from August 2019. The strategy outlines how the District Council's Events Team categorise events as Commercial, Community or Charitable events and how charges will be determined for each category.
- 2.2 The Events Strategy states costs will be recovered for events that wish to hire stalls, have extra toilet cleaning/opening/closing, extra litter collections for example would be charged for those services in order to cover costs.
- 2.2 The strategy also introduced the option of awarding a 'Letter of Consent' which could be issued to organised gatherings taking place on council's land, such as memorial services.
- 2.3 Every event that takes place on District Council owned land needs either a Licence or a Letter of Consent. If a Licence is produced the event organiser will be charged £50 to recover the costs of the District Council legal team who produce the licences. There is also a requirement for the event organisers to provide the District Council with a copy of their Public Liability Insurance and a Risk Assessment, in order to produce the licence.
- 2.4 The 8th May will mark the 75th anniversary of VE Day, followed by the anniversary of VJ Day on the 15th August. The District Council's Events Team will receive a number of event requests over the two weekends for events to take place on District Council owned land. At the time of writing this report 5 event applications have so far been received for VE day.
- 2.5 Events for VE or VJ Day that require a Licence must fulfil the following criteria to meet the 'Community' categorisation of the event strategy:
- Benefit the local community by increasing footfall and tourism to the area.
 - Be open to all members of the community as a minimum.
 - Event organisers are not seen to be profiting from the event or self-advertising.
 - Trading taking place as part of an event is made up of 60% local traders from within Derbyshire Dales.
 - Visitors to the event are not forced to part with money to access the main purpose of the event.
- 2.6 It is recommended that all events in relation to VE or VJ day are exempt from the £50 licence fee.
- 2.7 It is recommended that the District Council waives the recovery of costs for extra toilet cleaning/opening/closing, litter picking and stall hire, and also limits the number of free market stalls to 10 per event. The number of stalls per event is limited due to number of available stalls for hire and colleague resources to erect and dismantle the stalls.
- 2.8 The event strategy includes that the District Council will recover all loss of income for all events, this mainly includes loss of income when events take place on a District

Council car park. Whilst recommendation 4 suggests that no loss of income is to be recovered, an overriding issue to the Council would be the importance of retaining its public car parks, in full operational use, to serve the needs of visitors to the town and to the planned event. As the staging of a public event is likely to increase demand for public parking, any request to use an area of a car park must be carefully considered in relation to the overall event plan, taking into account potential traffic and parking congestion.

3 RISK ASSESSMENT

3.1 Legal

The report proposes a variation in fees for a discretionary service, which aims to benefit the social and economic benefit of the local communities of the Derbyshire Dales. The legal risk is therefore low.

3.2 Financial

The financial risk arising from this report is assessed as low.

4 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.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

Date	Description	Location

COMMUNITY & ENVIRONMENT COMMITTEE
19 FEBRUARY 2019

Report of the Head of Community & Environmental Services

ASHBOURNE BOWLS PAVILION

PURPOSE OF THE REPORT

For the Community & Environment Committee to consider a proposal for the future provision of accommodation for use by Ashbourne Park Bowls Club

RECOMMENDATION

1. That approval is given, subject to all relevant due diligence checks, to enter into a 25 year lease with Ashbourne Park Bowls Club of the site of the current pavilion to allow a new permanent pavilion facility to be developed by the Club with the use of external funding.
2. That approval is given to utilise a sum of £10,000 from the current Capital Programme to arrange for the demolition of the existing pavilion building and provision of temporary accommodation during the coming season (subject to planning permission)

WARDS AFFECTED

Ashbourne North and South, and surrounding wards

STRATEGIC LINK

The provision of a lease and funding as proposed in this report 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.

1. BACKGROUND

- 1.1 Ashbourne bowls pavilion and green are part of Ashbourne Recreation Ground, located off Cokayne Avenue in the town centre and are home to Ashbourne Park Bowls Club. The bowling facilities have operated for many years and are used by 22 members of the club throughout the spring and summer months for both casual and recreational use and also for league fixtures.
- 1.2 The bowls pavilion building is one of a number of separate pavilion buildings on the recreation ground that are owned, managed and maintained by the District Council.
- 1.3 Bookings to use the bowls pavilion and green, site maintenance (grass cutting, green 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.

- 1.4 The pavilion building is in very poor condition and is at the end of its natural life such that it would be uneconomic to repair.
- 1.4 Over the Christmas period there have been several acts of anti-social behaviour to the bowls pavilion. This has resulted in the bowls pavilion being boarded up to prevent further vandalism whilst closed.

2. REPORT

- 2.1 Following recent discussions, the Bowls Club accept that the building cannot be saved and are agreeable to working with the Council's Club Development Coordinator to explore external funding opportunities to enable a new permanent facility to be provided on the site. They would, however require the Council to arrange for the demolition of the existing pavilion and assist in the provision of temporary accommodation for the coming bowls season.
- 2.2 Under this proposal, the Club would take over responsibility for the ongoing management and maintenance of the new building and, to assist in this, it is proposed to grant the Club a 25 year ground lease of the existing Pavilion site at a peppercorn rent. This will enable the club to apply for small funding grants to improve the facility and will secure the future of the club.
- 2.3 Quotations have been obtained in the sum of approximately £7,000 to demolish the existing Pavilion and clear the site. It is therefore proposed to make available the sum of £10,000 from within the existing Capital Programme budget identified as "Condition Survey Works – Parks and Pavilions" to cover the demolition cost with the remaining £3,000 being used to assist the club in providing temporary accommodation for the coming bowls season.

3. CONSULTATION

- 3.1 The relevant Ward Members and Local Council will be consulted on the proposed recommendation and any comments received will be reported verbally.

4. OTHER EXPRESSIONS OF INTEREST

- 4.1 None received.

5. RISK ASSESSMENT

5.1 Legal

The Council will have to enter into a formal lease, the terms of which will have to be agreed. Subject to agreeing into the terms of the lease, the risk is low

5.2 Financial

The sum of £10,000 for the demolition of the existing pavilion building and provision of temporary accommodation during the coming season (subject to planning permission) can be met from the current Capital Programme.

Under this proposal, the Club would take over responsibility for the ongoing management and maintenance of the new building, removing a potential liability from the Council.

The financial risk has, therefore, been assessed as low.

6 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.

7 CONTACT INFORMATION

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8 BACKGROUND INFORMATION

NONE

9 ATTACHMENTS

Appendix 1 – Plan of Ashbourne Bowling Green



Appendix 1

