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17 July 2019

To: All Councillors

As a Member of the **Council**, please treat this as your summons to attend a meeting on **Thursday 25 July 2019 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN.**

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb', written over a faint circular stamp or watermark.

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES

Please advise the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence.

2. PUBLIC PARTICIPATION

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

3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

30 May 2019

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. LEADER'S ANNOUNCEMENTS

Announcements of the Leader of the Council.

6. CHAIRMAN'S ANNOUNCEMENTS

Announcements of the Chairman of the District of Derbyshire Dales.

7. MAIDEN SPEECHES

To receive the Maiden Speech of newly elected Members:

Councillors Stuart Lees, Mark Wakeman and Matthew Buckler.

8. COMMITTEES

To receive the non-exempt minutes of the Committees shown below:

Committee	Date
Non Exempt Minutes to be Received	
Council	30 May 2019
Planning Committee	18 June 2019
Community & Environment Committee	26 June 2019
Licensing & Appeals Committee	04 July 2019
Governance & Resources Committee	11 July 2019
Planning Committee	16 July 2019

MINUTE BOOK TO FOLLOW

9. QUESTIONS (RULE OF PROCEDURE 15)

Questions, if any, from Members who have given notice.

Page Nos.

10. EXTERNAL AUDITOR'S COMPLETION REPORT FOR YEAR ENDED 31 MARCH 2019 **05 – 35**

To receive and note the External Auditor's report for 2018/19.

11. LETTER OF REPRESENTATION 2018/19 **36 – 41**

To consider approval of the draft Letter of Representation as part of Members' responsibility for approving the financial statements.

12. STATEMENT OF ACCOUNTS 2018/19 **42 – 47**

To consider approval the Statement of Accounts for 2018/19.

Statement published separately

13. CORPORATE PEER CHALLENGE **48 – 51**

To receive a report seeking endorsement for a Corporate Peer Challenge to be undertaken in partnership with the Local Government Association and approval for authority be delegated to the Chief Executive to agree a programme of on-site activity with the Local Government Association Peer Challenge Manager.

- | | |
|--|------------------|
| 14. HOUSING DELIVERY TEST | 52 - 62 |
| <p>To receive a report seeking approval for the Head of Regeneration and Policy to be given delegated authority to prepare a non-statutory Housing Delivery Action Plan for public consultation, with the results being reported to a future meeting of Council, prior to the adoption of the Housing Delivery Action Plan.</p> | |
| 15. DATA MATCHING EXERCISE FOR COUNCIL TAX AND NON DOMESTIC RATES | 63 – 74 |
| <p>To receive a report providing information about the outcome of a data matching exercise and to seek approval for an approach relating to amounts due for historic cases that have been identified. Also to seek approval to delegate authority to the Head of Resources to write off of any amounts of council tax or non-domestic rates not exceeding £5,000 per case that the above approach deems non-collectable.</p> | |
| 16. DRAFT SUPPLEMENTARY PLANNING DOCUMENT: DEVELOPER CONTRIBUTIONS | 75 – 121 |
| <p>To consider a report on a draft Developer Contributions Supplementary Planning Document (SPD). The draft SPD provides guidance on the type and nature of financial contributions to be sought from development for the provision of infrastructure and seeks approval for a six week period of public consultation on the draft SPD prior to its intended adoption.</p> | |
| 17. REVIEW OF THE CIVIC CHAIRMAN PROTOCOL | 122 – 127 |
| <p>To consider approval of amendments to the Civic Protocol with the aim of modernising the aims of the role without diminishing its historical importance.</p> | |
| 18. CHANGE TO MEMBERSHIP OF PLANNING COMMITTEE | 128 - 129 |
| <p>To receive a report seeking confirmation for the appointment of a replacement Member of the Planning Committee.</p> | |
| 19. CLIMATE CHANGE TASK GROUP | 130 - 134 |
| <p>To receive a report seeking approval for the establishment of a working group with agreed terms of reference and membership arrangements.</p> | |
| 20. REFERRED ITEMS | 135 - 137 |
| <p>To consider recommendations for funding from the Community & Environment Committee relating to a revised expenditure programme and its financing from the Economic Development Reserve and from the Governance & Resources Committee relating the Capital Programme Bid for Microsoft Exchange Software.</p> | |

20. SEALING OF DOCUMENTS

To authorise that the Common Seal of the Council be affixed to those documents, if any, required completing transactions undertaken by Committees or by way of delegated authority to others, since the last meeting of the Council.

NOTE

For further information about this Agenda or on “Public Participation” call 01629 761133 or e-mail: committee@derbyshiredales.gov.uk

COUNCIL

25 July 2019

Report of the Head of Resources

EXTERNAL AUDIT COMPLETION REPORT FOR YEAR ENDED 31 MARCH 2019

PURPOSE OF REPORT

This report summarises the key findings arising from:

- The external auditor’s work in relation to the Authority’s 2018/19 financial statements; and
- The work to support the external auditor’s 2018/19 conclusion on the Authority’s arrangements to secure economy, efficiency and effectiveness in its use of resources (‘Value For Money conclusion’).

RECOMMENDATION

That the External Auditor’s “Audit Completion Report for the year ended 31 March 2019” is noted.

WARDS AFFECTED

None

STRATEGIC LINK

None

1 REPORT

1.1 The Council’s external auditors, Mazars, have issued their Audit Completion Report for the year ended 31 March 2019 covering the 2018/19 accounts and Value for Money (VFM) conclusion. A copy of the report is shown at Appendix 1; the external auditor has requested that it be brought to Members’ attention. As there is a statutory deadline of 31 July, and the audit has only recently been concluded, this report is presented to full Council, rather than the Governance and Resources Committee as was customary.

1.2 The key issues in the audit completion report are:

- subject to all outstanding queries being resolved to the auditors’ satisfaction they anticipate issuing an unqualified audit opinion on the Authority’s financial statements before the deadline of 31 July;
- audit adjustments with a net value of £263,000 were identified during the audit. The adjustments result in a net increase in the reported deficit on provision of

services and a net reduction in unusable reserves; there is no impact on the general fund balance.

- The report identifies 2 recommendations relating to the 2018/19 accounts. These are shown in Appendix 1 to the Auditor's report, together with the management response. Both recommendations relate to the treatment of assets upon revaluation.

1.3 The external auditor anticipates issuing an unqualified value for money conclusion and has not identified any matters that would require the issue of a public interest report.

2 RISK ASSESSMENT

2.1 Legal

There are no legal risks arising from this report.

2.2 Financial

There are no financial risks arising from this report.

3 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.

4 CONTACT INFORMATION

Karen Henriksen, Head of Resources
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e-mail: karen.henriksen@derbyshiredales.gov.uk

Mark Nash, Financial Services Manager
Telephone: 01629 761214
Email: mark.nash@derbyshiredales.gov.uk

5 ATTACHMENTS

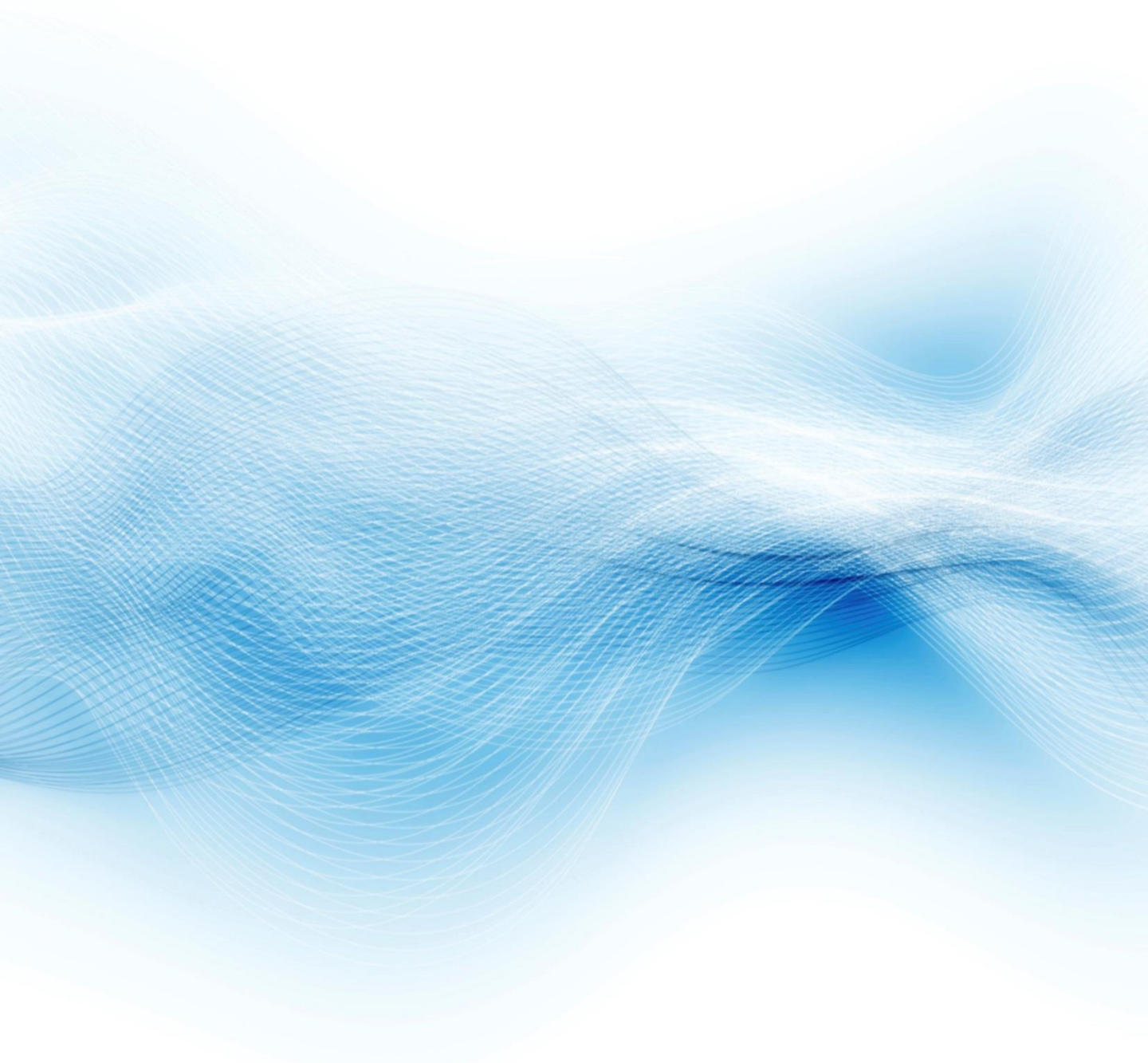
Appendix 1 – "Audit Completion Report for the year ended 31 March 2019" from Mazars



Audit Completion Report

Derbyshire Dales District Council

Year ended 31 March 2019



CONTENTS

1. Executive summary
2. Significant findings
3. Internal control recommendations
4. Summary of misstatements
5. Value for Money conclusion

Appendix A – Draft management representation letter

Appendix B – Draft auditor’s report

Appendix C – Independence

Our reports are prepared in the context of the 'Statement of responsibilities of auditors and audited bodies' and the 'Appointing Person Terms of Appointment' issued by Public Sector Audit Appointments Limited.

Reports and letters prepared by appointed auditors and addressed to the Council are prepared for the sole use of the Council and we take no responsibility to any member or officer in their individual capacity or to any third party.

Mazars LLP is the UK firm of Mazars, an international advisory and accountancy group. Mazars LLP is registered by the Institute of Chartered Accountants in England and Wales.

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DE4 3NN

17 July 2019

Dear Members

Audit Completion Report – Year ended 31 March 2019

We are pleased to present our Audit Completion Report for the year ended 31 March 2019. The purpose of this document is to summarise our audit conclusions.

The scope of our work, including identified significant audit risks and other areas of management judgement, was outlined in our Audit Strategy Memorandum dated 8 February 2019 which was presented to the Governance and Resources Committee on 28 February 2019. We have reviewed our Audit Strategy Memorandum and concluded that the original significant audit risks and other areas of management judgement remain appropriate.

We would like to express our thanks for the assistance of your team during our audit.

If you would like to discuss any matters in more detail then please do not hesitate to contact me on 0191 383 6300.

Yours faithfully

Gavin Barker

Gavin Barker
Mazars LLP

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We are registered to carry on audit work in the UK and Ireland by the Institute of Chartered Accountants in England and Wales. Details about our audit registration can be viewed at www.auditregister.org.uk under reference number C001139861.
VAT number: 839 8356 73

1. EXECUTIVE SUMMARY

Purpose of this report and principal conclusions

The Audit Completion Report sets out the findings from our audit of Derbyshire Dales District Council ('the Council') for the year ended 31 March 2019, and forms the basis for discussion at the Council meeting on 25 July 2019.

The detailed scope of our work as your appointed auditor for 2018/19 is set out in the National Audit Office's (NAO) Code of Audit Practice. Our responsibilities and powers are derived from the Local Audit and Accountability Act 2014 and, as outlined in our Audit Strategy Memorandum, our audit has been conducted in accordance with International Standards of Auditing (UK) and means we focus on audit risks that we have assessed as resulting in a higher risk of material misstatement.

Sections 2 and 5 of this report outline the detailed findings from our work on the financial statements and our conclusion on the Council's arrangements to achieve economy, efficiency and effectiveness in its use of resources. Section 2 also includes our conclusions on the audit risks and areas of management judgement in our Audit Strategy Memorandum, which include:

- Management override of controls;
- Property, plant and equipment valuation;
- Defined benefit liability valuation; and
- Transfer of leisure services.

Status of our work

As we outline on the following page, our work is substantially complete. Subject to the satisfactory completion of the outstanding work, at the time of issuing this report we have the following conclusions:

Opinion on the financial statements

We anticipate issuing an unqualified opinion, without modification, on the financial statements. Our proposed audit opinion is included in the draft auditor's report in Appendix B.

Value for Money conclusion

We anticipate concluding that the Council had proper arrangements in place to secure economy, efficiency and effectiveness in its use of resources. Our draft auditor's report, including proposed conclusion, is provided in Appendix B.

Whole of Government Accounts (WGA)

We anticipate completing our work on your WGA submission, in line with the group instructions issued by the NAO, which has a deadline of 13 September 2019. The Council is below the threshold requiring a detailed review of your WGA submission, and we expect to be able to provide the information required by NAO at the conclusion of our audit work, well ahead of the formal deadline.

Wider powers

The 2014 Act requires us to give an elector, or any representative of the elector, the opportunity to question us about the accounting records of the Council and to consider any objection made to the accounts. We have not received any questions or objections.

Executive summary

Significant findings

Internal control recommendations

Summary of misstatements


Value for Money conclusion

Appendices




1. EXECUTIVE SUMMARY (CONTINUED)

Status of our audit work

We have substantially completed our work on the financial statements and Value for Money conclusion for the year ended 31 March 2019. At the time of preparing this report the following matters remain outstanding:

Audit area	Status	Description of outstanding matters
Closure procedures		Review and closure processes, including final consideration of post balance sheet events and checking the revised financial statements received.

Status

-  Likely to result in material adjustment or significant change to disclosures within the financial statements
-  Potential to result in material adjustment or significant change to disclosures within the financial statements
-  Not considered likely to result in material adjustment or change to disclosures within the financial statements

If any issues arise in relation to these outstanding matters, we will provide the Council with an update prior to signing the auditor's report.

Our audit approach

We provided details of our intended audit approach in our Audit Strategy Memorandum in February 2019. We have not made any changes to our audit approach since we presented our Audit Strategy Memorandum.

Materiality

We set materiality at the planning stage of the audit at £751,180 using a benchmark of 2% of Gross Operating Expenditure. Our final assessment of materiality, based on the final financial statements and qualitative factors is £692,000, using the same benchmark. We set our trivial threshold (the level under which individual errors are not communicated to the Council) at £21,000, based on 3% of overall materiality.

Misstatements and internal control recommendations

Section 3 sets out the internal control recommendations that we make.

Section 4 outlines the misstatements noted as part of our audit as at the time of issuing this report. If any additional misstatements are noted on completion of the outstanding work, these will be reported to the Council in a follow-up letter.



2. SIGNIFICANT FINDINGS

Set out below are the significant findings from our audit. These findings include:

- our audit conclusions regarding significant risks and key areas of management judgement outlined in the Audit Strategy Memorandum;
- our comments in respect of the accounting policies and disclosures that you have adopted in the financial statements. On page 9 we have concluded whether the financial statements have been prepared in accordance with the financial reporting framework and commented on any significant accounting policy changes that have been made during the year;
- significant matters discussed with management; and
- any significant difficulties we experienced during the audit.

Significant risks and key areas of management judgement

As part of our planning procedures we considered the risks of material misstatement in the Council's financial statements that required special audit consideration. Although we report identified significant risks at the planning stage of the audit in our Audit Strategy Memorandum, our risk assessment is a continuous process and we regularly consider whether new significant risks have arisen and how we intend to respond to these risks. No new risks have been identified since we issued our Audit Strategy Memorandum.

Significant risk	Description of the risk
Management override of controls	In all entities, management at various levels within an organisation are in a unique position to perpetrate fraud because of their ability to manipulate accounting records and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively. Due to the unpredictable way in which such override could occur, we consider there to be a risk of material misstatement due to fraud and thus a significant risk on all audits.
	How we addressed this risk We addressed this risk through performing audit work over: <ul style="list-style-type: none">• Accounting estimates impacting on amounts included in the financial statements;• Consideration of identified significant transactions outside the normal course of business; and• Journals recorded in the general ledger and other adjustments made in preparation of the financial statements.
	Audit conclusion Our audit work has provided the assurance we sought and has not identified any material issues to bring to your attention. There is no indication of management override of controls.

2. SIGNIFICANT FINDINGS (CONTINUED)

Significant risk	Description of the risk
Property, Plant and Equipment Valuation	The financial statements contain material entries on the Balance Sheet as well as material disclosure notes in relation to the Council's holding of PPE. Although the Council uses a valuation expert to provide information on valuations, there remains a high degree of estimation uncertainty associated with the revaluation of PPE due to the significant judgements and number of variables involved in providing revaluations. We have therefore identified the valuation of PPE to be an area of significant risk.

How we addressed this risk

We addressed this risk by considering the Council's arrangements for ensuring that PPE values are reasonable and we engaged our own expert to provide data to enable us to assess the reasonableness of the valuations provided by the external valuer. We also assessed the competence, skills and experience of the valuer. We discussed methods used with the valuer and examined test valuations. We used indices provided by our own expert to confirm the assets not revalued are unlikely to have materially changed in value. We tested all revaluations in year to valuation reports and supporting calculation sheets and ensured the calculations were correct and source data agreed with floor plans.

Audit conclusion

Our audit work has provided the assurance we sought and we have not identified any material issues to bring to your attention.

Significant risk	Description of the risk
Defined benefit liability valuation	The financial statements contain material pension entries in respect of retirement benefits. The calculation of these pension figures, both assets and liabilities, can be subject to significant volatility and includes estimates based upon a complex interaction of actuarial assumptions. This results in an increased risk of material misstatement.

How we addressed this risk

We discussed with key contacts any significant changes to the pension estimates. In addition to our standard programme of work in this area, we evaluated the management controls you have in place to assess the reasonableness of the figures provided by the Actuary and considered the reasonableness of the Actuary's output, referring to an expert's report on all actuaries nationally.

We reviewed the appropriateness of the key assumptions included within the valuations, compared them to expected ranges and review the methodology applied in the valuation. We also considered the adequacy of the disclosures in the financial statements.

Audit conclusion

Our work has provided the assurance sought. The changes relating to the impact of the Guaranteed Minimum Pension (GMP) and the McCloud issues on pension liabilities are national issues and the Council has agreed to adjust the accounts. This is described on page 14. Further context to the issues relating to pensions accounting that have arisen this year is detailed on page 10.

2. SIGNIFICANT FINDINGS (CONTINUED)

Significant risk	Description of the risk
Transfer of leisure services	On 1 August 2018 the Council transferred its four leisure facilities to Freedom Leisure. The staff members previously employed by the Council transferred over to this new employer under this arrangement which is embodied in a 10 year contract. This is the key change management task the Council has been engaged in during 2018/19 and there is a risk that not all the associated requirements will have been fully addressed and appropriately reflected in the financial statements.

How we addressed this risk

In relation to the transfer of leisure services we:

- Considered whether appropriate methodologies had been used by the Council to ensure the relevant transactions and valuations are reflected in the Council's 2018/19 accounts;
- Tested related transactions at the Council to provide assurance over the transfer values included in the Council's 2018/19 accounts;
- Ensured that the Council had made appropriate disclosures to reflect the transfer; and
- Agreed the data relating to the leisure facilities in the IAS 19 valuation report provided by the Fund Actuary to the associated accounting entries made by the Council.

Audit conclusion

Our audit work has provided the assurance we sought and have not identified any material issues to bring to your attention.

2. SIGNIFICANT FINDINGS (CONTINUED)

Management judgement

1) Debt impairment

Description of the management judgement

Uncertainty exists that, in the current economic climate, the Council's provision for the impairment of doubtful debts would be sufficient.

How our audit addressed this area of management judgement

In relation to the Council's provision for the impairment of doubtful debts we:

- reviewed the level of reported debt as at 31 March 2019 and considered the implications for any material change;
- ensured that management's methodology for calculating the provision had been consistently applied and was in line with the requirements of the Code;
- tested the collectability of both significant and a sample of other non-significant debtor balances; and
- re-performed the basis of the calculation for the impairment of debtors.

Audit conclusion

Our work has provided the assurance we sought and has not highlighted any material issues to bring to your attention.

Management judgement

2) Provision for business rate appeals against the rating list

Description of the management judgement

The issue of a new rating list and a change in the appeals process has created delays in appeals being notified to the Council. Consequently management need to make an assumption over the likely level of appeals that will be successful based on their rating knowledge.

How our audit addressed this area of management judgement

In relation to the Council's provision for business rate appeals against the rating list we:

- reviewed the basis of the Council's calculation of its provision by recalculating the provision, evaluating the key assumptions of the provision, vouching movements in the provision and confirming completeness of entries;
- assessed whether the provision had been calculated and recorded in accordance with the Council's accounting policy;
- assessed whether the amount provided at the period end is appropriate, taking into account the Council's anticipated actual liability; and
- assessed whether the reconciliation of movements during the period and description of the nature of the provision have been adequately disclosed in the financial statements.

Audit conclusion

Our work has provided the assurance we sought and has not highlighted any material issues to bring to your attention.

2. SIGNIFICANT FINDINGS (CONTINUED)

Management judgement

3) Minimum revenue provision (MRP)

Description of the management judgement

Local authorities are normally required each year to set aside some of their revenues as a provision for debt in respect of capital expenditure financed by borrowing or long term credit arrangements, by reference to the prior year's closing Capital Financing Requirement. The amount to be set aside each year is not prescribed although an overarching principle of prudence is expected to be adopted. This is supported by statutory guidance as to how this could be achieved and the Council is required to have regard to this in setting its MRP policy. Management judgement is therefore exercised in determining the level of its prudent provision.

How our audit addressed this area of management judgement

In relation to the Council's provision for minimum revenue provision (MRP) we:

- reviewed the Council's MRP policy to ensure that it has been developed with regard to the statutory guidance;
- assessed whether the provision had been calculated and recorded in accordance with the Council's policy;
- assessed whether the amount provided for the period was appropriate, taking into account the Council's Capital Financing Requirement; and
- confirmed that any charge had been accounted for in accordance with the Code.

Audit conclusion

Our work has provided the assurance we sought and has not highlighted any material issues to bring to your attention.

Qualitative aspects of the Council's accounting practices

We have reviewed the Council's accounting policies and disclosures and concluded that following the amendments that have been agreed they comply with the requirements of the Code of Practice on Local Authority Accounting (the Code), appropriately tailored to the Council's circumstance. The Council's policies have been updated appropriately to reflect the changes for 2018/19 in respect of IFRS 9 (Financial Instruments) and IFRS 15 (Revenue from Contracts with Customers).

In recognition of the demands placed upon staff as a result of the earlier accounts production deadline, the Council has refined its closedown plan to enhance the project management of this complex process. This included providing working papers to aid the audit process, and officers engaging with the audit process in the period leading up to the year end in order to proactively address issues as they emerged.

Draft accounts were received from the Council on 31 May 2019 and were of a good quality. This represents a significant achievement by the finance team.

Opening Balances

We have performed relevant audit procedures on the Council's opening balances. We have no observations or matters to report relating to the opening financial position as at 1 April 2018.

2. SIGNIFICANT FINDINGS (CONTINUED)

Significant matters discussed with management

There have been significant issues this year relating to accounting for pensions. These issues are not specific to the Council, but are national issues impacting on all local government bodies. There have been two issues:

- Guaranteed Minimum Pension (GMP) indexation and equalisation – this issue relates to the move to a single-tier new State Pension and equalisation of the GMP benefits between males and females, which has been accounted for to varying degrees by each actuary; and
- The McCloud judgement – this was referenced in the Council's draft financial statements. It relates to claims of discrimination in respect of protections offered to some, but not all, pension scheme members as part of reforms to public sector pensions. In December 2018, the Court of Appeal ruled in a test case that this did amount to unlawful discrimination. At the time the Council was producing its draft financial statements, the Government intended to appeal to the Supreme Court and the outcome was uncertain. During the audit period, the Government has not been granted leave to appeal, meaning that some form of restitution across all public sector pension schemes is more certain, requiring the estimated impact of this to be reflected in the pension disclosures in the financial statements, subject to materiality considerations.

Neither of these issues had a significant impact on the Council in terms of a bottom-line impact on the General Fund balance, although in practice, both these issues will place upward pressure on employers pension contributions reflecting an increased pension liability to recover over the life of the scheme.

Significant difficulties during the audit

During the course of the audit we did not encounter any significant difficulties and we have had the full co-operation of management.

Wider responsibilities

Our powers and responsibilities under the 2014 Act are broad and include the ability to:

- issue a report in the public interest;
- make statutory recommendations that must be considered and responded to publicly;
- apply to the court for a declaration that an item of account is contrary to law; and
- issue an advisory notice under schedule 8 of the 2014 Act.

We have not exercised any of these powers as part of our 2018/19 audit.

The 2014 Act also gives rights to local electors and other parties, such as the right to ask questions of the auditor and the right to make an objection to an item of account.

We have not received any questions or objections.

3. INTERNAL CONTROL RECOMMENDATIONS

The purpose of our audit is to express an opinion on the financial statements. As part of our audit we have considered the internal controls in place relevant to the preparation of the financial statements. We do this in order to design audit procedures to allow us to express an opinion on the financial statement and not for the purpose of expressing an opinion on the effectiveness of internal control, nor to identify any significant deficiencies in their design or operation.

The matters reported are limited to those deficiencies and other control recommendations that we have identified during our normal audit procedures and that we consider to be of sufficient importance to merit being reported. If we had performed more extensive procedures on internal control we might have identified more deficiencies to be reported or concluded that some of the reported deficiencies need not in fact have been reported. Our comments should not be regarded as a comprehensive record of all deficiencies that may exist or improvements that could be made.

Our findings and recommendations are set out below. We have assigned priority rankings to each of them to reflect the importance that we consider each poses to your organisation and, hence, our recommendation in terms of the urgency of required action. In summary, the matters arising fall into the following categories:

Priority ranking	Description	2018/19 issues identified	2017/18 issues reported
1 (high)	In our view, there is potential for financial loss, damage to reputation or loss of information. This may have implications for the achievement of business strategic objectives. The recommendation should be taken into consideration by management immediately.	0	1
2 (medium)	In our view, there is a need to strengthen internal control or enhance business efficiency. The recommendations should be actioned in the near future.	2	1
3 (low)	In our view, internal control should be strengthened in these additional areas when practicable.	0	0

3. INTERNAL CONTROL RECOMMENDATIONS (CONTINUED)

Other deficiencies in internal control – Level 2

Depreciation and asset lives – Level 2

Description of deficiency

In certain instances the Council has not correctly reversed depreciation where it has reassessed the life of the asset.

Potential effects

As a result of this depreciation charges have not always been correctly calculated.

Recommendation

We recommend that depreciation is removed from all assets where a change in the life of asset occurs.

Management response

This results from historic entries made in the asset register in 2015/16. The tested asset was fully disposed of during 2018/19 and so there is no continuing impact from these historic entries. The Council agrees the treatment for this asset was not correct and will ensure all assets that are re-lived are treated as full revaluations.

Revaluations and the fixed asset register – Level 2

Description of deficiency

In certain instances the Council has not correctly applied revaluation amounts against all individual lines of the relevant asset on the fixed asset register.

Potential effects

As a result of this the Council has not correctly applied all cost and depreciation amounts in the fixed asset register.

Recommendation

We recommend that revaluation entries are checked to ensure amounts are applied correctly across all relevant asset lines.

Management response

This issue results from the way revaluation information was input into the assets register. As the misstatement did not affect the NBV of the asset it was not immediately identified. Future revaluations will be independently checked to ensure the revaluation results are as expected.

3. INTERNAL CONTROL RECOMMENDATIONS (CONTINUED)

Follow up of previous internal control points

We set out below an update on the two internal control points raised by KPMG in the prior year.

Controls in place in regard to the declaration of interests – Level 1

KPMG's 2017/18 testing of declaration of interests compared the declarations made by councillors to the records on Companies House and noted that 3 councillors had not declared all interests. Moreover, no declaration form had been completed by 4 councillors for the year 2017/18.

Potential effects

There was a potential risk that a conflict of interest was not appropriately declared.

2018/19 update

Our 2018/19 testing of declaration of interests - we identified 4 instances where declarations of interests were not received by Derbyshire Dales after several reminders to the members.

Controls in place in regard to the valuation of properties – Level 2

KPMG's 2017/18 testing of the valuation of properties found that valuation information was being communicated verbally or through emails and there was no audit trail to support the valuations involved.

Potential effects

There was a potential risk that valuations may be incorrectly stated.

2018/19 update

Our 2018/19 testing of the valuation of properties found that a formal valuation report was received from the in-house valuer and there was evidence to support the balances involved.

4. SUMMARY OF MISSTATEMENTS

We set out below the misstatement identified for adjustment during the course of the audit, above the level of our trivial threshold of £21,000.

There were no unadjusted misstatements that were identified during the course of our audit which management had assessed as not being material, either individually or in aggregate, to the financial statements and does not currently plan to adjust.

The table below outlines the misstatements that have been adjusted by management during the course of the audit.

		Before (£'000)		After (£'000)	
1	Balance Sheet - Net Pension Liability	26,463		26,726	
	Comprehensive Income and Expenditure Statement – Cost of Services: Service Costs	1,286		1,546	
	Comprehensive Income and Expenditure Statement – Financing and Investment Income and Expenditure: Net interest expense	574		577	
	Total re-measurements recognised in Other Comprehensive Income and Expenditure	4,575		4,575	
	Updated figures as a result of a revised actuarial valuation, taking into account assumptions for GMP and the McCloud judgement. There are also additional consequential changes to the Pension Fund note, but none of these items impact the Council's General Fund.				
		Comprehensive Income and Expenditure Statement and MIRS		Balance Sheet	
2		Dr (£'000)	Cr (£'000)	Dr (£'000)	Cr (£'000)
	CR Fixed Asset Cost – Bakewell ABC				163
	DR Fixed Asset Depreciation			163	
	CR Revaluation Reserve				393
	DR CIES	393			
	CR MIRS		393		
	DR CAA			393	
	Updated entries to reflect the impact of revaluation amounts not being correctly applied to the Bakewell Agricultural Business Centre (ABC)				

4. SUMMARY OF MISSTATEMENTS (CONTINUED)

Disclosure amendments

During our review of the financial statements we identified some minor amendments to the disclosures made. These disclosure issues included the following and were corrected by the Council in the final version of its financial statements for 2018/19.

1. Cross casting of Total Expenditure on the Collection Fund and the Increase/Decrease Column (page 94)
2. Financial liabilities table did not reflect borrowing in the long term and creditors in the short term in line with previous years (page 65)
3. Financial instruments, income, expense, gains and losses table showed the interest expense for financial assets valued at amortised cost and did not include the interest payable on leases per note 11 (Page 65)
4. External audit costs, stated "KPMG LLP" and has been changed to "Mazars LLP and KPMG LLP" (Page 80)
5. Transfers to/from Earmarked reserves, the movement in 2017/18 did not agree to the prior year accounts (Page 71)
6. Cash Flow Statement, Operating Activities impairment on revaluation was incorrect (Page 79)



5. VALUE FOR MONEY CONCLUSION

Our approach to Value for Money

We are required to form a conclusion as to whether the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources. The NAO issues guidance to auditors that underpins the work we are required to carry out in order to form our conclusion, and sets out the criterion and sub-criteria that we are required to consider.

The overall criterion is that, 'in all significant respects, the Council had proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people.' To assist auditors in reaching a conclusion on this overall criterion, the following sub-criteria are set out by the NAO:

- Informed decision making
- Sustainable resource deployment
- Working with partners and other third parties

Commentary against each of the sub-criteria, and an indication of whether arrangements are in place, is provided below.

Sub-criteria	Commentary	Arrangements in place?
Informed decision making	<p>We reviewed financial, performance and risk management reports throughout the year and attended meetings of the Governance and Resources Committee. We did not identify any concerns regarding data quality or the decision-making process.</p> <p>We considered the following aspects of proper arrangements specified by the National Audit Office as part of our risk assessment, and, based on our risk-based approach, we did not identify any significant issues or exceptions in the Council's arrangements:</p> <p>a) Acting in the public interest, through demonstrating and applying the principles and values of sound governance;</p> <p>b) Understanding and using appropriate and reliable financial and performance information to support informed decision making and performance management;</p> <p>c) Reliable and timely financial reporting that supports the delivery of strategic priorities; and</p> <p>d) Managing risks effectively and maintaining a sound system of internal control.</p>	Yes



5. VALUE FOR MONEY CONCLUSION (CONTINUED)

Sub-criteria	Commentary	Arrangements in place?
Sustainable resource deployment	<p>Financial and performance reports demonstrate a history of achieving cost reductions without adversely affecting services and a balanced medium term financial strategy is in place up to 2024/25 provided recurrent savings of £0.4m can be achieved in 2020/21.</p> <p>We considered the following aspects of proper arrangements specified by the National Audit Office as part of our risk assessment, and, based on our risk-based approach, we did not identify any significant issues or exceptions in the Council's arrangements:</p> <ul style="list-style-type: none"> a) Planning finances effectively to support the sustainable delivery of strategic priorities and maintain statutory functions; b) Managing and utilising assets effectively to support the delivery of strategic priorities; and c) Planning, organising and developing the workforce effectively to deliver strategic priorities. 	Yes
Working with partners and other third parties	<p>The Council has consulted with local people with a view to establishing a joint venture with a private company to further its corporate aims for affordable housing, employment and regeneration. This demonstrates the Council's commitment to increase collaboration and build partnership arrangements to achieve improvements</p> <p>We considered the following aspects of proper arrangements specified by the National Audit Office as part of our risk assessment, and, based on our risk-based approach, we did not identify any significant issues or exceptions in the Council's arrangements:</p> <ul style="list-style-type: none"> a) Working with third parties effectively to deliver strategic priorities; b) Commissioning services effectively to support the delivery of strategic priorities; and c) Procuring supplies and services effectively to support the delivery of strategic priorities. 	Yes



5. VALUE FOR MONEY CONCLUSION (CONTINUED)

Significant Value for Money risks

The NAO's guidance requires us to carry out work to identify whether or not a risk to the Value for Money conclusion exists. Risk, in the context of our Value for Money work, is the risk that we come to an incorrect conclusion rather than the risk of the arrangements in place at the Council being inadequate. As set out in our Audit Strategy Memorandum, for the 2018/19 financial year, we identified a significant risk to our VFM conclusion:

- Delivery of budgets

Our detailed findings are set out below. Based on the work performed, we are satisfied that the Council's arrangements are adequate.

Risk	Work undertaken	Conclusion
<p>Delivery of budgets – The continual pressures on Local Government finances are well documented and led to another challenging budget setting process for 2018/19. A total of £0.35m of leisure service savings were removed from the 2017/18 base budget to produce the 2018/19 budget. The Council approved balanced budgets for 2018/19 and 2019/20. The budgets included the required S.151 Officer assurances relating to the robustness of the budget and the adequacy of the level of reserves, but acknowledged the risks around the delivery and timing of savings initiatives and the need to address medium term budget shortfalls from 2020/21 onwards.</p> <p>The Medium Term Financial Plan indicates that a new Corporate Savings Target should be set to identify further ongoing savings (or additional income) of £0.4m by 2020/21. The 2019/20 revenue budget does however include a reserve provision to allow a strategic response to emerging budgetary shortfalls.</p> <p>There will be significant changes in Local Government finances over the next few years, which will culminate in a major change in the way Local Government is financed from 2020/21 onwards. These include the 2019 Spending Review, the Fair Funding Review and the introduction of 75% local retention of business rates (up from 50% retention). As a result, the need for savings (or income generation) will continue to have a significant impact on the Council's financial resilience.</p>	<p>We have assessed whether any matters have come to our attention through the course of our audit that lead us to conclude that a risk to our 2018/19 VFM conclusion does indeed exist. We addressed this requirement by reviewing the Council's arrangements for developing and delivering its MTFP and for working in partnership.</p>	<p>We obtained sufficient assurance to conclude that the Council continues to have appropriate arrangements in place.</p>

5. VALUE FOR MONEY CONCLUSION

Matters kept under review

Before drawing our conclusion, we have:

- updated our risk assessment for any new or emerging issues through discussions with management and updating our review of committee reports;
- reviewed the Council's Annual Governance Statement for any significant issues; and
- considered the Council's financial outturn position as presented in the financial statements.

From the work performed, no new significant VFM risks were identified and we have no matters to report.

Our overall Value for Money conclusion

We have completed our procedures and, as set out in our draft auditor's report included at Appendix B, we intend to issue an unqualified Value for Money conclusion for the 2018/19 financial year.



APPENDIX A

DRAFT MANAGEMENT REPRESENTATION LETTER

From:
Karen Henriksen
Head of Resources
Derbyshire Dales District Council
Town Hall, Matlock,
Derbyshire DE4 3NN

The Council's management representation letter should be provided to us on client headed note paper.

To:
Mr Gavin Barker
Director
Mazars LLP
Salvus House
Aykley Heads
Durham DH1 5TS

Date: 25 July 2019

Derbyshire Dales District Council - audit for year ended 31 March 2019

This representation letter is provided in connection with your audit of the financial statements of Derbyshire District Council for the year ended 31 March 2019 for the purpose of expressing an opinion as to whether the statement of accounts give a true and fair view in accordance with the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2018/19 (the Code).

I confirm that the following representations are made on the basis of enquiries of management and staff with relevant knowledge and experience (and, where appropriate, inspection of supporting documentation) sufficient to satisfy myself that I can properly make each of the following representations to you.

My responsibility for the statement of accounts and accounting information

I believe that I have fulfilled my responsibilities for the true and fair presentation and preparation of the statement of accounts in accordance with the Code.

My responsibility to provide and disclose relevant information

I have provided you with:

- access to all information of which I am aware that is relevant to the preparation of the statement of accounts such as records, documentation and other material;
- additional information that you have requested from me for the purpose of the audit; and
- unrestricted access to individuals within the Council you determined it was necessary to contact in order to obtain audit evidence.

I confirm as Chief Financial Officer that I have taken all the necessary steps to make me aware of any relevant audit information and to establish that you, as auditors, are aware of this information. As far as I am aware there is no relevant audit information of which you, as auditors, are unaware.

Accounting records

I confirm that all transactions have been recorded in the accounting records and are reflected in the financial statements. All other records and related information, including minutes of all Council and Committee meetings, have been made available to you.

Accounting policies

I confirm that I have reviewed the accounting policies applied during the year in accordance with the Code and International Accounting Standard 8 and consider them appropriate for the year.

Accounting estimates, including those measured at fair value

I confirm that any significant assumptions used in making accounting estimates, including those measured at fair value, are reasonable.

Contingencies

There are no material contingent losses including pending or potential litigation that should be accrued where:

- information presently available indicates that it is probable that an asset has been impaired or a liability had been incurred at the balance sheet date; and
- the amount of the loss can be reasonably estimated.

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DRAFT MANAGEMENT REPRESENTATION LETTER

(CONTINUED)

There are no material contingent losses that should be disclosed where, although either or both the conditions specified above are not met, there is a reasonable possibility that a loss, or a loss greater than that accrued, may have been incurred at the balance sheet date.

There are no contingent gains which should be disclosed.

All material matters, including unasserted claims, that may result in litigation against the Council have been brought to your attention. All known actual or possible litigation and claims whose effects should be considered when preparing the financial statements have been disclosed to you and accounted for and disclosed in accordance with Code.

Laws and regulations

I confirm that I have disclosed to you all those events of which I am aware which involve known or suspected non-compliance with laws and regulations, together with the actual or contingent consequences which may arise therefrom.

The Council has complied with all aspects of contractual agreements that would have a material effect on the accounts in the event of non-compliance.

Fraud and error

I acknowledge my responsibility as Chief Financial Officer for the design, implementation and maintenance of internal control to prevent and detect fraud and error.

I have disclosed to you:

- all the results of my assessment of the risk that the statement of accounts may be materially misstated as a result of fraud;
- all knowledge of fraud or suspected fraud affecting the Council involving:
 - management and those charged with governance;
 - employees who have significant roles in internal control; and
 - others where fraud could have a material effect on the financial statements.

I have disclosed to you all information in relation to any allegations of fraud, or suspected fraud, affecting the Council's financial statements communicated by employees, former employees, analysts, regulators or others.

Related party transactions

I confirm that all related party relationships, transactions and balances (including sales, purchases, loans, transfers, leasing arrangements and guarantees) have been appropriately accounted for and disclosed in accordance with the requirements of the Code.

I have disclosed to you the identity of the Council's related parties and all related party relationships and transactions of which I am aware.

Impairment review

To the best of my knowledge, there is nothing to indicate that there is a permanent reduction in the recoverable amount of the property, plant and equipment below their carrying value at the balance sheet date. An impairment review is therefore not considered necessary.

Charges on assets

All the Council's assets are free from any charges exercisable by third parties except as disclosed within the financial statements.

Future commitments

We have no plans, intentions or commitments that may materially affect the carrying value or classification of assets and liabilities or give rise to additional liabilities.

Subsequent events

I confirm all events subsequent to the date of the financial statements and for which the Code require adjustment or disclosure have been adjusted or disclosed.

Should further material events occur after the date of this letter which may necessitate revision of the figures included in the financial statements or inclusion of a note thereto, I will advise you accordingly.

APPENDIX A

DRAFT MANAGEMENT REPRESENTATION LETTER (CONTINUED)

Going concern

To the best of my knowledge there is nothing to indicate that the Council will cease to continue as a going concern in the foreseeable future. The period to which I have paid particular attention in assessing the appropriateness of the going concern basis is not less than twelve months from the date of approval of the accounts.

Unadjusted misstatements

I confirm that the effects of the uncorrected misstatements are immaterial, both individually and in aggregate, to the financial statements as a whole. A list of the uncorrected misstatements is attached to this letter as an Appendix.

Yours sincerely

Head of Resources

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DRAFT AUDITOR'S REPORT

Independent auditor's report to the members of Derbyshire Dales District Council Report on the financial statements

Opinion

We have audited the financial statements of Derbyshire Dales District Council for the year ended 31 March 2019, which comprise the Movement in Reserves Statement, the Comprehensive Income and Expenditure Statement, the Balance Sheet, the Cash Flow Statement, the Collection Fund and notes to the financial statements, including a summary of significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law and the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2018/19.

In our opinion, the financial statements:

- give a true and fair view of the financial position of Derbyshire Dales District Council as at 31st March 2019 and of its expenditure and income for the year then ended; and
- have been properly prepared in accordance with the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2018/19.

Basis for opinion

We conducted our audit in accordance with International Standards on Auditing (UK) (ISAs (UK)) and applicable law. Our responsibilities under those standards are further described in the Auditor's responsibilities section of our report. We are independent of the Council in accordance with the ethical requirements that are relevant to our audit of the financial statements in the UK, including the FRC's Ethical Standard as applicable to public interest entities, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Conclusions relating to going concern

We have nothing to report in respect of the following matters in relation to which the ISAs (UK) require us to report to you where:

- the Head of Resources' use of the going concern basis of accounting in the preparation of the financial statements is not appropriate; or
- the Head of Resources has not disclosed in the financial statements any identified material uncertainties that may cast significant doubt about the Council's ability to continue to adopt the going concern basis of accounting for a period of at least twelve months from the date when the financial statements are authorised for issue.

Other information

The Head of Resources is responsible for the other information. The other information comprises the information included in the Statement of Accounts, other than the financial statements and our auditor's report thereon. Our opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in our report, we do not express any form of assurance conclusion thereon.

APPENDIX B

DRAFT AUDITOR'S REPORT (CONTINUED)

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated. If we identify such material inconsistencies or apparent material misstatements, we are required to determine whether there is a material misstatement in the financial statements or a material misstatement of the other information. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact.

We have nothing to report in this regard.

Responsibilities of the Head of Resources for the financial statements

As explained more fully in the Statement of Responsibilities for the Statement of Accounts, the Head of Resources is responsible for the preparation of the Statement of Accounts, which includes the financial statements, in accordance with proper practices as set out in the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2018/19, and for being satisfied that they give a true and fair view. The Head of Resources is also responsible for such internal control as the Head of Resources determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

The Head of Resources is required to comply with the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2018/19 and prepare the financial statements on a going concern basis, unless the Council is informed of the intention for dissolution without transfer of services or function to another entity. The Head of Resources is responsible for assessing each year whether or not it is appropriate for the Council to prepare its accounts on the going concern basis and disclosing, as applicable, matters related to going concern.

Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

A further description of our responsibilities for the audit of the financial statements is located on the Financial Reporting Authority's website at www.frc.org.uk/auditorsresponsibilities. This description forms part of our auditor's report.

Matters on which we are required to report by exception under the Code of Audit Practice

We are required by the Code of Audit Practice to report to you if:

- we issue a report in the public interest under section 24 of the Local Audit and Accountability Act 2014;
- we make a recommendation under section 24 of the Local Audit and Accountability Act 2014; or
- we exercise any other special powers of the auditor under sections 28, 29 or 31 of the Local Audit and Accountability Act 2014.

We have nothing to report in these respects.

APPENDIX B

DRAFT AUDITOR'S REPORT (CONTINUED)

Conclusion on Derbyshire Dales District Council's arrangements for securing economy, efficiency and effectiveness in the use of resources

Conclusion

On the basis of our work, having regard to the guidance on the specified criterion issued by the Comptroller and Auditor General in November 2017, we are satisfied that, in all significant respects, Derbyshire Dales District Council has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2019.

Basis for conclusion

We have undertaken our review in accordance with the Code of Audit Practice issued by the Comptroller and Auditor General, having regard to the guidance on the specified criterion issued in November 2017, as to whether the Council had proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people. The Comptroller and Auditor General determined this criterion as that necessary for us to consider in satisfying ourselves whether the Council put in place proper arrangements for securing economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2019.

We planned our work in accordance with the Code of Audit Practice. Based on our risk assessment, we undertook such work as we considered necessary to form a view on whether, in all significant respects, the Council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

Responsibilities of the Council

The Council is responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources, to ensure proper stewardship and governance, and to review regularly the adequacy and effectiveness of these arrangements.

Auditor's responsibilities for the review of arrangements for securing economy, efficiency and effectiveness in the use of resources

We are required under section 20(1)(c) of the Local Audit and Accountability Act 2014 to satisfy ourselves that the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources. The Code of Audit Practice requires us to report to you our conclusion relating to proper arrangements. We are not required to consider, nor have we considered, whether all aspects of the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources are operating effectively.

Use of the audit report

This report is made solely to the members of Derbyshire Dales District Council, as a body, in accordance with part 5 of the Local Audit and Accountability Act 2014 and as set out in paragraph 44 of the Statement of Responsibilities of Auditors and Audited Bodies published by Public Sector Audit Appointments Limited. Our audit work has been undertaken so that we might state to the members of the Council those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the members of the Council, as a body, for our audit work, for this report, or for the opinions we have formed.

Certificate

We certify that we have completed the audit of Derbyshire Dales District Council in accordance with the requirements of the Local Audit and Accountability Act 2014 and the Code of Audit Practice.

[Signature]

Gavin Barker,
Director

For and on behalf of Mazars LLP
Salvus House
Aykley Heads
Durham DH1 5TS

July 2019

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APPENDIX C INDEPENDENCE

As part of our ongoing risk assessment we monitor our relationships with you to identify any new actual or perceived threats to our independence within the regulatory or professional requirements governing us as your auditors.

We can confirm that no new threats to independence have been identified since issuing the Audit Strategy Memorandum and therefore we remain independent.

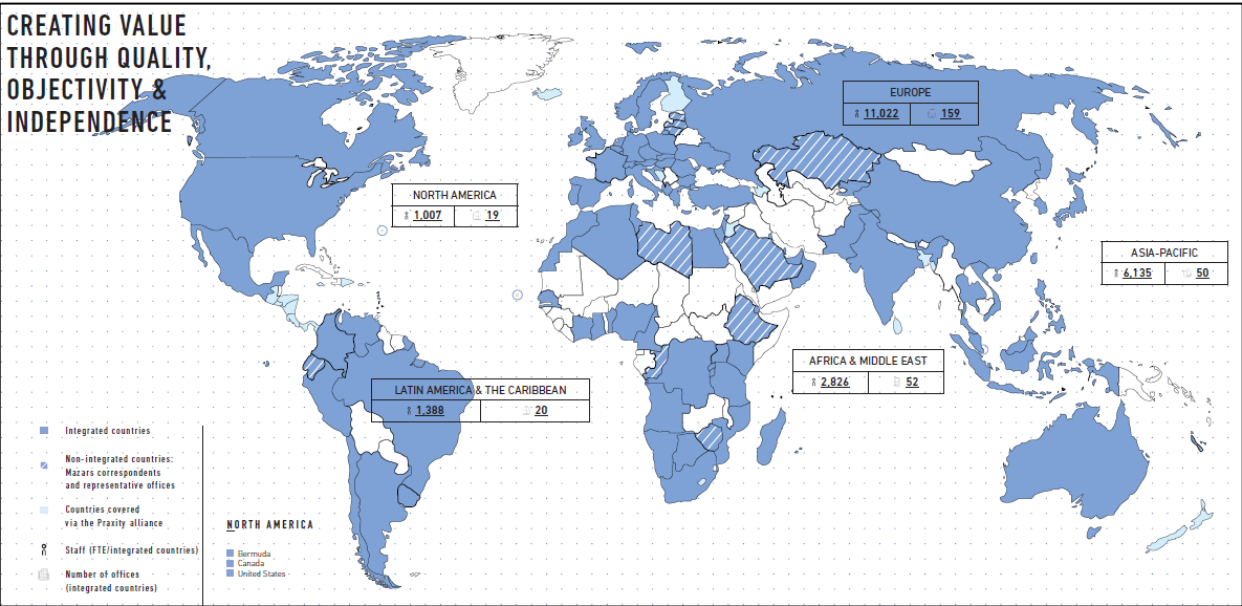


MAZARS AT A GLANCE

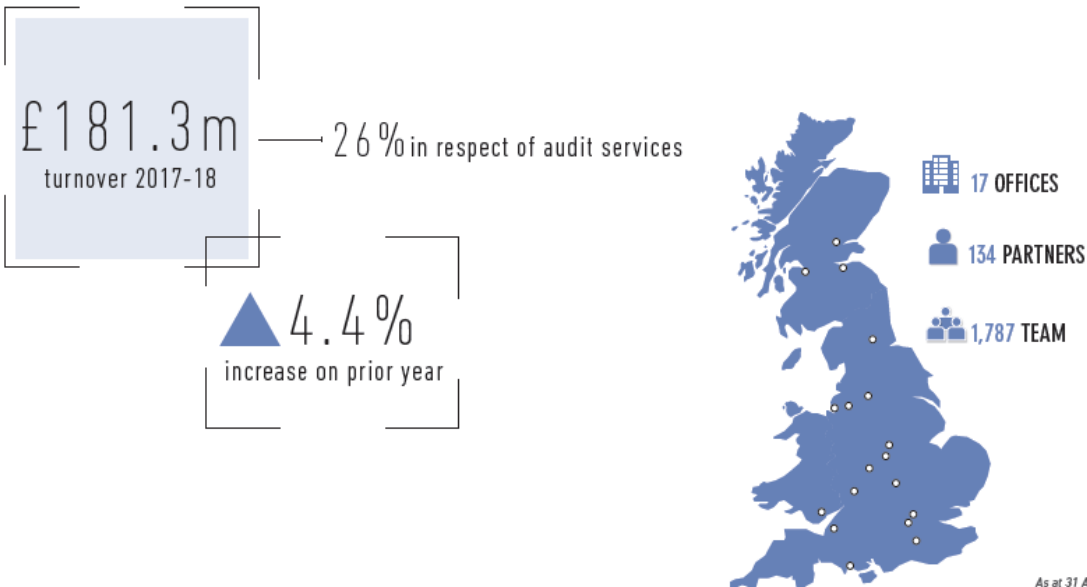
Mazars LLP

- Fee income €1.6 billion
- Over 86 countries and territories
- Over 300 locations
- Over 20,000 professionals
- International and integrated partnership with global methodologies, strategy and global brand

Mazars Internationally



Mazars in the UK



CONTACTS

Engagement lead

Gavin Barker

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Engagement manager

John Pressley

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Email: john.pressley@mazars.co.uk

COUNCIL

25 July 2019

Report of the Head of Resources

LETTER OF REPRESENTATION 2018/19

PURPOSE OF REPORT

This report requests that Members consider the draft Letter of Representation as part of their responsibility for approving the financial statements.

RECOMMENDATION

That the draft Letter of Representation be endorsed for signature.

WARDS AFFECTED

All

STRATEGIC LINK

The Letter of Representation is an important aspect of the Council's corporate governance arrangements. As such, it contributes towards the achievement of all the Council's aims, priorities and targets.

1 REPORT

- 1.1 The International Standard on Auditing (U.K. & Ireland) 580 (ISA 580) requires the external auditor to obtain evidence that the Council's management acknowledges its responsibility for the fair presentation of the financial statements in accordance with the applicable financial reporting framework, and has approved the financial statements. The auditor can obtain evidence of management's acknowledgement of such responsibility by obtaining a written representation from management and a signed copy of the financial statements.
- 1.2 ISA 580 gives guidance on matters which might be included in a management "Letter of Representation". The Head of Resources' Letter of Representation has been prepared in accordance with that guidance and is given in Appendix 1. In preparing the letter, the Head of Resources has consulted with members of the Council's Corporate Leadership Team, and has discussed the draft contents with the External Auditor. The letter contains no matters of concern which need to be brought to the attention of Members.
- 1.3 In addition, ISA 580 requires the external auditor to obtain evidence that those charged with governance acknowledge their collective responsibility for the preparation of, and have approved, the financial statements. Consideration of the Letter of Representation by the Council prior to receiving the external auditor's Annual Governance Report contributes to that evidence.

2 RISK ASSESSMENT

2.1 Legal

There are no legal risks arising from the report.

2.2 Financial

There are no financial risks arising from the report.

3 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, equality of opportunity, environmental, health, legal and human rights, financial, personnel and property considerations.

4 CONTACT INFORMATION

Karen Henriksen, Head of Resources
Telephone: 01629 761284
Email: karen.henriksen@derbyshiredales.gov.uk

Mark Nash, Financial Services Manager
Telephone: [01629 761214](tel:01629761214)
Email: mark.nash@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

International Standard on Auditing (UK & Ireland) 580 – Management Representations

6 ATTACHMENTS

Appendix 1 – Letter of Representation 2018/19



Mr Gavin Barker
 Director
 Mazars LLP
 Salvus House
 Aykley Heads
 Durham
 DH1 5TS

Please ask for: Karen Henriksen
 Direct Dial No: 01629 761284
 Your Ref.
 My Ref. CE/KH
 E-mail: karen.henriksen@derbyshiredales.gov.uk

25 July 2019

Dear Gavin,

Derbyshire Dales District Council - Audit for the year ended 31 March 2019

This representation letter is provided in connection with your audit of the financial statements of Derbyshire Dales District Council for the year ended 31 March 2019 for the purpose of expressing an opinion as to whether the statement of accounts gives a true and fair view in accordance with the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2018/19 (the Code).

I confirm that the following representations are made on the basis of enquiries of management and staff with relevant knowledge and experience (and, where appropriate, inspection of supporting documentation) sufficient to satisfy myself that I can properly make each of the following representations to you.

My responsibility for the statement of accounts and accounting information

I believe that I have fulfilled my responsibilities for the true and fair presentation and preparation of the statement of accounts in accordance with the Code.

My responsibility to provide and disclose relevant information

I have provided you with:

- access to all information of which I am aware that is relevant to the preparation of the statement of accounts such as records, documentation and other material;
- additional information that you have requested from me for the purpose of the audit; and
- unrestricted access to individuals within the Council you determined it was necessary to contact in order to obtain audit evidence.

Continued.....

I confirm as Chief Financial Officer that I have taken all the necessary steps to make me aware of any relevant audit information and to establish that you, as auditors, are aware of this information. As far as I am aware there is no relevant audit information of which you, as auditors, are unaware.

Accounting records

I confirm that all transactions have been recorded in the accounting records and are reflected in the financial statements. All other records and related information, including minutes of all Council and Committee meetings, have been made available to you.

Accounting policies

I confirm that I have reviewed the accounting policies applied during the year in accordance with the Code and International Accounting Standard 8 and consider them appropriate for the year.

Accounting estimates, including those measured at fair value

I confirm that any significant assumptions used in making accounting estimates, including those measured at fair value, are reasonable.

Contingencies

There are no material contingent losses including pending or potential litigation that should be accrued where:

- information presently available indicates that it is probable that an asset has been impaired or a liability had been incurred at the balance sheet date; and
- the amount of the loss can be reasonably estimated.

There are no material contingent losses that should be disclosed where, although either or both the conditions specified above are not met, there is a reasonable possibility that a loss, or a loss greater than that accrued, may have been incurred at the balance sheet date.

There are no contingent gains which should be disclosed.

All material matters, including unasserted claims, that may result in litigation against the Council have been brought to your attention. All known actual or possible litigation and claims whose effects should be considered when preparing the financial statements have been disclosed to you and accounted for and disclosed in accordance with Code.

Laws and regulations

I confirm that I have disclosed to you all those events of which I am aware which involve known or suspected non-compliance with laws and regulations, together with the actual or contingent consequences which may arise therefrom.

The Council has complied with all aspects of contractual agreements that would have a material effect on the accounts in the event of non-compliance.

Continued.....

Fraud and error

I acknowledge my responsibility as Chief Financial Officer for the design, implementation and maintenance of internal control to prevent and detect fraud and error.

I have disclosed to you:

- all the results of my assessment of the risk that the statement of accounts may be materially misstated as a result of fraud;
- all knowledge of fraud or suspected fraud affecting the Council involving:
 - management and those charged with governance;
 - employees who have significant roles in internal control; and
 - others where fraud could have a material effect on the financial statements.

I have disclosed to you all information in relation to any allegations of fraud, or suspected fraud, affecting the Council's financial statements communicated by employees, former employees, analysts, regulators or others.

Related party transactions

I confirm that all related party relationships, transactions and balances (including sales, purchases, loans, transfers, leasing arrangements and guarantees) have been appropriately accounted for and disclosed in accordance with the requirements of the Code.

I have disclosed to you the identity of the Council's related parties and all related party relationships and transactions of which I am aware.

Impairment review

To the best of my knowledge, there is nothing to indicate that there is a permanent reduction in the recoverable amount of the property, plant and equipment below their carrying value at the balance sheet date. An impairment review is therefore not considered necessary.

Charges on assets

All the Council's assets are free from any charges exercisable by third parties except as disclosed within the financial statements.

Future commitments

We have no plans, intentions or commitments that may materially affect the carrying value or classification of assets and liabilities or give rise to additional liabilities.

Subsequent events

I confirm all events subsequent to the date of the financial statements and for which the Code require adjustment or disclosure have been adjusted or disclosed.

Should further material events occur after the date of this letter which may necessitate revision of the figures included in the financial statements or inclusion of a note thereto, I will advise you accordingly.

Continued.....

Going concern

To the best of my knowledge there is nothing to indicate that the Council will cease to continue as a going concern in the foreseeable future. The period to which I have paid particular attention in assessing the appropriateness of the going concern basis is not less than twelvemonths from the date of approval of the accounts.

Unadjusted misstatements

I confirm that the effects of the uncorrected misstatements are immaterial, both individually and in aggregate, to the financial statements as a whole.

This letter was endorsed at the meeting of the Council on 25 July 2019.

Yours sincerely,

Karen Henriksen
Head of Resources

COUNCIL

25 July 2019

Report of the Head of Resources

STATEMENT OF ACCOUNTS 2018/19

SUMMARY

This report provides interpretation of the Statement of Accounts for 2018/19 and highlights the key issues. The report also requests approval of the Statement of Accounts for 2018/19.

RECOMMENDATION

That the Statement of Accounts for 2018/19 is approved

WARDS AFFECTED

All.

See also the separate
Draft Statement of Accounts 2018/19
distributed with this report

STRATEGIC LINK

The Council's financial position is taken into account in determining all the priorities in the Corporate Plan.

1. BACKGROUND

Under the Accounts and Audit Regulations 2015 the District Council must:-

- consider either by way of a Committee or by the Members meeting as a whole the Statement of Accounts;
- following that consideration, approve the Statement of Accounts by a resolution of that Committee or meeting;
- following approval, ensure that the Statement of Accounts is signed and dated by the person presiding at the Committee or meeting at which that approval was given; and
- publish (which must include publication on the Council's website), the Statement of Accounts together with any certificate, opinion, or report issued, given or made by the auditor.

2. REPORT

2.1 The Statement of Accounts 2018/19, distributed with this report, has been audited by the Council's External Auditors, Mazars LLP. The external auditor has also reviewed the Annual Governance Statement for 2018/19.

Some minor changes have been made to the Statement of Accounts in order to address issues identified during the audit. The overall financial position remains the same as that reported to Council on 30 May 2019.

2.2 The Audit Opinion will be issued after the Council has approved the Statement of Accounts and Letter of Representation. As part of corporate governance, the External Auditor is required to report relevant matters relating to the audit to Council (or a relevant committee). As there is a statutory deadline of 31 July for the approval of the 2018/19 financial statements and the audit has only recently been concluded, this report is presented to full Council, rather than the Governance and Resources Committee, as was customary. The External Audit ISA260 Report 2018/19 from Mazars is included elsewhere on the Agenda of this meeting.

2.3 The Accounts and Audit Regulations state that the accounts must be prepared in accordance with “proper practices”. The Local Government Act 2003 defines proper practices as those:

- Which the authority is required to follow by virtue of any enactment, or
- Which are contained in a code of practice or other document which is identified by the Secretary of State. The Secretary of State has determined that the following document is relevant:
 - The Code of Practice on Local Authority Accounting in the United Kingdom 2018/19 (the Code), published by the Chartered Institute of Public Finance and Accountancy (CIPFA);

2.4 The Council’s accounts have been prepared to comply with proper practices, as demonstrated by the satisfactory completion of the external audit of the accounts. Compliance can also be checked by reviewing the Statement of Accounts against the Audit Commission’s Aide Memoire, which is included as Appendix 1 to this report.

3 RISK ASSESSMENT

3.1 Legal

Legal considerations are contained within the body of the report. The legal risk is low.

3.2 Financial

The accounts have been prepared in accordance with proper practices, and have been audited. There is therefore no financial risk arising from this report.

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

None

7. ATTACHMENTS

Appendix 1 – Statement of Accounts 2018/19 – Aide Memoire for Members

Appendix 2 - Statement of Accounts 2018/19 – Published separately

STATEMENT OF ACCOUNTS 2018/19 - AIDE MEMOIRE FOR MEMBERS

The purpose of the questions below is to help establish and provide evidence of a robust review of the accounts by the S151 officer and Members.

No.	Issue	Members comment and evidence
1	Was the closedown plan (which allows the statement of accounts to be approved by 31 July 2018) achieved?	The accounts were signed by the S151 Officer on 16th July and sent to Members prior to the Council meeting on 25th July.
2	Have the auditors received regular updates on the plan and been warned of potential problems?	<p>The auditors received a copy of the plan in March.</p> <p>During the closure process discussions have been held with the auditors regarding various areas of accounting.</p> <p>The auditors were given a copy of the completed disclosure checklist, copies of working papers and draft accounts at the commencement of the audit – the disclosure checklist helps them to identify potential problem areas.</p>
3	Have staff preparing the accounts attended CIPFA/Mazars workshops and are they aware of the key issues and changes in the CIPFA Code of Practice 2018/19?	<p>Yes.</p> <p>The Financial Services Manager, Principal Accountant and Senior Accountant attended the CIPFA Final Accounts Workshop.</p>
4	Do staff preparing the accounts have up to date CIPFA guidance notes for practitioners?	Yes
5	Have the accounts been checked for casting errors, internal inconsistency and cross referencing? (All numbers which are expected to agree do agree).	Yes. Extensive use of Excel is incorporated into the document to reduce the risk of casting errors and to check internal consistency. Internal consistency and cross referencing is also checked thoroughly by senior accounting staff.
6	<p>Does the narrative statement set out the results for the year and comparison to budget, commenting on the significant items?</p> <p>Do the figures quoted reconcile to the main statements?</p>	<p>Yes – see pages 1 to 8 of the Statement of Accounts.</p> <p>Yes.</p>

No.	Issue	Members comment and evidence
7	Has the audit of the accounts been	A notice of public rights was placed on the

	<p>advertised and accounts made available for public inspection?</p> <p>Have members of the public raised any objections? (If so, what are they?)</p>	<p>Council's website and the accounts were available for public inspection from 3rd June to 12th July.</p> <p>No objections were received.</p>
8	<p>Has a bank reconciliation been completed as at 31st March 2019 with no unexplained entries?</p>	<p>Yes. The bank reconciliation for the year ending 31st March 2019 was completed. There were no unexplained entries.</p>
9	<p>Have all year-end control accounts been reconciled?</p> <p>How have you maintained control when staff are involved in budget preparations Nov – Feb time?</p> <p>Any significant slippages in reconciling suspense accounts e.g. cash suspense?</p>	<p>Yes.</p> <p>There were sufficient numbers of adequately training staff in the Financial Services Section (see risk register).</p> <p>No. The cash suspense account is checked daily.</p>
10	<p>Are there any significant unexplained budget variances?</p>	<p>There are no unexplained variances.</p>
11	<p>Have working papers been completed in accordance with the auditor's "Prepared By Client" list? Were they ready for the start of the audit?</p>	<p>Working papers were completed in accordance with the auditor's "Prepared By Client" list, as well as a working paper for each note to the accounts. They were ready for the start of the audit.</p>
12	<p>Is there a sufficient basket of evidence gathered to allow the S151 officer and members to conclude on the effectiveness of Internal Audit, in relation to the Annual Governance Statement? E.g. Self-assessment by Internal Audit Manager, External Auditor's view of Internal Audit, Heads of Service view of Internal Audit.</p>	<p>The Annual Governance Statement (AGS) for 2018/19, which identifies the Governance Framework and includes a review of its effectiveness, was approved by the Council on 30 May 2019.</p> <p>The Internal Audit Annual Report for 2018/19 was considered at a meeting of the Governance and Resources Committee on 11 July 2019. This report includes an opinion on the overall adequacy and effectiveness of the Council's control environment including any qualifications to that opinion;</p> <p>The Internal Audit section is subject to regular inspection by the Council's external auditors, who place reliance on the work undertaken by the section.</p>

No.	Issue	Members comment and evidence
14	<p>Has the action plan from the previous year's Annual Governance Statement been complied with? Are there any</p> <p style="text-align: right;">46</p>	<p>Progress on the action plan for the 2017/18 Annual Governance Statement is shown in the 2018/19 Statement, on page</p>

	<p>remaining control risks that undermine the content of the Annual Governance Statement or the Accounts?</p>	<p>29 of the Statement of Accounts. There were three recommendations relating to:</p> <ul style="list-style-type: none"> • Financial pressures and achieving a sustainable budget; • Arrangements for safeguarding; • Arrangements for procurement. <p>A balanced budget has been set and the Council maintains appropriate reserves. However financial pressure remain an ongoing issue.</p> <p>Training on safeguarding has been provided to taxi drivers and employees; workshops have been arranged for members following the May 2019 elections.</p> <p>Contract Standing Orders have been updated including revised procurement requirements, thresholds, evaluation criteria and processes. Training on the new contract standing orders has been delivered to relevant employees.</p>
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COUNCIL
25 JULY 2019

Report of the Chief Executive

CORPORATE PEER CHALLENGE

PURPOSE OF REPORT

To seek Council endorsement for a Corporate Peer Challenge to be undertaken in partnership with the Local Government Association.

RECOMMENDATIONS

1. That Council agrees to participate in a Corporate Peer Challenge to be undertaken in partnership with the Local Government Association.
2. That authority be delegated to the Chief Executive to agree a programme of on-site activity with the Local Government Association Peer Challenge Manager.

WARDS AFFECTED

All

STRATEGIC LINK

The Corporate Plan sets out the District Council's priorities and areas for improvement, and identifies targets to be achieved. Service Plans, policies and strategies supplement the Corporate Plan. The Corporate Peer Challenge will assist the Council in the review of its Corporate Plan (2019-2023).

1 BACKGROUND

- 1.1 The context within which any Council is operating is becoming increasingly testing in terms of demands and expectations; particularly during an era where the resources available have reduced and continue to diminish.
- 1.2 In this context, the Local Government Association has for many years, supported various programmes to help councils further strengthen local accountability and explore how effectively they are delivering services. Peer challenges were first launched in 2011, and are offered free of charge to member councils. They provide a robust and effective improvement tool managed and delivered by the sector, for the sector. Peers are at the heart of the peer challenge process and provide a 'practitioner perspective' and 'critical friend' challenge.
- 1.3 It is important to emphasise that Corporate Peer Challenge is not an inspection, it is a tool for improvement and is aimed at improving, not judging councils. They are designed to complement and add value to a council's own performance and improvement priorities with peers using their own experience and knowledge of local government to reflect on the information presented from people they meet and from what they hear and read. Whilst there is no mandatory requirement for councils to participate in a Corporate Peer

Challenge, there is an expectation that councils will commission a Corporate Peer Challenge every 4-5 years. The last Corporate Peer Challenge of Derbyshire Dales District Council was in July 2013.

2 CORPORATE PEER CHALLENGE

2.1 The Corporate Peer Challenge will consider 5 core components and high level questions:

- Understanding of the local place and priority setting

How well does the Council understand its local context and place and how has that been used to inform a clear vision and set of priorities? How well is the Council achieving against those ambitions? For example, as it reaches the end of the 2015-2019 Corporate Plan has the Council got a clear idea of where to go from here?

- Leadership of Place

Does the Council provide effective leadership of the District within, but also beyond, the Council's boundaries and the wider place (such as Derbyshire, Sheffield City Region, D2N2, The East Midlands) through its elected members, officers and constructive relationships and partnerships with external stakeholders?

- Financial planning and viability

Does the Council have a financial plan in place to ensure long term sustainability and is there evidence that it is being implemented successfully? How aware is it of its costs compared to similar councils? Is the Council maximising appropriate sharing and "commercial" opportunities to enable reinvestment in services and to contribute further to self-sufficiency? Indeed are the Council's commercial aspirations reasonable and realistic given what it considers to be its limited cash and assets? Does the new "Commercial Board" provide, and allow, the focus and leadership needed?

- Organisational leadership and governance

Is there effective political and managerial leadership supported by good governance. Are decision-making arrangements fleet of foot, responsive to key challenges and opportunities and enable change and transformation to be successfully implemented? Are elected and officer roles clearly defined and relationships constructive? Is the way the Council operates its Committee system model fit for purpose?

- Capacity to deliver

Are resources aligned with priorities? Does the Council influence, enable and leverage external capacity to focus on agreed outcomes? Is the culture one where residents and other stakeholders feel fully engaged and involved in the decisions that are being made on their behalf? Is the strategic capacity within the Council sufficient for current and future challenges? Is the Council making the most of new technology, including artificial intelligence, to reduce demand, improve efficiency and to deliver outcomes. Is the Council making use of all possible opportunities and taking the right steps to deliver its affordable housing ambitions?

2.2 Exploring the core components above will help provide reassurance and an indication about the organisation's ability and capacity to deliver on its plans, proposals and ambitions, but will also allow the peer team where appropriate to comment on track record and achievements too, helping to demonstrate our journey of improvement.

3 PEER CHALLENGE TIMETABLE AND TEAM

- 3.1 Preliminary discussions have taken place with the LGA and (subject to Council approval) a provisional programme has been agreed for the corporate peer challenge to take place for 3 days on 22nd – 24th October 2019.
- 3.2 The peer challenge team will be assembled by the LGA Peer Challenge Manager in consultation with the Chief Executive and will comprise:
- Chief Executive
 - 2 x Member Peers
 - 2 x Senior Officer Peers
 - LGA Peer Challenge Manager
- 3.3 As part of the peer challenge, the Council will need to arrange a timetable of activity which will need to schedule meetings and discussion sessions over days 1 and 2 with a range of officers, members and other stakeholders (including citizens and partners if relevant) enabling the peer team to explore the issues relevant to the purpose, scope and suggested terms of reference for the peer challenge.
- 3.4 Feedback from the peer team will comprise of:
- A feedback session delivered by the peer team at the end of the onsite activity (Day 3 afternoon session) involving all members.
 - A short written feedback report (typically 12-14 pages) summarising the peer team's feedback, and providing signposting to places and practice to support the key findings and recommendations of the peer team

4 SUMMARY

- 4.1 With the election of a new Council and the development of a new Corporate Plan (2019-2023), there is a clear opportunity to consider our strategic direction having regard to our priorities, resources and capacity. If Council agrees to proceed, it is hoped that the feedback we receive from the Peer Challenge will help Members and Corporate Leadership Team work together on agreeing a clear and focussed strategic approach to the future which maximises our resources and capacity towards the delivery of the Council's priorities.

5 RISK ASSESSMENT

5.1 Legal

There is no legal obligation for the Council to undertake a peer review however a peer review is a useful tool to ensure that the Council is complying with all its legal duties in the most efficient manner.

5.2 Financial

The review of financial planning and viability, which forms part of the peer challenge, will provide a useful assessment of the Council's arrangements for financial management and financial sustainability.

The cost of the peer challenge (mainly officer time as the LGA cost is included in the Council's annual subscription) can be met from existing budgets. Therefore, the financial risk 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

None

COUNCIL
25 JULY 2019

Report of the Head of Regeneration and Policy

HOUSING DELIVERY TEST

PURPOSE OF REPORT

The report sets out the results of the Government's Housing Delivery Test for the Derbyshire Dales and provides a commentary upon the current position with regards to housing delivery in the district. It recommends the preparation of a non statutory Housing Delivery Action Plan, for which authority is sought for public consultation, prior to further consideration by Members.

RECOMMENDATION

1. That a Housing Delivery Action Plan is prepared in the terms as set out in section 4 below;
2. That the Head of Regeneration and Policy be given delegated authority to consult on the Housing Delivery Action Plan
3. That the results of the public consultation be reported to further meeting of Council, prior to the adoption of the Housing Delivery Action Plan.

WARDS AFFECTED

All 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 and the Peak District Partnership Statement of Priorities. 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 states 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. The HDT Measurement Rule Book¹ published by the Government in July 2018 sets out in detail the methodology used for calculating the HDT.
- 1.3 Although the Ministry for Housing Communities and Local Government (MHCLG) indicated that HDT results would be published annually from November 2018, the results of the first assessment were eventually published on 19 February 2019. No explanation was provided by MHCLG for the delay in publication, and a letter from the Chief Planner in March 2019 indicated that the next result was expected to be published in November 2019.
- 1.3 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.
- 1.4 The results of the HDT for Derbyshire Dales originally 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%.
- 1.5 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).
- 1.6 As a result the District Council is not required to prepare and submit to MHCLG a formal Housing Delivery Action Plan. Notwithstanding this situation the District Council's Place Shaping Hub has suggested 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.

2 FIVE YEAR SUPPLY OF LAND FOR HOUSING

- 2.1 The NPPF requires that local planning authorities to identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing development. Unless a local authority can evidence a clearly demonstrable five year supply of land for housing, there is a "presumption in favour" of new development.

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

- 2.2 The District Council routinely undertakes annual monitoring of housing completions and commitments. The purpose of this is to provide data on progress against the housing targets set out in the Derbyshire Dales Local Plan, and to use in the calculation of the District Council's Five Year Housing Supply. The results of the housing monitoring exercise are normally published in the District Council's Local Planning Authority Monitoring Report (the most recent Monitoring Report was approved at the meeting of the Community and Environment Committee on 21 February 2019).
- 2.3 Over the past three years the District Council has been proactive in engaging with landowners, developers and their agents by seeking information from them on actual and potential development rates via a "pro-forma" approach. The data from the pro-formas is used to inform an annual housing trajectory and a risk assessment of the delivery of sites. By taking this approach, the District Council was able to demonstrate to the Inspector who held the Examination in Public of the Derbyshire Dales Local Plan in 2017 that the district had a five year supply of land for housing.
- 2.4 The extent of the District Council's five year supply of land for housing was, however, thoroughly re-examined earlier this year during the consideration of an appeal into the refusal of planning permission for a site adjacent to Les Ardennes in Hulland Ward.
- 2.5 The February 2019 NPPF now indicates that to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:
- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units, or sites have long term phasing plans).
 - b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should *only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*
- 2.6 Annex 2 of the NPPF indicates that clear evidence to demonstrate that housing completions will begin on site within five years may include:
- any progress being made towards the submission of an application;
 - any progress with site assessment work; and
 - any relevant information about site viability, ownership constraints or infrastructure provision.
- 2.7 Much of the discussion at the 'Les Ardennes' Hearing focussed on the extent to which the District Council was able to produce "clear evidence" of a five year supply of deliverable sites in relation to the sites that it had contended should

be included within the calculation of the Five Year Supply. Taking all the evidence into account the Inspector came to the conclusion that on the basis of the evidence provided that some of the assumptions the District Council had made about the larger more complex brownfield sites contributing to the five year supply did not meet the requirements set out in the NPPF or NPPG. As such the Inspector concluded there was only sufficient clear evidence to demonstrate that the district had a deliverable housing land supply equating to approximately 4.92 years.

2.8 The appeal was subsequently dismissed, primarily on the basis that the detrimental landscape impact outweighed the “presumption in favour” of new development which emanates from the lack of a clearly demonstrable five year supply of land for housing. However, notwithstanding this, the Inspector’s conclusions have set a new precedent about the extent of evidence required for residential development sites in Derbyshire Dales to contribute towards its five year supply of land for housing.

2.9 Following this year’s housing completion and commitments data monitoring, an assessment of the District Council’s current five year supply of land for housing has been undertaken, taking into account the Inspector’s conclusions about the extent of clear evidence on the deliverability of potential residential development sites across Derbyshire Dales. (See Table 1 overleaf.)

This assessment suggests that the District Council currently has the equivalent of **5.75 years**’ worth of supply – which includes a 5% buffer to ensure choice and competition in the market, as required in the NPPF.

2.10 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.

Objectively Assessed Housing Need 2013-2033	5680
Annual Housing Requirement	284
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	
Dwellings required between 1st April 2013 and 31st March 2019 = (A) divided by 5 multiplied by 6 years	1704
New dwellings completed between 1st April 2013 - 31st March 2019	1272
PDNP New dwellings completed between 1st April 2013 - 31st March 2019	149
Shortfall between requirement (B) and total completions (C)+(D)	280
Revised housing requirement for period 2019-2024 (A plus E)	1700
Plus 5% Buffer (NPPF Advice)	85
Five Year Requirement 2019-2024	1785
Revised Annual Requirement 1st April 2019 - 31st March 2024	357
Housing Supply 2019	
Commitments at 31 st March 2019 (Net) (2019-2024)	1485
Peak District National Park Contributions	100
Windfall Contribution (5 x 15 p.a.)	75
Local Plan Allocations Potential 2019-2024 (0-5 Years)	396
Total Supply 2019 - 2024 (J+K+L+M)	2056
Five Year Supply 2019-2024 (N divided by H)	5.75

Table 1 - Five Year Supply of Land for Housing 2019 – 2024

- 2.11 An assessment of the realistic delivery rates for all appropriate sites suggests the following potential trajectory over the next five years²:

	2019/20	2020/21	2021/22	2022/23	2023/24	TOTAL
Allocated	0	57	89	135	115	396
Resolution to Grant	16	32	59	40	0	147
Minors	64	64	64	64	60	316
Major 10plus	480	338	151	44	9	1022
Total	560	491	363	283	184	1881

Table 2 - Source of Housing Delivery 2019 - 2024

- 2.12 This equates to an average annual rate of 376 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.
- 2.13 Although it is difficult to accurately assess the District Council's future five year supply position, because there are so many variables which cannot be accounted 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).
- 2.14 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. Conversely, if building rates are higher than envisaged, and/or there is clear evidence that some of the larger more complex sites are likely to come forward earlier than envisaged, then the five year supply position could be better than currently anticipated.
- 2.15 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 become responsible for having to grant planning permission for residential development on sites that are not allocated for such purposes in the adopted Derbyshire Dales Local Plan, 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.

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

3 HOUSING DELIVERY - CURRENT SITUATION

- 3.1 The monitoring of housing completions for 2018/19 has now been completed. This indicates that across the Local Plan area there have been 394 net completions take place over the period 1st April 2018 to 31st March 2019. This level of completions is the highest achieved in Derbyshire Dales for at least the past 30 years.
- 3.2 There are a total of 2,539 dwellings with the benefit of planning permission, of which 463 dwellings were under construction across the Local Plan area, and a further 2,076 are not yet started. Of these it is anticipated that 1,338 will come forward over the five year period 2019-2024.
- 3.3 In addition, there remain sites allocated within the Derbyshire Dales Local Plan which have yet to obtain planning permission, and a number of sites where the District Council has resolved to grant planning permission but have require Section 106 Obligations to be signed and completed before the planning permission can be issued.
- 3.4 Table 2 above would suggest that the supply from the current 'major' development sites which are currently under construction will drop off, to be replaced in part by some of the allocations in the Derbyshire Dales Local Plan coming forward. This does, however, assume that there continues to be confidence that such sites will come forward as currently envisaged. Any delay in the implementation of the allocated sites is likely to have a detrimental impact upon the supply of housing land in the future.
- 3.5 Furthermore, if development rates drop significantly lower than envisaged in Table 2, there is the potential that the District Council may not be able to demonstrate a five year supply of land for housing over the next two or three years.
- 3.6 Using the delivery data estimates in Table 2 above, a calculation of the future HDT measurement has been undertaken, which suggests the following potential situation in Derbyshire Dales:

Year	Housing Requirement	Three Year Rolling Housing Target	Estimated Three Year Housing Delivery ³	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 3 - Estimated Housing Delivery Test 2018-2023

³ Does not make any assumptions about commitments and completions within the Peak District National Park for 2019 onwards

4 CONCLUSIONS AND NEXT STEPS

4.1 Taking all the above together indicates that:

- The HDT is likely to be achieved in future years, essentially because of a reducing future requirement originating from the methodology used for the HDT – however this only has the effect of ensuring that the five year land supply calculation does not need a 20% buffer to be included.
- **If development rates are significantly below the forecast rates, there is a risk that the District Council will not be able to adequately demonstrate a five year supply of deliverable land for housing.** This risk is considered greatest from 2021 as the current supply on major sites “dries up”. This would be accentuated if development on the more complex sites continues to be pushed back to the latter stages of the current plan period and beyond.
- **The risk of not being able to demonstrate a five year supply of deliverable housing may result in the District Council having to release land it may otherwise have not considered suitable for development** or not had envisaged as coming forward through the Local Plan process.
- This scenario *could* be overcome by either granting planning permission for residential development on non-allocated sites in accordance with Policy S4i or by undertaking a call for sites and doing a mini review of the sites in the Derbyshire Dales Local Plan so that there are more smaller (greenfield) sites capable of delivery in the short term (assessed against the revised housing methodology figure).
- It remains necessary to pursue the delivery of the more complex and larger brownfield sites by acting a pro-active manner with the landowner/developers etc.

4.2 Although the District Council is not required to prepare a formal Housing Delivery Action Plan, it is considered that a non statutory Action Plan should be prepared which is subject to proportionate consultation with relevant stakeholders. To do so will legitimise the final version, and give it much more credibility. The final published version would be made publically available.

4.3 The Planning Advisory Service has prepared a template for the preparation of a Housing Delivery Test Action Plan, which has four sections:

1. Introduction
2. Housing Delivery Analysis
3. Key Actions and Responses
4. Project Management and Monitoring Arrangements

4.4 A number of a number of draft Housing Delivery Action Plans have been published by the Planning Advisory Service on their website⁴. The structure and content of these documents have been reviewed and they in essence follow the format advocated.

⁴ <https://local.gov.uk/pas/pas-topics/monitoring/preparing-effective-action-plan>

- 4.5 It is therefore considered that a Derbyshire Dales Housing Delivery Action Plan should follow a similar approach:

Introduction

- Background and Reason for Preparation

Housing Delivery Analysis

- Review of Housing Requirements and Delivery over time
- Analysis of Delivery by Site Types
- Identification of Issues for Housing Delivery

Key Actions and Responses

- Potential Actions to Improve Housing Delivery
- Set out Responsibilities & Timescales

Project Management & Monitoring Arrangements

- Set out what will be done to achieve improved housing delivery
- Timetable for Review of Action Plan

- 4.6 In terms of the potential actions to improve housing delivery the following are suggested for inclusion in the draft Action Plan:

Monitoring

- At minimum continue to undertake annual monitoring exercise
- Consider six monthly or more frequent monitoring exercise (possibly Development Management filling in)
- Continue to collect pro-forma data both on sites allocated in Derbyshire Dales Local Plan and Major Sites with outline & full planning permission
- Utilise data to inform future housing trajectory
- Consider Developer Forum to inform five year supply 'clear evidence'

Site Release

- 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.
- Seek to encourage any such sites to prepare and submit a planning application ASAP
- Undertake a Call for Sites using the same methodology as previously, in an attempt to identify any new sites capable of coming forward during the next five years

- Continue to have regular engagement with land owners/developers for the more complex brownfield sites to ensure their accelerated delivery
- Undertake early review of Derbyshire Dales Local Plan to seek a more extensive portfolio of different site sizes and types and to encourage early development of sites
- Bring forward proposals for the District Council to act as a housing developer for new affordable housing schemes.
- Use Compulsory Purchase powers to attempt to unblock sites
- Consider free pre-application meetings with developers for allocated sites yet to obtain planning permission
- Explore scope to speed up preparation and signing of s106 obligations
- Strategic Sites Protocol – the Place Hub will continue to coordinate coherent, timely multi-disciplinary input into strategic sites
- Engage developers with Homes England – the District Council will continue to facilitate discussions between owners/agents of priority sites with Homes England
- Consider the creation of officer teams with more expertise in site delivery (not just site identification)
- Consider releasing/removing conditions on stalled sites with unimplemented permissions
- Consider reducing the affordable housing requirement on stalled sites with unimplemented permissions

4.7 It is recommended that Members approve in principle the preparation of a Housing Delivery Action Plan, broadly in line with the format set out in Paragraph 4.5 and Paragraph 4.6 above; that the draft Action Plan be subject to public consultation; and that a further report be presented to Council (which sets out the details of public consultation) prior to adoption.

5 RISK ASSESSMENT

5.1 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.

5.2 **Financial**

The costs of preparing and consulting upon a draft Action Plan can be contained within existing budgets. Some of the actions which could derive from the Action Plan could have financial consequences, which will need to be addressed at the relevant time.

5.3 **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.

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**

None

COUNCIL
25th July 2019

Report of the Head of Resources

DATA MATCHING EXERCISE FOR COUNCIL TAX AND NON DOMESTIC RATES

PURPOSE OF REPORT

The purpose of this report is:

- to provide information about the outcome of a data matching exercise, and
- to seek approval for an approach relating to amounts due for historic cases that have been identified as part of the data matching exercise.

RECOMMENDATION

1. The Council is recommended to approve the approach detailed in 3.1 of the report when considering whether and how much of any backdated Council Tax or National Non-Domestic rates are recovered, subject to recommendation 2.
2. That, if the Council receives adverse comments from consultation with the Citizens Advice Bureau (CAB) and major preceptors, a further report on the options will be brought before the next Council meeting for consideration.
3. That Council is recommended to delegate authority to the Head of Resources by way of amendment to Financial Regulation B7 (a) to write off of any amounts of council tax or non-domestic rates not exceeding £5,000 per case that the above approach deems non-collectable.

WARDS AFFECTED

None

STRATEGIC LINK

1 BACKGROUND

- 1.1 The Council has a legal duty to collect Council Tax and National Non-Domestic Rates (“NNDR”) from properties in its area. To ensure that all properties are included on the council tax and business rates systems there is an ongoing process of reconciliation between these systems and data from the Valuation Office Agency (VOA) database. To supplement this, a recent data matching exercise has been undertaken to match properties on the council tax system with those on Local Land and Property Gazetteer

(LLPG) system. A similar exercise to match the LLPG system with the non-domestic rates system is currently underway.

- 1.2 It is now necessary to agree an approach to deal with any mismatches identified by the data matching exercises.

2 REPORT

2.1 The data matching exercise

The data matching exercise has identified mismatches. Many of the mismatches are simply slight differences in addresses; others relate to properties on the LLPG where no council tax or NNDR is due, such as derelict or demolished properties. However, the exercise has identified some properties on the LLPG that have never been included on the VOA's property databases or the Council's Council Tax or Non-Domestic Rates systems. These cases are all being investigated. In some cases, residents or businesses may have been aware that they had a liability to pay council tax or business rates, and did not inform or chase the District Council. In some cases, the potential liability dates back several years. Once this initial data matching exercise has been completed, it is intended to carry out data matching on a frequent basis in the future so that the backdating of bills is minimised.

2.2 The legal framework

There is no limitation on the time the Council can recover a council tax debt. However, regulations also state that the Council Tax Demand Notice (the bill) "is to be served as soon as practicable. Where the bill has not been served "as soon as practicable" the Council must consider whether this has "occasioned some procedural or substantive prejudice" to the council tax payer. Further, the Council should also conduct a balancing exercise between the "public interest" (i.e. the duty to collect council tax) and the "injustice caused" to the tax payer by the delay.

2.3 Officer comment:

While demands for Council Tax can be backdated, consideration should be given to the reputational consequences of doing so. Whilst it is only fair that each household pays their share of Council Tax, asking for several years' worth may be seen as being somewhat harsh. The legislation and case law suggests that these matters should be determined on a case by case basis.

- 2.4 For national non-domestic rates the principles are the same, parties should not benefit from a windfall due to the failure of the Local Authority to bill them. There is no limitation on the time the Council can recover a debt relating to Non-domestic rates.

- 2.5 While demands for NNDR can be backdated, consideration should be given to the reputational consequences of doing so. Whilst it is only fair that each organisation / business should pay their rates, asking for several years' worth may cause serious financial difficulties to a business. It is recommended that these cases should each be assessed on their own individual circumstances.

2.6 An issue that also needs to be taken into consideration is that business may have ceased trading or moved and can be difficult to trace. Consideration also needs to be given as to the impact of demanding a large outstanding sum in one go.

3. **PROPOSED APPROACH**

3.1 As case law suggests that the Council should consider the individual circumstances of each case, ensuring that the payer does not face prejudice, the following approach to backdated liabilities is proposed:

- a) That the Head of Resources determines the relevant period for backdating each case, based on the following criteria:
 - 1) Can the liable person be identified?
 - 2) Are they deceased with no assets to pay the debt?
 - 3) Have they absconded and can't be traced?
 - 4) Is the debt uncollectable due to other legislation like bankruptcy or insolvency?
 - 5) Is the account is uneconomical to collect?
 - 6) Does the Council Tax or NNDR payer own the property or other assets that could cover the debt?
 - 7) For Council Tax debts, does the payer qualify for council tax support, state benefits or pension credit (i.e. do they have sufficient income to pay the backdated liability or would it cause hardship)?
 - 8) Is there any entitlement to discounts or reliefs?
 - 9) Are they from a vulnerable group such as those who have been relocated within the District after fleeing domestic abuse?
 - 10) What is the payer's knowledge of the system? (For example, they might have moved from abroad and did not know they had a Council Tax liability to pay or, on the other hand, they might have lived here all their lives and knew that they had to pay but didn't chase a bill).
 - 11) For Council Tax payers, is there evidence of a long-term serious health condition? (Such debts could be written off or enforcement suspended until the person has recovered).
 - 12) Evidence from the payer of where and how they would suffer prejudice if the Council backdates the bill.
 - 13) Could there be possible job losses if backdated NNDR is claimed?

Depending upon individual circumstances, it is recommended that a reasonable period (no more than five years) be allowed to settle the outstanding liability.

3.2 **Accounting for the liabilities**

As the Council has not raised these bills previously, and therefore has not accounted for the income, the write off would make no difference to the previous years' accounts. The cost is of income forgone.

Best practice is that the Council should raise accurate backdated bills i.e. backdated to the date that the VOA determines the properties should have come onto the council tax or NDR system. Officers would then need to identify the liable person(s), where possible, and determine what discounts and reliefs applied during that period (if possible) before seeking approval to write off any remaining balances for the financial years that the policy results in no demands (bills) being raised. As most of these write

offs would be for amounts over £1500, the Head of Resources seeks delegated authority for such write offs up to £5,000. Such delegation would require an amendment to Financial Regulations and a recommendation to that effect is made.

3.3 Consultation

It is recommended that consultation on the proposals should take place with major preceptors and with the Citizens' Advice Bureau or other debt advice agencies. Should there be any objections, these will be reported to the next meeting of the Governance and Resources Committee.

3.4 Equality Issues

An equality impact assessment (EIA) has been prepared and is attached at Appendix 1. It has been taken into account in developing the proposed approach. The EIA will be reviewed periodically.

4 RISK ASSESSMENT

4.1 Legal

The Council has an obligation to collect Council Tax and NNDR. Where the Council has failed to bill for these promptly in a financial year and is seeking a back dating of arrears, the Council must consider the impact of this action on the debtor personally and the wider community before taking enforcement action as well as the likelihood of being able to recover such sums

4.2 Financial

The financial implications are set out in section 3.2 of the report. The financial risk is 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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7 BACKGROUND PAPERS

None

8 ATTACHMENTS

Appendix 1: Equality Impact Assessment.

Derbyshire Dales District Council Equality Impact Assessment

1. Outline

Title of policy, practice, service or function being assessed	DATA MATCHING EXERCISE FOR COUNCIL TAX AND NON DOMESTIC RATES (NDR)
Officers conducting assessment	K. Henriksen
Date of assessment	July 2019
Reason for assessment	<p>The Council has a legal duty to collect Council Tax and Non-Domestic Rates (NDR) from properties in its area. Data matching has identified some properties on the Local Land and Property Gazetteer (LLPG) that have never been included on the Valuation Office Agency's (VOA) property databases or the Council's Council Tax or Non-Domestic Rates systems. These cases are all being investigated. In some cases, residents or businesses may have been aware that they had a liability to pay council tax or business rates, and did not inform or chase the District Council. In some cases, the potential liability dates back several years.</p> <p>It is intended to carry out data matching on a frequent basis in the future so that the backdating of bills is minimised.</p>
What is the purpose of this policy, practice, service or function? (specify aims and objectives)	To develop a consistent approach and fair process to deal with any mismatches identified by data matching exercises relating to Council Tax and Non Domestic Rates.

Are there any other organisations involved in its implementation?	Arvato, who are responsible for collecting council tax and business rates.
Main customer groups (beneficiaries) / stakeholders	
Customer Groups	Other stakeholders
Residents affected by collection of Council Tax arrears Businesses affected by collection of NDR of arrears	Derbyshire CAB Equality interest groups
Which other District Council departments are affected by the policy, practice, service or function? Do any of the objectives directly support or hinder another activity?	As income from council tax and NDR funds all services, all departments are affected.

2. Assessing relevance to the general equality duty

The General Equality Duty has three aims which require the District Council to have due regard to the need to:	Tick those which are relevant
Eliminate unlawful discrimination (both direct or indirect), harassment and victimisation	√
Advance equality of opportunity between all persons by <ul style="list-style-type: none"> - removing or minimising disadvantages suffered by protected groups; - taking steps to meet the needs of people from protected groups where these are different from the needs of other people - encouraging people from protected groups to participate in public life or other activities where participation is disproportionately low 	√
Foster good relations between different groups	

3. What existing information / data do you have / monitor about different diverse groups in relation to this policy, practice, service or function?

Eg: previous EIA's, reports, consultation, surveys, demographic data etc.

Information / Data	When and how collected	Source	What it tells you	Gaps
Derbyshire Dales Equalities Profile (available national and local data) via intranet: http://sidd.derbyshiredales.gov.uk/sidd/index.php/documents	Census 2011 - national survey of all households National statistics	ONS DWP NOMIS ONS	Analysis of key demographic data relating to protected groups	
Derbyshire Dales Equality Information published on website: http://www.derbyshiredales.gov.uk/your-council/equalities/equality-information	Census 2011 Monitoring data collected by services (in-house and outsourced)	ONS DDDC	Summary profile of Census 2011 data Equalities monitoring data - employees - customer satisfaction with services	

4. Based on the evidence above, does the policy, practice, service or function have a positive or negative impact on any protected group(s)?

Protected groups	Positive effects	Negative effects	Improvement actions
Age		Potential impact on some older residents with low fixed incomes. Those who have recently been bereaved where limited experience of managing their own financial affairs may be a mitigating factor	Support and debt advice is available to residents in the District
Disability or long term ill health Physical disabilities, sensory impairments, limiting long-term illnesses, learning disabilities or mental health issues		Potential impact on some disabled residents, especially those with low incomes Learning disabilities Memory impairment Mental health	Support is available for affected customers who require alternative communication formats Support and debt advice is available to residents in the District
Race / ethnic groups			Support is available for affected customers with identified language barriers Support and debt advice is available to residents in the District

Protected groups	Positive effects	Negative effects	Improvement actions
Women or men		Men and women who have fled domestic abuse; national evidence shows that women are more likely to have been affected than men.	Support and debt advice is available to residents in the District
Sexual orientation		N/A	
Religion or belief (including non belief)		N/A	
Transgender (including people planning to or going through gender reassignment)		N/A	
Pregnancy and maternity (including maternity and paternity leave)		N/A	
Marital status (including civil partnership & same sex marriage)		N/A	

4a. Are there any local priority groups / factors which should be considered?

Other factors	Positive effects	Negative effects	Improvement actions
Rural areas			
Poverty / deprivation		Potential impact on some residents with low and/or fixed incomes.	<p>The proposed policy includes a criterion re: an individual’s qualification for council tax support, state benefits or pension credit</p> <p>Access to support and debt advice is available to residents in the District</p>

5. Consultation and engagement

Do we need to seek the views of others and if so, who? If not, please explain why.

The Council will seek feedback with relevant organisations e.g.: Derbyshire Dales CAB on potential equality impacts and mitigation.

6. Commissioned / outsourced services

If your policy, practice, service or function is partly or wholly provided by any external organisation / agency,	Yes
If yes, please list any contractual or other arrangements which aim to ensure that the provider promotes equality and diversity (eg: <i>monitoring data</i>)	Arvato are responsible for collecting council tax and business rates. Contractors are required to have appropriate equalities policies in line with the Council's Procurement Equalities Policy: https://www.derbyshiredales.gov.uk/your-council/policies-plans-a-strategies/procurement-equalities-policy

7. Improvement Plan

Key issues identified	Actions
Potential adverse impacts identified: <ul style="list-style-type: none"> • Age • Disability & long term ill health • Sex/gender • Low and/or fixed income 	Mitigating actions have been addressed within the policy, as part of the assessment criteria; any individuals identified through application of these criteria will be assessed on a case by case basis

PLEASE FORWARD THE COMPLETED FORM TO THE POLICY MANAGER / POLICY OFFICER (Consultation & Equalities)

COUNCIL
25 JULY 2019

Report of the Head of Regeneration and Policy

DRAFT SUPPLEMENTARY PLANNING DOCUMENT: DEVELOPER CONTRIBUTIONS

SUMMARY

This report presents a draft Developer Contributions Supplementary Planning Document (SPD) for Members consideration. The draft SPD provides guidance on the type and nature of financial contributions to be sought from development for the provision of infrastructure. This report seeks Members approval for a period of public consultation on the draft SPD prior to its intended adoption.

RECOMMENDATION

1. That the draft Developer Contributions Supplementary Planning Document (SPD), attached in Appendix 1 be approved for a period of six weeks public consultation.
2. 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.
3. That, in the event of any substantive representations being received during the public consultation on the draft Developer Contributions Supplementary Planning Document, then the policy shall not be deemed adopted and a further report be presented for consideration of the representations received.

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 a thriving District, one of the key objectives of the District Council's Corporate Plan 2015-19.

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). Instead, at the same meeting it 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 Planning obligations are legal agreements that are generally entered into between developers and the District Council under Section 106 of the Town and Country Planning Act 1990. Planning obligations are sought in order to mitigate the impact of new development and to make development acceptable in planning terms, i.e. without a planning obligation that development proposal should normally be refused planning permission. Planning obligations can be used to secure the delivery of a wide range of on-site infrastructure, services and facilities, including affordable housing, education provision, open space and transport improvements. They can also be used to specify the provision of financial contributions from developers towards off-site infrastructure which is required in order to mitigate the impact of new development.
- 1.3 Planning obligations must comply with the legal tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Section 106 agreements may only constitute a reason for granting planning permission for a development where they meet the following tests¹:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development

2 DERBYSHIRE DALES DEVELOPER CONTRIBUTIONS SPD

- 2.1 The purpose of Supplementary Planning Documents (SPDs) are to complement planning policy, and they provide greater detail about the operation of adopted policy than is normally possible in a Local Plan. The Derbyshire Dales Local Plan 2013-2033 (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.

¹ Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

2.2 Policy S10 in the adopted Derbyshire Dales Local Plan sets out the expectation that new developments should contribute to both on-site and off-site infrastructure needs. This policy provides the framework for the preparation of the Developer Contributions SPD. This SPD seeks to provide additional guidance on the following policies in the Derbyshire Dales Local Plan:

- 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

2.3 The SPD sets out the basis of the calculation for financial contributions and obligations to be sought from development for the provision of infrastructure necessary to support development. This includes affordable housing, open space, community facilities including for sport and recreation, education, health care, traffic and transportation, and broadband. It also includes indicative measures to be provided as part of developments that seek to address the challenges of climate change.

2.4 Once adopted, the SPD will have statutory weight in the decision making process, and can be used in the determination of planning applications as a “material consideration”. A copy of the draft Developer Contributions Supplementary Planning Document is set out in Appendix 1 for Members consideration.

2.5 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, and more recent national policy guidance, 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 requirements 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

Each is described in the following paragraphs, with proposals set out in more detail in the draft SPD in Appendix 1.

Affordable Housing

- 2.6 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. Policy *HC4: Affordable Housing* in the adopted Derbyshire Dales Local Plan states that all new major residential developments will be required to provide 30% of all dwellings to be affordable, of which 80% should be provided as social and affordable rented accommodation and 20% as intermediate housing or discounted starter homes. Policy HC4 sets out that provision should normally be in the form of completed dwellings on site; however in exceptional circumstances it allows for the 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.
- 2.7 The District Council adopted an Affordable Housing SPD in 2006, which has formed the basis of the calculation of off-site developer contributions towards affordable housing since that time. This SPD is now outdated, and has no legal status following the adoption of the Derbyshire Dales Local Plan in 2017. The Developer Contributions SPD would supersede this upon adoption. As part of the preparation of this SPD, the approach to off-site financial contributions towards affordable housing has been reviewed. The approach set out in the draft 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 £46,209 per unit. This proposed contribution is over £20,000 per unit more than the current rate and would include a 3% contribution towards the District Council's enabling role.

Open Space Sport and Recreation

- 2.8 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. Policy *HC14: Open Space and Outdoor Recreation Facilities* and Policy *HC17: Promoting Sport and Recreation* in the adopted Derbyshire Dales Local Plan seek to ensure the quantity and quality of open space, sport, leisure and recreation facilities throughout the plan area are maintained and where possible enhanced. Policy HC14 also allows for off-site contributions to be secured by the District Council to be used to enhance existing or provide new facilities.
- 2.9 The draft Developer Contributions SPD provides guidance for developers, taking account of the updated Built Sports Facilities, Playing Pitch and Open Space Strategy 2018². It provides details of the open space requirements per dwelling, including the minimum sizes for open spaces and any off-site financial contributions for facilities such as parks and gardens; amenity green space, and play space for children and young people. The SPD also provides guidance on how financial contributions will be sought towards the provision of new sport and recreation playing pitches to accommodate additional demand arising from new development.
- 2.10 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

- 2.11 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. The District Council currently works with the Derby and Derbyshire Clinical Commissioning Group (CCG) to facilitate improvements to health provision within the Plan area to meet the health needs of new residents through the Derbyshire Health and Wellbeing Strategy.
- 2.12 The draft SPD indicates that the CCG will continue to be consulted on all major applications (10 dwellings or more) and as a general rule financial contributions sought on schemes of 50 dwellings or more, but only where there is a demonstrable need for new healthcare related infrastructure. The draft SPD does however recognise that there may be instances where requests for a financial contribution towards health care provision may be made from smaller schemes where it may be linked to one particular premises project.

² https://www.derbyshiredales.gov.uk/images/documents/S/Derbyshire_Dales_PPS_Strategy.pdf

Education

- 2.13 Derbyshire County Council are the provider of education, and social services. They are also responsible for providing, managing and maintaining the highways network, including public rights of way. 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 relevant information on the requirements for financial contributions towards education, traffic and transportation and other matters.
- 2.14 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. 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.
- 2.15 The draft SPD sets out the approach taken by the County Council to assess the likely number of pupils that a development will generate, the net capacity in the normal school area, the current number of pupils on roll and the projected number to be on roll in the next five years. Where such an assessment concludes that the schools would not have capacity to accommodate the pupils arising from development, the County Council will request financial contributions to provide additional capacity. The threshold and level of financial contribution to be sought is set out within the Developer Contributions SPD and is based upon the County Council's standard contribution rates.

Traffic and Transportation

- 2.16 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 indicates support for development proposals that minimise the need to travel, and sets out that where necessary developer contributions will be used to deliver transport and accessibility improvements.
- 2.17 The District Council works in partnership with the County Council as Local Highways Authority to ensure that, as new development is delivered, the associated impacts on traffic and transportation are mitigated. The draft SPD sets out that the thresholds, level and type of contribution sought by the County Council will be determined on a case by case basis. It advises that, as any required mitigation measures would be site and development specific, planning obligations will be secured by legal agreement either through a S106 agreement or an agreement under S278 of the Highways Act 1980 which will be made directly with the Highways Authority. The draft SPD further reiterates that the County Council may request financial contributions towards the costs of reviewing and monitoring the implementation of individual Travel Plans.

Broadband

- 2.18 The District Council's adopted Economic Plan aims to help enable the creation of more higher value jobs in the Derbyshire Dales, and has as one of its priorities investment in providing access to faster broadband speeds along with wider access in rural areas. The National Planning Policy Framework sets out the aspiration for the increased provision of full fibre connectivity with the potential for speeds of up to 1000Mbps. 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".
- 2.19 Whilst there has been progress across Derbyshire Dales with the provision of Superfast Broadband (i.e. speeds of at least 24 Mbps) available to approximately 83% of premises, this remains below the national average of 95%. The evidence from the Government is that many developers are not actively pursuing the provision of full Fibre to the Premises (FTTP) or future proofing broadband connections as an integral part of their development. The draft SPD, therefore, sets out that the District Council considers that as a minimum all new development should provide the necessary ducting within a site to facilitate FTTP.
- 2.20 To ensure that full fibre broadband is provided to new developments, the SPD outlines that the District Council will encourage developers of new developments to liaise with broadband service providers in advance of development commencing to ensure that FTTP is available to future occupiers of both residential and commercial development. To support this objective and ensure that development sites are capable of accommodating FTTP, the draft SPD indicates that the District Council will seek to impose a condition on developments of 10 dwellings or more, and commercial development of 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. For all other developments, the draft SPD indicates that the District Council will add a detailed advisory note which encourages developers to provide ducting within the development site.

Tackling Climate Change

- 2.21 The District Council resolved on 30 May 2019 to declare a Climate Change Emergency. Climate Change is embedded within the adopted Derbyshire Dales Local Plan, with a significant number of its policies requiring specific climate change matters to be addressed in the determination of planning applications. This includes issues such as flood risk, the design and appearance of new development, and biodiversity and the natural environment. As such the District Council already has opportunities to ensure that the impact and mitigation of climate change are addressed in the determination of planning applications.

- 2.22 The draft SPD seeks to reinforce the policy position in the adopted Derbyshire Dales Local Plan on climate change. It suggests that the District Council will use the planning system to encourage EV charging points to be provided on both individual dwellings and in communal locations for visitors – and similarly the incorporation of renewable energy systems into the design and appearance of new development.

3 PUBLIC CONSULTATION

- 3.1 To enable the Draft Developer Contributions SPD to have statutory weight and accord with the District Councils Statement of Community Involvement (SCI), it is necessary for it to be subject to a minimum period of four weeks public consultation. This must be accompanied by a consultation statement that sets out the persons consulted, the time period of the consultation, where the documents can be seen and the details of where to send comments. A copy of the draft consultation statement is contained in Appendix Two.
- 3.2 Unlike a Local Plan, there is no requirement for an Examination in Public.
- 3.3 Given the forthcoming summer period, so as not to disenfranchise anyone from participating, it is recommended that a six week period of public consultation be held from 5th August to 16th September 2019. Targeted contacts on the Local Plan consultation database will be informed by email and letter; and comments will be invited via an online survey. Throughout the consultation period, copies of the Draft Developers Contributions SPD will be made available for comment at the District Councils Offices, leisure centres and local libraries. All relevant documents will be made available on the District Councils website.

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 will be undertaken in accordance with the requirements set out within The Town and Country Planning (Local Planning) (England) Regulations 2012. The legal risk is therefore low.

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 is, therefore, assessed as low.

4.3 Corporate Risk

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, and constitute a strategic risk to the District

Council in using the SPD in the determination of planning applications. 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

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Tel: 01629 761241 E-mail: esther.lindley@derbyshiredales.gov.uk

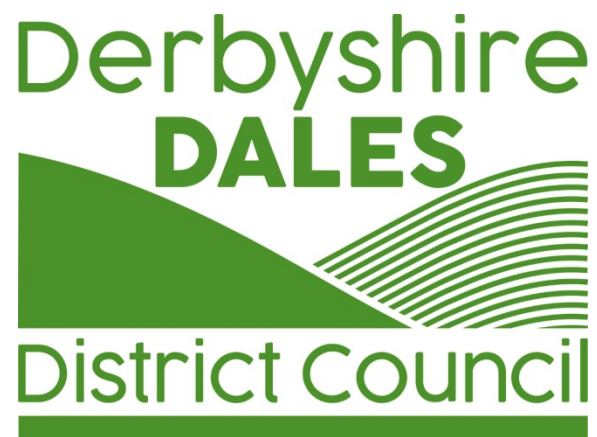
7 BACKGROUND PAPERS

Description	Date	File
The Town and Country Planning (Local Planning) (England) Regulations 2012 Part 5: Supplementary Planning Documents	08-03-12	http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi_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: Draft Derbyshire Dales Developer Contributions Supplementary Planning Document

Appendix Two: Consultation Statement



DERBYSHIRE DALES
DEVELOPER CONTRIBUTIONS
SUPPLEMENTARY PLANNING DOCUMENT
CONSULTATION DRAFT

July 2019

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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.

Consultation on this draft SPD is to be undertaken for a period of six weeks running from 5th August 2019 to 16th September 2019. The SPD and accompanying Consultation Statement will be available to view on the District Councils website at the following address; www.derbyshiredales.gov.uk/xxx

Copies of this SPD are also available to view in hard copy at the following locations:

- Derbyshire Dales District Council, Town Hall, Bank Road, Matlock DE4 3NN
- The Arc Leisure Centre, 1 Bakewell Road, Matlock DE4 3AZ
- Matlock Library, Steep Turnpike, Matlock DE4 3DP
- Ashbourne Leisure Centre, Clifton Road, Ashbourne DE6 1DR
- Ashbourne Library, Compton, Ashbourne DE6 1DA
- Wirksworth Leisure Centre, Hannage Way, Wirksworth DE4 4JG
- Wirksworth Library, Town Hall, Wirksworth DE4 4EU

Comments on the SPD must be submitted in writing by the 16th September 2019. Representations may be made using the online response form available at the above link or in writing to:

Derbyshire Dales District Council

Regeneration and Policy

Town Hall

Matlock

DE4 3NN

Or by email to: localplan@derbyshiredales.gov.uk

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 Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (As Amended).

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
- 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.

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>

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;
- 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:

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

- 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
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

Infrastructure Category	Infrastructure Project	Lead Agency
	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

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

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 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 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, information on planning obligations including the amount of monies secured, for what type of infrastructure, and the expenditure levels.

DRAFT

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

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

in accordance with the policies in the adopted Derbyshire Dales Local Plan

- 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.

To ensure that any financial contribution is reasonably related to local need information contained on the District Council's Home Options system and/or any other source of information such as a parish housing needs survey will be utilised to identify the local housing need.

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 £46,209 per unit. This includes a 3% contribution (£1,491 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 = £46,209 x 4 = £184,836

DDDC Enabling Fee = £1491 x 4 = £5,964

Affordable Housing Contribution = £184,836 - £5,964 = £178,872

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 (1%)	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	£903.32	£28,002.81	0.05	£1,400.14	£45.17
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	£1,199.99	£37,199.83	0.35	£13,019.94	£420.00
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	£1,588.72	£49,250.31	0.35	£17,237.61	£556.05
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	£1,830.09	£56,732.76	0.2	£11,346.55	£366.02
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	£2,067.55	£64,094.15	0.05	£3,204.71	£103.38
													£46,209	£1,491

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:

⁶

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 existing local open space provision. For some developments open space

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.

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 ether 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.

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 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:

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

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 determine 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 and the national average occupancy figure of 2.3 per dwelling to determine 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 determine 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 (Number of dwellings x 2.5)	x	(D) Standard area m ² /person Based on total list size of approx.	x	(E) Cost of extension including fees £/m ²	=	Total Cost (B) x (D) x (E)
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. 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 calculate¹⁰ the likely number of pupils that a proposed development is expected to generate, the net capacity of the schools normal area, the current number of pupils on roll and the projected number of pupils on roll for the next five years in the schools normal area.

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 Level of Contributions					
	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

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).

¹⁰ The number of pupils that a development is expected to generate is calculated using the formula that for every 100 dwellings there will be 20 primary, 15 secondary and 6 post 16 pupils.

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. 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.

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.”¹¹

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 connection¹².

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)¹³.

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.

¹¹ 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.

¹² 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’.

¹³ Also known as Fibre to the Home (FTTH)

Openreach are the main provider of FTTP networks in the UK¹⁴. At the present time for sites of 30 dwellings or more Openreach will install FTTP free of charge¹⁵. 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 dwellings¹⁶.

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 Standards¹⁷

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

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:

¹⁴ ¹⁴ 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.

¹⁵ <https://www.openreach.com/fibre-broadband/fibre-for-developers>

¹⁶ <https://www.openreach.com/content/dam/openreach/openreach-dam-files/images/fibre-broadband/fibre-for-developers/Rate%20card%20website.pdf>

¹⁷ 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 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)*
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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>

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

- *Independent Fibre Networks Limited (INFL)*
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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 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

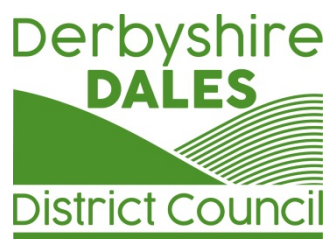
For new development this will include support for good design that is able to take account of passive solar gain, for example, and ensuring that new development does not increase the risk of flooding or is susceptible to flooding. Sustainable

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

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.

DRAFT



Consultation Statement

Draft Supplementary Planning Document: Developer Contributions July 2019

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

1. This consultation statement has been prepared in accordance with Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012, which states that before a local planning authority adopts a supplementary planning document it must prepare a statement setting out:

- I. The persons the local planning authority consulted when preparing the supplementary planning document;
- II. A summary of the main issues raised by those persons; and
- III. How those issues have been addressed in the supplementary planning document.

2. This statement sets out who was consulted in the preparation of the draft Supplementary Planning Document: Developer Contributions July 2019, how they were consulted, what issues were raised and how those issues influenced the preparation of the document.

3. The Council has prepared and adopted a Statement of Community Involvement (SCI) (January 2019) which sets out how it will involve the community in its planning and policy making processes. This document can be viewed on the Council's website. The Developer Contributions SPD has been prepared in accordance with the steps outlined within the SCI.

4. Supplementary Planning Documents seek to expand on existing planning policy, to provide detail and depth that may not be possible in a Local Plan. The purpose of the Developer Contributions SPD is to set out the Council's approach to seeking Section 106 planning obligations. The SPD provides information about the likely scale and scope of planning obligations applicable to different types of development. The SPD does not create new policy. The adopted Derbyshire Dales Local Plan 2013-2033 sets the planning framework to 2033, with the Developer Contributions SPD providing a further level of detail to guide development proposals.

5. Once adopted the SPD will be a material consideration in the determination of planning applications, alongside the Local Plan and other planning policies.

Consultation: Stage One

6. The draft Developer Contributions Supplementary Planning Document was subject to consultation, with the following:

- Development Management Team
- Housing Team
- Community Development Team
- Regeneration and Policy Team
- Derbyshire County Council

This took the form of discussions and meetings with individual officers and correspondence via email. Detailed comments were received on the scope and content of the SPD and particularly relating to the affordable housing off site contribution calculations, broadband infrastructure and sport and recreation.

Consultation Process

7. A six week consultation period will run from 5th August 2019 to 16th September 2019. An email or letter will be sent to targeted contacts contained on the Council's Local Plan consultation database. This includes statutory consultees, Parish and Town Councils, neighbouring authorities, agents and developers and landowners.

8. In addition, the consultation documents will be available online on the District Councils website and in hard copy at the following locations:

- Derbyshire Dales District Council, Town Hall, Bank Road, Matlock DE4 3NN
- The Arc Leisure Centre, 1 Bakewell Road, Matlock DE4 3AZ
- Matlock Library, Steep Turnpike, Matlock DE4 3DP
- Ashbourne Leisure Centre, Clifton Road, Ashbourne DE6 1DR
- Ashbourne Library, Compton, Ashbourne DE6 1DA
- Wirksworth Leisure Centre, Hannage Way, Wirksworth DE4 4JG
- Wirksworth Library, Town Hall, Wirksworth DE4 4EU

9. People will be invited to submit comments online or in writing to ensure that representations can be registered and considered by the Council. See www.derbyshiredales.gov.uk/xxxx

10. In accordance with the Derbyshire Dales District Council Statement of Community Involvement a press release will be issued regarding the consultation.

11. All representations received will be recorded, analysed and recommendations made about how they should be taken into account to inform the final SPD. In the event that substantive representations are received then a report will be presented to a meeting of the Community and Environment Committee of the Council for consideration prior to adoption.

July 2019

COUNCIL
25 JULY 2019

Report of the Head of Corporate Services

REVIEW OF THE CIVIC CHAIRMAN PROTOCOL

PURPOSE OF THE REPORT

To propose amendments to the Civic Protocol with the aim of modernising the aims of the role without diminishing its historical importance

RECOMMENDATION

1. That the revised Protocol set out in Appendix 1 to the report is approved.
2. That the role of Chairman of the District of the Derbyshire Dales is renamed Civic Chairman with immediate effect.
3. That the provision of a civic car is reviewed in September 2020.

WARDS AFFECTED

All

STRATEGIC LINK

The role of Civic Chairman, as ambassador for the District Council can be an effective link between the District Council and the communities it serves.

1. BACKGROUND

- 1.1 At its meeting on 26 January 2017, Council agreed to revisions to the Protocol of the Use of the Civic Allowance. The review aimed to modernise the role of the Chairman of the District of the Derbyshire Dales (most commonly known as the Civic Chairman) and contribute to the overall savings target in terms of a reduction to the civic allowance. Council agreed to refresh the Protocol and to reduce the allowance by 10% over the following two financial years. The savings has been achieved. The current allowance for the role of Civic Chairman and Deputy are £3200 and £950 respectively.
- 1.2 One outstanding decision of the Council (minute 354/16 refers) is “That the role of Civic Chairman be formally reviewed in 2019”
- 1.3 The topic was discussed informally at the recent Leaders Advisory Group, where participants agreed that the role could be modernised. This report addresses that issue whilst seeking to maintain the historical importance of the role.

2. REVISED PROTOCOL

2.1 The revised protocol is attached at Appendix 1. The main changes are to

- Expand upon the aims of the role by linking the ambassadorial role to the communities of the Derbyshire Dales and to focus the activities of the role within the Derbyshire Dales.
- Limit the use of the public purse for hospitality and to publish how the allowance has been spent
- Introduce a thematic approach to events organised by the Civic Chairman. This is not intended to restrict the Chairman in his/her choice of activity overall, but to offer an opportunity for at least one to have a corporate focus. For example the environmental theme links to the District Council's commitment towards Climate Change and may provide an opportunity for the District Council to acknowledge, through the Civic Chairman, the achievements of groups and individuals in our communities.
- Provide a figurehead to the District Council's commitment to Fair Trade
- To foster links with local schools to encourage participation in democracy by young people
- Recognise the commonly used name as better describing the role to an external audience by renaming it Civic Chairman, with Deputy Civic Chairman in support.

2.2 The protocol mentions use of a dual use vehicle to transport the Civic Chairman to evening engagements. The District Council is one of a small number of Councils to retain a vehicle for such use. The vehicle, purchased on the 13th October 2013 is a modest small SUV which is used for operational purposes particularly to benefit from its all-wheel drive capabilities in adverse weather. The vehicle benefits from a 7 year warranty, the expiry of which on the 30th October 2020 would appear to provide an ideal opportunity to review its provision support and to consider the financial and staffing implications of any future action.

3. RISK ASSESSMENT

3.1 Legal

The legal considerations on the use of an allowance are set out in the Protocol. The office of Civic Chairman is a discretionary role established by the District Council without any formal decision making powers. The legal risk is therefore low.

3.2 Financial

The revenue budget for 2019/20 includes £3,200 for the Chairman's Allowance, £950 for the Vice Chairman's Allowance, £900 for fuel and other civic car running costs and £2,090 for the civic car driver. The time spent by other staff is not separately recorded. The capital programme includes £20,000 for a replacement civic car.

The financial risks associated with this report are 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

Sandra Lamb, Head of Corporate Services.
Email sandra.lamb@derbyshiredales.gov.uk

6. BACKGROUND PAPERS

None

7. ATTACHMENTS

Appendix 1 - Protocol



Protocol on role of the Civic Chairman of the District Council and use of the Civic Allowance

Revised July 2019

1. Introduction

1.1 Role and Duties of the Civic Chairman

There are three main important roles for the Civic Chairman:

(i) As a symbol of the authority

To be the Council's 'ambassador' and to represent the District Council at events throughout the District

(ii) As a symbol of open society

- To promote inclusiveness and equality and ensure that all events promoted by the Chairman are open to all
- To promote ethical trade and be the District Council's figurehead as a Fair Trade authority
- To take an active lead in promoting environmental awareness by hosting an annual event to recognise individual and community group actions
- **To foster links with local schools to encourage participation in democracy by young people**

(iii) As an expression of social cohesion

- To act as the link between the Council and the various community bodies and organisations within the Derbyshire Dales

An understanding of these roles may act as a guide when deciding upon which invitations to accept or decline, and on the legitimacy of expenditure.

2. Use of the 'Civic Allowance'

"A principal Council may pay the Chairman for the purpose of enabling him to meet the expenses of his office, such Allowances as the Council thinks reasonable".

Section 3(5) of the Local Government Act 1972

In recognition of the important representative role performed by the Chairman of the District of Derbyshire Dales and the Deputy Chairman, the Council makes provision in its budget for expenses.

Separate bank accounts operate for the Chairman and Deputy, and the civic allowance amounts are paid into these accounts. The Chairman and Deputy are able to draw cheques on their accounts by arrangement with the Head of Resources.

The law does not stipulate the type or category of expenditure for which the allowance may be used, except that it is for meeting the "expenses of office". However the allowance is

commonly described as “recompense of the expenses in maintaining the dignity of the office”. It is therefore essential that each Chairman should account for the use of the allowance to ensure that it is used properly.

Whilst there cannot be a universally accepted list of items “acceptable” for purchase out of the allowance, some of the more general items would include:

- Clothing
- Donations to charities
- Collections
- Purchase of raffle tickets, flags, poppies etc
- Sending flowers
- One-off events held by the Chairman

3. Events

Priority will be given to invitations where the Chairman may be seen to promote the interests of the District of Derbyshire Dales. Except in exceptional circumstances only invitations within the District may be accepted.

The Civic Chairman may choose the style of events during his/her year of office as the District Council’s ambassador. The style of event is for the Chairman to decide working within the overall principles of this Code and ensuring that the agreed role of the Civic Chairman is not compromised. For example, events must be seen to be promoting inclusiveness and equality and avoid the appearance that public money is being spent purely on hospitality. Any events involving any form of hospitality should be carefully thought through and be self-financing through the sale of tickets wherever practicable. Modest hospitality e.g. in the form of tea/coffee refreshments may be financed through the civic allowance.

3.1 Charitable Events

It is not compulsory for the Chairman to seek to raise funds for charity, although many do. Being associated with a named charity is often enough without the need to actively seek to raise funds

It must be borne in mind however that a lot of effort is usually spent in organising charitable events, whether it be a simple raffle or a large scale event. Whilst officers of the Council may be called upon to help, there is a balance where their time may be better utilised elsewhere.

Permission must also be sought from charities concerned. Permission must also be sought for the reproduction of logos and enquiries raised on any particular clause within the charity’s registration details that the Council must be made aware of.

The Head of Resources will prepare suitable arrangements for accounting for all charitable funds raised, and expenses offset against them.

3.2 Civic Car

The civic car is available to take the Chairman (or Deputy if he/she is representing the Council in the Chairman’s absence) to evening civic functions. A common sense approach is called for however when functions are within an easy distance of the Chairman’s home. The car used for civic purposes also doubles as a vehicle for used for operational

purposes. In the event that the vehicle is required for dual purposes, operational need will take precedence. In such circumstances it is recommended that the Chairman uses his/her own transport or books a taxi. Those transport costs can then be re-imbursed from the civic allowance.

The number of invitations accepted during the year and time spent 'on duty' by the driver impacts upon the budget for the civic car. The Head of Corporate Services manages this budget and will advise on the status of the budget at regular intervals. The budget may not be over-spent.

3.3 Accounting arrangements

The two civic allowances are not paid via payroll with appropriate tax and NI deduction. Receipts are therefore required to support incurred expenditure. When it is impracticable to obtain receipts for certain expenditure, a record should be kept by the Chairman/Deputy, of the amount and purpose. i.e. donations, collections, raffle tickets, purchase of raffle prizes.

A simple statement will be prepared at the conclusion of the Civic Year in which the Chairman and Deputy declare their spending for the year. This information will be made available to the public.

At the end of the Civic Year, any balance on the two accounts will be cleared as follows;

Deputy Chairman's account, cheque drawn and paid into the Council's general account as an underspend

Chairman's account, cheque drawn and paid into the Council's general account as an underspend.

COUNCIL
25 JULY 2019

Report of the Head of Corporate Services

CHANGE TO MEMBERSHIP OF PLANNING COMMITTEE

PURPOSE OF REPORT

To confirm the appointment of a replacement Member of the Planning Committee

RECOMMENDATION

1. That Councillor Tom Donnelly be appointed as a member of the Planning Committee in place of Councillor Alasdair Sutton.
2. That Councillor Mark Salt be appointed as a substitute member of the Planning Committee in place of Councillor Tom Donnelly.

WARDS AFFECTED

All Wards

1. BACKGROUND

- 1.1 The Council appoints members of Committees at its Annual Meeting. Councillor Alisdair Sutton was appointed as a member the Planning Committee at the Annual Meeting on 22 May but is currently unable to fulfil that function.
- 1.2 It is proposed that Councillor Tom Donnelly be appointed as a member of the Planning Committee, in place of Councillor Alisdair Sutton, until the next Annual Meeting of the Council.
- 1.3 It is also proposed that Councillor Mark Salt be appointed as a substitute Member of the Planning Committee, in place of Councillor Donnelly who previously held that position.
- 1.4 As positions on committees are based on the rules of political proportionality, Council is simply required to give effect to the Leader of the Conservative Group's intentions.

2. RISK ASSESSMENT

2.1 Legal

Allocation of seats on committees is governed by the Local Government and Housing Act 1989. The report is in compliance of the rules on political proportionality. The legal risk is therefore low.

2.2 Financial

There are no financial considerations arising from the report.

3. OTHER CONSIDERATIONS

In preparing this report, the relevance¹²⁸ 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

Sandra Lamb, Head of Corporate Services.

Tel 01629 761281 or Email Sandra.lamb@derbyshiredales.gov.uk

5. BACKGROUND PAPERS

5.1 None

COUNCIL
25 JULY 2019

Report of the Head of Corporate Services

CLIMATE CHANGE TASK GROUP

PURPOSE OF THE REPORT

To agree terms of reference for the formation and operation of a Climate Change Task Group, to further the decision taken by Council in declaring a Climate Emergency.

RECOMMENDATION

1. That the Terms of Reference set out in the Appendix to the report are approved.
2. That the political group leaders be invited to nominate members to serve on the Group until the next Annual Meeting of the Council, on the basis of political proportionality.
3. That attendance at formal meetings of the Task Group is classified as an Approved duty in terms of the Scheme of Members Allowances.

WARDS AFFECTED

All

STRATEGIC LINK

The District Council's commitment to the Climate Emergency will have an impact on the Council objectives and pending Corporate Plan. The Group will be instrumental in scoping the impact and measures required to deliver upon the Council's ambition.

1. BACKGROUND

1.1 At its meeting on 30 May, 2019, Council made the following decision:

"Climate change is an existential threat. Extreme weather events have caused damage and destruction in this country and have led to deaths and displacement of thousands of people worldwide. Natural habitats, wildlife and biodiversity are in peril, not only from climate change, but they are being adversely affected by human intervention, which in turn is enhancing the effects of climate change.

Scientists are warning that we have a little over a decade to implement urgent action to reduce greenhouse gas emissions before we reach a global tipping point.

Action is required at international, national, local and individual level to achieve the carbon reduction levels needed.

This Council pledges to:

- Declare a Climate Emergency
- 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 six months with the actions the Council will take to address this emergency.”

2. **PROPOSED TASK GROUP**

- 2.1 A Task Group is proposed to act as an advisory body to Council, to develop the District Council's thinking and actions required to deliver upon the resolution. Terms of Reference for that Group are attached.
- 1.3 The Group is designed to be a non-decision making advisory body with a remit which directs the Group to focus on the District Council becoming carbon neutral by 2030 and to the development of policy and initiatives that may impact on the District as a whole. The Group has the ability to call upon external expertise and may co-opt members to assist in that regard.
- 1.4 Reporting lines are to Council on a quarterly basis. Meetings of the Group can be a mixture of formal and informal and the requirement to publish agenda and make meetings open to the public is not a requirement. The Group can therefore work in a more dynamic environment and include discussions between Group members taking place at 'same time, different place'. Full transparency will be achieved by the requirement for the Group to report to Council on its findings and for all recommendations to be formally approved.
- 1.4 As a non-decision making Group, political proportionality is not a statutory requirement, but is recommended in this case to ensure cross Council input and support. A Group of 6 elected members would have the following makeup (rounded to include all political groups):

Conservative	3
Labour	1
Liberal Democrat	1
Green/Independent	1

3. **RISK ASSESSMENT**

3.1 Legal

The terms of reference are for a non-decision making body. Full decision making on climate change will rest with the Council itself and the rules of political proportionality do not apply in this case. The legal risk is therefore low.

3.2 Financial

The mileage payments for the Group as an Approved Duty can be contained within the existing budget allocation. As the Group is designed to be a non-decision making advisory body, it will not have the authority to approve expenditure; that decision rests with Council. The financial risk is therefore 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

Sandra Lamb, Head of Corporate Services.
Email sandra.lamb@derbyshiredales.gov.uk

6. BACKGROUND PAPERS

None

7. ATTACHMENTS

Appendix 1 – Terms of Reference



Climate Change Task Group Terms of Reference

1. Background

The District Council has agreed to embark upon an exciting mission towards making Derbyshire Dales District Council carbon neutral by 2030. By resolution on 30 May, 2019, the District Council pledged to:

- *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 six months with the actions the Council will take to address this emergency”*

Success of the mission depends on strong leadership, support, direction and collaborative working with partners and interest groups. The District Council has established a Climate Change Task Group to be its primary advisor in meeting this pledge.

2. Terms of Reference

To advise and report to meetings of the Council on measures -

- To scrutinise the development of new carbon emissions reduction targets for the District Council's operational activity.
- To raise, working with partners, awareness and capacity in the communities of the Derbyshire Dales on the impacts of climate change and potential actions across the District Council area
- To consider the effectiveness of planned activities to meet the District Council's 2030 carbon neutrality commitment.
- To propose new actions and policy to achieve the above, drawing out budgetary and other resource implications for the Council.
- To suggest oversight and review mechanisms in order to ensure progress towards targets.
- To collate and consider good practice from other local authorities from the UK.

3. Membership

Membership of the Task Group will comprise 6 elected Members of the District Council based on the rules of political proportionality to ensure cross council support. Elected Members will be nominated by their respective group leader on inception and will serve until the Annual Meeting of the Council.

The Task Group may co-opt up to 3 lay members in an advisory role, who have climate change knowledge and expertise, with desirable skills and assets that can support the Task Group.

4. Chair

The Chair of the Task Group will be appointed by the Task Group at its first meeting. In the absence of the Chair, the remaining members present shall elect one of themselves to chair any formal meetings of the Group.

5. Officer Support

The Head of Regulatory Services will be the lead officer of the District Council in terms of providing professional advice and support to the Task Group. The Business Support Team will provide administrative support to the Group in terms of setting up meetings and recording decisions.

6. Resources and Budget

Members of the Task Group will provide the resources as required. There is no budget established for this Task Group. Attendance at formal meetings of the Group is classified as an Approved Duty to allow the payment of travel expenses to elected and co-opted Members.

7. Accountability and Reporting

The Chair or a representative shall report on a quarterly basis to meetings of the Council on its proceedings and for decision on its recommended actions.

Meetings – the Working Group will meet formally at for times a year at the offices of the District Council and informally as required. All decisions of the Group will be taken at formal meetings and an agenda will be forwarded to each member of the Working Group and any other person required to attend, at least 3 working days before the date of the meeting. The Chair shall set the agenda and prepare the note style minutes. Minutes should be distributed within 10 working days of the meeting and be available for all members of the Council to see.

Decision Making – the Task Group will make decisions in the form of recommendations to Council and based on a majority of one. The quorum for formal meetings of the Group will be 3 elected Members.

8. Work Plan

The Task Group will prepare a workplan for Council's approval which will outline the expectations, deliverables and timelines required to deliver on the Group's Terms of Reference.

COUNCIL
25 JULY 2019

Report of the Head of Corporate Services

REFERRED ITEMS

SUMMARY

To consider recommendations made by the Community and Environment Committee on 26 June 2019 and the Governance & Resources Committee, on 11 July 2019.

RECOMMENDATION

1. That the recommendation of the Community and Environment Committee on 26 June that, in relation to the Derbyshire Dales Economic Plan, the revised expenditure plan and its financing from the Economic Development Reserve, as reported to that Committee, be approved.
2. That a recommendation from the Governance and Resources Committee on 11 July that the cost of Microsoft Exchange software, estimated at £17,000, be included within the capital programme for 2019/20, be approved

WARDS AFFECTED

All

STRATEGIC LINK

1. Economic development is highlighted in the Corporate Plan 2015-2019 as the District Council's highest priority. *Business growth and job creation* is the top priority, following extensive public consultation confirming that a thriving district is residents' overriding wish. The District Council's vision is for a Derbyshire Dales with high-wage, high-skill jobs.
2. Adequate provision of ICT facilities will help to provide services efficiently and to reduce the risks of service disruption, supporting the achievement of many of the Council's aims and priorities.

1 REPORT

The relevant minutes of the Community and Environment and Governance & Resources Committees are reproduced in full, below, to assist Members' understanding of the issues involved, with the recommendation to be approved marked by an arrow (➔).

43/19 – DERBYSHIRE DALES ECONOMIC PLAN UPDATE

The Derbyshire Dales Economic Plan was adopted by the District Council in September 2014 which was a result of a workshop held with District Councillors in June 2014. A progress report was last considered by the Community and Environment Committee on 12 July 2018, with subsequent updates reporting the results of the 2018 Business Survey and seeking authority for proposed site feasibility work on 15 November 2018. The Plan aims to

enhance economic growth and job creation, with a particular focus on the creation of higher value jobs (to replace lower-skilled, lower-paid roles). This reflects the fact that jobs in the Derbyshire Dales suffer from low pay – only 37 out of 326 districts in England have lower average workplace pay levels than the Derbyshire Dales.

The Committee considered a report on the further progress on the Derbyshire Dales Economic Plan 2014-2019 and noted the Performance and spend of the Launchpad business start-up programme against the contract. The report also sought approval for a revised expenditure programme and financing from the Economic Development Reserve which will be presented as a new Economic Plan for consideration at Council on 21 November 2019.

The activity undertaken under the Plan has focused on the following priority themes. Progress on theme 1 (employment sites) remains challenging but good progress is reported to have made on the other four themes.

- Employment sites
- Business engagement
- Derbyshire Dales Business Advice
- Visitor Economy
- Enterprise Peak District partnership projects

A plan for expenditure of the Economic Development Reserve was agreed by Council on 27 September 2018. The Reserve had £163,944 remaining at 31 March 2019. However, of this, £95,940 is committed and a further £68,004 is proposed against identified Economic Plan activities. These include £43,504 to support site delivery work, focusing on key employment sites in the central area of the district and further work necessary to support delivery of the Bakewell Road town centre site, Matlock.

It was moved by Councillor Helen Froggatt, seconded by Councillor Garry Purdy and

RESOLVED
(Unanimously)

1. Progress to date in delivering the Derbyshire Dales Economic Plan 2014-2019 is approved
2. Performance and spend of the Launchpad business start-up programme against contract is noted
3. Council be recommended to approve the revised expenditure programme as set out in section 5 of the report, and its financing from the Economic Development Reserve
4. A new Economic Plan is prepared for consideration at Council on 21 November 2019.

→

59/19 – CAPITAL PROGRAMME BID FOR MICROSOFT EXCHANGE SOFTWARE

The Committee considered a report that sought approval for a business case relating to Microsoft Exchange software. The 4 options were detailed in the report, together with Officer comment, with a cost comparison tabled in paragraph 2.5 of the report.

It was proposed that Option 1, Exchange Server Standard 2019, together with the associated Client Access Licenses (CALs), be procured as it would meet the Council's

requirements and was the lowest cost option over 5 years; and that the existing Exchange 2010 instance be migrated to the new platform on premise.

The key stages of the proposed project, to be run by the Joint ICT Service, were tabled in the report, and the proposed business case had ***been approved by*** the Corporate Leadership Team and given a score of 75 for the purposes of capital prioritisation.

It was moved by Councillor Mike Ratcliffe, seconded by Councillor David Hughes and

RESOLVED
(unanimously)

→

1. That the business case for Microsoft Exchange software is approved.
2. That, subject to the approval of Recommendation 1, Council be requested to approve the inclusion of this project, estimated at £17,000, within the capital programme for 2019/20.

BACK TO AGENDA