



DERBYSHIRE DALES
DEVELOPER CONTRIBUTIONS
SUPPLEMENTARY PLANNING DOCUMENT
CONSULTATION DRAFT

July 2019

CONTENTS

Introduction

Status of the Document

Purpose

Statutory and Policy Context

Statutory and National Planning Policy

Derbyshire Dales Local Plan Policy

Derbyshire Dales Infrastructure Delivery Plan

Planning Obligation Process

Affordable Housing

Open Space, Sport and Recreation

Health and Wellbeing

Education

Traffic and Transportation

Broadband

Tackling Climate Change

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.

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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

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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 either make up an identified deficit, enhance existing or to provide new facilities where appropriate and subject to other priority infrastructure needs:

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

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

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

Allotments

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

Cemeteries

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

Children's Play Space

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

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

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

Maintenance and Management of Open Space

The future maintenance of any new open space provision will be the responsibility of the developer. There will be a requirement on developers to

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

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

Playing Pitches

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

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

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

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

DERBYSHIRE COUNTY COUNCIL

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

EDUCATION

Justification

As Local Education Authority the County Council has a statutory duty to make education provision available for each young person and where possible to provide a school place for each child in their normal school area. 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

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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.

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