



Consultation Statement

Supplementary Planning Document: Developer Contributions February 2020

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 February 2020, 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. These comments helped to inform the content of the SPD.

In addition to internal consultation a Members workshop was held on 26th September 2019 at which Members were given a presentation on the background to the SPD, the legal aspects in relation to Section 106 Obligations, and Supplementary Planning Documents. Members were provided with an opportunity to ask questions of Officers on the contents of the draft Supplementary Planning Document. At the conclusion of the Workshop it was agreed by Members that the draft Supplementary Planning Document, as originally considered by Council on 25th July 2019 could be subject to public consultation without any further modification.

Consultation Process

7. A six week consultation period ran from 7th October 2019 to 18th November 2019. An email or letter was sent to targeted contacts contained on the Council's Local Plan consultation database. This included statutory consultees, Parish and Town Councils, neighbouring authorities, agents and developers and landowners.

8. In addition, the consultation documents were made 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 were 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/DeveloperContributionsSPD

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

11. A summary of the main issues raised and how the comments have been considered and addressed is included in **Appendix 1**. Proposed revisions to the SPD are shown in italics.

12. The main issues raised and summary of representations were reported to Members at a meeting of the Community and Environment Committee on 19th February 2020 prior to Adoption of the Supplementary Planning Document. The agenda papers for this meeting can be viewed here: <https://www.derbyshiredales.gov.uk/your-council/council-a-committee-meetings/agendas-and-minutes/community-environment>

February 2020

Appendix 1

The table below sets out a summary of the main issues raised by the persons consulted and how those issues have been addressed. This approach complies with Regulation 12 (b) of the Town and Country Planning (Local Planning) England) Regulations 2012.

| Number | Section | Summary of main issue | How the issue has been addressed |
|--------|---------|---|---|
| 1 | General | <p>Whilst we support in principle the introduction of the SPD it is important for the Council to strike the right balance between the desirability of funding infrastructure and development viability.</p> <p>We have noted that 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 applicable to different types of development and outlines the District Councils general approach to securing them. Note that the SPD is a 'general guide; and that development proposals will continue to be assessed 'on a case by case basis'.</p> <p>The scope of the matters covered by the SPD are helpful as further information but in certain instances some of the information will very quickly be out of date, particularly in relation to affordable housing off site contributions and possibly also education contributions. Promoting these matters through SPD may not be the most appropriate route to follow, particularly as the Local Plan policies that the information relates to have already been adopted as part of the Development Plan.</p> | <p>The purpose of an SPD is to provide more detailed advice and guidance on the application and interpretation of policies in the Local Plan where it is either not necessary or appropriate for therein.</p> <p>Whilst the Derbyshire Dales Local Plan was adopted in 2017 it is not considered that the contents of the SPD will become out of date for some time. In any case the application of indexing to affordable housing and other contributions will ensure that the relevant contribution rate is achieved.</p> <p>Recommendation No Change</p> |
| 2 | | <p>Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment. Should the plan be amended in a way which significantly affects its impact on the natural environment, then please consult us again.</p> | Noted |
| 3 | | <p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstance as set out in the Planning Practice Guidance. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or</p> | Noted |

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| | | Habitats Regulations Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance. | |
| 4 | | The Cultural Heritage resource on Derbyshire Dales District can be defined by Heritage Assets (e.g. archaeological sites, historic buildings and structures) both designated and non-designated, Conservation Areas and other types of protected landscapes such as the Derwent Valley Mills World Heritage site and designated historic parks and gardens. This resource can be, and often is affected by development. It is also a key component of amenity open spaces, civic centres, natural and semi natural green spaces and ecclesiastical sites including burial grounds and disused church yards. We would ask then that Derbyshire Dales District Councils Local Plan policy on Protecting the Historic Environment (Policy PD2) be referenced in this SPD. Appropriate sections for this would be in Open Space, Sport and Recreation and Tackling Climate Change. | <p>Comments noted in respect of including reference to Policy PD2 – Protecting the Historic Environment. Recommended for completeness that reference to this policy be included within the section on tackling climate change as a number of other plan wide policies are also listed.</p> <p>Recommendation Insert Policy PD2 – Protecting the Historic Environment into the bulleted list on Page 35.</p> |
| 5 | | Thank you for the opportunity to comment on your consultation. Do not request or ask for any developer based contributions in order to deliver infrastructure requirements. Please keep us informed when your plans are further developed when we will be able to offer more detailed comments and advice. | Noted |
| 6 | | This is a good report which comprehensively covers a wide range of developer contributions, and is aimed at providing clarity for developers. The document allows for financial contributions for health facilities in conjunction with the Clinical Commissioning Group. Measures are introduced to improve the extent of super-fast broadband in the District particularly since it is currently only 83% in Derbyshire Dales compared with an average of 95% throughout the UK. The development thresholds proposed are also comprehensively considered and seem to be sound. | Noted and welcomed |
| 7 | | <p>The SPD is welcomed as a further elaboration of the Local Plan. Specifically, clarification of new priorities for future S106 agreements which are in addition to the standard affordable housing, education, highways and open space components, are welcomed. These include:</p> <ul style="list-style-type: none"> • Local sports and recreation facilities • Local health services • Green infrastructure • Faster broadband communications <p>More locally for Ashbourne the SPD emphasises 'Congestion in Ashbourne Town Centre' and education provision at QEGS.</p> | Noted |

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| | | The inclusion of congestion in Ashbourne Town Centre is a new S106 element and is supported. | |
| 8 | Introduction | Generally an appropriate beginning. There could be more emphasis on the importance of planning in supporting mental health. It is increasingly clear that involvement with plants, green spaces and gardening has many positive benefits. The climate reference could be strengthened and clear requirements to mitigate climate change introduced. | <p>Comments upon mental health noted, however the purpose of the SPD is to primarily set out the approach to be used for the calculation of financial contributions for the provision of infrastructure to support development. The SPD seeks to ensure appropriate delivery of open space and space for sport and recreation which can assist in supporting mental health and the delivery of sustainable communities.</p> <p>The adopted Local Plan has a number of policies requiring specific climate change matters to be addressed in the determination of planning applications, the SPD seeks to reinforce the policy approach in the adopted Local Plan and suggests that the Council encourage the use of EV charging points and incorporation of renewable energy systems into the design and appearance of development.</p> <p>Recommendation No Change</p> |
| 9 | | The introduction is clear that developers will be obliged to contribute to new or improved infrastructure where it is required. | Noted |
| 10 | | Helpful and clear. | Noted |
| 11 | | In certain circumstances, the option for delivering infrastructure as part of development may be taken rather than delivery secured via financial contributions and so consideration should be given to reflecting this in the wording. | <p>Elements of the text within the SPD refer to negotiating on site/off site provision and determining applications on a case by case basis.</p> <p>Recommendation</p> |

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| | | | No Change |
| 12 | Status of the Document | The status is very clear that the policy is "enabling sustainable development to take place to meet identified needs." | Noted |
| 13 | | Welcome the intention for this to have statutory weight after adoption. | Noted |
| 14 | Purpose | The SPD is welcomes to provide clarity and certainty for developers, landowners and local residents by setting out how S106 developer contributions to support local infrastructure and should be read in conjunction with the Derbyshire Dales adopted Local Plan. The SPD provides clarification of the main elements of future S106 agreements. Locally for Ashbourne the SPD identifies 'education provision at QEGS' and 'congestion in Ashbourne Town Centre' is clearly defined a welcome addition. | Noted |
| 15 | | Helpful | Noted |
| 16 | | <p>SPDs cannot be used as a fast track mechanism to set policies and should not be prepared with the aim of avoiding the need for examination or reinventing existing planning policy which should be examined. Indeed, SPDs are not subject to the same degree of examination and consultation as policies contained in Local Plans and therefore should only provide additional guidance to those bringing forward development proposals across the District.</p> <p>The National Planning Policy Framework (NPPF 2019) confirms this where it defines SPDs as: “documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan.”</p> | <p>Noted – the SPD supports and complements the policies in the adopted Derbyshire Dales Local Plan and provides greater detail about the operation of these policies than in the Local Plan. The SPD provides further clarity and guidance on policies within the Local Plan, particularly Policy S10.</p> <p>Recommendation No Change</p> |
| 17 | Statutory and National Planning Policy | Clear regarding Planning Obligations | Noted |
| 18 | | It remains paramount that this proposed SPD does not undermine the deliverability of the Adopted Local Plan. At the level of contributions proposed, this is at serious risk of landowners deciding not to pursue development of their property. | The Derbyshire Dales Local Plan was subject to an extensive strategic viability appraisal of the whole plan. This demonstrated that the plan as a whole was capable of being delivered over the plan period. The viability study did not seek to assess the detailed viability of individual proposals as this is rightly to be |

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| | | | <p>undertaken on a site by site basis during the determination of the relevant planning application.</p> <p>Policy HC4 in the adopted Derbyshire Dales Local Plan indicates that where the full requirement for affordable housing is not proposed the District Council will require applicants to demonstrate through a financial appraisal why a reduced provision is acceptable. As such it allows in certain circumstances for a negotiated outcome.</p> <p>Whilst the requirements of the SPD will need to be taken into account in respects of individual proposals the figures within the SPD are a basis for discussion with developers. Where it is considered that they have an impact upon viability of individual schemes it will be for the developer to indicate the extent to which that occurs.</p> |
| 19 | | <p>The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, which came into force on 1 September 2019, provided for the revocation of s.123 Community Infrastructure Levy Regulations 2010 (CIL Regulations). In this respect, we would suggest that the reference to s.123 of the CIL Regulations should be deleted or its revoked status clarified at p.5 para. 1 of the draft SPD.</p> | <p>Noted</p> <p>Recommendation Change Wording to para 1 on page 5 to reflect revised legislative framework as follows:</p> <p><i>The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (As Amended) and the CIL Regulations 2010 (as amended). The 2019 amendments to the CIL Regulations have removed the previous restriction on pooling more than five planning obligations towards a single piece of infrastructure. Subject to meeting</i></p> |

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| | | | <p><i>the three tests set out in CIL Regulation 122, Section 106 planning obligations can be used to pay for the same piece of infrastructure regardless of how many planning obligations have already contributed towards an item of infrastructure. This will allow the District Council to seek S106 planning obligations to fund infrastructure to help support and bring forward new housing regardless of how many planning obligations have already contributed towards an item of infrastructure.</i></p> |
| 20 | | <p>Paragraph 1 Given the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 which came into force on 2nd September deleted Regulation 123, reference to this regulation should therefore be deleted in this context.</p> <p>There appears to be little reference to the CIL Regulations 2010 (as amended) which predates the NPPF (2012) and enshrined the 3 tests which are also incorporated into the NPPF. It is suggested that reference is made to the Government's recent reform of the Community Infrastructure Regulations, whereby Regulation 123 has been deleted and therefore the restriction imposed since April 2010 on pooling has been lifted. This will allow local authorities to seek S106 planning obligations to fund infrastructure to help support and bring forward new housing regardless of how many planning obligations have already contributed towards an item of infrastructure.</p> | <p>Noted</p> <p>Recommendation Change Wording to para 1 on page 5 to reflect revised legislative framework as follows:</p> <p><i>The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (As Amended) and the CIL Regulations 2010 (as amended). The 2019 amendments to the CIL Regulations have removed the previous restriction on pooling more than five planning obligations towards a single piece of infrastructure. Subject to meeting the three tests set out in CIL Regulation 122, Section 106 planning obligations can be used to pay for the same piece of infrastructure regardless of how many planning obligations have already contributed towards an item of infrastructure. This will allow the District</i></p> |

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| | | | <p><i>Council to seek S106 planning obligations to fund infrastructure to help support and bring forward new housing regardless of how many planning obligations have already contributed towards an item of infrastructure.</i></p> |
| 21 | <p>Derbyshire Dales Local Plan Policy</p> | <p>This Policy is out of date, and no longer fit for purpose. The document was redundant by the time it was approved. The document is restrictive and benefits nobody within the locality it is designed to serve.</p> | <p>Noted – the Derbyshire Dales Local Plan was adopted in 2017 and provides the strategy for guiding development. The Local Planning Authority is required to undertake a review of the Local Plan within 5 years of its adoption. Annual monitoring of the Local Plan will determine whether a review is required earlier than this date.</p> <p>Recommendation No Change</p> |
| 22 | | <p>The policy is clear that it requires developers to put infrastructure in place when it is needed and this will include health facilities, transport improvements and flood mitigation measures. I interpret this to mean that infrastructure will be in place at the right time and not some time later - should transport improvements be required then these will be put in to place before any site is fully developed.</p> | <p>Policy S10 in the adopted Derbyshire Dales Local Plan indicates 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 support the development strategy. It goes on that the release of land for development will be informed by capacity in the existing local infrastructure and suitable arrangements will be put in place to improve infrastructure, services and community facilities.</p> <p>It also indicates that new development will only be permitted where the infrastructure to serve it is available or where suitable arrangements are in place to provide it within an agreed timeframe.</p> <p>There is consequently no requirement for infrastructure to be in place in advance of</p> |

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| | | | <p>new development – to do so might be costly and in certain circumstances if development does not take place involve abortive costs.</p> <p>Recommendation No Change</p> |
| 23 | | <p>Welcome the link with Local Plan policies HC14 (Open Space and Outdoor Recreation), HC15 (Community Facilities and Services) and HC17 (Promoting Sport, Leisure and Recreation).</p> | Noted |
| 24 | | <p>Under the 'Derbyshire Dales Local Plan Policy' section of the draft SPD it is noted that Local Plan Policy S10 Local Infrastructure Provision and Developer Contributions 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' and it is envisaged that this will be achieved by providing (inter alia) 'appropriate health and social care facilities', along with 'supporting the provision of open space, sports and recreation facilities' (p.6 para. 4).</p> | Noted |
| 25 | | <p>The current Development Plan consists of the Derbyshire Dales Local Plan which sets out the Council's overall vision, objectives and spatial development policies for Derbyshire Dales over the plan period.</p> <p>The Local Plan was formally adopted by the Council on 7th December 2017 and therefore pre-dates the changes made to national policy in the revised NPPF (2019). It is therefore important that the SPD is flexibly worded and consistent with the requirements of national planning policy. The Council will need to ensure that the SPDs do not act to restrict the delivery of market and affordable housing and instead provides clarity to members of the development industry bringing schemes forward in a timely manner without placing onerous requirements which may threaten development viability.</p> | <p>The Derbyshire Dales Local Plan was subject to an extensive strategic viability appraisal of the whole plan. This demonstrated that the plan as a whole was capable of being delivered over the plan period. The viability study did not seek to assess the detailed viability of individual proposals as this was left to detailed considerations on a site by site basis.</p> <p>Policy HC4 in the adopted Derbyshire Dales Local Plan indicates that where the full requirement for affordable housing is not proposed the District Council will require applicants to demonstrate through a financial appraisal why a reduced provision is acceptable. As such it allows in certain circumstances for a negotiated outcome.</p> <p>Whilst the requirements of the SPD will need to be taken into account in respects</p> |

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| | | | <p>of individual proposals the figures within the SPD are a basis for discussion with developers. Where it is considered that they have an impact upon viability of individual schemes it will be for the developer to indicate the extent to which that occurs.</p> <p>Recommendation No Change</p> |
| 26 | Derbyshire Dales Infrastructure Delivery Plan | Viability – express issue of concern regarding viability and the testing of viability of development through planning applications and through Local Plan Allocations. | <p>The Derbyshire Dales Local Plan was subject to an extensive strategic viability appraisal of the whole plan. This demonstrated that the plan as a whole was capable of being delivered over the plan period. The viability study did not seek to assess the detailed viability of individual proposals as this was left to detailed considerations on a site by site basis. Policy HC4 in the adopted Derbyshire Dales Local Plan indicates that where the full requirement for affordable housing is not proposed the District Council will require applicants to demonstrate through a financial appraisal why a reduced provision is acceptable. As such it allows in certain circumstances for a negotiated outcome.</p> <p>Whilst the requirements of the SPD will need to be taken into account in respects of individual proposals the figures within the SPD are a basis for discussion with developers. Where it is considered that they have an impact upon viability of individual schemes it will be for the developer to indicate the extent to which that occurs.</p> |

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| | | | Recommendation No Change |
| 27 | | <p>The draft does appear to refer to a deficit in Green Infrastructure which could include areas of semi natural greenspace and these are likely to have some biodiversity value. Reference is made on page 8 to delivery of green infrastructure on Derbyshire County Council countryside sites.</p> | <p>The reference to County Council sites is a direct extract from the Infrastructure Delivery Plan which accompanies the adopted Derbyshire Dales Local Plan. This does not preclude the provision of, or contribution towards the provision of Green Infrastructure in accordance with Policy PD4 in the adopted Derbyshire Dales Local Plan.</p> <p>Recommendation No Change</p> |
| 28 | | <p>Page 7 - we support the need for green infrastructure to be included as a potential infrastructure to be secured through planning obligations as this could have a positive effect for the historic environment and better reveal the significance of heritage assets or positively respond to historic landscape character. Is there an opportunity for a holistic green infrastructure strategy that spans the wider area rather than Council owned sites only?</p> | <p>The reference to County Council sites is an extract from the Infrastructure Delivery Plan which accompanies the adopted Derbyshire Dales Local Plan. This does not preclude the provision of or contributions towards the provision of Green Infrastructure in accordance with Policy PD4 in the adopted Derbyshire Dales Local Plan.</p> <p>Recommendation No Change</p> |
| 29 | | <p>The table on page 8 and elsewhere in the document would benefit from the inclusion of environmental infrastructure and opportunities for new development to make a positive contribution to the environment, such as dealing with heritage at risk.</p> | <p>The Table on Page 8 is an extract from the Infrastructure Delivery Plan which accompanies the adopted Derbyshire Dales Local Plan and is included in the SPD to set the context.</p> <p>Individual proposals that can make a positive contribution to the environment, including heritage at risk are all supported positively by the policies in the adopted Derbyshire Dales Local Plan.</p> |

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| 30 | | <p>Clear statements about providing electric charging points throughout the area must be made. There is also a need to address the issue of replacing oil and gas heating of homes and offices. In other words information and demonstrators relating to heat pumps, solar panels and storage batteries needs to be publicised.</p> | <p>Recommendation No Change</p> <p>Comments noted – the adopted Local Plan provides policy guidance on measures to tackle climate change and the SPD seeks to encourage the provision of electric vehicle charging points and other measures.</p> <p>The District Council is committed to addressing Climate Change A Member Working Party has been set up to take this forward and identify appropriate projects to take forward. This may include the development of new planning policies for inclusion in the Local Plan in the future. Accordingly it is not considered appropriate at this time to add further text to the SPD.</p> <p>Recommendation No Change</p> |
| 31 | | <p>It is noted that the only specific infrastructure planned for Matlock is the improvement in bus service reliability. The infrastructure does not seem to be very well focused given that over 1,000 new houses are either being constructed or are in the planning process. Surely the scale of developments in Matlock demands specific infrastructure to be planned?</p> | <p>The Table on Page 8 is an extract from the Infrastructure Delivery Plan which accompanies the adopted Derbyshire Dales Local Plan and is included in the SPD to set the context.</p> <p>In addition to bus reliability in Matlock it also identifies junction/highway capacity and traffic management improvements in Matlock.</p> <p>Policy S7 in the adopted Derbyshire Dales Local Plan also identifies the need for improvements in school capacity, and working with the CCG to facilitate</p> |

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| | | | <p>improvements to healthcare provision in Darley Dale & Matlock.</p> <p>The provision of these improvements being to the benefit of both new and future residents of the area.</p> <p>Recommendation No Change</p> |
| 32 | | Agree with main infrastructure deficits identified. | Noted |
| 33 | | The provision of accommodation, care and support for older people including Extra Care is duly supported. | Noted |
| 34 | Priority Infrastructure | Charging points in every public car park. Charging points in street lamps for residences without drives are needed. | <p>These are measures which can address the high priority being given to tackling climate change, Whilst the provision of charging points in car parks is beyond the scope of this SPD the reference to communal charging facilitates could include these being sort through negotiations with developers as well as provision of street lamp charging points as an alternative.</p> <p>Recommendation No Change</p> |
| 35 | | I would suggest that Traffic and Transportation is a high priority given the scale of developments planned and the fact that the transport network is already "at capacity" according to the Highways Agency. | <p>Whilst it may not be specifically identified on Page 9 the Table on Page 8 in the draft SPD clearly shows that traffic and transportation matters are essential elements of infrastructure which are required to complement the scale of development being proposed.</p> <p>Recommendation No Change</p> |

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| 36 | | Agree with and welcome inclusion of Open Space, Sport and Recreation where necessitated to make new development acceptable | Noted |
| 37 | | Agreed each application should be assessed upon its own individual merits | Noted |
| 38 | | Support the inclusion of 'open space sport and recreation' as a priority form of infrastructure. | Noted |
| 39 | Planning Obligation Process | Take this opportunity to thank you for the opportunity to comment on the Draft Developer Contributions Supplementary Planning Document. Our only comment at this stage is that you consider including a reference to the new requirement to publish an Infrastructure Funding Statement (IFS): as required by the new Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. This covers S.106 and S.278 and could be potentially accommodated on page 11. | <p>The requirement to publish Infrastructure Funding Statements came into in effect in September 2019. As such it is considered appropriate to include reference to them in the first paragraph on Page 12.</p> <p>Recommendation Amend text on Page 12 to read:</p> <p>The District Council will publish in its annual Authority Monitoring Report, <i>and Infrastructure Funding Statements</i> information on planning obligations including the amount of monies secured, for what type of infrastructure, and the expenditure levels.</p> |
| 40 | | <p>Deeply concerned about the content of pages 10/11 under the heading of 'Viability'. Note that concessions to developers seeking to avoid or reduce development contributions will not be made, unless the developers' reasons are set out in a financial viability statement, which should include "<i>evidence in relation to build costs, including land acquisition</i>". However, our main concern is the point that Developers should buy property in the full knowledge of all established planning requirements in approved Local Plan Policy and Supplementary Planning Documents.</p> <p><i>Permissions for sub-standard development should not be granted on the basis of developer profitability and viability. If developers have not properly taken account of their planning policy obligations before purchasing land for development, and bought the land at too high a price, the community should not pay in the form of poorer infrastructure, inadequate provision for social housing, and development which is poor quality and/or not enhancing the character and appearance of the area.</i></p> <p>It is paramount that this point is made clear to developers under the heading of 'viability' and wording as set out in italics above, or to that effect should be inserted into</p> | <p>The section on viability has been included to clarify the policies in the adopted Derbyshire Dales Local Plan – most notably Policy HC4; Affordable Housing which indicates that where the provision of affordable housing is below the requirement then a financial appraisal is required to justify the reduced provision. Whilst a reduced provision may well be accepted on occasions it does not mean that the District Council is willing to accept sub-standard development, as all development is required to meet the requirements of the other policies in the adopted Derbyshire Dales Local Plan.</p> <p>Recommendation</p> |

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| | | <p>the text relating to viability. This would reduce the extent to which officer time is taken dealing with concession applications by developers and enable greater consistency for developers, the Council and all interested parties.</p> <p>In the majority of respects the SPD is commendable and it is accepted that very rarely exceptions may be justified, However it is essential that developers for not take unfair advantage of the need for viable development options, and do not received unjustified subsidy from the Council. The objective to achieve 'clarity and certainty' for developers are sound, but this should be extended to the whole community, the wording set out in italics above should be inserted.</p> | <p>No Change</p> |
| 41 | | <p>There may be very infrequent occasions when the objectives of a planning application and Local Plan will be prejudiced if concessions are not made to developers. For example, much needed brownfield redevelopment may not proceed unless finance is released to remove widespread site contamination. However, the scope for the Council to, in effect, subsidise private development should be extremely rare in our opinion. This is because the costs of dealing with most brownfield developments should also be reflected in the purchase price paid by a developer to a landowner. In the past there have been Government funds available for decontamination. These may be available again in which case they should also be explored by Developers/ Councils before considering a departure from the standard policy.</p> <p>If the Council receive an application for such concessions, or any form of concession, it should ensure that the quality and detail of their own independent advice on these matters is able to fully check the accuracy of claims by developers' specialist advisors.</p> | <p>The District Valuer is a Government Agency that provide specialist independent, impartial, valuation and professional property advice across the entire public sector. They employ RICS qualified Chartered Surveyors delivering a wide range of property consultancy advice. As such the District Council has no concerns about the quality of the advice that is being provided in respect of individual financial appraisals prepared by developers and their agents.</p> <p>Recommendation No Change</p> |
| 42 | | <p>Schemes for association infrastructure from scratch e.g. new school or doctor surgery can be very time consuming, and 'pay back' clauses should account for this. Recommend that 10 years should normally be the minimum period during which the Council should be allowed to hold developer contributions.</p> | <p>The SPD indicates on Page 11 that refunds will usually be given five or ten years after the receipt of the payment of any financial contribution. Given that some projects are expected to be delivered in a shorter time frame than others it is not unreasonable to have a shorter refund period than those potentially more complex projects within s106 obligations.</p> <p>Recommendation No Change</p> |

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| 43 | | Good overall, but suggest that holding and overseeing spending of financial contributions should include charitable and community bodies where appropriate with prior written agreement to co-ordinate delivery on the ground - eg Sports Group has the ability to co- ordinate delivery as does the Recreation Ground Trust as a charity working with the 4 Clubs/ interests at the Recreation Ground. | <p>Where a development is required to provide a financial contribution towards the provision of open space, if an agreed mechanism is for a community group to provide such a facility then there should be no reason why funds could not be passed over to that group to utilise them to deliver capital projects not non-capital schemes. The mechanisms would be detailed on a case by case basis in a s106 obligation. It is not necessarily appropriate for such a requirement to be set out in the SPD.</p> <p>Recommendation No Change</p> |
| 44 | | Rather than 'the District Council may agree to the provision of lower rates of contributions for a particular site', This should read, when supported by viability evidence the District Council will agree to the provision of lower rates of contributions, to ensure development delivery. | <p>Noted – it is considered that the text of the SPD as currently prepared clearly states that viability issues will be considered when assessing development proposals and that each application will be assessed on a case by case basis.</p> <p>Recommendation No Change</p> |
| 45 | | p.11, para. 1, second sentence – inset 'a' between 'provide' and 'conclusive opinion' | <p>Agreed</p> <p>Recommendation Revise 1st para of Page 11 to read:</p> <p><i>“.....evidence in relation to build costs, including land acquisition and future sales values. It will provide a conclusive opinion on...”</i></p> |
| 46 | | Fundamentally, we object to the increasing costs of delivering development within the authority area through an increase in Section 106 contributions. | The Derbyshire Dales Local Plan was subject to an extensive strategic viability appraisal of the whole plan. This |

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| | | <p>Prior to the adoption of the Local Plan in 2017, a viability evidence document called the 'Local Plan & Community Infrastructure Viability Study' was carried out to inform the Council's emerging Local Plan and Community Infrastructure Levy (CIL). The study assessed sites included within the Council's Strategic Housing Land Availability Assessment (SHLAA), draft policies of the emerging Local Plan and identified the viability headroom available for a Community Infrastructure Levy. At a meeting of Council held on 5th December 2018 it concluded that there was insufficient evidence to demonstrate that there was an appropriate balance between:</p> <ul style="list-style-type: none"> • the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and • the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area. <p>As such the District Council resolved to withdraw the Derbyshire Dales Community Infrastructure Levy Draft Charging Schedule with immediate effect. This highlights concerns the Council has over viability within the District and the careful balance required when imposing additional charges on development.</p> <p>Whilst CIL was not adopted, the Local Plan was adopted, and its purpose is to enable sustainable development to take place. One of the key elements of sustainable development is to identify and ensure that appropriate developer contributions are made to mitigate the impact of development on the provision of local services and amenities and to ensure that council priorities for affordable housing can be met. The Council have increased the Off Site Financial Contributions for affordable housing based on a reappraisal of the existing figures using up to date land values, build costs, dwelling and plot sizes. The figure of £46,209 now proposed is nearly 100% more than the current off-site affordable housing contribution value of £24,450. 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.</p> <p>After the financial crash of 2007/8, development land values fell sharply and have not recovered, and are currently less than 80% of the 2007 peak. Whilst there may have been a small year on year rise in land values between 2017 and 2018 of about 1.2% , it in no way reflects the scale of rise suggested in this draft report. The draft document does not provide robust evidence to support such a large increase in developer</p> | <p>demonstrated that the plan as a whole was capable of being delivered over the plan period. The viability study did not seek to assess the detailed viability of individual proposals as this was left to detailed considerations on a site by site basis.</p> <p>Policy HC4 in the adopted Derbyshire Dales Local Plan indicates that where the full requirement for affordable housing is not proposed the District Council will require applicants to demonstrate through a financial appraisal why a reduced provision is acceptable. As such it allows in certain circumstances for a negotiated outcome.</p> <p>Whilst the requirements of the SPD will need to be taken into account in respects of individual proposals the figures within the SPD are a basis for discussion with developers. Where it is considered that they have an impact upon viability of individual schemes it will be for the developer to indicate the extent to which that occurs.</p> <p>In respect of the proposed contribution towards the enabling role undertaken by the District Council. The enabling role within the Community Housing Team is principally undertaken by the Rural Housing Enabler and the Head of Housing. The contribution towards the District Council's housing enabling role reflects the Council's resources required in enabling affordable homes to be built on an alternative site, such as in the identification of land, and potentially properties, which could be purchased by</p> |

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| | | <p>contributions and without such justification, and in light of the 2018 CIL report, the case for the increase is not well founded.</p> <p>The proposed increase in off-site contributions comes at a time of other Section 106 increases. The payment towards the provision of new school places for residential developers has increased by almost 50%. In 2018 the costs per dwelling for education in a location with full primary and secondary schools, the contribution per dwelling was £4,856, this includes both affordable and market housing, pushing the cost per market dwelling based on 30% affordable to £6,937. With the increases now in place, the costs per market dwelling have now risen to over £10,500 per dwelling. In addition there are costs for off-site open space, health, other community infrastructure including libraries which together add significantly to developer's costs.</p> <p>In areas where on-site affordable housing is not required or in apartment developments for key groups such as the elderly the impact of the proposed increase in developer contributions will be significant. On a 100 house scheme with 30% affordable the total off site cost will be £1,386,270 or 13,863 per dwelling. With other developer contributions the costs will rise above £25,000 per dwelling. This is before any other development cost is considered.</p> <p>The Council is looking to develop a series of 'legacy' sites, contributing up to ¼ of all allocated housing land. These sites are former quarries and other forms of previously developed land, which are often seriously contaminated and/or have land stability issues. Increases in developer contributions will affect the viability of brownfield sites first, limiting development to greenfield land; but even here, given the long term reduction in development land values, increases in developer contribution will reduce residual land values and the likelihood of landowners being willing to sell their land for housing.</p> <p>The council has prepared an action plan to increase the delivery of housing in the District in response to the failure to meet the housing delivery test. Whilst it is acknowledged that the council has argued that its percentage was in fact 105% because completions in the Peak Park were not taken into account, housing delivery remains a serious issue for this council.</p> <p>Increasing developer cost at this stage and introducing monitoring fees will stifle development and the viability issues raised in the CIL Report will be repeated.</p> | <p>housing associations to deliver affordable homes. The net affordable homes delivered across all sites in the local plan area in the last 2 financial years is 193, of which 57 have been delivered on site through negotiation with a private developer.</p> <p>Where private developers are paying an off-site financial contribution in lieu of on-site provision, the payment needs to include the use of District Council's resources for the enabling work to ensure the successful delivery of affordable homes on another site, otherwise this cost is borne by the District Council.</p> <p>It is however considered that in order to ensure that the affordable housing enabling fee does not unduly undermine the viability of development that this be reduced from 1% to 0.5%. This then reduces the per dwelling rate from £46,209 to £45,464 and the enabling fee from £1491 to £745.</p> <p>Recommendation That the DDDC Enabling Fee be reduced from 1% to 0.5% and that the relevant text be revised accordingly.</p> |

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| | | <p>In light of the Referendum concerning the UK's membership of the EU and with a general election pending, we are now in a period of uncertainty in relation to many factors that impact the property investment and letting markets. At this time organisations involved in the industry are reflecting on the potential implications of the UK leaving the EU, and build rates are beginning to decrease.</p> <p>Derbyshire Dales is currently seen as a viable area for housing developers, and the council's housing officer has been able to raise considerable funds through off-site payments for affordable housing. It has been a real success but to increase the off-site payment now when other cost increases have taken effect would be unwise and we believe will hinder the viability of the authority area, and will see developers looking elsewhere. Furthermore, if development rates drop as a result of the increased fees, 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. 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 may have not considered suitable for development or not had envisaged as coming forward through the Local Plan process.</p> <p>At a time where the Council have historically under delivered on housing, and withdrawn the adoption of CIL in the area, there are significant questions over the viability of the authority area as a whole that suggest it will be detrimental to the housing market to increase the level of off-site affordable housing contribution that developers are required to pay on new development where it cannot be delivered on site. The objection also includes the proposed introduction of monitoring fees as it is yet a further cost on the development process.</p> | |
| 47 | | <p>Wish to remind the Council that any requests made for developer contributions must meet the obligation tests as set out in paragraph 56 of the NPPF 2019. These are:</p> <ul style="list-style-type: none"> - Necessary to make the development acceptable in planning terms; - Directly related to the development; and - Fairly and reasonably related in scale and kind to the development. <p>In order to avoid confusion, it is suggested that the Council make clear which stakeholder is responsible for the request and, where possible, the delivery of each contribution tied to a development. A single document, such as the SPD, setting this out may be useful.</p> | <p>Page 5 makes it clear that for s106 obligations to be valid then they must satisfy the tests of Reg. 122 of the Community Infrastructure Regulations 2010 as amended.</p> <p>The transparency requested about where financial contributions are spent will improve in the future with the requirement for the publication of Infrastructure Funding Statements.</p> |

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| | | <p>Any request made for contributions should be done as soon as practicable during the planning application process in order to aid efficiency of the determination process and allow time for negotiation within the statutory timescale if required. It would also be useful if guidance is provided at the pre-application stage as to the potential contribution requirements of a proposed development based on available information at that stage. The adoption of this approach may prevent future delay at or post the planning application stage ensuring sustainable development is delivered as anticipated.</p> <p>Any requests for contributions made to a planning application should be supported by clear evidence which illustrates that the request has been made in full accordance with paragraph 56 of the NPPF as set out above.</p> <p>In terms of delivery of infrastructure and monies collated from a development, request that information regarding how and where this is delivered is shared with the applicant in order to illustrate that the obligation tests have been met. This information would also be useful to local community members to better illustrate the benefits to their area which a development is provided.</p> <p>It is important that flexibility is provided to ensure sustainable development opportunities are delivered. This may include the phasing of payments/infrastructure in alignment with the delivery of housing on a site, in order to minimise upfront cost and associated risk. The adoption of this approach will be beneficial to the delivery rate of a development and will ensure that necessary infrastructure is delivered as it is required</p> | <p>Any phasing of financial contributions can be included in the detail of each s106 planning obligation – this does not, however need to be set out in the SPD.</p> <p>Recommendation No Change</p> |
| 48 | | <p>The DDDC Annual Monitoring report on S106 is limited and difficult to read. There is no way to evaluate how much of the S106 funding agreed on Ashbourne development schemes has been allocated to promoting sustainable development in Ashbourne as required by planning law.</p> <p>The District Councils Annual Monitoring report on S106 should be much more transparent and clearer along the lines of the West Suffolk District Council S106 Annual Report</p> | <p>The publication of Infrastructure Funding Statements in 2020 will address any concerns about transparency, as the contents of such documents will be set out in legislation. This does not however have any bearing on the purpose and content of the SPD.</p> <p>Recommendation No Change</p> |
| 49 | | <p>Page 11 – Paragraph 3 The County Council endeavours to spend contributions as soon as possible and in accordance with the Section 106 Agreement. However DCC requests that Section 106 Agreements should include a clause that states where funds are committed, they should be treated as spent. If funds are not committed or spent</p> | <p>In some instances projects can take some time to come to fruition and may take longer than originally envisaged. It is considered that if the phrase “committed”</p> |

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| | | <p>within the time limit specified by the legal agreement the contribution would be returned to the developer. Therefore in terms of paragraph 3 it is requested that reference to committed funds is also made.</p> | <p>were included in the SPD this would and could lengthen the time over which the District Council or County Council hold the relevant financial contribution without them actually being spent. It is considered that this is unreasonable and the most appropriate way forward is to ensure that the financial contributions are received and spent within the specified timeframe as this should focus the agency on undertaking the necessary work to deliver infrastructure.</p> <p>Recommendation No Change</p> |
| 50 | | <p>Paragraph 1 - As per the response to 'Holding and Spending Financial Contributions' (above) regarding committed funding, it is requested that the last sentence reads 'Monies to be refunded to the developer should they remain unspent/uncommitted'. No reference is made in this section to the introduction of mandatory reporting on planning obligations through the amended CIL Regulations via the production of an annual infrastructure funding statement (IFS). In order to support the monitoring of obligations and the production of the IFS paragraph 2A has been inserted into Regulation 122 of the CIL Regulations 2010 (as amended) which asserts that a monitoring contribution does not have to constitute a reason for granting a planning permission. As such authorities can charge monitoring fees, and as such it is suggested that the methodology is set out in this SPD. The County Council will also require a separate monitoring fee as under the new CIL regulations the DCC is also required to produce an IFS. The calculation methodology will be set out in the next iteration of the Developer Contributions Protocol.</p> | <p>As set out above it is considered unreasonable to make reference to committed expenditure rather it should related to financial contributions which have already been spent.</p> <p>As set out above it is already recommended that reference to IFS are included in the SPD under Monitoring on Page 12.</p> <p>Recommendation No Change</p> |
| 51 | Affordable Housing | <p>Policy 34 of the NPPF requires Planning Authorities to set out developer contributions policies, but these <i>"should not undermine the deliverability of the plan"</i>. Our view is that provided Developer Contributions are reasonable and relate fairly to the development proposed, neither the viability of the Local Plan, or viability of any plan for housing, need be prejudiced if developers have accounted for policies for associated contributions from the outset.</p> <p>Account should be taken of the Prime Ministerial Planning Statement in June 19 as follows "I do not accept that, in 2019, we can only have sufficient and affordable housing be compromising on standards, safety, aesthetics, and space. That is why I</p> | <p>The NPPF and Ministerial Statements are material considerations in the determination of planning applications. As such they are given due regard when a planning application is under consideration. It is not, however necessary for them to be included within the SPD.</p> <p>Recommendation</p> |

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| | | <p>asked the Building Better, Building Beautiful Commission to develop proposals for embedding beautiful, sustainable and human-scale design into the planning and development process.”</p> <p>This statement should be given due regard and is in effect stating that sufficient and affordable housing should not be achieved at the expense of all statutory planning polices, including those relating to developer contributions, and should be considered alongside para. 34 of the NPPF, unless amended by any subsequent Prime Ministerial Statement.</p> | <p>No Change</p> |
| 52 | | <p>The SPD focuses heavily on affordable housing, which has traditionally been DDDC's main emphasis on S106 agreements. The SPD outlines new 'tariffs' for affordable housing at £46,209 per unit for off-site provision as well as a 3% contribution at £1,491 per dwelling towards the District Council's housing enabling role, although it is not clear what this is for.</p> <p>The SPD mentions for the first time that S106 agreements need to take into account the result of any parish housing needs assessments (HNA). Ashbourne, has, as part of its neighbourhood plan included a housing need assessment, and will welcome the District council providing affordable housing through s106 agreements, following the adoption of the neighbourhood plan. There appears to be no developments of affordable housing in Ashbourne between 2013 and 2019 despite DDDC agreeing £3.55m in contributions.</p> <p>There needs to be a clearer definitive plan for the provision of affordable housing.</p> | <p>The enabling role within the Community Housing Team is principally undertaken by the Rural Housing Enabler and the Head of Housing. The contribution towards the District Council's housing enabling role reflects the Council's resources required in enabling affordable homes to be built on an alternative site, such as in the identification of land, and potentially properties, which could be purchased by housing associations to deliver affordable homes. The net affordable homes delivered across all sites in the local plan area in the last 2 financial years is 193, of which 57 have been delivered on site through negotiation with a private developer. Where private developers are paying an off-site financial contribution in lieu of on-site provision, the payment needs to include the use of District Council's resources for the enabling work to ensure the successful delivery of affordable homes on another site, otherwise this cost is borne by the District Council.</p> <p>It is however considered that in order to ensure that the affordable housing enabling fee does not unduly undermine the viability of development that this be reduced from 1% to 0.5%. This then reduces the per dwelling rate</p> |

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| | | | <p>from £46,209 to £45,464 and the enabling fee from £1491 to £745.</p> <p>Recommendation That the DDDC Enabling Fee be reduced from 1% to 0.5% and that the relevant text be revised accordingly.</p> |
| 53 | | <p>Affordable does not simply mean Housing Associations and Joint Ownership. Developments should have affordable properties for those wishing to buy outright. Recently developments in the authority have not supported this.</p> | <p>The NPPF definition of Affordable Housing does include those for rent or sale – however the evidence from ONS data is that affordable housing for sale in Derbyshire Dales would remain unaffordable even with a 20% discount as set out in the NPPF. Consequently the District Council has focussed on maximising the amount of affordable housing that can be afforded which is primarily rental and shared equity schemes.</p> <p>Recommendation No Change</p> |
| 54 | | <p>Charging points need to be mandatory.</p> | <p>At the present time there is no policy basis for this – however it is anticipated that the Government will make it a mandatory requirement for all new homes in the future. Consequently all that the District Council can do in the meantime is to seek to persuade developers to install charging points during the determination of planning applications.</p> <p>Recommendation No Change</p> |
| 55 | | <p>One of the current deficits in Wirksworth and surrounding area is the provision of affordable housing with support and care if needed for older people. Currently</p> | <p>Comments relating to the provision of both affordable housing and housing with</p> |

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| | | <p>affordable housing usually refers to family accommodation and needs of older people is ignored. Providing suitable housing with support specifically for older people also releases their existing housing for occupation by families and others and therefore is a net gain. This also links with the section on Health and Wellbeing. Developments such as Waltham House where quality housing on a mixture of owned, shared ownership and rented meets a wide range of need and its location in the centre of a town avoids social isolation and improves access to a wide range of services and activities thereby improving people's health and wellbeing.</p> | <p>support for older people are noted. The adopted Local Plan Policy seeks to ensure that a diverse range of housing sizes, types including specialised accommodation that addresses the needs of elderly or vulnerable people are provided. The purpose of the SPD is to provide guidance on the procedure to determine the amount of financial contribution payable in lieu of on-site provision of affordable housing and complement existing policy within the Local Plan.</p> <p>Recommendation No Change</p> |
| 56 | | <p>The provision of appropriate off-site financial contributions, in lieu of on-site affordable housing provision is supported in principle. This should however be based upon local needs within the district and not the district as a whole. This is emphasised further where affordable housing needs have already been met through recently consented sites since the Plan adoption.</p> <p>The level of increase proposed up to £46,209 per unit is considered excessive. Page 16 the 10% uplift to build costs is insufficient to cover external works. Assuming £100/sqft build cost, external works would be in excess of £20/sqft, so at least 20%.</p> | <p>The adopted Derbyshire Dales Local Plan seeks to address the affordable housing needs of the District as a whole. As such the policies seek to achieve this. In circumstances where local needs have been met the provision of affordable housing to meet a wider need should not be overlooked. For clarity it is considered that the reference to local need on Page 14 of the draft SPD should be deleted.</p> <p>The SPD sets out that the affordable housing contribution seeks to provide sufficient funds to enable a new affordable home to be provided including the costs of purchasing land, fees and interest. These figures are all evidence based. Whilst the representations consider the uplift to be excessive they offer no suggestion as to what an appropriate level should be.</p> <p>Recommendation</p> |

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| | | | <p>That the following text on Page 14 is deleted :</p> <p><i>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.</i></p> |
| 57 | | <p>The SPD should set out a flexible approach which allows for sites to be discussed and negotiated on a site by site basis as all schemes will vary and the scale of need will differ depending on market location. Whilst it is noted that some flexibility is provided in 'exceptional circumstances' for the delivery of affordable housing offsite, consider that reference to 'exceptional circumstances' should be removed to ensure flexibility to the consideration of locating off site affordable housing contributions where there is the greatest need and that development opportunities are considered on a site by site basis. Furthermore, it is noted that if affordable housing cannot be delivered on site then the Council may accept an off-site affordable housing contribution of £46,209 per unit. Concerned regarding the proposed approach as the Council is in effect setting a specific contribution and question whether this has been tested for its effects of development viability. Maintain that the Council should consider the off site contributions on an individual basis rather than applying a specific value as settlements are likely to have different market values which can affect the viability of a scheme.</p> <p>In addition, it will be important for the SPD to cross reference to viability. Specifically, the Council should not seek to jeopardise affordable housing delivery and seek to negotiate the maximum level of affordable housing that can reasonably be provided without having adverse effects on development viability.</p> | <p>The Derbyshire Dales Local Plan was subject to an extensive viability appraisal Policy HC4 of the Local Plan indicates that where the full requirement for affordable housing is not proposed the District Council will require applicants to demonstrate through a financial appraisal why a reduced provision is acceptable. It therefore allows in certain circumstances for a negotiated outcome. The requirements of the SPD will need to be taken into account and represent a starting point, as set out on page 17 of the SPD the 'precise nature of the affordable housing to be provided shall be determined by negotiation between the Council and the applicant.</p> <p>Recommendation No Change</p> |
| 58 | | <p>The SPD focuses heavily on affordable housing, which has traditionally been DDDC's main emphasis on S106 agreements. The SPD outlines new 'tariffs' for affordable housing at £46,209 per unit for off-site provision as well as a 3% contribution at £1,491 per dwelling towards the District Council's housing enabling role.</p> <p>The SPD mentions for the first time that S106 agreements need to take into account the result of any parish housing needs assessments (HNA). Ashbourne may have the</p> | <p>The adopted Derbyshire Dales Local Plan seeks to address the affordable housing needs of the District as a whole. As such the policies seek to achieve this. In circumstances where local needs have been met the provision of affordable housing to meet a wider need should not</p> |

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| | | <p>only Neighbourhood Housing Assessment within the Derbyshire Dales, which was commissioned by the Ashbourne Neighbourhood Plan Group on behalf of Ashbourne Town Council.</p> <p>Using the Ashbourne Housing Needs Assessment as the basis for future affordable housing S106 agreements on Ashbourne development proposals is also to be welcomed. This should ensure that the significant S106 that has been negotiated on Ashbourne developments is used to meet housing need in Ashbourne. This has not been the case over the last few years despite DDDC agreeing £3.55 million for affordable housing on Ashbourne developments.</p> <p>More importantly the Director of Housing stated on a planning application for a revision to the Leys Farm scheme in 2019 that there was no need for further affordable housing in Ashbourne since current supply of affordable homes exceeded demand. On the basis of this the planning committee agreed a S106 agreement for sport & leisure on Ashbourne Recreation Ground at £71,573. This was the first time that such a community led S106 initiative has been approved.</p> <p>If DDDC is stating that no more affordable housing is required in Ashbourne, S106 agreements on affordable housing should no longer be applied on Ashbourne development schemes. Instead monies to the level that would have been asked for on affordable housing should now be applied on other Ashbourne priorities, such as tackling Town Centre congestion as well as further expenditure on sport & leisure. Importantly it should be the community through the Ashbourne Town Council and other local community organisations that establishes neighbourhood S106 priorities as clearly stated in the Ashbourne Neighbourhood Plan through the preparation of a Community Infrastructure Plan.</p> | <p>be overlooked. For clarity it is considered that the reference to local need on Page 14 of the draft SPD should be deleted.</p> <p>The enabling role within the Community Housing Team is principally undertaken by the Rural Housing Enabler and the Head of Housing. The contribution towards the District Council's housing enabling role reflects the Council's resources required in enabling affordable homes to be built on an alternative site, such as in the identification of land, and potentially properties, which could be purchased by housing associations to deliver affordable homes. The net affordable homes delivered across all sites in the local plan area in the last 2 financial years is 193, of which 57 have been delivered on site through negotiation with a private developer. Where private developers are paying an off-site financial contribution in lieu of on-site provision, the payment needs to include the use of District Council's resources for the enabling work to ensure the successful delivery of affordable homes on another site, otherwise this cost is borne by the District Council.</p> <p>Recommendation That the following text on Page 14 is deleted :</p> <p><i>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</i></p> |

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| | | | <i>survey will be utilised to identify the local housing need.</i> |
| 59 | Open Space Sport and Recreation | In terms of open space developer contributions may be used appropriately for the interpretation or enhancement of particular know heritage assets which may be affected by development. Similarly, the impact of climate change can affect heritage assets, such as buildings and other structures; the recent flooding in Derbyshire Dales and Derby in the vicinity of the Derwent Valley Mills World Heritage Site being a case in point. The measures that developers will have to take to mitigate the affects of climate change will have an impact on the historic environment, particularly when delivering the Strategic Objectives of the Local Plan (see list on page 34 of the consultation document). Taking this into account we would argue strongly that the objectives of policy PD2 are relevant and should be incorporated into this document. | The purpose of the SPD is primarily related to the provision of infrastructure – policy in Local Plan can deal with mitigation measures for heritage assets where related to a particular development proposal. Each one dealt with on a case by case basis. Recommendation No Change |
| 60 | | The focus and emphasis in relation to open space is more on health, recreation, sport and visual amenity and biodiversity is a secondary concern (though in some cases there will be opportunities to enhance open space sites for biodiversity). In relation to ‘Natural and Semi Natural greenspace’ the identified deficiency for the District is 16.16ha. Whilst achieving this increased would be welcomed, it will fall far short of what is needed to achieve the required gains for biodiversity. Therefore vitally important that alternative and additional measures are put in place for biodiversity in the near future. | Section 216 of the Planning Act 2008 sets out that infrastructure includes: (a)roads and other transport facilities, (b)flood defences, (c)schools and other educational facilities, (d)medical facilities, (e)sporting and recreational facilities and (f)open spaces It does not specifically indicate that biodiversity falls within the statutory definition of infrastructure. It is, however, acknowledged that there are significant benefits from proposals that benefit biodiversity. Policy PD3 in the adopted Derbyshire Dales Local Plan |

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| | | | <p>already allows for the protection, mitigation and enhancement of sites important for nature conservation where it is appropriate to do so. The Derbyshire Wildlife Trust and other Stakeholders such as Natural England have played and continue to play an important role in this process on a case by case basis.</p> <p>The concept of Biodiversity Net Gain is new and one where the approach to development leaves biodiversity in a better condition than previously. The Government has recently consulted on whether Biodiversity Net Gain should be a mandatory requirement for developments when granting planning permission. It is however not clear how this will be incorporated into legislation going forward. If it becomes a statutory requirement for development proposals to include Biodiversity Net Gain this will be subject of further advice to Members.</p> <p>As such it is considered that at this time there are sufficient measures within the adopted Derbyshire Dales Local Plan to address the needs of biodiversity without the need for any changes to the SPD.</p> <p>Recommendation No Change</p> |
| 61 | | Parks, gardens and other more formal open spaces of the type that appear to be covered by this guidance can provide some benefits for biodiversity and we recommend that the Council ensures that full consideration is given on a case by case basis to how those benefits can be achieved. Biodiversity benefits in open space should be built in from the start and subject to tailored management and | Section 216 of the Planning Act 2008 sets out that infrastructure includes: (a)roads and other transport facilities, |

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| | | <p>aftercare. The habitats restored, enhanced or created should ideally reflect those in the Lowland and Peak District Biodiversity Action Plans.</p> | <p>(b)flood defences,</p> <p>(c)schools and other educational facilities,</p> <p>(d)medical facilities,</p> <p>(e)sporting and recreational facilities and</p> <p>(f)open spaces</p> <p>It does not specifically indicate that biodiversity falls within the statutory definition of infrastructure.</p> <p>It is, however, acknowledged that there are significant benefits from proposals that benefit biodiversity. Policy PD3 in the adopted Derbyshire Dales Local Plan already allows for the protection, mitigation and enhancement of sites important for nature conservation where it is appropriate to do so. The Derbyshire Wildlife Trust and other Stakeholders such as Natural England have played and continue to play an important role in this process on a case by case basis.</p> <p>The concept of Biodiversity Net Gain is new and one where the approach to development leaves biodiversity in a better condition than previously. The Government has recently consulted on whether Biodiversity Net Gain should be a mandatory requirement for developments when granting planning permission. It is however not clear how this will</p> |

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| | | | <p>incorporated into legislation going forward. If it becomes a statutory requirement for development proposals to include Biodiversity Net Gain this will be subject of further advice to Members.</p> <p>As such it is considered that at this time there are sufficient measures within the adopted Derbyshire Dales Local Plan to address the needs of biodiversity without the need for any changes to the SPD.</p> <p>Recommendation No Change</p> |
| 62 | | <p>It is good to see these key areas for investment in Ashbourne being given greater emphasis for future S106 investment. The fact that Derbyshire Dales has one of the few playing pitch strategies in England with clear project priorities puts the District Council ahead of the game in securing external funding for sport and community projects. The SPDs 'future playing pitch requirements' would be better served to include a strategy based on calculations for future requirements and not based on current requirements.</p> | <p>The SPD seeks to provide guidance on the provision and enhancement of open space, sport and recreation facilities across the plan area and draws upon evidence from the Derbyshire Dales Built Sports Facilities and Open Space Strategy (January 2018) prepared as part of the Derbyshire Dales Local Plan. The future playing pitch requirements set out within the SPD draws upon evidence of future need based upon consultation with local sports clubs and considered as part of the Playing Pitch Strategy.</p> <p>Recommendation No Change</p> |
| 63 | | <p>The table on page 19 could include a section on public realm improvements that benefit the historic environment, heritage assets and their setting.</p> | <p>The table on page 19 sets out typologies of open space and their primary purpose to provide context to the types of open spaces that are needed within the Derbyshire Dales, as identified in the Derbyshire Dales Open Space Standards Paper (2018). Existing policies within the adopted Local Plan seek to ensure that</p> |

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| | | | <p>development proposals contribute positively to the character of the built and historic environment and that public realm improvements are encouraged across the plan area.</p> <p>Recommendation No Change</p> |
| 64 | | Too heavily focused on Ashbourne. A review across the whole district needs to be undertaken. | <p>Comments noted, the report 'Derbyshire Dales Built Sports Facilities, Playing Pitch and Open Space Strategy' (2018) provides the evidence for the Derbyshire Dales Local Plan and assessed the supply and demand for open space, sport and recreation facilities across the whole of the Plan Area and not just the Ashbourne area</p> <p>Recommendation No Change</p> |
| 65 | | Maybe more emphasis could be given on trying to promote multi-functional green areas. E.g. A SuDS basin could be designed in such a way that it could be utilised as an open green space for recreation? | <p>Comments noted, policy PD8 – Flood Risk Management and Water Quality of the adopted Local Plan states “wherever possible SUDs will be expected to contribute towards wider sustainability considerations, including amenity recreation, conservation of biodiversity and landscape character, making use of the role that trees, woodland and other green infrastructure can play in flood alleviation and water quality control”.</p> <p>Recommendation No Change</p> |
| 66 | | The policies should reflect that open spaces should be protected and not allowed to be developed ahead of brownfield sites. | The policy and strategy within the Local Plan seeks to ensure that the quantity and quality of open space, sport, leisure and recreation facilitates throughout the Plan |

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| | | | <p>area is maintained and where 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. Furthermore the strategy in the Local Plan seeks to promote the development of appropriately located brownfield land.</p> <p>Recommendation No Change</p> |
| 67 | | <p>Seems fine, but need to refer to reviews by the Council with stakeholders and possible changes/additions to priorities over time - eg annual review of Playing Pitches Strategy and similarly re Built Facilities.</p> | <p>The SPD states at page 22 that the standard costs of the enhancement of existing open space and provision of new open spaces will be reviewed regularly by the District Council and where appropriate indexation applied. As part of the monitoring and future review of the Local Plan updates to the supporting evidence base will be undertaken.</p> <p>Recommendation No Change</p> |
| 68 | | <p>The quantity of POS sought should not undermine housing number on new sites coming forward.</p> | <p>Comments noted, it is agreed that the amount and siting of open space on a development should be appropriate to create sustainable development. Wording within the adopted Local Plan seeks to ensure that a high quality of design and layout is secured on site and that the extent of informal open space provision will be determined on a case by case basis taking account of site size, shape and topography.</p> <p>Recommendation No Change</p> |

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| 69 | | <p>Support the inclusion of 'open space, sport and recreation' as a priority form of infrastructure. However, the Playing Strategy and Open Space Strategy are separate documents and need to be quoted separately.</p> <p>Also, the PPS is subject to regular review and an Updated Action Plan was endorsed and published in January 2019. Rather than including a table summarising priority projects it is therefore suggested that the document cross refers to the PPS latest document(s), which are reviewed on a regular basis to reflect the latest evidence and circumstances.</p> <p>Support the threshold of 11 dwellings. With reference to the Playing pitch Calculator, suggest that wording be amended to say: '...to help inform' as opposed to determine contributions.</p> <p>Also recommend that it is flagged that information from the Playing Pitch Calculator does not include land costs, or abnormal development costs, nor does it cover all outdoor sport types. Similarly, with reference to ancillary facilities, suggest amendment of wording to say 'will be informed by' as opposed to taken from the Sport England costings.</p> | <p>The comments regarding quoting the documents separately are noted, however it is considered that the text as currently drafted provides enough detail to explain the purpose of each element of the Playing Pitch Strategy and Open Space Strategy. Similarly it is considered appropriate to include within the SPD a list of priority projects for the Council to provide information about what schemes future obligations may contribute towards.</p> <p>Recommendation No Change</p> <p>Comments regarding the refreshed Playing Pitch Strategy noted and reference to revised document to be inserted.</p> <p>Recommendation Insert the following text and web link under the bulleted list below the sub heading 'Playing Pitches'</p> <p><i>A refresh of the Derbyshire Dales Playing Pitch Action Plan was published in January 2019. Regular reviews of the Playing Pitch Action Plan will be undertaken to reflect up to date evidence and circumstances.</i></p> <p>It is accepted that the term 'inform' better reflects the process that determine.</p> <p>Recommendation That where appropriate that the word determine be replaced with the term inform.</p> |

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| 70 | | p.21 para. 4, line 2 – correct ‘ether’ to ‘either’. | Noted – typographical error Recommendation Amended text to read ‘either’ |
| 71 | | <p>It is good to see these key areas for investment in Ashbourne being given greater emphasis for future S106 investment. The fact that Derbyshire Dales has one of the few playing pitch strategies in England with clear project priorities puts the District Council ahead of the game in securing external funding for sport and community projects. The need for investment in improving sports facilities on Ashbourne Recreation Ground is emphasised in the District Council’s playing pitch strategy and should be a priority for future S106 agreements on future development schemes in the Ashbourne area.</p> <p>The SPD unfortunately does not spell out in the same detail as affordable housing the financial model for securing S106 agreements. This should be made clear in the SPD and must relate to the real costs of future sports/community and open space projects rather than some academic assessment of need.</p> <p>In addition, AshCom CIC feel the following open spaces/community areas should be given priority for future S106 investment:</p> <ul style="list-style-type: none"> • Ashbourne Recreation Ground – Bandstand refurbishment and play areas for all ages. • Henmore path walkway • Civic Square, adjacent to Ashbourne Library | <p>The SPD sets out the priority projects from the Playing Pitch Strategy – those projects that are identified in the representation are ones that do not emanate directly relative to new development and therefore would not warrant inclusion as projects within the SPD.</p> <p>Recommendation No Change</p> |
| 72 | Health and Wellbeing | <p>The health facilities in Matlock are inadequate at present and the current and proposed developments (circa 800 new homes) cannot be accommodated without putting further strain on the infrastructure which therefore needs to be substantially increased.</p> | <p>The comments about the existing health care infrastructure within Matlock and the surrounding area are noted.</p> <p>The District Council works with the Derby and Derbyshire Clinical Commissioning Group to facilitate improvements to health provision, and the purpose of the SPD is to provide clarity about how developer contributions may be sought to meet increasing demands on health care infrastructure. The Clinical Commissioning Group are consulted on development proposals for 50 dwellings or more.</p> |

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| | | | Recommendation No Change |
| 73 | | Access to green spaces including opportunities to get involved with gardening and nature are important. | Noted and agreed. |
| 74 | | Regarding the Derbyshire Dales Local Plan Policy, any required provision of health systems infrastructure should be in place before developments are complete. Waiting times at local surgeries are increasing and Matlock GPs have expressed concerns over capacity so shouldn't any more development be stopped until the infrastructure has caught up with demand from the current developments? | <p>The comments about the existing health care infrastructure within Matlock and the surrounding area are noted.</p> <p>The strategy and policy within the Derbyshire Dales Local Plan seeks to maintain and improve the provision of local community facilities and services, including healthcare provision</p> <p>The District Council works with the Derby and Derbyshire Clinical Commissioning Group to facilitate improvements to health provision, and the purpose of the SPD is to provide clarity about how developer contributions may be sought to meet increasing demands on health care infrastructure. The Clinical Commissioning Group are consulted on development proposals for 50 dwellings or more.</p> <p>Recommendation No Change</p> |
| 75 | | It is welcomed that the DDDC draft SPD references the County Council's Developer Contributions Protocol and specifically the link between health and design and the need to secure the provision of appropriate health infrastructure. | Welcomed |
| 76 | | <p>The 'Priority Infrastructure' section of the draft SPD confirms that 'Whilst the infrastructure identified...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...' (p.9 para. 2).</p> <p>Later, the 'Priority Infrastructure' section comments that 'the priority given to any particular type of Planning Obligation will be at the discretion of the District</p> | The comments on prioritisation of infrastructure are noted. However prioritisation will inevitably take place on two different levels – firstly the strategic priorities for the area as a whole and secondly those which are more directly |

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| | | <p>Council', and that when prioritising 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...' (pp.9-10, final para. p.9 cont. p10).</p> <p>In terms of health care provision, this point is again made in the second paragraph of the 'Health and Wellbeing' section of the draft SPD which notes that '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' (p.26 para. 4).</p> <p>In contrast the 'Health and Wellbeing' section then advises that the Council will seek developer contributions towards the provision of healthcare infrastructure for schemes of 50 dwellings or more (p.26 final para). It is considered unreasonable that whilst flexibility is implied in the paragraph above, the draft SPD then goes on to require contributions for all schemes of 50 dwellings or more without regard to the healthcare provision capacity that may exist locally to support new development.</p> <p>As part of the process of calculating any financial contribution required to healthcare provision, reference should be made in the draft SPD to local infrastructure and how under or over capacity is quantified (in a similar manner to the adopted for education contributions in the absence of any such arbitrary 50 unit or more threshold). For instance, does this relate to the use of patient/doctor ratios to define a baseline, or are other variables used? Clarity is needed in order to reconcile (i) the paragraph above which relates the scale of financial contribution to existing provision, with (ii) the inflexibility of the later text requiring a financial contribution for all developments of 50 units or more (based on an average household size, the space required per person and the cost per sq.m. of extension/newbuild). It is considered that the above '50 unit or more' threshold is unjustified and should be deleted.</p> <p>In terms of the calculation of financial contributions towards new healthcare infrastructure, it is noted an average household size of 2.5 is used in the methodology in the example given of what the likely contribution would be for a development comprising 800 units (p.27, table column ref. (B)). However, this figure does not reflect the average household size for the Derbyshire Dales local authority area (and most other local authority areas). In fact, the draft SPD uses a lower average household size of 2.3 to calculate open space provision (p.20, para. 5), but even this does not reflect more recent ONS household projections.</p> | <p>related to development which will vary from location to location. Development should mitigate its impact and the provision of infrastructure is generally going to be required in the vicinity of the development. As such determining local infrastructure priorities may on occasions be necessary.</p> <p>The CCG have indicated that a threshold of 50 units is the most appropriate level above which they consider it is cost effective to collect financial contributions towards healthcare facilities, and the formula is one that is used by the CCG based upon their own needs and not one that the District Council has control over..</p> <p>Recommendation No Change</p> |

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| | | <p>Both the ONS 2014 based household projections and the more recent 2016 based household projections identify the following average household size:</p> <p>2014 based household projections 2019 – 2.19 2024 – 2.15</p> <p>2016 based household projections 2016 – 2.22 2021 – 2.17 2026 – 2.13</p> <p>It is clear that average household size for the Derbyshire Dales District is not 2.5 and should therefore be adjusted to reflect ONS household projections for the Derbyshire Dales local authority area (or even the average household size used by the draft SPD for the calculation of open space provision (2.3)). Changing the average household size will alter the financial contribution required. For example, the difference in financial contribution between the use of 2.5 and 2.2 (the ONS 2016 based household projections) for is -£46,080 for the 800 unit scenario (p.27, table). An update to the average household size used in the calculation of financial contributions is required and this needs to be applied consistently throughout the draft SPD.</p> | |
| 77 | Education | Tightening of catchment areas, removal of choice would mean available spaces in other schools could be utilised. This would also reduce the impact of traffic. | <p>Whilst the measures suggested may reduce traffic movements freedom of choice is a national policy regardless of normal catchment areas...</p> <p>Recommendation No Change</p> |
| 78 | | The proposed level of development cannot be accommodated without substantial increases in capacity. | <p>It is acknowledged that in some circumstances increased development will result in increased pressure on existing education facilities and capacity. Accordingly the purpose of the SPD and the County Council Developer Contributions Protocol is to provide clarity in circumstances where new development puts pressure on the capacity of existing schools, that it is reasonable to seek from</p> |

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| | | | <p>a developer a financial contribution, and the level of that contribution toward the cost of improving the education facility.</p> <p>Recommendation No Change</p> |
| 79 | | <p>The Derbyshire Dales Local Plan Policy states that infrastructure must be in place at the right time. Therefore, developers must provide their contribution on granting of planning permission so that the necessary works can be complete in time.</p> | <p>Policy S10 in the adopted Derbyshire Dales Local Plan indicates 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 support the development strategy. It goes on that the release of land for development will be informed by capacity in the existing local infrastructure and suitable arrangements will be put in place to improve infrastructure, services and community facilities.</p> <p>It also indicates that new development will only be permitted where the infrastructure to serve it is available or where suitable arrangements are in place to provide it within an agreed timeframe.</p> <p>There is consequently no requirement for infrastructure to be in place in advance of new development – to do so might be costly and in certain circumstances if development does not take place involve abortive costs.</p> <p>Recommendation No Change</p> |
| 80 | | <p>Need for review from time to time with Derbyshire County Council and local schools, regarding provision of community facilities.</p> | <p>Comments noted. The County Council as Education Authority reviews and updates the evidence it holds on school capacity and school place planning on a regular</p> |

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| | | | <p>basis. The District Council works in partnership with the County Council to ensure that the appropriate infrastructure provision is secured.</p> <p>Recommendation No Change</p> |
| 81 | | <p>Bungalows should be automatically exempt from providing education contributions in which to increase the supply of a diverse housing stock in the district.</p> | <p>It would be inappropriate to assume that a family with children may not live in a bungalow. Therefore where necessary contributions towards education provision will not exclude bungalows</p> <p>Recommendation No Change</p> |
| 82 | | <p>In relation to the 'Education' section of the draft SPD (pp.27-28) we would welcome clarification that education contributions will not be sought in relation to 1 bed houses which it is assumed will be occupied by adults only.</p> | <p>As set out within the Derbyshire County Council Developer Contributions Protocol "One bedroom dwellings are excluded from the assessment as it is unlikely that families with children would occupy these dwellings." (page 9)</p> <p>Recommendation No Change</p> |
| 83 | | <p>Justification page 27 Paragraph 2 – To clarify the role of DCC with regard to Academies, please can the following sentence be inserted after the 1st sentence in paragraph 2, as shown in bold below: 'The County Council, as the Local Education Authority, has a statutory duty to make education provision available for each young person and elects where possible to provide a school place for each child at their normal area school. This duty applies across all schools and includes Academies.'</p> <p>Paragraph 2 – the County Council assesses the need for contributions against the normal area school, at both primary and secondary level. Please could this paragraph be reworded as follows in order to ensure that it is the normal area school that is assessed: 'In assessing the need for additional education provision on individual planning applications, the County Council will calculate the predicted number of pupils</p> | <p>Recommendation Suggested change</p> <p>Insert <i>"This duty applies across all schools and includes Academies"</i> after the 1st sentence in paragraph 2 on page 28.</p> <p>Amend paragraph 2 under the education sub heading and justification to read:</p> |

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| | | <p>that the development is expected to generate, the net capacity of the normal area school, the current number of pupils on roll and the projected number of pupils on roll for the next five years at the normal area school.</p> <p>It is also noted in Paragraph 2 that there is footnote 10, which references the number of pupils a development is expected to generate. This is currently under review and will be updated in the emerging Developer Contributions Protocol. It is therefore suggested that the Developer Contributions Protocol is referenced, rather than the figures in the current being used.</p> <p>The table included on Page 28 will change following the reassessment of pupil numbers (as noted above) and the per pupil place contribution figures will be subject to indexation.</p> <p>The contribution figures shown will be out of date as of 1 April 2020 as indexation will be applied, with indexation being applied each subsequent year. As such it is suggested this table is omitted and that the County Council's Developer Contributions Protocol is referenced.</p> | <p><i>"In assessing the need for additional education provision on individual planning applications, the County Council will calculate the predicted number of pupils that the development is expected to generate, the net capacity of the normal area school, the current number of pupils on roll and the projected number of pupils on roll for the next five years at the normal area school."</i></p> <p>Whilst it is possible that the figures in the Table on Page 28 may be subject to indexation in April 2020 it is not guaranteed. As such it is not considered appropriate to delete the Table on Page 28 as this gives a clear indication at this time of the levels of contributions due and thus provides the transparency and clarity that the SPD seeks to provide.</p> <p>Recommendation That a foot note to the Table on Page 28 be added which indicates that the contribution rates may be subject to annual indexation</p> |
| 84 | Traffic and Transportation | <p>In relation to Derbyshire Dales, our principle interest is in safeguarding the operation of the A38 and M1 which route 4 miles and 8 miles, east of the Local Plan area respectively, and the A50 which routes through the southernmost section of the District.</p> <p>Understand that Local Plan policy S10 sets out the expectation that new developments should contribute to both on-site and off-site infrastructure needs, including traffic and transportation needs. This policy provides the framework for the preparation of the Developer Contributions SPD.</p> <p>The SPD states that the District Council will work in partnership with the County Council as Local Highways Authority (LHA) to ensure that new development is</p> | Noted |

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| | | <p>delivered and the associated impacts on traffic and transportation are mitigated. Also the LHA will consider on a case by case basis the requirements for identifying the measures required to mitigate against the impact of development. We support this approach and would encourage authorities to include Highways England in the consultation process where a proposed development could have the potential to impact on the SRN.</p> | |
| 85 | | <p>Although congestion in Ashbourne is clearly outlined as a requirement for S106 contributions, it is stated that the level and type of contribution sought by the county Council as highways authority will be determined on a case by case basis.</p> <p>We strongly believe that there needs to be a long term strategy clearly laid out as the impact of providing infrastructure for one individual element may not suit future developments.</p> | <p>Comments noted, the purpose of the SPD to provide clarity upon how developer contributions towards transport infrastructure will be negotiated and secured. The District Council is committed to working with Derbyshire County Council as Highways Authority and the SPD states that the Highways Authority will consider on a case by case basis the requirements for the identify measures required to mitigate the impact of development. Policy S8 'Ashbourne Development Strategy' states that the District Council will seek to promote the sustainable growth of Ashbourne, and that this will be achieved by supporting in principle a second bypass to connect the A52 west of the town with the A515 to the north should funding opportunities arise.</p> <p>Recommendation No Change</p> |
| 86 | | <p>Traffic and highways needs to be looked at. Not brushed over. Developments such as Gritstone Road are a perfect example of the blind ignorance of the planning authority.</p> | <p>The adopted Local Plan sets out the strategy for ensuring that sustainable development occurs. Policy S1 Sustainable Development Principles and policies HC19 Accessibility and transport and HC20 Managing Travel Demand seek to ensure that development can be safely accessed and minimises the need to travel. The Highways Authority are consulted both during the preparation of</p> |

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| | | | <p>the Local Plan and on individual planning applications.</p> <p>The District Council is committed to working with the Highways Authority to ensure that the impacts of all developments are thoroughly assessed and impacts mitigated. Such mitigation may involve either direct works or off-site financial contributions.</p> <p>Recommendation No Change</p> |
| 87 | | <p>Matlock is frequently gridlocked and the proposed new housing will only increase the pollution caused by additional vehicles. The plan refers to 'sustainable development' but this is a nonsense when considering the difference in altitude between Matlock town centre and developments such as Gritstone Road. No-one will cycle up Bank Road because the gradient is far too steep. Nor will people abandon their motor vehicles. The result is therefore going to be more congestion and more pollution.</p> | <p>The adopted Local Plan sets out the strategy for ensuring that sustainable development occurs. Policy S1 Sustainable Development Principles and policies HC19 Accessibility and transport and HC20 Managing Travel Demand seek to ensure that development can be safely accessed and minimises the need to travel. The Highways Authority are consulted both during the preparation of the Local Plan and on individual planning applications.</p> <p>The District Council is committed to working with the Highways Authority to ensure that the impacts of all developments are thoroughly assessed and impacts mitigated. Such mitigation may involve either direct works or off-site financial contributions.</p> <p>Recommendation No Change</p> |

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| 88 | | Encouraging use of electric vehicles and the restriction of diesels and other polluting vehicles is essential. | <p>Noted</p> <p>This is a national policy issue and not one not either for the adopted Derbyshire Dales Local Plan or this SPD.</p> |
| 89 | | <p>The DCC Highways Authority have stated that the Matlock's road infrastructure is at capacity (report HDC/ITC/50707 dated 16th April 2019). This report does not consider the strategic nature of the A6 linking Bakewell, the Peak District and beyond or the impact of congestion on the whole area. Therefore, the developers will be required to contribute to infrastructure schemes to alleviate congestion not only local to the site but to the wider district. Developers in Matlock have suggested that rail transport can be used to alleviate car journeys but, the rail service is nearing capacity at peak times and car usage will still be required to and from the station. Therefore, developers will be required to contribute to the cost of rail infrastructure improvements as well as road improvements.</p> | <p>Policies HC19 and HC20 in the adopted Derbyshire Dales Local Plan seek to ensure that development is brought forward where it is safe and sustainable to so. The policies also indicate that in consultation with the Highways Authority the District Council will encourage the delivery of sustainable transport networks. This may contributing towards rail based facilities as a means of safeguarding the road network at peak times. This does not require any change in policy or this SPD.</p> <p>Recommendation No Change</p> |
| 90 | | <p>Apart from a reference that this is an important issue and a clear S106 opportunity little more is said in the SPD on what are the issues/potential projects under this new addition to S106 priorities. There needs to be definition of what is included within the 'Congestion in Ashbourne Town Centre' S106 heading. AshCom CIC believe that this should include measures that would reduce traffic congestion such as:</p> <ul style="list-style-type: none"> • traffic and environmental improvement schemes in the town centre • pedestrian initiatives to promote walking and healthy living • measures to reduce traffic pollution • marketing and promotion of the town centre as a pedestrian friendly environment | <p>The Table on Page 8 is an extract from the Infrastructure Delivery Plan which accompanies the adopted Derbyshire Dales Local Plan and is included in the SPD to set the context.</p> <p>If during the consideration of any planning application in Ashbourne it is considered that the measures set out in the representations are required this is something that the Highways Authority will identify to the District Council and appropriate measures taken within a S106 Obligation to address such requirements. This does not require any change to the policies in the adopted Local plan or this SPD.</p> |

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| | | | <p>Given the nature of the traffic and transportation issues identified in Ashbourne it might be appropriate for further representations by the CIC to be made to Derbyshire County Council to seek to identify ways forward.</p> <p>Recommendation No Change</p> |
| 91 | | <p>Page 28 Paragraph 4, 3rd sentence – to ensure that public transport services as well as infrastructure is captured could the following be added to this sentence (as shown in bold): The developer may need to undertake highway works to secure access to address the short term impacts of developments and/or provide financial contributions to mitigate the long term cumulative impacts of development including but not limited to local bus service contributions to provide socially necessary services, and bus infrastructure contributions'. Further detailed information is provided in the County Council's emerging Developer Contributions Protocol.</p> | <p>Noted Recommended Change. Amend 4th paragraph on page 29 to read as follows:</p> <p><i>The developer may need to undertake highway works to secure access to address the short term impacts of developments and/or provide financial contributions to mitigate the long term cumulative impacts of development including but not limited to local bus service contributions to provide socially necessary services, and bus infrastructure contributions'. Further detailed information is provided in the County Council's emerging Developer Contributions Protocol.</i></p> |
| 92 | Broadband | <p>This is the responsibility of OpenReach and others. Unless core infrastructure is invested in this becomes a pointless exercise.</p> | <p>Comments noted,</p> <p>Ensuring better provision of Broadband is a high priority for the District Council. The SPD seeks to set out how developers can provide full fibre broadband with the assistance of Openreach and other suppliers.</p> <p>Recommendation No Change</p> |

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| 93 | | Broadband provision is often widely misunderstood. Developers and landowners are often keen to see its provision but are hampered due to the excessive costs of its provision. A 'standard rule' for all developments of 30 dwellings or more is inappropriate and it needs to reflect whether infrastructure is available locally in which to connect to. | <p>On the basis of the information available from Openreach it would appear that the provision of full fibre broadband is capable of being provided on a very cost effective basis for new developments regardless of location. The threshold of 30 dwellings comes directly from Openreach and therefore it is considered wholly appropriate to provide advice on this basis.</p> <p>Recommendation No Change</p> |
| 94 | | <p>Whilst support the Council's ambitions to improve access to high speed broadband in principle, the SPD states that as a minimum 'all new development should provide the necessary ducting within a site to facilitate FTTP'. This goes beyond the requirements of adopted Local Plan which only seeks to 'support improvements to and extension of telecommunications and the provision of superfast broadband infrastructure (where feasible) in accordance with industry standards.' Furthermore the term 'necessary ducting' is considered ambiguous.</p> <p>Wish to remind the Council that the delivery of communications infrastructure is the responsibility of infrastructure providers in the telecommunications and broadband.</p> | <p>Given that most developments include some form of ducting for the provision of new services and facilities to serve the new residential properties it is considered that it is not unreasonable for additional or shared ducting to be provided as part of future developments.</p> <p>Recommendation No Change</p> |
| 95 | Tackling Climate Change | In the section on Climate Change there is a brief mention of solar power. It is unclear whether this is a clear enough suggestion that positive consideration must be given to the idea that all new housing should have solar panels where appropriate roof conditions exist. If climate change is really being treated as the emergency it is, then we surely need as much solar power as possible. | <p>Comments noted. The District Council is committed to taking forward initiatives which mitigate and adapt to the impacts of climate change. Policy PD7 'Climate Change' of the Adopted Local Plan states that the Council will encourage the provision of small scale renewable energy developments utilising technology such as solar panels. Furthermore the SPD seeks to encourage new development to provide both renewable energy systems and follow the principles of sustainable design.</p> <p>Recommendation No Change</p> |

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| 96 | | <p>Welcome the provisions set out for tackling climate change. Where possible developer contributions could be sought for supporting measures that help to address climate change such as tree planting and encouraging natural regeneration of semi natural habitats.</p> | <p>The adopted Local Plan policy PD3 encourages development to include measures to contribute positively to the overall biodiversity of the Plan area to ensure there is a net overall gain to biodiversity. It is considered that the policies and strategies within the Local Plan provide appropriate guidance at this time.</p> <p>As set out above further work on the topic of biodiversity net gain may be undertaken once it becomes a statutory requirement.</p> <p>Recommendation No Change</p> |
| 97 | | <p>SuDS efforts make urban drainage systems more compatible with components of the natural water cycle such as storm surge overflows, soil percolation, and bio-filtration before entering the main watercourse. DDDC should set out a clear long term strategy for the prevention of flooding in Ashbourne.</p> | <p>Comments noted, the District Council is committed to working with partner organisations to ensure that development proposals avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere. It is considered that the policies and strategy within the Derbyshire Dales Local Plan provide sufficient guidance on flood risk matters at this time.</p> <p>Any requirement for a flood prevention strategy in Ashbourne would be one that is considered in conjunction with the Environment Agency and part of any future Infrastructure Delivery Plan.</p> <p>Recommendation No Change</p> |

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| 98 | | <p>Have previously provided comments on the proposed Community Infrastructure Levy Documents, and whilst the following comments may better fit into this particular SPD, we would wish to highlight the below for your consideration:</p> <p>There are a number of flood defence assets within the Derbyshire Dales area that provide a level of protection to communities and infrastructure, in particular the A6. The A6 is a vital piece of local infrastructure that provides a gateway to existing development, as well as new proposed developments and if flooded, would result in significant disruption to the area.</p> <p>Please also note that we have a large number of flood defence assets within Matlock, including flood defence walls and a pumping station. The Lead Local Flood Authority have also identified other sources of local flood risk within Matlock. Therefore, any development/s within Matlock should consider contributing to future improvements to flood risk infrastructure to ensure new development is safe and resilient to the future impacts of climate change.</p> <p>As with all infrastructure, over time the flood defence assets will require improvements or upgrading. Going forward, partnership funding will be a key requirement to help with these assets, and as such any developer contributions from within the Derbyshire Dales district will help with this process.</p> | <p>Noted</p> <p>Where it is considered that development will be required to provide improvements to flood defence assets this will be come forward during the determination of a planning application, and the policies in the adopted Derbyshire Dales Local Plan and the guidance in this SPD will allow the District Council to secure an appropriate financial contribution.</p> <p>Recommendation No Change</p> |
| 99 | | <p>This needs to be looked at in a far more detailed manner especially with regards to Planning and developments under L1 and L1B. A much more sympathetic approach should be used in cases where properties are in conservation areas. Planning articles are restrictive.</p> | |
| 100 | | <p>Page 35 – the urban bit in SuDs is no longer used and is just referred to as Sustainable Drainage Systems</p> | <p>Noted</p> <p>Recommendation Delete 'urban' from reference to Sustainable Drainage Systems on Page 36 of the SPD.</p> |
| 101 | | <p>All new developments should mandate solar panels and solar tiles with storage batteries. Solar tiles can now look identical to many common tiles including slates. Heat pumps together with supplementary electric heating for home will be required, including infra red panel heaters to compensate for the lower temperatures obtained with heat pumps. Discourage wood burners because of particulate and other emissions.</p> | <p>Comments noted. The District Council is committed to taking forward initiatives which mitigate and adapt to the impacts of climate change. Policy PD7 'Climate Change' of the Adopted Local Plan states that the Council will encourage the</p> |

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| | | | <p>provision of small scale renewable energy developments utilising technology such as solar panels and those set out in the representation. However at this time none of these are mandatory requirements and as such all the District Council can do is to encourage their provision.</p> <p>Recommendation No Change</p> |
| 102 | | <p>The SPD includes policies SO12 and SO14 minimising the use of greenfield land and securing improvements to public transport, walking and cycling infrastructure. Therefore, I would expect developer contributions to be made to support these policies and use of brownfield sites given priority.</p> | <p>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 District Council consults with the Highways Authority, and they will determine on a case by case basis the requirements for and identify the measures necessary to mitigate the impact of development and request developer contributions accordingly. SO12 and SO14 are strategic objectives identified within the Adopted Local Plan. The development strategy and policies in the Local Plan in combination with the proposals within the SPD seek to ensure the delivery of sustainable development and the use of appropriately located brownfield land.</p> <p>Recommendation No Change</p> |
| 103 | | <p>Paragraph 12 page 36 - The incorporation of urban drainage systems for all new developments will be beneficial with regard to flooding, however water quality should also be considered. It is also suggested that urban drainage should form part of a wider suite of mitigation which would also incorporate the use of landscaping as a means of contributing to sustainable aims and objectives.</p> | <p>Comments noted, the SPD seeks to encourage the use of measures within development to tackle climate change. Policy PD8 within the adopted Local Plan states “in considering SuDs solutions, the need to protect ground water quality must</p> |

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| | | | <p>be taken into account, especially where infiltration techniques are proposed.” Furthermore the policy recognises that wherever possible SuDs will be expected to contribute towards wider sustainability considerations, including amenity, recreation, conservation of biodiversity and landscape character, making use of the role that trees, woodland and other green infrastructure can play in flood alleviation and water quality control. As such it is considered that the wording in the Local Plan is sufficient.</p> <p>It is however considered that additional wording could be added to the SPD to address the issue of the future maintenance of Sustainable Drainage Systems to provide clarity for stakeholders. It is therefore recommended that additional wording on the expectation for future management and maintenance of SuDs is included within the SPD.</p> <p>Recommendation The following text be inserted to the end of the first paragraph to page 36:</p> <p><i>The future maintenance of any new SuDs will be the responsibility of the developer. There will be a requirement on developers to demonstrate that where SuDs are provided that they will be managed and maintained to an appropriate standard. The future management and maintenance of new SuDs may be secured by a variety of means, including:</i></p> |

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| | | | <ul style="list-style-type: none"> • <i>a management company with estate management charges;</i> • <i>by water companies; and</i> • <i>charities</i> |
| 104 | | <p>Paragraph 13 – Regarding the reference to Electric Vehicle Charging Points, Derbyshire now has in place LEVI, ‘the Low Emission Vehicle Strategy’, which sets out a strategy for provision of electric vehicle infrastructure across the County. Consideration should be given to:</p> <ul style="list-style-type: none"> □ The provision of electric vehicle charging points to become a condition of all new housing developments, including <ul style="list-style-type: none"> (i) provision at all new dwellings with an off street parking facility, and (ii) suitable communal facilities being provided in developments where off street parking is not provided. □ The provision of electric vehicle charging points to become a condition of all new employment developments, with the potential for expansion of such facilities pending future demand. | <p>The SPD already sets out that the District Council will encourage the provision of EV Charging facilities as part of new developments. During the determination of individual planning applications there will be opportunities to consider the extent to which it is appropriate to impose a condition relating to the provision of such facilities, especially as the imposition of a condition should only be to ensure that a development is acceptable. At this time there is not necessarily sufficient policy basis to impose such conditions. As such it is considered that the wording in the SPD is the most suitable.</p> <p>Recommendation No Change</p> |
| 105 | | <p>With reference to paragraph 4 of Traffic and Transportation section which references sustainable modes of transport, and in light of the Climate Change emergency declared by DDDC, regard should also be given to the provision of cycle storage and suitable staff facilities at workplaces, as this is often cited as a barrier to the uptake of cycling. Consideration should be given to the provision of cycle storage facilities to be provided as a condition of all new housing, commercial and employment developments, integrated into the design, and prominently sited to enhance accessibility and visibility. Residential storage should align to that outlined in the following: https://www.cambridge.gov.uk/media/6771/cycle-parking-guide-for-new-residential-developments.pdf. Where in close proximity, links from new developments (both residential and commercial) to the Key Cycle Network (KCN) and Local Cycle Network (LCN) should also be provided.</p> | <p>Inference in Local Plan policy regarding supporting sustainable travel including cycling sufficient? Or add further text to the SPD?</p> <p>Policy HC20 in the adopted Derbyshire Dales Local Plan sets out that the District Council will seek to ensure improvements to walking and cycling facilities and are sufficient to encourage sustainable modes of transport. As such the provision of facilities set out in the representation will assist the development of cycling as a mode of transport. It is therefore considered that some additional text could</p> |

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| | | | <p>be included in the SPD to provide encouragement for such facilities.</p> <p>Recommendation That the following text be added to the 4th paragraph on Page 29:</p> <p><i>This could include for example the provision of cycle storage facilities at both new residential and employment developments.</i></p> |
| 106 | Other Comments | <p>The current draft document needs to be expanded as it does not cover important issues that have arisen in relation to the determination of current applications at Middleton Road.</p> <p>Biodiversity Off Setting – This is not currently mentioned in the SPD and is an important issue in Derbyshire Dales and is a material consideration in all planning applications and referenced under adopted Local Policy PD3.</p> <p>The method used to assess any site is normally consistent with the standard expected across England providing a transparent measure of ecological losses and gains in line with the process set out in the DEFRA pilot project which recommends assessing habitat quality in accordance with criteria set out in the Farm Environment Plan (FEP) Manual 2010.</p> <p>Where through development there is a net loss of biodiversity there are only two options for the developer to mitigate this (a) the developer providing a commuted sum under a Section 106 Agreement enabling the mitigation to be provided in the form of on-site compensation; or (b) the developer providing mitigation through the provision of off-site compensation land the details of which needs to be agreed with the local planning authority. Both options are subject to the developer agreeing the net biodiversity loss before determination of the application.</p> <p>In our experience the sums of financial payment involved in biodiversity offsetting can run into many hundreds of thousands of pounds, if not millions of pounds, which could represent a significant burden for developers to the detriment of the viability of the scheme. It is also very unlikely that developers of individual sites</p> | <p>The concept of Biodiversity Net Gain is new and one where the approach to development leaves biodiversity in a better condition than previously. The Government has recently consulted on whether Biodiversity Net Gain should be a mandatory requirement for developments when granting planning permission. It is however not clear how this will be incorporated into legislation going forward, and the extent to which it is likely to have any financial impact upon developers.</p> <p>If it becomes a statutory requirement for development proposals to include Biodiversity Net Gain this will be subject of further advice to Members.</p> <p>Recommendation No Change</p> |

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| | | will have access to land to offer off-site compensation for any biodiversity loss. There is no evidence in the SPD that the Council has taken this into account. | |
| 107 | | Housing on land affected by historic lead mining- the application at Middleton Road has experienced considerable procedural delay due to the presence of mine shafts within the site and heritage assets (Scheduled Ancient Monument) close to the site boundary. These issues have required expensive investigations and delays associated with referral to the SoS. In view of the prevalence of this type of issue in the District and although the background is flagged up under policy DS6 we consider the issues should be elaborate in the SPD. | <p>This is a matter which relates to detailed issues which have emerged during the determination of this application and have no bearing on the purpose of this SPD.</p> <p>Recommendation No Change</p> |
| 108 | | <p>We note that biodiversity is only indirectly and briefly mentioned within the document and would suggest that this is remediated. In these more enlightened times, regarding sustainability climate change and an increasing awareness of the value of biodiversity by the general public, we feel that this should be explicitly and clearly reflected in this document.</p> <p>Development that destroys or damages sites that are of significant biodiversity value, and this includes sites that support our butterflies and moths, but for which planning consent is nonetheless given, should necessitate <i>effective</i> mitigation or compensation, consistent with the National Planning Policy Framework. This might be achieved by way of a Section 106 Agreement, but in any case a Developer contribution would be appropriate.</p> <p>In cases whereby development is permitted for a site with little intrinsic biodiversity value, a contribution from the Developer for the creation and management of areas of high biodiversity value is still appropriate, implemented as part of the valuable 'green infrastructure' and open space provision.</p> | <p>Section 216 of the Planning Act 2008 sets out that infrastructure includes:</p> <ul style="list-style-type: none"> (a)roads and other transport facilities, (b)flood defences, (c)schools and other educational facilities, (d)medical facilities, (e)sporting and recreational facilities and (f)open spaces <p>It does not specifically indicate that biodiversity falls within the statutory definition of infrastructure.</p> <p>It is, however, acknowledged that there are significant benefits from proposals that benefit biodiversity. Policy PD3 in the adopted Derbyshire Dales Local Plan already allows for the protection, mitigation and enhancement of sites important for nature conservation where it is appropriate</p> |

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| | | | <p>to do so. The Derbyshire Wildlife Trust and other Stakeholders such as Natural England have played and continue to play an important role in this process on a case by case basis.</p> <p>The concept of Biodiversity Net Gain is new and one where the approach to development leaves biodiversity in a better condition than previously. The Government has recently consulted on whether Biodiversity Net Gain should be a mandatory requirement for developments when granting planning permission. It is however not clear how this will be incorporated into legislation going forward. If it becomes a statutory requirement for development proposals to include Biodiversity Net Gain this will be subject of further advice to Members.</p> <p>As such it is considered that at this time there are sufficient measures within the adopted Derbyshire Dales Local Plan to address the needs of biodiversity without the need for any changes to the SPD.</p> <p>Recommendation No Change</p> |
| 109 | | <p>We strongly suggest that permitted development includes green infrastructure that has ecological design and management considerations at its core, alongside utility and amenity. This might include existing areas of wildlife habitat or newly created areas, and we would promote roadside verges as part of this, but it is very important that this requirement is recognised at the very beginning of any development cycle and clearly documented as part of the plan. The implementation of such a plan and the management of these areas over the longer term must be conducted by bodies and organisations with the relevant expertise and experience and with due accountability. A contribution towards this by the Developer would seem wholly appropriate.</p> | <p>Section 216 of the Planning Act 2008 sets out that infrastructure includes:</p> <ul style="list-style-type: none"> (a) roads and other transport facilities, (b) flood defences, (c) schools and other educational facilities, |

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| | | | <p>(d)medical facilities,</p> <p>(e)sporting and recreational facilities and</p> <p>(f)open spaces</p> <p>It does not specifically indicate that biodiversity falls within the statutory definition of infrastructure.</p> <p>It is, however, acknowledged that there are significant benefits from proposals that benefit biodiversity. Policy PD3 in the adopted Derbyshire Dales Local Plan already allows for the protection, mitigation and enhancement of sites important for nature conservation where it is appropriate to do so. The Derbyshire Wildlife Trust and other Stakeholders such as Natural England have played and continue to play an important role in this process on a case by case basis.</p> <p>The concept of Biodiversity Net Gain is new and one where the approach to development leaves biodiversity in a better condition than previously. The Government has recently consulted on whether Biodiversity Net Gain should be a mandatory requirement for developments when granting planning permission. It is however not clear how this will be incorporated into legislation going forward. If it becomes a statutory requirement for development proposals to include Biodiversity Net Gain this will be subject of further advice to Members.</p> |

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| | | | <p>As such it is considered that at this time there are sufficient measures within the adopted Derbyshire Dales Local Plan to address the needs of biodiversity without the need for any changes to the SPD.</p> <p>Recommendation No Change</p> |
| 110 | | <p>Our main concern is in relation to the absence of any specific measures for biodiversity within the Draft SPD. We note that the purpose of the SPD is focused on the provision of and/or contributions to infrastructure in the plan area. It is unclear whether biodiversity would fall within the definition of infrastructure.</p> <p>There is clearly a need to address impacts on biodiversity and sometimes this will require developer contributions if a net loss of biodiversity is to be avoided, the most recent emphasis in the NPPF to achieve a net gain for biodiversity makes this need that much greater. The Council will need to ensure that they have effective policies and mechanisms in place to secure biodiversity mitigation and compensation that could be off set and require delivery (in terms of habitat creation, restoration and/or management) over a number of years.</p> <p>Whether the SPD is the right place to set out those policies and mechanisms and to provide a degree of clarity to developers on what might be expected is not clear. The Trust would therefore recommend that this aspect of development is fully considered in relation to this consultation and if necessary the guidance should be amended to include biodiversity.</p> | <p>Section 216 of the Planning Act 2008 sets out that infrastructure includes:</p> <ul style="list-style-type: none"> (a)roads and other transport facilities, (b)flood defences, (c)schools and other educational facilities, (d)medical facilities, (e)sporting and recreational facilities and (f)open spaces <p>It does not specifically indicate that biodiversity falls within the statutory definition of infrastructure.</p> <p>It is, however, acknowledged that there are significant benefits from proposals that benefit biodiversity. Policy PD3 in the adopted Derbyshire Dales Local Plan already allows for the protection, mitigation and enhancement of sites important for nature conservation where it is appropriate to do so. The Derbyshire Wildlife Trust and other Stakeholders such as Natural</p> |

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| | | | <p>England have played and continue to play an important role in this process on a case by case basis.</p> <p>The concept of Biodiversity Net Gain is new and one where the approach to development leaves biodiversity in a better condition than previously. The Government has recently consulted on whether Biodiversity Net Gain should be a mandatory requirement for developments when granting planning permission. It is however not clear how this will be incorporated into legislation going forward. If it becomes a statutory requirement for development proposals to include Biodiversity Net Gain this will be subject of further advice to Members.</p> <p>As such it is considered that at this time there are sufficient measures within the adopted Derbyshire Dales Local Plan to address the needs of biodiversity without the need for any changes to the SPD.</p> <p>Recommendation No Change</p> |
| 111 | | <p>There is no reference within the document to the historic environment, heritage assets and their setting or the relevant Local Plan policies. Keen to ensure that harm to heritage assets is prevented as far as possible in line with Local Plan policies and the NPPF, as heritage is an 'irreplaceable resource'. There may be opportunities for development to positively contribute to enhancing the historic environment for example heritage at risk. Where a development may be unacceptable in heritage terms but a genuine planning obligation could overcome this harm and have a positive effect then we would want the opportunity for heritage to be considered as a planning obligation.</p> | <p>Existing policies within the adopted Local Plan seek to ensure that development proposals contribute positively to the character of the built and historic environment and that public realm improvements are encouraged across the plan area.</p> |

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| | | | Recommendation No Change |
| 112 | | Planners need to report clearly on the amount of developer contributions levied and received and how this has been (or will be) spent. This should be an annual report. | <p>The District Council publishes in its annual Authority Monitoring Report information on planning obligations including the amount of monies secured for and what type of infrastructure, and the expenditure levels. Furthermore the requirement to publish Infrastructure Funding Statements from September 2019 will ensure that the District Council will report on developer contributions secured.</p> <p>Recommendation Amend text on Page 12 to read:</p> <p>The District Council will publish in its annual Authority Monitoring Report, <i>and Infrastructure Funding Statements</i> information on planning obligations including the amount of monies secured, for what type of infrastructure, and the expenditure levels.</p> |
| 113 | | A key aim of the Local Plan is "enabling sustainable development to take place to meet identified needs". As current planned developments exceed the OAHN, the onus must be on developers to prove the need for any new building proposals and that this should include the maximum Developer Contributions to provide the required infrastructure. | <p>Comments noted – the strategy and approach to addressing the Objectively Assessed need for Housing within the Derbyshire Dales was examined through the Local Plan Examination including an element of overprovision to ensure flexibility in the delivery of the housing requirements.</p> <p>Recommendation No Change</p> |
| 114 | | This document describes how the planning system may contribute to sustainable development. Paragraph 8 of the National Policy Planning Framework [NPPF] makes clear that 'mitigating and adapting to climate change' is a core planning | Comments noted, the aspirations of these representations are seeking to introduce new policy into the SPD. It has been |

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| | | <p>objective. To conform to the NPPF, local plans should reflect this principle, ensuring that planning policy clearly and comprehensively deals with climate change mitigation and adaptation.</p> <p>However, Derbyshire Dales District Council [DDDC] has recently gone further and declared a climate emergency. This document must also go further than the minimum outlined in NPPF and address how planning will address this emergency. In particular consideration should be given to strengthening the requirements for carbon neutral developments. We suggest that these are developments that have net-zero carbon emissions in operation. That is, the energy used in lighting, heating, hot water and ventilation each year does not exceed that generated by renewable energy systems installed for use by the property. This definition excludes “embodied” energy, which is that used to create the building, its materials and transport to the site.</p> <p>However, we would prefer building materials which are low in embodied energy to be used. Currently, no new generation capacity (fossil fuel or renewable) can be built without reliance on some form of governmental support. However, solar and onshore wind are the only two power sources that are currently excluded from available support mechanisms. Fossil fuelled power will always be subject to variable fuel costs and will become relatively less competitive in future. Consequently solar and other renewable technologies will only become more attractive.</p> <p>The planning system will have an important role to play in managing and encouraging their deployment and as there are several small and medium size enterprises operating in DDDC, it will also stimulate business opportunities. One way of moving in this direction is to specify that:-</p> <ol style="list-style-type: none"> 1. New developments must generate at least a percentage of their energy needs from on-site renewable energy equipment. Many councils already specify this in their local plans. 2. Setting a higher standard for insulation in buildings and extensions. Data from the BRE group [a multidisciplinary science centre] have been used to develop quality standards such as the Home Quality Assessment [HQM] and Building Research Establishment Environmental Assessment [BREEAM] for buildings. These and the Passivhaus framework are designed to drive standards through benchmarking measurements attached to positive and credible standards. These are already used in | <p>established through case law that a SPD cannot introduce new policies. The purpose of the SPD is to support existing policy within the adopted Derbyshire Dales Local Plan and encourage development which seeks to address and mitigate against climate change. The District Council is committed to considering tackling Climate Change and a Member working party has been established to consider climate change and appropriate projects therein This may include further policy guidance.</p> <p>Recommendation No Change</p> |

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| | | <p>other local plan policies e.g. Camden, Havant and Ipswich. The aim must be to achieve the Passivhaus framework as soon as possible. The Passivhaus Trust suggests that:-</p> <ul style="list-style-type: none"> i. Thermal bridging should be eliminated or minimised, a psi value of <0.01W/m2K is considered thermal bridge free ii. Energy performance greater than EPC Band A, iii. A maximum of 0.6 air changes per hour at 50 Pascals pressure (ACH50), as verified with an onsite pressure test (in both pressurized and depressurized states). iv. Triple glazing and an estimate of the number of hours per year the indoor temperature exceeds 25C <p>Passivhaus Trust website, at http://www.passivhaustrust.org.uk/ 2a. As a step towards this, new developments need to include an assessment of the design showing how the layout has sought to maximise reductions in carbon emissions.</p> <ul style="list-style-type: none"> 3. We welcome the commitment to a minimum living space in new builds and strongly support this aspect. 4. Support the implementation for retrofitting the existing building stock, especially in those areas where fuel poverty is an issue. 5. Increase the areas that sequester carbon including extending tree cover and regenerating bogs. 6. Support the development of renewable and low carbon energy schemes and in particular develop opportunities for the use of decentralised heating and cooling networks in large developments. | |