



James Grundy
Erewash Borough Council
By email

Chris Henning
Executive Director - Place
County Hall
Matlock
Derbyshire
DE4 3AG

Telephone: (01629) 539812
Ask for: Dane Handley-Parkin
Email: planningpolicy@derbyshire.gov.uk
Our Ref: Developer Contributions/DHP
Your Ref: ERE/0722/0038
Date: 16 August 2022

Dear James,

Application ERE/0722/0038 for 196 dwellings at Land North West Of 1 To 12 Sowbrook Lane, Stanton By Dale

Thank you for your consultation dated 26 July 2022 in respect of the implications for the provision of strategic infrastructure and services which are the responsibility of the County Council arising from the above proposed development. This response is in accordance with the National Planning Policy Framework (NPPF) and the County Council's [Developer Contributions Protocol](#).

Local Member Comments

The local County Councillors Major and Gibson has been consulted for his views on the potential infrastructure requirements that may require contributions from developers.

At the time of writing, no comments have been received from Councillor Major with regard to items covered in this response, however, I will forward any relevant comments received at a later date for your consideration.

Councillor Gibson has commented as follows:

"I am struggling to find a great amount of detail about these plans, which I presume is because it is in the 'Outline' stage. I am also not entirely certain of the designated location, as the location map shows the development opposite the '12 House' dwellings, but the description below states North 'West' of 1-12 Sowbrook lane. Regardless of this however, I do have significant concerns with any proposal to develop around this location. I shall bullet point my immediate concerns below but would welcome further detail and discussion.

Outside of Erewash's' BC own Local Plan / Core Strategy guidelines – this was not included within Erewash's own Core Strategy guidelines up to this point. The Core strategy has been communicated as providing the development needs for the Borough for the next 15 years. Making any additional changes to this from this point, makes a mockery of this strategy and approach.

This location is protected Green Belt land – I refuse to accept any further degradation of the Green spaces around our communities in Ilkeston. This is not

acceptable and we should not allow any further development on designated, protected, Green Belt land.

Site/location congestion – *As I have said, I do not know the details of the site or proposals as they are either not available or not easy to location. But roughly speaking, if the location is 3 acres and we adopt a conservative calculation of 1/18 of an acre for a reasonable size single family dwelling this would estimate approx. 50-60 suitable sized properties on this plot. To estimate 196 would either mean the location is 3 times larger than I anticipate (not impossible due to the lack of detail) or there is a large level of congestion within the location. This leads to a number of additional issues around service access, roads, traffic, living conditions etc. It just seems completely unsuitable.*

Access to services – *schools in this surrounding area are already over subscribed according to officially utilised metrics and data sources. Doctors, dentists and public transport infrastructure shall also be strained by other proposed developments in the surrounding area. Adding this to the already substantial developments currently being proposed as part of the Core strategy, is not acceptable.*

Broader point – *a development of this nature, in this location and in the manner it is being defined (although I appreciate we are lacking detail here) is not in-keeping with a multitude of policies and philosophies supported by both Derbyshire County Council and EBC, surrounding environmental implications, sustainable developments, green spaces and so on. I would be happy to walk through each of these in detail if a debate on the matter should arise.”*

With regard to any highways issues, the County Council's highways response as a statutory consultee offers impartial technical analysis as Highway Authority and is provided under delegated powers. Comments received from the Local Member regarding highway related matters will always be considered by officers, however it is not always possible to incorporate these into the Highways statutory technical response. Members may therefore provide direct responses to the Local Planning Authority in their role as a County Council community representative.

Officer Comments

The information provided below is based on the application consultation details as provided by the Borough Council.

In the absence of a Community Infrastructure Levy, financial contributions will be secured via Section 106 planning obligations.

CIL Compliance/ Use of Funding

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the 3 statutory tests as set out in the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and in paragraph 56 of the NPPF; they are

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

The County Council will only seek planning obligations where they accord with the CIL Regulations and relevant planning policies. All consultation responses will be in line with the Developer Contributions Protocol.

Amendments to the CIL Regulations which came into force on 1st September 2019 have deleted Regulation 123 which governed pooling and therefore the County Council no longer needs to provide evidence to ensure their request for contributions is in conformity with Regulation 123.

1) Education

The NPPF clearly sets out that the purpose of planning is to help achieve sustainable development, with paragraph 95 of the NPPF (2021) stating:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with schools' promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted'*

Whilst education provision is a statutory function of the County Council, and the Government provides funding to address natural demographic growth, it does not provide monies to accommodate additional pupils generated as a result of new housing development as a matter of course.

Assessing the Proposed Development

The County Council 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.

The number of places at the normal area school is assessed through a system provided by the Department of Education which produces a net capacity. The number on roll at a school reflects the number of pupils attending the school, and the difference between the net capacity and the number on roll is the number of places available or not available to accommodate future requests for places.

Pupil numbers are calculated looking at the five year projection of numbers on roll based on birth rates. This projection does NOT include the impact of any new housing with planning permission or allocated in local plans. The pupil yield from approved planning applications in the normal area of the school is then added.

The number of pupils that the development is expected to generate is calculated using the formula that for every 100 dwellings there will be 24 primary, 20 secondary and 8 post-16 pupils. This formula is based on a statistical assessment of birth rate and housing occupancy data in Derbyshire using information from the 2011 census. In calculating the pupil yields one-person households have been omitted. This reflects the fact that one-

bedroom dwellings are omitted from the assessments of need contained in consultation responses. The pupil yield employed in the SEND assessment reflects the proportion of Derbyshire pupils being educated within Special Schools as well as Enhanced Resources within mainstream schools.

The requirement for financial contributions towards education provision is therefore based on the normal area school's net capacity, projected pupil numbers on roll over the next five years and the impact of all major residential development with extant planning permissions within the normal area of a school to assess the effect that committed development coming forward will have on school capacity.

The level of contribution required is fair and reasonable in scale and kind and is determined using multipliers provided by the Department for Education based on their analysis of building costs per pupil adjusted to reflect regional variations in costs. These multipliers are revised annually in line with building cost inflation using the Building Cost Information Service All in Tender Price Index. The thresholds and level of contribution required is set out below.

2022/23 Level of Contributions

	Places per 100 dwellings	Cost per pupil place	Cost per 1 dwelling	Cost per 10 dwellings	Cost per 100 dwellings
Primary phase	24 places	£18,165.55	£4,359.73	£43,597.31	£435,973.09
Secondary phase (without Post16)	20 places	£27,372.07	£5,474.41	£54,744.14	£547,441.40
Secondary phase (with Post 16)	28 places	£28,033.07	£7,849.26	£78,492.59	£784,925.86
SEND	0.7 places	£103,946.90	£727.63	£7,276.28	£72,762.82

Primary Level

The proposed development falls within and directly relates to the normal area of Ladywood Primary School and Dallimore Primary School. The proposed development of 196 dwellings would generate the need to provide for an additional 47 pupils.

Ladywood Primary School has a net capacity for 306 pupils, with 295 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 263.

Dallimore Primary School has a net capacity for 317 pupils, with 314 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 295.

An evaluation of recently approved major residential developments within the normal area of Ladywood Primary School and Dallimore Primary School shows no new development amounting to any additional primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 47 primary pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Kirk Hallam Community Academy. The proposed development of 196 dwellings would generate the need to provide for an additional 55 secondary pupils.

Kirk Hallam Community Academy has a net capacity for 1299 pupils with 870 pupils currently on roll. The number of pupils on roll is projected to increase to 848 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Kirk Hallam Community Academy shows no new development, amounting to no additional secondary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the secondary pupils arising from the proposed development.

SEND

A contribution towards SEND infrastructure will be requested for developments of 100 dwellings or more. The request for a contribution towards Special Educational Needs and Disability (SEND) provision is not subject to an analysis of capacity within a given geographical area, i.e. the locality within which the development is located. Rates of all types of SEND are increasing and special schools and Enhanced Resource School (ERS) units generally operate at or above capacity to avoid pupils being placed out of County. The pattern of provision across the County often involves pupils travelling a significant distance in order to access the most appropriate place to suit their needs. It is therefore not appropriate or possible to assess capacity against the need for places generated by any given development within any specific locality.

The proposed development for 196 dwellings $\times 0.7/100 = 1.37$ pupil places.

Mitigation

The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests financial contributions as follows:

- £142,615.15 towards SEND places

The above is based on current demographics which can change over time and therefore the County Council would wish to be consulted on any amendments to a planning application or further applications for this site.

Should it emerge that there are viability issues associated with the proposals in the above planning application and the Borough Council is in agreement with the applicant's financial appraisal, there may be some flexibility in the payment triggers. The full contribution, however, would still be required to fully mitigate the impact that the proposed development would have on the normal area primary school and secondary schools. The County Council requests that its officers are also party to any further negotiations on developer contributions.

If there is insufficient capacity to accommodate the increase in pupils forecast to be generated by this proposed development and the development itself cannot enable the necessary provision, the County Council wishes to highlight that the proposed development may not provide for a sustainable form of development.

2) Broadband

Investment in the County's broadband infrastructure, to support the future economic prosperity of the county, continues to be a priority for the County Council.

The Digital Derbyshire programme is a partnership between Derbyshire County Council and Openreach to provide access to NGA fibre broadband services for residents and businesses. The Council's ambition is that 98% of homes and businesses in Derbyshire will be able to access speeds of at least 24 Mbps by the end of 2020.

The Digital Derbyshire programme applies to existing households and businesses. New residential developments coming forward will not necessarily be covered by the Digital Derbyshire programme. Therefore, all developers proposing housing developments should look to provide for NGA broadband infrastructure and services as part of the design of their development schemes at the outset.

It is not expected that the County Council will require fibre-based broadband to be provided to make a development acceptable in planning terms, however developers should look to provide for NGA broadband infrastructure services as an integral part of the development scheme at the outset.

Mitigation

Local Planning Authorities should attach advisory notes to planning permissions to request that developers work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.

Guidance on the characteristics of qualifying NGA technologies is available from The Department for Digital, Culture, Media and Sport

3) Local Authority Collected Waste

Government legislation is focused on the prevention and minimisation of waste, maximising re-use and recycling and diverting waste from landfill. Derbyshire County

Council as a Waste Disposal Authority has a statutory duty under the Environmental Protection Act 1990 to offer facilities to local residents where they may deposit their household waste. New developments should be provided with a convenient means of waste management, including access to a Household Waste Recycling Centre (HWRC) offering suitable facilities for re-use, recycling and disposal.

New residential development in Derbyshire can be expected to generate an increase in the overall amount of household waste and depending on the size of the development this can have a varying impact on the existing local HWRC network. Where it is expected that new housing development will generate a need for additional provision, funding through developer contributions will be expected to help provide the necessary additional capacity.

The County Council is currently reviewing its approach to assessing the impact of housing development on waste services.

4) Libraries

The County Council has included Libraries in its review of the Developer Contributions Protocol. Where a proposed development is over 50 dwellings, contributions will be requested to mitigate the additional demand on library services in order to maintain the statutory responsibility and vision for libraries.

Ilkeston Library is the nearest library to this site, however, no capital improvements to Ilkeston Library are required as a result of this development proposal.

However, where a library building is able to accommodate the extra demand created by a new development but it is known that the stock levels are only adequate to meet the needs of the existing catchment population, a “stock only” contribution will be sought.

The National Library Standard upper threshold as cited in Championing archives and libraries within local planning recommends a stock level of 1,532 items per 1,000 population, with the average price of £20.00 per stock item (based on Askews Library Services book prices at May 2019).

In this instance a stock only contribution of £13,780 is sought and is calculated as follows:

196 dwellings x 2.3 (average household size) = 450 people

450 people x 1.532 (stock level per person) = 689 stock items

689 (stock items) x £20 (cost per stock item) = **£13,780** (i.e. £70.30 per dwelling).

5) Public Health and Adult Social Care

ASCH support the development of up to 196 dwellings at Land north-west of Sowbrook Lane, Stanton By Dale Chesterfield in principle, but we do have some reservations.

At 35 houses per hectare, the density is quite high. This will presumably necessitate dwellings with 2 or 3 storeys which, by and large, are unsuitable for less mobile or more vulnerable people. Pg. 33 of the Access and Design Statement notes that developments should have ‘an integrated mix of housing tenures and types to suit people at all stages of life’.

ASCH would like to see the proposed dwellings meet M4(2) to encourage independent living for all ability and mobility levels, promoting ageing well in place. In areas of high density (pg. 48 of the Design Statement) we would hope to see design which allows for good internal space standards and level living, as this would enable the NPPF's requirement to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standards of amenity for existing and future users'

6) Employment and Skills

The Employment and Skills Strategy is an important part of Derbyshire County Council's approach to delivering economic prosperity across the county. The County Council is keen to ensure it fulfils its statutory responsibilities around supporting young people, disadvantaged adults and the wider workforce into suitable, sustained employment.

A range of agencies across the public sector are actively working to deliver employment and skills activity in Derbyshire, and the County Council wishes to help facilitate stronger partnership working and driving more cohesive action on skills and employment across the county. The County Council would wish to work collaboratively to support the District/Borough Councils to identify where activities or contributions are required to deliver employment and skills development where they are supported by policies in the local plan.

7) Monitoring fees

In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), the County Council will seek a monitoring fee towards the monitoring and reporting of S106 contributions. The fee will be based on the cumulative number of triggers to be monitored for County Council obligations x £73.50 (based on 2 hours officer time Grade 12).

8) Other Information

Please note that a separate response may be provided by:

- The Highways Development Control Team in its role as the Highway Authority. This response will cover Public Rights of Way and Greenways where relevant. Your area's Highway Development Control Engineer can be contacted through our call centre: 'Call Derbyshire', on 01629 533190 or email ETE.DevelopmentControl@derbyshire.gov.uk.
- The Flood Risk Team as the Lead Local Flood Authority. Your area's Flood Risk Engineer for the Lead Local Flood Authority can be contacted through our call centre: 'Call Derbyshire' on 01629 533190, and ask for the Flood Risk Team or email flood.team@derbyshire.gov.uk.

The County Council wishes to support development which constitutes sustainable growth and requests that the required contributions as set out above, or ones subsequently agreed through negotiation, and the reasons why they are necessary be included in the officer's report considered by your authority's relevant committee or under delegated powers as appropriate.

Please contact me if you would like to discuss this response further. I would be grateful if you would keep me informed of progress with this planning application and any related legal agreements. The County Council would wish to be a signatory on any legal agreements containing planning obligations that relate to County Council infrastructure and services.

Yours sincerely,

Dane Handley-Parkin
Place

Copies:

Councillor Major and Gibson, c/o Corporate Resources

Jennie McCusker, Children's Services

Highways Development Control, Place

Steve Buffery, Place

Alison Richards, Place

Michelle Parker: Commissioning, Communities and Policy

Waste Management Services; Place

Adult Social Care and Health: Commissioning, Communities and Policy