

Date: 8th April 2022

Dear Councillor,

Environmental and Development Services Committee

A Meeting of the **Environmental and Development Services Committee** will be held at **Council Chamber**, Civic Offices, Civic Way, Swadlincote on **Wednesday, 20 April 2022** at **18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To:- **Labour Group**
Councillor Taylor (Chair), Councillor Pegg (Vice-Chair) and
Councillors Heath, Singh and Southerd.

Conservative Group
Councillors Brown, Corbin, Haines, Redfern and Smith.

Independent Group
Councillors Fitzpatrick and MacPherson.

Non-Grouped
Councillor Wheelton

AGENDA

Open to Public and Press

- | | | |
|-----------|---|------------------|
| 1 | Apologies and to note any Substitutes appointed for the Meeting | |
| 2 | To note any declarations of interest arising from any items on the Agenda | |
| 3 | To receive any questions by members of the public pursuant to Council Procedure Rule No.10. | |
| 4 | To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11. | |
| 5 | LOCAL DEVELOPMENT SCHEME 2022-2025 | 4 - 24 |
| 6 | DRAFT PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT - CONSULTATION | 25 - 49 |
| 7 | DRAFT DERBYSHIRE AND DERBY MINERALS LOCAL PLAN | 50 - 83 |
| 8 | DERBYSHIRE CLIMATE CHANGE STRATEGY | 84 - 103 |
| 9 | D2N2 FUNDING PROGRAMME FOR A PILOT HYDROGEN FUELLED WASTE COLLECTION SERVICE | 104 - 108 |
| 10 | COMMITTEE WORK PROGRAMME | 109 - 112 |

Exclusion of the Public and Press:

- 11** The Chairman may therefore move:-
- That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

- 12** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 13** CREATION OF ADDITIONAL PLANNING ASSISTANT POSTS

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	20 APRIL 2022	CATEGORY: DELEGATED or RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR - SERVICE DELIVERY	OPEN
MEMBERS' CONTACT POINT:	KAREN BEAVIN 07501 698400 karen.beavin@southderbyshire.gov.uk	DOC:
SUBJECT:	LOCAL DEVELOPMENT SCHEME 2022-2025	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS03

1.0 Recommendations

- 1.1 That the Committee endorses the Local Development Scheme (LDS) 2022-2025 at Appendix 1 for publication.

2.0 Purpose of the Report

- 2.1 To endorse the publication of the updated LDS as required by The Planning and Compulsory Purchase Act 2004, which will supersede the current LDS published in 2018, to support the delivery of the local plan review.

3.0 Background

- 3.1 The LDS is an important piece of evidence that sets out the programme for preparing the documents that together comprise the Local Plan, as well as the documents to be written as Supplementary Planning Documents (SPDs). The LDS also sets out the possible risks that exist with producing the Local Plan documents. The LDS is monitored through the Council's Authority Monitoring Report.
- 3.2 Planning Practice Guidance states that local planning authorities must publicise and keep up-to-date their timetable for producing their local plan, which should be published on the Council's website. A LDS is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS at Appendix 1 will be the tenth to be published by the Council.
- 3.3 Since the publication of the 2018 LDS, the Local Green Spaces Plan has been adopted and work has commenced in preparation of the formal local plan review; the latter includes the signing of an initial Statement of Common Ground as a Derby Housing Market Area (HMA) through the Joint Advisory Board (JAB) and the establishing of the Local Plan Working Group.

4.0 Detail

- 4.1 The primary purpose of the LDS is to set timescales for the preparation of Local Plan documents to inform the public and other key stakeholders. In so doing the LDS establishes new, and reflects existing, Council priorities and enables the required resources to be allocated to the preparation of these statutory documents.
- 4.2 The Committee authorised a full review of the Local Plan Part 1 in August 2021. The Council has continued to work closely with its Derby HMA partners since the adoption of the current Local Plan, both at officer level and through the JAB, both to facilitate the timely production of the next Local Plan and to coordinate Plan production.
- 4.3 The LDS attached at Appendix 1 sets out a timetable for the production of the Local Plan Part 1 that is coordinated with that of our Derby HMA partners, with adoption of the Plan by December 2024. The adoption date will be dependent on a variety of factors and can be affected by any of the issues set out in risk management section (Section 11) of the LDS. The LDS can be updated and the timescales revised if necessary, however the work already undertaken on the forthcoming Strategic Housing and Economic Land Availability Assessment (SHELAA) following the call for sites, the Growth Options Study commissioned through the JAB, and the commencement of Derby City's Capacity Study, means that the time is right to prepare an initial Issues and Options document for consultation over the summer.
- 4.4 The 2018 LDS includes the preparation of a separate Gypsy and Traveller Site Allocations Development Plan Document (DPD), as required by Policy H22 of Local Plan Part 1. This DPD has been awaiting the publication of the revised Derby and Derbyshire Gypsy and Traveller Accommodation Assessment (GTAA). In order to best facilitate the timely delivery of this Site Allocations DPD, the document will be produced separately to the revised Local Plan Part 1, as originally intended.

5.0 Financial Implications

- 5.1 There are no direct financial implications from this report. Failure to undertake a timely review could result in planning applications being upheld at appeal and the associated costs being awarded to the appellants.

6.0 Corporate Implications

Employment Implications

- 6.1 None directly arising from this report however staff resources will have a direct bearing on delivery of the LDS.

Legal Implications

- 6.2 None directly arising from this report.

Corporate Plan Implications

- 6.3 Delivery of a timely and deliverable Local Plan is necessary for delivering objectives within the Corporate Plan.

Risk Impact

- 6.4 Failure to review the Local Plan in a timely manner incurs the financial risk set out above, together with the uncertainties for communities that significant speculative planning applications can cause.

7.0 Community Impact

Consultation

- 7.1 Local plan reviews require significant consultation with communities, businesses, landowners, stakeholders and public agencies. The Statement of Community Involvement will be updated as required, particularly to reflect post Covid-19 ways of working.

Equality and Diversity Impact

- 7.2 An Equality Impact Assessment will accompany the Plan on submission.

Social Value Impact

- 7.3 An up-to-date local plan has a direct bearing on the communities in the District.

Environmental Sustainability

- 7.4 Local plans are subject to sustainability appraisal as part of the production process. Local plan policies enable development to be located in the most suitable, sustainable locations and for provision to be made for appropriate supporting infrastructure.

8.0 Conclusions

- 8.1 The Council is required by primary legislation to update its LDS to inform all those with an interest in the District of the intended timescales for plan making. The timetables set out within the LDS reflect the priorities of both the Council and of our HMA partners, with whom plan making is coordinated to best reflect the intention behind the Duty to Cooperate.

9.0 Appendices

- 9.1 Appendix 1 – Local Development Scheme 2022 – 2025

South Derbyshire District Council

Local Development Scheme

2022 - 2025

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1 Background

1.1 South Derbyshire District Council as a local planning authority is required to produce a local plan, both to plan for future development and to guide decision making with respect to planning applications.

1.2 The Council currently has an up-to-date Local Plan; Part 1 of the Plan was adopted in June 2016 and Part 2 adopted in November 2017. A five-year review of the Local Plan Part 1 has been undertaken and the decision has been made that, notwithstanding that the Plan is current and the Council can demonstrate a five-year supply of housing land, to commence a local plan review.

1.3 A key part of a local plan evidence base is an up-to-date Strategic and Economic Land Availability Assessment (SHELAA). A fresh call for sites was undertaken in September 2019 and around 200 sites have been submitted for consideration in accordance with the SHELAA methodology, which has been agreed with Derby Housing Market Area (HMA) partners. The publication of the SHELAA, which will be updated throughout the local plan production process will effectively signal the start of the local plan review.

1.4 This revised Local Development Scheme (LDS) sets out how the Council will progress the Local Plan and related documents over a three-year period. A LDS is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) (the 2004 Act). It must specify (among other matters) the documents which, when prepared, will comprise part of the development plan (that is, the Local Plan and any 'made' neighbourhood development plans) for the area. It must be made available publicly and kept up to date. In order for local communities and interested parties to keep track of progress, the LDS will be published on the Council's website.¹

1.5 The 2004 Act states that the LDS must specify:

- the local development documents which are to be development plan documents (DPDs)
- the subject matter and geographical area to which each DPD is to relate
- which DPDs (if any) are to be prepared jointly with one or more other local planning authorities
- any matter or area in respect of which the authority has agreed (or propose to agree) to the constitution of joint committee under section 29 of the 2004 Act
- the timetable for the preparation and revision of the DPDs
- such other matters as are prescribed.

1.6 Local development documents must, when taken as a whole, set out the local planning authority's policies relating to the development and use of land in their area, including to secure contribution to the mitigation of and adaptation to, climate change. Whilst there is no requirement to include supplementary planning documents or neighbourhood plans in the LDS, this information is included to provide a fuller account of the documents to be prepared.

1.7 This is the tenth LDS to be published by the Council; it reflects the Council's decision to commence a local plan review and supersedes previous LDSs. This revised LDS covers the period June 2022 – June 2025 and takes a realistic view of the local plan documents to be prepared in the coming three-year period.

1.8 The **Statement of Community Involvement (SCI)** sets out how the Council intends to engage and consult local communities and others in the preparation of the Local Plan and Development Management matters. The SCI, adopted in September 2018, will be updated and the draft SCI published for consultation prior to adoption by the Council.

1.9 The **Authority Monitoring Report (AMR)** reviews the progress in the preparation of the Local Plan documents against the milestones set out in the Local Development Scheme and assesses the extent to which development plan policies are being achieved. South Derbyshire's most recent AMR can be found at <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/monitoring>

2 South Derbyshire's Development Plan

2.1 Planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The term Local Plan is a collective term for documents produced *by the Council* that form part of the Development Plan. The following documents currently comprise the statutory Development Plan for South Derbyshire:

- **South Derbyshire Local Plan Part 1**, adopted 13 June 2016: sets the long-term vision, objectives and strategy for the spatial development of South Derbyshire and provides a framework for promoting and controlling development. Strategic housing and employment sites are allocated, along with development management policies to be used in determining planning applications.
- **South Derbyshire Local Plan Part 2**, adopted 2 November 2017: allocates non-strategic housing sites and defines settlement boundaries. The Part 2 also contains more detailed development management policies to support the strategic retail, conservation and heritage, and countryside policies in the Part 1.
- **Local Green Spaces Plan**, adopted 24 September 2020: designates Local Green Spaces across the District and includes policies in respect of the enhancement and development of these areas.
- **Policies Map**: A map that identifies those areas to which specific policies apply.
- **Neighbourhood Development Plans**:
 - The Parish of Repton Neighbourhood Development Plan was made on 6 January 2020.
 - Hilton, Marston-on-Dove and Hoon Neighbourhood Development Plan was made on 4 November 2021
- **Saved policies of the Derby and Derbyshire Minerals Local Plan (2000, partially revised in 2002)**: guides decisions on planning applications for the extraction of minerals and associated works in the area.
- **Saved policies of the Derby and Derbyshire Waste Local Plan (2005)**: guides the decisions on any planning applications for developments associated with the management of the various wastes produced.

3 Other Policies Material to Decision Making

3.1 Development Plan Documents (DPDs) carry the most weight in the determination of planning applications – they are subject to independent examination by a Planning Inspector, community involvement through consultation and sustainability appraisal. However, there are other policy documents that complement DPDs, providing more policy detail and guidance for the determination of planning applications.

3.2 **Supplementary Planning Documents (SPDs)** cover some development management policies in more detail and are used in the determination of planning applications. SPDs are not subject to independent examination but are consulted upon in accordance with the relevant regulations and the Statement of Community Involvement and are considered through the Council's Committee process prior to adoption.

South Derbyshire has adopted the following SPDs:

- Affordable Housing SPD (November 2017)
- Design Guide SPD (November 2017)

3.3 The previous Local Development Scheme included the intention to produce a Greenways SPD however this document was dependent on work at County Council level. The Derbyshire Cycle Plan and the Key Cycle Network have since superseded the three area-based Greenway Strategies; the routes and the projects are embedded and updated through the Derbyshire Cycle Network mapping and project prioritisation programme.

3.4 **Development Framework Documents (DFDs)** have been produced for the housing allocation at Boulton Moor and for Infinity Garden Village. These DFDs have been produced collaboratively between the District, City and County Councils, together with the relevant landowners, developers and consultants in order to guide and inform proposals for the sites and as a material consideration in determining planning applications.

4 Local Plan Review

4.1 Since the publication of the 2018 – 2021 LDS, the National Planning Policy Framework (NPPF) has been revised more than once, the latest version being dated July 2021. The NPPF states that “the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.

4.2 “Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains).”

4.3 The NPPF requires that in order for a local plan to be found ‘sound’ at Examination, one of the four tests it must meet is that the Plan has been positively prepared. This entails “providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development”.

4.4 The local authorities comprising the Derby Housing Market Area, that is Amber Valley Borough Council, Derby City Council and South Derbyshire District Council, have an established history of joint working through the Derby HMA Joint Advisory Board, as well as at officer level. The Joint Advisory Board, in its capacity to provide recommendations to each Authority's relevant decision-making Committee, has agreed to apply a consistent plan period for each Council, with a minimum 15-year plan period and targets for adoption being no later than the end of 2024 and; to work collaboratively to agree a HMA-wide development distribution strategy, which in turn will have a shared approach taken to its sustainability appraisal, to include consideration of infrastructure, climate change and the green belt. Each Council will prepare its own individual local plan or plans, with Statements of Common Ground used to identify and consider key strategic issues.

4.5 The Local Plan is primarily written in two parts and the NPPF, together with planning practice guidance, continues to facilitate this approach with the latter stating that "depending on the issues and opportunities that exist locally local planning authorities should, in consultation with their local community, consider the most appropriate way to plan for the needs of their area."

4.6 South Derbyshire has benefited from the two-part plan approach, not least with regard to maintaining a consistent five-year supply since the adoption of the Local Plan Part 1. Certain policies within the Local Plan Part 2 cross-refer to the Part 1 and as such, to avoid the risk of creating a 'policy vacuum', it is anticipated that most policies within the Local Plan Part 2 will be reviewed alongside the Local Plan Part 1 and subsumed into the new Local Plan. The exceptions will be the housing allocations in Policy H23, local green spaces Policy BNE8 and retail policies RTL1 and RTL2.

4.7 New non-strategic housing allocations would be brought forward through a revised Local Plan Part 2. Whilst policy SDT1 will be included in the Part 1 review due to its reference to Policy H1, the settlement boundaries themselves will be appraised through the Part 2 and the policies map updated accordingly. Notwithstanding the schedule set out below, these matters will be addressed through the initial Issues and Options consultation.

4.8 The Council has already committed to producing a separate Gypsy and Traveller Site Allocations Development Plan Document to meet the needs identified through the forthcoming Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA was commissioned in late 2019 but has been delayed due to Covid-19. Whilst submissions for traveller sites were invited through the call for sites in September 2019, should the GTAA's requirements exceed the capacity of the sites suggested and/or those sites not be appropriate for development, a fresh, bespoke call for sites will be issued for the Gypsy and Traveller Site Allocations DPD.

4.9 The relationship between each of the Local Plan documents can be found in Appendix 1.

5 Neighbourhood Development Plans

5.1 Neighbourhood Development Plans (NDPs) give communities the opportunity to influence the development of their local area by setting out planning policies or granting permission for development in accordance with the strategic policies set out in the Local Plan Part 1.

5.2 There are two NDPs currently made within South Derbyshire, the first covers the parish of Repton and the second the parishes of Hilton, Marston on Dove and Hoon. Melbourne's NDP is currently going through the examination process and the parish of Willington has also been designated a neighbourhood area.

5.3 South Derbyshire District Council, in its role as the Local Planning Authority, will provide advice and assistance to the relevant bodies in the production of each neighbourhood plan. The LDS does not set out what Neighbourhood Plans will be produced as this will be a matter for local communities to decide. More advice on producing NDPs is set out within the Council's SCI.

6 Strategic Environmental Assessment and Sustainability Appraisal

6.1 The 2004 Act and the NPPF set out the requirement for all development plan documents to be subject to Sustainability Appraisal (SA), as an integral part of the preparation process.

6.2 "A sustainability appraisal is a systematic process that must be carried out during the preparation of local plans and spatial development strategies. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives."²

6.3 Strategic environmental assessment (SEA) considers only the environmental effects of a plan, whereas SA considers the plan's wider economic and social effects in addition to its potential environmental impacts. Whilst development plan documents may be subject to requirements for SEA in accordance with European Directive 2001/42 "SA should meet all of the requirements of the 'Environmental Assessment of Plans and Programmes Regulations 2004', so a separate SEA should not be required"³ [for a local plan].

6.4 Neighbourhood Plans should be supported by a Screening Opinion as to whether an SEA is required.

6.5 It is anticipated that consultants specialising in SA will be appointed following the initial Issues and Options consultation to ensure that the plan making process dovetails with the SA process. The SA Report will be submitted to the Planning Inspectorate alongside the Pre-submission consultation and will be used by the Inspector to assess the soundness of the Plan.

6.6 The River Mease which passes through part of the District is designated as a Special Area of Conservation (SAC) at EU level. The Council is required to undertake a Habitats Regulations Assessment of any development plan whose policies or proposals could have a significant adverse effect upon the integrity of the SAC.

7 Links with other Strategies and Plans

7.1 The Local Plan will have regard to other Council strategies such as those for Housing, Economic Development, Tourism, Conservation and Leisure. Regard will also be had to the Council's Corporate Plan 2020-2024 as the Local Plan will help deliver actions that are included within the Corporate Plan.

² Planning Practice Guidance Paragraph: 001 Reference ID: 11-001-20140722

³ Planning Practice Guidance Paragraph: 007 Reference ID: 11-007-20140306

8 Evidence

8.1 Government guidance emphasises the need for a robust evidence base in the preparation of Development Plan Documents. Since the adoption of the current Local Plan a collaborative approach to evidence gathering has continued across the Council, the Derby HMA and the County to maintain and develop a robust and credible evidence base.

8.2 With the Local Plan review process underway, it is inevitable that various pieces of evidence will need to be produced within a shorter timeframe in order to inform the emerging Local Plan. The Council will work particularly with its HMA partners to jointly commission evidence wherever pragmatic and feasible to do so, however, the resource implications for the timely assemblance of evidence are also recognised.

8.3 Specific research and studies carried out to date include:

<u>Research/Study</u>	<u>Method</u>	<u>Completed</u>
Growth Options Study*	Consultants	August 2021
Infrastructure Funding Statement	In house	December 2021
Strategic Housing Market Assessment	Consultants	January 2020
SHELAA	In house	In progress
Derby Capacity Study*	In house / consultants	In progress
Employment Land Study*	Consultants	In progress
Derbyshire Gypsy and Traveller Accommodation Assessment*	Consultants	In progress
Renewable Energy Study*	Consultants	In progress
Natural Capital Strategy*	County/consultants	In progress
Facilities Planning Model	Consultants	In progress
Derby Housing Market Area Water Cycle Study *	Consultants	2010
South Derbyshire Level 1 Strategic Flood Risk Assessment (SFRA)	Consultants	2008

* Joint studies commissioned with Derby City Council and Amber Valley Borough Council and/or Derbyshire County Council.

9 Resources, Management and Governance

9.1 The preparation of the Local Plan for South Derbyshire will be the responsibility of the Head of Planning and Strategic Housing, with day-to-day project management and programming being dealt with by the Planning Policy Team Leader.

9.2 The Planning Policy Team comprises the Planning Policy Team Leader (four days/week), two full time Planning Policy Officers, one job-shared Planning Policy Officer post (2 days/week currently vacant) and one Planning Assistant. The Policy Team benefits from specialist knowledge of the Conservation Officer and Design Officer within the department and is further complemented by other officers in Development Management, Housing, Economic Development and Culture and Community Services. As far as possible, surveys and studies will be undertaken in house, however, external resources may also be called upon such as from the County Council or consultants for certain projects.

9.3 The team has other responsibilities in addition to preparing the Local Plan including:

- Providing advice and evidence to Development Management
- Neighbourhood Planning support
- Compiling and maintaining an evidence base for the Local Plan and wider uses
- S106 Monitoring, implementation and reporting
- Facilitating committee resolutions regarding consultations from external bodies
- Strategic Housing Delivery
- Statutory Government returns and reports
- Maintaining a Duty to Co-operate
- Supporting other Council Service areas.

9.4 The Environmental and Development Services (EDS) Committee is responsible for overseeing the preparation of the Local Plan. A cross-party Local Plan Working Group facilitates liaison between members and officers regards the plan making process. The Derby HMA Joint Advisory Board provides a formal mechanism for cross-boundary working and compliance with the Duty to Cooperate as required by the Localism Act 2011.

9.5 A Council resolution will be required for the adoption stages of any DPD prepared by the Council.

10 Monitoring

10.1 The introduction of the Localism Act in November 2011 removed the statutory requirement for local planning authorities to submit an AMR to the Secretary of State. However, authorities still have a duty to monitor and report its activities to the local community.

10.2 The Council, therefore, produces and makes available to the public the AMR, which is published annually in December/January and covers the previous 1 April – 31 March period. The AMR reviews the progress of the preparation of Local Plan documents against the milestones set out in the Local Development Scheme and assesses the extent to which development plan policies are being implemented, using a range of indicators.

10.3 AMRs going back to 2011/12 are available on the Council's website at <https://www.south-derbys.gov.uk/our-services/planning-and-building-control/planning/planning-policy/monitoring>
The Council has detailed databases for monitoring residential and employment land availability.

10.4 The Council also holds detailed information regarding retail and leisure within the District which is updated and forms a key aspect of the annual monitoring. The residential and employment database is maintained by Derbyshire County Council as most Derbyshire local authorities use the same system in accordance with an agreed protocol. The AMR will monitor the progress in meeting the milestones in the LDS and inform a review of the document when necessary.

11 Risk Management

11.1 The Council does not have control over all aspects associated with the preparation of the Local Plan. Completion of the Plan relies upon input to the process from a wide variety of individuals and organisations including members of the public, parish councils, statutory bodies, stakeholders, developers and the Secretary of State. All those involved will have their own priorities and processes which may not match the timescales placed on the Council. The Council will endeavour to ensure that working relationships with external groups and organisations are collaborative and progressive.

11.2 In preparing the LDS, the Council has identified some of the main areas of risk and their impacts, together with potential ways to manage these to facilitate the LDS timetable being delivered.

Area of risk	Impact	Mitigation
Inadequate staff resources	Unable to produce documents on time or to the required standard due to lack of in house skills/resources for evidential work.	<ul style="list-style-type: none"> • Employ temporary staff/consultants subject to resource availability. • Use staff from other departments within the Council. • Joint working with the HMA Authorities (Derby City and Amber Valley Borough Council).
Change of political leadership of the Council	Could cause delay in the preparation of the documents.	<ul style="list-style-type: none"> • Maintain the involvement of all parties in the Council through the Local Plan Working Group and EDS Committee.
Changes to national policy requirements	New/emerging policy could generate new issues, which need to be addressed within the Local Plan or other documents, which require additional work and cause delay.	<ul style="list-style-type: none"> • Keep up to date on emerging legislation, national policies and guidance. • Revise the LDS as necessary.
Capacity of the Planning Inspectorate (PINS)	PINS unable to meet the demand for DPD examinations, resulting in a delay in adopting the documents.	<ul style="list-style-type: none"> • Close liaison with the Planning Inspectorate to ensure early warnings of any delays. • Programme of DPD production including revisions to be provided to PINS.

Public consultation	Public concern and stakeholder involvement on planning issues is unpredictable. This could add to the time required to process representations made, delaying preparation.	<ul style="list-style-type: none"> • Employ temporary staff subject to resource availability. • Resources from other departments within the Council could be drawn upon to process representations. • Revise the LDS as necessary.
Joint Working	Working with the HMA authorities (Derby City and Amber Valley) can invoke delays due to election schedules, political differences and conflicting priorities.	<ul style="list-style-type: none"> • Early, meaningful and continuous engagement with Members of all three authorities. • Concise working arrangements with neighbouring local authorities. • Flexibility where possible.
Delayed approval or changes required to the Local Plan by Council Members	Reports could miss Council committee deadlines, or create unforeseen work, resulting in a slippage in the timetable.	<ul style="list-style-type: none"> • Involve Members in the preparation of DPD's through the Local Plan Working Group to ensure that the Council's priorities are reflected.
Incorporating change after an Examination	The Planning Inspectorate could request a change to a DPD which requires further work, leading to timetable slippage.	<ul style="list-style-type: none"> • Allow for some flexibility in the programme. • Proactive delivery of permitted sites to maintain five-year supply.
Legal Challenge	A legal challenge could result in a DPD being quashed.	<ul style="list-style-type: none"> • Ensure that the Local Plan has been prepared in accordance with legal and procedural requirements. • Act on pre-submission PINS advice.
Appeal decision allowing development highlighting an alternative interpretation of a Local Plan policy.	A potential influx of applications and subsequent appeals for developments contrary to intended policy meaning.	<ul style="list-style-type: none"> • Legal challenge of appeal decision • Review of Local Plan policy

12 Schedule and Timetable of proposed Development Plan Documents

12.1 The profiles that follow set out the work and resources required to produce forthcoming DPDs. The timetables specified are informed by the information available at the time of publication.

Local Plan Part 1

Status	Development Plan Document
Geographical Area	South Derbyshire District
Conformity	Conform to legislation, case law, NPPF and Planning Practice Guidance
Description	<p>The Local Plan Part 1 will:</p> <ul style="list-style-type: none"> • provide a long-term vision, objectives and strategy for the spatial development of South Derbyshire • provide a framework for promoting and controlling development • Provide site allocations for strategic housing and employment sites across the District • include development management policies that will be used in the determination of planning applications.
Joint Working	<ul style="list-style-type: none"> • Derby HMA Joint Advisory Board • Derby HMA Officers Coordination Group • Derbyshire Planning Policy Officers Group • Local Plan Working Group
Management	<ul style="list-style-type: none"> • Strategic Director – Service Delivery • Environmental & Development Services Portfolio Holder • Environmental & Development Services Committee • Full Council
Internal Resource	<ul style="list-style-type: none"> • Planning Policy Team • Development Management Team • Strategic Housing Team • Community and Cultural Services Teams • Economic Development Team
External Resource	<ul style="list-style-type: none"> • Derby HMA partners • Derbyshire County Council • Parish Councils • Stakeholders and public agencies • Consultants
Community and Stakeholder Involvement	In accordance with the Town and Country Planning Regulations 2012 and as set out in the Council’s Statement of Community Involvement.
Monitoring and Review	Progress on the preparation and production of the document will be carefully monitored to assist the milestones in the LDS being met. Monitoring policies in this document will be a main feature of the AMR.
Timetable	
Stage	Date
Commencement of the process	July 2022
Previous Consultations	Call for Sites – commenced September 2019
Options Consultations (Regulation 18)	Issues and Options – summer 2022 Draft Plan – June 2023
Proposed Submission Consultation (Regulation 19)	November 2023
Submission to Secretary of State (Regulation 22)	Early Spring 2024
Commencement of the Hearing Sessions	Late Spring 2024
Adoption by Council	December 2024

Local Plan Part 2

Status	Development Plan Document
Geographical Area	South Derbyshire District
Conformity	Conform to legislation, case law, NPPF and Planning Practice Guidance
Description	The Local Plan Part 2 will cover: <ul style="list-style-type: none"> • non-strategic housing allocations • review of the settlement boundaries. • retail • other non-strategic policy areas as necessary
Joint Working	<ul style="list-style-type: none"> • Derby HMA Joint Advisory Board • Derby HMA Officers Coordination Group • Derbyshire Planning Policy Officers Group • Local Plan Working Group
Management	<ul style="list-style-type: none"> • Strategic Director – Service Delivery • Environmental and Development Services Chair • Environmental and Development Services Committee • Full Council
Internal Resource	<ul style="list-style-type: none"> • Planning Policy Team • Development Management Team • Strategic Housing Team • Community and Cultural Services Teams • Economic Development Team
External Resource	<ul style="list-style-type: none"> • Derby HMA partners • Derbyshire County Council • Parish Councils • Stakeholders and public agencies • Consultants
Community and Stakeholder Involvement	In accordance with the Town and Country Planning Regulations 2012 and as set out in the Council's Statement of Community Involvement.
Monitoring and Review	Progress on the preparation and production of the document will be carefully monitored to assist the milestones in the LDS being met. Monitoring policies in this document will form part of the AMR.
Timetable	
Stage	Date
Commencement of the process	Spring 2025
Previous Consultations	N/A
Options Consultations (Regulation 18)	Issues and Options - Spring 2025
Proposed Submission Consultation (Regulation 19)	To be determined through a future LDS.
Submission to Secretary of State (Regulation 22)	As above
Commencement of the Hearing Sessions	As above
Adoption by Council	As above

Gypsy and Traveller Site Allocations DPD

Status	Development Plan Document
Geographical Area	South Derbyshire District Council
Conformity	Conform to legislation, case law, the NPPF and Planning Practice Guidance as well as Part 1 of the Local Plan.
Description	The DPD will allocate sites for Gypsy and Traveller pitches to enable the Council to demonstrate a five-year supply of pitches in line with the requirements of the GTAA 2020 - 2040.
Joint Working	<ul style="list-style-type: none"> • Local Plan Working Group • Derbyshire Traveller Issues Working Group
Management	<ul style="list-style-type: none"> • Strategic Directory – Service Delivery • Environmental and Development Services Chair • Environmental and Development Services Committee • Full Council
Internal Resource	<ul style="list-style-type: none"> • South Derbyshire District Council - Planning Policy Team • Development Management team • Strategic Housing team • Community and Cultural Services Teams
External Resource	<ul style="list-style-type: none"> • Derbyshire County Council • Stakeholders and public agencies • Consultants
Community and Stakeholder Involvement	In accordance with the Town and Country Planning Regulations 2012 and as set out in the Council's Statement of Community Involvement.
Monitoring and Review	Progress on the preparation and production of the document will be carefully monitored to assist the milestones in the LDS being met. Monitoring policies in this document will form part of the AMR.
Timetable	
Stage	Date
Commencement of the process	June 2015
Previous Consultations	Scoping Consultation – August 2019 Call for Sites – September 2019
Options Consultations (Regulation 18)	Issues and Options - June 2023 Draft Plan – Spring 2024
Proposed Submission Consultation (Regulation 19)	Autumn 2024
Submission to Secretary of State (Regulation 22)	Spring 2025
Commencement of the Hearing Sessions	To be determined through a future LDS
Adoption by Council	As above

Policies Map

Status	Development Plan Document
Geographical Area	South Derbyshire District
Conformity	Conform to legislation, case law, NPPF and Planning Practice Guidance
Description	The Policies Map illustrates, on an Ordnance Survey base map, the policies and proposals set out in DPDs. Inset maps are included as necessary to provide more detail.
Timetable	The timetable for revisions will run concurrently with the production of the relevant DPD.

13 Schedule and Timetable of proposed Supplementary Planning Documents

Planning Obligations SPD

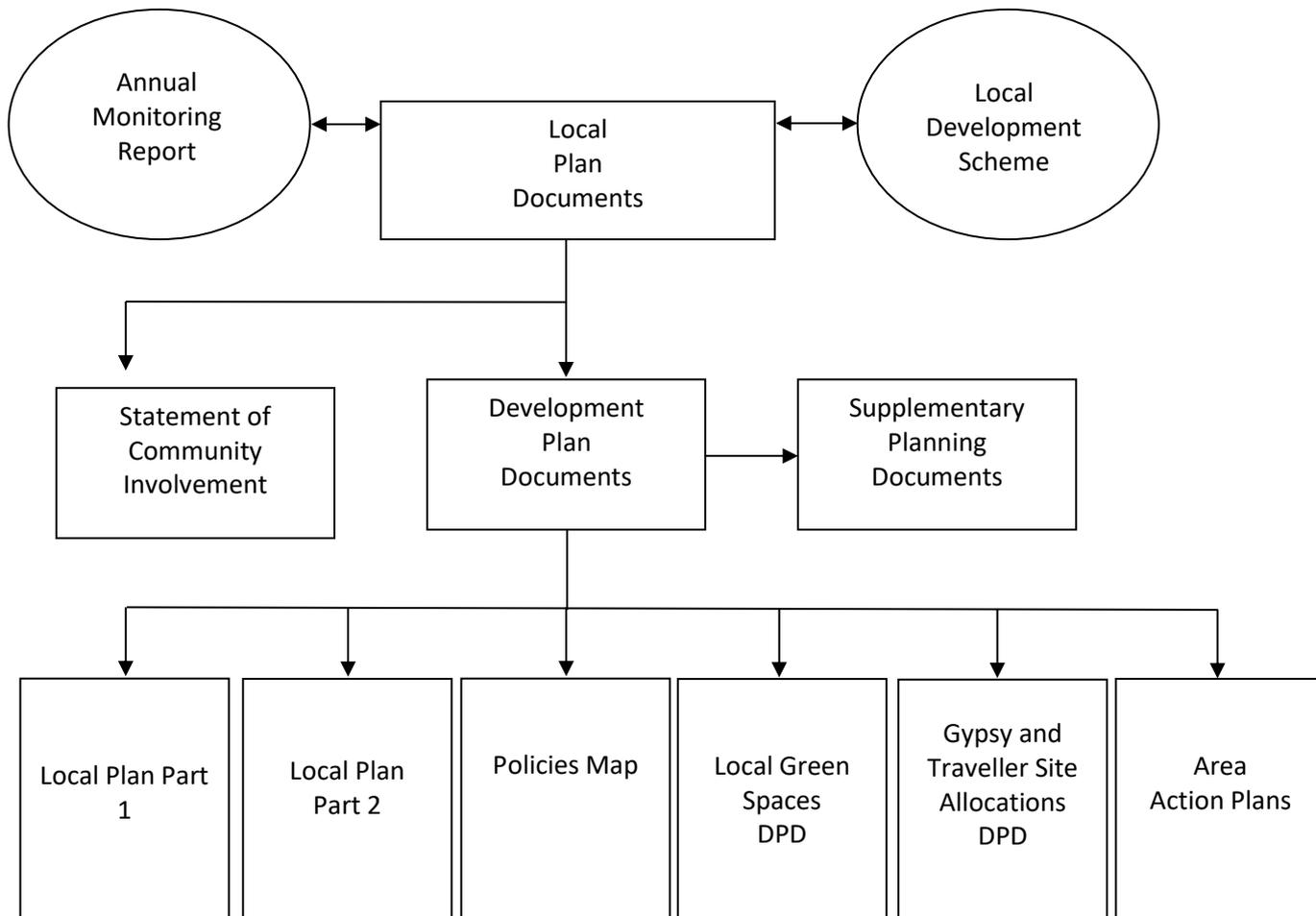
Status	Supplementary Planning Document
Geographical Area	South Derbyshire District Council
Conformity	Conform to Community Infrastructure Levy Regulations, NPPF, Planning Practice Guidance and Local Plan Part 1.
Description	Supplementary to Local Plan Policy INF1. To cover the types of contributions the Council intends to seek from developments under Section 106 of the Town and Country Planning Act 1990, as regulated by the Community Infrastructure Levy Regulations (as amended) to assist in mitigating the impact of proposed development and make it acceptable in planning terms.
Joint Working	<ul style="list-style-type: none"> • Across Council departments • County Council • Public agencies
Management	<ul style="list-style-type: none"> • Strategic Director – Service Delivery • Environmental and Development Services Chair • Environmental and Development Services Committee
Internal Resource	<ul style="list-style-type: none"> • South Derbyshire District Council - Planning Policy Team • Development Management Team • Strategic Housing Team • Cultural and Community Services Teams
External Resource	<ul style="list-style-type: none"> • Derbyshire County Council • Public agencies
Community and Stakeholder Involvement	In accordance with the Town and Country Planning Regulations 2012 and as set out in the Council's Statement of Community Involvement.
Monitoring and Review	Progress on the preparation and production of the document will be carefully monitored to assist the milestones in the LDS being met.
Timetable	
Stage	Date
Commencement of the process	September 2021
Consultation	Spring/Summer 2022
Adoption by Council	Summer/Autumn 2022

14 **Schedule and Timetable of proposed Development Framework Documents**

Boulton Moor DFD

Status	Material consideration
Geographical Area	Policy H13
Conformity	Conform to NPPF & Planning Practice Guidance as well as Part 1 of the Local Plan.
Description	A jointly prepared masterplan document to ensure that the proposals deliver a holistic urban extension across the local authority boundaries.
Joint Working	Derby City Council, Derbyshire County Council, Developers and Landowners
Management	Strategic Director – Service Delivery Environmental & Development Services Chair Environmental & Development Committee
Internal Resource	South Derbyshire District Council - Planning Policy Team, Development Management Team
External Resource	Agents of landowners
Community and Stakeholder Involvement	N/A
Monitoring and Review	As required
Timetable	
Stage	Date
Commencement of the process	March 2016
Consultation	N/A
Adoption by Council	2022

Appendix 1: Chart to show the relationship between Local Plan documents



Appendix 2 - Glossary of Terms

Adopted Local Plan	The South Derbyshire Local Plan Part 1 (June 2016), Local Plan Part 2 (November 2017) and Local Green Spaces Plan (September 2020).
AMR	Authority Monitoring Report to chart progress of producing and implementing policies and proposals
DPD	Development Plan Document: A local policy document produced by the Council which makes up part or all of the Development Plan
DFD	Development Framework Document: A policy document, usually produced jointly with the relevant developers and neighbouring authority, to comprehensively guide development and support infrastructure delivery.
Duty to Cooperate	A statutory duty placed on Local Planning Authorities to cooperate with other authorities and relevant bodies in the preparation of a DPD
LDD	Local Development Documents comprising DPDs and SPDs that together will make up the Local Plan
NPPF (National Planning Policy Framework)	Contains a range of planning policies set by Central Government
PINS	The Planning Inspectorate is an executive agency, sponsored by the Department for Levelling Up, Housing and Communities
Policies Map	A map that identifies those areas to which specific policies apply.
SA	Sustainability Appraisal – a tool to ensure that policies in all LDDs reflect sustainable development principles.
SCI	Statement of Community Involvement that sets out how the Council will consult the community and stakeholders on the preparation of planning documents and planning applications.
SEA	Strategic Environmental Assessment is a requirement of EU Directive 2001/42/EC and applies to plans and policies where impacts will be of a strategic nature.
SPD	Supplementary Planning Documents that provide additional detailed guidance to support policies in a DPD.

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	20 APRIL 2022	CATEGORY: (See Notes) DELEGATED or RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR - SERVICE DELIVERY	OPEN
MEMBERS' CONTACT POINT:	KAREN BEAVIN 07501 698400 karen.beavin@southderbyshire.gov.uk	DOC:
SUBJECT:	DRAFT PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT - CONSULTATION	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS03

1.0 Recommendations

- 1.1 That the Committee approves the draft Planning Obligations Supplementary Planning Document (the SPD) (at Appendix 1) for consultation.

2.0 Purpose of the Report

- 2.1 To seek authorisation to consult on the draft Planning Obligations SPD in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, together with the Council's Statement of Community Involvement (2018).

3.0 Background

- 3.1 SPDs build on and provide more detailed advice and guidance on policies in an adopted local plan. As SPDs do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are, however, a material consideration in decision-making. SPDs should not add unnecessarily to the financial burdens on development. Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing SPDs.¹
- 3.2 The adopted Local Plan Part 1 includes in Policy INF1: Infrastructure and Developer Contributions an undertaking that the Council will revise its Planning Obligations SPD to cover infrastructure and service requirements to be delivered through Section 106 agreements.
- 3.3 The SPD at Appendix 1 seeks to update the current 'Section 106 Agreements – A Guide for Developers (April 2010)' to ensure that the latest evidenced costings can

be used when securing planning obligations to mitigate the impact of new development in the District.

4.0 Detail

- 4.1 Planning obligations, also known as Section 106 (S106) agreements or developer contributions, are legal obligations entered into to mitigate the impacts of a development proposal. This can be via a planning agreement entered into under section 106 of the Town and Country Planning Act 1990, by a person with an interest in the land and the local planning authority or via a unilateral undertaking, entered into by a person with an interest in the land without the local planning authority. Planning obligations run with the land, are legally binding and enforceable. A unilateral undertaking cannot bind the local planning authority because they are not party to it.²
- 4.2 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms, however, there are three tests that an obligation must meet for it to constitute a reason for granting planning permission. These tests are set out both as statutory tests in regulation 122 of the Community Infrastructure Regulations 2010 (as amended) and as policy tests in the National Planning Policy Framework (NPPF); planning obligations must be:
- a) necessary to make the development acceptable in planning terms
 - b) directly related to the development and
 - c) fairly and reasonably related in scale and kind to the development.
- 4.3 Revising the existing S106 Guide for Developers to produce the SPD will result in an increase in the levies that can be applied for infrastructure such as open space, built facilities and outdoor recreation when determining planning applications. Furthermore, the SPD includes the stipulation that the required contributions will increase in accordance with the Retail Prices Index at the start of each financial year. As and when any evidence underpinning the required planning obligations set out in the SPD is updated, the SPD itself can be updated accordingly.
- 4.4 The SPD will be revised as necessary following a period of public consultation prior to being brought back to this Committee for consideration prior to adoption.

5.0 Financial Implications

- 5.1 Any costs associated with a public consultation will be met through existing budgets.

6.0 Corporate Implications

Employment Implications

- 6.1 None directly arising from this report.

Legal Implications

- 6.2 None directly arising from this report.

Corporate Plan Implications

- 6.3 Delivery of appropriate infrastructure, including for that supporting strategic development within the Local Plan, will assist in delivering objectives within the Corporate Plan.

Risk Impact

- 6.4 Failure to review the S106 Guide for Developers risks planning obligations being insufficient to cover the costs of necessary mitigating infrastructure.

7.0 Community Impact

Consultation

- 7.1 The SPD will be subject to a period of public consultation for a minimum of four weeks that will be carried out in accordance with the Council's Statement of Community Involvement.

Equality and Diversity Impact

- 7.2 None directly arising from this report.

Social Value Impact

- 7.3 A revised Planning Obligations SPD will directly lead to benefits for communities in the District.

Environmental Sustainability

- 7.4 A sustainability appraisal will not be required in the production of the SPD.

8.0 Conclusions

- 8.1 The Council has undertaken, through the Local Plan, to revise its Planning Obligations SPD in order to sufficiently mitigate the impact of new development within the District. A formal process of public consultation will be undertaken prior to the SPD being finalised and brought back to this Committee for consideration and adoption.

9.0 Appendices

- 9.1 Appendix 1 – Draft Planning Obligations Supplementary Planning Document

Planning Obligations - A Guide for Developers and Applicants

Draft Supplementary Planning Document

Planning and Strategic Housing
April 2022

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Introduction

This Planning Obligations Supplementary Planning Document (SPD) brings together for easy reference for an applicant and/or developer the various policies and studies upon which the Local Planning Authority (LPA) will draw when considering the need for agreements under Section 106 of the Town and Country Planning Act 1990, as regulated by the Community Infrastructure Levy Regulations (as amended). These are commonly referred to as Section 106 (S106) agreements or planning obligations.

Planning obligations are used as part of the planning application process to address specific planning issues and to mitigate the impacts arising from a development proposal. These S106 agreements are normally agreed between the Council, landowners and developers and are intended to make acceptable a development that would otherwise be unacceptable in planning terms.

Section 1 - Overview

Purpose of the Guide

The purpose of this SPD is to cover the types of contributions the Council intends to seek from developments, to assist in mitigating the impact of proposed development and make it acceptable in planning terms.

It should be noted that this SPD is a guide to the likely scope and scale of infrastructure that will be sought; each development proposal will continue to be assessed on a case-by-case basis. It should also be noted that:

- In order to ensure that the value of the contributions is maintained, the financial rates set out in Appendix 1 will be updated annually in accordance with the Retail Prices Index (RPI). All contributions cited in the S106 agreement will also be index linked from the date the agreement is signed. All contributions directly collected by the Council will use the Retail Price Index.
- Late payment interest will be payable when any payment due under a S106 agreement is paid more than 28 days past the date on which the payment is due. This will be charged at 4% over the base lending rate of the Barclays Bank, with the interest calculated from the date payment is due until the date of the payment.

The National Planning Policy Framework (NPPF)¹ identifies that *Local Planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*

¹ [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk)



Planning obligations cannot be considered a reason to grant planning permission unless they meet the tests laid out in Regulation 122 of the Community Infrastructure Regulations 2010 (as amended)², that they are:

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Further guidance on the use of planning obligations is set out within national Planning Practice Guidance (PPG)³

Planning obligations take the form of a legal agreement entered into by the applicant (and/or any other interested party) under Section 106 of the Town and County Planning Act 1990 (as amended). They are site specific, and can also:

- a) restrict the development or use of land in any specified way
- b) require specified operations or activities to be carried out in, on, under or over the land
- c) require the land to be used in a specified way
- d) require a sum or sums to be paid to the authority on a specified date or dates periodically.

A planning obligation is recorded as a land charge and the obligation runs with the land ownership until the obligation is fully complied with.

For infrastructure requirements that relate to functions which rest with Derbyshire County Council, the County Council will be a party to negotiations. Responsibility for enforcement will fall to the County Council where they are a signatory to and named as a planning authority in the S106.

South Derbyshire Local Plan

The South Derbyshire Local Plan Part 1, adopted in June 2016⁴, promotes the overall vision for accommodating strategic development across the District. The Local Plan expects new development to be appropriately supported and its effects mitigated sustainably. Local Plan Policy INF1: Infrastructure and Developer Contributions provides the justification for this SPD.

Policy INF1 states that: “New development that is otherwise in conformity with the Local Plan but generates a requirement for infrastructure will normally be permitted if the necessary on and off-site infrastructure required to support and mitigate the impact of that development is either:

- i. Already in place, or
- ii. There is a reliable mechanism in place to ensure that it will be delivered in the right place, at the right time and to the standard required by the Council and its partners.

² [The Community Infrastructure Levy Regulations 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

³ [Planning obligations - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

⁴ [Adopted Local Plan | South Derbyshire District Council](#)



Pre-Application Stage

The Council's Statement of Community Involvement (September 2018)⁵ actively encourages pre-application discussions with developers.

The guidance within this SPD will be used by the Council as one of the considerations in the determination of planning applications. It is therefore advised that applicants have regard to this SPD when preparing applications for submission to the Council.

Further information on the pre-application advice that is offered can be found on the Council's [website](#)⁶.

Viability

Planning obligations are a required cost of development. The PPG clarifies that it is the responsibility of the site promoters to engage in plan making, taking into account any costs including risks and profit expectations whilst ensuring the development proposal is policy compliant.

No viability assessment should be required to accompany a planning application as the cost of all of the planning obligations should have been factored in at the earliest stage of the proposals. Nevertheless, where the need is justified by the applicant it should reflect the recommended approach within the PPG⁷. Applicants will be expected to bear the cost of the Council's independent assessment of the viability assessment provided.

If the viability assessment is accepted as showing development cannot proceed without revised obligations, the Council may agree to the provision of lowering the rates of contribution for the site, on the basis that the loss of planning obligations is not significant enough that the development is no longer acceptable in planning terms.

Legal Fees

For the creation of a S106 agreement or unilateral undertaking the Council's full legal fees that are incurred will have to be paid by the applicant or landowner prior to execution and completion of the agreement or undertaking.

Index Linking and Late Payment Interest Charging

All financial contributions will be index linked from the final Heads of Terms date. All contributions will be index linked using the Retail Price Index, unless otherwise specified within the S106 agreement.

A late payment interest charge will be due when any payment due under a S106 agreement is paid more than 28 days past the date on which the payment is due. This will be charged at 4% above the base lending rate of Barclays Bank, calculated from the date payment is due until the date of payment.

⁵ [Statement of Community Involvement | South Derbyshire District Council](#)

⁶ [Pre-application advice | South Derbyshire District Council](#)

⁷ [Viability - GOV.UK \(www.gov.uk\)](#)



Monitoring of Planning Obligations

The Council has an established process for monitoring and managing S106 agreements efficiently. This process is complex and involves the monitoring of development progress against a variety of triggers, liaising with internal and external partners and the raising of invoices.

The introduction of mandatory reporting of S106 agreements through the production of an annual Infrastructure Funding Statement means that the Council, as a collecting authority, is required to provide data about contributions within South Derbyshire District. This includes the number of monies secured, amounts received and the expenditure within the previous financial year.

To help fund this work paragraph 2A has been inserted into Regulation 122 of the Community Infrastructure Regulations 2010 (as amended)⁸ with regard to the charging of monitoring fees:

- the monitoring fee should fairly and reasonably relate in scale and kind to the development; and
- should not exceed the authority's estimate of its cost of monitoring the development over the lifetime of that development.

Developers entering into a S106 agreement or unilateral undertaking will be required to pay a monitoring fee. The fee payable will be based upon the scale of development as determined by the table below, in order to cover the Council's costs incurred in the monitoring of the obligations.

Scale of Development	Monitoring Fee
A Up to 10 residential dwellings or up to 5,000 sq m of commercial floorspace, or to vary an existing Section 106 agreement.	£500
B Up to 50 residential dwellings or up to 10,000 sq m of commercial floorspace.	£1,000
C Up to 100 residential dwellings or over 10,000 sq m of commercial floorspace.	£2,000
D Over 100 residential dwellings	£2,500

It should be noted that:

- The fee payable is per S106 agreement and is in addition to the legal fees payable that are associated with drawing up and/or checking/amending emerging agreements.
- For mixed use developments that include both a residential and commercial element, the relevant fee from both components would be payable. This follows the same principle used in the national fee regime for planning applications.
- The monitoring fee will be payable upon commencement of development.

⁸ [The Community Infrastructure Levy Regulations 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk)



- If another LPA is also a signatory to the S106 agreement, they will also request a separate monitoring fee to be paid. This will cover their costs of monitoring the agreement and the obligations within it. The County Council sets out its requirements within Chapter 7 of their Developer Contributions Protocol.

Financial Contributions

Section Two of this SPD outlines the types of contributions that will be sought within S106 agreements. The Council will seek contributions where existing facilities are insufficient to cope with the increased demand that arises from the proposed development. If the existing facilities and services can sufficiently absorb this demand, then the Council will not seek contributions. When determining contributions, the Council will consider the cumulative effect from adjoining small developments or additional developments on the edge of previously developed sites. This includes where a development borders a neighbouring authority. Each planning application is judged on an individual basis.

The rates set out in this SPD will be used to guide the appropriate level of contributions from a proposed development site. If it can be demonstrated to the satisfaction of the Council that the development would have a lesser impact than expected, the rates can be adjusted accordingly, for example, where it is shown that there is some capacity in the existing infrastructure to meet part of the impact arising from the development. This ensures that the contributions collected are fair and reasonably related in scale and kind to the development.

Developing sites incrementally or sub-dividing a site to avoid contributions will not be acceptable. The needs generated by a site as a whole should be used as the basis on which to seek contributions. This ensures that the necessary contributions are divided fairly, including when a site is to be divided up between different developers and also so that the services and facilities that are required to mitigate the development can be delivered in a comprehensive manner.

All S106 agreements will include triggers for the payment of financial contributions; timescales will also be specified for the spending of the contributions. Any contributions that remain unspent at the end of the period specified within the S106 will be repaid to the developer upon request.

The financial rates, set out in Appendix 1, will be updated every year on 1 April to reflect current costs due to inflation, as determined by the Retail Prices Index. Unless stated otherwise only the rates will be updated, the formulae for calculating the contributions will remain the same.



Section 2 - Contribution Information

Affordable Housing

One of the roles of the Council is to enable and coordinate the provision of housing, including affordable housing, to meet the needs of the local community.

Policy H21: Affordable Housing requires 30% affordable housing on sites over 15 dwellings.

The Council will have regard to up-to-date evidence when negotiating for affordable housing on sites, which includes:

- The Strategic Housing Market Assessment
- Information from the Council's housing waiting list
- Any local housing needs studies required for rural development
- Existing supply
- Derbyshire County Council studies on specialist housing need
- Evidence of affordable housing need in the locality of the site.

Please refer to the Council's [Affordable Housing SPD](#) for further information and guidance.

Biodiversity

A DEFRA metric may be requested for major applications; this would be to ensure no net biodiversity loss. This meets with the requirements of the NPPF to “contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity”.

Built Facilities

The cost calculations

The cost of the Built Facilities levy is based upon the likely cost that has been identified within Sport England's Facilities Cost Data (2015)⁹ for the major built facilities identified within South Derbyshire District Council's Open Space, Sport and Community Facilities Strategy¹⁰ that are required to service the predicted population by 2028, which is 130,973 residents.

The estimated costs of the major built facilities are:

- Sports Halls – 13 courts = **£9,405,000**
- Swimming Pools – 2 x 25m x 4 lane pools = **£6,860,000**
- Artificial Turf Pitch – 106m x 70m fenced & floodlit 3G with 50mm deep pile = **£940,000**
- Health & Fitness Suites – 102 Fitness Stations = approximately 510 m² = **£1,005,545**
- Community Buildings
 - Hilton Village Hall Extension (one badminton court hall)
 - Repton Village Hall Upgrade (one badminton court hall)
 - The Seales (Overseal / Netherseal) Upgrade (one badminton court hall)
 - New community facility development on housing estates in excess of 1,000 dwellings
 NB The costs for the extension/upgrade projects in Hilton, Repton and Seales have been included in the 13 courts above.

⁹ [Facility cost guidance | Sport England](#)

¹⁰ [Active South Derbyshire | South Derbyshire District Council](#)



Costs Not Included in the Calculations

The costs quoted above **do not include**:

- Project-specific details/information including poor ground conditions, difficult access and long service connections.
- Inflation beyond Q1 2015
- VAT
- Land acquisition costs
- Regional cost variations in materials and labour – they are average costs across England.

The estimated total cost of these built facilities is **£18,210.545**. This total cost is increased by 4.3% to reflect the predicted increases in tender prices to December 2015, as identified in Sport England's Facility Cost Guidance. This increases the total estimated cost to **£18,993,598** and the per capita cost to **£145.02** per person.

Education

Derbyshire County Council, as the Local Education Authority (LEA), 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. Although a new school must be established as a Free School, and some existing schools have opted to become an Academy, the statutory duty to plan provision remains with the LEA. The provision of additional school places is required to ensure that proposed housing development is acceptable¹¹.

Where the County Council's assessment concludes that the normal area schools would not have sufficient capacity to accommodate the pupils arising from the proposed development, the County Council will request financial contributions to provide additional capacity¹².

Please refer to the Derbyshire County Council's Developer Contribution Protocol for further information on how Education contributions are calculated.

Flooding and Drainage

The Council will look to ensure that development is appropriately flood resistant and resilient¹³. In accordance with South Derbyshire adopted Local Plan Policy SD3, "Surface water from new development will be expected to be managed using Sustainable Drainage Systems (SuDS); discharge to watercourse; or connection to surface water mains sewer" to manage surface water run-off. All new developments in areas at risk of flooding should look to ensure that SuDS are incorporated within them.

Threshold

The provision and the detailed design of the SuDS scheme is generally secured through a planning condition. However, it may be that planning obligations will be sought to secure necessary SuDS management arrangements or off-site works for flood alleviation. In these circumstances, each

¹¹ [Infrastructure planning - Derbyshire County Council](#)

¹² [Potential impact of housing development \(derbyshire.gov.uk\)](http://derbyshire.gov.uk)

¹³ NPPF paragraph 163



development will be looked at on a case-by case basis following advice from Derbyshire County Council as the Local Lead Flood Authority.

Management and Responsibility for SuDS within a development

As a way of ensuring the SuDS are maintained throughout their operative life to keep them working effectively, they are secured within the Section 106 agreement. The landowner and/or developer will have the option of either transferring ownership to Severn Trent or transferring ownership and responsibility for future maintenance to a management company.

Prior to the commencement of development, the developer will need to submit the information below to South Derbyshire District Council for approval:

- A SuDS plan, illustrating the location, size and layout of the SuDS within the development.
- Notification as to whether the developer elects Severn Trent to maintain the SuDS or for it to be transferred to a management company. If a management company is chosen, the following information will need to be supplied for approval within the SuDS management plan. This is to ensure that the development will remain in an acceptable condition in perpetuity.
 - The management company's corporate structure, directors and officers together with details of the proposed management company or other organisation.
 - The mechanism of funding, including the details of any proposed service charge payable by the owners of the dwellings and justification for any amount proposed
 - The arrangements that are in place, should the management company cease to operate or exist.

All SuDS should be delivered to the standard adoptable by Severn Trent.

Healthcare

The Council works with the Derby and Derbyshire Clinical Commissioning Group (CCG) to facilitate improvements to meet the health needs of residents and improve health provision within the District through the delivery of the Derbyshire Health and Wellbeing Strategy¹⁴.

Where a proposed development will produce extra demand on local healthcare provision, beyond the capacity of the existing provision, developer contributions may be sought to meet the arising need.

The CCG will be consulted on all major planning applications that are submitted to the Council. Generally, the CCG will ask that financial developer contributions are made from schemes of 30 dwellings or more, towards improving healthcare.

The formula for calculating a financial contribution towards healthcare infrastructure, as advised by the CCG is set out below:

The calculation below provides an example for a 200-dwelling scheme:

(B) Additional patients to be accommodated	X	(D) Standard area m ² / person. 0.08m ²	X	(E) Cost of extension including fees £/m ²	=	Total cost (B) x (D) x (E) £96,000
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¹⁴ [Health and wellbeing strategy - Derbyshire County Council](#)



(Number of dwellings x 2.5)				£2,400*		
500						

*District Valuer's 2019 build cost estimate for Primary Care

The Derbyshire County Council Developer Contributions Protocol (2019)¹⁵ provides additional guidance and advice on ensuring that the potential impact on human health and population are considered within the early stages of planning proposals. This guidance also highlights the need to support the Derby and Derbyshire CCG to deliver a shared approach in assessing the impact of proposed development on primary care services and health care facilities.

National Forest

The National Forest Guide for Developers and Planners¹⁶ expects planting in accordance with the table below. Where this planting cannot be accommodated, then a financial contribution can be made in lieu. This is calculated at £35,000 per hectare.

National Forest Planting Requirements			
Housing sites under 0.5ha	Normal landscaping appropriate to the site's setting	Industrial, Commercial and Leisure Developments under 1ha	Normal landscaping appropriate to the site's setting.
Housing sites between 0.5ha -10ha	20% of the development area to be woodland planting and landscaping	Industrial, Commercial and Leisure Developments over 1ha	20% of the development area to be woodland planting and landscaping.
Housing sites over 10ha	30% of the development area to be woodland planting and landscaping	Industrial, Commercial and Leisure Developments over 10 ha	30% of the development area to be woodland planting and landscaping.
New road schemes or improvements to existing routes		New road schemes should achieve well-wooded settings with planting adjoining the road and off-site. Appropriate landscaping should also accompany road improvements. In each scale the levels of planting will depend on the scale and impact of the development.	
Committed sums		In exceptional circumstances where the planting guidelines cannot be met, a committed sum should be paid instead. This should reflect the most up-to-date guideline rate identified by the National Forest as set out in the Guide for Developers and Planners.	

¹⁵ [Infrastructure planning - Derbyshire County Council](#)

¹⁶ [Partner with us: Developers & Planners | National Forest](#)



Open Space

The Council will look to work with its partners to ensure that high quality green space and recreation facilities are provided in order to meet the needs arising from the new residential development.

Open space covers a range of different typologies including parks and gardens, amenity green space, semi-natural green spaces, allotments and children's play areas.

Threshold for Provision Levels

Dwellings Provided	Requirement
11-20 dwellings	Commuted sum payable for a contribution towards off-site provision
21+ dwellings	Commuted sum for formal open space & off-site provision of informal open space and children's play
50+ dwellings	As for 21+ dwellings and also the requirement for the provision of a Locally Equipped Area for Play (LEAP).
100+ dwellings	As for 50+ dwellings and also the requirement for the provision of a Neighbourhood Equipped Area for Play (NEAP) for children up to the age of 12.

Please refer to the Fields in Trust guidance for Outdoor Sport and Play, 'Beyond the Six Acre Standard' (2015)¹⁷ for further detail on the design standards that are required.

The Council does not accept Local Areas for Play (LAP's) as open space provision.

Management and Maintenance for Open Space

The landowner and/or developer will have the option of: electing to transfer the open space to the Council, subject to receipt of a commuted sum; retaining ownership and responsibility for the open space themselves or; transferring ownership and responsibility for future maintenance to a management company.

Prior to the commencement of development, the developer will need to submit the information below to the Council for approval:

- An Open Space Plan. This should be drawn at an identifiable scale (ideally 1:500), show the north direction, the position of the open space in relation to the site boundaries and enable the open space to be clearly identifiable from the ground.
- Specification for the on-site open space and LEAP (if applicable). This should show the location, size, layout, and proposed landscaping of the open space within the proposed development. It should also include information of any equipment that is to be installed for approval.
- Notification as to whether the developer elects for the Council to maintain the open space or for the maintenance responsibility to be transferred to a management company. If a management company is chosen, the following information will need to be supplied for

¹⁷ [Guidance for Outdoor Sport and Play | Fields in Trust](#)



approval within the open space management plan. This is to ensure that the development will remain in an acceptable standard in perpetuity.

- The management company's corporate structure, directors and officers together with details of the proposed management company or other organisations.
- The mechanism of funding, including the details of any proposed service charge payable by the owners of the dwellings and justification for any amount proposed
- The arrangements that are in place, should the management company cease to operate or exist.

Calculations for Provision

The Current National Standards

Fields in Trust recommends that a standard of 3.2ha per 1,000 population is applied for informal outdoor space, which includes parks and gardens; amenity green space, together with natural and semi-natural outdoor space. This equates to 32.0 m² per person. If the recommended standard for equipped / designated play areas is added at 0.25ha per 1,000 population, this gives a total of **3.45ha per 1,000 population**, equivalent to **34.5 m² per person**. This will be the standard required to ensure that the District does not fall behind the national standard.

Land Acquisition Costs

Agricultural land is valued at approximately £21,000 per ha, equating to **£2.10 per m²**. Providing 34.5m² per person would therefore cost around **£72.45 per person**.

However, it is acknowledged that in the majority of cases, land for informal outdoor space is often provided free of charge by the developer, meaning that land acquisition costs would not apply.

Construction Costs

A construction cost of **£21.36 per m²** is considered adequate for: land clearance and ground preparation; drainage; construction of pathways; installing fences and gates, lighting, supply of topsoil; planting of trees and shrubs; providing bins and benches, seeding and establishment of grassed areas and general landscaping. Providing 34.5 m² per person would therefore cost **£736.92 per person**.

Development of Equipped Play Areas

As a general principle, and in alignment with national standards, it is reasonable to justify that a new LEAP or a contribution to a new NEAP, will be required for every 1,000 of new resident population created by developments.

Currently, the market cost of creating a new LEAP is approximately £75,000, giving a notional cost of **£75.00 per person** to levy.

Land Maintenance / Management

The Council applies a levy of £1.74 per m² per annum for maintenance of all public open space, which over 10 years equates to £17.40 per m². In line with Sport England's national guidance relating to maintenance costs, the proposal is to extend the maintenance period to 25 years equating to **£43.50 per m²**. This contribution will be towards the maintenance costs of all forms of open space.



The potential financial implications for developers, based on provision of **34.5 m² per person**, are as follows:

Open Space Maintenance Levy	Maintenance Cost Per Person	New Play Area Cost Per Person	Construction Cost Per Person	Total Cost Per Person
10-year maintenance model	£600.30	£75.00	£736.92	£1,412.22
15-year maintenance model	£900.45	£75.00	£736.92	£1,712.37
20-year maintenance model	£1200.60	£75.00	£736.92	£2012.52
25-year maintenance model	£1500.75	£75.00	£736.92	£2312.67

In order to provide and maintain the green infrastructure required to service new developments and populations, the Council will levy suitable sums from developers, set at a rate balancing the cost of creating and maintaining informal green space with affordability.

The 10-year maintenance period will be required as a minimum. Therefore, the levy based on the minimum recommended level is in the region of **£1,412.22 per person**.

Caveats

There may be certain circumstances when the Council considers a lower level of levy in respect of informal open space. These are:

- Where a site may have had planning permission (outline or full) granted previously with a S106 levy attached based on the previous rate (i.e. £373 per person) and the permission has recently lapsed. If a fresh application is made, the Council will consider whether it sets the levy at the new rate.
- Where a site is in a Sub-Area which already has a sufficient supply of informal open space to meet the likely demand created by the projected increased population. However, open space provision across the District is currently lower than the aspirational levels, and population projections indicate that all Sub-Areas will have a shortage of open space by 2028.
- Where it has been demonstrated that the viability of a scheme is reduced, for example because of high remediation costs due to abnormal ground conditions. The Council's decision will be made at Planning Committee.
- The Council will adopt open space following consultation and approval from both the Operations and Cultural Services Team. The only exception being SuDs and SWALEs that Severn Trent Water should adopt.

Cemeteries



In order for the Council to provide and maintain burial space to service the new developments.

Land Acquisition Costs

Agricultural land is valued at approximately £21,000 per ha, equating to **£2.10 per m²**. Using a rational of 5m² per person would therefore cost approximately **£10.50 per person**.

Construction Costs

A construction cost of **£21.36 per m²** is considered adequate for: land clearance and ground preparation; drainage; construction of pathways; installing fences and gates, supply of topsoil; planting of trees and shrubs; providing bins and benches, seeding and establishment of grassed areas and general landscaping. Using the previous rational of 5 m² per person it would therefore cost **£128.16 per person**.

Outdoor Sports Facilities

The Current National Standards

The Fields in Trust Benchmark Guidelines (2015)¹⁸ recommend that a standard of **1.9ha per 1,000 population** is applied for formal outdoor space. This includes playing pitches; other sports areas; Multi Use Games Areas (MUGAs); and skate parks. This equates to **19.0 m² per person**.

Pitch Development

The pitch development costs comprise the cost of the land and the costs associated with constructing pitches, with agricultural land being valued at £21,000 per ha, which equates to **£2.10 per m²**.

Within Sport England's Guidance – 'Facilities Costs – Q1 2015', the cost of developing natural turf sports pitches is estimated as follows:

PITCH CONSTRUCTION COSTS	AREA m ²	COST	COST PER m ²
FOOTBALL			
U7/8 Mini Football (44m x 33m)	1,419	£20,000	£14.09
U15/16 Youth Football (97m x 61m)	5,917	£65,000	£10.99
Senior Football (106m x 70m)	7,420	£75,000	£10.11
RUGBY UNION			
130m x 80m	10,400	£105,000	£10.10
CRICKET			
8-pitch square + 2 winter sports pitches (125.6m x 164.4m)	20,649	£245,000	£11.86
BOWLS			
Flat or Crown Green (40m x 40m)	1,600	£125,000	£78.12

These costs **include**:

- 12 months maintenance / grow-in period

¹⁸ [Guidance for Outdoor Sport and Play | Fields in Trust](#)



- Allowance for fees at 6% to cover the cost of a planning manager; site investigation; planning and associated fees.

They **do not include**:

- Project-specific details/information, including poor ground conditions, difficult access and long service connections.
- The costs for site remodelling, pump and sump systems and SuDS attenuation.
- Inflation beyond Q1 2015
- VAT
- Land acquisition costs
- Regional cost variations in materials and labour – they are average costs across England.

The Bowls example is included to demonstrate that pitch construction costs per m² can vary greatly however the majority of pitches to be provided as a result of development are likely to be for football, cricket or rugby union.

The above figures indicate that natural turf pitches for these sports are likely to cost **between £10.10 and £14.09 per m²** to construct, at Q1 2015 prices. This, together with potential land acquisition costs, produces an overall notional development cost of **£12.20 to £16.19 per m²**.

Applying these rates to the 19.0m² per person allocation produces a development levy of **between £231.80 and £307.61 per person**.

However, it is acknowledged that in the majority of cases, land for pitch development is provided free of charge by the developer, which would reduce the cost per m² by £2.10, back to the £10.10 - £14.09 per m² range, and consequently, the cost to **£191.90 to £267.71 per person**.

In a wider context, costs need to reflect the relative construction costs in the District, when compared to national averages. An appropriate indicator to measure these is the Mean House Prices (for new dwellings) contained in the Office for National Statistics' 'House Price Statistics for Small Areas' (HPSSA) Dataset 13, which contains data up to the end of Quarter 2, 2015.

In this dataset, the average cost of a new dwelling across England in Quarter 2, 2015 was **£293,991**, whereas in South Derbyshire, it was **£203,456**. This produces a scenario whereby the South Derbyshire housing market costs are **69.2%** of the England average.

Therefore, by applying this percentage to the pitch development costs identified earlier, it would reduce the levy per person to **between £132.79 and £185.26 per person**

The Council currently applies a levy of **£0.75 per m² per annum** for pitch maintenance, which over 25 years equates to **£18.75 per m²**. Although this sum only represents approximately 40% - 45% of the 'ideal' maintenance expenditure recommended by Sport England, it is nonetheless considered to be a fair level of expectation to levy from developers as their contribution to pitch maintenance costs.

Pitch Maintenance / Management

Sport England, in its Guidance on 'Life Cycle Costs – Natural Turf' (April 2012) recommends that, based on a 25-year cost model, organisations should allocate approximately 15 - 17% of the total cost of developing a pitch for its maintenance (see table below).



The likely pitch development costs set out in the previous section give us the basis for calculation.

Therefore, in context of the monies required for annual maintenance of natural turf pitches, these figures indicate that the following amounts would be required:

PITCH MAINTENANCE / MANAGEMENT COSTS	AREA - m ²	COST - % OF CAPITAL COST	ANNUAL COST	ANNUAL COST PER m ²
FOOTBALL				
U7/8 Mini Football (44m x 33m)	1,419	17.0%	£3,400	£2.40
U15/16 Youth Football (97m x 61m)	5,917	17.0%	£11,050	£1.87
Senior Football (106m x 70m)	7,420	16.7%	£12,525	£1.69
RUGBY UNION				
130m x 80m	10,400	16.7%	£17,535	£1.69
CRICKET				
8-pitch square + 2 winter sports pitches (125.6m x 164.4m)	20,649	15.3%	£37,485	£1.82
BOWLS				
Flat or Crown Green (40m x 40m)	1,600	6.3%	£7,875	£4.92

The Sport England costs relate to 'day to day' repairs and planned preventative maintenance, based on all works being contracted to specialist grounds maintenance contractors. Items for consideration include: specified mowing; application of fertilizer; application of herbicide; application of sand top dressing; drill seed; verti-drain; spiking and slitting; scarification; application of earthworm suppressant; rolling; verti-cutting; loam top-dressing; line marking.

This cost model is clearly designed to provide an 'A1' pitch maintenance regime for every natural turf pitch which, whilst justifiable for the quality of pitches required / expected at the FA's National Football Centre at St George's Park near Burton-on-Trent, would be unviable for the vast majority of public pitches provided and maintained by local authorities.

The Council currently applies a levy of **£0.75 per m² per annum** for pitch maintenance, which over 25 years equates to **£18.75 per m²**. Although this sum only represents approximately 40% - 45% of the 'ideal' maintenance expenditure recommended by Sport England, it is nonetheless considered to be a fair level of expectation to levy from developers as their contribution to pitch maintenance costs.

The 25-year period reflects Sport England's recommended maintenance model. Additionally, 25 years is generally acknowledged as being the length of time attributable to a 'generation'.

Based on **19.0m² per person**, the relative maintenance levies would be:

Pitch Maintenance / Management Costs	Based On £0.75 Per m ² Per Annum	Levy Per Person (Based
10-year maintenance model	£7.50	£142.50
25-year maintenance model	£18.75	£356.25



Combining the pitch development and maintenance costs produces the following options:

Pitch Development Maintenance Levy	Pitch Development Costs Per Person (Minimum)	Pitch Development Costs Per Person (Maximum)	Pitch Maintenance Levy	Overall Levy Per Person (Minimum)	Overall Levy Per Person (Maximum)
10-year maintenance	£132.79	£185.26	£142.50	£275.29	£327.76
25-year maintenance	£132.79	£185.26	£356.25	£489.04	£541.51

The minimum and maximum figures for the respective maintenance periods above represent between **25.1% - 49.0%** uplift over the existing 10 year-based levy, and **122.3% - 146.1%** uplift over the existing levy.

A minimum 10-year maintenance period will be sought, with a levy based on the minimum recommended level – i.e., **in the region of £275.29 per person.**

Caveats

There may be certain circumstances whereby the Council may wish to consider a lower level of levy in respect of Outdoor Sports Facilities. These are:

- Where a site may have had planning permission (outline or full) granted previously, with a S106 levy attached based on the old level (i.e., £220 per person), but development did not commence within the prescribed period, and therefore the permission lapsed. If a re-application is made, the Council will consider whether it defines the levy at the new rate.
- Where a site is in a Sub-Area which already has a sufficient supply of grass pitches to meet the likely demand created by the projected increased population, the Council may wish to consider levying a smaller sum towards grass pitch provision. Currently, all Sub-Areas do have a requirement for some addition pitch provision, which varies from sport to sport. This will change over time, as new developments come on-stream, and new green infrastructure is developed. The greatest concentration of grass pitches is currently within the Central Sub-Area, but this reflects the fact that the Sub-Area also contains the largest percentage of the population.
- The economic viability of a development will be the key driver in negotiations regarding section 106 contributions. Where the viability of a scheme is reduced because of, e.g., high remediation costs as a result of abnormal ground conditions, then the amount of available money for commuted sums may need to be redefined, or provision is made for a management company to adopt the open space and the maintenance costs are deducted from the overall contribution.



River Mease

Please refer to the Council's website¹⁹ for the latest update regarding the River Mease Developer Contribution Scheme.

It is a requirement of legislation for development not to affect the integrity of the River Mease Special Area of Conservation. Historically this has been achieved through developer contribution schemes, known as DCS1 and DCS2.

Transport

Derbyshire County Council, as Highway Authority, may seek contributions towards highway improvements, greenways, public transport, low emission vehicle infrastructure or towards a travel plan. This will be on a site-by-site basis. Please refer to the Derbyshire County Council's Developer Contribution Protocol for further information.

Waste

Please refer to Derbyshire County Council's Developer Contribution Protocol for any proposals for developer contributions towards Household Waste Recycling Centres.

Library Services

Please refer to Derbyshire County Council's Developer Contribution Protocol for any proposals for developer contributions towards library services.

It should be noted however that each development is different and therefore not all the contributions identified within the County Council's Developer Contributions Protocol would apply to every development.

¹⁹ [River Mease update - November 2020 | South Derbyshire District Council](#)



Appendix 1: Contributions Summary

The table below sets out a summary of the developer contributions required for new residential developments in South Derbyshire. The rates will be updated on an annual basis using the latest RPI figures that are available at the start of each financial year.

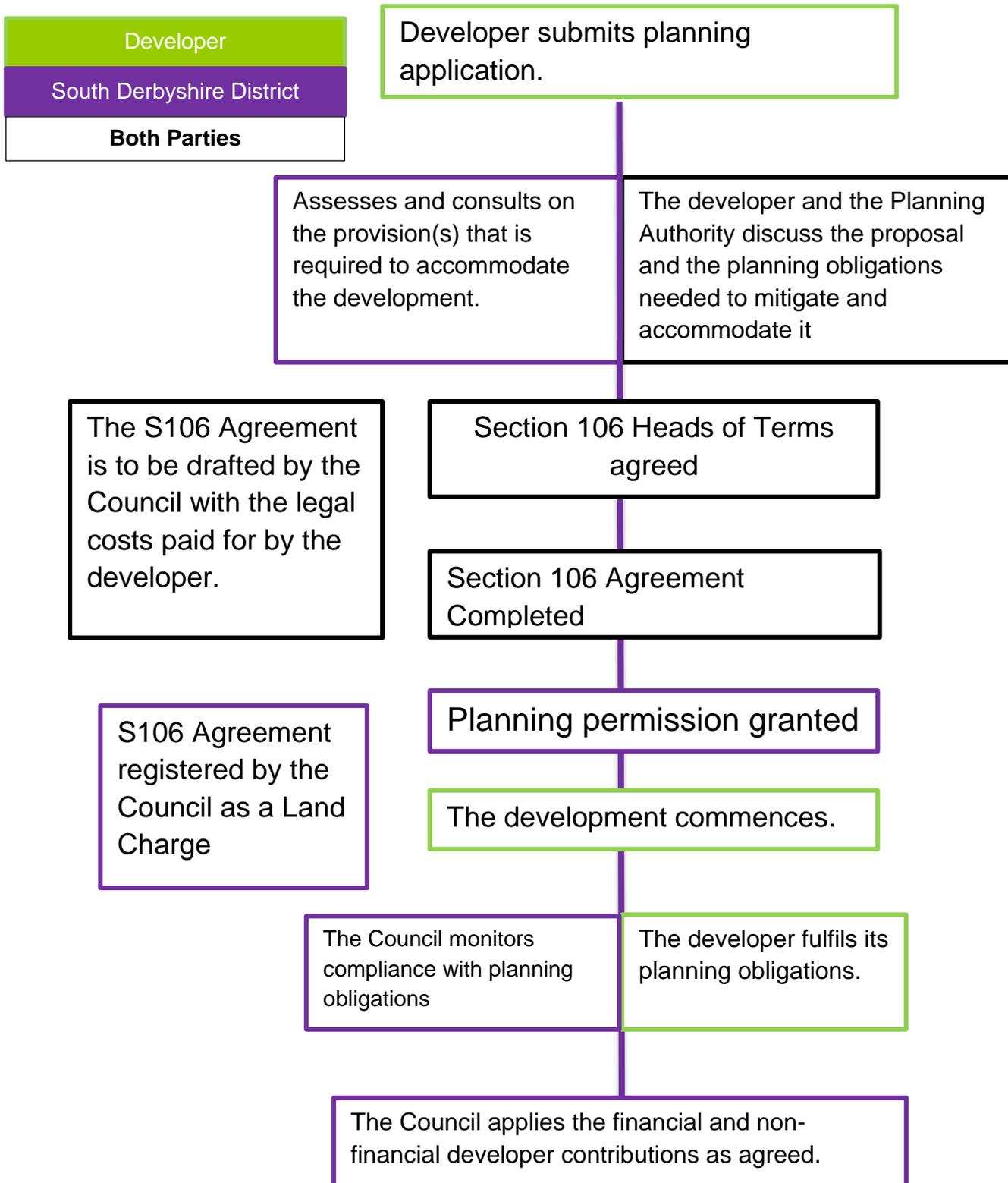
Type of Contribution	Requirement (see below for further detail)
Affordable Housing	30% of development on a site-by-site basis
Biodiversity	A DEFRA metric may be requested for major applications
Built Facilities	£145.02 per person
Cemeteries	£128.16 per person
Education	Please refer to Derbyshire County Council's Developer Contribution Protocol
Healthcare	Refer to Section Two for the formula for calculation.
Monitoring Fees	Refer to Section One for the calculation
National Forest	Refer to Section Two for further information
Open Space	£1,412.22 per person
Outdoor Sports Facilities	£275.29 per person
River Mease	Refer to Section Two for information
Transport	This will be on a site-by-site basis. Please refer to Derbyshire County Council's Developer Contribution Protocol
Waste	This will be on a site-by-site basis. Please refer to Derbyshire County Council's Developer Contribution Protocol
Libraries	This will be on a site-by-site basis. Please refer to Derbyshire County Council's Developer Contribution Protocol
Broadband	The County Council will not expect 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. This will support the Government's targets for the availability of full fibre and 5G networks. Please refer to Derbyshire County Council's Developer Contribution Protocol
Other contributions	In some cases, development may result in a need for other mitigating actions, and these will be assessed on a case-by-case basis. Such requirements may relate but not be limited to Flood and Water Management, Biodiversity, Archaeology and the Historic Environment, Landscape Character improvements and Canals and Waterways.



County Council monitoring fees	Outlined in the County Council's Developer Contributions Protocol Chapter 7
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Appendix 2: Planning Obligations Procedure



REPORT TO:	ENVIRONMENT AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	20 APRIL 2022	CATEGORY: DELEGATED
REPORT FROM:	ALLISON THOMAS, STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	RICHARD GROVES (01283) 595738 richard.groves@southderbyshire.gov.uk	DOC: S:/Local Plans/Committee Reports/EDS43
SUBJECT:	DRAFT DERBYSHIRE AND DERBY MINERALS LOCAL PLAN	REF:
WARD(S) AFFECTED:	All Wards	TERMS OF REFERENCE: EDS17

1.0 Recommendations

- 1.1 That the Committee agrees the Council's proposed response to Derby City Council and Derbyshire County Council's Draft Minerals Local Plan (MLP) consultation by objecting to:
- (i) the use of out-of-date average annual sales data to calculate the requirement for sand and gravel and as a consequence significantly overstating the extent of need for these resources over the remainder of the plan period.
 - (ii) the allocation of more sites than are needed to meet the need for sand and gravel over the plan period based upon a forecast using the most recent annual average sales data in accordance with the National Planning Policy Framework (NPPF).
 - (iii) the allocation of the Sudbury sand and gravel site, on the basis that there has to date been no investigation as to whether the working of minerals on this site in isolation, or in combination with the proposed Foston allocation, could lead to an increase in flood risk in the Lower Dove Valley. Any flooding could have a potential detrimental impact on considerable economic interests in the area as well as communities. Furthermore, the absence of flood risk evidence at the allocation stage means that any assessment to be submitted in support of a subsequent planning application that shows unacceptable adverse impacts may potentially lead to refusal. The site cannot therefore be relied upon to contribute toward meeting sand and gravel needs over the plan period.
 - (iv) the allocation of the Foston sand and gravel site on the basis that there has to date been no assessment of whether the working of minerals on this site, in combination with the adjoining proposed Sudbury allocation, could lead to an increase in flood risk in the Lower Dove Valley. Any flooding could have significant potential detrimental impacts as referred to in point (iii). Furthermore, the absence of such flood risk evidence at the allocation stage means that any assessment that may be submitted in

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support of a subsequent planning application that shows unacceptable adverse impacts may potentially lead to refusal. The site cannot therefore be relied upon to contribute toward meeting sand and gravel needs over the plan period.

(v) the allocation of the proposed Foston and Sudbury sand and gravel sites on the grounds that a precedent would be set in recent times for sand and gravel extraction in the Dove Valley, which would inevitably and irreversibly alter the character of the area.

(vi) the wording of the principal planning requirement in respect of each of the proposed new sand and gravel sites stating (at point 8 in each case) that restoration should take account of the Restoration Strategy for the Trent Valley should be strengthened as follows:

*“The Mineral Planning Authority will **establish formal arrangements to work with communities and mineral operators and other stakeholders well in advance of the submission of any planning applications to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long term restoration strategy for sand and gravel sites in the river valleys.**”*

(vii) the plan of the Trent Valley Restoration Study Area included in the Draft MLP (page 181) as it excludes the proposed Foston and Sudbury allocations and should be amended to fully accord with the policy requirement referred to in point (vi) above.

(viii) the application of the site assessment methodology for the reasons set out in paragraph 8.21.

2.0 Purpose of Report

2.1 The purpose of the report is to agree the Council’s response to the ‘Draft Derbyshire and Derby Minerals Local Plan Consultation’.

3.0 Executive Summary

3.1 The report explains the background of the emerging MLP to date and describes aspects of the plan likely to be of most interest to South Derbyshire, these being:

- strategic policies addressing sustainable minerals development;
- climate change;
- the supply of recycled and secondary aggregates;
- the assessment of the extent of need for sand and gravel over the plan period;
- proposed allocations for the production of sand and gravel;
- the supply of aggregate and building stone;
- coal extraction
- and the supply of hydrocarbons.

3.2 The adequacy and validity of the processes underpinning the formulation of the Draft MLP policies and the implications of the proposals for South Derbyshire are considered in section 8 of the report, ‘Conclusions’. Consideration is given to:

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- the basis of the calculations for assessing the future need for sand and gravel;
- the absence of sufficient evidence concerning the possibility of flood risk impacts arising from the proposed Foston and Sudbury sand and gravel allocations;
- the application of the sand and gravel site assessment methodology and
- matters relating to unconventional hydrocarbon production.

3.3 The recommendations are to object to:

- the basis for the calculation of sand and gravel need;
- the allocation of more sites than are needed to meet the actual sand and gravel need;
- the proposed Foston and Sudbury allocations on the grounds of inadequate flood risk investigations having taken place and the setting of a precedent in recent times for sand and gravel extraction in the Lower Dove Valley, altering its character;
- the wording of the principal planning requirement for local sand and gravel allocations relating to the Restoration Strategy for the Trent Valley and errors in the accompanying plan
- the application of the sand and gravel site assessment methodology.

4.0 Detail

- 4.1 The MLP is being prepared jointly by Derbyshire County Council and Derby City Council, the Minerals Planning Authorities (MPAs) for their respective areas and will replace the current Derby and Derbyshire MLP, adopted in 2000 (partially revised in 2002). It will encompass the City and County, with the exception of the Peak District National Park, and will cover the period to 2038.
- 4.2 Following this consultation responses will be considered, alongside other relevant material, in preparing a final Draft Plan. This will be subject to further consultation before an independent examination takes place.
- 4.3 The National Planning Policy Framework (NPPF) requires that sufficient land is brought forward in the right location and at the right time to enable the provision of a steady and adequate supply of minerals. It sets out requirements for maintaining supplies of the various types of mineral.
- 4.4 For aggregate minerals, including sand and gravel, MPAs are required to prepare annual Local Aggregate Assessments (LAAs) to identify future demand. Non-aggregate mineral supply is determined by market demand.
- 4.5 Minerals of interest that are present in South Derbyshire comprise sand and gravel in the Trent, Dove and Derwent valleys; coal in the South Derbyshire Coalfield (which lies in the south of the District); sandstone and gritstone in the Ticknall, Melbourne and Stanton-by-the-Bridge area and shale deposits in the far north-west of the District.
- 4.6 The Committee may recall that consultation exercises at previous stages in the preparation of the emerging MLP were reported to previous meetings of this Committee. Most recently these have dealt with:

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- a previous draft version of the MLP, reported to the meeting of 19th April 2018 (minute EDS/86 refers). In its response the Council requested minor changes to the wording of policies concerned with coal extraction and hydrocarbon exploitation.
- the Sand and Gravel Consultation, reported to the meeting of 12 November 2020 (minute EDS/62 refers). In its response the Council raised objections to the method used for calculating future sand and gravel needs; the allocation of land to the west of Scropton (the 'Foston' site) on the grounds of potential flooding and local character impacts (also requesting robust arrangements for community involvement were the site to be allocated); and aspects of the site assessment methodology.

4.7 The following represents a summary of the elements of the current Draft MLP of most interest to the District Council.

Sustainable Minerals Development (Policy SP1)

4.8 This sets out the high level policy requirements that minerals and minerals related development proposals will be required to meet, covering a wide range of issues including the need to contribute towards achieving the economic, social and environmental objectives of sustainable development.

Climate Change (Policy SP2)

4.9 This policy sets out how proposals for mineral development are required to contribute to climate change mitigation and build resilience to the effects of climate change.

4.10 Minerals development should be located to avoid areas of vulnerability to flood risk. Where this is not possible, it must be planned, designed and operated to avoid, reduce and manage potential flood risk, including the risk of increasing flooding elsewhere.

4.11 Mineral working can also affect water supply and groundwater and such impacts must be appropriately assessed and mitigated.

4.12 The policy states that restoration of sand and gravel quarries can contribute towards reducing the risk and scale of flooding and can also provide opportunities for the creation of habitats for species affected by climate change.

The Supply of Recycled and Secondary Aggregates (Policy SP3)

4.13 Recycled aggregates are those sourced from the processing of materials previously used in construction and secondary aggregates are those derived from industrial wastes.

4.14 On the basis of historical data the MPAs estimate that the Plan area is likely to make an annual contribution of 3 million tonnes (mt) of such material to the overall aggregate requirement over the Plan period. This figure is not particularly robust and is to be kept review as part of the annual LAA preparation. It should be noted that the overall need calculation excludes recycled and secondary aggregates on the basis that these are excluded from the rolling ten year average sales figures upon which the need calculation is based due to their unreliability.

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4.15 To ensure the supply of recycled and secondary aggregates, this plan wide criteria-based policy is intended to enable and encourage the development of recycling and secondary aggregate production facilities/operations in appropriate locations in response to the market.

Sand and Gravel (Policies SP4, SP5, SP6)

4.16 The NPPF indicates that need for sand and gravel should be calculated on the basis of a rolling average of sales data over ten-years, other relevant local information and an assessment of all supply options. The Draft MLP calculates average sales based on the ten-year period 2010-2019 yielding a figure of 0.99mt per annum. This translates to a requirement of 18.81mt for the period 1 January 2020 to 31st December 2038.

4.17 To help meet this need five new allocations are proposed under Policy SP5, the boundaries of each of which are included at Annexe A:

- Elvaston (an extension to the permitted but currently non-operational Elvaston quarry site)
- Foston (to the west of Scropton)
- Swarkestone North (an extension to the existing Swarkestone site, North of the Trent and South of Twyford Road)
- Swarkestone South (an extension to the existing Swarkestone site to the South of the Trent which lies to the East, also referred to as Swarkestone SW extension)
- Sudbury (within Derbyshire Dales District, but adjoining the Foston site)

4.18 Policy SP5 states that extraction from the proposed sites at Swarkestone and Elvaston will be supported where the extensions follow cessation of mineral working within the existing working area, unless it has been demonstrated that there are operational reasons why this is not practicable or there would be significant environmental benefits to be gained from alternative phasing.

4.19 Policy SP6 provides for other unallocated sites to be brought forward if required to meet an identified need or address a shortfall in the landbank and/or to sustain production capacity to meet current or anticipated need as identified in the LAA.

4.20 Other sites within South Derbyshire which already have planning permission are as follows:

- Elvaston (currently non-operational)
- Shardlow (currently in operation)
- Swarkestone (currently in operation)
- Swarkestone South West Extension (currently in operation)
- Willington (currently in operation)

4.21 In addition there is an operational sand and gravel extraction site outside South Derbyshire at Mercaston.

4.22 The MLP sets out a delivery schedule for the proposed and currently permitted sites, included at Annexe B. This shows, for each of the sites, the years during which sand

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and gravel would be worked and the quantity that would be produced per annum over the plan period. It can be seen that total production would be 20.27mt over the period 1 January 2020 to 31 December 2018, thus exceeding the forecast demand of 18.81mt by 1.46mt.

- 4.23 The Principal Planning Requirements for each of the new sites are set out at Annexe C. The main considerations relating to the sites are summarised below.

Elvaston

- 4.24 The 50-hectare site is proposed as an extension to the existing quarry. It is located within the Green Belt to the north-west of the site, which received planning permission for sand and gravel extraction in 2013. The site comprises unimproved pasture to the north and south with arable fields in the central area. The estimated yield would be 1.5mt tonnes. With a proposed annual output of around 0.3mt, this would give a lifespan for the site of approximately five years (as shown at Annexe B). The site would be worked through the existing plant utilising existing access arrangements. All lorries would leave the plant site via the existing access road and would turn right onto London Road. No delivery vehicles would pass through Shardlow, or travel on Ambaston Lane or the B5010 to Borrowash. Restoration is likely to be mainly to water-based uses with a high nature conservation/biodiversity component.

Foston

- 4.25 This greenfield site is situated just to the west of Scropton village north of the railway. It is about 71 hectares in size and is predominantly arable land. A public footpath runs parallel to Leathersley Lane through part of the site. It has estimated sand and gravel reserves of around 3.1mt and would be worked at around 0.4-0.5mt per annum (as shown at Annexe B) over a six-year period from around 2030. The plant site and access may be located towards the western part of the site, subject to more detailed consideration. All heavy goods vehicles would be routed to the west to join the A50 at the Sudbury roundabout. A wetland/water-based biodiversity restoration scheme is proposed with improved public access.

- 4.26 As was highlighted in the report to the meeting of this Committee of 12 November 2020, the Environment Agency (EA) had previously objected to this proposal regarding the potential impact on the Lower Dove Flood Alleviation scheme. A revised boundary has since been proposed by the mineral operator, which the Draft MLP states will ensure the protection of the flood defence barrier. A potential flood storage scheme has been proposed to help reduce the impact of flooding on the local area. On the basis of these changes the EA has withdrawn its objection, subject to the submission of an appropriate assessment at the planning application stage (which has been reviewed by a Reservoir panel engineer). This will consider the impact on the operation of the reservoir and on fluvial flood risk resulting from any proposed extraction area.

Swarkestone North

- 4.27 This is a proposed extension to the operational Swarkestone Quarry to the North of the River Trent. The site is 100 hectares in size and is situated between the existing quarry to the east and Twyford village to the west. It is currently in agricultural use with a mix of arable and grazing uses. It is estimated that this site would yield 4.5mt of sand and gravel with an estimated annual output of 0.32mt (as shown at Annexe B)

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although it is not expected to be worked before 2037 following on from the Swarkestone South site. This means it is expected to contribute only 064mt to supply within the Plan period. It is proposed to continue to use the existing processing plant and access road. The access joins the A5132 and lorries would generally then travel east onto the A514 before joining the A50. The site would be restored to mainly water-based end uses, with a focus on nature conservation and wildlife biodiversity.

Swarkestone South (identified as SW extension in Annexe B)

- 4.28 This 79 hectare is an extension to the west of the currently active Swarkestone Quarry to the south of the River Trent and production here would follow on from the existing site. It is in agricultural use, predominantly for grazing. It is estimated that the site would yield over 2.5mt of sand and gravel with annual output estimated at 0.32mt (as shown at Annexe B). The lifespan of the site is estimated at around eight to nine years. It is proposed that the existing processing plant and the existing access road onto the A5132 would be used. The mineral would be transported across the River Trent using the existing temporary bridge. It is estimated that there would be about 110 lorry movements per day from/to the site. The site would be restored to mainly water-based end uses, with a focus on nature conservation and wildlife biodiversity.

Sudbury

- 4.29 This 79.3 hectare site is situated outside South Derbyshire in Derbyshire Dales District, but is of interest to this Council as it directly adjoins the proposed Foston sand and gravel allocation to the East. It lies to the north of the railway and the River Dove and is mainly in arable and pasture use. There is a wildlife site in the south-western part of the site. The site would yield around 2mt of sand and gravel, with an annual output of 0.25mt (as shown at Annexe B) extracted over a period of seven to eight years. The access is likely to be close to the junction of Leathersley Lane with the A515 in the north west corner of the site. The processing plant is also likely to be in the north west part of the site to minimise product haulage distance and flood risk. Restoration is likely to be mainly to water-based uses with a high nature conservation/ biodiversity component.
- 4.30 A flood defence embankment runs through the site, along a north-west to south-east axis, constructed by the EA and representing part of the Lower Dove Flood Risk Management scheme, which defends Scropton, Hatton, Egginton and other villages downstream from flooding.

Aggregate and Building Stone (Policies SP7 and SP9)

- 4.31 These resources are produced at quarries in the central and northern parts of the County. There are sufficient reserves of hard rock for use as aggregate to last well beyond the Plan period and the MPAs anticipate the continued use of existing sites rather than permitting further sites, except in special circumstances. Building stone is worked on a small scale and mainly used for the preservation of heritage assets. The MLP contains plan-wide criteria based policies for the consideration of any proposals that may come forward.

Coal Extraction and Colliery Spoil Disposal (Policy SP16)

- 4.32 It is unlikely that coal will be extensively worked again over the plan period but, as the Plan area still contains substantial resources which could be extracted, it includes a policy approach for any proposals that do come forward.

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- 4.33 The responsibility for developing individual proposals would be with the mining industry and all the remaining coal resources would be subject to consideration in accordance with the policies in the plan. This avoids the potential for planning blight arising from the identification of specific sites or areas for future coal working.

Supply of Conventional and Unconventional Hydrocarbons and Gas from Coal (Policy SP17)

- 4.34 The geological conditions where oil and gas are found has resulted in two categories, conventional and unconventional. Conventional oil and gas reserves can be typically exploited by drilling a well, whereas unconventional deposits are contained in impermeable rocks, such as shale or coal deposits and extracted using techniques such as hydraulic fracturing (fracking).
- 4.35 Studies demonstrate that shale bearing gas is present in the County, including parts of the north-west of South Derbyshire, although the scale of resources available and their commercial viability are very uncertain. It should be noted that from November 2019, the Government imposed a moratorium on issuing Hydraulic Fracturing Consents following seismic events at Cuadrilla's Preston New Road site, Lancashire.
- 4.36 Other forms of unconventional hydrocarbon extraction are Underground Coal Gasification (UCG) and coalbed methane (CBM). USG involves the controlled combustion of unworked coal seams and the recovery of the resulting gas. CMB involves extraction of gas from unworked coal seams. Research has demonstrated that the South Derbyshire Coalfield does not form a UCG resource due to the extensive nature of former underground workings and the need to stand off from these, whilst prospects for CMB are also poor due to low seam gas content and uncertainty about the permeability of the coal.
- 4.37 In view of the lack of knowledge about the location and scale of economically viable oil and gas resources the Draft MLP adopts a plan wide policy approach which allows for their exploration, appraisal and production subject to meeting a detailed set of criteria.

Mineral Safeguarding and Consultation Areas (Policies SP18 and SP19)

- 4.38 The NPPF requires that all mineral planning authorities define Mineral Safeguarding Areas (MSAs) so that known locations of specific mineral resources are not sterilised by non-mineral development, such as housing or industry. Where it is considered necessary for non-minerals development to take place, prior extraction of the mineral should be undertaken where practical and environmentally feasible.
- 4.39 Mineral Consultation Areas (MCAs) identify the geographical areas based on an MSA, where the district or borough council are required to consult the MPA for any proposals for non-minerals development, other than those for less significant development such as householder applications.
- 4.40 Safeguarded minerals in South Derbyshire comprise sand and gravel, surface mined coal and sandstone and gritstone. The geographical extent of each of these is shown on plans at Annexe D.

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4.41 The NPPF also sets out that local planning authorities should safeguard existing, planned and potential sites for the bulk transport, handling and processing of minerals; the manufacture of concrete and other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material. The infrastructure to be protected within South Derbyshire, comprising ready mix concrete sites and aggregate recycling facilities, are listed after Policy SP19.

Restoration of Sites in the River Valleys (Policy SP20)

4.42 The Draft MLP identifies that the Trent, Derwent and Dove Valleys face increasing pressure from new development and that the identification of further sites for mineral extraction will place further demands on the landscape.

4.43 In the past, sand and gravel workings have been restored to after-uses with an approach that has concentrated on the requirements of the specific site rather than also considering its context within the wider surrounding river corridors. This has gradually altered the overall environmental and cultural integrity of the landscape.

4.44 A long term strategy for the restoration of sand and gravel workings in the Trent, Derwent and Lower Dove Valleys is now proposed to help achieve the long-term vision for the area, as set out in the emerging Trent Valley Vision which is being developed by the County Council. Adjoining authorities, through which the River Trent flows, are either in the process of developing or considering similar approaches. Authorities will work together to ensure that the strategies are coordinated across the valleys. The Trent Valley Restoration Study Area is shown on the plan at Annexe E.

Development Management Policies

4.45 The development management policies provide more detailed criteria against which proposals for mineral development and mineral related development will be assessed.

5.0 Financial Implications

5.1 There are no direct financial implications for the Council.

6.0 Corporate Implications

Employment Implications

6.1 None identified.

Legal Implications

6.2 The requirements for preparing the Minerals Local Plan are set out in Town and Country Planning Act 1990.

Corporate Plan Implications

6.3 The emerging Minerals Plan has implications for the following key aims of the Corporate Plan:

- “Enhance biodiversity across the District”, in that the reclamation of minerals workings often provides opportunities to enhance biodiversity through the creation of new habitats.

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- “Attract and retain skilled jobs in the District”, in that the minerals industry provides local employment.
- “Influence the improvement of infrastructure to meet the demands of growth” in that minerals’ development can often provide infrastructure benefits as part of a mitigation package.

Risk Impact

6.4 None identified.

7.0 Community Implications

Consultation

7.1 This is a consultation exercise being conducted by Derbyshire County Council and Derby City Council.

Equality and Diversity Impact

7.2 Minerals extraction can provide employment, but can also impact the amenity of local communities.

Social Value Impact

7.3 Minerals extraction is necessary to support the construction industry and in turn the wider economy.

Environmental Sustainability

7.4 Any potential harm to the natural environment that may potentially result from minerals extraction must be addressed through appropriate mitigation measures.

8.0 Conclusions

Assessment of Future Demand for Sand and Gravel

8.1 As described in para 4.8, the NPPF requires that future demand should be calculated using past annual sales based on a ten-year rolling average. In calculating the extent of need for sand and gravel over the plan period the Draft MLP uses average annual sales of primary aggregate over the period from 2010-2019, yielding a figure of 0.99mt per annum. The requirement for the remainder of the plan period (2020-2038) is therefore calculated to be 0.99mt per annum. However, sales figures for 2020 are available and are set out in Fig 6.2.2 of the Draft Local Plan and in the LAA 2021. To be compliant with national policy, the ten-year period for calculating the annual average should therefore be 2011-2020. This gives an annual average of 0.94mt per annum. These calculations are illustrated below.

Annual Sales of Sand and Gravel (million tonnes)

2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Av.
1.04	1.1	0.81	0.82	0.95	1.13	1.29	0.94	1.05	0.78		0.99
	1.1	0.81	0.82	0.95	1.13	1.29	0.94	1.05	0.78	0.57	0.94

8.2 Using the previous annual average sales figure of 0.99mt, the total production requirement for the period from 1 January 2020 to 31st December 2038 would be 18.81mt (0.99mt x 19). After deducting the 2020 sales figure of 0.57mt, this yields a

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total requirement for the period 1 January 2021 to 31 December 2038 of **18.24mt**. Using the current annual average sales figure of 0.94mt the total production requirement for the period 1 January 2021 to 31 December 2038 (0.94 x 18) is **16.92mt**. It can be seen that the Draft MLP overstates demand for sand and gravel for the period 1 January 2021 to 31 December 2038.

- 8.3 Casting further doubt on the forecast of future need is the inclusion in the Local Aggregates Assessment 2021 of a table showing that over most of the ten-year period 2011-2021 production of sand and gravel has exceeded sales, generally by some 0.2-0.3mt. The table is reproduced at Annexe F. There is nothing to suggest that this pattern will change going forwards.

Proposed Supply of Sand and Gravel

- 8.4 The proposed supply of sand and gravel over the plan period, set out in the table at Annexe B, shows a total of 20.27mt. Excluding the sales figure for 2020 of 0.57mt (which should now form part of the ten-year rolling average of past sales), this gives a total for the period 1 January 2021 to 31 December 2038 of 19.7mt. Given the need for 16.92mt this would indicate an excess supply of **2.78mt**.

Proposed Sand and Gravel Allocations (Policy SP5)

- 8.5 In its response to the 2020 Sand and Gravel consultation the Council made reference to the assessment of prospective sites that resulted in them being ranked and identified as having 'high', 'medium' or 'low potential. This resulted in four sites being ranked in the 'high' category whilst a fifth site, Foston, was ranked as having 'medium' potential. The Council objected to the allocation of sites other than the four assessed as having 'high' potential in the MLP on the grounds that these alone were able to provide more than sufficient capacity to meet sand and gravel needs over the plan period.
- 8.6 As part of the process for identifying sites for inclusion in the Draft MLP this process was repeated taking more recent information into account and identified the Swarkestone North, Sudbury and Elvaston sites as falling within the 'high' category whilst the Foston and Swarkestone South sites were found to fall within the 'medium' category. The summary table is reproduced at Annexe G.
- 8.7 Since the sites now falling within the "high" category no longer offer sufficient reserves to meet identified need, regardless of how it is calculated, there is no longer considered to be merit in pursuing the previous objection. However, it should be noted that the excess supply of 2.78mt, as referred to in para 8.4, exceeds anticipated production within the plan period from four of the five proposed individual allocations, suggesting that only four of these would be needed.
- 8.8 In its response to the Sand and Gravel consultation 2020 the Council objected to the proposed allocation at Foston on the grounds of:

“(a) a potentially significant increase in flood risk and risk to the recently constructed flood defences of the Lower River Dove, as identified by the Environment Agency (EA), with potential detrimental impact on considerable economic interests in the area as well as communities.

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(b) the setting of a precedent in recent times for sand and gravel extraction in the Dove Valley, which would inevitably and irreversibly alter the character of the area.”

- 8.9 The Foston site lies within a flood storage area, constructed by the EA as part of the Lower Dove Flood Risk Management scheme in 2012/13. In a letter to Derbyshire County Council, dated 19 December, 2019, the EA indicated that the site boundary and indicative proposed working location encroached upon the area where the reservoir dam and spillway had been constructed. It stated that these flood risk assets were essential infrastructure under the jurisdiction of the EA, in accordance with the Reservoirs Act and that the proposed extraction area had the potential to both result in an increase in flood risk and result in dam failure. The EA therefore stated that it had major concerns with the site being allocated for sand and gravel extraction on flood risk grounds.
- 8.10 The EA further indicated that any resubmission of the site would have to be supported by a report undertaken by a Reservoir Panel Engineer and a site-specific Flood Risk Assessment. It stated that any allocation of the site without being supported by a detailed assessment, might result in a proposal which was likely to be subsequently demonstrated as not being feasible. For the reasons set out in para 4.26 of this report the EA has subsequently withdrawn its objection.
- 8.11 The acceptance of an appropriate assessment at the planning application stage, rather than as part of the MLP preparation process, represents a significant change from the EA's earlier position and indicates a sufficient degree of confidence in the revised proposals to accept the allocation without further flood risk evidence at this stage. Notwithstanding this, the adjoining Sudbury allocation has since been proposed and has not yet been subject to any investigation as to whether it could lead to increased flood risk in the Lower Dove Valley. It would seem probable that the addition of this site would require consideration of the flood risk impacts of the Foston and Sudbury sites in combination and it is therefore proposed to continue to object to the allocation of the Foston site on flood risk grounds.
- 8.12 The validity of the second part of the Council's previous objection to the Foston site, on the grounds of setting a precedent for sand and gravel extraction in the Dove Valley has been underscored by the proposal to allocate the adjoining Sudbury site. This objection has not been resolved in the Draft MLP and it is therefore considered that the Council should maintain its objection to the Foston site on these grounds and to extend it to include the Sudbury site.
- 8.13 The Sudbury site is one that was put forward by an operator in response to the Sand and gravel consultation of 2020 and as such has not been the subject of any previous formal consultation exercise. An embankment almost 1km in length, representing part of the Lower Dove flood defence infrastructure, crosses the site yet there is no indication in the Draft MPA that there has been any consideration of the potential for any increase in flood risk in the Lower Dove Valley nor of whether or how any such risk could be mitigated. The absence of such evidence means that its proposed allocation cannot be supported. Furthermore, as referred to in para 8.11, the site adjoins the proposed Foston allocation and whilst the EA has withdrawn its objection to that site in isolation, this does not necessarily mean that the two sites in

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combination would not give rise to concerns and it seems probable that further investigation is required.

- 8.14 As part of its response to the Sand and Gravel consultation in 2020, the Council also requested that, notwithstanding the objection to the proposed Foston site, if the MPAs decided to proceed with this allocation, no development should be progressed in advance of the establishment of a community-focused body to ensure a strategic and co-ordinated approach to mitigation, restoration and aftercare in respect of any minerals related development in the Dove Valley.
- 8.15 The principal planning requirements in respect of each of the proposed new sand and gravel sites, as set out at Annex C, state (at point 8 in each case) that the restoration strategy for the site should take account of the Restoration Strategy for the Trent Valley to ensure that the wider context of the valley is taken into account in developing a coordinated and strategic approach to the restoration of the site. This would appear to go some way toward addressing the Council's request, but could be strengthened as per the proposed wording set out in point (vi) of the recommendation.
- 8.16 It is noted that the map of the Trent Valley Restoration Study Area on page 181 of the Draft MLP, although highly diagrammatic, excludes both the proposed Foston and Sudbury sites. It is therefore proposed that the County Council be requested to amend the plan to show that the two sites do indeed fall within the Restoration Study Area.
- 8.17 The three proposed sand and gravel sites at Elvaston, Swarkestone North and Swarkestone South did not give rise to objections from the Council when they were considered as part of the Sand and Gravel consultation of 2020. The considerations relating to these sites remain substantially unchanged in the Draft MPA and it is not therefore proposed to raise any objections to them in response to this consultation.

Site Assessment Methodology

- 8.18 The site assessment methodology incorporates a wide range of considerations including amenity impacts arising from visual intrusion, noise and dust; landscape impacts; flood risk; the transport impacts of heavy goods vehicles travelling to and from the sites; economic benefits; ecological impacts and opportunities; heritage impacts and the need to minimise the risk of aircraft bird strike.
- 8.19 In its response to the Sand and Gravel consultation the District Council made the point that the standardised methodology for site selection should not be the sole basis for decision and that planning and other factors should also be taken into consideration. In particular it was noted that the potential for mitigation should be accounted for.
- 8.20 In their Report of Representations the MPAs state that *"the assessments show the potential that the sites have for mineral working and therefore whether they can be included as allocations in the MLP. It is acknowledged that most impacts of sand and gravel extraction can be mitigated to some extent. Details of mitigation are addressed at the time that a planning application is considered for the sites. If a "showstopper" issue had arisen at the time the sites were being assessed this would have been highlighted and the site would have been ruled out from further consideration. This situation did not arise."*

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- 8.21 This response does not take account of the potential for mitigation considerations to affect site selection at the plan-making stage. Allocating the sites that score the most highly through the assessment effectively rules out the granting of planning permission on lower ranked sites that may have performed better had mitigation been taken into account. The point about a “showstopper” arising at the time the sites were assessed is pertinent to the consideration of any potential flood risk impacts relating to the Sudbury site, plus to the Sudbury and Foston sites in combination, which have not been investigated to date (see para 8.13). It is therefore proposed to maintain the objection to the application of the sand and gravel site assessment methodology.
- 8.22 In its response to the Sand and Gravel consultation the Council also noted inconsistencies in some of the site assessments. In the Report of Representations the MLAs state that these have been addressed and this does indeed appear to be the case.
- 8.23 Finally, the Council made the point that it was likely that some evidence would change during plan preparation process and this should be fed into the assessments to ensure they remain up to date and robust. The MLAs state that the assessments have been updated to reflect the latest information available at the time.

Supply of Conventional and Unconventional Hydrocarbons and Gas from Coal (Policy SP17)

- 8.24 In responding to the previous draft version of the MLP at the meeting of this Committee on 19 April 2018, it was proposed that in addressing unconventional hydrocarbon production MLP policy should include criteria requiring that there should be no adverse impact on geological structure nor on the openness of the Green Belt. The latter point reflected the fact that the part of South Derbyshire that may hold potential for unconventional hydrocarbon production lies within the Green Belt, in the Elvaston, Ambaston and Sharlow area. It was further proposed that such policy should include reference to the three tenets of sustainability, these being environmental, social and economic.
- 8.25 Policy SP17 of the MLP addresses conventional and unconventional hydrocarbon production and does include a criterion requiring that it be demonstrated that proposals would have no unacceptable adverse impact on the integrity of the underlying geological structure; including disturbance to features such as shafts and seams associated with former coal mining or other mining activity and that measures would be included to avoid induced seismicity.
- 8.26 Whilst Policy SP17 does not in itself make reference to sustainability and the Green Belt, the Draft MLP does make clear that in assessing development proposals all policies of the Plan and their criteria will apply where relevant. Within this context the Plan includes an overarching Green Belt policy, DM11, which requires that the openness of the Green Belt should be maintained. In regard to the issue of sustainability, Policy SP1 states that proposals should contribute toward the economic, social and environmental objectives of sustainable development. It can therefore be concluded that the Council’s previously expressed concerns have been satisfactorily addressed.

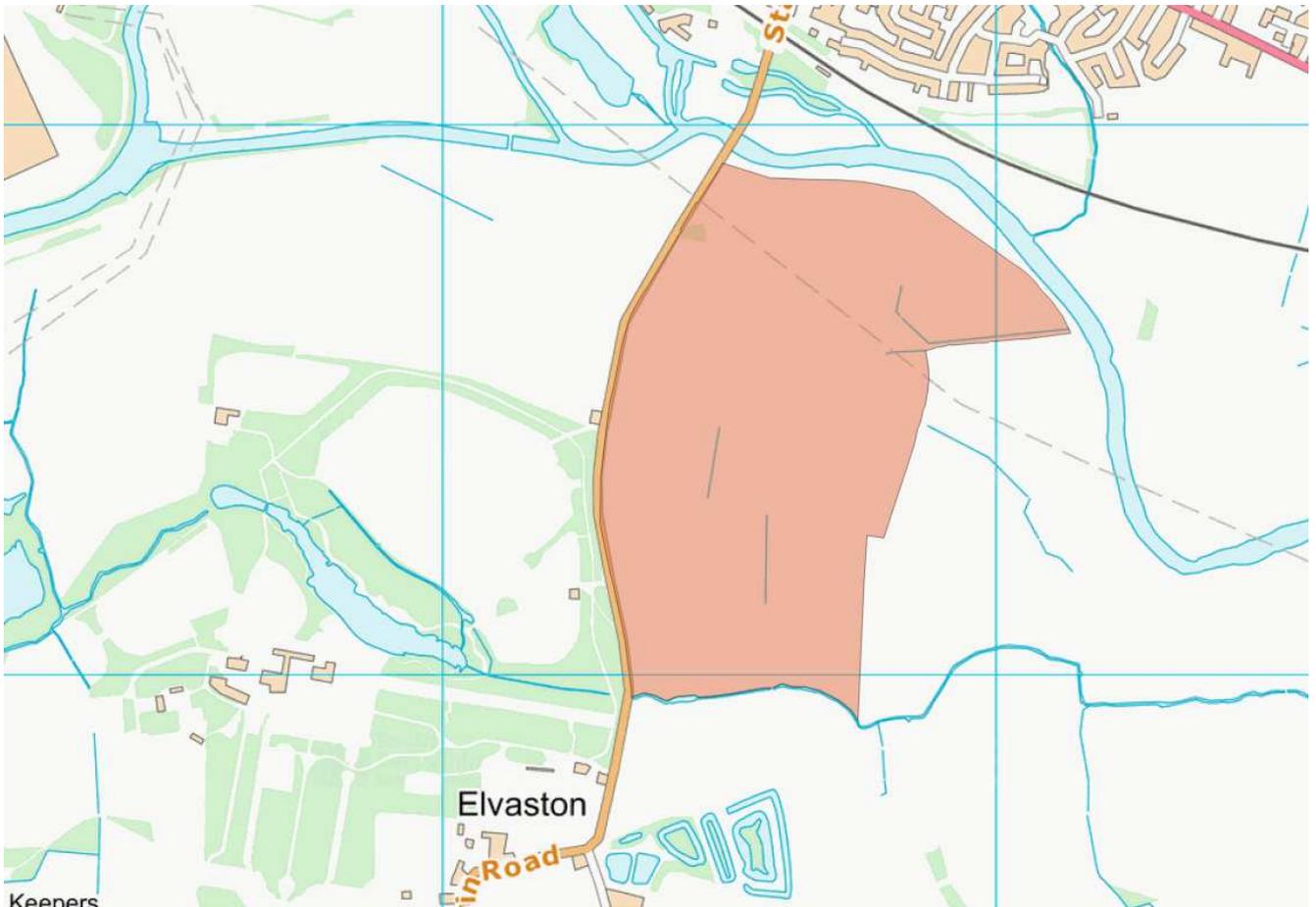
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9.0 Background Papers

“Derbyshire and Derby Draft Minerals Plan”	Derbyshire County Local Plan”, Derby City Council, December 2021
“Background Paper – Sand and Gravel Site Assessments”	Derbyshire County Council, Derby City Council, December 2021
“Sand and Gravel Assessment Methodology	Derbyshire County Council, Derby City Council, August 2020
“Developing the Proposed Draft Plan-Sand and Gravel”	Derbyshire County Council, Derby City Council, December 2021
“Local Aggregates Assessment”	Derby City Council, Derbyshire County Council, Peak District National Park Authority, 2021
“National Planning Policy Framework”	Ministry of Housing Communities and Local Government, 2021

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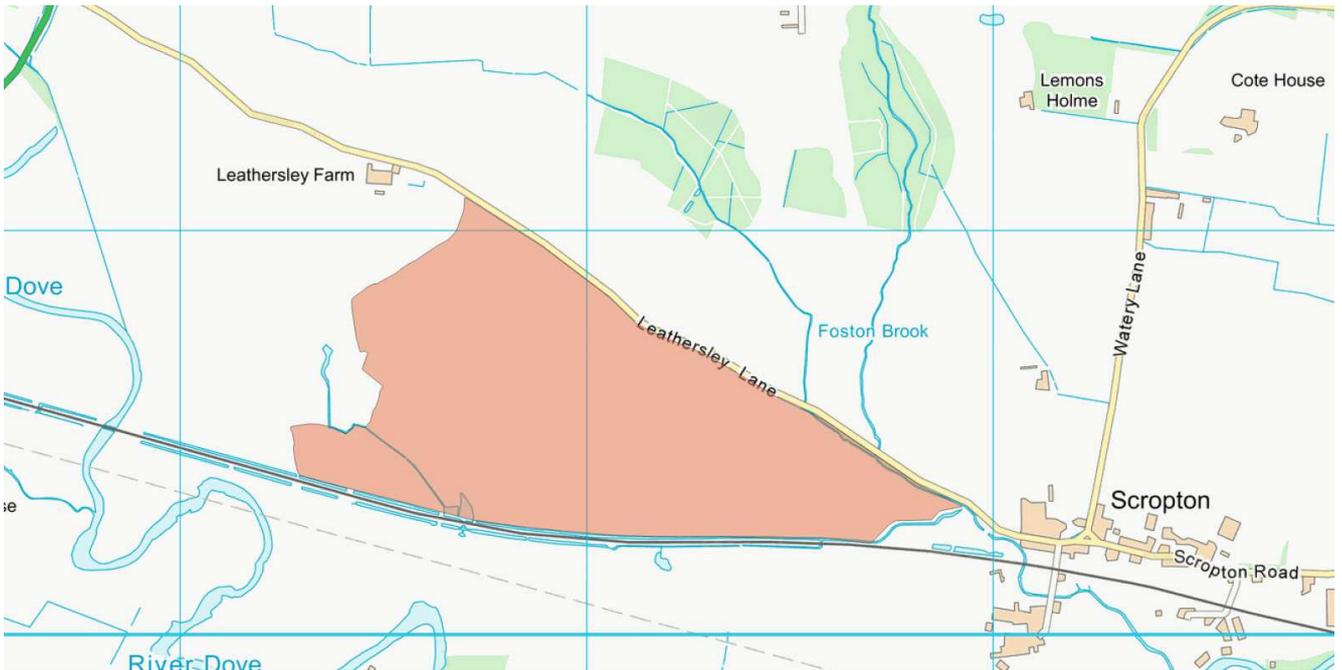
Elvaston



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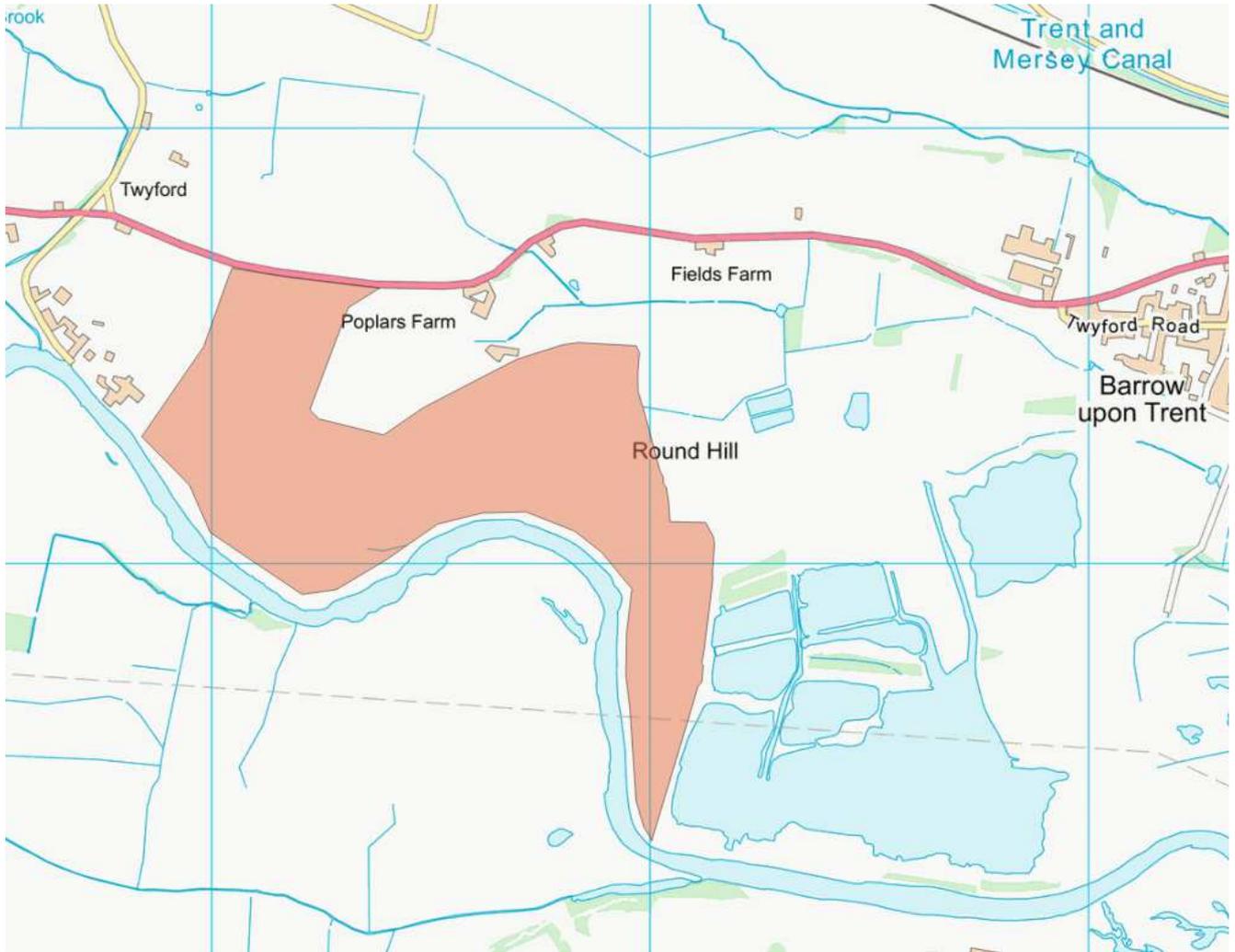
Foston



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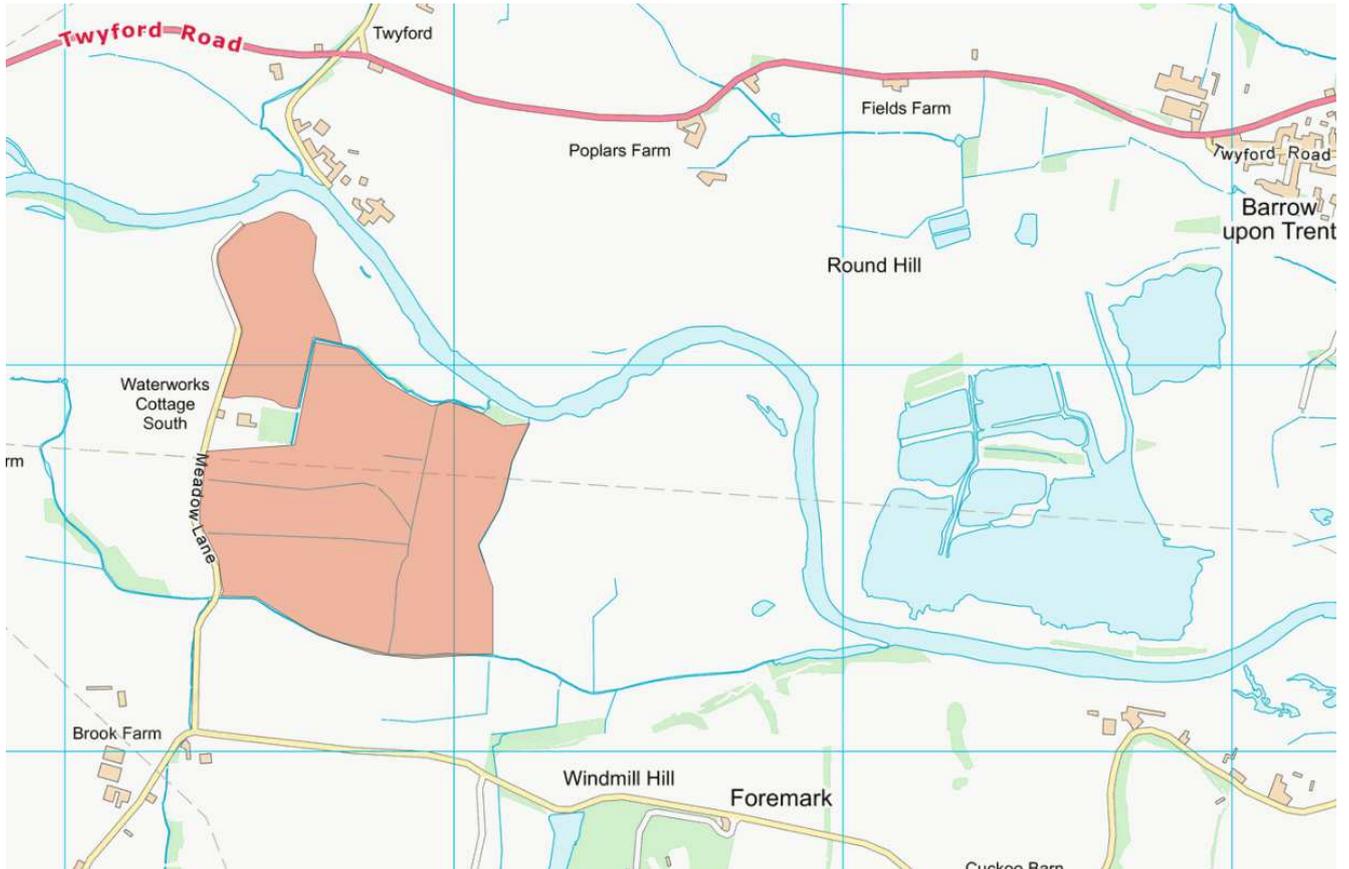
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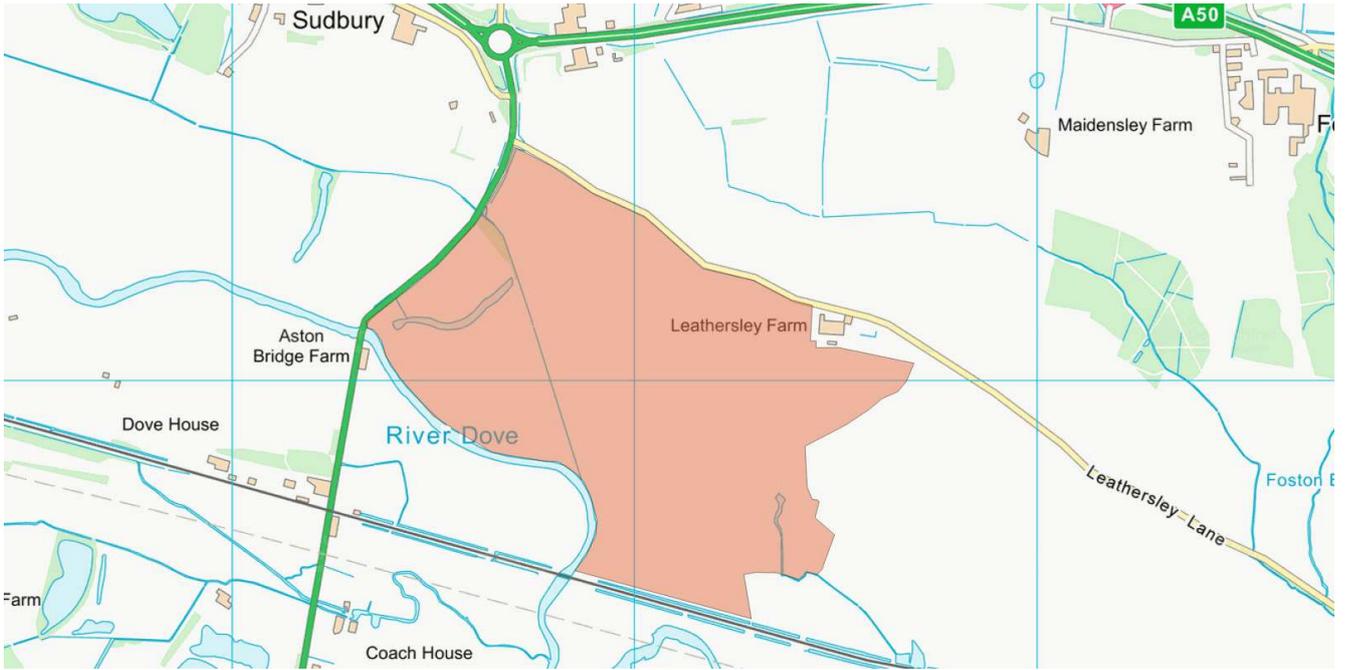
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Sudbury



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Sand and Gravel Deliverability Schedule

Total Estimated Production 20.27mt

SITE	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038
Shardlow (Permission)	200	350	350	350	350	350	350	350	350	350									
Sudbury						250	250	250	250	250	250	250	250						
Foston											400	400	400	400	400	400	400	300	
Swarkestone (Permission)	0	320	320	320	320	320	320	320	200										
Swarkestone (SW extension)										320	320	320	320	320	320	320	320		
Swarkestone North																		320	320
Willington (Permission)	320	350																	
Willington (Extension)			350	350	200														
Elvaston (Permission)									300	300	300	300	300	300					
Elvaston (Extension)															300	300	300	300	300
Mercaston	50	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70
Reserves likely to be worked in Plan period	570	1090	1090	1090	940	990	990	990	1170	1290	1340	1340	1340	1090	1090	1090	1090	990	690

Principal Planning Requirements for new sand and gravel allocations (reproduced from Draft Minerals Local Plan Appendix A)

Elvaston

1) An assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts, taking into account the location of the site within the Green Belt and therefore the need to maintain the openness of area. Some properties on the southern edge of Borrowash, may have views across the northern part of the site. Beechwood camping/caravan site which lies to the south of the site would be screened by trees/hedgerows on its northern boundary. There are open views from several residential properties and from the main entrance to Elvaston Castle and Country Park which lie immediately across the road which forms the western boundary.

2) An ecological assessment of any designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network. There is unimproved pasture and remnant hedgerows on the northern part of the site adjacent to the River Derwent. Arable fields are in the centre of the site and improved pasture to south. There are occasional scattered trees of varying age and condition and a group of willows and evidence of lost hedgerows. The condition of hedgerows is generally variable. There are no records of designated wildlife sites.

3) An assessment of the effects on the historic environment, including designated sites and settings and archaeological remains. In terms of designated sites and settings, Elvaston Castle Country Park is situated across the road from the site's western boundary and forms a well-used and valuable local recreational amenity. The Castle and Gardens are Grade II* Listed Buildings. The Eastern Avenue, which adjoins the southern boundary is an integral component of the gardens. In terms of archaeology, there are some remnants of ridge and furrow adjacent to the river. There are vestigial remains elsewhere of once very extensive open fields. There are palaeochannels adjacent to the river which may have considerable potential.

4) An assessment of the effects of the development on the water environment. The site lies in flood zone 3 which has the highest possibility of flooding but in accordance with PPG, sand and gravel working is classed as water compatible development, which is classified appropriate development in flood zone 3.

5) An assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures. The northern part of the site directly south of the River Derwent and north-east of Elvaston Castle comprises of unimproved pasture with remnant hedgerows. The central area is predominantly arable fields with improved pasture to the south. There are occasional scattered trees of varying age and condition, a group of willows and evidence of lost hedgerows. Hedgerow condition is very variable. The proposed site has a few characteristics that accord with the established character of the Riverside Meadows and the condition is considered to be generally poor.

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6) A Transport Assessment would need to accompany any application to assess the access to this site and the impact of traffic generated by the site on the surrounding highway network. It is expected that this site would be worked through the existing plant and access arrangements so the impact on the surrounding area in this respect is likely to be unchanged.

7) An account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

8) The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP25 to ensure that the wider context of the valley is taken into account in developing a coordinated and strategic approach to the restoration of the site

Foston

1) An assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts – The nearest communities are the villages of Scropton and Foston, which lie approximately 200 metres away to the east and 1km north of the site respectively. Leathersley Farm is located approximately 185m to the north west of the site.

2) An ecological assessment of the designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network. The site is dominated by arable farming, and historic mapping would suggest that agricultural intensification has resulted in the removal of many internal hedges previously present on site. The remnant hedgerows on site do contain some hedgerow trees which may be of some interest, although the hedgerows otherwise appear to be intensively managed. Small areas of semi-natural habitat may persist at the southern end of the site, although there are no notable habitats or designated sites recorded within or immediately adjacent to the site. Protected and notable species records are very limited within and around the site, with only one old record for water vole seemingly relevant.

3) An assessment of the effects on the historic environment including designated sites and settings and archaeological remains. There are two records for cropmarks within the site, suggestive of Iron Age/Romano-British field systems and enclosures. A number of palaeochannels are also mapped. Two records of ridge and furrow appear to be ploughed out. The Dove Valley is associated with deep alluvial deposits which can blanket archaeological and palaeoenvironmental remains, so the surface-visible resource may underestimate the true extent and complexity of buried remains. In terms of historical sites and settings, Leathersley Farmhouse (Grade II Listed) is 210m from the western end of the site. Tutbury Castle draws upon long views across the Dove floodplain, and the site may well be visible from here. Sudbury Hall and Estate are about 1km from the western boundary of the site and although are generally screened from the site, the sensitivity of this historic area means the potential impact should be considered.

4) An assessment of the effects of the development on the water environment. The site lies in flood zone 3 which has the highest possibility of flooding but in accordance with PPG sand and gravel working is classed as water compatible development which is appropriate development in zone 3. A geotechnical assessment of the potential impact of the development on the flood defences will be undertaken. This includes the Reservoir Flood
[Type here]

Defence Embankment adjacent to the eastern boundary of the site and the part of the site which is included within the Lower Dove Flood Storage Scheme. Appropriate standoffs will be proposed as a result to ensure the protection of the flood defences. of internal hedgerows.

5) An assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures. The proposed allocation is located within the Riverside Meadows LCT; a landscape typically farmed as permanent pasture. Evidence suggests that there has been significant boundary loss as a result of agricultural intensification and today this site is comprised of a small number of very large arable fields. Hedgerows are well managed but lack hedgerow trees. In terms of visual impact, although Leathersley Farm is located approximately 185m to the NW and Scropton is approx. 190m to the east, the site is generally well contained by existing vegetation and would not be visible from these areas to any significant extent. Two residential properties on the western edge of Scropton lie about 200m from the eastern edge of the site and are the only properties that may have direct views onto a proportion of the site (the eastern third of the site). Views of the site are predominantly from Leathersley Lane and Brooms Lane and the railway, which runs along the southern boundary of the site. A public footpath also runs parallel to Leathersley Lane through part of the site from where views of the site would be evident. Views from Foston and the A50 to the north are obscured by dense woodland. Tutbury Castle and grounds, which is a scheduled monument and lies on higher ground to the south, could, potentially, have distant views of the site. Overall, there are some/few visual receptors and potentially large parts of the site would be visible given the lack of internal hedgerows.

6) A Transport Assessment would need to accompany any application to assess the impact of traffic generated by the site on the surrounding highway network, particularly A515/A50 junction and include details of proposed measures to ensure that HGV traffic generated by the development did not turn right out of the site. Leathersley Lane is within an area wide Weight Restriction and forming an access within the limit will give any HGV the legitimate right to 'access' the site via any of the routes throughout the restricted area. The means of access would therefore need to be located outside of the restriction, to direct HGVs via the suitable routes of A50 and A515. With the restriction starting immediately on entering Leathersley Lane, this is likely to require a modification to the existing order, which would be subject to public consultation.

7) An account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

8) The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP25 to ensure that the wider context of the valley is taken into account in developing a coordinated and strategic approach to the restoration of the site.

Swarkestone North

1) An assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts. There are several properties which have the potential to be affected by the working of this site. There are properties in Twyford to the north-west and several individual residential properties to the north of the site, including a number of dwellings at the converted Poplars Farm and Fields

[Type here]

Farm, which stand close to the northern site boundary of the site. Part of the site is also visible from properties in Ingleby to the south.

2) An ecological assessment of any designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network. The majority of site is arable land with localised improved pasture adjacent to Twyford and possibly semi-improved in field by the river with palaeochannels. There are limited mature/veteran trees in centre of the site. There are no records for priority habitats on this site.

3) An assessment of the effects on the historic environment, including designated sites and settings and archaeological remains. In terms of designations, an upstanding Round Barrow, designated as a Scheduled Monument is located in the northern part of the site. Consideration will need to be given to the setting of this monument. In terms of archaeology, Cropmarks are recorded north and south of the scheduled monument. Localised palaeochannels are present and evident along the southern fringe of the site, visible as an existing stream line.

4) An assessment of the effects of the development on the water environment. The site lies in flood zone 3 which has the highest possibility of flooding but in accordance with PPG sand and gravel working is classed as water compatible development which is appropriate development in flood zone 3.

5) An assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures. In terms of the landscape, the site crosses two Landscape Character Types but is poorly representative of each. The majority of the land is usually down to arable with some localised pasture associated with smaller fields adjacent to Twyford and immediately adjacent to the River Trent. Hedgerows are generally poor, in some places missing and generally species poor. There is a general lack of tree cover associated with field boundaries and the river. Trees are mostly associated with the semi improved areas near the river. The overall condition of the site is considered to be average to poor. There is an isolated burial mound and some localised ridge and furrow (poor condition) within the site. In terms of visual impact, there are several properties from which the site is visible. There are properties in Twyford to the north-west and several individual residential properties to the north of the site, including properties at Poplars Farm and Fields farm on Twyford Road, close to the northern site boundary of the site. Part of the site is also visible from properties in Ingleby to the south.

6) Transport Assessment would need to accompany any application to assess the access to this site and the impact of traffic generated by the site on the surrounding highway network. It is expected that this site would be worked through the existing plant and access arrangements so the impact on the surrounding area in this respect is likely to be unchanged.

7) An account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

8) The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP25 to ensure that the wider context of the valley is taken into account in developing a coordinated and strategic approach to the restoration of the site.

[Type here]

Swarkestone South

1) An assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts, taking account of the following. Properties at Twyford have partial views across the river of part of the site. A residential nursing home adjoins the site to the west and has open views of the western part of the site. There are seven properties at the converted Old Waterworks and three at the converted New Waterworks which have open views of the site. There are also views from Anchor Church (historic caves) to the south-east of the site boundary and from a few properties in Ingleby and Foremark, including Foremark Preparatory School and also from Ingleby Road. A Public Right of Way (PROW) runs along the eastern boundary of the site and this forks to the north-west through the site. Meadow Lane is also a PROW, which is used on a frequent basis. The majority of the site is visible from these PROW.

2) An ecological assessment of any designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network. Hedgerows are intact and close cut, but are species poor, lacking notable hedgerow trees. Prominent trees and mixed species hedge (oak and some poor ash) associated with the green lane on the eastern boundary of the site. A stream runs west to east, lined with mature alder/willow. Some palaeochannels exist in improved pasture. Although limited in extent there remain some valuable characteristic habitats of a Natural Area.

3) An assessment of the effects on the historic environment, including designated sites and settings and archaeological remains. In terms of designated sites, Grade II Listed 'Anchor Church' is close to the site, with designed views over the extraction site associated with the cave's re-interpretation within the 18th century park at Foremark Hall. In terms of archaeology, there is possibly some remnant ridge and furrow and indications of the parish boundary. There are also visible palaeochannels within the site.

4) An assessment of the effects of the development on the water environment. The site lies in flood zone 3 which has the highest possibility of flooding but in accordance with PPG, sand and gravel working is classed as water compatible development, which is classified appropriate development in flood zone 3.

5) An assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures. In terms of the landscape, the site is poorly representative of the established character of the Riverside Meadows Landscape Character Type, with large parts of the site now down to arable or improved pasture. Hedgerows are mostly intact and close cut, generally species poor and lacking in notable hedgerow trees. The most prominent trees (oak and some poor quality ash) are associated with the green lane on the eastern boundary of the site and connects to the river. There is some localised ridge and furrow and palaeochannels within areas of improved pasture and a small section of mixed species hedgerow associated with the green lane. Overall, the landscape character is considered to be weak, although there are some attractive features, some of which are in good condition. In terms of visual impact, there are a number of residential properties in close proximity to the site which will need to be considered. The undulating topography to the south screens the majority of site from Repton and Milton. A Public Right of Way (PROW) runs along the eastern boundary of the site and this forks through the north-west section of the site. Meadow

[Type here]

Lane, which forms the western boundary of the site is also a PROW. The majority of the site is visible from both of these public rights of way.

6) A Transport Assessment would need to accompany any application to assess the access to this site and the impact of traffic generated by the site on the surrounding highway network. It is expected that this site would be worked through the existing plant and access arrangements so the impact on the surrounding area in this respect is likely to be unchanged.

7) An account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

8) The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP25 to ensure that the wider context of the valley is taken into account in developing a coordinated and strategic approach to the restoration of the site.

Sudbury

1) An assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts – The nearest community is the village of Sudbury 300m to the north west of the site. Leathersley Farm is located adjacent to the north east boundary of the site. Given the flat topography, large tracts of the site would be visible from these and other individual properties in the surrounding area, although visibility would be less from receptors to the west as a result of the lines of willow trees in the south west section of the site. There could also be higher level views from Tutbury Castle, which is a scheduled monument. No public rights of way cross the site.

2) An ecological assessment of any designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network. The site assessment showed that the site has limited priority ecological value with the exception of the Wildlife Site (a feature which could be enhanced). There are some established hedgerows, though not generally species rich and some mature oak and ash – possible veterans.

3) An assessment of the effects on the historic environment including designated sites and settings and archaeological remains. Leathersley Farmhouse (Grade II Listed) immediately adjacent. Sudbury Hall (Grade I Listed) is within 1km, with its Grade II Registered Park at around 740m. The proposal could have an impact on Sudbury conservation area and the setting of the Grade I Sudbury Hall and its Grade II Registered Historic Park and Garden. In terms of archaeology, there are HER records for earthwork ridge and furrow within the site although there is evidence this appears to have been ploughed out. The Dove is a very active floodplain with substantial alluviation, and there is consequently potential for geo-archaeology (palaeochannels etc) with wellpreserved remains and early archaeology beneath the alluvium.

4) An assessment of the effects of the development on the water environment. The site lies in flood zone 3 which has the highest possibility of flooding but in accordance with PPG sand and gravel working is classed as water compatible development which is considered to be appropriate development in flood zone 3. The site straddles a flood defence embankment
[Type here]

which controls flows into a flood storage area, constructed by the Environment Agency as part of the Lower Dove Flood Risk Management scheme in 2012/13. This scheme defends Scropton, Hatton and other villages downstream from flooding. A detailed assessment of the potential impact of the development on these flood defences will have to be undertaken as part of any submission for the development of this site.

5) An assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures. The site is dominated by small scale arable fields enclosed by hedgerows with scattered hedgerow trees. The site retains a strong landscape character with an intact network of small fields, albeit land use has changed from meadow to arable with the loss of associated ridge and furrow. In terms of visual impact, given the flat topography, large tracts of the site would be visible from the properties and roads close to the site, although visibility would be less from receptors to the west as a result of the lines of willow trees in the south west section of the site. There could also be higher level views from Tutbury Castle, which is a scheduled monument.

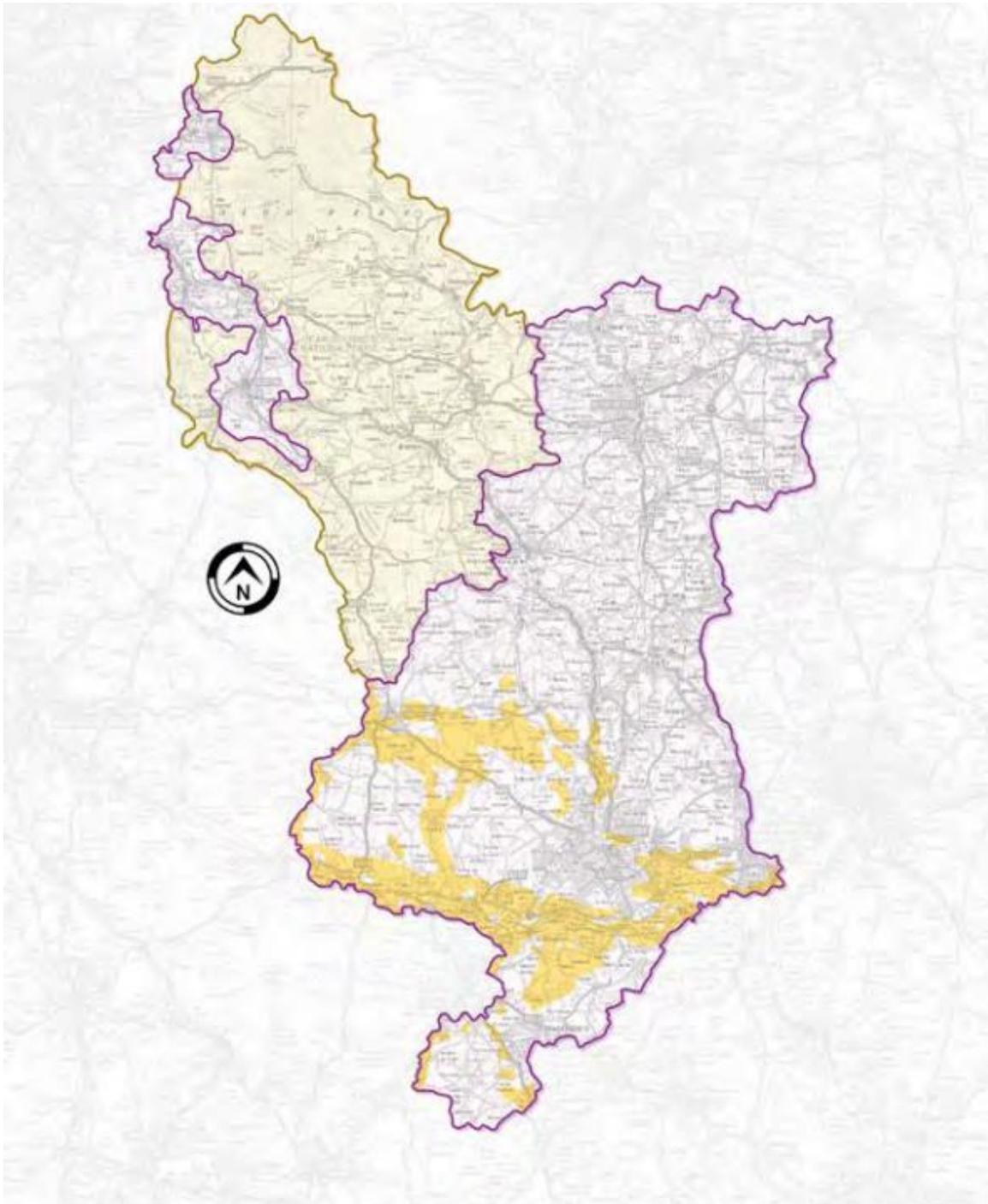
6) A Transport Assessment would need to accompany any application to assess the impact of traffic generated by the site on the surrounding highway network, particularly the A515/A50 junction and include details of proposed access measures to ensure that HGV traffic generated by the development did not turn right out of the site along Leathersley Lane towards Scropton. Leathersley Lane is within an area wide Weight Restriction and forming an access within the limit will give any HGV the legitimate right to 'access' the site via any of the routes throughout the restricted area. The means of access would therefore need to be located outside of the restriction, to direct HGVs via the suitable routes of A50 and A515. With the restriction starting immediately on entering Leathersley Lane, this is likely to require a modification to the existing order, which would be subject to public consultation. Leathersley Lane also carries the route of the National Cycle Network and therefore use of the road by HGVs should be minimised.

7) An account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

8) The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP25 to ensure that the wider context of the valley is taken into account in developing a coordinated and strategic approach to the restoration of the site.

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Sand and Gravel Safeguarding Area

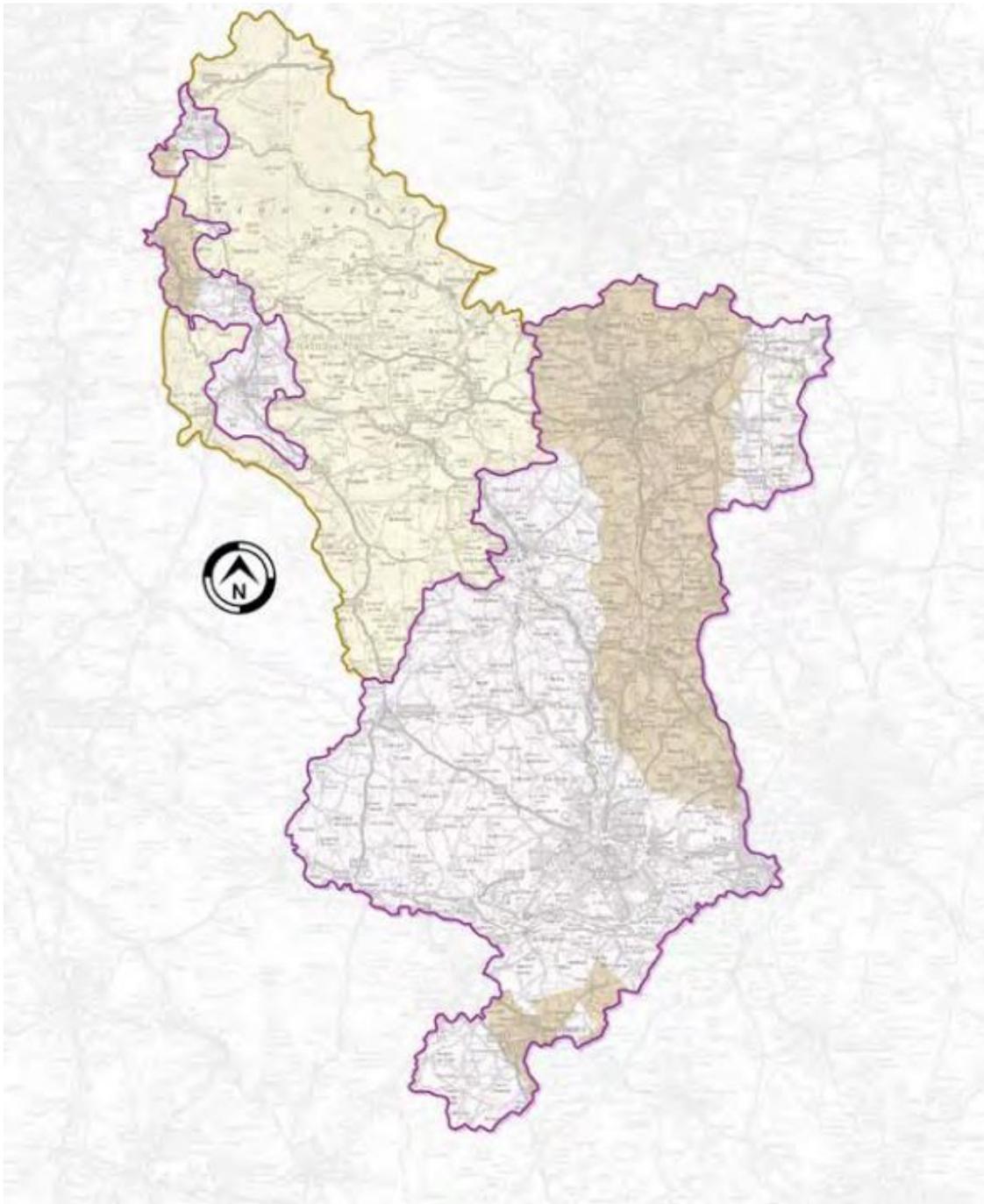


-  Plan Area
-  Peak District National Park Area
-  Sand and Gravel Safeguarding Area

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Surface Coal Safeguarding Area

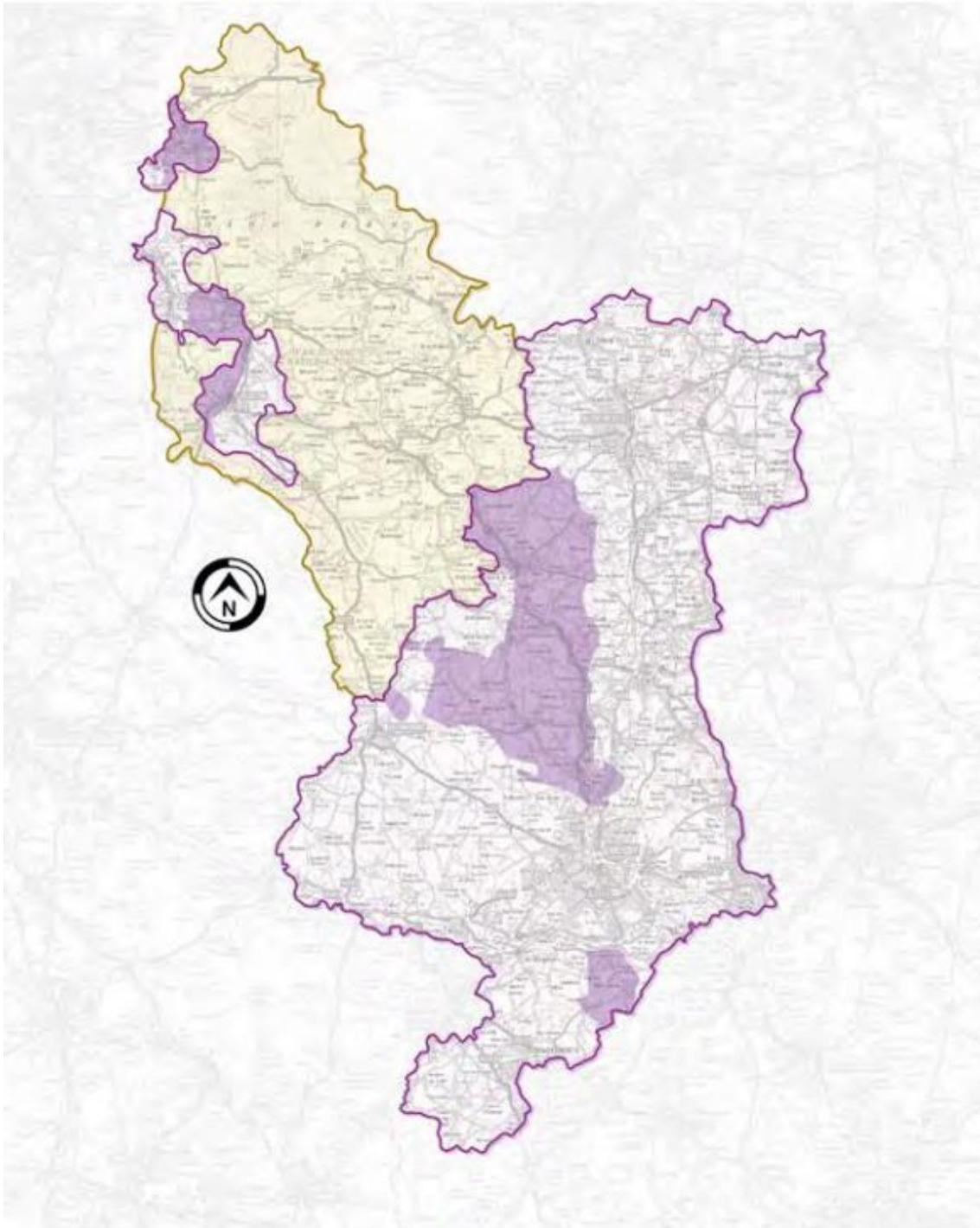


- Plan Area
- Peak District National Park Area
- Surface Coal Safeguarding Area

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Sandstone/Gritstone Safeguarding Area



-  Plan Area
-  Peak District National Park Area
-  Sandstone/Gritstone Safeguarding Area

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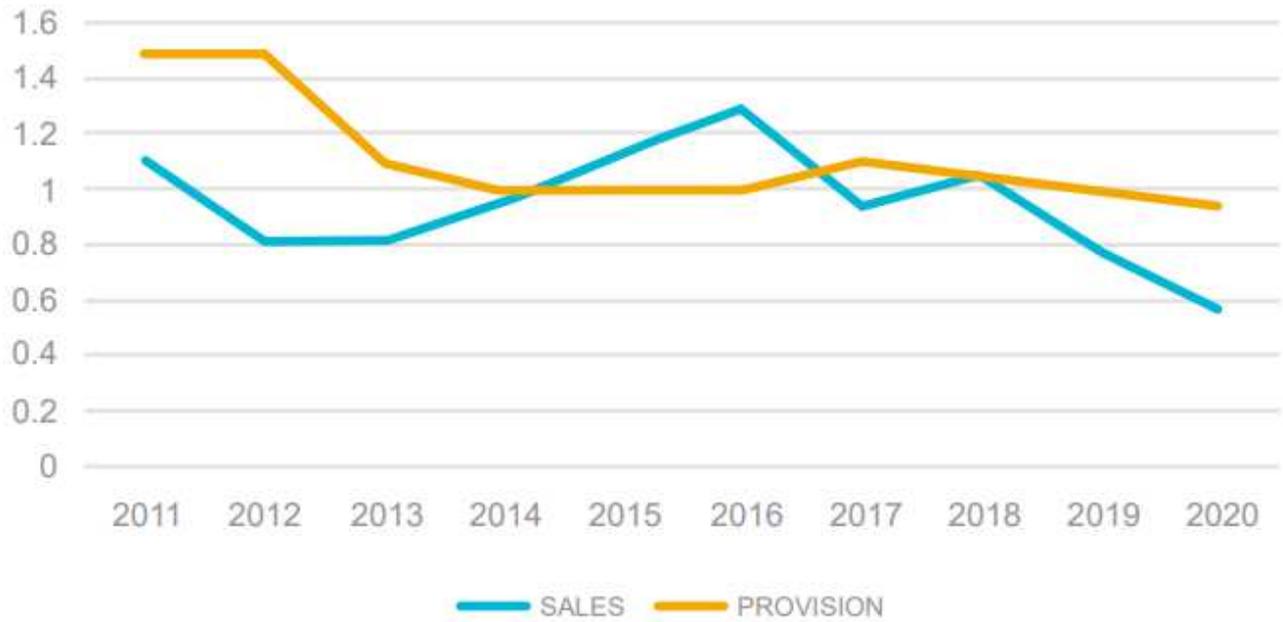
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Trent Valley Restoration Study Area



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FIGURE 3: SALES OF SAND & GRAVEL 2011-2020 AGAINST PAST AND CURRENT PROVISION RATE (FIGURES IN MILLION TONNES)

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Sand and Gravel Site Assessment Summary

Ref.	Site	Economic score	Economic ranking	Social score	Social ranking	Environment score	Environment ranking	Combined ranking total	Overall potential for working
SG02	Swarkestone North	16	7.5	29	2	12	8	17.5	High
SG09	Sudbury	15	5	32	7.5	4	4	16.5	High
SG04	Elvaston	16	7.5	30	4	4	4	15.5	High
SG06	Foston	13	1.5	31	6	6	6	13.5	Medium
SG05	Swarkestone South	15	5	30	4	4	4	13	Medium
SG03	Twyford (incl. Swarkestone N)	13	1.5	30	4	8	7	12.5	Medium
SG08	Foremark	14	3	32	7.5	2	2	12.5	Medium
SG07	Egginton	15	5	28	1	1.5	1	7	Low

Low potential for working= 3-8

Medium potential for working = 9-14

High potential for working = 15-20

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REPORT TO:	ENVIRONMENT & DEVELOPMENT SERVICES	AGENDA ITEM: 8
DATE OF MEETING:	20 APRIL 2022	CATEGORY: RECOMMENDED
REPORT FROM:	ALLISON THOMAS, STRATEGIC DIRECTOR – SERVICE DELIVERY	OPEN
MEMBERS' CONTACT POINT:	ALLISON THOMAS, allison.thomas@south-derbys.gov.uk, 01283 595775	DOC:
SUBJECT:	DERBYSHIRE CLIMATE CHANGE STRATEGY	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS01

1. Recommendations

- 1.1. That the Committee endorses the Climate Change Strategy 2022-2025 created by Derbyshire County Council (DCC) attached at Appendix A.

2. Purpose of the Report

- 2.1. To provide the Committee with details on the Derbyshire Climate Change Strategy and illustrate how it aligns and supports the South Derbyshire District Council's (SDDC's) Climate and Environment Strategy and Action Plan 2021-30.
- 2.2. To show how the Derbyshire Climate Change Strategy could add value to the SDDC Climate and Environment Strategy and how endorsing it will support the delivery of the Council's Climate Emergency Targets and Commitments set out in 2019.
- 2.3. To show how endorsing the Derbyshire Climate Change Strategy will benefit SDDC in the delivery of its own Climate and Environment Strategy and Action Plan (2021-30).

3. Detail

Background

- 3.1. DCC has created a Climate Change Strategy that sets out what needs to be done to reduce emissions across the County to net zero by 2050 or sooner.
- 3.2. As well as reducing emissions across Derbyshire, delivery of the strategy will help to address the wider key issues facing society, including improving and future-proofing homes, business, infrastructure, and transport, reversing the decline in biodiversity, promoting community health and well-being, and the facilitation of a sustainable and robust low carbon economy, all of which are part of SDDC's Climate and Environment Strategy and Action Planning.
- 3.3. The strategic vision of the Derbyshire Climate Change Strategy for net zero, includes five common priority areas to reduce carbon emissions by:

- 3.3.1. Decarbonising Local Authority Estate, Operations and Services

- 3.3.2. Strengthening the low carbon economy
 - 3.3.3. Decarbonising Derbyshire's Housing
 - 3.3.4. Sustainable Transport, Travel, and Infrastructure
 - 3.3.5. Waste and Resources
- 3.4. All these five common priority areas align to SDDC's existing Climate and Environment Strategy and Action Plans (2021-30).
 - 3.5. The strategy covers the period 2022 to 2025 and details that it is not intended to replace existing climate change strategies and plans in place with individual councils across Derbyshire, but instead will complement these and set out key common areas of collaboration.
 - 3.6. It will enable the individual councils across Derbyshire to maximise their collective success in securing funding, support, and resource for the delivery of decarbonisation action and will utilise DCC's links with central government to lobby for additional support for local government on this agenda and to secure investment for decarbonisation across Derbyshire.
 - 3.7. With the increasing need to accelerate action on tackling climate change, through reducing County-wide emissions and the need to accelerate action on tackling climate change, the development and adoption of a joint or aligned climate change strategy has been identified as an opportunity to establish common ambitions and priorities, foster collaboration, and resource sharing, and provide consistency in delivery.

4. Pros and Cons for SDDC endorsing the Derbyshire Climate Change Strategy

Reasons for SDDC to endorse:

- 4.1. Endorsing the Derbyshire Climate Change Strategy does not oblige the Council to commit to the actions contained in it, or the wider objectives of "Vision Derbyshire", the umbrella under which the Strategy has been prepared. Neither does it change the Council's own Climate and Environment Strategy in any way. It does, however, allow SDDC to benefit from DCC's Climate Change understanding, experiences, and solutions and that of a wider consortium of councils. It will also enable SDDC to make its own decision on whether to collaborate or not with the delivery of the individual elements within the Derbyshire Climate Change Strategy where it is in the interests of local residents, businesses and the District as a whole to do so.
- 4.2. The Derbyshire Climate Change Strategy commitments are aligned to the SDDC's own Climate Emergency declaration commitments of:
 - Strive to make South Derbyshire District Council carbon neutral by 2030 and achieve Carbon Neutrality across the geographical area of South Derbyshire before the Government target of 2050.
 - Call on the UK Government to provide the powers and resources to make the 2030 target realistic.
 - Work with partners across the District and region to deliver this goal through all relevant strategies.
- 4.3. By endorsing the Strategy, SDDC will be able to deliver one of the specific actions in the SDDC Climate and Environment Action Plan (ref DSP12) that states 'SDDC works in partnership with DCC to create a collaborative pathway to carbon zero across Derbyshire'.

- 4.4. The sharing of experience and expertise across DCC for the five common priority areas within the DCC Climate Change Strategy will support the effective delivery of actions that reduce SDDC carbon emissions.
- 4.5. The potential opportunity of additional shared resource and funding resulting from endorsing the Derbyshire Climate Change Strategy will support the delivery of the Council's own Climate and Environment Action Plan.
- 4.6. The potential benefits of being part of a Derbyshire-wide forum of Climate Change experts that will support the identification of efficient climate change solutions as well as climate change funding opportunities that the Council will be able to access.

Reasons for SDDC not to endorse

- 4.7. If any of the content of the Derbyshire Climate Change Strategy conflicts with SDDC's climate change aspirations or other corporate plan priorities.
- 4.8. If endorsing the content of the Derbyshire Climate Change Strategy results in any fundamental ideological differences between the County Council and the Council.

5. Financial Implications

- 5.1 Beneficial impact of potential opportunities or funding for decarbonisation or climate adaptation funding or additional resource by being part of the Derbyshire-wide Climate Working Group.

6. Corporate Implications

6.1. Employment Implications

None

6.2. Legal Implications

None.

6.3. Corporate Plan Implications

The proposals align with the 'Our Environment' key priority and with the key aims of "Strive to make South Derbyshire District Council carbon neutral by 2030, across the geography of South Derbyshire by 2050" and "Work with our partners across the District to deliver this goal through all the relevant strategies.

6.4. Risk Impact

The proposal will have a beneficial mitigating action against the corporate risk of "Managing the environmental impact of incidents across the District".

7. Community Impact

7.1. Consultation

None

7.2. Equality and Diversity Impact

None.

7.3. Social Value Impact

Beneficial.

7.4. Environmental Sustainability

Beneficial.

8. Conclusions

- 8.1 As the Council's current Climate Change Strategy is aligned to working in partnership with partners across the District and the Council's climate and environment aspirations are similar to those of the Derbyshire Climate Change Strategy, it is recommended that the Council endorses the Derbyshire Climate Change Strategy.

9. Background Papers

[Climate and Environment Strategy 2021-30](#)

[Climate and Environment Action Plan 2021-30](#)

Derbyshire Climate Change Strategy 2022-2025

Vision Derbyshire
Climate Change Strategy: 2022-2025

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1 Introduction

1.1 Vision Derbyshire

Vision Derbyshire is a shared commitment across Derbyshire's county, district and borough councils, to strategically collaborate to improve outcomes for people and places, speak with one voice as a county, and coordinate our resources better and more sustainably.

For people and places, Vision Derbyshire will:

- Create a fair society for Derbyshire where everyone has opportunities
- Enable people to better manage their quality of life, health and wellbeing
- Exceed climate change targets for people
- Develop an inclusive and diverse economy for Derbyshire
- Empower communities to drive sustainable change

Within Vision Derbyshire there are four key workstreams, one of which is **Live and work sustainably**, with an objective of embedding sustainable and green strategic spatial planning Derbyshire-wide, including for housing and transport.

Councils across Derbyshire are all taking action to tackle climate change, through reducing emissions from their own estates and operations, and playing their role in reducing county-wide emissions. With the increasing need to accelerate action on tackling climate change, the development and adoption of a joint climate change strategy has been identified as an opportunity to establish common ambitions and priorities, foster collaboration and resource sharing, and provide consistency in delivery.

Derbyshire and Derby are one of only 9 regions to have been invited to make a bid for a County Deal as part of the Government's Levelling Up agenda. Once approved, this would not only bring substantial investment to the area but will provide new opportunities for tackling strategic and systemic issues. As well as extra investment to support economic growth in the area, it would include the transfer of specific powers from central government to a stronger and more cohesive form of local government, giving greater autonomy to local leaders over decision making and funding. On this basis, a new county deal would provide a strengthened opportunity for Derbyshire's councils to work collaboratively to tackle climate change through a shared focus on improving opportunities, growth and quality of life in the county.

1.2 Purpose and Scope of the Strategy

The purpose of this Strategy is to present a vision for Derbyshire to thrive and prosper as a net zero county. It has been developed through collaborative working between the county, district and borough councils across Derbyshire.

What do we mean by Net Zero?

A 'net zero' emissions scenario is one in which we have taken all viable action to reduce emissions to zero in the first instance, and any remaining or residual emissions by the target date will be offset i.e. removed from the atmosphere, as a last resort.

The Strategy sets out what needs to be done to reduce emissions across the county to net zero by 2050, or sooner, and how Derbyshire's councils will work to achieve this through a series of ambitions and priorities, supported by an action plan.

The Strategy looks at how to reduce Derbyshire's county-wide carbon emissions, taking into account those emissions generated directly in the county and those created outside of Derbyshire and which the county is, in part, responsible for.

The public sector is estimated to be directly responsible for 2% of the UK's emissions, with influence over a further 40%. As such, this Strategy focuses principally on what councils can do about the county-wide emissions that they have direct control or influence over, but also considers wider opportunities where councils can encourage, promote and facilitate action by others – including central government as well as businesses, communities and individuals across the county.

The Strategy covers the period 2022 to 2025 and is accompanied by a live action plan. It is not intended to replace existing climate change strategies and plans in place within individual councils, but instead will complement these and set out key common areas of collaboration.

As well as reducing emissions across Derbyshire, delivery of the Strategy will help to address the wider key issues facing society, including improving and future-proofing homes, businesses, infrastructure and transport, reversing the decline in biodiversity, promoting community health and wellbeing, and the facilitation of a sustainable and robust low carbon economy.

Councils can't deliver all of the necessary actions required to reduce emissions alone. Delivering the Strategy will therefore require collaboration with and across partners, citizens, businesses and communities. In addition, councils will increasingly work together to identify and secure external funding and other support for delivering action on decarbonisation.

This Strategy focuses on reducing emissions, but we also recognise the importance of adapting to climate change and protecting and enhancing the natural environment. These aspects are being explored separately to this Strategy.

2 Existing Strategies and Collaboration

2.1 Derbyshire Environment and Climate Change Framework

During 2019, councils across Derbyshire came together to develop the Derbyshire Environment and Climate Change Framework. The Framework set out a common approach for Derbyshire councils to reduce greenhouse gas emissions to levels which are consistent with the UK’s commitment of net zero by 2050. The Framework contained a number of themes under which strategies and actions could be agreed, these were:

Energy	Travel	Resources	Air Quality	Economy	Natural Environment	Partnership working
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Linked to, and in addition to the Derbyshire Environment and Climate Change Framework, councils in Derbyshire have been working together to develop a number of joint strategies to tackle climate change and wider sustainability issues at county and regional levels. This includes:

- **The Air Quality Strategy (2020-2030)** – Developed through the Health and Wellbeing Board, the Strategy sets out how partners will work together to reduce the health impact of poor air quality for the people of Derby and Derbyshire.
- **The Derbyshire Economic Partnership COVID-19 Recovery Strategy (2021-2025)** – Developed by the Derbyshire Economic Partnership to identify the priorities to protect and grow Derbyshire’s economy in a post-COVID world.
- **Natural Capital and Biodiversity Strategy for Derbyshire (due to be published in Autumn 2022)** – The study will consider all the natural capital assets that are key to the county’s future prosperity, health, and wellbeing. It will identify the priority areas for the protection, restoration, and enhancement of natural capital assets and take climate change implications into account.
- **D2N2 Energy Strategy (2019-2030)** - This Strategy was developed by the D2N2 Local Enterprise Partnership and is being implemented in collaboration with Midlands Energy Hub. The Strategy sets out how the region can align with national and regional ambitions to expand renewable and low carbon energy development and achieve a net zero future.
- **Renewable Energy Study for Derbyshire (due to be published in Summer 2022)** – This study will identify the renewable energy opportunities in the county, including which technologies are most suitable and where they could be located.

In addition to these strategies, a range of specialist working groups exist that focus on specific areas and topics, including sustainable travel, low carbon energy, and improving the energy efficiency of homes.

2.2 Existing Climate Change Strategies Across Derbyshire

In addition to the collaborative working described in the previous section, councils have recently developed their own individual strategies and action plans to tackle climate change at county, district and borough levels. This Strategy is designed to complement individual council-level strategies and plans, through setting out key common themes and areas of collaboration. A summary of individual strategies and plans is listed below.

Council	Key Climate Change Strategy or Plan
Amber Valley Borough Council	The council has in place a <u>Carbon Reduction Management Programme and Action Plan</u> , which set out the council's plans to implement carbon reduction measures across all its assets, operations, and spheres of influence within the borough.
Bolsover District Council	The council has in place a <u>Carbon Reduction Plan 2019-2030</u> , which sets out how the council aims to work with partners, business and communities to achieve net zero.
Chesterfield Borough Council	The council has in place a <u>Climate Change Action Plan 2020-2023</u> which sets out measures that the council will carry out to monitor, reduce and decarbonise its own activities and support the transition of Chesterfield to a low carbon borough
Derbyshire County Council	The council has in place a <u>Climate Change Strategy: Achieving Net Zero (2021-2025)</u> , which sets out how the council will work to become a net zero council by 2032, or sooner, and play its part in decarbonising the county by 2050.
Derbyshire Dales District Council	The council has in place a <u>Climate Change Strategy and Action Plan, 2020 to 2030</u> , which sets out an action plan for the council to become net zero by 2030.
Erewash Borough Council	Although no formal climate change plan exists at present, the aim to support the wider climate change agenda to facilitate a better environment for everyone is included in the council's <u>Corporate Plan 2021-2023</u> .
High Peak Borough Council	The council has in place its <u>Towards Carbon Neutrality 2030: Climate Change Plan</u> , which sets out an action plan for reducing the council's own emissions and also its role in reducing emissions across the Borough.
North East Derbyshire District Council	The council has in place a <u>Climate Change Action Plan 2019-2030</u> , which sets out steps for achieving the vision of "A district that balances economic prosperity with environmental sustainability, improving the lives of our people and our environment today and in the future"
South Derbyshire District Council	The council has in place a <u>Climate and Environment Strategy and supporting Action Plan</u> , which aligns to and supports the Corporate Plan Commitments of "Our Environment, Our People, Our Future"

3 Delivering the Strategy

In order to effectively deliver the Strategy, councils across Derbyshire will work together to deliver projects and initiatives that align with and achieve the ambitions, targets and principles set out in Section 5. To deliver the Strategy, a range of actions and projects will be identified and delivered collaboratively by the councils during the Strategy period.

The Strategy will be co-ordinated and monitored by the Vision Derbyshire Climate Change Officers Group, which is comprised of officers from the county, district and borough Councils in Derbyshire. This Officers Group reports into the wider Vision Derbyshire governance structure, ensuring oversight and accountability of activities and projects being delivered.

The councils also play a key role in bringing together residents, businesses, academic, public, community and voluntary sectors to plan and implement climate action. We will use our leadership, partnership building and influencing role to facilitate and promote actions across all sectors and groups.

The councils will also work with partners and other stakeholders to educate, raise awareness and engage and involve people within the local community.

To deliver the action required to play their part in reducing emissions across the county to net zero, councils will need to work together to identify and prepare for external funding opportunities. This will help the councils to maximise collective success in securing funding and other support for delivering action on decarbonisation.

Furthermore, the councils will work together to utilise our links with central government to lobby for additional support for local government on this agenda and to secure investment for decarbonisation in Derbyshire.

4 Derbyshire’s Emissions

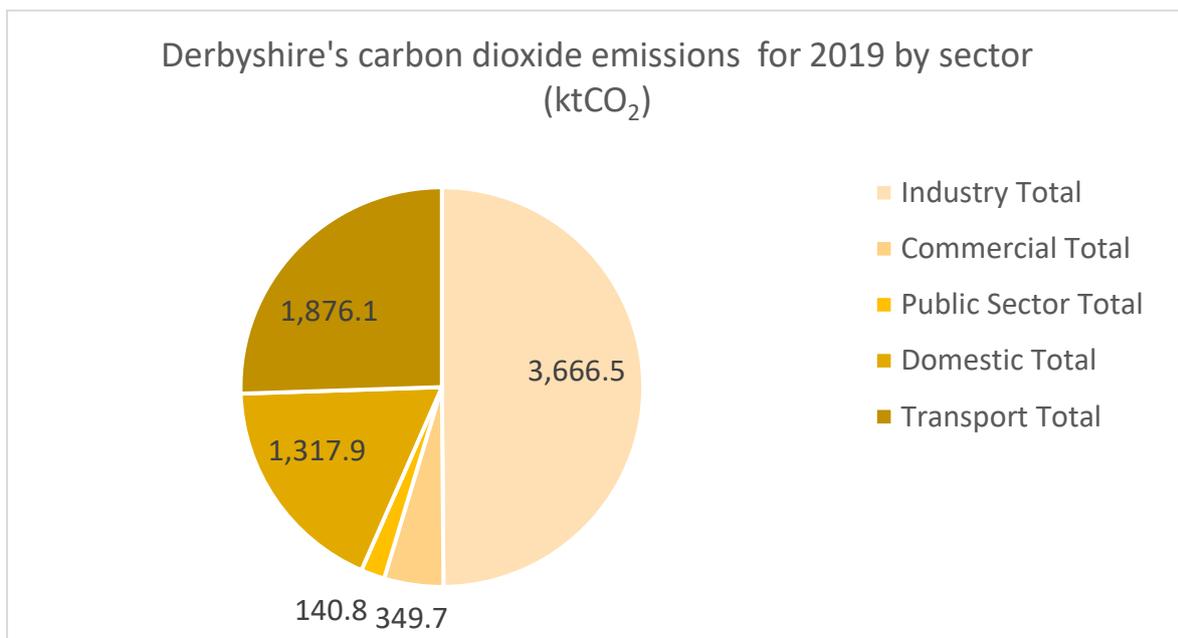
There is no doubt that emissions across the world need to be cut as a matter of urgency and that if global temperature rises are to be kept to a level at which it is estimated ‘we can manage’ then emissions need to be reduced sharply over the next decade and to net zero by 2050.

The UK has legal targets to:

- Reduce greenhouse gas emissions by 78% by 2035 compared to 1990 levels as set out in the sixth carbon budget (to include the UK’s share of international aviation and shipping emissions)
- Reduce greenhouse gas emissions to net zero by 2050

Derbyshire’s county-wide target of net zero by 2050 is aligned with the UK’s legal commitment to deliver net zero by 2050.

In 2019, Derbyshire’s total greenhouse gas emissions across the county amounted to 7.2 million tonnes of CO₂¹. This works out at 9.0 tonnes per person compared to a UK average of 6.8 tonnes per person. Our biggest sources of emissions are from the industrial sector (including significant emissions from the county’s quarrying and cement industries), followed by the transport and domestic sectors. Figure 1 presents the split of these emissions sources. It is worth noting that Derbyshire’s emissions aren’t just caused by activities inside the county, but also by the production of the goods and services outside it, which are bought in.



¹ [UK local authority and regional carbon dioxide emissions national statistics: 2005 to 2019](#)

Since 2005, Derbyshire’s county-wide emissions have fallen by 25%. However, emissions reductions need to be accelerated if the county is to be on course to deliver net zero by 2050.

Emissions data

There are a number of datasets and modelling tools available that provide emissions data for the UK and for individual areas. The datasets vary according to the sources of information used, and also what is included and what is excluded. This complex array of datasets can lead to confusion about the quantity of emissions emitted in an area and inconsistency in reporting.

The Department for Business, Energy and Industrial Strategy (BEIS) produces a breakdown of carbon dioxide emissions by Local Authority area as a subset of its annual inventory of greenhouse gas emissions. The nationally available data sets begin in 2005 and, at the time of this Strategy’s production, the latest data set was for 2019. Emissions from aviation, shipping and military transport are excluded from this data set as there is no obvious basis for allocation to local areas. For the purpose of this Strategy and to aid comparisons and consistency in measurement and decision-making, the BEIS data is being used as the core source of emission data for the county.

Other sources of emission data include the Tyndall Centre and the Anthesis ScatterCities modelling tool.

5 Strategic Vision and Priorities

The strategic Vision for net zero, including common priorities, is presented in the following section, split by five key themes:

- Local Authority Estate, Operations and Services
- Strengthening the Low Carbon Economy
- Decarbonising Derbyshire’s Housing
- Sustainable Transport, Travel and Infrastructure
- Waste and Resources.

5.1 Local Authority Estate, Operations and Services

Vision

Derbyshire’s county, district and borough councils will become net-zero carbon organisations that lead by example in implementing and promoting sustainable and low carbon practices in their ways of working and service delivery. This will include ensuring carbon reduction is embedded as a core part of decision-making and commissioning, and improving the energy and carbon efficiency of council buildings, land and fleet, as well as in all of the services that the councils deliver on behalf of Derbyshire’s residents. All council employees and suppliers will understand the importance of reducing emissions, and their role in achieving these reductions.

Priorities

Individual councils across Derbyshire are producing and delivering their own climate change strategies and action plans to reduce their own operational emissions to net zero. This Strategy does not intend to replace these individual council-level strategies and action plans, but instead seeks to complement them and identify common priority themes where a collaborative approach can be taken to reduce council-level emissions. These themes include:

- **Training** – the development and delivery of consistent climate change training materials and messaging relevant to all councils in Derbyshire.
- **Procurement** – working together to develop and embed an approach to sustainable procurement to ensure environmental and social sustainability is embedded within all contracting and procurement activities.
- **Renewable and low carbon energy** – collaborative research into opportunities and locations for the installation of renewable energy generation technologies (e.g. solar) on council-owned buildings and land.
- **Planning** – working together to develop appropriate guidance, policy and frameworks to ensure that planning measures for net zero buildings are integrated into Local Plans and wider planning activities.
- **Fleet** – working together to facilitate low-carbon vehicle fleets across all Councils, including cars, vans and larger vehicles, and the infrastructure to support this.

- **Funding** – working together to identify and secure funding (such as from central government) for climate change and low carbon projects and initiatives.

5.2 Strengthening the Low Carbon Economy

Vision

There will be an acceleration in the transition to a zero carbon economy through low carbon recovery and good growth, the creation of more and better jobs in the low carbon and clean technology sectors, increased skill levels and the fostering of innovation within the county, and a reduction in energy consumption from all industrial and commercial sectors. The natural resources of the county will be rapidly used to expand renewable energy generation across the county.

Priorities

Derbyshire councils will work together and with partners, citizens, businesses and communities to:

- Reduce manufacturing and construction emissions through energy efficiency improvements and expansion of new technologies, and promotion of fuel switching.
- Promote net zero commercial and industrial building developments and retrofitting activities.
- Support the adoption of large-scale and small-scale renewable energy generation in suitable locations.
- Support the adoption of low carbon technologies for space and water heating.
- Promote net zero and sustainable planning policies and practices in all planning activities.
- Promote the use of LED lighting and energy efficient machinery and technology.
- Foster innovation through the promotion of green sector businesses, and identifying, highlighting and signposting areas of green innovation.
- Support academic and training institutions in the development and implementation of relevant training courses.
- Promote and create skilled green jobs in Derbyshire to help reach net zero emissions and enable our local economy to grow and flourish.

5.3 Decarbonising Derbyshire's Housing

Vision

Through working with partners and external stakeholder groups, low and zero carbon homes will be created that reduce emissions but also provide economic and wellbeing benefits for our residents. This will be achieved through insulating homes, installing more efficient heating systems, reducing energy consumption, and facilitating behaviour change through the provision of support and information. There will also be support for the growth in green jobs to install these measures, and the councils will play their role in the expansion of small-scale renewable energy generation in the domestic sector.

Priorities

Derbyshire councils will work together and with partners, citizens, businesses and communities to:

- Improve the EPC rating of homes, so that all owner occupier domestic properties are EPC rating C, or better, by 2035.
- Promote the use of LED lighting and energy efficient white goods and electrical items.
- Work to ensure all new houses are net zero through planning policy and guidance.
- Work to accelerate the retrofitting of homes across the county.
- Support the adoption of low carbon heating technologies.
- Support the adoption of micro-energy generation on homes, such as solar photovoltaics (PV).
- Support households in changing behaviours that lead to a reduction in energy and water use through information provision and tailored support and advice.
- Support and help to address supply challenges and skills shortages in the sector.

5.4 Sustainable Transport, Travel and Infrastructure

Vision

Working with partners and external stakeholder groups, the councils will deliver an ambitious low-carbon integrated transport system across the county that meets the needs of residents in accessing the places they work, live and socialise as well as improving air quality and delivering health and wellbeing benefits for Derbyshire's residents. Derbyshire's flexible, accessible, affordable and integrated transport system will enable everyone to make their journeys through active travel (walking and cycling), public transport or zero or low carbon private vehicles.

Priorities

Derbyshire councils will work together and with partners, citizens, businesses and communities to:

- Accelerate the shift to electric vehicles through improving charging point infrastructure and promoting the uptake in these vehicles.
- Reduce the modal share of cars, vans and motorbikes in travel.
- Support the uptake of low and zero carbon transport for personal and business purposes.
- Improve public transport services and infrastructure and increase its modal share.
- Increase the modal share of active transport (walking and cycling).
- Promote the use of zero carbon fuel sources for transport.
- Decrease the distance travelled by road freight where possible and promote the use of more efficient vehicles.

5.5 Waste and Resources

Vision

Derbyshire will have a more sustainable and circular economy-based system of resource management, where the councils place high value on our natural resources, whilst seeking to reduce our consumption and generation of resource and waste. The councils will encourage and work with others to establish innovative approaches to waste diversion, reuse and recycling.

Priorities

Derbyshire councils will work together and with partners, citizens, businesses and communities to:

- Reduce the amount of household and commercial waste, particularly packaging and food waste.
- Divert more waste from landfill.
- Increase levels of reuse and recycling across the county, and improve consistency in approaches to recycling household waste across the county.
- Raise awareness amongst residents about minimising waste and recycling and disposing of waste appropriately and correctly.
- Collaborate in moving towards the circular economy.

6 Carbon Offsetting and Sequestration

Despite all efforts across Derbyshire to reduce emissions, it is anticipated there may be remaining residual emissions to be offset in order for Derbyshire to be a net zero county by 2050.

The councils will work with partners and wider stakeholders to maximise offsetting activities, for example, through carbon sequestration techniques as a short-term solution whilst we continue to seek and prioritise decarbonisation opportunities.

Carbon sequestration reduces atmospheric levels of CO₂ by capturing the gas and storing it so helping to limit climate change. CO₂ can either be removed from the atmosphere using natural processes, or captured where it is created (e.g. in power plants or industrial processes) and then stored, for instance, underground. This is known as Carbon Capture, Utilisation and Storage (CCUS).

In 2019, Derbyshire’s woodlands and other vegetation absorbed 0.13 million tonnes of CO₂², which is a small amount when compared to annual emissions across the county of 7.2 million tonnes of CO₂ in the same year. In order to increase the amount of CO₂ absorbed by woodlands and other vegetation in Derbyshire, the councils will:

- Work with partners and wider stakeholder groups to increase tree cover across the county.
- Work with partners and wider stakeholder groups to restore the county’s peatlands and grasslands.
- Promote a reduction in grazed grassland and increased areas of natural grassland sustainable arable farming.
- Promote the adoption of farming practices which increase carbon sequestration by plants and soil and lead to fewer negative environmental impacts.
- Promote and facilitate an increase in green spaces and tree coverage in urban areas.

Derbyshire’s county, district and borough councils are currently working together to develop a natural capital and biodiversity strategy for Derbyshire. This project will take a close look at Derbyshire’s natural assets – such as soil, minerals, air, water and biodiversity – assess what resources Derbyshire needs more of, where existing resources can be enhanced, and the measures needed to replace natural resources when they are used. This will identify the priority areas for the protection, restoration, and enhancement of our natural assets.

Large scale CCUS processes are relatively new technologies which may become increasingly viable options for Derbyshire in the future. The councils will continue to work with partners and wider stakeholders to monitor and further explore improvements and expansion of CCUS technologies to understand how these options could be deployed at scale.

² [UK local authority and regional carbon dioxide emissions national statistics: 2005 to 2019](#)

7 Communication and Engagement

Derbyshire's councils cannot reduce Derbyshire's emissions to net zero alone. This can only be achieved through coordinated and concerted effort from everyone – residents, businesses, academic, public, community and voluntary sectors.

Derbyshire councils want to want to work with everyone in the county to:

- Establish a mutual understanding of climate change and the risks that it poses too Derbyshire.
- Establish a shared understanding of what could, and should, be done in Derbyshire to tackle climate change.
- Give all individuals and groups the opportunity to shape how this challenge is addressed and play their part in reducing emissions.

The way that the councils will engage and work with others will vary depending on the nature, scale and type of projects. For example, collective efforts between councils to decarbonise council buildings is unlikely to require a significant level of communication and involvement with wider groups and individuals, whereas projects relating to decarbonising homes across the county will require engagement across a wide number of groups and in various formats and levels of detail.

The councils will ensure communication and engagement is meaningful and leads to outcomes and results. Effective engagement will also help to ensure communities benefit from actions taken to reduce emissions and make sure that the action taken to reduce emissions do not bring about inequalities or significantly increased costs for Derbyshire's residents.

8 Monitoring, Reviewing and Reporting

To deliver this Strategy effectively, the councils will need to monitor progress of the county in reducing emissions, as well as progress on delivering actions to contribute towards achieving the Visions and Priorities set out in this document.

During this Strategy period the councils will collaborate to:

- Establish an agreed Derbyshire emissions baseline, using BEIS data, from which performance and progress will be monitored and tracked.
- On an annual basis:
 - Track annual BEIS emissions data for the county to understand the level of progress being made in reducing Derbyshire's emissions.
 - Undertake a gap analysis of ambition versus action in terms of emissions reduction and collaborative climate change action.
 - Publish a summary update on progress on reducing emissions across Derbyshire, and progress against Strategy's Visions and Priorities.

This will ensure progress is being made and any necessary early interventions to address under performance are identified and implemented. This annual review will also take account of any policy, technological, economic and cultural developments and how they might influence and affect delivery and priorities.

The supporting action plan will be reviewed and updated on a regular basis to ensure that the councils are continuing to develop the appropriate climate actions necessary to achieve our net zero targets in collaboration with other partners, stakeholders, and community members, and to respond to future technological and policy developments.

The councils will also continue to explore the wider co-benefits of climate action e.g. air quality improvements, improved health and wellbeing, biodiversity net gain, and social value. This will help to identify and communicate the benefits of climate action beyond emissions reductions.

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICE COMMITTEE	AGENDA ITEM: 9
DATE OF MEETING:	20 APRIL 2022	CATEGORY: RECOMMENDED
REPORT FROM:	ALLISON THOMAS, STRATEGIC DIRECTOR – SERVICE DELIVERY	OPEN
MEMBERS' CONTACT POINT:	JOHN KINDERMAN, CLIMATE AND ENVIRONMENT OFFICER john.kinderman@southderbyshire.gov.uk	DOC:
SUBJECT:	D2N2 FUNDING PROGRAMME FOR A PILOT HYDROGEN FUELLED WASTE COLLECTION SERVICE.	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That the Committee accepts the terms of the D2N2 Future Funding Programmes that will enable South Derbyshire District Council (SDDC) to deliver a Pilot Hydrogen Project for the waste collection services in 2022/23.
- 1.2 That the Committee acknowledges that by accepting the D2N2 Future Funding of £310,000 the Council will commit to match funding of £360,000 for the purchase of two new Refuse Collection Vehicles (RCV's) as part of the Operational Fleet replacement programme within the next financial year.
- 1.3 That the Committee welcomes this Pilot Hydrogen Project for the Waste Collection Service as an external funding opportunity that will support the ongoing transition of the Council's vehicle fleet from diesel to low carbon emission fuel and the overall carbon neutral ambitions of the Council.
- 1.4 That the Committee welcomes the innovative approach that the Council is taking with this Pilot Hydrogen Project which will increase the operational learnings of hydrogen dual fuelled vehicles, the operational adjustments and the refuelling infrastructure required, both for the Council, the D2N2 region and the wider waste collection audience.
- 1.5 That the financial implications of the report are referred to the Finance and Management Committee for approval.

2.0 Purpose of the Report

- 2.1 To provide the Committee with details of this current funding opportunity and Pilot Hydrogen Project.

- 2.2 To seek Committee approval for the Pilot Hydrogen Project, the D2N2 funding provided and the match funding required by SDDC and to refer the funding consideration to the Finance and Management Committee.
- 2.3 That the Committee accepts the importance of this innovative Pilot Hydrogen Project, the data and operational experience it will provide and how this data and information will be shared across the larger D2N2 region.

3.0 Detail

Background

- 3.1 As part of the Council's commitment to its 2030 carbon neutral targets, the Council's Climate and Environment Action Plan 2021-30 details the actions required to reduce the Council's carbon footprint across all its services. This includes the decarbonisation of the Vehicle Fleet whose current activities result in estimated carbon emissions of 722 tCO₂e per year.
- 3.2 The Council's vehicle fleet can be categorised into three types: vans, specialist vehicles and RCV's, all of which are currently diesel powered.
- 3.3 The transition of the vans and specialist vehicles from diesel to electric is relatively straight forward, with manufacture of these types of electric vehicles (EV's) becoming mainstream and the required charging infrastructure well established.
- 3.4 The transition of the RCV's to low carbon emission technology is more complex and because of their weight, required geographical range and operational capability, the electrification of RCV's is currently in question.
- 3.5 An alternative potential for low carbon emission power is hydrogen fuel, that can perform much more effectively for the operational requirements of RCV's. Hydrogen fuel technology is also in developmental phase and requires much more research and development around the operational hydrogen infrastructure required, the operational performance of Hydrogen RCV's and the cost benefit analysis compared to diesel RCV's.
- 3.6 This Council is aware that more understanding about hydrogen as an alternative fuel is required, especially as a fuel source in rural districts such as South Derbyshire with large geographies.
- 3.7 On this basis, the Council, in collaboration with its partners (Toyota Motor Manufacturing (UK) Ltd and ULEMco) put forward this proposal for a Pilot Hydrogen Project funded by D2N2 and match funded by the Council, Toyota Motor Manufacturing (UK) Ltd and ULEMco.

Pilot Hydrogen Project.

- 3.8 To convert two new RCV's from diesel to dual fuelled (hydrogen and diesel) powered using ULEMco, a dual fuel conversion specialist organisation. These two RCV's will be based in the north of the District at the Toyota Motor Manufacturing (UK) Ltd site where there is availability and space to install a dedicated hydrogen refuelling station.
- 3.9 The operations of these two RCV's will be specifically selected for the commercial collections and a residential area collection in the north of the District. These collections will give the Pilot Hydrogen Project a broad representation of the

operations required for a rural District as well as promoting innovative low carbon hydrogen fuel technology to business across the District.

- 3.10 The initial step of the Pilot Hydrogen Project will be the acquisition of the two new RCV's, their conversion to dual fuel, the development of the hydrogen refuelling station at the Toyota site, the successful tendering for the hydrogen supply and the development of the Operational plan for delivering the Project.
- 3.11 The second step will be the monitoring of the Project and the collation of data and information on the performance of the dual fuelled RCV's, the delivery of collection services using these RCV's, the operator behaviours required and the experience and technical detail required for operating the hydrogen refuelling station.
- 3.12 The third step of the innovation project will include all the technical experience gained from the operation and supporting partners on this project. This technical data that will be used to compare performance of the dual fuelled RCV's with the diesel equivalents and the practical learnings of operating a hydrogen fleet.
- 3.13 To complete the Project a report of the Pilot Hydrogen Project will be produced for both the Council, the supporting partners, the D2N2 stakeholders and the wider waste fleet audience that will detail the transitioning journey, learnings, and technical requirements of using hydrogen as a low carbon emission fuel for RCV's.
- 3.14 This learning and input from the Project and supporting partners will inform the Council's decision making and the next steps in the decarbonisation of the RCV fleet.

4.0 Financial Implications

4.1 The funding is split into the D2N2 funding applied for (£310k) and the match funding (£395.8k) required for this Pilot Hydrogen Project:

D2N2 Funding Items	£Amount
Conversion cost of two new RCVs to Dual Fuel (Hydrogen/Diesel)	£100k (£50k per RCV)
WebaspX- In cab performance monitoring hardware and software	£49.6k
Innovation Pilot Operational Costs: *	
Additional cost of hydrogen fuel compared to diesel during pilot	£40.4k
Provision of security and power source (civils and DNO costs)	£10k
Provision of temporary welfare facilities required at site, including utility consumption (power and water).	£80k
Project Management Costs	£30k
Total D2N2 Funding	£310k

*There is no guarantee that these costs will continue to be funded after the innovation pilot is completed.

Match Funding Item	Match Funding	Stakeholders
Two new diesel RCVs	£360k	SDDC
Familiarisation and Training programme for RCV drivers and maintenance fitters	£25k	ULEMco
Providing site of 600m2, pro-bono in kind contribution for 2 years.	£10.8k	Toyota Motor Manufacturing (UK) Ltd
Total Match Funding	£395.8k	

4.1 Part of the project aim is to stimulate demand for hydrogen fuel which in turn will reduce the unit cost of hydrogen to a level more comparable with diesel. If this and

other market forces do not create some cost equivalence between the two fuel types then the fallback position will be to revert the two RCVs back to diesel.

- 4.2 The Council will be the accountable body. The funding application will require the spending (which could mean a contractual commitment to purchase vehicles and fuel) to be completed before 31 March 2023.
- 4.3 The funding is released at the point that the bid is confirmed as successful.

5.0 Corporate Implications

Employment Implications

- 5.1 The Operational Teams required for the two RCV's in this Pilot Hydrogen Project will be based out of the Toyota Refuelling site the duration of the Project.
- 5.2 The employees involved with this Pilot Hydrogen Project will require the necessary health and safety training for hydrogen use and refuelling.

Legal Implications

- 5.3 It is anticipated that the Council will enter into a licence or lease with Toyota to secure the RCVs base at the Toyota site. The agreement will create liabilities for the Council for repair and to insure that part of the site. In addition, an agreement needs to be reached regarding the installation of the hydrogen fuelling station on the site and whether the Council or Toyota are responsible for this station. Written agreements will be required to formalise the agreement reached.
- 5.4 The funding terms are attached as Appendix 1.

Corporate Plan Implications

- 5.5 These Phased proposals meet the Corporate Plan key aims of:
 - 5.5.1 Striving to make South Derbyshire District Council carbon neutral by 2050
 - 5.5.2 Working with residents, business, and partners to reduce their carbon footprint.
 - 5.5.3 Encourage and support business development and new investment in the District.

Risk Impact

- 5.6 The primary risks are identified as:
 - 5.6.1 The operational capability of the dual fuelled RCV's is unknown.
 - 5.6.2 The use of a Hydrogen refuelling station at the Toyota site.
 - 5.6.3 The current increased costs of hydrogen fuel compared to diesel fuel.
 - 5.6.4 What happens at the end of the pilot? This financial risks of this have been mitigated by caveats in the Funding Application Form. This limits additional operational costs as a consequence of this Project to the timeframe of the Project only.

6.0 Community Impact

Consultation

6.1 None

Equality and Diversity Impact

6.2 None

Social Value Impact

6.3 There are several social value impacts to this proposal:

6.3.1 The Council is promoting the transition from diesel RCV's to innovating with dual hydrogen fuel in line with the UK Governments agenda.

6.3.2 The Council is supporting the reduction of carbon emissions from the transport sector across South Derbyshire which supports the mitigation of the climate crisis, reduces air pollution, and improves the health and wellbeing of residents.

6.3.3 The data and learnings from this Pilot Hydrogen Project will be shared with the D2N2 region and the wider waste collection audience.

Environmental Sustainability

6.4 The carbon emissions from the Transport Sector are responsible for 47% of the total carbon emissions of South Derbyshire and are the single highest emitting sector. Any decarbonization action, such as the promotion and increase of low carbon vehicle usage supports the reduction in the overall carbon footprint of the District and the improvement of environmental sustainability across South Derbyshire.

6.5 Developing an innovative Hydrogen infrastructure promotes and supports other local authorities and business that use RCV's and other heavy goods vehicles that will potentially require this type of low carbon technology in the future.

7.0 Conclusions

7.1 That the Committee approves the acceptance of D2N2 funding.

7.2 That the Committee welcomes the innovative approach the Council is taking with this Pilot Hydrogen Project.

8.0 Background Papers

[Climate and Environment Strategy 2020](#)

[Climate and Environment Action Plan 2021 -2030](#)

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM:10
DATE OF MEETING:	20 APRIL 2022	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	DEMOCRATIC SERVICES 01283 595848/5722 democraticservices@southderbyshire.gov. uk	DOC:
SUBJECT:	COMMITTEE WORK PROGRAMME	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: G

1.0 Recommendations

1.1 That the Committee considers and approves the updated work programme.

2.0 Purpose of Report

2.1 The Committee is asked to consider the updated work programme.

3.0 Detail

3.1 Attached at Annexe 'A' is an updated work programme document. The Committee is asked to consider and review the content of this document.

4.0 Financial Implications

4.1 None arising directly from this report.

5.0 Background Papers

5.1 Work Programme.

Environmental & Development Committee 20th April 2022 Work Programme

Work Programme Area	Date of Committee meetings	Contact Officer (Contact details)
Reports Previously Considered by Last Three Committees		
Service Base Budgets 2022/23	4 th January 2022	Vicki Summerfield Head of Finance (01283) 595939
Heart of the Forest Masterplan Draft Vision	4 th January 2022	Mike Roylance Head of Economic Development and Growth (01283) 595725
Petition Against Tinted Windows Requirement in the Private Hire Licensing Policy	25 th January 2022	Emma McHugh Senior Licensing Officer (01283) 595716
Authority Monitoring Report	25 th January 2022	Karen Beavin Planning Policy Team Leader (01283) 595749
Corporate Environmental Sustainability Group Activity	25 th January 2022	Matt Holford Head of Environmental Services (01283) 595856

Corporate Plan 2020-24 Performance Report Quarter 3	3 March 2022	Clare Booth Corporate Performance & Policy Officer (01283) 595788
Derbyshire Enhanced Partnership	3 March 2022	Richard Groves Planning Policy Officer (01283) 595738
Provisional Programme of Reports To Be Considered by Committee		
Local Development Scheme 2022-2025	20 April 2022	Karen Beavin Planning Policy Team Leader (01283) 595749
Draft Derbyshire and Derby Minerals Local Plan	20 April 2022	Richard Groves Planning Policy Officer T: 01283 595738
Vision Derbyshire Climate Change Strategy	20 April 2022	Matt Holford Head of Environmental Services (01283) 595856
D2N2 Funding Programme For A Pilot Hydrogen Fuelled Waste Collection Service	20 April 2022	Matt Holford Head of Environmental Services (01283) 595856
Draft Planning Obligations supplementary Planning Document - Consultation	20 April 2022	Karen Beavin Planning Policy Team Leader (01283) 595749

Environmental Services - commercialisation business plan	TBC	Matt Holford Head of Environmental Services (01283) 595856
East Midlands Airport Airspace Redesign Consultation (changing the flight paths)	TBC	Karen Beavin Planning Policy Team Leader (01283) 595749
Gypsy and Traveller Accommodation Assessment Report	TBC	Karen Beavin Planning Policy Team Leader (01283) 595749
Statement of Community Involvement	TBC	Karen Beavin Planning Policy Team Leader (01283) 595749