

**Planning & Compulsory Purchase Act 2004**

**Town and Country Planning (Local Development)  
(England) Regulations 2004**

**Consultation Statement regarding the Draft  
Developer Contributions  
Supplementary Planning Document**

**North East Derbyshire Development Framework**

**(September 2007)**

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## Consultation on the draft Developer Contributions Supplementary Planning Document (28<sup>th</sup> June – 9<sup>th</sup> August 2007)

### Background

- 1.0 The draft Developer Contributions SPD sets out North East Derbyshire District Council's approach to securing developer contributions through planning obligations as used in relation to development within the remit of Section 106 of the Town and Country Planning Act 1990.
- 2.0 The SPD provides advice for all those involved in the preparation, submission and negotiation of planning applications where developer contributions may be required. It seeks to clarify the Council's approach for using planning obligations to seek developer contributions in policy and operational terms and helps explain how requirements will be prioritised. The SPD will help to achieve national, regional and local objectives for sustainable development.
- 3.0 The key elements of the document are summarised below:
  - To provide clarity about the application of planning obligations in North East Derbyshire
  - To assist applicants/developers/agents in pre-application discussions with the Council
  - To amplify the policies of the North East Derbyshire Local Plan and provide guidance to applicants, developers, agents, officers and councillors
  - To ensure a consistent approach to planning obligations across the District
  - To provide a framework for negotiating planning obligations
  - To give transparency to planning obligations
  - To enable members of the public to understand the process and application of planning obligations
  - To outline a procedure for monitoring planning obligations and adjusting policy as may be required.
  - To operate within the principles of sustainable development.
- 4.0 The draft Developer Contributions Supplementary Planning Document was prepared taking account of the findings of the previous consultation, as set out in the pre-production consultation statement (May 2007). Report No CR/05/07/HF "Draft S106 Developer Contributions Supplementary Planning Document and Associated Sustainability Appraisal Report was considered by Executive at its meeting on 30<sup>th</sup> May 2007. At that meeting it was resolved to approve the content of the Draft Supplementary Planning Document and associated documents and to undertake formal consultation on the Draft documents. The draft was subject to a statutory six-week period of public consultation between 28<sup>th</sup> June and 9<sup>th</sup> August 2007.
- 5.0 Letters/emails were sent to all those consulted during the informal consultation in 2006, except those who indicated that they didn't want to be contacted, and anyone subsequently registering an interest. **Appendix A** lists the consultees in detail. It also

identifies who was sent a letter or an email (specific consultation bodies by their identified preference, interested parties by the availability of an email address, unless told otherwise). People were encouraged to use the standard representation form for submitting their comments. This form was enclosed with the letters or a link was provided with the email to the Council's website. The specific consultation bodies also received a full copy of the SPD and associated documents.

- 6.0 The draft SPD, associated Sustainability Appraisal report, notice of SPD matters, leaflets and representation forms were also available from the Council Offices on Saltergate Chesterfield, local libraries, and Area Housing Offices. This information was also available on the Council's website: [www.ne-derbyshire.gov.uk](http://www.ne-derbyshire.gov.uk). The consultation was publicised through leaflets, posters and a public notice in the Derbyshire Times. See **Appendix B** for details. The leaflets and the poster were also sent to the Deposit Venues and Parish Councils.
- 7.0 During this time a total of 17 consultation forms/ responses were received. Comments were varied and are listed in **Appendix C** together with the Council's response.
- 8.0 The representations were reported to the Council's Executive on the 12<sup>th</sup> September 2007 when it was resolved to approve the officer's comments and responses to each representation, set out in the schedule of representations in Appendix C, as the Council's formal response and to formally adopt the Developer Contributions Supplementary Planning Document, taking effect on 27<sup>th</sup> September 2007.
- 9.0 Of the 17 responses 9 made representations suggesting changes to the document and it has been possible to accommodate many of these in the revised document. The proposed main changes to the Supplementary Planning Document include:
  - reference to the production of delivery plans outlining infrastructure requirements for the implementation of Local Development Documents,
  - strengthening the desire to improve biodiversity on all development sites and emphasising the need for development to contribute to local landscape character,
  - allowing the Council to consider an alternative to payment up front of contributions,
  - in relation to contributions for education provision - considering situations where certain housing e.g. retirement/1 bed flats will not result in increased demand for school places.
- 10.0 Minor wording changes to the Supplementary Planning Document were also made. There were 4 minor comments on the Sustainability Appraisal Report and the final version of the Sustainability Appraisal Report stays virtually the same as the consultation version.

11.0 In addition it was proposed to make a number of changes to the Supplementary Planning Document in response to issues raised by the Sustainability Appraisal, including:

- Health and Fitness – promote the location of new community facilities e.g. GP surgeries within cycling and walking distance of local residents
- Soil and Land resources – promote the provision of local recycling initiatives within new developments as well as considering impact on existing civic waste amenities
- Emissions, air quality and climate change – confirm that community facilities should be in locations well served by footpaths cycle ways and /or public transport

12.0 In accordance with the Council's Statement of Community Involvement and in accordance with Regulation 19 of The Town and Country Planning (Local Development) (England), the Council will contact in writing those who made representations enclosing Appendix C (Schedule of representations and Council's response) and an adoption statement.

13.0 The SPD, associated documents, Consultation Statement and Adoption Statement will be made available at the Council Offices on Saltergate Chesterfield, local libraries, Area Housing Offices, and the Council's website.

**Appendix A.**

**Draft SPD**

**Consultation List**

<b>Specific Consultees by Letter</b>						
<b>Prefix</b>	<b>First Name</b>	<b>Surname</b>	<b>Organisation</b>	<b>Department</b>	<b>Agent contact</b>	<b>Agent</b>
Ms	Pamela	Roberts	Government Office for the East Midlands	Derbyshire Area Team		
Mr	G	Clarke	Bolsover District Council			
Mr	Peter	White	Derbyshire County Council	Environmental Services Planning		
Mr	Peter	Rainford	Sheffield City Council	Development Services		
Ms	Penny	Thorpe	Environment Agency			
Ms	Stephanie	Walden	Yorkshire Water Services Limited			
			Central Networks plc		c/o Mark Jackson	DTZ Piedad Consulting
Ms	Liz	Newman	Natural England	Peak to Trent Area Team		
Ms	Ann	Plackett	English Heritage (East Midlands)			
Ms	Sue	Byrne	Highways Agency			
Ms	Jill	Stephenson	Network Rail			
Mr	Andrew	Pritchard	East Midlands Regional Assembly			
			Mobile Operators Association		c/o Carolyn Wilson	Mono Consultants Limited
Mrs	R	Bullimore	Balborough Parish Council			
Ms	Denise	Cameron	Clowne Parish Council			
Ms	Linda	McCormick	South Wingfield Parish Council			
Ms	Linda	McCormick	Dethic, Lea and Holloway Parish Council			

<b>NED Parish and Town Councils by Letter</b>			
<b>prefix</b>	<b>first name</b>	<b>surname</b>	<b>Organisation</b>
Mrs	S	Atkinson	Ashover Parish Council
Miss	A	Preston	Barlow Parish Council
Mr	Mark	Robinson	Brackenfield Parish Council
Mrs	E	Boswell	Brampton Parish Council
Mrs	A	Marsh	Calow Parish Council
Mrs	D	Kershaw	Clay Cross Parish Council

<b>NED Parish and Town Councils by Letter</b>			
<b>prefix</b>	<b>first name</b>	<b>surname</b>	<b>Organisation</b>
Mr	Roy	Hunt	Dronfield Town Council
Mr	Peter	Staniforth	Eckington Parish Council
Mr	R	Ackrill	Grassmoor, Hasland & Winsick Parish Council
Mrs	Kay	Steele	Heath & Holmewood Parish Council
Mr	Michael	Coultas	Holmesfield Parish Council
Mrs	K	Brailsford	Holymoorside & Walton Parish Council
Mr	Paul	Harding	Killamarsh Parish Council
Mr	P	Goodwin	Morton Parish Council
Ms	Susan	Wood	North Wingfield Parish Council
Mr	D. R	Blore	Pilsley Parish Council
Mr	M N	Johnson	Shirland & Higham Parish Council
Mrs.	M	Gill	Stretton Parish Council
Mr	P	Goodwin	Sutton-cum-Duckmanton Parish Council
Mrs	S	Weeks	Temple Normanton Parish Council
Mr	D J	Massey	Tupton Parish Council
Mrs	P A	Mosley	Unstone Parish Council
Miss	Shelly	Webster	Wessington Parish Council
Mr	Mike	Taylor	Wingerworth Parish Council

<b>Interested Parties by Letter</b>				
<b>Prefix</b>	<b>First Name</b>	<b>Surname</b>	<b>Organisation</b>	<b>Agent</b>
			Haslam Homes	Antony Aspbury Associates
			Hamlet New Homes Ltd	John Church, Planning and Development Consultant
			Maximus	NAI Fuller Peiser
			Kitewood Estates	Development Land & Planning Consultants Ltd
Ms	J A	Ainsworth		
Mr	Brian	Bailey		
Mr & Mrs		Bardwell		
Mr & Mrs		Barker		
Mr & Mrs		Barrow		
Ms	Lynne	Blake	Eckington Environment & Tourism	
Mrs	J	Booth	Parish Council / Eckington	
Mrs	Ann	Brown	Old Dronfield Society	
Ms	Amanda	Brudelle	Fusion Online Ltd	
Ms	Diana	Chadwick		
Mr	Ian	Clarke		
Mr	Dennis	Curzon		
Mr	Christopher	Curzon		



Mr & Mrs		Davies		
Mr	R	Dawson		
Mr & Mrs		Draper		
Mr		Elvidge	Clay Cross and District	
Mr	Stephen	Fidler	Renishaw Forward Tenants and Residents Group	
Ms		Foggo	David Wilson Homes North	
Mr	Tom	Garrud	Diocese of Hallam Trustee	
Mrs	Maureen	Green		
Mr & Mrs	L E	Hanlon		
Mr & Mrs		Hardcastle	Dronfield Civic Society	
Mrs	S	Havenhand		
Mrs	Jean	Heathcote		
Mr	J.	Heathcote		W T Parker
Ms	Christine	Holmes	Eckington Focus Tenants and Residents Group	
Mr	Derek	Hunter		
Mrs	E	Johnson		
Mr	J.	Lake		
Mr	P J	Mansell		
Dr	Geoff	Mawson OBE	Sorby - Breck Ringing Group	
Mr & Mrs	J	McElvaney		ArchiPlan
Mrs	Pamela	Milner		
Mr	R	Moxam		
		Occupier		
Mr	David	Parker		John Church, Planning and Development Consultant
Ms	Rachel	Patterson	Devplan UK	
Mr	Jeremy	Pyatt	RPS Planning	
Mr	Adrian	Rowles	Chesterfield Gospel Trust	
Mr	Philip	Smith	Chartered Architect	
Mr & Mrs		Stocks		
Mr & Mrs	B	Stoker		
Mr	Mike	Thornborrow	Railway Paths Ltd.	
Ms	Jennifer	Walters	Barton Willmore Planning	
Mr	John L	Wearing	Dronfield and District Labour Party	
Mr	Martyn	West		
Ms	S	Wilson		
Mr & Mrs		Windle		

#### Specific consultees by email

prefix	first name	surname	Organisation	agent contact	agent
Ms	Pamela	Roberts	Government Office for the East Midlands		
Mr	G	Clarke	Bolsover District Council		

Specific consultees by email					
prefix	first name	surname	Organisation	agent contact	agent
Mr	Mike	Hase	Derbyshire Dales District Council		
Mr	Peter	White	Derbyshire County Council		
Mr	Peter	Rainford	Sheffield City Council		
Ms	Penny	Thorpe	Environment Agency		
Ms	Stephanie	Walden	Yorkshire Water Services Limited		
			Central Networks plc	c/o Mark Jackson	DTZ Piedad Consulting
Mr	Dan	Abrahams	Natural England		
Ms	Natasha	Engel MP	Member of Parliament		
Ms	Sue	Byrne	Highways Agency		
Mr	Andrew	Pritchard	East Midlands Regional Assembly		
			Mobile Operators Association	c/o Carolyn Wilson	Mono Consultants Limited
Mrs	R	Bullimore	Balborough Parish Council		
Mr	J	Haywood	Wales Parish Council		

Interested Parties by Email					
Prefix	First Name	Surname	Organisation	Agent- organisation	Agent contact
			Royal Mail Group Property	Sanderson Weatherall	c/o Michael Jones
			Persimmon Homes	Development Land & Planning Consultants Ltd.	c/o Mr.Jim Lomas
			Tesco Stores Ltd.	Development Planning Partnership	c/o Ms.Hanna Hague
			Maximus	NAI Fuller Peiser	c/o Glen Langham
			S&A Parsons Limited	Planning and Development Consultant	c/o Mr.J.Church
			Colin Rae Associates		
			H P Limited Partnership	Planning and Development Consultant	c/o Mr.J.Church
			WM Morrisons Supermarkets PLC	Peacock & Smith	c/o Sarah Worthington
Mrs	Joanna	Bagnall	High Peak Borough Council		
Mr	Philip	Baringer	Purearth plc		
Dr	Malcolm	Bell	Dr Malcolm Bell Ltd		
Mr	J.R.	Blackwell	Derby Diocesan Board of Finance Ltd		
Mr	Roland	Bolton	Development Land and Planning Consultants		

Interested Parties by Email					
Prefix	First Name	Surname	Organisation	Agent- organisation	Agent contact
Mrs	Lynne	Booth		Ian Baseley Associates	c/o Mr.R.Fletcher
Ms	Diane	Bowyer	DPDS Consulting Group		
Mr	Austin	Brady	Forestry Commission		
Mr	Paul	Cronk	HBF (Home Builders Federation)		
Ms	Kay	Davies	Fisher German		
Ms	Alice	de la Rue	Derbyshire Gypsy Liaison Group		
Mr	Rob	Edmunds	Ben Bailey Homes		
Ms	Annette	Elliott	United Co-operatives Ltd		
Mr	Grant	Evans			
Mr & Mrs	L P	Fairs			
Ms	Rose	Freeman	The Theatres Trust		
Mr	Andrew	Galloway	Radleigh Homes		
Cllr.	Kevin	Gillott			
Mr	K	Grayson	WCEC Architects	Ian Baseley Associates	c/o Mr.R.Fletcher
Ms	Gemma	Gregory	Three Valleys Project		
Mr	Nigel	Harris	Pegasus Planning Group		
Mr & Mrs	P	Heston		Wilkins Vardy	c/o Mr. N.Hunt
Mr	Ian	Hewitt	Ian Hewitt Associates		
Mrs	Mandy	Hicken	CPRE		
Mrs	Dee	Hill	Derbyshire County Council - Strategic Director for Children and Younger Adults		
Ms	Fran	Hitchinson	The Woodland Trust		
Mr	Andrew	Hoffman	Aspin Consulting Ltd		
Mr	Alan	Hubbard	The National Trust		
Ms	Katrina	Hulse		DLP Consultants	c/o Ms. K.Hulse
Mr	Ben	Hunt	Sport England		
Mr	Phil	Jackson	Hallam Land Management Ltd		
Mr	James	Jesson	Eckington Parish Footpaths and Bridleways Group		
Mr	Haydn	Jones	Pegasus Planning Group		
Mr	Alasdair	Jones	Stoneleigh Planning		

Interested Parties by Email					
Prefix	First Name	Surname	Organisation	Agent- organisation	Agent contact
Ms	S	Kempa			
Mr	John	King	Friends of the Peak District		
Mr	N	Law	Derbyshire Wildlife Trust		
Mr	Steve	Lee	CHART LSP		
Mr	James	Lidget			
Mr	G.P.	McDougall			
Ms	Catherine	Money	RPS		
Mr	Derek	Oldman			
Mrs	Helen	Pickering	Ashton Plumbing and Heating		
Mr		Powell	Ashley Travis Ltd		
Mr & Mrs		Prestwich		W T Parker	c/o Mr. David Parker
Mr	Dennis	Ransby	The Ramblers Association		
Ms	Judith	Reece			
Ms	Sian	Rees	CB Richard Ellis Limited		
Mr	Justin	Reid	UK Coal Mining Ltd		
Ms	Laura	Ross	Stewart Ross Associates		
Mr	John	Rouse			
Mr	A G	Rowland		Ian Baseley Associates	c/o Mr.R.Fletcher
Mr	Tim	Sander	Friends of the Earth		
Ms	Judi	Scholey	The Development Planning Partnership		
Mr	Simon	Smith	Smith Stuart Reynolds		
Mr	Paul	Stock	North Country Homes Group Limited		
Mr	Paul	Tame	National Farmers Union		
Mr	Trevor	Taylor			
Mr	C	Tuck		Ian Baseley Associates	c/o Mr.R.Fletcher
Mr	D	Turner		Ian Baseley Associates	c/o Mr.R.Fletcher
Mrs	R	Tvrdik	Oaklands		
Mr	Charles	Watson	Rae Watson Development Surveyors		
Mr	Peter	Wigglesworth	Peter Wigglesworth Planning LTD		

<b>Interested Parties by Email</b>					
<b>Prefix</b>	<b>First Name</b>	<b>Surname</b>	<b>Organisation</b>	<b>Agent- organisation</b>	<b>Agent contact</b>
Mr	Alastair	Willis	Indigo Planning Limited		
Mrs	Nicola	Worboys	Longhurst Group Ltd		

# **Appendix B.**

## **Consultation Publicity**

Want to know about how new development should contribute to your area?

## DRAFT DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT

North East Derbyshire Development Framework  
June 2007

### Have a look and tell us what you think!

**You can view the draft Supplementary Planning Document and pick up a comments form at:**

- The Council Offices on Saltergate, Chesterfield
- Libraries: Chesterfield Central, Clay Cross, Dronfield, Eckington, Holmewood, Killamarsh, Wingerworth and the Mobile service during normal library opening hours.
- District Council Area Housing Offices: Clay Cross, Dronfield, Eckington, Killamarsh and North Wingfield
- Council's Website:  
[www.ne-derbyshire.gov.uk](http://www.ne-derbyshire.gov.uk)

**Please send your completed comments form to:**

Mark Phillips, Scott Wilson, St James's Buildings, Oxford Street, Manchester. M1 6EF

**By Email:**

Mark.Phillips@scottwilson.com

**By Fax: 0161 228 2581**

If you would like more information about the Supplementary Planning Document, please write or email using the above contact details or telephone 0161 236 6020.

**All comments should be received by 5pm on 9<sup>th</sup> August 2007**

Want to know about how new development should contribute to your area?

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  - District Council Area Housing Offices: Clay Cross, Dronfield, Eckington, Killamarsh and North Wingfield
  - Council's Website: [www.ne-derbyshire.gov.uk](http://www.ne-derbyshire.gov.uk)
- Mark Phillips, Scott Wilson, St James's Buildings, Oxford Street, Manchester. M1 6EF
- By Email:**  
Mark.Phillips@scottwilson.com
- By Fax: 0161 228 2581**
- If you would like more information about the Supplementary Planning Document, please write or email using the above contact details or telephone 0161 236 6020.

**All comments should be received by 5pm on 9<sup>th</sup> August 2007**



### 3.0 REPRESENTATION FORM

## North East Derbyshire Development Framework



### Draft Supplementary Planning Document (SPD) for Developer Contributions

June 2007

Representation Form

Ref:

(For official use  
only)

**Notes are provided throughout this form to help you complete the relevant sections. If you need further advice please contact the LDF Team using the contact details given below.**

Please take the opportunity to read the full document before filling in this short form and returning it to: **Mark Phillips, Scott Wilson, St James's Buildings, Oxford Street, Manchester. M1 6EF** or by email to: **mark.phillips@scottwilson.com** to be received no later than 5pm on **Thursday 9<sup>th</sup> August 2007.**

Please note that all comments received will be available for public inspection.

1. Personal Details		2. Agents Details (if applicable)	
Title	<input type="text"/>	<input type="text"/>	<input type="text"/>
First Name	<input type="text"/>	<input type="text"/>	<input type="text"/>
Last Name	<input type="text"/>	<input type="text"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Address Line 1	<input type="text"/>	<input type="text"/>	<input type="text"/>
Line 2	<input type="text"/>	<input type="text"/>	<input type="text"/>
Line 3	<input type="text"/>	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>	<input type="text"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Notes: Please ensure that you provide us with your contact details so we can let you know the Council's response to your comments and keep you informed about the adoption of the Supplementary Planning Document**

The next part of this form provides you with space to comment on the Draft Supplementary Planning Document (SPD). To help you think about some of the issues that might be relevant when completing this form, we have posed some issues that you may wish to consider. They include:

- the format of the SPD
- the amount of detail
- whether anything is missing
- whether the sections are set out clearly
- the SPD's overall objectives
- relevant national, regional and local policy documents
- clarity of the procedure in dealing with developer contributions
- guidance on policy in respect of categories for potential contribution
- how the need for contributions is determined

Please do not feel that you are restricted to addressing only the issues suggested

**Notes: Where your comments relate to a particular paragraph in the document, please state this clearly in the column provided.**

**Notes: Please clearly identify each separate comment.**

### 3. Your Comments:

Paragraph No (where relevant)	Your comments should state clearly the grounds on which they are made. Where relevant please explain what changes we can make to the document to meet your concerns.

*Continue.....*

Paragraph No (where relevant)	Your comments should state clearly the grounds on which they are made. Where relevant please explain what changes we can make to the document to meet your concerns.

(Continue on a separate sheet /expand box if necessary)

**Note: To help us monitor the effectiveness of our consultation methods and whether we are reaching all parts of the community it would be helpful if you could complete the following questions. Please insert a ✓ where appropriate.**

**4. Monitoring**  
**How/where did you hear about the Supplementary Planning Document?**

Direct Mail/letter	<input type="checkbox"/>	Email	<input type="checkbox"/>	Council's Web Site	<input type="checkbox"/>
Council Offices	<input type="checkbox"/>	Poster	<input type="checkbox"/>	Leaflet	<input type="checkbox"/>
Neighbourhood Partnership	<input type="checkbox"/>	Word of Mouth	<input type="checkbox"/>		

**5. Respondent Profile**

Sex: Male  Female

Age Group: Under 25  45-54

25-34  55-64

35-44  Over 65

Ethnic Group: White  Black or Black British

Asian or Asian British  Mixed

Other Ethnic Group

(please specify) .....

**Note: As part of our commitment to keeping you informed and providing feedback, we will notify you of the Council's response to your comments. Please ensure that you have completed your contact details at Parts 1 & 2 of this form. Where an Agents details are given, we will direct all subsequent correspondence to the agent, unless told otherwise.**

**6. Feedback**

Do you wish to be kept informed of the adoption of the Supplementary Planning Document? Yes/No

Would you like us to keep your contact details so we can inform you about consultation on other Planning Policy documents in the future? Yes/No\*

If at any time you would like us to remove your contact details from our mailing list, please notify us in writing or by e-mail.

Signature:  Date:

**Thank you for taking the time to complete this form, your views are important to us. Please ensure that you submit this form so that it is received by Mark Phillips at Scott Wilson by 5pm on Thursday 9<sup>th</sup> August 2007 (see Page 1 for address details).**

## 4.0 Public Notice in Derbyshire Times (28/06/2007):

12 months from the completion of the works described in Paragraph(s) (2 to 5) without the consent of the said Highway Authority, which shall not be unreasonably withheld.

For Queries Contact: Michelle Else  
 Tele No: 01629 580000 Ext 7639  
 Ref: PRNTptn  
 North East Area Maintenance

Ext 7686 in the Environmental Services Department.  
 The County Council intends to make an Order under Section 14 of the Road Traffic Regulation Act 1984 (as amended) to prohibit traffic from travelling at a speed in excess of 30 mph.  
 DAVID HARVEY, STRATEGIC DIRECTOR - ENVIRONMENTAL SERVICES, COUNTY HALL, MATLOCK

2007 RE: PAULINE KOLMES retired of Drive, Brampton, I, S40 1HW, also Pauline Patricia and Pauline King  
 - on 19 June 2007

2007 RE: HER SIMON E a technical designer of 7 Jose, Chesterfield, S40 4XQ lately at 15 Beacotdale Chesterfield, S40 4EQ.  
 - on 21 June 2007

2007 RE: HER PARSONS d of 2 Walton Drive Horpe, Chesterfield, S40 2NY  
 - on 21 June 2007

Bavington, Official ver, 5th Floor, City th, Pinfold Street, Sheffield S1 2GU

OLVENCY ACT 1986  
**ENGINEERING LIMITED**  
 eered Number: 05403075  
 EBY GIVEN pursuant to Insolvency Act 1986, that ditors of the above named be held at The P&A Queen Street, Sheffield, y 2007 at 10.30am for the ned in Sections 99, 100 of Act.  
 es and addresses of the itors will be available for en the hours of 10.00am The P&A Partnership, Sheffield, S1 1WF on the ys before the date of the

07  
 board  
 Secretary

### North East Derbyshire District Council Planning & Compulsory Purchase Act 2004 Notice of Supplementary Planning Document Matters North East Derbyshire Development Framework Draft Supplementary Planning Document for Developer Contributions (June 2007)

North East Derbyshire District Council has prepared a draft of the above document. As part of the process of developing this document the Council is actively seeking comments on the draft document. Details of what the document covers, when and how representations should be made and where the document can be viewed are set out below.

Notice of the 'Draft Supplementary Planning Document for Developer Contributions' matters.	
Title of the Supplementary Planning Document.	Draft Supplementary Planning Document for Developer Contributions.
Subject matter & area covered by the Supplementary Planning Document.	The Supplementary Planning Document provides advice for all those involved in the preparation, submission and negotiation of planning applications where developer contributions may be required. It seeks to clarify the Council's approach for using planning obligations to seek developer contributions in policy and operational terms and helps explain how requirements will be prioritised.  The geographical extent of the coverage of the Supplementary Planning Document coincides with the local planning authority area of North East Derbyshire. This covers the whole of the District with the exception of the western fringe of the District, which falls within the Peak District National Park.
The period within which representations on the proposals matters can be made:	Six weeks from Thursday 28th June 2007 to 5.00pm Thursday 9th August 2007
The address to which representations should be sent. (The Council encourages the use of a standard comments form for all representations, forms are available from the locations listed below).	<b>By Post to:</b> Scott Wilson, St James Buildings, Oxford Street, Manchester M1 6EF <b>By Email:</b> mark.phillips@scotwilson.com <b>By Fax:</b> 0161 228 2581 <b>Forms can also be completed online:</b> <a href="http://www.ne-derbyshire.gov.uk">www.ne-derbyshire.gov.uk</a>

Any representations made may be accompanied by a request to be notified at a specific address of the adoption of the Supplementary Planning Document for Developer Contributions.

**The places and times at which documents can be inspected:**  
 Copies of the Draft Supplementary Planning Document (together with supporting background documents) are available for public inspection at:  
 • Council House, Saltergate, Chesterfield, Derbyshire S40 1LF (Monday to Thursday from 8.30am to 5pm and Fridays from 8.30am to 4.30pm);  
 • District Council Area Housing Offices at Clay Cross, Dronfield, Eckington, Killamarsh and North Wingfield (Monday to Thursday from 8.30am to 5pm and Fridays from 8.30am to 4.30pm); and  
 • the following libraries: Chesterfield Central, Clay Cross, Dronfield, Eckington, Holmewood, Killamarsh, Wingerworth and the Mobile service during normal library opening hours.  
 • Council's Website: [www.ne-derbyshire.gov.uk](http://www.ne-derbyshire.gov.uk)

Further information is available from Mark Phillips at Scott Wilson, tel: 0161 237 6020

### CHESTERFIELD TOWN AND COUNTY PLANNING (LISTED BUILDINGS) AREAS

Notice under S73 (1) (Development and appearance of a Conservation Area) and appearance of a Conservation Area that the following apply to Chesterfield Borough Council

CHE/07/00437/ADV  
 1 and three illuminated facade Steeplegate, Chesterfield  
 TOWN AND COUNTY DEVELOPMENT PROCEDURE  
 NOTICE UNDER ARTICLE

Notice is hereby given under following applications have Borough Council for planning

CHE/07/00430/FUL  
 1 dwellings and garages to be land at rear of 554-568 Chas S Bloor (Measham) Ltd.

The proposed development Notice under S73 (1) (Development and appearance of a Conservation Area) is hereby given that the following apply to Chesterfield Borough Council

CHE/07/00454/COU  
 1 application CHE/06/00800/ rear of 37-41 Knifesmithgate

The proposed development A copy of each application submitted with it are available normal office hours of 8.30 (Fridays) at the Planning Section Town Hall, Chesterfield.

Any person who wishes to Council about an application within 21 days of the date of Group Leader, Development Regeneration, Town Hall, C

Under the Local Government 1985 any letter received by to be made available for publication after the committee meeting concerned.

The Borough Council allows Committee in connection with consideration. Requests connection with any representations the 21 day period referred to

An explanatory leaflet will be 28th June 2007  
 D R SHAW  
 CHIEF EXECUTIVE

**Appendix C.  
Schedule of  
Representations to SPD  
Document and Council's  
Response**

<b>Respondent</b>	<b>Comments</b>	<b>Response to issue</b>	<b>Recommendation</b>
	<b>SPD COMMENTS</b>		
Mr Clive Narrainen	Wishes to be kept informed of future stages of the SPD process.	Noted.	No change
Mr Stuart Booth Network Rail	In relation to an original response to previous consultation on the SPD, Network Rail supports the changes and considerations identified in 4.5.20 and 4.5. 26 of the document. Namely the specific mention of Rail infrastructure enhancements and the potential for 'pooling' resources where significant developments can have a cumulative effect.	Noted.	No change.

<b>Respondent</b>	<b>Comments</b>	<b>Response to issue</b>	<b>Recommendation</b>
Mr Matthew Naylor Yorkshire Water	Suggests the following for the SPD:  “The document should include the need for developer contributions on sewage treatment facilities. PPS12, para B.3 states ‘the provision of infrastructure is important in all major new developments. The capacity of existing infrastructure and the need for additional facilities should be taken into account in the preparation of all local development documents’. Para B.4 states ‘when it comes to an individual planning application, the adequacy of the infrastructure can be a material consideration in deciding whether permission should be granted.’ This is further emphasised in the Draft East Midlands Regional Spatial Strategy. MRSM Strategic Policy 3 Sustainable Communities includes the point ‘providing the ... environmental (e.g. water supply and treatment) infrastructure in accordance with current deficits and additional demand.’ This ensures a planning application for sewage treatment facilities would be relevant to planning and the other policy interests identified in Circular 05/2005.	Noted.	Recommended to add the following paragraph in section 5.0 Community Facilities after para 5.0.6:  “As with all major new developments the provision of infrastructure is extremely important. In accordance with Circular 05/05, the Council recognises that obligations can be sought to relate to cumulative implications of a number of developments. Hence the capacity of existing infrastructure and the need for additional facilities for facilities such as sewage treatment works will be an imperative consideration of individual planning applications. This approach is reinforced in PPS 12: Local Development Frameworks 2004 paragraph B4 which states that ...when it comes to an individual planning application, the adequacy of infrastructure can be a material consideration in deciding whether permission should be granted.”
Mr Andrew Towler NEDDC	With reference to para. 5.0.13 of the SPD concerning community facilities - suggests that the document should make reference to the contributions being channelled via the Council to voluntary/community groups	Noted.	Recommended that para. 3.6.1 is amended by adding the following words in italics to enable such channelling or distribution of contributions:



Respondent	Comments	Response to issue	Recommendation
	<p>through a lease arrangement where a contribution is supporting provision of a site or building. It is stated that there may be cases where transferring assets to a community group, for example, a development trust will not be possible.</p>		<p>3.6.1 Financial contributions due under any obligations <i>will</i> be paid to the District Council as the Local Planning Authority <i>and then distributed</i> to other relevant parties as required, in order that the needs and impacts arising from new developments are addressed before they arise.</p>
<p>Mr Geoff Wise Highways Agency</p>	<p>In relation to para. 3.2 of the SPD the Highways Agency supports the potential use of pooled developer contributions, in accordance with DFT Circular 02/2007.</p> <p>In relation to para. 4.5 the document makes appropriate reference to PPG13, Circular 02/2007 and 'Smarter Choices', as well as other Government policy aiming to reduce travel.</p> <p>The Highway Agency believes that the SPD will be of assistance to North East Derbyshire "in maximising the sustainability, in transport terms, of future development."</p>	<p>Noted.</p>	<p>No change.</p>
<p>Kay Ogilvie Art Development Officer NEDDC</p>	<p>In relation to para. 4.7.6 and para. 4.7.7 of the SPD it is suggested that it would be useful to have a separate SPD for Public Art, there is scope to give developers much more information in terms of:</p> <ul style="list-style-type: none"> <li>• Definitions of Public Art</li> <li>• Benefits of Public Art</li> <li>• The role of the artist</li> </ul>	<p>Noted.</p> <p>There is no current commitment in the Local Plan to prepare a 'Public Art' SPD, however the future need/potential for such an SPD will be considered as part of the development of the Local Development Framework.</p>	<p>Recommended that the following words are added at the end of 4.7.6: Public art describes any contribution or intervention made by artists or craftspeople, whether part of a building or free-standing, and whether permanent or temporary, that is intended for public space. Public art</p>

Respondent	Comments	Response to issue	Recommendation
	<ul style="list-style-type: none"> <li>• Examples of successful incorporation of Public Art in Masterplanning and development briefs</li> <li>• Community Involvement</li> <li>• Tenders and Contracts</li> <li>• Maintenance, Management and Copyright</li> </ul> <p>Suggested that the following is added at 4.7.6: Public art describes any contribution or intervention made by artists or craftspeople, whether part of a building or free-standing, and whether permanent or temporary, that is intended for public space. Public art encompasses a wide range of media. This can include the use of unusual materials and technologies, in experimental ways, or in an innovative approach to social progress.</p>	<p>Agree that the suggested addition to para 4.7.6 extends understanding of Public Art.</p>	<p>encompasses a wide range of media. This can include the use of unusual materials and technologies, in experimental ways, or in an innovative approach to social progress.</p>

<b>Respondent</b>	<b>Comments</b>	<b>Response to issue</b>	<b>Recommendation</b>
Mr Steve Bolton East Midlands Regional Assembly	<p>Thanks the consultation process on this comprehensive SPD and accompanying SA/SEA. The assembly welcomes the response to earlier comments made during the pre production consultation stage in relation to Policy 1 and Policy 4 of the current RSS.</p> <p>Suggests the addition of Policy 55 of the Draft RSS, which encourages local planning authorities to produce delivery plans, including section 106 contribution documents, could be usefully included in Para 2.4.1 of the SPD.</p>	Noted. Agreed that Draft RSS Policy 55 informs on the use of delivery plans.	<p>Recommended to add the following paragraph as 2.4.2 of the SPD:</p> <p>Policy 55. of the Draft East Midlands Regional Plan (September 2008) (RSS8) states that:</p> <p>“Local Authorities should work with developers, statutory agencies and other local stakeholders to produce delivery plans outlining the infrastructure requirements needed to secure the implementation of Local Development Documents. These should include guidance on the appropriate levels of developer contributions, and the mechanisms for securing the delivery of such contributions”.</p> <p>In order to secure the implementation of Local Development Documents the Council will ensure that with all major developments, delivery plans are produced, which define the need for additional facilities. Developer contributions shall be guided by such delivery plans.</p>
Karen Perkins Housing Strategy and Enabling Manager NEDDC	<p>Asks the following questions of the SPD:</p> <ul style="list-style-type: none"> <li>• In relation to page 15 is there to be a section on older persons/mobility housing requirements?</li> <li>• In relation to pg 16 who has the final</li> </ul>	<p>Noted. Within Chesterfield &amp; North East Derbyshire Community Strategy (2005) this is no mention of older persons/mobility housing requirements.</p> <p>Noted. Refer to Para 3.14 and 3.4.2</p>	<p>Recommended no change.</p> <p>Recommended no change.</p>

Respondent	Comments	Response to issue	Recommendation
	<p>say on who gets priority?</p> <ul style="list-style-type: none"> <li>• Are there target time scales for processing applications that the developers can hold us to?</li> <li>• Is there going to be an easy read version for tenants and residents to understand the process?</li> <li>• Is there going to be an expectation for developers to put in an SHG claim to make schemes stack up, as raised in S106 workshop with the housing corporation?</li> <li>• In relation to 4.2.12 how can people contact the council for needs, information, consultation and local area profile information?</li> </ul>	<p>where the Council's position on prioritisation is stated.</p> <p>Noted. As stated in 'Best Practice Guidance on the Validation of Planning Applications' (ODPM) (2005) developers can hold the local planning authority to an 8 week target period for minor applications and 13 for major applications.</p> <p>Noted. The SPD is a technical document that explains the process in some detail. It is not considered worthwhile to provide a simple guide as this may result in reduced or mis-understanding.</p> <p>Noted. The process of development financing is a matter for the developer. Section 3.4.2 deals with viability and the Council's approach to prioritisation where development viability is so affected as to make development unviable.</p> <p>Noted. Agreed contact details would be useful.</p>	<p>Recommended no change.</p> <p>Recommended no change.</p> <p>Recommended no change.</p> <p>Add the following as Para1.19:  <b>How to contact the Council:</b>  <b>LDF Team</b>  <b>Forward Planning</b>  North East Derbyshire District Council  Council House  Saltergate</p>

Respondent	Comments	Response to issue	Recommendation
	<ul style="list-style-type: none"> <li>In relation to para 4.2.18 should we say tenure neutral or tenure blind and could a set of 'latest guidelines' be referred to quote latest good practice?</li> <li>Does it specify enough chance for housing strategy to look at the local mix and needs before integrated into a S106 agreement?</li> </ul>	<p>Noted. Suggestion supported.</p> <p>Noted. Pre application discussions in relation to affordable housing will need to include adequate internal communication within the Council.</p>	<p>Chesterfield S40 1LF Tel: 01246 217169 Email: <b>ldfteam@ne-derbyshire.gov.uk</b> Website: <a href="http://www.ne-derbyshire.gov.uk/">http://www.ne-derbyshire.gov.uk/</a></p> <p>Recommended that para. 4.2.18 is amended with the following words in italics 'Units are to <i>be tenure neutral/ or tenure blind</i>, well integrated and the Council expects schemes to meet Housing Corporation scheme development standards and <i>latest guidelines</i> and to include as many features of 'lifetime homes' as possible.'</p> <p>Recommended no change.</p>
Mr. Robert Hardcastle Dronfield Civic Society	<p>In relation to para 1.3 of the SPD there is no reference to whether an Equality Impact Assessment has been undertaken.</p> <p>Suggests that the wording "the Planning Committee of the local planning authority</p>	<p>Noted. Prior to adoption the SPD will undergo Equality Impact Assessment in line with the Council's emerging procedures.</p> <p>Noted and agreed.</p>	<p>No change.</p> <p>Recommended that the following sentence at the end of 3.3.2 is deleted</p>

Respondent	Comments	Response to issue	Recommendation
	<p>may change the requirements ... in para 3.3.2" is confusing.</p> <p>As regards to para 3.3 the document should not give the impression that contributions are open to 'negotiation'.</p> <p>In relation to para 3.3.3 Reference to "the scoping requirements for developer contributions gives rise to uncertainty and raises unrealistic expectations.</p> <p>In para 3.3.4 the council should 'encourage' rather than suggest pre-application discussion.</p> <p>In relation to Para 3.36 developers should be required to submit a Community Involvement statement with applications.</p>	<p>Noted. While there are requirements and standards the Council will seek to achieve in relation to developer contributions and implementation of policy, negotiation is a key component of the Planning Obligations procedure.</p> <p>Noted. Scoping of requirements with partners including Derbyshire County Council is considered to be an essential part of the process.</p> <p>Noted and agreed.</p> <p>Noted. This suggestion is considered to be outside the scope of this SPD.</p>	<p>" The Planning Committee of the local planning authority may change the requirements of any agreement " and replaced with  "The Planning Committee of the Local Authority hold the right to alter any agreement in any specific case."</p> <p>Recommended no change.</p> <p>Recommended no change.</p> <p>Recommended that the word encourage is inserted after "strongly" in para 3.3.4</p> <p>Recommended no change.</p>

Respondent	Comments	Response to issue	Recommendation
	<p>A paragraph should be added about the use of Planning Performance Agreements (PPA) and/or project management approach for major developments should be added.</p> <p>The Council should expect a draft agreement or statement on heads of terms as part of the application submission</p> <p>In the interest of openness and transparency it is important that the application package is open to public scrutiny.</p> <p>Para. 3.4.2 should be amended to reflect that if there are viability issues it is for the developer to make the case.</p>	<p>Noted. A PPA is an agreement between a local planning authority and an applicant to provide a project management framework for handling a major planning application. The use of such agreements has been recommended by DCLG and their use is currently at consultation stage.</p> <p>Noted and agreed. This will speed up the process and will assist in openness.</p> <p>Noted. The Council strongly believes in openness and transparency in all its dealings with planning applications. Consultation is an integral part of the process.</p> <p>Noted. The inference in 3.4.2 is that the developer will need to demonstrate non-viability following the setting of s.106 requirements. Indeed only the developer can do so.</p>	<p>Recommended that the following is added at the end of para 3.3.6 “ In conjunction with the applicant, the Council will consider the worth of using Planning Performance Agreements in relation to major applications.</p> <p>Recommended that the following wording is added at the beginning of 3.3.8 “ The Council expects a clear statement from applicants as to the heads of terms covering scope and value of contributions as part of the planning application submission.”</p> <p>Recommended no change.</p> <p>Recommended no change.</p>

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	<p>In relation to 3.4.3 the developer should expect to submit an appraisal and that issues concerning viability assessment should always be reported to elected members. In addition the Council should always obtain a 3<sup>rd</sup> party verification of the viability assessment.</p> <p>Para 3.46 should expand to explain that the overall benefits of the scheme must be sufficient to overweight any shortfall in contributions.</p> <p>In para 3.5.5 a % admin charge is not appropriate for planning obligations, which require work in kind. A flat monitoring fee is suggested as being more appropriate. An additional % implementation fee would be appropriate and set at a level for the Council to recover full costs.</p>	<p>Noted. It is considered that the SPD as drafted deals with the viability assessment. The Council will need to secure 3<sup>rd</sup> party advice where appropriate (e.g. Council valuation staff may provide advice). Council officers will, as a matter of course, report issues relating to viability as they impact on developer contributions.</p> <p>Noted</p> <p>Noted. It is not entirely clear what is being suggested. The use of a % administration fee is a fairly common practice in local planning authorities and is considered to be the best way to reflect the costs incurred in compliance and monitoring. A flat rate fee may penalise smaller s.106 cases.</p>	<p>Recommended no change.</p> <p>Recommended that the following sentence is added at the end of 3.4.6: "The overall public benefits of the scheme must be sufficient to outweigh any shortfall in contributions as a result of viability issues."</p> <p>No change.</p>
Pamela Roberts Government Office for the East Midlands	It is suggested that the SPD must be clearly-cross referenced to saved policies as stated in PPS12 para. 2.43.	Noted. The cross referencing to saved policies is considered to be reasonable.	No change



Respondent	Comments	Response to issue	Recommendation
	<p>It is also suggested that the detail and methods for calculating standard charges in the SPD should be included in the document, in accordance with the Planning Obligations: Practice Guidance (August 2006).</p> <p>The proposal to levy an administration charge is noted. Suggested that the authority satisfies itself as to the basis of any administrative charge. The guidance in Circular 05/2005 is that planning obligations should meet all the tests in para. B5.</p>	<p>Noted. It is considered that the introduction of standard charges has been included where appropriate. It is recognised that there is scope to introduce the use of standard charges in the light of future SPD's and/or policy reviews and studies e.g. forthcoming SPD's for open space and recreation and affordable housing.</p> <p>Noted. The administration charge is a not for profit levy which is proposed at 1% of the s.106 contribution sum or value of works in kind. The charge is considered reasonable as it covers the monitoring and enforcement in order to ensure that contributions are spent on their intended purpose. It is considered that the charge complies with Circular 05/2005 policy tests.</p>	<p>No change</p> <p>No change</p>
Alan Hubbard The National Trust	SPD Para. 4.3.12. Whilst it is accepted that in some instances there will be an overwhelming case for the installation of new/additional lighting the National Trust is concerned about the potential impact of new lighting upon 'dark skies', especially in more rural areas; and the related energy	Noted and agreed.	<p>Add the following words in italics to the second bullet point in para 4.3.12</p> <p>Provision of lighting particularly to established or proposed pedestrian and/or cycle routes serving the development; such lighting to be</p>

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	<p>considerations. It is therefore requested that the text is supplemented to address these matters, e.g. "Provision of lighting particularly to established or proposed pedestrian and/or cycle routes serving the development; such lighting to be designed to be energy efficient and ensure that no unnecessary light spillage occurs."</p> <p>It is the Trust's expectation that developments that adversely affect existing areas/features of biodiversity value will be exceptional, not the majority of cases (para 4.9.14). In order to secure the regional step-change in levels of biodiversity and address past poor performance in accordance with RSS the greater need is to ensure that all new developments of modest or greater scale make a positive contribution. This is considered to be a more general requirement and accordingly it is appropriate for para 4.9.15 to precede para 4.9.14 in setting out the overall expectations.</p> <p>Although provision of low cost items such as bird and bat boxes (para 4.9.15) is an important consideration it is the Trust's view that these examples fail to put across the full nature of the challenge and what can be achieved; they are in effect last minute additions. The Trust considers that planning so as to increase biodiversity more generally should be a consideration at the outset in</p>	<p>Noted and agreed</p> <p>Noted and agreed</p>	<p>designed to be energy efficient and ensure that no unnecessary light spillage occurs."</p> <p>Re-order paras. 4.9.14 and 15.</p> <p>Change para 4.9.15 by deleting text in italics and adding text in bold:  <b>"The Council will proactively seek to improve biodiversity on all development sites by ensuring that their potential is understood and realised, for example by the identification / reinforcement / creation of wildlife corridors that will benefit a wide range of flora and fauna. In</b></p>

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	<p>design. Under such an approach the emphasis would be more on assessing the characteristics of the site and making strategic improvements to ensure that biodiversity is enhanced; prime amongst such considerations would be the identification/reinforcement/creation of wildlife corridors that provided benefits for a range of flora and fauna rather than just for one species. It is requested that the relevant sentence is amended, for example, to read:</p> <p>“The Council will proactively seek to improve biodiversity on all development sites by ensuring that their potential is understood and realised, for example by the identification / reinforcement / creation of wildlife corridors that will benefit a wide range of flora and fauna”.</p>		<p>addition opportunities should also be taken to secure low cost provision including for example, bird or bat boxes”.</p>
<p>Derbyshire County Council (officer comments)</p>	<p><b>Landscape Comments:</b> There is no reference within the SPD to the role planning obligations and S106 agreements can play in the delivery of, enhancement and restoration of landscape character and the mitigation of new development by, for example, off-site landscaping or management plans. There are a number of themes within the document which have particular links to landscape character and local distinctiveness, including highways, the public realm and open space. Particular mention of ‘Landscape Character’</p>	<p>Noted. Agreed that changes will help understanding of potential landscape issues particularly off-site.</p>	<p>Include the following new paragraph after 4.9.4:  “Planning obligations and S106 agreements can play a role in the delivery of, enhancement and restoration of landscape character and the mitigation of new development by, for example, off-site landscaping or management plans. Local landscape character should be taken into account when dealing with off site landscaping and management plans. Protecting and</p>

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	<p>should be included in section 4.9 of the SPD. This section could be renamed “Landscape Character and the Natural <i>Environment</i>”. This will highlight the links between the provision of <i>new</i> habitats and biodiversity and the character of the landscape. Without this linkage to landscape character there is the potential for inappropriate habitat creation, such as woodland creation in traditionally unwooded landscapes which will poorly relate to surrounding landscape features. There is an opportunity in this section to refer to “The Landscape Character of Derbyshire” document, which already has information relating the Biodiversity Action Plans to Landscape Character Types identified in the Derbyshire study. Reference to landscape character and the Derbyshire landscape character assessment would provide further opportunity to promote additional off site landscaping and management plans. These would help to mitigate the effects of new development, whilst, at the same time reinforcing the character of the landscape as appropriate. Protecting and enhancing the quality and character of the countryside is a requirement of Planning Policy Statement 1: Delivering Sustainable Development, and landscape character assessments and their role in Local Development Documents is specifically referred to in Planning Policy Statement 7: Sustainable Development in</p>		<p>enhancing the quality and character of the countryside is a requirement of Planning Policy Statement 1: Delivering Sustainable Development, and landscape character assessments and their role in Local Development Documents is specifically referred to in Planning Policy Statement 7: Sustainable Development in Rural Areas. Government guidance is reinforced by Policy 31 of the Draft Regional Spatial Strategy (Priorities for the Management and Enhancement of the Regions Landscape).</p>

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	<p>Rural Areas. Government guidance is reinforced by Policy 31 of the Draft Regional Spatial Strategy (Priorities for the Management and Enhancement of the Regions Landscape).</p> <p><b>Planning Control Comments:</b> Section 2.5 needs to refer to Minerals Local Plan Policy MP9 in addition to the Structure Plan and Waste Local Plan. Section 5 relating to obligations and community facilities needs to directly refer to residential care homes for older people and younger adults</p> <p><b>Housing Comments:</b> The SPD includes in Section 4.2 an appropriate policy context and details of when developers will be required to provide Section 106 contributions to the provision of affordable housing, particularly in the form of commuted sums for off-site affordable housing provision in the planning process. The County Council was recently consulted on the Borough Council's Supplementary Planning Document for</p>	<p>Noted and agreed</p> <p>Noted.</p>	<p>Add the following at the end of 2.5.7 "Minerals Local Plan Policy MP9 should also be taken into account when considering Mineral Development.</p> <p>At para 5.0.10 after " Community facilities also include community centers, meeting halls, places of worship, youth centres, day nurseries and crèches and other similar social infrastructure, indoor and outdoor leisure and recreation facilities, facilities for emergency services" add "residential care homes for older people and younger adults"</p> <p>No change</p>

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	<p>Affordable Housing and Special Needs Housing, which sets out in much more detail the arrangements the Borough Council will adopt to secure contributions to affordable housing and special needs housing in the Borough, which the County Council fully supported.</p>		
<p>Alice de la Rue Derbyshire Gypsy Liaison Group</p>	<p>The Draft SPD in its current form fails to fully address the objectives of the SA Report which relate to social inclusion and social cohesion (SA Objectives 6 &amp; 7).</p> <p>In Derbyshire, a Gypsy and Traveller Accommodation Needs Assessment is currently being undertaken to try and establish the need for authorised sites in the County. This is being undertaken so that the local authority meets its duties under Section 225 of the Housing Act 2004 and the requirements of Circular 01/2006.</p> <p>This assessment will not be completed until the end of the year, but in the meantime there are other sources of information which the local authority should look to as an indication of need for sites in the District. These include the following:</p> <ul style="list-style-type: none"> <li>• Information on private authorised sites such as number of caravans permitted, whether the site is temporary or permanent, whether</li> </ul>	<p>Noted. Just as the Local Plan highlights the use of developer contributions for Special Needs Housing (Policy H10), the use of developer contributions for accommodation for gypsies and travellers is potentially valid and has merit. There is however no clear evidence of need and it recommended that the results of the Needs Assessment are reviewed in due course to inform policy development for developer contributions in this area.</p>	<p>Recommended no change.</p>

Respondent	Comments	Response to issue	Recommendation
	<p>the site is for residential or transit use, whether there are any restricted occupancy conditions</p> <ul style="list-style-type: none"> <li>• Information on unauthorised encampments and unauthorised developments such as the number of caravans and family groups, length of occupation, planning application status, appeals/enforcement actions, planning applications refused</li> <li>• Information from Gypsy Liaison Officers</li> <li>• Information from health service providers</li> <li>• Information from Supporting People</li> <li>• Caravan Count data</li> <li>• Information and data from police on unauthorised encampments</li> <li>• Information on school rolls and from Traveller Education Service</li> <li>• Any analysis/ info. from homelessness or housing strategies</li> </ul> <p>From the Caravan Count data alone there is consistent evidence of need to make additional authorised site provision in North East Derbyshire, and this is acknowledged in the current adopted Local Plan.</p> <p>The reason that this is so important is because the local authority needs to</p>		

Respondent	Comments	Response to issue	Recommendation
	<p>consider how they will deliver such sites, and developer contributions can play a role in this delivery. This SPD provides a valuable opportunity for the local authority to make a positive step towards ensuring that any need for site provision can be met.</p>		
<p>Hanna Mawson House Builders Federation</p>	<p>The HBF considers that planning policies such as planning obligations, which are of a prescriptive nature, should not be presented and considered simply as a Supplementary Planning Document. Such policies could potentially have a considerable impact on developments and their viability and therefore should be examined independently as a Development Plan Document.</p> <p>The HBF considers that many of the requirements for contributions are unnecessary as there are an increasing amount of households. It is considered that the Local Planning Authority should not demand such requirements. Existing mechanisms, such as Council Tax, should be used to provide funding for such facilities.</p> <p>The HBF considers this document to be too prescriptive and comprehensive. It will render sites unviable and therefore undeliverable. It is therefore not conducive</p>	<p>Noted. The document has been prepared as an SPD in accordance with The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004.</p> <p>Noted. Considered that this is insufficient argument – there is a statutory basis for developer contributions – s.106 TCPA 1990.</p> <p>Noted. The document seeks to provide a clear basis for the process and rationale or justification for the use of developer contributions. The</p>	<p>Recommended no change.</p> <p>Recommended no change.</p> <p>Recommended no change.</p>



Respondent	Comments	Response to issue	Recommendation
	<p>to providing a step change in housing delivery as currently advocated by Government.</p> <p>Paragraph 3.4.3 states “if a developer feels that the council is placing unreasonable burdens on the proposal, the council will expect an open book approach to be adopted whereby the development finances are shared with the council. The HBF is fundamentally opposed to such a requirement, which goes way beyond the remit of Town and Country Planning legislation and is, in effect an attempt to set a level of developer profit by imposing a land tax on development, which we believe to be illegal. Authorities can seek to negotiate with developers and can request open book accounting but it cannot expect or require it. Furthermore, different developers and development schemes will operate to different cost and profits and it will be difficult for a third party to comment on what is, and what is not, financially appropriate.</p> <p>The SPD requires that, in paragraph 3.6, ‘payments will normally be expected to be paid on the commencement of development’. It is considered that this requirement is</p>	<p>section on viability seeks to adopt a fair and reasonable approach to the viability of sites with the aim to enable development to proceed (see para 3.4.2).</p> <p>Noted. It is essential that there is an open approach in the viability of developments in order that developer contributions can be agreed in timely fashion. Third party advice will take into account the circumstances of different developers including profit margins.</p> <p>Noted and agreed.</p>	<p>Recommended no change.</p> <p>Recommended that in para. 3.6.1. after “Payments would normally, be expected to be paid on the commencement of development (or as</p>

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	<p>premature as developers will not have been able to secure receipts for the dwellings. This is particularly an issue for the smaller developers who may not have sufficient funds up front.</p> <p>With reference to paragraph 3.5.5, requiring developers to pay an administration charge towards the compliance and monitoring, project management and implementation of planning obligations. This is wholly unreasonable. The HBF objects to the administration charge. The Council charges a planning application fee for the determination of planning applications which is monitored and managed by Government to ensure the fee accurately reflect the cost incurred by Local Authorities in the determination of planning applications. It is the Council, which is imposing these Section 106 requirements, and it should bear costs of entering into such an agreement.</p> <p>It is not appropriate for all new housing development to contribute towards the provision of, educational facilities if there is no direct link between the need for those facilities and the development proposed. This could be because the type of housing</p>	<p>Noted. The administration charge is a not for profit levy which is proposed at 1% of the s.106 contribution sum or value of works in kind. The charge is considered reasonable as it covers the monitoring and enforcement in order to ensure that contributions are spent on their intended purpose. It is considered that the charge complies with Circular 05/2005 policy tests.</p> <p>Noted and agreed.</p>	<p>otherwise stated in the relevant Guidance or Policy Documents)” The following be added: “Evidence of hardship will be considered by the Council and if appropriate an alternative arrangement may be considered to enable the development to proceed.”</p> <p>Recommended no change.</p> <p>Insert new para after 4.4.6 as follows: “Where there is no direct link in housing resulting in increased demand for school places e.g. in the case of retirement developments then this will be taken into account in determining</p>

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	<p>proposed will not be occupied by persons who would use those facilities (e.g. retirement dwellings), because there is adequate provision or provision with spare capacity already in existence, or because they should be provided out of the public purse and are already being or will be paid for by the occupants of new housing through their Council Tax.</p> <p>Highways and Transport - New development must only be required to contribute to provision required to meet the genuine need it creates and must not be expected to contribute to any existing shortfall. This is a fundamental requirement of Circular 05/05 and should be clearly stated in the requirement for the proposed contribution.</p> <p>Public Realm - The HBF, in partnership with CABE have produced the 'Building for Life' Standard, which identifies a list of 20 criteria that should be considered when designing a new housing development. This document is a tool for both for developers, planning officers, architects, highways engineers and so on. The HBF recommends that this document is acknowledged within the SPD. Visit the "Building for Life" website <a href="http://www.buildingforlife.org">www.buildingforlife.org</a>.</p>	<p>Noted. Paragraph 4.5.15 makes this clear.</p> <p>Noted and accepted.</p>	<p>the level of contribution"</p> <p>Recommended no change.</p> <p>Include as new para at 4.6.9</p> <p>"The Housing Building Federation, in partnership with CABE have produced the 'Building for Life' Standard, which identifies a list of 20 criteria that should be considered when designing a new housing development. This document is a tool for both for developers, planning officers, architects, highways engineers. Applicants may find it useful to consider this document in</p>

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	<p>Open Space and Recreation - The HBF objects to specifying the number of dwellings/ size of site when determining whether open space should be required. This blanket approach does not take into account the individual nature of sites; for example if there is surplus open space within an area, a development should not be required to provide any further open space. Furthermore, a development should only provide for open space when 'it is directly related to the proposed development' (Circular 05/05). A development should not be required to provide facilities in order to satisfy a deficiency within the locality.</p>	<p>Noted. The approach in this area accords with the policies in the adopted Local Plan. The HBF have been consulted in respect of the forthcoming Recreation and Open Space SPD.</p>	<p>formulating proposals. Information is available at the "Building for Life" website <a href="http://www.buildingforlife.org">www.buildingforlife.org</a>."</p> <p>Recommended no change.</p>
<p>Ann Plackett English Heritage</p>	<p><b>Paragraph 5.2.3</b> English Heritage promotes a wide definition of the historic environment which includes not only those areas and buildings with statutory protection, but also those which are locally valued and important. It would be appropriate, therefore, to reinforce this point in this paragraph, e.g. with reference to locally valued assets, such as locally listed buildings.</p> <p><b>Paragraph 5.2.4</b> English Heritage's statutory</p>	<p>Noted and agreed.</p> <p>Noted.</p>	<p>Amend para 5.2.3 by adding at the end: "Locally valued assets such as locally listed buildings are also important components and assets of the region's cultural heritage."</p> <p>Add at the end of para 5.2.4:</p>

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	<p>powers regarding the types of applications that it should be notified of and consulted on is set out in <i>Planning and Development in the Historic Environment: A Charter for English Heritage Advisory Services</i> (2005), which can be downloaded from the HELM website. For example, it is only a statutory consultee for scheduled monuments and not other archaeological sites.</p> <p><b>Paragraph 5.2.5</b> There appears to be confusion here between the HELM website, which is a useful source of guidance etc and the County's Historic Environment Record. It is the latter that we would normally expect developers and other applicants to contact for information on historic assets in the area, particularly undesignated archaeology, although the HELM website is a useful information point, e.g. for accessing English Heritage guidance.</p> <p><b>Paragraph 5.2.8</b> We also suggest that another example might be the restoration and reuse of a building 'at risk', whether on the national or local register. As not all historic parks and gardens are open to the public (there is only one registered park and garden, Renishaw Hall, in the district), it is suggested that the following amendment is made: '...improvement of the access</p>	<p>Noted.</p> <p>Noted.</p>	<p>"English Heritage's statutory powers regarding the types of applications that it should be notified of and consulted on is set out in <i>Planning and Development in the Historic Environment: A Charter for English Heritage Advisory Services</i> (2005)"</p> <p>Delete para 5.2.5 and replace with:  " Applicants are advised to contact Derbyshire County Council's Historic Environment Record for information on historic assets in the area, particularly undesignated archaeology"</p> <p>Insert at the end of para 5.2.8 the following words in italics:  "...improvement of the access between a development site and a nearby historic park or garden <i>or other historic site that is open to visitors.</i>"</p>

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	<p>between a development site and a nearby historic park or garden <i>or other historic site that is open to visitors.</i></p> <p><b>Glossary of terms, page 52</b> It is suggested that the definition of English Heritage is amended to:  ‘The Government’s statutory advisor on the historic environment responsible for its protection and promotion.</p>	Noted	<p>Change the definition of English Heritage on page 52 to</p> <p>“The Government’s statutory advisor on the historic environment responsible for its protection and promotion.”</p>
	<b>SA REPORT COMMENTS</b>		
Mrs Ann Brown Old Dronfield Society	<p>Positive about the Cultural Heritage section of the document.</p> <p>In relation to para 11.7.1 the reference to information point describing the history of the area could be applied to other areas e.g Dronfield High Street.</p> <p>In relation to para. 13.3.5 the Dronfield Society is always concerned about new development and it’s fitting with the existing townscape.</p>	Noted. Para. 11 of the SA report deals with Cultural Heritage. Para. 11.7 sets out recommended indicators for monitoring in order to identify cultural heritage issues that may warrant a planning response in relation to a planning application. The indicators include the percent of population within preferred walking distance of an information point to increase the accessibility of cultural heritage resources. It does not seek	Recommended no change.

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		to make recommendations about location.	
Derbyshire County Council (officer comments)	The report identifies issues relevant to the SPD and appraises the strategic options with regard to their implications on sustainability. The likely effects of the document are assessed and measures proposed to maximise beneficial effects and mitigate adverse environmental impacts. It has already been considered by Cabinet prior to the submission of this SPD as part of the Strategic Environmental Assessment produced by the district.	Noted.	Recommended no change.
Ann Plackett English Heritage	<b>IV-F Cultural Heritage, page 14</b> As indicated in our letter of 25 May 2007, the data on Buildings 'at Risk' should distinguish between those on the national register (Grade I and II*), which is updated on an annual basis, and the data derived from the local data source, which includes Grade II listed buildings. It is possible to provide comparisons with regional and national data for the Grade I and II* buildings using data from the national register. The data sources should be made explicit. The number of registered parks and gardens in the East Midlands cannot easily be compared with other regions, as they vary greatly in size. Certainly, most districts in the East Midlands region have more than one. Reference could also be made to the number of	The distinction in data sources was not originally considered pertinent within the non-technical summary, however its value has been recognised. It is agreed that the indicator on Registered Parks and Gardens should refer to size (i.e. area of coverage) rather than number. However, this is not possible given the time and resources available, and as such, this indicator cannot effectively contribute to the SA/SEA. In future iterations of SA/SEA (i.e. for future SPDs), the indicator should be taken forward, in agreement with English Heritage, to an even more appropriate indicator, being "area / population".	The paragraphs under Section IV-F have been altered in order to reflect the data sources, to remove the comparison made with regard to registered parks and gardens, and to identify scheduled monuments, as requested.

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	<p>scheduled monuments (32) in the district in the first paragraph.</p> <p><b>Table 11-1 Indicators for the historic environment</b>  The same points as those raised above would apply to Table 11-1. For example, the current data for Grade I and II* should relate to the 2007 national register. It is assumed that the 2004 data for Grade II buildings at risk is derived from the RSS Annual Monitoring Report. English Heritage has considerable reservations about the reliability and completeness of this data and would prefer not to see the regional comparator included. % of scheduled monuments at risk – again it is not clear from where this information is derived. The BARs register only covers structural SAMs. Reference was made in our previous letter to the pilot survey of scheduled monuments at risk in the region. Data for NE Derbyshire can be provided on request. A monitoring system is being developed to update this data.</p> <p><b>Sub-indicators, page 105</b> The reference to the 'state' of Renishaw Hall could be extended to include locally significant parks and gardens, such as Victorian parks.</p>	<p>The scope of work in an SA/SEA is always limited by time and resources, and as such, the most current or reliable data is not always found initially, and where a mix of data is used, it must refer to the earliest reference year (i.e. 2004, which refers to the data on total number of listed buildings). As such, we appreciate the comments from English Heritage, and assistance in obtaining the best, most recent data available. The referencing of data sources has been included for cultural heritage.</p> <p>Agreed that such an indicator would be valuable to the Council.</p>	<p>Table 11-1 modified to include the most up-to-date local data, remove the regional comparator from the RSS Annual Monitoring Report, and reference all of the other data clearly. Data on Scheduled Monuments obtained from English Heritage.</p> <p>p.105: added an indicator on the status of locally significant parks and gardens (e.g. Victorian parks).</p>
Cass Worman Peak to Trent	In para 4.4.4 Natural England strongly support the additional SPD objective	Comments welcomed.	Recommended no change.



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Area Team Natural England	<p>securing habitat creation and/or management on sites. NE considers the seeking of a net improvement of biodiversity on sites to be an important feature of this SPD. Table 5-1 Column 5: Natural England supports the flexible approach of Option 4 where habitat opportunities specific to each site can be developed through developer contributions.</p> <p>9.3.4 Natural England support the proposed linkages between this SPD and the forthcoming Recreation and Open Space SPD. These two SPDs will direct developers to contribute to green spaces which could also accomplish a biodiversity gain</p> <p>9.4.3 Natural England concur with the assessment that the SPD will have a positive influence on green infrastructure and recognises that the SA has identified the potential for some projects to threaten key habitats which must be monitored for</p> <p>9.6.2 Natural England would support the SPD to seek a net improvement of biodiversity on <u>all</u> sites, not just those which lead to greenfield landtake or habitat fragmentation</p>	<p>Comments welcomed.</p> <p>Comments welcomed.</p> <p>It was initially considered that per Circular 05/2005: Planning Obligations, which guides on the requirements of developer contributions, this link to Greenfield landtake and habitat fragmentation would keep the recommendation “related in scale and kind” to the proposed development, and</p>	<p>Recommended no change.</p> <p>Recommended no change.</p> <p>Paragraph 9.6.2 altered – removed sentence referring to the constraints of the SPD and developments leading to Greenfield landtake or fragmentation.</p> <p>Comment therefore also addresses the SPD (see comments on the SPD document from Natural England).</p>

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		<p>otherwise “reasonable” in planning terms. However, it is overall agreed that all sites should seek a net improvement in biodiversity, given the planning and environmental context as presented in the SA Report.</p>	

**END OF CONSULTATION STATEMENT**