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Alfia Cox
Amber Valley Borough Council
By email

Telephone: (01629) 533332
Ask for: Sara Jones
Email: planningpolicy@derbyshire.gov.uk
Our Ref: Developer Contributions/SJ
Your Ref: AVA/2025/0587
Date: 10 June 2026

Dear Alfia,

Application AVA/2025/0587 for 200 dwellings at Land East Of Horsley Road / South Of Woodhouse Road Horsley Road Kilburn Belper

Thank you for your consultation dated 19 May 2026 in respect of the implications for the provision of strategic infrastructure and services which are the responsibility of the County Council arising from the above proposed development. This response is in accordance with the National Planning Policy Framework (NPPF) and the County Council's Developer Contributions Protocol.

I note that the County Council previously responded to AVA/2025/0587 application for 200 dwellings on 8 October 2025.

Local Member Comments

The local County Councillor, Councillor Pizzey has been consulted for his views on the potential infrastructure requirements that may require contributions from developers.

At the time of writing, no comments have been received with regard to items covered in this response. Councillors however are encouraged to make any Highways comments they wish to make direct to the local planning authority.

Officer Comments

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

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

CIL Compliance/ Use of Funding

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the 3 statutory tests as set out in the Community

Infrastructure Levy (CIL) Regulations 2010 (as amended) and in paragraph 58 of the NPPF; they are

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

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

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

1) Education

The NPPF clearly sets out that the purpose of planning is to help achieve sustainable development, with paragraph 100 of the NPPF stating:

'It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and

b) work with early years, school and post-16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted'

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

Assessing the Proposed Development

The County Council has a statutory duty to make education provision available for each young person and elects where possible to provide a school place for each child at their normal area school. This duty applies across all schools and includes Academies.

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

Pupil numbers are calculated looking at the five year projection of numbers on roll based on birth rates. This projection does NOT include the impact of any new housing with planning permission or allocated in local plans.

The number of pupils that the development is expected to generate is calculated using the formula that for every 100 dwellings there will be 25 primary, 18 secondary and 7 post-16 pupils. This formula is based on a statistical assessment of birth rate and housing occupancy data in Derbyshire using information from the 2021 census. In calculating the pupil yields one-person households have been omitted. This reflects the fact that one-bedroom dwellings are omitted from the assessments of need contained in consultation responses. The pupil yield employed in the SEND assessment reflects the proportion of Derbyshire pupils being educated within Special Schools as well as Enhanced Resources within mainstream schools.

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

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

2026/27 Level of Contributions

	Places per 100 dwellings	Cost per pupil place	Cost per 1 dwelling	Cost per 10 dwellings	Cost per 100 dwellings
Primary phase	25 places	£21,340.61	£5,335.15	£53,351.53	£533,515.31
Secondary phase (without Post16)	18 places	£32,156.30	£5,788.13	£57,881.34	£578,813.40
Secondary phase (with Post 16)	25 places	£32,932.83	£8,233.21	£82,332.07	£823,320.72
SEND	0.8 places	£122,115.24	£976.92	£9,769.22	£97,692.19

Primary Level

The proposed development falls within and directly relates to the normal area of Horsley CE Primary School. The proposed development of 200 dwellings would generate the need to provide for an additional 48 pupils.

Horsley CE Primary Primary School has a net capacity for 77 pupils, with 90 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 82.

Analysis of the current and future projected number of pupils on roll, shows that the normal area primary school would not have sufficient capacity to accommodate the 48 primary pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of John Flamsteed Community School. The proposed development of 200 dwellings would generate the need to provide for an additional 40 secondary pupils.

John Flamsteed School has a net capacity for 852 pupils with 850 pupils currently on roll. The number of pupils on roll is projected to decrease to 841 during the next five years.

Analysis of the current and future projected number of pupils on roll, shows that the normal area secondary school would not have sufficient capacity to accommodate the 29 of the 40 secondary pupils arising from the proposed development.

SEND

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

The proposed development for 200 dwellings x 0.8/100 = 1.6 pupil places.

Mitigation

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

- £1,024,349.28 towards the provision of additional education facilities at Horsley CE Primary school

- £932,532.70 towards the provision of additional education facilities at John Flamsteed Community school
- £195,384.00 towards SEND places

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

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

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

2) Digital Connectivity/Broadband

Access to high-quality digital infrastructure is essential to enable sustainable and inclusive growth across Derbyshire. Derbyshire County Council is committed to ensuring that all new development supports the provision of gigabit-capable broadband and mobile connectivity, in line with the Derbyshire Digital Connectivity Strategy, national planning policies, and updated Building Regulations.

Developers are expected to integrate full fibre (FTTP) and mobile-ready infrastructure at the earliest stages of development. The delivery of such infrastructure should be in accordance with Building Regulations Part R (as amended 2022), which requires gigabit-ready physical infrastructure and gigabit-capable connections for all new builds unless this is demonstrably impracticable.

In line with the County Council's strategy, developers should ensure the provision of open access digital infrastructure, defined as infrastructure that allows connection and service delivery by multiple independent fibre and mobile network providers, rather than a single provider offering wholesale access to multiple resellers. The ability to enable genuine multi-operator access promotes local competition, resilience, and consumer choice.

To further enhance digital connectivity outcomes, developers are encouraged to:

- Incorporate open-access ducting and chambers, capable of serving multiple fibre providers.
- Design developments to be IoT-ready, supporting future smart technologies, sensors and digital public services.
- Facilitate infrastructure for 5G (or successor standards such as 6G where commercially viable) or small cell deployment, Fixed Wireless Access distribution including passive infrastructure such as ducting, rooftop access and adapted street furniture.

In areas where mobile coverage may be limited, developers should undertake real-world mobile signal testing, using live data to assess signal strength and download/upload speeds across the site. Ideally, at least **two independent mobile network operators** should provide acceptable coverage. If mobile performance is substandard, the developer should consider signal improvement measures, including:

- Internal or external signal boosters;
- Small cell infrastructure;
- Rooftop antenna or shared access solutions.

Digital infrastructure should be treated as a key component of site servicing and layout design. The County Council also encourages local planning authorities to include planning conditions or informative notes to ensure that digital connectivity is fully integrated and future-proofed as part of the development.

Further guidance is available from:

- Derbyshire Digital Connectivity Strategy (2023–2027)
- Future Telecoms Infrastructure Review – Department for Science, Innovation and Technology (DSIT)
- Building Regulations Approved Documents R and R1

3) Local Authority Collected Waste

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

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

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

4) Libraries

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

The proposed development falls in Belper which has a population of 19,077 (2021 Census). There is a static library in Belper

Derbyshire's Developer Contributions Protocol outlines the potential need for a contribution for library services using the Arts Council England recommended benchmark of 30sqm of library space per 1,000 population. The current population of Belper is 19,077 which therefore indicates a floorspace requirement of 30sqm x 19.077=572.31sqm. The

floorspace of Belper Library is currently 336 sqm, which is below the recommended minimum benchmark level.

The proposed development is for 200 dwellings. Using the current average household size for Derbyshire of 2.3 persons per household, the development is likely to result in an increase in the population of Belper by c.460 a 2% increase.

As Belper is below the recommended floorspace benchmark level, the increased population will generate footfall demands on the library service that would need to be mitigated through a floorspace / asset improvement contribution from the developer. The developer contribution cannot be used to offset the existing floorspace shortfall but should aim to offset the additional pressure caused by the development, which at 30sqm of library space per 1,000 persons would be 30 x 0.46=13.8 sqm. At an estimated build and fit-out cost of £2,500 per sqm, this would result in a contribution requirement of **£34,500**

There will be a requirement of a developer contribution to increase library stock levels to meet the pressure of the new development. The National Library Standard upper threshold as cited in Championing archives and libraries within local planning recommends a stock level of 1,532 items per 1,000 population, with the average price of £20.27 per stock item (based on Nielsen BookScan June 2024).

In this instance a stock only contribution of **£14,290.35** is sought and is calculated as follows:

200 dwellings x 2.3 (average household size) = 460 people

460 people x 1.532 (stock level per person) = 705 stock items

705 (stock items) x £20.27 (cost per stock item) = **£14,290.35** (i.e. £71.45 per dwelling).

In addition to floorspace and stock, growth in population will also generate increased pressure on library services through increased requirements for Digital Library services and Mobile Library Services. Digital Self-Service kiosks are provided in Derbyshire Libraries which have over 12,000 visits per annum (1,000 visits per month). Belper currently has around 80,692 visits per annum and therefore does have self-service kiosks. The increase in population is not likely to take visitation to a level where another Self-Service kiosk is required.

Libraries are provided with public wi-fi and public access PCs to enable users to make use of online resources. A growth in the population served by the library should result in an increased provision of public PCs by an equivalent amount. Belper currently has 6 public PCs. An increase of 2% is not likely to increase pressure on the existing PCs, therefore a contribution is not required for this element.

As Belper already has a static library, no Mobile Library Service provision contribution is required.

5) Adult Social Care and Health

Adult Social Care have no objections to the development of up to 200 dwellings at land East of Horsley Road in Kilburn.

ASCH's All-Age Adults' Housing, Accommodation and Support strategy notes a need for mainstream housing suitable for people with care and support needs wishing to live independently in local communities. Amber Valley's population of adults aged over 65 years is forecast to rise from 30354 in 2025 to 36717 in 2035, a rise of nearly 21%, creating a need for affordable 'care ready' or retirement living type properties.

Given the ageing population, we would be grateful if homes could be built to M4(2) standards, and that this applies at a minimum to all affordable homes and additionally to any market homes of three bedrooms or fewer, as these are the most likely dwellings to be inhabited by downsizing older adults or people with mobility or health issues.

Dwellings meeting M4(2) standards encourage downsizing, enable aging in place and prolong independence, 'creat[ing] places that are safe, inclusive and accessible and which promote health and well-being, with high standards of amenity and flexibility for existing and future users.'

6) Transport Strategy

The site is located on the northern edge of Kilburn, with primary vehicular access proposed via a new priority junction onto Horsley Road.

The National Planning Policy Framework (NPPF, December 2024) requires development to support sustainable patterns of growth and prioritise walking, cycling and public transport in order to reduce reliance on the private car.

Vehicular access is proposed via a new priority junction onto Horsley Road, supported by: Footways on both sides of the access; New pedestrian crossing provision (dropped kerbs); Connection to existing bus stops along Horsley Road. These measures provide a positive baseline for accessibility.

However, the current design relies heavily on informal crossing arrangements, which are unlikely to provide an acceptable level of safety or convenience for all users. In particular: Pedestrian crossings on Horsley Road should be formalised and controlled where appropriate; Connections to bus stops and surrounding routes must be direct, legible and Attractive. Without these improvements, walking and public transport use will be discouraged.

Using the DfT Connectivity Tool, the site records an average connectivity score of 52, compared to: Kilburn average: 56
Scores are calculated by averaging individual 100x100m square scores, to ensure comparability.

The site is located approximately 600m from Kilburn centre, with a range of local facilities accessible within recommended walking distances, including:

- *Primary school (~700–800m), Secondary school (~1,800-1,900m)*
- *Convenience store / post office (~900m)*
- *GP surgery (~800m)*
- *Bus stops (~180–220m)*

While distances are broadly acceptable, route quality and accessibility are the determining factors in travel choice, and significant deficiencies are evident.
Critical Constraint – Footpath 6 (Woodhouse Road Access)

A key and overriding concern is the condition and width of Public Right of Way Footpath 6 at its junction with Woodhouse Road. The route is currently of insufficient width to accommodate wheelchairs, mobility aids or pushchairs, and therefore fails to meet even basic accessibility expectations. As designed, it would exclude a proportion of users entirely. Furthermore, the constrained width also prevents the route from functioning as a viable cycle connection, severely limiting its role within the wider active travel network. It is essential that this route is widened to provide a safe, inclusive and usable connection for all users. This may necessitate land acquisition, which should be addressed as part of the development. Without this intervention, the route cannot be considered fit for purpose.

Pedestrian connectivity is also constrained by:

- *The need to cross Horsley Road or Woodhouse to access services, local amenities and bus stops*
- *Suggested pedestrian crossings consist of drop kerbs, rather than formalised crossings.*
- *Poor integration with the B6179 corridor, which provides access to higher-order services and public transport*

While the Transport Assessment references acceptable distances, the lack of coherent, continuous and attractive routes presents a clear risk that future residents will default to private car use.

To support sustainable travel, improvements must include:

- *Widening and full upgrade of Footpath 6 to LTN 1/20 standards, including its constrained connection at Woodhouse Road*
- *Provision of an LTN 1/20-compliant footpath/cycleway linking Horsley Road to Derby Road (B6179)*
- *Formalisation and upgrade of the unformal footpath desire line from footpath 28 into Lower Kilburn. (Emerges on lane opposite bus stop NaPTAN: 1000DLKD4176.*
    - *If not deliverable, upgrades to Footpaths 28 and 31 must be secured*
- *Delivery of controlled crossings on:*
    - *Horsley Road*
    - *Woodhouse Road (with alignment to connect Footpath 6 and Sitwell Drive)*
- *Ensuring all internal routes are fully compliant with LTN 1/20 and prioritise*
- *pedestrian movement*

Cycling infrastructure in the area is currently limited.

- *To create a viable and attractive cycling offer, the scheme must provide:*
- *Safe and coherent connections to the B6179 corridor and Derbyshire's Local Cycle Network. (This could be facilitated through the formalisation of the informal footpath to Lower Kilburn)*
- *Explore opportunities for integration with the Little Eaton Branch Line, which will provide a strategic traffic-free link to Derby*

All infrastructure must be delivered in accordance with LTN 1/20 standards. Without dedicated provision, cycling is unlikely to be a realistic mode choice.

Bus stops are located in proximity to the site (~200m), which is positive. Additionally, the inclusion of a footway fronting the site along Horsley Road is supported, to enable access these stops.
However, service provision is mixed:
Route 138: approximately 2-hourly frequency (limited service)
The 9.1 and 9.3 services running along the B6179 provide a 20–30-minute frequency linking to Mansfield, Alfreton, Ripley and Derby. Thus, a link between the development site and stops on the B6179 is crucial.

Overall, the site benefits from a baseline level of public transport accessibility, improvements to enhance connectivity to access the higher frequency bus corridor on the B6179 would be required to support a meaningful shift away from private car use.

Key Observations

- *The site is reasonably located in relation to Kilburn*
- *However, infrastructure deficiencies significantly undermine sustainability potential*
- *Walking routes are fragmented and constrained, particularly due to Footpath 6*
- *Crossing provision is inadequate and overly reliant on informal measures*
- *Cycling infrastructure is limited*
- *Public transport is limited by constraints to access the higher-frequency corridor on the B6179*
- *Without substantial improvement, the development is likely to remain car dependent.*

Recommendations

- *Widen Footpath 6 at Woodhouse Road to provide a fully accessible route for all users. This is a fundamental requirement and must be resolved.*
- *Provide controlled pedestrian crossings on Horsley Road and Woodhouse Road. Crossing locations must align with key desire lines, including links between Footpath 6 and Sitwell Drive, and routes to bus stops and local services.*
- *Upgrade Footpath 6 through the development site, designed in accordance with LTN 1/20.*
- *Formalise and improve the existing desire line from Footpath 28 into Lower Kilburn, providing a direct and high-quality connection to, the B6179 corridor and bus stop (NaPTAN: 1000DLKD4176). Where this direct route cannot be delivered, equivalent upgrades must be secured to ensure connectivity to the B6179 is not compromised.*
- *Deliver LTN 1/20-compliant cycling infrastructure providing safe and direct connections to, the B6179 corridor, Derbyshire's Local Cycle Network and the Little Eaton Branch Line.*
- *Ensure the development provides a coherent, continuous and permeable network of walking and cycling routes, including high-quality internal links that prioritise active travel and connect effectively to the wider network.*

- *Improve access to public transport, including enhanced walking and cycling routes to higher-frequency services on the B6179 and upgrading bus stop infrastructure where appropriate.*

Taken together, these measures are necessary to ensure the development provides genuine travel choice and does not result in a reliance on private car use.

Conclusion – Sustainability Assessment
The site benefits from a reasonable spatial relationship with Kilburn and is within walking distance of key services.

However, there are significant deficiencies in transport infrastructure, most notably the inadequate width and accessibility of Footpath 6 at Woodhouse Road, which represents a fundamental constraint on sustainable movement.

In its current form, the development cannot be considered compliant with the aims of the NPPF, as it fails to provide inclusive, safe and attractive alternatives to private car use.

While the site has the potential to improve its sustainability credentials, this is entirely dependent on the delivery of substantial improvements, particularly:

- *Resolution of the Footpath 6 constraint*
- *Provision of formal crossings*
- *Delivery of a coherent, LTN 1/20-compliant active travel network.*

Without these measures, there is a clear risk of car-dependent development

Cumulative Development
Allocation of a circa 110 dwelling developments to the West of Horsley Road set out in Amber Valley's local plan. No existing applications have come forward for this site. However, consideration should be given to the master planning of this area, including the provision of internal services should development come forward.

Additionally, consideration should be given to the impact on demand of local services and networks in conjunction with potential Cinder Hill developments.

The site is in proximity of the Little Eaton Branch Line, that is currently under construction and will provide traffic free walking and cycling connectivity into employment areas along its corridor. For example, Derby.

This advice is provided in good faith as an informal, without prejudice officer opinion. It does not constitute a formal decision nor commit the Highway Authority to any future action or recommendation.

7) Employment and Skills

One of the 4 priorities of Derbyshire County Council's 'Council Plan 2023 – 25 is to create a "A prosperous and green Derbyshire" and in the next two years the County Council will continue to "work with Derbyshire businesses to support the creation of apprenticeship opportunities in key economic sectors, connecting people to local job opportunities" and

in doing this work aim to ensure that “children, young people and adults are empowered to realise their ambitions and maximise their potential”

Much of the activity delivered through the Strategy is already funded through existing departmental budgets. External funding opportunities have been, and will be, maximised through joint work with partners.

The County Council will also continue to work with partner organisations including the emerging Combined Authority, District/Borough Councils, PDNPA and other key partners in the Employment and Skills landscape.

Development which is capable of contributing to these objectives will be considered on a case by case basis. The County Council will work collaboratively with the District/Borough Councils and PDNPA to identify where activities or contributions are required to support employment and skills development where they are supported by policies in the District/ Boroughs’ and PDNPA’s respective local plans.

8) Monitoring fees

In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), the County Council will seek a monitoring fee towards the monitoring and reporting of S106 contributions. The fee will be based on the cumulative number of triggers to be monitored for County Council obligations x £154 (based on officer time Grade 12).

9) Other Information

Please note that a separate response may be provided by:

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

- The Flood Risk Team as the Lead Local Flood Authority. Your area’s Flood Risk Engineer for the Lead Local Flood Authority can be contacted through our call centre: ‘Call Derbyshire’ on 01629 533190, and ask for the Flood Risk Team or email flood.team@derbyshire.gov.uk.

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

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

Yours sincerely,

Sara Jones

Place

Copies:
Councillor Pizzey, c/o Corporate Resources
Education Planning, Children's Services
Highways Development Control, Place
Strategic Planning, Place
Countryside Services, Place
Waste Management Services; Place
Adult Social Care and Health: Commissioning, Communities and Policy