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

Alfia Cox
Amber Valley Borough Council
By email

Telephone: (01629) 5333332
Ask for: Sara Jones
Email: planningpolicy@derbyshire.gov.uk
Our Ref: Developer Contributions/SJ
Your Ref: AVA/2025/0490
Date: 4 September 2025

Dear Alfia,

AVA/2025/0490 Demolition of derelict portal frame building and residential development of up to 80 affordable Housing dwellings with infrastructure, Land West Of Crosshill And South Of Middleton Ave Middleton Avenue Codnor Ripley

Thank you for your consultation dated 15 August 2025 in respect of the implications for the provision of strategic infrastructure and services which are the responsibility of the County Council arising from the above proposed development. This response is in accordance with the National Planning Policy Framework (NPPF) and the County Council's Developer Contributions Protocol.

Local Member Comments

The local County Councillor, Darran Furness 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 24 primary, 20 secondary and 8 post-16 pupils. This formula is based on a statistical assessment of birth rate and housing occupancy data in Derbyshire using information from the 2011 census. In calculating the pupil yields one-person households have been omitted. This reflects the fact that one-bedroom dwellings are omitted from the assessments of need contained in consultation responses. The pupil yield employed in the SEND assessment reflects the proportion of Derbyshire pupils being educated within Special Schools as well as Enhanced Resources within mainstream schools.

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

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

2025/26 Level of Contributions

	Places per 100 dwellings	Cost per pupil place	Cost per 1 dwelling	Cost per 10 dwellings	Cost per 100 dwellings
Primary phase	24 places	£20,768.06	£4,984.33	£49,843.34	£498,433.42
Secondary phase (without Post16)	20 places	£31,293.57	£6,258.71	£62,587.14	£625,871.40
Secondary phase (with Post 16)	28 places	£32,049.27	£8,973.79	£89,737.94	£897,379.42
SEND	0.7 places	£118,838.98	£831.87	£8,318.73	£83,187.29

Primary Level

The proposed development falls within and directly relates to the normal area of Codnor Community Primary School. The proposed development of 80 dwellings would generate the need to provide for an additional 19 pupils.

Codnor Community Primary School has a net capacity for 280 pupils, with 207 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 240.

Analysis of the current and future projected number of pupils on roll, shows that the normal area primary school would have sufficient capacity to accommodate the 19 primary pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Ripley Academy School and Aldercar High School. The proposed development of 80 dwellings would generate the need to provide for an additional 22 secondary pupils.

Ripley Academy School has a net capacity for 1116 pupils with 900 pupils currently on roll. The number of pupils on roll is projected to increase to 991 during the next five years.

Aldercar High School has a current net capacity of 750 pupils and had 690 pupils on roll as at January 2025. The latest projections show the expected number of pupils to be 670 in 5 years time.

Analysis of the current and future projected number of pupils on roll, shows that the normal area secondary school would have sufficient capacity to accommodate the 22 secondary including post 16 pupils arising from the proposed development.

Mitigation

The above analysis indicates that there would be no 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 no financial contributions.

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.

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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.

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

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

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

In this instance a stock only contribution of £5,640 is sought and is calculated as follows:

80 dwellings x 2.3 (average household size) = 184 people

184 people x 1.532 (stock level per person) = 282 stock items

282 (stock items) x £20 (cost per stock item) = **£5,640** (i.e. £70.50 per dwelling).

5) Adult Social Care and Health

As this development is fewer than 100 dwellings and relates to general housing, ASCH are unable to provide specific feedback. However, we would appreciate the following general design principles being considered to comply with the NPPF's requirement for developments to 'create 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.'

- Dwellings meet M4(2) standards to encourage independent living for all ability and mobility levels
- Good internal space standards, ceiling heights, natural light levels
- Stairways, walls and ceilings capable of accommodating stair lifts or hoists should these be required in future; large internal cupboards which could be converted for through floor lifts at a future date
- A mix of tenures and types: affordable accommodation is important to help ensure the stability of the domiciliary care market
- Having a proportion of dwellings built on one level (stacked or bungalow) and ensuring this type of provision is located near public transport routes and/or urban centres

6) 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.

7) Monitoring fees

In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), the County Council will seek a monitoring fee towards the monitoring and reporting of S106 contributions. The fee will be based on the cumulative number of triggers to be monitored for County Council obligations x £77 (based on officer time Grade 12).

8) Other Information

Please note that a separate response may be provided by:

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

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

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

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

Yours sincerely,

Sara Jones
Place

Copies:
Councillor Darran Furness, 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