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TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government policy and guidance and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2022/0035**) which was valid on the 20 January 2022 for permission for **Variation of conditions 7 and 8 of AVA/2016/1174 for pitches 1-20 inclusive, as shown on drawing 1608/P1, to be used for 12 months and not 10 months at Riddings Wood Caravan And Camping Park Bullock Lane Riddings**

In the manner described in the application and shown on the accompanying plan(s) and drawing(s) **NOTICE IS HEREBY GIVEN** that permission for the proposed development is **GRANTED subject to the following conditions:**

Conditions/Reasons

1. The permitted touring caravan and camping site hereby permitted shall not exceed a maximum of 150 pitches and shall be laid out and occupied only in accordance with drawing 1630/P1 Rev 'b'.

   Reason: To define the terms of this permission.

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2. Touring caravans or tents in association with Plots 1 to 20, as shown on drawing 1608/LP, may be used twelve months a year as a form of holiday accommodation in connection with the tourism industry only and not as a permanent residence.

   Reason: This accommodation is only acceptable having regard to the Amber Valley Local Plan policies for tourism and the protection of the countryside and by its location, design and level of amenity provision, it would not be acceptable for permanent residential use in accordance with saved policies EN2 (Green Belt), ER12 (Tourism) and ER13 (Touring camping and caravanning facilities).

3. No touring caravan or tent in association with plots 21-150 (whether occupied or otherwise) or caravan or tent occupier shall remain on site for more than 28 days per calendar year and no caravan or tent associated with plots 21-150 shall remain on site between 1 January and 28 February in any year and no caravan or tent shall be permanently stored on the site when not in use.

   Reason: This accommodation is only acceptable having regard to the Amber Valley Local Plan policies for tourism and the protection of the countryside and by its location, design and level of amenity provision, it would not be acceptable for permanent residential use in accordance with saved policies EN2 (Green Belt), ER12 (Tourism) and ER13 (Touring camping and caravanning facilities).

4. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans and tents on the site and their main home address, and shall make this information available to the Planning Authority upon request.

   Reason: This accommodation is only acceptable having regard to the Amber Valley Borough Council's policies for tourism and the protection of the countryside. By its location, design and level of amenity provision, it would not normally be acceptable for the permanent storage of the caravans, tents and ancillary equipment in accordance with saved policies EN2, ER12 and ER13 of the adopted Amber Valley Borough Local Plan 2006.

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5. The access route over the site between Bullock Lane and the land adjacent to the northern boundary of the site (which now contains a former gas production wellhead platform) shall be kept available at reasonable times as a means of access with vehicles and equipment between that land and the highway for the carrying out any activities for restoration and aftercare of that land in accordance with requirements under conditions contained in the planning permission issued by the Planning Authority on 24 December 1999, code number CM6/1198193.

   Reason: In the interests of the amenity of the area to ensure that restoration and aftercare of land containing a former gas production wellhead area is not impeded by the carrying out of development under this permission.

6. The development shall take place in accordance with the details contained in the application, supporting information and plans, unless otherwise modified or amended by conditions of this permission.

   Reason: To enable the Planning Authority to monitor the development in the interests of the amenity of the area.

7. Construction work on the development, including the movement of mobile and fixed plant/machinery, shall only be carried out between the following:

   0730 hours to 1800 hours Monday to Friday;
   0900 hours to 1700 hours on Saturdays.
   There shall be no construction work on Sundays, Bank Holidays or other Public Holidays.

   Reason: To clarify the hours of operation and in the interest of local amenity in accordance with Policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

8. No debris shall be carried from the application site onto the public highway.

   Reason: In the interests of highway safety and to prevent danger to users of the site and other highway users in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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9. All rubbish, scrap and waste material either found or generated on the site shall be stored in clearly marked areas or containers until such time as it can be removed to a facility which holds an appropriate Environmental Permit.

   Reason: To minimise the risk of pollution to the environment in accordance with Policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

10. The habitat survey of the woodland plantation, grassland and grassland boundaries scheme shall be carried out in accordance with scheme number SM2347 which was approved by the County Planning Authority dated 27 December 2012.

    Reason: To ensure, in conjunction with conditions below, that the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 and in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

11. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out prior to the development being brought into use. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

    Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with policy EN2 of the Adopted Amber Valley Borough Local Plan 2006.

12. The Habitat and Woodland Management and Monitoring Plan Scheme shall be carried out in accordance with landscaping scheme number SM2349 which was approved by the County Planning Authority dated 27 December 2012 (Minute No. 9/13 refers).

    Reason: To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan.

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13. The surface water and foul sewage scheme shall be carried out in accordance with scheme number SM2350 which was approved by the County Planning Authority dated 17 January 2013 (Minute No. 16/13 refers).

    Reason: To ensure that there are adequate facilities for the disposal of foul and surface water in accordance with saved Policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

14. No external lighting shall be installed except in accordance with a scheme that has been submitted to and received the prior written approval of the County Planning Authority. The scheme shall include the following:
    (i) Precise details of the lighting fixtures to be used at the site.
    (ii) A 'lux' plan.
    (iii) A programme of implementation.

    The lighting shall then be implemented as approved.

    Reason: To prevent light extending beyond the site boundaries in the interests of the amenity, character and appearance of the rural area, Green Belt and of neighbouring residents, in accordance with policies LS3, EN2, and EN16 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

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It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

2 Under Section 151 of the Highways Act 1980, the applicant must take all steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

3 NGGDL holds an easement dated 9th December 1965 for a medium pressure pipeline which requires the consent of NGGDL prior the construction of any building or structure within the easement strip and prior to any material alteration to the said strip of land (20 feet in width either side of the pipeline). The Applicant will need to have consideration of this when developing the site; in particular the camping pitches which will require consent via NGGDL's plant protection team (plantprotection@nationalgrid.com) under the terms of the easement prior to construction.

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Plant protection must be notified prior to the construction stages and will need to be involved with agreeing any works proposed within the easement strip. The route of the pipeline should be marked across the site (this can be arranged via Plant Protection) to ensure the Applicant and their contractors can clearly see where the pipeline route runs and to ensure caravans and awnings are not unsafely placed over the pipeline.

Accurate service drawings showing what has already been laid and what is proposed to be laid across the site will be required and should be submitted to Plant Protection along with details of proposed works. The Applicant will be required to sign a formal consent document under the terms of the easement to confirm works agreed between parties as per the above process

4 For avoidance of doubt the development was begun on 6 February 2013 .

Reasons for Granting Permission

In granting permission for this development the Borough Council has taken into account all material planning considerations arising from the views of statutory and other consultees and public representations about the application, Government guidance as detailed in the National Planning Policy Framework and the saved policies of the Adopted Amber Valley Borough Local Plan 2006:

LS1 - Sustainability criteria
LS3 - Design
LS4 - Accessibility
TP1 - Impact on the Transport Network
TP6 - Parking
ER11 - Quality and design of development
ER12 - Tourism
ER13 - Touring Camping and Caravanning
TP1 - Impact on the Transport Network
TP6 - Parking
EN2 - Green Belt
EN16 - Pollution

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In detail:

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to the location of the site, privacy, amenity, character and design, landscape or heritage features and highway safety.

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 186 of the NPPF the local planning authority has approached the decision making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

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NOTES

1. **If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78/79 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise that subject to the conditions imposed on them, having regard to the statutory requirements, to the provision of the development order, and to any directions given under the order.**
2. **Cadent Gas own and operate the gas infrastructure within the area of your development. Contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively you can register on www.beforeyoudig.nationalgrid.com**
3. **If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County/District in which the land is situated, a purchase notice requiring that council to purchase his interests in the land in accordance with the provisions of Section 180 of the Town and Country Planning Act 1990.**
4. **In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 137 and 138 of the Town and Country Planning Act 1990.**
5. **This permission relates to planning controls only. Any other statutory consent necessary including submission under the building regulations must be obtained from the appropriate Authority.**
6. **If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from:-**

   The Planning Inspectorate
   3/23 Hawk Wing, Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN
   (Tel. No. 0117 372 8000) www.planning-inspectorate.gov.uk

7. **If the condition of consent or reasons for refusal, make reference to a Division of the Department, the appellant may, if he so wishes, require the attendance of a representative from the Department by notification to the Local Planning Authority. Such a representative would not be liable to cross-examination on questions of departmental policy, but only on matters of fact and expert opinion in relation to the appeal site.**
8. **Where a vehicle is habitually drive across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may after being given due notice by the appropriate authority, be required to pay the cost of construction of a carriage crossing or the strengthening of a footway, as the authority considers it necessary, or may be required to comply with conditions imposed by the authority.**
9. **In the case of building or premises to which the public are to be admitted whether on payment or otherwise, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the associated Code of Practice (BS5810:1979). In the case of premises to which the Offices, Shops and Railway Premises Act 1963 or the Factories Act 1962 applies, attention is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act and to the same code of practice. In the case of Educational Buildings, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1978 and to the Design Note 18 "Access for the Physically Disabled Educational Buildings".**
10. **If the development site is crossed by an electric line or is within 15 metres (50ft) of the nearest part of a line (measure horizontally along the ground) or if there is reason to believe that it may be crossed by an underground electric cable, the applicant should contact the Electricity Board to ascertain if and what special safety precautions are necessary.**
11. **The grant of planning permission does not entitle developers to obstruct a public right of way. Development on so far as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 and 257 of the Town and Country Planning Act 1990 for the diversion of extinguishment of the right of way has been made and confirmed.**

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