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Development Management

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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/2022/0878**) which was valid on the 13 October 2022 for permission for **Construction of vehicle maintenance / workshop facility, along with ancillary storage space and associated ancillary offices, landscaping and infrastructure at Collins Plant Hire Whiteley Road Ripley.**

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 development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the details contained in the submitted plans (and documents) listed below:

   Existing Site Location Plan (Drg. No. 221017-IMA-ST-00-DR-A-050101, Rev. P02)

   Site Location Plan (Drg. No. 221017-IMA-ST-00-DR-A-050103, Rev. P02)

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Site Layout Plan (Drg. 221017-IMA-ST-00-DR-A-050104, Rev. P02)

Proposed Ground Floor Plan (Drg. 221017-IMA-ST-00-DR-A-050201, Rev. P01)

Proposed First Floor Plan (Drg. 221017-IMA-ST-00-DR-A-050202, Rev. P01)

Proposed Second Floor Plan (Drg. 221017-IMA-ST-00-DR-A-050203, Rev. P01)

Proposed Roof Plan (Drg. 221017-IMA-ST-00-DR-A-050204, Rev. P01)

Illustrative CGIs (Drg. 221017-IMA-OF-ZZ-DR-A-050001, Rev. P02)

Proposed Elevations (Drg. 221017-IMA-OF-ZZ-DR-A-050301, Rev. P01)

Proposed GA Section (Drg. 221017-IMA-OF-ZZ-DR-A-050401, Rev. P01)

External Finishes Plan (Drg. 221017-IMA-ST-00-DR-A-050105, Rev. P02)

External Fencing and Impact Protection Layout (Drg. 221017-IMA-ST-00-DR-A-050106, Rev. P02)

Cycle Shelter Layout (Drg. No. 221017-IMA-ST-00-DR-A-050108, Rev. P03)

Bin Store Layout (Drg. No. 221017-IMA-ST-00-DR-A-050109, Rev. P03)

Fencing and Bollard Elevations (Drg. No. 221017-IMA-ST-00-DR-A-050107, Rev. P03)

Planning Statement, prepared MHBPlanning, dated August 2022

Surface Water Drainage Strategy (Drg. No. MA11478-200, Rev. B)

Preliminary Ecological Appraisal and Impact Assessment, prepared by Eco-

Check Consultancy Ltd, dated April 2021.

Coal Mining Risk Assessment, prepared by GeoDyne Geotechnical & Environmental Consultants, dated 08 July 2021

Storm Sewer Design (File No. MA11478-SW-PA-R01.MDX, dated 15/03/2023)

Phase I Desk Study, prepared by GeoDyne Geotechnical & Environmental Consultants, dated 26 September 2017

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Phase II Geo-Environmental Site Assessment prepared by OMINIA, dated January 2023)

SDS GEOLight Stormwater Management System

Flood Risk Assessment and Drainage Strategy, prepared by Millward Consulting Engineers (ref. No. MA11478-FRA-R02, dated August 2023)

Transport Statement, rev B, dated 30/09/2022, prepared by Welland

Noise Assessment (ref. No. RP01-18234-R5), prepared by Cass Allen

Reason: In order to define the permission.

3. No works shall commence of the footings of the hereby approved development until such time as a scheme indicating proposed floor levels of all buildings, and the relationship of such to the surrounding area has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the agreed levels.

   Reason: To ensure satisfactory overall appearance of the completed development and to help assimilate the new development into its surrounding in accordance with saved policies LS3 and ER11 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to commencement of the hereby approved development, a landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall include the following:

   a) Description and evaluation of features to be managed.
   b) Ecological trends and constraints on site that might influence management.
   c) Aims and objectives of management.
   d) Appropriate management options for achieving aims and objectives.
   e) Prescriptions for management actions.
   f) Preparation of works schedule (including an annual work plan capable of being rolled forward over a five-year period).
   g) Details of the body or organisation responsible for implementation of the plan.
   h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objective of the LEMP are not being met.
   i) Locations of bat boxes, bird boxes, hedgehog holes and habitat piles (including specifications/installation guidance/numbers).

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The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The approved LEMP shall be implemented in accordance with the approved details.

Reason: To ensure that the approved landscaping environmental management plan is implemented in speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and enhancement of local biodiversity in accordance with saved policies LS3, EN7, EN8 and EN13.

5. Prior to commencement of the hereby approved development, details of both hard and soft landscaping works shall be submitted to, and approved in writing by the Local Planning Authority. Hard landscaping details shall include hard surfacing material and the soft landscaping details shall show a planting scheme which includes a schedule of plants noting species, plant sizes and proposed numbers/densities, giving the positions and specification (following BS8545:2014 'Trees: from nursery to independence in the landscape - Recommendations' as appropriate). The hard and soft landscaping works shall thereafter be provided before the development is first brought into use. Any plants or trees in the planting scheme that are removed, die, or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless otherwise first agreed in writing by the Local Planning Authority.

   Reason: To ensure satisfactory overall appearance of the completed development and to help assimilate the new development into its surrounding in accordance with saved policies LS3 and ER11 of the Adopted Amber Valley Borough Local Plan 2006.

6. No development, including preparatory works, shall commence, until a Tree Protection Plan and Arboricultural Method Statement in the format of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' have been submitted to and approved in writing by the Local Planning Authority. The approved Tree Protection Plan shall thereafter be adhered to throughout the construction period.

   Reason: To ensure the well-being of the existing trees in the interests of the visual amenity of the area and in accordance with saved policies EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

7. Notwithstanding any description/details of external materials in the application documents, no above ground construction works shall commence until named samples or named coloured photographic illustration of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to,

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and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure the satisfactory appearance of the completed development in accordance with saved policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

8. Notwithstanding any description/details in the application documents, no above ground works shall commence until details of the height, design, materials and colour finish of all site boundary walls, fences or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be provided before the first occupation of the development and thereafter be retained as such.

   Reason: To ensure the satisfactory appearance of the development in accordance with saved policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

9. No development, including preparatory works, shall commence until space has been provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, and parking and manoeuvring of employees and visitors vehicles, with this space laid out in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. Once implemented, the approved facilities shall be retained free from any impediment to their designated use throughout the construction period.

   Reason: To ensure safe and suitable access for all users, in the interests of highway safety, recognising that initial preparatory works could bring about unacceptable impacts and to comply with saved policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

10. Throughout the period of construction vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned on a hard surface before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

    Reason: To ensure safe and suitable conditions are maintained on the public highway, in the interests of highway safety and to comply with saved policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

11. No building or use hereby approved shall be occupied or use commenced until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable and methods

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of monitoring the performance of the Plan) to promote travel by sustainable modes and shall be implemented in accordance with the timetable set out therein. On each anniversary of the date of the first occupation, a report demonstrating progress in promoting sustainable transport measures along with measures to address any failure to achieve the aims and objectives of the Plan, shall be submitted to the Local Planning Authority. Such reports shall be submitted on each anniversary for a period of five years inclusive from the date of first occupation.

Reason: In the interests of encouraging sustainable modes of transport and to comply with saved policy TP1 of the Adopted Amber Valley Borough Local Plan.

12. a) No development shall commence until:
i. The approved development site has been subjected to a detailed investigation to determine the extent, scale and nature of any contamination and an assessment of the potential risks (the "Assessment") has been carried out.
ii. A report providing the details of the site investigation and the Assessment been submitted and approved in writing by the Local Planning Authority.
iii. A Remediation Method Statement (the "RMS") to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted and approved in writing by the Local Planning Authority.
b) The development shall be undertaken in strict compliance with the requirements contained within the approved RMS. Any proposed revisions to the RMS must be submitted and approved in writing by the Local Planning Authority prior to any changes in remediation methods.
c) If during development works, any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those already identified, then no further works shall take place until a revised RMS is submitted to and approved in writing by the Local Planning Authority and the works shall then be carried out in accordance with the revised RMS.
d) If during development work, site contamination is found in areas previously expected to be uncontaminated, then the remediation of those areas shall be carried out in accordance with the approved RMS.
e) No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the Local Planning Authority.
f) All investigations, assessments and reports must be carried out by a suitably qualified competent person previously agreed in writing by the Local Planning Authority and in accordance with the Environment Agency publication Land contamination: risk management (LCRM).

Thereafter, the development shall be carried out in accordance with the approved remediation method statement.

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Reason: The undertaking of a site investigation prior to the commencement of development is necessary to ensure that adequate information pertaining to risks arising from land contamination is available to inform an assessment that the site is either suitable for its proposed use or appropriate remedial measures could make the site suitable for its proposed use. In order to ensure the safety of the development, in accordance with saved policy EN18 of the Adopted Local Plan and paragraph 189 of the National Planning Policy Framework.

13. No machinery shall be operated, no process shall be carried out and no vehicle/forklift truck movements associated with the use hereby permitted shall take place other than between 07:00 and 20:00 hours on Mondays to Fridays.

    Reason: In the interest of residential amenity in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

14. a) The rating level of noise emitted from the site shall not exceed the background sound level (an indication of the specific sound source having a low impact, depending on the context) at any premises used for residential purposes outside the application site when assessed in accordance with British Standard 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound';
    b) A noise validation report demonstrating compliance with part a) at representative premises shall be submitted to, and approved by, the Local Planning Authority within 28 days of operations commencing;
    c) If, at any point, the requirement of part a) is not met, the operator shall, at their own expense, investigate and take such steps as are reasonably practicable to reduce noise emissions. Details of the investigation and proposed works shall be submitted to, and approved in writing by, the Local Planning Authority prior to implementation. The approved mitigation works shall be implemented and maintained thereafter.

    Reason: In the interest of residential amenity in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

15. No vehicle/plant maintenance shall take place anywhere on the site except within the proposed 'Plant Workshop' and 'Transport Workshop' buildings, as shown on the 'Site Layout Plan' (Drawing No.221017-IMA-ST-00-DR-A-050104, 30.09.2022). All external doors/windows shall remain closed other than for the duration of necessary access/egress.

    Reason: In the interest of residential amenity in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

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16. A health and safety risk management system shall be designed and implemented to eliminate the use of high-pitched reversing alarms by, for example, use of broadband reversing alarms.
Advisory Note: Further advice is available from the Health and Safety Executive (HSE) guidance at: https://www.hse.gov.uk/workplacetransport/information/reversing.htm

Reason: In the interest of residential amenity in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

17. Before any air conditioning units, compressors, condensers, chillers, generators or similar plant and/or machinery capable of generating noise outside the building is installed on the premises, detailed information regarding acoustic performance, operating hours and location shall be submitted to, and approved by, the Local Planning Authority.

Reason: In the interest of residential amenity in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

18. All site preparation, demolition and construction activities shall comply with the following:
a) No works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays. No works shall take place on Sundays or bank holidays. Any essential extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences. Activities that do not create noise and disturbance to residents may still take place outside these hours;
b) All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites'.
A health and safety risk management system shall be designed and implemented to eliminate or minimise reversing and the use of high-pitched reversing alarms, for example, use of broadband reversing alarms - see Health and Safety Executive (HSE) guidance at: https://www.hse.gov.uk/workplacetransport/information/reversing.htm
c) No visible dust/particulate matter shall be emitted beyond the site boundary. At such times as the prevention of nuisance is not possible, dust/particulate generating activities shall temporarily cease until such time as dust suppression measures become effective. Internal haul roads shall be hard-surfaced and regularly swept, at least once daily, and cleaned by mechanical road sweepers with an adequate filtration system and water supply to minimise the impact of dust/mud on sensitive receptors off-site: under no circumstances shall a sweeper be operated dry, without an adequate water supply. A drive-through bath/wash shall be provided, on a suitable area of hardstanding, to clean the wheels of all vehicles before leaving the site;
d) No unwanted materials shall be disposed of on site by burning;

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e) Any temporary site lighting shall be positioned on site to minimise light trespass and glare.

Reason: In the interest of residential amenity in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

19. No permanent external lighting shall be installed unless full details of its design, location, illuminance levels, orientation and operating times have first been agreed with the Local Planning Authority. All works shall be fully implemented in accordance with the approved scheme before use commences and shall be operated and maintained in accordance with it at all times.

Reason: To safeguard the amenities of the surrounding occupiers from undue light nuisance and to ensure the satisfactory appearance of the development in accordance with saved policies EN13 and EN16 of the Adopted Amber Valley Borough Local Plan 2006.

20. No development shall commence until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

a. Flood Risk Assessment and Drainage Strategy, Ref MA11478-FRA-R02, prepared by Millward Consulting Engineers, dated August 2023 "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team".
b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted, in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

21. Prior to commencement of the development, details indicating how additional surface water run-off from the site will be avoided during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. These details may include provision of collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning

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Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development, in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

22. Prior to the first occupation of the development, a verification report carried out by a suitably qualified independent drainage engineer shall be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753, to ensure that the proposed development does not increase flood risk, in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

23. All works shall be carried out in accordance an advice provided in para. 5.4 of the Phase II Geo-Environmental Site Assessment (January 2023, prepared by Omnia).

Reason: To ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land stability and contamination, in order to comply with saved policy EN18 of the Adopted Amber Valley Local Plan.

Notes

Attention is drawn to the attached notes:

1 The applicant/developer should note the following advice from the Derbyshire County Council's Lead Local Flood Authority:

A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

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C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.
G. The applicant should provide a flood evacuation plan which outlines: o The flood warning procedure

- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan o The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
I. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

J. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the

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lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).

- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.
- Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.

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- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

K. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689- 1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 - Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included. Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

L. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

M. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

N. The applicant should manage construction activities in line with the CIRIA Guidance on the Construction of SuDS Manual C768, to ensure that the effectiveness of proposed SuDS features is not compromised.

2 Derbyshire County Council's Rights of Way advises the applicant/developer the following:

- The footpaths must remain open, unobstructed and on their legal alignment.

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- There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the path during the works. Please note: a temporary closure of paths will be permitted on application to DCC only where the path(s) remain unaffected on completion of the development or, where a diversion is required under the provisions of the Town and Country Planning Act 1990, that the Order has been Confirmed. The applicant should be advised that an application can be submitted for the diversion of the public footpaths in advance of planning permission being granted.
- A temporary closure of the footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route should be provided if possible.
- There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.

3 The applicant/developer should note the following advice from Derbyshire County Council's Local Highway Authority:

Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken 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. The application site is adjacent to Public Rights of Way (Footpaths No. 55, 127 and 149 (Ripley) on the Derbyshire Definitive Map. The routes must remain unobstructed on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer or by emailing ETE.PROW@derbyshire.gov.uk.

4 Derbyshire Wildlife Trust advises that all excavation should be covered overnight or else have an escape ramp to prevent entrapment of badgers, hedgehogs and other wildlife. All pipework greater than 150mm should be blanked off at the end of the day and chemicals shall be sorted securely. Topsoil mounds shall be checked for badger activity prior to removal or re-use. An ecologist shall be contacted if any evidence of badger activity is found within the application area during development.

5 The applicant should note the following advice from the Environment Agency:

Above ground storage of oils, fuels or chemicals

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Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

Waste on Site
The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:
- The Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK.

6 The applicant/developer should note the following advice from the Coal Authority:
Mine Gas
It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the

Date : 19 January 2024 Signed



Simon Gladwin
Chief Executive

gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

SuDS
Where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

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:

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 and character and neighbouring amenity.

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 38 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.