**S Gladwin**
**Chief Executive**
**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/2022/0453**) which was valid on the 24 May 2022 for permission for **Proposed vertical extension to part of existing building to accommodate a new mixing plant and the erection of seven new silos associated with the plant installation at TA Eurocell Eurocell Birchwood Way**

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.

Date : 2 April 2024

Signed S Gladwin

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2. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the following drawings:

   Site Plan, Drg no P01 Rev A
   Floor Plan, Drg no D01
   Elevations - proposed North and East, Drg no D02
   Elevations - proposed South and West, Drg no D03
   Elevations and Sections- proposed, Drg no P02 Rev A

   All received on 23rd May 2022

   Assembly Plans
   Dry Blend Silos A & B, Drg no 51091485, pages 1 & 2
   Raw Material Silos A & B, Drg no 51091486, pages 1 & 2

   Received on 20th May 2022

   **Reason**: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy LS3 and ER11 of the Adopted Amber Valley Borough Local Plan 2006.

3. The facing and roofing materials to be used in the development hereby permitted shall match as closely as possible those used in the construction of the existing building and as annotated on the following drawings:
   Elevations (N & E ) D02
   Elevations (S & W) D03
   received by the Local Planning Authority on 23rd May 2022

   **Reason**: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and ER11 of the Adopted Amber Valley Borough Local Plan 2006.

4. Development shall not begin until details of the noise mitigation measures necessary to comply with the following criteria have been submitted to, and approved in writing by, the Local Planning Authority.

   a) Before development commences, the applicant shall conduct an environmental noise assessment to rate and assess sound from the following sources associated with the development: all industrial and manufacturing processes; fixed installations comprising mechanical and electrical plant; and from the loading and unloading of goods and materials.

Date : 2 April 2024

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b) All noise-sensitive premises identified shall be protected from associated noise such that the rating level does not exceed the background sound level (an indication that the specific sound source has no more than a low impact, depending on the context)

c) A noise validation report demonstrating compliance with the above noise criteria shall be submitted to, and approved in writing by, the Local Planning Authority within 8 weeks of the silos coming into use.

The development shall be carried out and maintained in accordance with the approved details.

**Reason**: In the interests of amenity in accordance with Policy ER11 of the Adopted Amber Valley local Plan 2006 and Paragraphs 135 (f) and 191 of the NPPF (2023).

5. No tanker deliveries shall be made to or from the silos before 08:00 hours on Mondays to Saturdays and shall be completed by 18:00 hours on Mondays to Fridays, and by 13:00 hours on Saturdays.
No deliveries shall take place on Sundays or bank holidays. All deliveries to or from the silos shall utilise a land-based materials transfer system and not the delivery vehicle's compressed air system. Hammering/banging of the tankers to empty them is prohibited.

**Reason**: In the interests of amenity and in accordance with Policy ER11 of the Adopted Amber Valley Borough Council Local Plan 2006 and Paragraphs 135(f) and 191 of the NPPF (2023)

**Notes**

**Attention is drawn to the attached notes:**

1 The environmental noise assessment and validation reports should include noise emissions during deliveries to/from the silos; from internal materials transfer systems; and from reverse air jet purge/filter systems.
The noise assessment shall be carried out in accordance with the methodology in British Standard 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound).

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2 Daily visual monitoring of the silos and their immediate surroundings shall be conducted, and any significant fugitive or accidental emissions of dust shall be logged. No deposits of dust should be allowed to accumulate on or around the silos. Any significant emissions of dust beyond the site boundary shall be removed immediately.

**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:

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**In detail:**

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.

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.

Date : 2 April 2024

Signed

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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.**