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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 the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2021/0624**) which was valid on the 28 May 2021 for permission for **Housing development of 167no. houses with associated access roadway, pedestrian pathways, garages, landscaping and balancing pond, including part of site area for public open space contribution (Outline application; all matters reserved, except for access) at Land At Nottingham 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. Reserved matters for all of the subsequent phases of the development, in respect of appearance, scale, layout and landscaping shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

   Reason: To prevent the accumulation of planning permission, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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2. No phase of the development shall commence until details of the appearance, landscaping, layout and scale of the development (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with those approved details.

   Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development shall be carried out in accordance with the details contained in the submitted plans listed below and with the conditions attached to this consent:

   Location Plan - Dwg. No. 00002, Rev. P1
   Flood Risk Assessment Ripley Gateway, CWC00325-1FR. 00325-JPL-ZZ-XX-RP-D-2001-A1-C02, prepared by Jackson Purdue Lever (19/08/2021) and Jackson Purdue Lever (16/02/21)
   Residential Scheme Drainage Strategy Ripley Gateway CWC00325-3DS. 00325-JPL-ZZ-ZZ-RP-D-2001-A3-C03
   Transport Statement, ADC1013-RP-C, Version 3, prepared by ADC Infrastructure Limited
   Design and Access Statement, dated February 2021 prepared by Matthew Montague Architects
   Coal Mining Risk Assessment, ref. CW00325SI2/V1.0, Issue Date 03-10-18, prepared by Jackson Purdue Lever
   Air Quality Assessment, Issued: July 2021, Project No. 21-0483.02, prepared by Delta-Simons
   Noise Impact Assessment, Issued: 29 August 2021, Project No. 21-0483.02, prepared by Delta-Simons
   Preliminary Ecological Appraisal, ref. No. RSE_4305_01_V2, Issue Date: January 2021, prepared by Ramm Sanderson
   Ramm Sanderson to Clowes Developments Ltd 5th October 2022 and supported by an updated Biodiversity Metric
   Playing Pitch Strategy, File Name: 3615_PPS_01, dated 9.11.23, prepared by Planning & Design Practice Ltd

   Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. Existing and proposed land levels and finished floor levels up to and including the boundary shall be submitted as part of each of the reserved matters.

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Reason: To safeguard the character and appearance of the area in accordance with saved policy LS1, LS3 and EN7 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 135 and 180 of the NPPF.

5. a) No development shall commence (other than site enabling works) 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 has been submitted to 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 to and approved in writing by the Local Planning Authority.
b) The development shall be undertaken in strict accordance with the requirements contained within the approved RMS. Any proposed revisions to the RMS must be submitted to 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).

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 Amber Valley Borough Local Plan 2006, paragraphs 189 and 190 of the National Planning Policy Framework.

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6. All dwellings shall be constructed such that the following noise levels are not exceeded:
a) 55dB LAeq,16hour (free field) in outdoor living areas between 07:00 and 23:00 hours;
b) 35dB LAeq,16hour inside living rooms and bedrooms between 07:00 and 23:00 hours;
c) 40dB LAeq,16hour inside dining rooms/areas between 07:00 and 23:00 hours;
d) 30dB LAeq,8hour, and 45dB LAmax,fast more than 10 times a night, inside bedrooms between 23:00 and 07:00 hours; and
e) Those dwellings/plots where industrial, commercial or agricultural noise is 'dominant' (i.e. where the impact would be rated as adverse or greater, subject to context, under BS 4142:2014:A1:2019) shall be protected from that noise such that, when assessed in accordance with British Standard 4142:2014:A1:2019 'Methods for rating and assessing industrial and commercial sound', the rating level does not exceed the background sound level (an indication of the specific sound source having a low impact, depending on the context).
The plots requiring the incorporation of noise mitigation measures to achieve the above levels, as well as the nature of those measures, shall be identified and agreed with the Local Planning Authority prior to any construction commencing on site. The development shall be carried out, and maintained, in accordance with the approved details and the noise mitigation works completed under the supervision of an acoustic engineer. In premises where windows must be closed to achieve the above levels, adequate acoustically treated ventilation and cooling must be provided.
Should proposals for the site design alter from that on which agreed noise mitigation measures are based, a further audit of the noise assessment and proposed mitigation measures shall be submitted to, and approved in writing by, the Local Planning Authority before the proposed amendments are implemented.
A further acoustic report verifying compliance with the above shall be submitted to, and approved in writing by, the Local Planning Authority before the occupation of any of the acoustically treated dwellings/plots.

Reason: In the interests of protecting residential amenity in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan and paragraph 191 of the NPPF.
[Note: The developer shall notify prospective occupants of the dwellings of the standard of sound insulation installed and, where necessary, of the need to keep windows and doors closed, using the alternative ventilation and cooling provided, to obtain its full benefit.]

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7. An assessment shall be carried out in accordance with the guidance in Sport England's 'Artificial Grass Pitch Acoustics - Planning Implications' (Revision 001, 2015) to determine suitable noise mitigation measures for noise-sensitive receptors in relation to noise from sports facilities existing and proposed immediately prior to construction works commencing. Development shall not begin until this assessment has been submitted to, and approved in writing by, the Local Planning Authority.

   Reason: In the interests of protecting residential amenity in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan and paragraph 191 of the NPPF.

8. All construction activities shall comply with the following:
   a) Operating hours:
   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) Noise and vibration:
   All activities shall comply with the guidance in British Standard BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites - Part 1: Noise' (Section 8 and Annex B) and Part 2: Vibration' (Section 8).
   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.
   No piling, blasting, dynamic compaction or use of vibrating rollers shall occur on the site before notifying the Borough Council's Pollution Control Team;
   c) Dust/Particulate emissions:
   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.
   Site roads shall be hard-surfaced and regularly cleaned, at least once daily. Any mechanical road sweepers shall use an adequate filtration system and water supply to minimise the emission of dust/mud 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) Waste:
   No unwanted materials shall be disposed of on site by burning;
   e) Lighting/Security cameras:

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Any temporary site lighting shall be positioned on site to minimise light trespass and glare. Temporary site lighting operating between 22:00 and 07:00 hours the following day shall be agreed with the Local Planning Authority. No site security cameras shall operate an audible warning alarm.

Reason: In the interests of protecting residential amenity in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan and paragraph 191 of the NPPF.

9. No development shall take place 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. Jackson Purdue Lever (19/08/2021). Flood Risk Assessment Ripley Gateway CWC00325-1FR. 00325-JPL-ZZ-XX-RP-D-2001-A1-C02 and Jackson Purdue Lever (16/02/21). Residential Scheme Drainage Strategy Ripley Gateway CWC00325-3DS. 00325-JPL-ZZ-ZZ-RP-D-2001-A3-C03, 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. The approved detailed design and associated management and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into the 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 and paragraphs 173 and 175 of the NPPF.

10. Prior to commencement of the development hereby permitted, details indicating how additional surface water run-off from the site shall be avoided during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall be implemented and operating to the satisfaction of the Local Planning 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, detailed design and associated management and maintenance plan, in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan and paragraphs 173 and 175 of the NPPF.

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11. The attenuation pond shall not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

    Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future, in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan and paragraphs 173 and 175 of the NPPF.

12. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that the drainage system has been constructed in accordance with the approved 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, in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan and paragraphs 173 and 175 of the NPPF.

13. (a) No development shall commence until full engineering, drainage and construction details of the highway improvements (general details) referred to in drawing ref: ADC1013-DR-002 Rev. P6, have been submitted to and approved in writing by the Council as Local Planning Authority. Such details to be agreed will form a Section 278 agreement under the Highways Act 1980 with the Highway Authority.
    (b) The approved scheme shall be completed in accordance with the approved details before the occupation of the first dwelling.

    Reason: In the interests of highway safety; to ensure satisfactory highway infrastructure provision and to safeguard the users of the highway, in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 and paragraph 115 of the NPPF.

14. Except for site clearance and remediation no development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local

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Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety; to ensure satisfactory construction and appearance to the highway infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 and paragraph 115 of the NPPF.

15. The new dwellings shall not be occupied until the proposed new estate street between each respective plot, and the existing public highway has been laid out in accordance with the approved application drawings to conform to the Derbyshire County Council's design guide, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads.

    Reason: In the interests of highway safety; to ensure satisfactory construction and appearance to the highway infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 and paragraph 115 of the NPPF.

16. (a) No works shall take place, including any demolition, site clearance or ground works, until a Construction Method Statement comprehensively detailing the phasing and logistics of construction has been submitted to and approved in writing by the Local Planning Authority.
    The method statement shall include, but not be limited to:
    (i) Construction traffic routes, including provision for access to the site
    (ii) Entrance/exit from the site for visitors/contractors/deliveries
    (iii) Location of directional signage within the site
    (iv) Siting of temporary containers
    (v) Parking for contractors, site operatives and visitors
    (vi) Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction
    (vii) Temporary roads/areas of hard standing
    (viii) Schedule for large vehicles delivering/exporting materials to and from site
    (ix) Storage of materials and large/heavy vehicles/machinery on site
    (x) Measures to control noise and dust
    (xi) Details of street sweeping/street cleansing/wheelwash facilities
    (xii) Details for the recycling/disposing of waste resulting from demolition and construction works
    (xiii) Hours of working

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(xiv) Phasing of works including start/finish dates
(b) The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: These details are needed prior to the commencement of development in order to ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers during construction, in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 and paragraph 115 of the NPPF.

17. The development shall not be occupied until the owners and occupiers of the site have appointed a Travel Plan Co-ordinator. The Travel Plan Co-ordinator shall be responsible for the implementation, delivery, monitoring and promotion of the Travel Plan, including the day-to-day management of the steps identified to secure the sustainable transport initiatives. The details (name, address, telephone number and email address) of the Travel Plan Co-ordinator shall be notified to the local planning authority upon appointment and immediately upon any change.

    Reason: To ensure that an approved Travel Plan is implemented, in order to establish sustainable, non-car modes of transport, in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 and paragraph 115 of the NPPF.

18. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site to prevent the deposition of mud and other extraneous material on the public highway.

    Reason: In order to minimize the amount of mud, soil and other materials originating from the site being deposited on the highway, in the interests of highway safety and visual amenity, in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 and paragraph 115 of the NPPF.

19. The developer shall be liable for the cost of making good any incidental damage to the highway network including street furniture, structures, the highway footway/verge and carriageway surfaces.

    Reason: To satisfactorily protect the structure of the highway, in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 and paragraph 115 of the NPPF.

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20. Construction Environmental Management Plan (CEMP: Biodiversity)
No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall be produced by an ecologist and shall include the following:
a) Risk assessment of potentially damaging construction activities.
b) Identification of "biodiversity protection zones".
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs.
The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology, biodiversity, pollution and amenity in accordance with saved policies EN8, EN13, EN14, EN 16 and EN17 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 186 and 188 of the NPPF.

21. A Landscape and Biodiversity Enhancement Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development in accordance with the net gain proposals set out by Ramm Sanderson (Nottingham Road, Ripley offsite Biodiversity Impact Assessment and Enhancement 5th October 2022). The LBEMP shall combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following: -
a) Description and location of features to be retained, created, enhanced and managed.
b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
c) Appropriate management methods and practices to achieve aims and objectives.
d) Prescriptions for management actions.
e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
f) Details of the body or organization responsible for implementation of the plan.

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g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at regular intervals of 1, 2, 3, 5, 10, 15, 20, 25 and 30 years.
h) Monitoring reports to be sent to the Local Planning Authority at each of the interval above
i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
j) Detailed specifications for open water habitats to provide biodiversity benefits.
k) Requirement for a statement of compliance upon completion of planting and enhancement works.
The LBEMP 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 plan shall be implemented in accordance with the approved details.

Reason: In the interests of ecology, biodiversity, pollution and amenity in accordance with saved policies EN8, EN13, EN14, EN 16 and EN17 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 186 and 188 of the NPPF.

22. A full Arboricultural Report based on finalised proposals in the form of BS5837:2012 'Trees in relation to design, development and construction - Recommendations', including Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement for all trees to be retained shall be submitted as part of any reserved matters application.

    Reason: There is a reasonable amount of existing tree cover which will be a constraint to any changes to the site. Tree retention must be considered as part of the development in accordance with saved policies EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

23. No development shall commence until:
    a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
    b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This shall include the submission of the approved site layout plan which illustrates the delineation of the opencast highwall(s) if found present, in order that no buildings straddle the highwall(s).
    The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

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Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with saved policy EN18 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 189 and 190 of the National Planning Policy Framework.

24. Prior to the occupation of the development, or it being taken into beneficial use, a signed statements or declaration prepared by a suitable competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

    Reason: To ensure the safety and stability of the development, in accordance with saved policy EN18 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 189 and 190 of the National Planning Policy Framework.

25. Prior to commencement of any building works above foundation level, a Species Enhancement Plan (the 'Plan') shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall clearly show positions, specifications and numbers of features, which shall include (but are not limited to) the following:
    i. universal nest boxes at ration 1:1, in line with British Standard 42021:2022
    ii. integrated bat boxes in 30% of dwellings
    iii. fencing gaps 130mm x 130mm to maintain connectivity for hedgehogs in all gardens
    iv. Integrated swift bricks within the new dwellings at a ratio of 1:1

    The Species Enhancement Plan shall be implemented in full accordance with the approved details. A statement of good practice including photographs shall be submitted to the Local Planning Authority post implementation to demonstrate that the Species Enhancement Plan have been selected and installed in accordance the approved details. Thereafter the approved details and features shall be retained as approved.

    Reason: In the interests of ecology and biodiversity, in accordance with saved policies EN8, EN13 and EN14 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 186 and 188 of the NPPF.

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26. Prior to commencement of development hereby permitted, details of offset gullies and drop kerbs in the road network to safeguard amphibians shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

    Reason: In the interests of ecology and biodiversity in accordance with saved policies EN8, EN13 and EN14 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 186 and 188 of the NPPF.

27. A survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters. The survey shall include any appropriate mitigation/licensing requirement and a timetable for implementation. Thereafter the approved mitigation measures shall be implemented in full accordance with the approved details and timetable and be adhered to throughout the development.

    Reason: to ensure protected species and their habitat are not unduly harmed during the development in accordance with saved policies EN13 and EN14 of the Adopted Amber Valley Borough Local Plan.

28. No development shall commence, including site clearance works and preparatory works, until a Precautionary Method Statement (PMS) for tree felling has been submitted to and approved in writing by the Local Planning Authority. The PMS shall include reasonable avoidance measure such as seasonal timings, strategic clearance or branches/deadwood, and a watching brief and any instructions in the unlikely event that roosting bats are encountered. The approved PMS shall be implemented in full, and a short statement of compliance shall be submitted to and approved in writing by the Local Planning Authority upon completion of tree clearance works.

    Reason: to ensure protected species and their habitat are not unduly harmed during the development in accordance with saved policies EN13 and EN14 of the Adopted Amber Valley Borough Local Plan.

29. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This shall provide details of the chosen luminaires, their locations and any mitigation features such as dimmers, PIR sensors and timers. Depending on the scale of the proposed lighting, a lux contours play may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Shall approved measures shall be implemented in full and retained thereafter.

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Reason: In the interests of ecology and biodiversity in accordance with saved policies EN8, EN13 and EN14 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 186 and 188 of the NPPF.

30. A Biodiversity Net Gain Plan (BNG Plan) supported by a fully completed Biodiversity Metric shall be submitted as part of reserved matters for each phase of the development. The BNG Plan shall set out a clear plan for how a net gain shall be achieved for habitats, hedgerows and other biodiversity features both on-site and off-site in accordance with the final metric and development Layout.

    Reason: In the interests of ecology, biodiversity, pollution and amenity in accordance with saved policies EN8, EN13, EN14, EN 16 and EN17 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 186 and 188 of the NPPF.

31. Details to be submitted as part of the reserved matters shall include arrangements for the storage of bins and collection of waste. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

    Reason: In the interests of highway safety and ensure satisfactory appearance of the development as required by saved policies LS1 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

32. No built form development shall take place within the Green Belt area of the application site, with the exception of engineering works associated with the development, which may include the provision of drainage, SUDs pond, internal road(s), pedestrian links/footpaths and provision of on-site ecological enhancement.

    Reason: To prevent inappropriate development in the Green Belt in accordance with saved policies EN3 and EN4 of the Adopted Amber Valley Borough Local Plan.

Notes

Attention is drawn to the attached notes:

1 The applicant/development should note the following advice from AVBC Tree Officer.
1. The Arboricultural Report to be submitted as part of the reserved matters application as required by Condition 22 should include:

- A survey of all trees which are likely to be impacted upon the proposed development, which details and categorisation results provided in an appropriate schedule (as per BS5837:2012 section 4.4 - 4.6).

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- Trees clearly identified as either retained or removed (including trees on land adjacent to the site with canopies or RPAs which encroach onto the site)
- Clear specification for all proposed management works for retained trees.
- A realistic assessment of the probable impacts between the trees and development (as per BS5837:2012 section 5.3.4).
- Root protection areas (RPA) and construction of exclusion zones.
- Exclusion zone protective barriers (giving precise locations and specification).
- The position of all new underground services in relation to RPAs.
- Detailed specification and installation method statement for any proposed new structure, hardstanding, underground service or work access into RPAs.
- Method statements for all other construction operations which impact on trees.
- Positions and specification (following BS8545:2014 'Trees: from nursery to independence in the landscape - Recommendations' as appropriate) for all new tree planting.
- Reinstatement and ground preparation for new tree planting and areas of soft landscaping.

2. The applicant should note that there are a number of hedgerows around the site that may no longer be protected if the land use changes to residential . Any reserved matters submission should include details of maintenance and retention of these hedgerow boundaries in perpetuity.

2 The applicant should note the following advice from Derbyshire County Council's Highway Authority.

1. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

2. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Development Control Implementation Team at County Hall, Matlock (Tel: 01629 533190). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

3. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Development Control Implementation Officer - Place at County Hall, Matlock (Tel: 01629 533190).

4. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the

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Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

5. Any adjustment, re-siting and / or protection of any statutory undertaker's apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the applicant's own expense.

6. Care should be taken when determining locations of new trees/shrubs, they should be located a sufficient distance away from the highway boundary as to not affect the integrity of the boundary structure, they should also be located in areas so that when fully grown the canopy of the tree does not overhang highway land, planting proposals must be to the written approval of the Local Planning Authority, in consultation with The Highway Authority.

7. The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority.

8. It is an offence to allow mud, stones, soil, rubbish or other matter to fall, be carried, or washed onto a highway. The applicant should ensure that positive preventative measures are provided within the curtilage of the site/property and is responsible for making arrangements for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway. These measures shall thereafter be suitably maintained. Failure regarding the above may result in the Highway Authority serving legal notice.

3 The applicant/developer should note the following advice from Derbyshire Wildlife Trust:

1. The applicant should note that nesting birds are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds be present, works should be deferred until the late summer/autumn. No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken

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by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

2. The applicant/developer should note that it is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plat listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included with this Schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/species waste and therefore needs to be disposed in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991). The applicant/developer should note that an adequate means of eradicating or containing the spread of the plant is considered as part of the development to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features and in the interests of nature conservation, pollution and contamination prevention in accordance with saved policies EN13, EN14, EN16 and EN17 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 180 and 191 of the NPPF.

3. The applicant should note the advice from Derbyshire Wildlife Trust in relation to integrated swift nest boxes (recommended condition 25) that the newly published British Standard (BS 42021:2022 Integral nest boxes - Selection and installation for new developments) provides specifications on the number and type of integral boxes that should be sought within new developments. For example: 1. To provide new and enhanced opportunities for nesting, the number of integral nest boxes on new residential developments shall at least equal the number of dwellings, i.e. the ratio of integral nest boxes to dwellings is 1:1. 2. External nest boxes are additional to the installation of integral nest boxes on new developments and should not be included as part of the 1:1 ratio.

4 The applicant/developer should note the following advice from Derbyshire County Council Local Lead Flood Risk Authority:

The information detailed below where applicable, will be required as an absolute minimum in order to discharge any of the drainage condition set by the Local Planning 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 that 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 the 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 3m for culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

D. 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.

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. 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.

H. 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 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition appropriate allowance should be made for urban creep throughout the 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.

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- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).
- 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.

I. 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.

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

K. 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.

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5 The applicant/developer should note that in developing the site layout masterplan, which should inform future reserved matters submission, the applicant should pay careful regard to avoiding poor design in the street scene when proposing a landscaped buffer. The applicant/developer should note that such a proposal would not be supported and refused if this feature would result in an unacceptable visual impact on the streetscene or affect the outlook from the rear gardens of the future residents that would occupy dwelling fronting Nottingham Road.

Furthermore, in relation to design, rear garden fences fronting on to Nottingham Road are undesirable; it would be better to have the houses set back and fed by private drives/road whilst fronting onto Nottingham Road. On the northern side of the site, the rear gardens facing the greenbelt is a security issues.

6 The applicant/developer should note the following advice from Amber Valley Borough Council's Principal Pollution Officer:

1. The applicant/developer should consider introducing a vegetated solid acoustic barrier or 'green wall' between the sports and residential developments to provide some protection from noise at ground level. However the most effective way of dealing with noise impacts is to restrict operating times and/or the number of days the pitch is to be used and the simultaneous use of multiple pitches.
2. The applicant/developer should note that as part of the reserved matters application, an assessment should be carried out in accordance with the 'Design Manual for Roads and Bridges' (DMRB) (LA 111, Highways England) to determine whether the magnitude of change in traffic noise levels on the surrounding road network due to changes in traffic flow caused by the development will give rise to, or contribute to, a likely significant effect at existing noise sensitive receptors. Where the magnitude of change is likely to cause changes to behaviour or response to noise at existing noise sensitive receptors, the final operational significance shall be determined and, where appropriate, details of monitoring and mitigation measures submitted for approval.

Reasons for 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 saved policies of the Adopted Amber Valley Borough Local Plan 2006 and relevant Neighbourhood Plan:

Amber Valley Borough Council Local Plan 2006:
LS1 – Sustainability
LS3 – Design

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ER3 – Proposed Business and Industrial Development
H3 – Other housing development within urban areas and larger villages
H12 – Housing design and amenity considerations
T13 – Highway Improvements
TP1 – Impact on the Transport Network
TP2 – Walking and Cycling
TP6 – Parking
EN2 – Green Belt
EN7 – Landscape Features
EN8 – Landscape Features
EN13 – Biodiversity
EN14 – Biodiversity
EN15 – Flood Risk
EN16 – Pollution
EN18 – Derelict, Unstable and Contaminated Land
LC3 – Playing fields, parks and Informal Open Spaces

Ripley Neighbourhood Plan ('made' 18 November 2015):

H1 Proposed Sites for Housing Development
H4 Affordable Housing
OS2 Protection of Recreation Facilities
EE1 Landscape Character

In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 39 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 and character, residential amenity, highway safety and stability of the development and contamination.

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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.**