S Gladwin
Chief Executive
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Mr Jonathan Swindell
Land At Jackass Lane
Jackass Lane
Alderwasley
Belper
Derbyshire

Mrs Angela Cantrill
The Rural Planning Co
The Farm Office
Millridge Farm
Parsons Lane
Hartlebury
DY11 7YQ

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/2025/0513**) which was valid on the 31 July 2025 for permission for **Proposed construction of an agricultural building and track at Land At Jackass Lane Jackass Lane Alderwasley**

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 hereby permitted shall be carried out only in accordance with the details and specifications shown on drawing J1008974-01 received on 17.07.2025 and amended drawing J1008974-12 and J1008974-13 received 25.08.2025 and additional drawings J1008974-16 and J1008974-15 received 01.10.2025

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

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3. The facing and roofing materials to be used in the development hereby permitted shall be as those identified by email received 25.08.2025 and on drawing J1008974-12 which are as follows:
Walls - Yorkshire boarding finished in a dark recessive colour with concrete panels
Roof - Fiber cement in merlin grey
Doors/gates - Galvanised sheet doors
Access Track - crushed stone

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN11 of the Adopted Amber Valley Borough Local Plan 2006.

4. The boundary wall to be rebuilt forming the access to the hereby approved agricultural building shall be a drystone wall re-using the existing stone from the works to create the access and shall be built with matching copings. The access shall be completed including making good the entrance of the wall prior to the use of the building.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN11 of the Adopted Amber Valley Borough Local Plan 2006.

5. Full details of any gate to secure the access through the drystone wall shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN11 of the Adopted Amber Valley Borough Local Plan 2006.

6. No development shall take place until a Biodiversity Gain Plan has been submitted to and agreed in writing by the Local Planning Authority.

   The content of the Biodiversity Net Gain report shall include the following:
   -Baseline data collection and assessment of current conditions on site;
   -A commitment to measures in line with the Mitigation Hierarchy and evidence of how Biodiversity Net Gain (BNG) Principles have been applied to maximise benefits to biodiversity;
   -Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
   -Details of the implementation measures and management of proposals;
   -Details of off-site provision to be secured by a planning obligation;

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-Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with the National Planning Policy Framework and Schedule 7A Town and Country Planning Act (inserted by the Environment Act 2021).

7. Prior to the commencement of development, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and agreed in writing by the Local Planning Authority. The (HMMP) shall identify habitats to be retained, created and or enhanced on or off the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not. The proposed HMMP shall be implemented in full and shall be maintained for a minimum of 30 years after the development is completed.

   Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with the National Planning Policy Framework and Schedule 7A Town and Country Planning Act (inserted by the Environment Act 2021).

8. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken fully in accordance with the CEMP.

   Reason: To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with saved policy EN13 and to improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

9. 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. Such approved measures will be implemented in full.

   Reason: To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with saved policy EN13 and to improve the biodiversity of the local area in

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accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

Notes
Attention is drawn to the attached notes:

1 In respect of condition 7, guidance on producing a HMMP can be found here: https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain

2 Regarding condition 8 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 on protected species and habitats 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.

3 In respect of condition 9, the lighting scheme should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023).

4 Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

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Reasons for Granting Permission

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

LS1 - Sustainability criteria
LS3 - Design
EN11 - Agricultural development
TP1 - Impact on the Transport Network
TP6 - Parking
EN1 - Countryside
EN18 - Derelict, Unstable and Contaminated Land

In detail:

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

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

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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.