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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 policies of the Amber Valley Borough Local Plan 2022-2040, and with reference to your application (**Office Code: AVA/2025/0626**) which was valid on the 8 September 2025 for permission for **Proposed distribution warehouse with integral two-storey office accommodation at ROCK FALL Unit 55 Wimsey 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.

2. The development hereby permitted shall be carried out only in accordance with the details and specifications set out in the application form and shown on the drawings N8775-03 and N8775-04 received on 08.09.2025 and amended drawings N8775-01b and N8775-02b received on 14.10.2025.

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies EN15 and IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

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3. The development hereby permitted shall not be brought into use until the access, parking, and turning facilities have been provided as shown on drawing number VC0654-001 in the Transport Statement received on 14.10.2025.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

4. Prior to commencement of the development hereby permitted a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period.

   Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases of the development.

5. Prior to the construction of the parking, turning and service areas, a Service and Delivery Management Plan (SDMP) shall be submitted to and approved in writing by the Local Planning Authority. The SDMP shall be implemented as approved and maintained for the life of the development.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

6. The development hereby permitted shall not be brought into use until the secure cycle parking facilities as illustrated on drawing number VC0654-001 have been fully implemented and made available. The approved facilities shall be maintained for the life of the development.

   Reason: To promote sustainable travel in accordance with policy EN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

7. 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

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accordance with saved policies EN8 and EN9 of the Adopted Amber Valley Borough Local Plan 2022-2040.

8. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

   Reason : To ensure the satisfactory overall appearance of the completed development, help assimilate the new development into its surroundings and in the interests of ensuring measurable net gains to biodiversity in accordance with policies EN8, EN9 and EN15 of the Adopted Amber Valley Borough Local Plan 2022-2040, and in accordance with the National Planning Policy Framework and Schedule 7A Town and Country Planning Act (inserted by the Environment Act 2021).

9. Prior to building works commencing, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed plan shall be implemented in full and maintained thereafter for the life of the development.

   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).

10. No above ground development shall commence until the mitigation measures outlined in the supporting Probe Drilling Investigation for Recorded Mine Entry report received on 05.05.2026, to protect the development from the effects of potential land instability associated
    with opencast extraction, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The mitigation measures shall be carried out in accordance with authoritative UK guidance.

    Reason: In the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with policy EN11 of the Adopted Amber Valley Borough Local Plan 2022-2040.

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11. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm that the mitigation measures necessary to address the risks posed by past coal mining activity have been implemented in full.

    Reason: In the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with policy EN11 of the Adopted Amber Valley Borough Local Plan 2022-2040.

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Notes
Attention is drawn to the attached notes:

1 All excavations shall be covered overnight or else have an escape ramp installed to prevent entrapment of badgers, hedgehogs and other wildlife. All pipework greater than 150 mm shall be blanked off at the end of the day and chemicals shall be stored 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.

2 The lighting strategy required by Condition 7 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 lightspill to any sensitive ecological zones/features. The Strategy should refer to Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023) and explain how proposals have been designed in compliance with this document.

3 The Biodiversity Enhancement Plan required by Condition 9 The Plan shall indicate the locations and specifications of two or more of the following measures, which shall be implemented in full and maintained thereafter:

- 1x external woodcrete / woodstone bat box
- 1x integral bat brick
- 1x external woodcrete / woodstone bird box
- 1x integral universal nest brick
- 1x insect brick / house / tower

A statement of good practice including photographs should be submitted to the local planning authority demonstrating that the chosen enhancements have been selected and installed in accordance with approved plan.

4 The Construction Management Plan required by Condition 4 shall include but not be restricted to:
o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
o Advisory routes for construction traffic;
o Any temporary access to the site;
o Locations for loading/unloading and storage of plant, waste and construction materials;
o Method of preventing mud and dust being carried onto the highway;

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o Arrangements for turning vehicles;
o Arrangements to receive abnormal loads or unusually large vehicles;
o Highway condition survey;
o Methods of communicating the plan to staff, visitors and neighbouring residents and businesses.

5 The SDMP required by Condition 5 shall include:
a) details of signage and markings proposed to ensure turning and loading/unloading areas are kept free of other parked vehicles;
b) how deliveries to the site are to be undertaken, including routes, frequency, size of vehicle and overall management (manoeuvring of vehicles and parking); and,
c) a method for monitoring and review.

6 The highway authority's standard approach to highway condition surveys and remedial works is as follows:

Before any work is commenced upon the development hereby approved representatives of Derbyshire County Council, as the highway
authority, and the applicant, shall carry out a joint road survey/inspection on the roads leading to the site. Any highlighted defects shall be rectified to the specification and satisfaction of the highway authority before work is commenced on the approved development.

A further joint survey/inspection shall be undertaken following completion of the approved development and any necessary remedial works shall be completed to the specification and satisfaction of the highway authority within 1 month or other agreed timescale.

The Construction Management Plan should be drafted accordingly.

7 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says that Constructors should give utmost consideration to their impact on neighbours and the public, including:

o Informing, respecting and showing courtesy to those affected by the work;
o Minimising the impact of deliveries, parking and work on the public highway;
o Contributing to and supporting the local community and economy; and,
o Working to create a positive and enduring impression and promoting the Code.

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The Construction Management Plan should clearly identify how the principal contractor will engage with the local community. This should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to any such issues.

Contractors should ensure that courtesy boards are provided, information is shared with the local community relating to the timing of operations and contact details for the site coordinator are provided in the event of any difficulties.

This does not offer any relief to obligations under existing legislation.

8 Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.
Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal with-a-coal-mine-on-your-property.

9 In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

10 If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Mining Remediation Authority. Further information regarding Incidental Coal Agreements can be found here:
https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements.

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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 policies of the Amber Valley Borough Local Plan 2022-2040:

SS1 - Presumption in favour of Sustainable
ED1 - Development Within Existing Business &
EN7 - Landscape Character & Features
EN8 - Biodiversity
EN9 - Biodiversity Gains
EN10 - Pollution
EN15 - Quality and Design of Development
IN1 - Transport

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.