10th September 2026.

Our ref: SRP1041-DBG-XX-XX-T-T-0003-NMA.LPA4
Planning Portal Reference: PP-15214616

Amber Valley Borough Council
Development Management
Town Hall
Ripley
Derbyshire
DE5 3BT

Dear Sir/Madam,

Proposed non material amendment (NMA) under Section 96A of the Town and Country Planning Act to Planning permission reference: AVA/2023/0873

Property Address: Somerlea Park Junior School, Bank Street, Somercotes, Alfreton, Derbyshire, DE55 4JE

Applicant: Bowmer + Kirkland & Department for Education

Planning permission reference: AVA/2023/0873

Date of planning permission: 11th October 2024

Approved Development: Demolition of existing Junior School. Erection of new Junior School to include new two storey building, external play/amenity areas, hard and soft landscaping, access and car parking provision and other associated works.

Proposed changes to the approved scheme: Retention of the existing archway linked to the library.

Please see attached drawing illustrating this proposed non material amendment.

- Arch NMA 01 Rev A
- Arch NMA 02 Rev A elevations

The planning permission AVA/2023/0873 included the demolition of the archway, which is linked to the library.

Upon further review, the applicants believe retaining the arch would be better from a structural point of view and create a better focal point for the student entrance.

If retained this will have no impact upon any other aspect of the scheme such as ecological or landscaping impacts; the area where the arch was to be removed was proposed to be a pedestrian walkway with a macadam surface.

Indeed, the approved landscaping drawings for the discharge of Planning Condition 26 (for example SRP1041-ALA-ZZ-ZZ-D-L-9004 P08 - Detailed Landscape General Arrangement 2 of 2) indicate the retention of this archway. The applicants however are seeking the regularisation of this arch retention through the submission of revised elevations.

Use of Section 96A for non material amendments to the approval.

Please see below commentary as to how NMAs can be used in the planning system.

Looking at Planning Practice Guidance - 'Flexible options for planning permission' https://www.gov.uk/guidance/flexible-options-for-planning-permissions#Making-a-non-material-amendment it says (my emphasis underlined below).

'How can a proposal that has planning permission be amended?

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements.

New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. Where less substantial changes are proposed, there are the following options for amending a proposal that has planning permission:

- *Making a non-material amendment*
- *Amending the conditions attached to the planning permission, including seeking to make minor material amendments'*

Paragraph: 001 Reference ID: 17a-001-2014030
Revision date: 06 03 2014

'Making a non-material amendment to a planning permission

Is there a definition of a non-material amendment

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.'

Paragraph: 002 Reference ID: 17a-002-20140306
Revision date: 06 03 2014

The Section 106 agreement (10th October 2025) covers only matters concerned with payment of a tree mitigation contribution, and will not need to varied to facilitate this very minor change. The change does not have any knock on impact for any other aspect of the development.

Within the context of the overall scheme we consider this minor change to fall within the scope of the provisions of NMAs.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,

Julia Day

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