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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/2025/0879**) which was valid on the 16 January 2026 for permission for **Removal of condition 7 (Ground Gas Mitigation Method Statement) and condition 8 (Remediation Method Statement) of AVA/2025/0710 at Land Off Amber Drive Langley Mill**

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 6th September 2024.

   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. No development, above slab level, shall take place until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations and roof of the proposal, and the development shall be carried out with those materials.

   Reason: To secure a high-quality form of development that reflects local character and appearance and to ensure the satisfactory appearance of the completed

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development, in accordance with Policy EN15 (Quality and Design of Development) of the Adopted Amber Valley Local Plan 2022-2040.

3. No development shall take place until a scheme for the provision and management of a 10-metre-wide buffer zone alongside the watercourse has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping.

   Reason: To protect and enhance biodiversity, safeguard the ecological function of the watercourse corridor and secure biodiversity gains, in accordance with Policies EN8 (Biodiversity), EN9 (Biodiversity Gains) and EN15 (Quality and Design of Development) of the Adopted Amber Valley local Plan 2022-2040

4. All dwellings on the site shall be protected from noise from rail traffic and industrial noise such that the following noise levels are not exceeded:
   55dB LAeq,16 hour (free field) in outdoor living areas between 07:00 and 23:00 hours;
   35dB LAeq,16 hour inside living rooms and bedrooms between 07:00 and 23:00 hours;
   40dB LAeq,16 hour inside dining rooms/areas between 07:00 and 23:00 hours;
   30dB LAeq,16 hour and an LAmax, fast of 45dB in bedrooms between 23:00 and 07:00 hours.
   Development shall not begin until details of the site layout and noise mitigation measures necessary to comply with the above have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details and the works completed under the supervision of an acoustic engineer.

   A further acoustic report verifying compliance with the above noise levels at agreed representative premises, determined by measurement (and/or calculation were agreed with the Local Planning Authority), shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of any of the dwellings.

   Reason: To ensure future occupiers are provided with satisfactory living conditions and are adequately protected from noise and disturbance, in accordance with Policies EN10 (Pollution) and EN15 (Quality and Design of Development) of the Adopted Amber Valley Borough Local Plan 2022-2040.

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5. No development shall take place until a construction environmental method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the development period and shall provide for:
a) no construction works, or deliveries to and from the site, outside the hours of 08:00-18:00 on weekdays, 08:00-13:00 on Saturdays and not at all on Sundays or public holidays;
b) measures to control the emission of dust and dirt during construction works and from vehicles entering or leaving the site, including notification of any proposed on-site crushing and/or screening of bricks, tiles or concrete;
c) a scheme for recycling/disposing of waste resulting from construction works;
d) no burning of materials on-site;
e) measures for the control of works causing noise or vibration, including any proposed piling operations.

   Reason: To protect the amenities of nearby occupiers during the construction phase and minimise environmental impacts arising from the development, in accordance with Policies EN10 (Pollution) and EN15 (Quality and Design of Development) of the Adopted Amber Valley Borough Local Plan 2022-2040

6. No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

   o detail extent and type of new planting (NB planting to be of native species)
   o details of maintenance regimes
   o details of any new habitat created on site (Specifically the attenuation pond and how it will support wildlife as well as attenuate run off)
   o details of treatment of site boundaries and/or buffers around water bodies
   o details of management responsibilities

   Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This condition is supported by the National Planning Policy Framework (NPPF), paragraph 170 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the

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overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

7. No development shall commence until a Remediation Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Remediation Method Statement shall demonstrate that appropriate remediation, mitigation and gas protection measures have been identified to address the contamination and ground gas risks present on the site and shall provide for the implementation, validation and verification of those measures.

   The development shall thereafter be carried out in accordance with the approved Remediation Method Statement.

   Reason: To ensure that the risks associated with contamination and ground gases have been satisfactorily addressed and that the site is suitable for its intended use, in accordance with the National Planning Policy Framework.

8. Before any other operations are commenced (excluding demolition/ site clearance) a temporary access for construction purposes shall be formed to Amber Drive, laid out, constructed and provided with visibility splays in either direction in accordance with detailed designs to be submitted in advance to the Local Planning Authority and approved in writing the area in advance of the sightlines being cleared of all obstructions greater than 1m in height (0.6m in the case of vegetation), maintained in accordance with the approved scheme throughout the contract period free from any impediment to its designated use.

   Reason: In the interests of highway safety and to ensure the safe operation of the highway network during the construction phase of development, in accordance with Policy IN1 (Transport) of the Adopted Amber Valley Borough Local Plan 2022-2040.

9. Prior to the first occupation of any dwelling, a new estate street junction shall be formed to Amber Drive in accordance with the application drawings, laid out, constructed to base level and provided with 2.4m by 43m visibility splays in either direction, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.

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Reason: In the interests of highway safety and to ensure safe and suitable access to the development, in accordance with Policy IN1 (Transport) of the Adopted Amber Valley Borough Local Plan 2006.

10. No dwelling, the subject of the application, shall be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out in accordance with the application drawings to conform to the 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: To ensure appropriate highway infrastructure is provided to serve the development in the interests of highway safety and sustainable development, in accordance with Policy IN1 (Transport) of the Adopted Amber Valley Borough Local Plan 2022-2040.

11. No dwelling, the subject of the application, shall be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents and visitors vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

    Reason: To ensure appropriate highway infrastructure is provided to serve the development in the interests of highway safety and sustainable development, in accordance with Policy IN1 (Transport) of the Adopted Amber Valley Borough Local Plan 2022-2040.

12. Prior to commencement of the development hereby permitted details of 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 safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

13. 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. Flood Risk Assessment, Proposed Residential Development, Amber Drive, Langley Mill for Wise Living Ltd (Reference SDL01395/FR1, dated 28/09/2018) including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team

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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 drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing."

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

14. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be 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.

15. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for [storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles], laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

    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.

16. 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 (15/12/2020). Flood Risk Assessment. SDL01395/FR1 V2.1, including any subsequent amendments or updates to that document as approved by the Flood Risk Management Team,

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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.

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

17. Prior to the first occupation of the development, a verification report carried out by a suitably qualified independent drainage engineer shall be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been
constructed as per the agreed 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.

18. 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 prior to the development being brought into use. 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 secure a high-quality development, assimilate the development into its surroundings and safeguard landscape character and biodiversity interests, in accordance with Policies EN7 (Landscape Character and Features), EN8 (Biodiversity), EN9 (Biodiversity Gains) and EN15 (Quality and Design of Development) of the Adopted Amber Valley Borough Local Plan 2022-2040.

19. The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

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Reason: To reduce vehicle movements and promote sustainable access.

20. The approved scheme shall be carried out in accordance with the following approved documents and drawings:
- Application Form
- Site Location Plan
- Keepmoat Planning Layout - dwg Ref: EM-25-010-SK001 Rev A
- SD -5009-A - Post and Rail Fence - 1200mm
- SD- 5013 -A - 1.8m Fence
- Ardingly - dwg. No. ARDING-END- 1360 Rev 3
- Chelburn - dwg. No. CHELBU - END - 1100 Rev 3
- Derwent - dwg. No. DERWEN - END - 1080 Rev 3
- Kielder - dwg. No. KIELDE - END - 1090 Rev 4
- Langham - dwg. No. LANGHA - END - 1040 Rev 5
- Saltburn - dwg. No. SALTBU - DET - 1400 Rev 4
- Stanford - dwg. No. STANFO - END - 1210 - Rev 6
- Ryebank - dwg. No. RYEBAN - END- 1170 Rev 4
- Wise Living - 1 bed apartment (Elevations) dwg. No. 539/01 Rev C (plots 44-49 /93-93/ 99-104 only)
- Wise Living - 1 bed apartment (Floorplans) dwg. No. 539/01 Rev C (plots 44-49 /93-93/ 99-104 only)
- Wise Living - 1 bed (Duo) dwg. No. 469/04 Rev A (Plots 86-87)
- Wise Living - 1 bed (Quad duo) dwg. No. 469/01 Rev C (Plots 40-43 / 108-111)
- Wise Living -619 (Floor Plans and Elevations) dwg. No. 619/01 Rev C (Plots 91-92 only)

Reason: To define the terms of this permission

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Notes
Attention is drawn to the attached notes:

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:

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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 DM3 of the NPPF.

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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.