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To: Members of Regulatory - Planning Committee

Tuesday, 30 March 2021

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **10.00 am** on **Monday, 12 April 2021**

This meeting will be held virtually. As a member of the public you can view the virtual meeting via the County Council's website. The website will provide details of how to access the meeting, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington
Director of Legal and Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1 (a) Apologies for Absence

To receive apologies for absence (if any)

1 (b) Declarations of Interest

To receive declarations of interest (if any)

1 (c) Declarations of Significant Lobbying

To receive declarations of significant lobbying (if any)

1 (d) Petitions

To receive petitions (if any)

2. Minutes (Pages 1 - 8)

To confirm the non-exempt minutes of the meeting of the Regulatory – Planning Committee held on 15 February 2021

To consider the non-exempt reports of the Director - Economy, Transport and Environment on:

- 3 (a) Application to Not Comply with Conditions 1,2,17 and 19 of Planning Permission CW2/1007/155 to Complete Infilling Operation by 31 May 2035 and all Restoration to be Completed within a Further Two Years, at Erin Landfill Site, Markham Lane, Duckmanton, Derbyshire. Applicant: Viridor Waste Management Limited. Code No: CW2/1020/38 (Pages 9 - 60)
- 3 (b) Application Under Section 73 of the Town and Country Planning Act 1990 to Not Comply with Condition 2 (Duration of Use, and Clearance) of Planning Permission CW9/0816/45 in Order to Remove the 10 Year Time Limit on the Permission at Willshee's Skip Hire Limited, Cadley Hill Park, Burton Road, Swadlincote. Applicant: Willshees Skip Hire Limited. Code No: CW9/1119/61 (Pages 61 - 76)
- 3 (c) Section 119 of the Highways Act 1980: Proposed Diversion of Public Footpath No.39 (Part) - Parish of Barlow (Pages 77 - 82)
- 3 (d) Publication of a Local Enforcement Plan (Pages 83 - 108)
- 3 (e) Local List of Information Requirements (Pages 109 - 198)
- 3 (f) Current Enforcement Action (Pages 199 - 202)
- 3 (g) Outstanding Application List (Pages 203 - 204)
- 3 (h) Current Appeals/Called in Applications (Pages 205 - 206)
- 3 (i) Matters Determined by the Director - Economy, Transport and Environment under Delegated Powers (Pages 207 - 210)

3 (j) Department Management Performance Monitoring. (Pages 211 - 212)

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Agenda Item 2

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** via Microsoft Teams on 15 February 2021.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, K Athwal (substitute member) D Charles, A Griffiths, R Iliffe, R Mihaly, R A Parkinson, P J Smith and B Wright.

Apologies for absence were submitted on behalf of Councillor L Grooby.

There were no declarations of significant lobbying or declarations of interest. In connection with the application referred to under Minute 11/21, Councillor Ford made reference to his membership of South Derbyshire District Council.

08/21 **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 11 January 2021 be confirmed as a correct record.

09/21 **RECEIPT OF PETITION RESOLVED** (1) to receive the under-mentioned petition:

<u>LOCATION/SUBJECT</u>	<u>SIGNATURES</u>	<u>LOCAL MEMBERS</u>
Objections to further planning permission being granted to extend the operational life of Erin Landfill Site (Code no: CW2/1020/38.	258	Councillor H Elliott

(2) that the contents of the petition would be considered and referred to by the Director – Economy, Transport and Environment when preparing a report for a future meeting of this Committee in respect of Application CW2/1020/38.

10/21 **APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT FOR PLANNING PERMISSION FOR DEVELOPMENT AT STANTON RECYCLING LTD, THE OLD IRONWORKS, CROMPTON ROAD, ILKESTON, DERBYSHIRE, DE7 4BG, WITHOUT COMPLYING WITH CONDITIONS 7 (HOURS OF OPERATION) AND 18 (NOISE MANAGEMENT) TO WHICH PLANNING PERMISSION NUMBER CW8/0819/41 WAS GRANTED APPLICANT: STANTON**

RECYCLING LTD CODE NO: CW8/0620/23 An application had been received which sought a new planning permission to authorise the development comprising the ongoing waste use of this site that was currently authorised under a planning permission granted in 2017 (code no.CW8/0819/41) but without compliance with two conditions to which the 2017 permission was subject. These conditions were conditions 7 (hours of operation) and 18 (noise management). The applicant also proposed 'substitute' conditions to which a grant of such a new permission might be subject, in respect of hours and noise, so as allow for the acceptance and processing of waste at this waste recycling site (within the buildings and outside, in the open yard) between the hours of 0400 hours to 2300 hours Monday to Friday inclusive and 0400 hours to 1900 hours Saturday, Sunday and Bank Holidays. The proposed substitute for Condition 7 also lacks the requirement in that current condition to keep the shutter doors to the processing building closed during working hours. The application was accompanied by a revised version of the noise assessment and noise management plan that had been submitted and approved as required by Condition 18 to the current, 2017 permission. The proposed substitute for Condition 18 took account of the revised version of the noise management plan which reflected the relaxation in working hours restrictions being sought by the applicant.

The Executive Director had provided a detailed report published with the agenda, which included details of the application together with comments received from consultees and following publicity, and commentary on planning considerations, leading to a recommendation for authorising a grant of permission subject to conditions. As detailed in the Directors report:

A number of concerns had been received from consultees and after publicity, twelve written representations had been received raising objections to the proposal.

The Executive Director had concluded that the applicant company was seeking approval for a significant extension of the operating hours of the site and to enable operations with the shutter doors open during the extended hours from 0400 hours until 2300 hours Monday to Friday and 0400 hours until 1900 hours on Saturdays, Sundays and Bank. Given that the site was set within an industrial environment, a degree of noise was to be expected. However, the unfettered cumulative impacts of this site and of those other operations on the industrial estates and environs, was likely to be detrimental to the amenity of local residents and those living in the nearby settlements of Ilkeston, Stapleford, Sandiacre and particularly, Trowell. However, this consideration must be set against the contribution of the development to the management of wastes and the role it plays in moving waste materials up the waste hierarchy in support of national recycling targets, the Waste Management Plan for England, and the potential to reduce the impacts of the development through

the use of planning conditions.

He therefore considered that granting a new permission to allow for extended opening and working hours as proposed, would be acceptable, subject to suitably worded planning conditions to which the new permission would be subject, including conditions to continue to limit site access and egress by commercial vehicles during anti-social hours, and require compliance with, and the communication of, an approved vehicle routing plan, and limiting the operating hours of the shredder, and controlling the hours during which the shutter doors may remain open. His recommendation had been made accordingly:

A Principal Planning Officer presented a series of electronic slide images which included photographic views of the site and surrounding area.

Written statements of up to 500 words had been duly received from T Benson, the agent acting on behalf of the applicant in support of the application and Councillor D Pringle, Borough and Parish Councillor for Trowell, which were read out in full by officers. The statement from Councillor Pringle raised objections mainly relating to concerns that odours and dust would be generated by processes carried out.

Certain points mentioned in the statements were then responded to by the Officer.

Councillor Smith felt that it was difficult to strike a fair balance between encouraging commercial growth in recycling and protecting the local communities from its impacts. Despite protection measures being in place prior to the application being made, there were still concerns raised from the wider community and also enquired as to whether vehicle movements had been monitored. He considered that it would be beneficial to grant a permission to the two proposed changes for a trial period of 18 months and to then assess what impacts these had on the area.

The Principal Planning Officer confirmed that monitoring of vehicle movements had taken place in the early hours and late in the morning and that traffic was very light.

Councillor Parkinson enquired as to the nature of the refuse collection vehicles needing to leave the site early in the mornings, mentioning that domestic refuse vehicles were situated at a site several hundred yards away from this site, and also queried the need for any working on Bank Holidays.

The Principal Planner clarified that the movements of refuse collection vehicles were for transport of trade waste from commercial premises and not

domestic waste.

Councillor Mihaly questioned if the actions of other companies on the site were looked at as part of the considerations as it was stated that some of the impacts in the area were caused by other businesses.

The Principal Planning Officer confirmed that there were a number of other operators on the site where there had been noise and dust issues and there could be a number of applications in relation to variation of conditions which would be considered as they were made.

The legal officer in attendance was asked to clarify whether a permission could be granted on a trial basis. In his response, he explained that it was generally possible to grant permissions on a trial basis by imposing conditions, provided that such conditions were found in the particular circumstances of each case to be necessary and reasonable. However, he was mindful of the detailed attention that officers had given to the relevant considerations in reporting on the application, and could not discern that there was any particular reason to justify such a condition.

The Chairman confirmed that applications must be looked at on their individual merits.

RESOLVED (1) that planning permission be granted subject to the conditions based on or substantively similar to the draft conditions listed in the Executive Director's report; and

(2) that the committee would after 12 months from the grant of permission receive an officer report with regard to its progress in its implementation.

11/21 DEMOLITION OF ASHLEA FARM AND RELATED BUILDINGS OFF DEEP DALE LANE AND THE DEVELOPMENT OF A NEW ALL MOVEMENT JUNCTION ON THE A50 AND CONNECTING LINK ROAD TO INFINITY PARK WAY, WITH ASSOCIATED WORKS INCLUDING: STREET LIGHTING COLUMNS, FOOTWAYS/CYCLEWAYS, CONSTRUCTION OF EARTH MOUNDS, FLOOD COMPENSATION AREAS, ACOUSTIC FENCING AND LANDSCAPING AT LAND BETWEEN DEEP DALE LANE AND INFINITY PARK WAY, SINFIN, DERBY. APPLICANT: DERBYSHIRE COUNTY COUNCIL. CODE NO: CD9/0319/110 The report related to a proposal by Derbyshire County Council for the construction of a new junction (Junction 3A) on the A50 trunk road and a new connecting link road between the new junction and Infinity Park Way in Derby. The proposal also involved ancillary works including the creation of two flood storage areas, the diversion of watercourses, safety improvements to Deep Dale Lane, and the demolition

of buildings at Ashlea Farm.

It concerned development partly in Derbyshire which the County Council intended to carry out, therefore the application for permission that was assigned code number CD9/0319/110 had been made to this authority. Because the proposed development would occupy a site straddling the respective administrative areas of (1) Derby City and (2) South Derbyshire and Derbyshire County Council, a 'twin' application for permission had been made to Derby City Council. That application had been considered and approved by the City Council's committee for regulatory planning matters on 11 February. Both applications had been accompanied by an Environmental Statement for the development.

The Executive Director had provided a detailed report published with the agenda, which included details of the application together with comments received from consultees and following publicity, and commentary on planning considerations, leading to a recommendation for authorising a grant of permission subject to conditions. As detailed in the Directors report:-

Following consultation a number of comments had been received from consultees, details of which were given in the report. Three representations, two objecting and one providing positive comments, had been received as a result of the publicity.

He had found that development would have substantial socio-economic benefit to the area through the provision of essential highway infrastructure, thereby enabling the development of IGV to commence by unlocking currently inaccessible land. The proposal would accord with the strategic vision set out in the SDLP, both of which included policies that assume the provision of such infrastructure, as well as the wider aspirations of the NPPF in terms of the delivery of economic growth and the delivery of new homes.

In general, he was satisfied that the proposal would not result in significant adverse environmental impacts and that it would bring environmental benefit in the form of substantial biodiversity gain through GIS, as well as providing flood capacity in excess of that required in respect of the current proposals.

The development would, however, also result in some adverse landscape and visual impacts and impacts to geology, through the loss of part of the Wet Pasture Meadows LCT and the Sinfin Moor RIGS. Viewed in cumulation with the wider IGV development, such losses would be more significant leading to both being lost almost in their entirety. However, such losses were already assumed by the allocation of the land in both the SDLP and the DCLP, and the development would clearly result in substantial socio-

economic benefit, so that he did not consider that the losses would be sufficient to outweigh that benefit or justify a recommendation of refusal.

Planning Permission sought by the application was therefore recommended to be authorised to be granted, subject to a set of conditions corresponding to a scheme of requirements for conditions, as outlined under the recommendation.

It was reported at the meeting that, following the production of the report, Derby City Council had authorised the grant of a corresponding permission subject to conditions for the corresponding application made to them.

A Principal Planning Officer, on behalf of the Head of Planning Services, presented a series of electronic slide images which included photographic views of the site.

Written statements of up to 500 words had been duly received from the Chair of Barrow on Trent Parish Council and South Derbyshire District Councillor P Watson raising concerns about increased traffic and the safety issues of using Deepdale Lane in the future, and were read out in full by officers.

Certain points mentioned in the statements were then responded to by the Officer.

Committee members then made various comments concerning the application, including the welcoming of traffic monitoring and the potential for calming measures in relation to Deepdale Lane.

Councillor Smith asked whether any particular issue had been raised, in relation to Deepdale Lane or otherwise, when Derby City Council had recently considered the application

The Principal Planning Officer confirmed that no particular further issues had been raised in Derby City Council's planning committee meeting when their decision to approve the application had been reached, and commented that the largest portion of Deepdale Lane was the northern section in South Derbyshire. Improvements were already planned for that section and there would be traffic calming associated with the wider development of the area.

RESOLVED to authorise the Director to grant a County Council planning permission for the development described in the application in respect of the County Council's administrative area, subject to conditions based on the set of outline requirements detailed in the Executive Director's report.

12/21 **CURRENT ENFORCEMENT ACTION RESOLVED** to receive the report on current enforcement action

13/21 **OUTSTANDING APPLICATION LIST RESOLVED** to receive the list on decisions outstanding on 3 February 2021 relating to EIA applications outstanding for more than sixteen weeks, major applications outstanding for more than thirteen weeks and minor applications outstanding for more than eight weeks.

14/21 **CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED** to note that the following appeal has been lodged with the Planning Inspectorate:

Appeal Reference APP/U1050/C/20/3257919

Land at Lady Lea Road, Horsley, Ilkeston

Appeal against Enforcement Notice Issues on 16 July 2020

Appeal Start Date – 8 September 2020

15/21 **MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS** RESOLVED to note that the following applications had been approved by the Executive Director Economy, Transport and Environment under delegated powers on:

Date	Reports
14/01/2021	Applicant: Derbyshire County Council Planning Application Code No: CD6/1020/39 Replacement of Existing Playground Chain Link Fencing with Securifor Fencing and Renewal of Main Timber Entrance Gate at Crich Carr CE Voluntary Controlled Primary School, Hindersich Lane, Whatstandwell, Matlock DE4 5EF
20/01/2021	Delegation Decisions on Schemes Required by Planning Conditions: CHA/1156/23 ROMP Hindlow Quarry, Buxton: SM3503: Archaeological Observation and Recording SM3504: Soil Stripping and Storage CM1/0618/23 Mouselow Quarry, Glossop SM3500: Stabilise South-East Quarry Faces CD3/1219/65 Highfields School, Matlock SD3488: Construction Management Plan and Construction Method Statement CW9/1028/63 Willshee's Skip Hire Ltd SW3501: External Lighting Scheme
27/01/2021	Applicant: Chapel-en-le-Frith Primary School Planning Application Code No: CD1/0720/27 Proposed Two Classroom Extension with Associated WC

	Facilities and Remedial Landscaping Works at Chapel-en-le-Frith C of E Primary School, Warmbrook Road, Chapel-en-le-Frith, Derbyshire, SK23 0NI
27/01/2021	Applicant: The Federation of Penny Acres and Wigley Primary School Planning Application Code No: CD4/1220/43 Erection of a Timber-Framed Classroom Building at Wigley Primary School, Main Road, Wigley, Derbyshire S42 7JJ

Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

12 April 2021

Report of the Director – Economy, Transport and Environment

- 1 APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO NOT COMPLY WITH CONDITIONS 1, 2, 17, AND 19 OF PLANNING PERMISSION CW2/1007/155 TO COMPLETE INFILLING OPERATION BY 31 MAY 2035 AND ALL RESTORATION TO BE COMPLETED WITHIN A FURTHER TWO YEARS, AT ERIN LANDFILL SITE, MARKHAM LANE, DUCKMANTON, DERBYSHIRE
APPLICANT: VIRIDOR WASTE MANAGEMENT LIMITED
CODE NO: CW2/1020/38**

2.117.37

Introductory Summary

Planning permission is sought by Viridor Waste Management Limited, under Section 73 of the Town and Country Planning Act 1990, to not comply with conditions 1, 2, 17 and 19, of the most recent planning permission (CW2/1007/155) for the landfill operation at Erin Landfill, Duckmanton.

The operation is currently carried out under the most recent planning permission. It allows the importation of approximately 7.5 million cubic metres (m³) of non-inert wastes, and infilling of a void with the wastes. It is estimated that currently approximately 5 million m³ of void remains.

As a result of waste prevention initiatives, increases in landfill tax, improving recycling rates and new landfill management technologies, infilling rates to the site have been steadily declining, meaning that the void is taking longer to fill. The operator therefore now seeks to vary the current planning permission to extend the duration of infilling, which currently expires 31 May 2021, until 31 May 2035, and restoration within a further two years (the most recent planning permission requires restoration to be complete within 12 months of the cessation of filling, i.e. by 31 May 2022).

The applicant proposes to update the approved schemes of surface water management, restoration and landscaping, and also proposes provision of a new waste reception pad.

The site is not within a sensitive locality with regard to landscape, heritage, or ecological designations, however, it is in close proximity to residential properties. The application is accompanied by an Environmental Statement as required under Environmental Impact Regulations 2017 and the impacts of the updated development as proposed, their magnitude and mitigation measures have been considered.

Waste operations at the site are also controlled through the existing Environmental Permit. Having regard to the Environmental Statement and related documents submitted and following consultations, I am satisfied that any potential impacts as a result of the proposal could be controlled through the imposition of planning conditions and the environmental permitting regime.

The proposal is considered to be in accordance with the development plan and national planning guidance, and the grant of a new permission, subject to conditions in accordance with the proposal, is therefore recommended for approval.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis**

Site and Surroundings

Since 1999, the operational landfill site has been within an area of approximately 53 hectares (ha), with a void area of approximately 41ha. The application site area in total is, however, a larger 61ha, as historically, previous planning permissions for the development have also included an area of the Markham rail sidings to the west of the M1. This is an area of former railway sidings and former mine workings, which does not form part of the operational landfill.

Prior to landfilling, the site was an opencast coal mine which operated between 1980 and 1989. The excavations from this activity resulted in a significant void space. The type of waste deposited includes largely commercial, industrial, household (kerbside collection waste), non-recyclable waste from Household Waste Recycling Centres (HWRCs) and construction/demolition waste, but also some stabilised non-reactive hazardous waste.

Once filled, the site will be restored and subject to aftercare to provide woodlands and fields.

Erin landfill site is located to the north of Duckmanton within the administrative boundary of Chesterfield Borough Council. To the north, the site is bounded by agricultural land, beyond which is the village of Poolsbrook, which is within

approximately 200 metres (m) of the site. The M1 Motorway and Erin Road lie to the east of the site. To the south is the settlement of Duckmanton, which is within approximately 100m of the site. Markham Vale services are also to the south of the site and Markham Vale Industrial Estate is located south and to the east of the M1. To the west is agricultural land, a solar farm and single wind turbine.

Access to the Erin landfill site is from Markham Lane to the east of the site, which passes under the motorway and over Erin Road. Markham Lane has direct access to the M1 Motorway at junction no. 29A. This access point currently serves the landfill operation traffic for the site and would be the main point of access for the proposed amendments to the restoration scheme, the construction and subsequent operation of the eventual restored land. Access to the wider transport network is facilitated via Markham Lane's connection with the M1 at junction 29A. Industrial units are located either side of Markham Lane.

The residential area nearest to the landfill site is in Duckmanton along East Crescent, North Grove and Poolsbrook Road, the closest properties there are within approximately 100m south from the site boundary. There are also residential properties along Cottage Close in Poolsbrook, with the closest property there being approximately 200m from the northern site boundary.

There are no statutory ecological designations, or heritage assets within close proximity of the site.

The site is located within a 'Development High Risk' Coal Authority designated area and within an area of low flood risk (Flood Zone 1).

Site Planning Application History

The site application history includes:

- CW2/997/59 - Planning permission granted by the Council, 2 December 1998, for reclamation of the Erin Void near Duckmanton and Poolsbrook, Derbyshire by land filling and restoration to woodlands and agricultural land, with construction of site support area at Markham Sidings including proposed new access, refurbished rail sidings, materials recycling/recovery facility, waste composting area, landfill gas electricity generating plant and other site facilities. The permission allowed the importation of approximately 7.5 million cubic metres (m³) of non-inert wastes including commercial, industrial, household and construction and demolition wastes. The waste material would be deposited in eight purpose built cells constructed from significant amounts of existing overburden which was generated by the previous opencast operations.

- CW2/0504/39 - Planning permission granted by the Council, 7 September 2004, which overcame a Condition 4 to which planning permission CW2/997/59 was subject, and thereby enabled the approval of a new location for the gas control and electricity compound.
- CW2/504/40 - Planning permission granted by the Council, 7 September 2004, which overcame Condition 16 to which planning permission CW2/997/59 was subject, to allow for the operation of the landfill gas plant and machinery on a 24 hour basis.
- CW2/1007/155 - Planning permission granted by the Council, 9 April 2008, which overcame Condition 3 to which planning permission CW2/0504/39 was subject, and provided the extended period for completing infilling operations, up to 31 May 2021 with restoration to be completed within a further 12 months.
- CW2/1107/158 - Planning permission granted by the Council, 12 May 2008, for a new building and adjoining open storage area to be used as a waste reception, transfer, recycling and pre-treatment facility adjacent to the sites compound area. (The building approved under this permission has not been developed).
- CW2/0211/168 - An application to extend the period by which planning permission CW2/1107/158 could be implemented was approved 29 July 2011.
- A number of applications for items of operational infrastructure have been approved by the Council as the site has developed over time, including security fencing, office cabins, and leachate storage infrastructure.
- CHE/0502/0312 - Outline Planning permission for Commercial (not major retail) office, industrial and warehouse development, new and altered roads (including a new motorway junction), land reclamation, ground re-modelling, drainage, landscaping and re-use of railheads on 360ha of land in Bolsover, Staveley and Sutton-cum-Duckmanton on both sides of the M1 in the vicinity of the former Markham Colliery, A632 (Chesterfield Road) Erin Road, Lowgates, Eckington Road, Hall Lane and the A619 south of Staveley, was approved by Chesterfield Borough Council 16 May 2005.
- Two industrial buildings are located within the application area to the east of the M1 (outside the operational landfill area and inside the Markham Vale Employment Area). They have been subject to full planning approval from Chesterfield Borough Council following the above grant of outline planning permission.

The Proposals

The application supporting documents state that, as a result of waste prevention initiatives, increases in landfill tax, improving recycling rates and new management technologies, landfill rates have dropped. A direct consequence of this is that many landfill sites are not being restored within originally intended timeframes. Reduced input rates at the Erin landfill site have resulted and the required restoration profile will not be reached within the

timeframe previously required (ending 31 May 2021) nor will all restoration required under planning permission CW2/1007/155 be achieved within the subsequent 12 months.

The operator, Viridor Waste Management Limited, is therefore seeking to make a series of modifications in respect of the conditions to which the most recent planning permission, CW2/1007/155, is subject. The application is made under Section 73 of the Town and Country Planning Act 1990 and seeks permission not to comply with conditions 1, 2, 17 and 19. It proposes variation in respect of those conditions to allow for completion of the infilling operation up to 31 May 2035 and for all other restoration to be completed within a further two years.

Condition 1 relates to the duration for filling and restoration which is sought to be extended. Condition 2 is sought to be varied as it requires that the development be carried out in accordance with the details submitted with the previous application CW2/1007/155. Condition 17 requires that the site shall be restored and landscaped in accordance with the scheme approved 24 July 2006, and is sought to be varied as details of the restoration and landscaping scheme are proposed now to change. Similarly, the aftercare scheme, also approved 24 July 2006, is now proposed to change and, as such, Condition 19 which requires the development be carried out in accordance with the agreed details, is sought to be varied.

Through the application, the operator also seeks to be subject, in carrying out the development, to a set of conditions modified from those that apply to the most recent planning permission that would also achieve:

- an extended and updated programme of works and phasing;
- an updated scheme of surface waste management;
- changes to the approved scheme of restoration landscaping; and
- provision of a small waste reception pad.

At the time of the submission of the application, based on average inputs of waste received on site over recent years, the operator estimates that the remaining landfill void would take approximately a further 15 years (up to the end of May 2035) to fill to the approved levels. A period of two years to complete the final restoration (instead of one year as under the conditions to the most recent permission) is also proposed. The application seeks to confirm the updated phasing of operations on site working from west to east, and an updated plan submitted provides clarity on the stages of restoration.

Changes proposed to surface water drainage include ditches to be constructed on the restored flanks, to allow surface water running from the capped and restored areas to be diverted to a settlement/attenuation lagoon in the north-west corner, for discharge to the local river via the permitted

discharge location noted within the site's Environmental Permit. Existing ditches would be re-graded and cleaned of debris, to ensure full flow capacity, and for the management of surface water, the existing attenuation lagoons would be expanded to provide the required attenuation volume to control suspended solids, and restrict the discharge rate in accordance with the Environmental Permit. The drainage proposal now involves having two larger finished lagoons, and a new small surface water lagoon to the south of the plant compound, rather than the smaller lagoons that currently exist in the site.

The approved restoration scheme is based on eight-phases of landfill operations. The timescale for this phased restoration is based on rates of infill and waste settlement at the site that have not been achieved. Full restoration can only be established across completed cell areas, and would be seeded with a temporary grass cover until waste settlement is completed. Final planting on top of the landfill cells would be undertaken approximately three years after completion of each cell, when active settlement is reduced.

The proposed updated restoration planting scheme would increase the area of agricultural and unimproved fields from that previously approved. The woodland planting proposed would be reduced in area, although hedge planting would be increased from that previously approved. The table below indicates the size of area and restoration types to be changed.

Habitat	Revised Scheme	Consented Scheme
Agricultural Grassland	17ha	9.5ha
Unimproved Grassland	11.4ha	6.4ha
Native Hedgerow and Hedge Trees	4,620 linear/m	2,310 linear/m
Permissive Footpaths, with wildflower fringes	2,800 linear/m	same
Native Woodland	10.53ha	28.9ha
Native Woodland Scrub Grass Areas	11.57ha	5.6ha
Existing woodland and scrub areas	1.9ha	1.9ha

The submitted plans indicate that the post - settlement contours of the site would not alter from that previously approved.

The applicant also proposes a new reception pad to be located to the immediate south-west of the site. The pad would be constructed using reinforced concrete and measure 19m by 52m long. Currently, road legal HGVs drive onto site to the active cell where the waste material is tipped. The applicant considers that by restricting incoming HGVs to the reception pad and transporting bulked waste to the cell by site vehicles would significantly improve operations.

The proposed hours of operation are unchanged from those prescribed by condition under the most recent planning permission, which are 0700 hours to 1900 hours Monday to Friday and 0800 hours to 1300 hours on Saturday.

The most recent planning permission by condition restricts visits to a maximum of 185 visits (370 vehicle movements) each working day. This application does not propose to vary this restriction.

An Environmental Statement (ES) as required under Environmental Impact Regulations 2017 has been submitted, to consider the potential impacts of the proposal and mitigation measures.

Consultations

Local Member

The Local Member, Councillor Bingham (Staveley North and Whittingham), has been consulted and no comments have been received.

Mr Toby Perkins, Member of Parliament for Chesterfield

Mr Toby Perkins MP has been consulted, however, no response has been received at the time of writing.

Chesterfield Borough Councillor, Mick Bagshaw for Hollingwood and Inkersall Ward

Objects to the proposal and makes the following comment:

“Staveley Area has suffered from landfill sites for over 60 years, I therefore object to the extension of Erin void landfill. In particular, I object to further domestic or other waste being deposited at this site if it is to continue to cause unpleasant odours and other concerning issues to the surrounding communities.”

Chesterfield Borough Council (Planning)

Raises no objections. The need for the continued use of the site, and its sub-regional importance as a landfill facility, is clearly defined in the submitted ES. This is acknowledged along with the noted unrealistic date approved for completion which it is stated cannot be met due to the reduced rates of fill. However, the extension of time proposed is significant and it is clear from public comments that the use results in adverse impacts to local residents.

The Borough Council states that *“all mitigating measures possible are taken to seek to minimise the impact of the extended use should it be the view of your Authority that the extension of time requested is acceptable.”*

It is noted that part of the application site is within the Markham Vale Growth Area, defined by Policy SS4 and detailed in Policy CLP6 of the Chesterfield Borough Adopted Local Plan 2020.

Chesterfield Borough Council (Environmental Health Officer)

The Environmental Health Officer (EHO) raises no objections but has made the following comments *“Environmental Health have received complaints alleging that the site gives rise to odour and flies. As the site is operated under an Environmental Permit issued by the Environment Agency (EA) all residents have been informed to contact the EA as they have a statutory responsibility to investigate those complaints.”*

Town/Parish Councils

Staveley Town Council, Old Bolsover Town Council, Sutton cum Duckmanton Parish Council, and Brimington Parish Council have each been consulted and no comments have been received.

The Environment Agency

The Environment Agency (EA) raised no objection and made the following comments:

“Full control over the environmental aspects of the site (e.g. gas and leachate generation) can only be achieved if all phases of the site are completed as planned.

The current Environmental Permit gives regulatory control over the materials and application of materials used. For these reasons we have no objection to the proposed time extension.

It is our understanding that no fundamental changes to the operations on site will be undertaken and the current Environment Permit – issued by the Environment Agency is still valid. A time extension would not change this.”

The Coal Authority

No response received from the Coal Authority (TCA).

Lead Local Flood Authority

The Lead Local Flood Authority (LLFA) has no objection in principle to the alterations to the surface water management regime proposed.

However, the LLFA would recommend that a suitable risk assessment should be undertaken for surface water ditches that are to be dug out and regraded to a 1 in 1 gradient, as this may result in increased silt migration, slope instability and difficulties in future maintenance, the LLFA would advise that shallower gradients would be preferable. The LLFA would also note that culverting of ditches may require ordinary watercourse land drainage consent applications

to be applied for to the LLFA. The LLFA would also recommend a risk assessment is undertaken in relation to the significant depths of the lagoons given the industrial setting.

Highway Authority

Raise no objections, subject to vehicle movement thresholds being maintained.

Natural England

Raise no objections.

Derbyshire Wildlife Trust

The Derbyshire Wildlife Trust (DWT) raised no objections and make the following comments:

“The proposed variation in conditions (1, 2, 17 and 19) would significantly delay the restoration of the site. At the moment, the plan is to restore the site to agriculture and woodland including grasslands and wetlands of nature conservation value. Clearly any delay in the restoration will have a knock-on impact on the recovery of nature in this part of the County. However, the ongoing use of the site for landfill is unlikely to have any additional impacts on features of high nature conservation value.

In relation to indirect impacts on the environment, the extension would result in continued vehicle movements and operational works within the site. These are likely to have some adverse impacts more generally and we would wish to see these assessed to ensure that appropriate measures to avoid, minimise and/or mitigate for these can be put in place as required.

If a delay of this length were to be approved, we would like to see the restoration plan reviewed to ensure that it fully reflects and takes account of the changing needs of nature conservation and biodiversity within this part of Derbyshire and that it fully links to the emerging Nature Recovery Network for this area. There may well be new opportunities to restore and enhance the landscape for the benefit of wildlife and these should be fully explored where possible.”

Publicity

The application was advertised by site notices 26 November 2020, and a notice published in the Derbyshire Times 26 November 2020.

Also on 26 November 2020, 495 residents and 21 businesses were notified in writing of the application.

A total of 66 individual representations have been received raising concerns or objections to the proposals.

A petition with 258 signatures stating “*Signatories’ of this petition feel strongly that the Erin Landfill Site should close as per the previous planning date agreed of May 2021*” has been received with a supporting statement entitled “*Objections and Information from the Local Community.*”

The following are a summary of concerns raised by individual objectors:

- Deprived of the right to enjoy home and garden due to odours, noise, flies, rodents, seagulls and landscape impact.
- Cannot open windows because of flies. When Environmental Health are contacted, things improve for a short period then problem returns. Cars are covered in dust and furniture if windows are left open.
- A local restaurant owner receives complaints from customers about flies in their restaurant, which they believe are a result of the landfill operation.
- Noise/explosions from bird scarers.
- Bird droppings.
- Negative impact on local environment and economy.
- Traffic impacts.
- Light pollution.
- Health concerns - school right next to landfill. Effects on asthma. Chronic Obstructive Pulmonary Disease is prevalent in Poolsbrook and Duckmanton, also psychological stress. One objector has two children with birth defects and this objector believes that the landfill operation contributed to this. The amount of chemicals used for various processes is a concern.
- The landfill does not contribute to the community like other closed colliery sites which have been developed into natural areas. A general feeling of unfairness to the villagers of Duckmanton.
- The landfill site is too close to residential properties and would be better sited away from a residential area.
- The site should be closed 2021 as per the existing planning permission. The operator was well aware of the deadline and should have programmed for completion.
- An objector believes the company has exceeded contracted landfill levels and is revising contouring.
- Disturbance-occasional fires, night time run of lorries, heavy machinery noise.
- Can see no improvement locally of offset compensation from landfill tax, area should be compensated.
- Concerns with regard to contamination of groundwater from leachate.
- Some waste going to landfill still has a value, including some green waste which is being put into household normal collections rather than to recycling as green waste, particularly where councils are charging for green waste collection.
- The planting of trees for restoration would block views.

- Should consider waste to energy plants rather than landfill.

Most of the concerns raised by individuals above were also raised in the *“Objections and Information from the Local Community”* document submitted with the petition received. Additional concerns in this document in summary are:

- Under the Human Rights Act, the local community wish objections to be taken into account and the application should be refused.
- Reason given for the extension of time is not valid and could potentially allow landfill at the site for five decades or more, contrary to local plan policies to protect the environment and people.
- Why is Duckmanton singled out for landfill when other former mining areas have been restored?
- Poor Air Quality.
- A child's birthday party was affected, could not play outdoor games and food was spoiled by flies. Pests such as flies and birds are not addressed appropriately in the Environmental Assessment/Application.
- Emissions from HGVs and heavy plant and dust from tipping. Air Emissions risk assessment required to consider wind speed and direction.
- An appropriate assessment is required.
- Waste is blown in the air as it is tipped.
- Residents complain daily to the EA.
- The lifespan of the landfill has already dramatically increased. This is considered contrary to Recommendation 16 of the DEFRA (Department of the Environment, Food and Rural Affairs) Landfill Aftercare Scoping Study which calls for a review of research of the physical, chemical and biochemical understanding of landfill conditions.
- The monitoring of leachate, gases and subsidence requirements are estimated to take up to 30 years post closure. The impacts of the landfill could exist therefore up until 2067. Pumping of leachate and groundwater can take up to 30 years post closure.
- Two years proposed for restoration is untrue. The EA recommends up to 50 years or more for leachate monitoring after landfilling has ceased.
- Erin has been used as a test environment for establishing if leakage occurs during lake storage of waste and plans another leachate lagoon to be built. Quantities of leachate released into the local river will increase.
- Water management is insufficient, with insufficient maintenance of existing ditches. Likely increase in discharge to local river if ditches are blocked. There is a rising water table on the Erin site and a new leachate lagoon proposed. Long term degradation and management of leachate system. Has risk assessment recommended by LLFA been completed? Concerns of flooding and leachate management.
- Many houses have a clear view of the landfill site, the Landscape and Visual Impact Assessment (LVIA)/supporting material does not reflect this.

- A survey was undertaken to accompany the statement of objection. The statement does not clarify how many people were surveyed, however, but states that:
 - 100% surveyed want the site to close immediately; are affected by smell, are concerned about health risks, are affected by noise, insects rodents; and do not want planning permission granted.
 - 72% surveyed were not informed in advance of the work starting or given an opportunity to object.
 - 50% surveyed have officially complained about the landfill operation.
- 276 members of the local community have joined a social media page to campaign to close the landfill site.

East Midlands Butterfly Conservation

The East Midlands Butterfly Conservation (EMBC) was not consulted on the application, but did, however, make the following representation (in summary):

EMBC have no objections and “*note the emphasis on ecological restoration of the land and the intention to produce species-rich grassland and we would be in general support and applaud these plans, given that the site could support good populations of many butterfly species.*”

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are the saved policies contained within the Derby and Derbyshire Waste Local Plan (DDWLP) (adopted 2005) and the Chesterfield Borough Local Plan (CBLP) 2020. The application site is within Staveley Parish and is not covered by an adopted Neighbourhood Development Plan.

Other material considerations include national policy, as set out in the National Planning Policy Framework (2019) (NPPF), and associated Planning Practice Guidance (PPG), the Waste Management Plan for England (WMPE) (2021), and the National Planning Policy for Waste (2014) (NPPW).

The Development Plan

Saved Policies of the Derby and Derbyshire Waste Local Plan (2005)

W1b: Need for the Development.

W2: Transport Principles.

W5: Identified Interests of Environmental Importance

W6: Pollution and Related Nuisances.

W7: Landscape and Other Visual Impacts.

W8: Impact of the Transport of Waste.

W9: Protection of Other Interests.
W10: Cumulative Impacts.
W11: Need for Landfill.
W12: Reclamation and Restoration.
W13: Sorting of Waste Before Disposal.

Chesterfield Borough Local Plan (2020)

CLP1: Spatial Strategy.
CLP2: Principles for location of development.
CLP6: Economic Growth.
CLP13: Managing the Water Cycle.
CLP14: A Healthy Environment.
CLP15: Green Infrastructure.
CLP16: Biodiversity, Geodiversity and the Ecological Network.
CLP20: Design.
CLP21: The Historic Environment.
CLP22: Influencing the demand for Travel.
SS4: Markham Vale (Strategic Policy).

National Planning Policy Framework (Revised 2019)

The NPPF sets out the Government's planning policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development and the framework as a whole contains a presumption in favour of sustainable development. The term '*sustainable development*' is defined as '*meeting the needs of the present without compromising the ability of future generations to meet their own needs*'. The NPPF goes on to say that achieving sustainable development means that the framework has three overarching objectives - economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Those sections of the NPPF that are particularly relevant to this proposal are:

Section 2: Achieving sustainable development.
Section 12: Achieving well designed spaces.
Section 14: Meeting the challenge of climate change, flooding and coastal change.
Section 15: Conserving and enhancing the natural environment.

Planning Policy Guidance (Waste)

On-line national planning policy.

National Planning Policy for Waste (2014)

Determining Planning Applications.
Appendix A: The Waste Hierarchy.

Appendix B: Locational Criteria.

Waste Management Plan for England (2021)

This ranks options for waste management, in an order known as the Waste Hierarchy. Priority goes to preventing the creation of waste in the first place, followed by preparing waste for reuse, to recycling and then recovery.

Our Waste and Resource: A Waste Strategy for England (2018)

This Strategy is an updating statement on the 2011 Waste Review and the subsequent Waste Prevention Programme 2013 for England and is guided by two overarching objectives:

- to maximise the value of resource use; and
- to minimise waste and its impact on the environment.

The fundamental question that needs to be addressed here is whether extending the duration of an existing landfill site is acceptable in policy terms and does not give rise to any additional impacts that have already been considered as part of the original and subsequent grant of planning permissions. The application has been supported by an Environmental Statement that has assessed the impacts of the proposal which are considered in the report.

Current National Landfill Situation

Historically, landfill has been the traditional UK method of waste disposal for decades, but in recent years, a significant shift away has occurred, driven by a variety of factors including the waste hierarchy, changes in legislation to review regulation and acceptability of landfill sites, as well as fiscal measures through increases of the landfill tax first introduced in 1996.

Since the 1990s, the number of landfill sites has dropped from around 1,500 active sites to less than 250 today. Hundreds have ceased operation in the face of tax charges, dropping inputs and greater, more costly environmental constraints. In 2006, over 75% of Britain's waste was directed to landfill in comparison to under half in 2016 (Environmental Services Association, 2016).

In one sense, this represents a success as landfill is the least preferred waste destination as identified in the waste hierarchy. If landfill inputs are reducing and sites closing, then this could be seen as a huge leap forward for the circular economy and for better resource use, but it is widely acknowledged that landfill will always be required at some level at some locations across the country as there will always be a fraction of waste, even after all resource and energy has been removed that will only be fit for final disposal by landfill. It is therefore a balancing act – too much landfill capacity and there is a risk of undermining the waste hierarchy and providing a disincentive to delivering more sustainable solutions; too little and the risk is that true residual waste will

have nowhere to be directed, alongside a lack of flexibility if other facilities fail or require shut downs.

The UK's landfill capacity is diminishing. In 2017, it was calculated that England had 6.8 years left of non-hazardous landfill capacity (Tolvik Consulting, 2017). This contributes to an overall accumulative waste capacity deficit. Reports of the national waste capacity deficit (across all facility types) vary, but there is a general understanding that landfill is decreasing at a faster rate than alternative technology to potentially replace it coming online, this risks creating an imbalance in provision.

Year on year increases in household recycling rates are tailing-off (DEFRA, 2018 and Edie, 2018). Additionally, it has been claimed that 13 million tonnes of combustible waste is not being used for energy generation as the facilities are not there to support it (Moore, 2018). These factors are likely to increase inputs to landfill, thus exacerbating the reduction in UK landfill capacity.

Other strategic pressures on all waste infrastructure (including landfill) include the closing down of certain overseas markets for materials such as waste plastic, particularly by China, which hitherto accepted large quantities. Furthermore the UK may be less able to export waste to Europe if increased shipment paperwork and checks makes this option more costly. There is now an increasing understanding that due to various factors, the UK will have to increasingly deal with its own waste rather than exporting, and take responsibility for more of the waste produced.

Landfill Data and Strategic Position in Derbyshire

Locally, the County Council is not immune to the issues covered in the previous section. The Waste Planning Authorities (WPAs) of Derbyshire and Derby City (who work jointly on waste planning issues) work regularly with other WPAs from across the Country through the Duty to Cooperate (DtC) mechanism. Derbyshire, when compared with other parts of the Country, is relatively well placed in terms of future access to active landfill sites, some of this is based around the scale of the minerals industry within the County and the historic connections it has with landfill, in particular. Given the strategic nature of landfill as a waste option, I am mindful of wider commitments and that the commercial decision making around waste means that it often travels across boundaries. Some areas of the Country, particularly in the south-east and East Anglia are facing a pinch point in terms of local availability of landfill sites and, as such, waste is travelling greater and greater distances to access suitable facilities, this includes sites in Derbyshire.

In 2019, of approximately 7.7 million m³ of remaining void space in the County, a very significant 5.39 million tonnes remained at the Erin Void at that time. Derbyshire through DtC has to play its part in providing strategic waste infrastructure (including landfill) as a national requirement.

Extending the scope of the Erin landfill site would clearly build in resilience for landfill, both locally and strategically. Landfill resilience is not evenly spread and Erin, in particular, is a key site to the County's ongoing access to useable landfill space. There are currently huge pressures on both local and national waste capacity, there is little evidence that prolonging existing landfill as per this application would have any measureable impact on the delivery of other waste facilities, indeed given the landfill tax rates as a disposal option it is now a very expensive and generally uneconomic option.

The Need for the Development

The WMPE focuses on waste arising's and their management. It is a high-level, non-site specific document. It provides an analysis of the current waste management situation in England and evaluates how the Plan will support implementation of the objectives and provisions of the Waste (England and Wales) Regulations 2011.

The way waste is managed is continually evolving, with the majority of our waste moving away from landfilling to a more circular economy where we recover and regenerate products and materials whenever we can. The WMPE states that, for example, only 12% of all local authority managed waste was recycled or composted in England in 2000-01, compared to 42.7% in 2018. Meanwhile, the proportion of local authority waste sent to landfill has fallen from 79.0% to 10.8% during the same period.

The waste hierarchy, which ranks options for waste management, has driven some progress towards better use of our resources. Priority goes to preventing the creation of waste in the first place, followed by preparing waste for reuse, to recycling, and then recovery. Disposal, in landfill for example, is regarded as the worst option. To date we have increased our rates of recovery and recycling and generated much more energy from waste. The WMPE states that the focus is on moving up the waste hierarchy, to minimise the amount of waste we produce by improving our resource efficiency and keeping products in circulation longer so that they do not become waste.

The WMPE states that landfill or incineration without recovery status should usually be the last resort for waste, particularly biodegradable waste. The landfill tax is one of the key drivers to divert waste from landfill, to ensure that we meet our 2020 target of no more than 10.16 million tonnes of biodegradable municipal waste to landfill and our 2035 target of no more than 10% of municipal waste to landfill. That does not mean that all wastes will be diverted from landfill. There are some wastes for which landfill remains the best, or least worst, option. The WMPE recognises there is an ongoing role for landfill in managing waste, particularly for inert waste that cannot be prevented, recovered or recycled, but that its use should be minimised as much as possible.

Central Government has set out a high level strategy for dealing with waste in the publication ‘*Our Waste and Resource: A Waste Strategy for England* (2018).’

To achieve the main objectives of maximising waste as a resource and minimising its impact in the environment, the strategy sets out how the Country’s stock of material resources will be preserved by minimising waste, promoting resource efficiency and moving towards a circular economy.

The Strategy will help with the delivery of five strategic ambitions:

- to work towards all plastic packaging placed on the market being recyclable, reusable compostable by 2025;
- to work towards eliminating food waste to landfill by 2030;
- to eliminate avoidable plastic waste over the lifetime of the 25 Year Environment Plan;
- to double resource productivity by 2050; and
- to eliminate avoidable waste of all kinds by 2050.

The Strategy recognises that landfill, however, as a management option for residual waste, will continue until improved recovery techniques become available and states *“We recognise that there is an ongoing role for landfill in managing waste, particularly for inert waste that cannot be prevented or recycled, but want to see its use minimised as much as possible.”*

Paragraph 7 of the NPPW states that, when determining waste planning applications, WPAs should, (*inter-alia*):

- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced; and
- ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

Nationally, landfill sites have reduced in number significantly as a result of landfill tax and improvements in moving waste up the waste hierarchy. However, as in the case of Erin, this has seen the amount of waste overtime reaching landfill fall and, as a result, the time to fill voids has taken far longer than initially anticipated.

PPG is ‘on-line’ guidance providing further information in support of the implementation of waste planning policy of central Government. The Waste

section of the PPG recognises that there will be occasions when there is a requirement to extend the operational life of landfill sites, and states that:

“Waste planning authorities should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England’s waste.

The continued movement of waste up the Waste Hierarchy may mean that landfill sites take longer to reach their full capacity, meaning an extension of time limits to exercise the planning permission may be needed in some circumstances, provided this is in accordance with the Local Plan and having taken into account all material considerations.”

At a local level, saved Policy W1b of the DDWLP presumes in favour of planning permission where a proposed development caters for the needs of the local area, in terms of quantity, variety and quality, as part of an integrated approach to waste management. It is clear that the WMPE recognises that although landfill is the least appropriate option, there is still a need for its provision both locally and nationally. Landfill resilience is not evenly spread in Derbyshire, and Erin, in particular, is a key site to the County’s ongoing access to useable landfill space. There are currently huge pressures on both local and national waste capacity. Whilst efforts to drive waste up the hierarchy are clearly improving, it is recognised that there is a capacity gap while new technologies come on line, such as energy from waste facilities, and as recycling efforts further improve.

There is still a clear requirement for landfill provision in the County, in which Erin Landfill plays a very significant role. Given that this caters for the need of the local area, as well as recognition of the requirement of landfill in the WMPE, I consider that the proposal would accord with Policy W1b of the DDWLP and the need for the development has been demonstrated.

Policy W11: *The Need For Landfill* of the DDWLP, states that “Waste disposal by means of landfill will not be permitted unless: the development is essential to satisfy a need to dispose of locally-generated waste which will not otherwise be met, taking into account the methodology set out in appendix B [of the DDWLP]; and unless any material harm would be outweighed by one of the following:

- *the development is necessary to restore land for beneficial use in line with development plan policies;*
- *the development is necessary to improve the land for agricultural use;*
- *the development is necessary to achieve farm diversification consistent with the site’s location; and*
- *the development is necessary to improve the local ecology or landscape.”*

Appendix B to the DDWLP sets out a methodology that provided a means of assessing whether or not there is a need for landfill space at any particular time during the plan period. The waste local plan, and all the policies from it which remain part of the development plan as 'saved policies', are over 15 years old. The plan period for the DDWLP expired in 2015 and the Council is in the process of working towards adoption of a new waste local plan. It has not been considered appropriate to rely on the methodology in Appendix B in the production of this report, having regard in particular to the more recent trends in the waste sector that have been referred to above. The Appendix itself makes provision for deviation if necessary from the content of the policy in; DDWLP Appendix B – B1.3 - which states that: *“Other assumptions may need to be reviewed in the light of information available at the time the methodology is applied.”*

Work with the EA and other WPAs under DtC indicates that in current void calculations there is a clear requirement for landfill void space currently in the County.

I am therefore satisfied that there is a clear need for landfill capacity currently in the County for wastes which are locally generated in compliance with policy W11 of the DDWLP. I am also satisfied that the proposal is necessary to restore the land, some for agricultural purposes, and is necessary to improve local ecology and landscape through achievement of approved contour levels.

Policy W13: *Sorting of Waste Before Disposal* of the DDWLP states that waste disposal by means of landfill will be permitted only if the applicant has shown that *“before disposal of any waste at the site, facilities will be in place for the sorting of all reasonable quantities of recyclable and compostable materials; and the proposed standard of the facilities and method of operation, including the proportions of recyclable and compostable materials to be recovered and the post-sorting management of those materials, are realistic and reasonable in the context of an integrated waste management system.”*

The pre-text to Policy W13 of the DDWLP states that *“the sorting of waste for the removal of usable matter can take place before the waste reaches the landfill site. In practice, the applicant will often be unable to give satisfactory confirmation that such pre-sorting will apply to all the disparate loads of waste which will arrive at the site. Policy W13 establishes that facilities should be made available at the waste disposal site. Such facilities may include a bring site or a household waste recycling centre”*.

The text supporting Policy W13 of the DDWLP also states a consideration should be, *“Whether, in the case of sites which will receive municipal waste, there are bring site and recycling centres in the locality. If they are not yet adequate to serve the area, whether this development should be designed to*

provide a public facility. If they are adequate, it may be better that the landfill site does not provide a public facility”.

There were only six Household Waste Recycling Centres (HWRCs) when the DDWLP was adopted in 2005. There are now nine HWRCs across the County, the closest to the application site being Chesterfield. The Chesterfield HWRC is approximately 5km from Erin Landfill. The number of ‘Bring Sites’ in the locality, such as bottle banks and clothes banks at supermarket sites, has increased significantly since the adoption of the DDWLP, and I am satisfied that there is adequate provision of this type of facility in the locality.

The proposal seeks to continue current operations in providing a residual waste disposal facility. The majority of waste received at Erin originates from merchant recycling facilities and transfer stations where recyclable material has already been removed from the waste stream and residual waste is bulked prior to transfer to landfill. Erin also takes the non-recyclable waste from DCC operated HWRCs. The public separates the waste at the HWRCs.

Whilst there is no pre-treatment of waste on site, the waste received is residual as the recyclable/recoverable material has already been removed by third parties, demonstrating that the site is part of an integrated waste management system. There is also an existing HWRC at Chesterfield within reasonable proximity and, in this context, I consider that, in line with the supporting text to Policy W13 of the DDWLP, in this instance, it would not be necessary or practical to provide such a further sorting facility on site. I note that such a facility was not required by the Authority in granting the most recent planning permission for the site CW2/1007/155 in April 2008 which is now sought to be varied. The DDWLP was a consideration at that time, and I do not therefore consider it reasonable or necessary to impose a requirement through any condition to a permission being granted on this application that would require such sorting provision to be introduced at the site.

The Principle of the Development

The site has an extensive planning history with previous planning permissions granted for landfill operations. I am satisfied that the principle of the development is acceptable given the context of the established planning history of the site as a landfill operation. The reasons and justification given for the extension of time for filling and restoration are considered acceptable as outlined above.

I do not consider that there is any significant conflict with Policy CLP1: *Spatial Strategy* of the CBLP which sets out an overarching approach to concentration of new development within walking distance of key services and supports regeneration, housing and economic growth, and the protection of Green Belt and strategic gaps and green wedges. Similarly, the proposal would comply with the requirements of Policy CLP2: *Principles for Location of*

Development of the CBLP, which relates to planning applications for developments that are not allocated in the Local Plan, in that the site is previously developed land that is not of high environmental value (meeting criteria (b) of the policy) and would provide convenient walking routes on full restoration of the site (criteria (d) of the policy).

It is noted that an area of approximately 8ha of the application site to the west of the M1 is not operational as landfill, however, it is included in the location plan as submitted. This area was included in the original planning approval and subsequent planning permission to extend the life of landfilling, however, this area has not been subject to agreed landfilling operations or any approved restoration requirements. This area is an allocated Employment Site Area (Markham Vale) under Policy SS4 of the CBLP and covers the former Markham Colliery. Significant development has already been undertaken in this area. This includes recent development within the application area boundary to the west of the M1, and a large industrial unit of Great Bear Distribution. Given that the application does not propose any landfill operation within this area, or change from the previously approved area of landfilling concentrated to the east of the M1, it is not considered that the proposal would be at odds with Policy SS4 of the CBLP and the intended development of this part of the application site within the Markham Vale Employment Area, or similarly with Policy CLP6: *Economic Growth* of the CBLP which supports office/light industrial type employment development.

A much smaller area of approximately 1ha to the western side of the M1, is also within the application site and is also allocated Employment Site Area (Markham Vale) under Policy SS4 of the CBLP. This is towards the south-eastern periphery of the application site, and would be just outside of the landfill cell area. Plans submitted do show that this area would be landscaped, however, no objection has been received by Chesterfield Borough Council and I do not consider that the proposals would conflict with any future employment/light industrial proposals that may come forward for this comparatively small area of the designation, particularly as it covers an area to the periphery of the site which is not proposed to be actively landfilled.

The acceptability of the proposed amendments to development in the planning balance must be considered further, however, against planning policy and the merits of the application in the following respects:

- Noise and Vibration
- Air Quality (including dust and odour)
- Highways
- Landscape and Restoration
- Flood Risk and Drainage
- Ecology
- Heritage

- Pests - Birds, Flies and Rodents
- Climate Change

The ES, as submitted, has identified a level of likely impacts and proposed mitigation where considered necessary.

Relevant Policy Relating to Environmental and Amenity Impacts

Section 15: *Conserving and Enhancing the Natural Environment* of the NPPF states at Paragraph 170 that planning policies and decisions should contribute to and enhance the natural and local environment by inter alia e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.....*

Paragraph 180 of the NPPF states: *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.”*

Appendix B of the NPPW outlines a number of locational criteria in testing the suitability of waste sites in determination of planning applications.

Policy W5: *Identified Interests of Environmental Importance* of the DDWLP states that proposals for waste development which might affect identified interests of environmental importance will be assessed in the light of:

- the level of protection merited by the character and status of the interests; and
- the likely impact of the development on the interests.

Waste development will be permitted only if, in the context of the assessment, the development would not materially harm the identified interests.

Policy W6: *Pollution and Related Nuisances* of the DDWLP states that waste development will be permitted only if the development would not result in material harm caused by contamination, pollution or other adverse environmental or health effects.

Policy W9: *Protection of Other Interests* of the DDWLP states that waste development will be permitted only if the development would not affect other land uses to the extent that it would materially impede or endanger the social or economic activities or interests of the community.

Policy W10: *Cumulative Impact* of DDWLP seeks to assess proposals for waste development in the light of cumulative impact which they and other developments would impose on local communities, concurrently or successively. This policy presumes in favour of waste development where there is no significant and detrimental impact on the environment of those communities.

Policy CLP14: *A Healthy Environment* of the CBLP states that the quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality. All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account issues such as noise and disturbance, dust, odour and air quality.

Noise and Vibration

The application includes a noise impact assessment within the ES which has been considered by the EHO and the EA.

The continued landfill operations have the potential to create impacts on local amenity through the creation of excessive noise and vibration over an extended period as proposed.

Potential noise impacts are considered in the context of the existing background noise at the site, which is dominated by distant road traffic movements from the M1 Motorway. The assessment undertook background noise surveys at six noise sensitive receptors surrounding the site, including from some of the nearest residential locations to the south of the landfill at Poolsbrook Road, North Grove and East Crescent.

The results show no significant levels of noise predicted for all the plant in operation including the worst-case cumulative effect of the landfill and restoration activities occurring at the same time at noise sensitive receptors. The noise levels have been measured in accordance with current guidance including BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound and effects, and also in consideration of PPG. The results indicate that the extended operation would result in a neutral effect for the purposes of the ES and are not considered significant.

It is considered that identified receptors would not experience any significant increase in noise levels from the continued operations. This is principally due to the intervening distance and topography from the operational areas to the receptors and that proposed operations would continue largely as existing.

It is noted that some noise would be generated from the site, but that this would not be over and above that of the current operation, which is considered to be within acceptable limits.

The cumulative effect of the proposed time extension to the landfill operation, with other planned developments in the local area, have been considered in the ES. These include the well advanced Markham Vale development, which is a 200 acre site which includes industrial, distribution and commercial units spread around junction 29a of the M1 Motorway, and a proposed Solar Photovoltaic Farm (planning ref. CHE/20/00432/FUL), which is not, at this stage, consented but is currently in the planning system, is located circa 500m west of the landfill Site and west of Inkersall Road in Staveley.

It is concluded in the ES that there would be no cumulative effects at noise sensitive receptors arising from the proposed extension of time to landfill in combination with the identified developments during site operations.

Planning conditions, which are currently in force on the site with regard to hours of operation and total HGV movements, are recommended to be applied again in respect of this Section 73 application, which would again limit potential noise disturbance. The proposed hours of operation remain unchanged from the extant planning permission, which are 0700 hours to 1900 hours Monday to Friday and 0800 hours to 1300 hours on Saturday.

The most recent planning permission allows for up to a maximum of 185 HGV (370 HGV vehicle movements) each working day. The application does not propose to vary this restriction.

Similarly, conditions restricting noise levels at the site under the existing planning permission are not sought to be varied by the operator, and are recommended to be re-applied, should the application be approved.

These include:

- Silencing of all plant and machinery outside of approved hours of operation, except in an emergency (Condition 12 of CW2/1007/55).
- During operational hours, the operation shall not exceed 55dB Laeq 1 hour at any noise sensitive properties as identified in the original ES, 1997 (Condition 13 of CW2/1007/55).
- An exception to not exceed 70db Laeq 1 hour for any eight week period within 12 months where operations are noisy but temporary (for example where achieving amenity strip or screen bunds adjacent to Duckmanton) (Condition 14 of CW2/1007/55).
- Noise levels to be monitored in accordance with the scheme approved by the Waste Planning Authority 9 September 1999 (Condition 15 of CW2/1007/55).

The applicant has indicated that a number of best practice procedures would continue to be implemented such as continued enforcement of a site speed

limit, and plant would be maintained and fitted with properly lined acoustic covers and which would be closed whilst machines are in use.

The ES indicates that the assessment of vibration during the plant operations, restoration or construction phase of the development is likely to result in a negligible impact magnitude and neutral significance. Vibration effects from the movement of HGVs is in general unlikely to produce any perceptible vibration.

The EA and EHO raise no objection to the findings of the ES in respect to noise or vibration issues.

I am satisfied that subject to the retention of the conditions identified that the impacts associated with noise and vibration would be to acceptable levels and that the application, in this regard, is considered to be in accordance with Section 15 of the NPPF, Appendix B (j) of the NPPW, policies W6, W9 and W10 of the DDWLP and Policy CLP14 of the CBLP.

Air Quality

The issue of air quality is similarly assessed against the development plan policies identified above.

The site is not within a designated Air Quality Management Area (AQMA). Chesterfield Borough Council has declared one (AQMA) for exceedances of the annual mean nitrogen dioxide (NO₂) objective; however, the AQMA is in Brimington, approximately 4km to the west of the application site and would not be affected by operations at the landfill.

Road Traffic and Air Quality

An Air Quality Assessment has been undertaken by the applicant and informs the relevant section within the ES. With regard to impact from road traffic emissions generated by the development, the ES considers five receptor locations close to the site and adjacent to the A6192 Erin Road. The assessment found that any change is likely to have a negligible effect from current baseline conditions with regard to NO₂, PM10 and PM2.5 (Particle Matter) vehicle emissions. The predicted concentrations are all well below the Air Quality Assessment Levels set out in the UK Air Quality Strategy objectives.

It is considered, therefore, that the potential impact from continued development traffic emissions would not be significant and that this has been demonstrated in the ES. Cumulative impacts are therefore also likely to be not significant.

It is therefore considered that with regard to potential air quality issues arising from road traffic associated with the proposal, that the application is in

accordance with Section 15 of the NPPF, Appendix B(g) of the NPPW, policies W6, W9 and W10 of the DDWLP and Policy CLP14 of the CBLP.

Dust and Air Quality

The ES recognises that the extended operation of the landfill will potentially lead to dust emissions. There are human receptors within approximately 100m of the application site boundary, and a detailed dust assessment has been undertaken to inform the ES.

The proposed development includes a waste reception pad, an area of reinforced concrete 19m x 52m, where incoming waste would be deposited. The bulked waste would then be transported to the active cell using site-based vehicles. Material handling; on-site transportation; off-site transportation; and site restoration activities are likely to have the greatest potential for dust emissions.

The dust assessment considered residual effects after dust management for each potential impact. It also considered meteorological and wind direction data, and dispersion/distance in assessment of potential effects. The results indicate that in consideration of deposition of dust upon sensitive receptors identified in the study as Poolsbrook, Duckmanton, Oaks Farm and Markham Lane, that the magnitude of the dust effect in all cases was considered to be negligible.

With regard to consideration of dust effects on health, the annual mean particle matter PM10 concentrations at receptors in the vicinity of the application site are likely to be close to background level, i.e. 13.9 micrograms per cubic meter of air ($\mu\text{g}/\text{m}^3$) in 2020. The Institute of Air Quality Management (IAQM) guidance takes the approach that there is little risk that a process contribution from a dust source would lead to an exceedance of the objectives Air Quality Assessment Levels set out in the UK Air Quality Strategy objectives, where background ambient PM10 concentrations are below $17\mu\text{g}/\text{m}^3$. Therefore, it is considered that the proposed development would have an insignificant effect on health due to fugitive emissions of PM10 particle matter.

The magnitude of dust effects at local receptors has been shown to be negligible in the assessment of dust effects in the ES. I am satisfied that any dust generation would be within safe and acceptable limits, and a condition for de-watering of ground in dry conditions (Condition 11 of CW2/1007/55) is recommended for retention.

On site mitigation to limit dust effects would continue and are also a requirement of the EA permit requirements for the operations on site through a Dust Management Plan (DMP).

I am satisfied that the ES has shown that the designed in mitigation measures, summarised below, provide an appropriate level of mitigation at the landfill:

- Existing screening bunds and planting would be retained.
- The waste reception pad would be located more than 250m from any dust sensitive receptors.
- Water suppression would be used as necessary.
- Vehicle speeds on site would be limited to 15 mph.
- All vehicles using the site would be appropriately contained or sheeted.
- All vehicles leaving the site would use a wheel wash.

The EA and EHO raise no objection to the findings of the ES in respect to air quality and fugitive dust issues. Cumulative air impacts from dust generation are therefore likely to be to acceptable levels. I note the comments received from the public that there is concern about associated potential health risks associated with air quality, however, I am satisfied that it has been demonstrated effectively with the ES that air quality impacts would be within acceptable limits.

It is therefore considered that with regard to potential air quality issues arising from dust emissions associated with the proposal, that the application is in accordance with Section 15 of the NPPF, Appendix B(g) of the NPPW, policies W6, W9 and W10 of the DDWLP and Policy CLP14 of the CBLP.

Odours and Air Quality

The ES acknowledges that the potential effect of odour at receptors is dependent on the distance from the source to the receptor and the sensitivity of the receptors and that residential receptors are considered highly sensitive in the assessment.

The ES considers wind frequency to determine 'pathway effectiveness', or the odour flux to the receptor, based on distance from source to receptor, the frequency of winds from the source to the receptor, the effects of dispersion and dilution and the topography/terrain. The risk of odour impacts and the receptor sensitivities have then been combined to determine the likely magnitude of the odour effect at each receptor.

Whilst odour is emitted from the site, the ES indicates that '*significant effects*', due to odour from the landfill, are unlikely at the receptor areas of Duckmanton (residential) and the commercial areas along Markham Lane to the south and south-east of the application site. Odour effects are considered likely to be slight at the residential receptor Oaks Farm.

The assessment identifies that there is a risk of moderate odour effects at Poolsbrook (residential).

The significance of these odour effects at the receptor locations considered in the ES are all identified as being '*not significant*'.

With regard to mitigation of likely impacts from odour, the operator has an Odour Management Plan (OMP) in place, which forms part of the Environmental Management System as required under the EA Environmental Permit. The agent for the applicant has confirmed that the EA permit will not be varied as a consequence of the planning application.

The OMP aims to ensure that odour assessments form part of daily inspections, and that odour is primarily controlled by good operational practices, with appropriate measures undertaken to prevent odour beyond the site boundary. The OMP includes a description of the likely odour sources, and receptors and the control procedures used to manage odour at the site on a daily basis.

Food waste, landfill gas, and leachate are the main identified sources of odour. The OMP outlines a programme for waste disposal management to mitigate against odour effects. This includes methods such as depositing odorous waste in front of the working face, to then be covered immediately by other non-malodorous waste materials. Where possible, the OMP requires that high odour risk waste deposition will occur during periods of favourable weather conditions. Completed areas of the installation are capped with an engineered clay liner as soon as possible upon the cessation of waste infilling.

Landfill gas and leachate plant are required to be monitored and appropriately maintained under the OMP and, if considered necessary, odour management sprays containing either a masking or neutralising agent may be utilised around sensitive areas of the installation.

Operations at the landfill are permitted by the EA and, with regard to Paragraph 183 of the NPPF, the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

Whilst no objections have been received by the EA or EHO, I note the comment of the EHO that they have received complaints alleging that the site gives rise to odour, and such complaints are then forwarded to the EA as permitting authority. No enforcement action has, to date, been taken against the operators of Erin Landfill by the EA and it is considered that the operator is using appropriate measures to control odour within acceptable levels from the landfill operation.

Whilst odour does emanate from the site, the ES recognises this. Although the ES identifies the likely effects to be '*not significant*', it offers appropriate mitigation of the likely impact through implementation of the OMP. Neither the EA nor EHO have questioned the findings of the ES, or objected to the proposed extension of time for filling and restoration.

It is therefore considered that with regard to potential odour issues, that the application is in accordance with Section 15 of the NPPF, Appendix B(g) of the NPPW, policies W6, W9 and W10 of the DDWLP and Policy CLP14 of the CBLP.

Highways

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Appendix B (f) of the NPPW states that WPAs should consider, in determination of waste planning applications, the suitability of the road network and the extent to which access would require reliance on local roads.

Policy W2: *Transport Principles* of the DDWLP states that waste development which would be likely to result in an overall significant increase in the number or distance of waste-related journeys for people, materials or waste, or, would not provide or utilise a choice of transport modes for people, materials or waste, will not be permitted if there is a practicable, environmentally better alternative.

Policy CLP22: *Influencing the Demand for Travel* of the CBLP states that development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

There have been significant changes to the local highway network since the original consent was granted, such as the creation of junction 29a of the M1 motorway and the development of Markham Vale Business Park.

Vehicles visiting the landfill would continue to access the site via Markham Lane to the east of the site, which passes under the motorway and over Erin Road. Markham Lane has direct access to the M1 Motorway via junction 29a, and therefore has good road linkage being within very close proximity to the M1.

Markham Lane is subject to a 40mph speed limit, has a carriageway width of approximately 7.3m and features footways with street lighting for an extent of around 500m from the roundabout junction. To the north of this point,

Markham Lane becomes a private road (owned by Viridor). The private road is gated to prevent unauthorised access outside of opening hours. The road has an advisory 10mph speed limit and features speed humps as a traffic calming measure.

The most recent planning permission allows for up to a maximum of 185 visits (370 vehicle movements) each working day. The application does not propose to vary this restriction. The Highway Authority has no objections to the proposal, subject to this vehicle movement thresholds being maintained.

A full Transport Assessment has been carried out with respect to the development proposals which informs the relevant chapter within the ES.

The ES states that as a direct result of the Coronavirus (COVID-19) situation during the Spring and early Summer of 2020, it has been impossible to undertake traffic surveys of the junctions adjacent to the site. Without the benefit of being able to commission fresh traffic surveys, it has been necessary to review traffic data presented within Transport Assessments which supported a number of planning applications which have been submitted for development sites within the immediate and wider locality of the Erin Landfill site. The Highway Authority has raised no objection to this approach.

The ES demonstrates that the level of traffic associated with the site in its current and extended operation is modest and any impact upon the highway network would be negligible. Having regard to the detailed analysis undertaken in the preparation of the accompanying Transport Assessment, it is concluded that the continued operation of the Erin Landfill site does not give rise to the need for mitigation measures.

It is not evident that cumulative impact with neighbouring uses would cause significant impact with regard to highways issues.

I am therefore satisfied that there would be no significant highway impacts or unacceptable highway safety impacts associated with the proposal which is considered to be in accordance with Paragraph 109 of the NPPF, Appendix B (f) of the NPPW, policies W2 and W10 of the DDWLP and Policy CLP22 of the CBLP in this regard.

Landscape and Restoration

At national level, the NPPF seeks to protect landscape and local character. The most relevant section of the NPPF in this regard is considered to be Chapter 12: *Achieving well designed places*. Appendix B (c) of the NPPW similarly identifies landscape impact as a consideration in determination of waste planning applications.

Paragraph 127 (c) of the NPPF requires that planning decisions are sympathetic to local character, including the surrounding built and landscape setting, whilst not preventing or discouraging appropriate innovation or change.

With regard to the Development Plan, Policy W7: *Landscape and Other Visual Impacts* of the DDWLP states that waste development will be permitted only if “...the appearance of the development would not materially harm the local landscape or townscape and would respect the character and local distinctiveness of the area; and the development would be located and designed to be no larger than necessary and to minimise its visual impact on or to improve the appearance of the townscape or landscape.”

Policy CLP15: *Green Infrastructure* of the CBLP seeks to protect and enhance landscape character and to create new green infrastructure where possible.

Policy CLP20: *Design* of the CBLP promotes good design and requires that all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context.

Policy W12: *Reclamation and Restoration* of the DDWLP states that waste disposal by means of landfill will be permitted only if the application provides for the restoration of the site to contemporary standards and for an appropriate after-use, including an appropriate period of aftercare, and the application demonstrates that sufficient waste and other fill material is likely to be available, within reasonable proximity of the site, to achieve restoration of the site within the proposed time-scale.

The application site is within National Character Area (NCA) Nottingham, Derbyshire and Yorkshire Coalfield. The Landscape Character of Derbyshire, (4th Edition) identifies the site as being within ‘*Estate Farmlands*’ character type. The local landscape of the site, and its immediate surroundings, is not covered by any national or local landscape designations.

After opencast coal extraction at the site (and local area) in the 1980s, much of the area to the north and the west of the site has been restored to agriculture and notably forming the Poolsbrook Country Park. The wider local area is a maturing landscape. A major employment scheme is progressing to the north, east and south of the site, upon the former Markham Vale Colliery site and associated areas. In addition, a large-scale solar farm has been erected to the west of the site. However, there remains significant evidence of disturbance and dereliction of surrounding landscapes. The landscape is undergoing significant change, the landfill remaining a constant feature from the 1990s, but the LVIA outlines that this is feature to be restored for landscape (and visual) benefit.

The former footpath directly linking Duckmanton and Poolsbrook remains diverted around the western edge of the landfill. Restoration proposals would allow for a new network of permissive paths within the area.

As a result of its land use history, the surrounding areas have a varied landscape character and quality. It is a landscape still in transition from an extensive area of disturbance and dereliction, resulting from the history of coal mining and related activities, to a modified regenerated landscape incorporating significant employment areas around key transport routes and substantial areas of lower grade agricultural land. The historic, existing and future planned developments in the local area create sub-urban and a chaotic feel to the landscape. Restoration of the site would help to relieve this.

The operations at the site are not attractive visually, however, the achievement of restoration levels as approved can only be achieved through continuation of landfilling. Final restoration and landscaping of the site would then improve the visual amenity of the site significantly.

A LVIA has been undertaken to inform the ES. The landscape baseline condition within the local area has evolved substantially since the original consent, development within the wider area is ongoing and focussed upon the Markham Vale employment area.

In addition, other areas of the former open cast and degraded mineral areas are now restored and forming mature landscape features, e.g. Poolsbrook Country Park. Landscape condition at the site (and study area) have improved over the historic baseline, as the site (and wider area) has been progressively restored.

The extent of the study area for a development is broadly defined by the visual envelope of the proposed development and the anticipated extent of the Zone of Theoretical Visibility (ZTV) arising from the development itself. The ZTV study area for this assessment extends to a c.2km radius from the site boundary.

The LVIA considers baseline landscape character as existing, a comparative assessment between the consented scheme and an assessment of the landscape and visual effects of the proposed scheme.

The time frame for the visual disturbance has changed (start and end dates) and the overall duration of the whole site operation (and period for visual effects to arise) is to be extended.

The LVIA concludes that none of the identified residential receptors within 1km or settlements within 2km would experience visual effects of a '*significant*' nature. There are properties that would have views over the ongoing works,

however, these are visual effects that have already been considered acceptable at the time of the original consent. Due to delays in landfilling input volumes, the landfilling is still to take place in the site areas most visible from these properties. The LVIA considers the likely impact upon seven of the closest residential groups. In addition, 11 viewpoints were selected on the basis that they provide views to (or illustrate the limited visibility) of the existing landfill from sensitive receptors (residential, recreational and public rights of way (PROW)).

There are properties, notably groups R1 (East Crescent) and R2 (North Grove), that would have views over the ongoing works, and are considered sensitive receptors. The LVIA states, however, that these are visual effects that have already been considered acceptable at the time of the original consent and therefore the magnitude of these effects for the purposes of the LVIA/ES are considered negligible, as there is no change to the development form and profile proposed to that originally consented. Due to delays in landfilling input volumes, the landfilling is still to take place in the site areas most visible from these properties. The site is probably most prominent at Viewpoint 2 located on Erin Road near Poolsbrook where the unrestored southern edge of the landform is still evident and contrasts with the surrounding landscape. The proposed phasing scheme suggests that there will be progressive restoration of the northern slopes throughout stages 1 and 2, so that by stage 3 of the development adverse visual effects from Viewpoint 2 are likely to be largely mitigated.

The assessment concludes that there would be no '*significant*' visual effects from any of the recreational routes or main road corridors within the study area. Views are generally screened by a combination of route alignment, topography, built features and vegetation.

It is noted that at the time of original assessment, there was substantially less screening vegetation around the site perimeter, the outlook and site screening has improved markedly during the intervening period.

The assessment has established there would be limited additional landscape and visual effects generated by the extension of time to landfilling and restoration works at Erin Landfill. Although the visual receptors would be exposed to an extended duration of landfilling operations, these effects are no different to those originally consented, and from many aspects despite the delay, the visual effects are still to be experienced. The individual duration of effects would be extended but the site is now operated within a maturing landscape setting, improving local landscape structure and near range visual screening.

The final restoration scheme has also been reviewed as part of this submission, although it broadly conforms to the principles of the original

scheme. It is proposed to return the land on final restoration to a mix of agricultural land with some species rich grassland, woodland and permissive footpaths. Overall, I consider the landscape proposal to be appropriate to the character of the wider landscape and would deliver a number of environmental benefits for local communities. The final restoration would require the submission of further details relating to species mixes, planting densities, cultivations, and I would recommend that a planning condition is added to this effect.

With regard to aftercare, the application now proposes to vary landscaping of the site and, as a consequence, the aftercare scheme previously agreed will need to be updated, and Condition 19 of the previous planning permission varied. It is suggested that should this application be approved, that a condition is applied to require an updated aftercare scheme to take account of variations in the landscaping detail proposed and soil profile strategy for restoration. The currently approved soil strategy included in the aftercare scheme indicates that top soils and sub soils required for restoration can be sourced from the existing site (as confirmed in the initial ES 1997), and the current application does not deviate from this.

Settlement of waste can take a number of years, the exact duration of which is difficult to predict, but does depend on various factors such as fill rate, compaction of waste and leachate control which the operator must carefully manage. The application includes pre and post settlement contour plans. The settlement contours do not differ from that as previously approved. Whilst pre-settlement contours would result in a higher profile, over time the profile would fall, and the operator must achieve post-settlement levels as indicated in the submitted plan. The application for these purposes is not restricted by tonnage/amount of waste which can be deposited at the site (other than through daily vehicle movements), but rather by the approved contours. Whilst it is noted that these may take a significant period of time to achieve, it is considered that on restoration, at either pre-settlement or post settlement stages that the contours would be to acceptable levels, as already agreed under the previous planning permissions.

It is not evident that cumulative impact with neighbouring uses would cause significant harm with regard to landscape issues.

I am therefore satisfied that impacts associated with landscape, visual impacts and restoration could be managed accordingly, and that the application in this regard is considered to be in accordance with Section 12 of the NPPF, Appendix B (c) of the NPPW, and policies W7, W10 and W12 of the DDWLP and policies CLP15 and CLP20 of the CBLP.

Flood Risk and Drainage

Chapter 14: *Meeting the challenge of climate change, flooding and coastal change* is the relevant section of the NPPF with regard to flood risk.

Appendix B (a) of the NPPW, protection of water quality and resources and flood risk management, is also concerned with flooding, with consequent issues relating to the management of potential risk posed to water quality.

Policy W6 of the DDWLP states that waste development will be permitted only if it would not result in material harm caused by contamination, pollution or other adverse environmental or health effects. The supporting text to the policy in 'Box W6' states that, where there is a risk to local drainage systems, the developer will provide an effective alternative drainage system and that the proposal includes adequate provision to ensure that there will not be contaminated run-off.

Policy CLP13: *Managing the Water Cycle* of the CBLP seeks to limit flood risk and protect the water environment.

A Flood Risk Assessment (FRA) has been undertaken to inform the ES. The site is located within Flood Zone 1 and therefore, has a '*low probability*' of flooding.

The site is located within the River Doe Lea valley towards the southern end of the River Rother catchment. The River Doe Lea flows into the River Rother near Renishaw, approximately 4km to the north of the Site.

The majority of the site drains to the east and north towards the River Doe Lea, the western edge of the Site and restored land immediately to the north of the site drains to the west to the Pools Brook which is tributary of the River Doe Lea.

The existing surface water management at the landfill has evolved in parallel with development of the landfill. Currently on site, the surface water run-off is controlled by a series of perimeter ditches on the restored areas of site which directs the run-off into the centre of the site. From here the surface water is sent via a ditch that discharges through a headwall and through a series of underground pipework to the settlement lagoons in the north-west corner of the site. Any surface water which cannot be collected by gravity is pumped to this headwall and discharged into the settlement lagoons.

It is proposed to continue this method while landfilling operations are ongoing, however, once an area is restored then the revised surface water features as proposed can be constructed.

Whilst there is already a scheme of surface water management in place for the site that covers the restored and operational areas, attenuation requirements to ensure surface water run-off from site does not increase flood risk downstream has been substantially updated over the last few years.

Whilst the area to be drained (site catchment) would remain the same, additional attenuation capacity is required. This would be provided by a new lagoon to the east of the existing site offices and combining two existing lagoons and extending slightly in the north-east of the site. Perimeter swales would be implemented as part of the restoration scheme to capture surface water from the various areas of the site.

The Local Lead Flood Authority (LLFA) has no objection in principle to the alterations to the surface water management regime proposed. The LLFA has advised that the operator for health and safety purposes, in relation to maintenance, carries out its own suitable risk assessment with regard to depths of proposed drainage and lagoons. The LLFA has confirmed, however, that this comment relates to an operational/safety matter and is satisfied that this could be relayed to the applicant as a footnote in the decision should the application be successful.

Leachate is pumped from the cells and stored in two separate lagoons adjacent to the plant area to the north-east of the site. Drainage of leachate, and surface water management of restored areas are therefore on two separate designed systems. All discharges to controlled waters from the site are regulated by the EA permit. Collected leachate is removed by tanker from the site for treatment at an appropriate licensed treatment facility.

Potential adverse impacts from the continued operations are identified in the ES. These include:

- Leachate escape through breach of engineered containment systems of adjacent non-hazardous landfill cells.
- Leaks and spills of fuels and oils associated with vehicles and equipment.
- Sediment loading of watercourses.
- Discharge of poor-quality water to watercourses.
- Flooding of development site generating physical hazards and contamination of flood waters.

The above risks are identified as being moderate to low at the operational phase, and between moderate and very low at the restoration phase.

The ES outlines mitigation against these potential impacts. These include standard pollution prevention procedures to be implemented during the operational phase based on industry best practice and are controlled through the EA permit.

Examples of some of the measures that would be adopted at the site are included below, to mitigate potential impacts on the water environment:

- silt traps, straw bales placed within stream channel and temporary settlement lagoons;
- protective coverings to stockpiles and locations away from watercourses;
- retention of vegetated strips along watercourses;
- tanked areas for plant and wheel washing;
- bunded fuel storage and refuelling areas;
- provision of spill kits;
- location refuelling areas away from watercourses; and
- provision of vegetation/grass cover on earth stockpiles.

The redesigned surface water management scheme is also considered mitigation against potential effects.

The ES finds that the residual environmental effects, which are those that remain after all proposed mitigation measures are implemented are “*very low adverse.*”

The LLFA and EA have no objections to the findings of the FRA or the ES and the site is not considered to be at high risk of flooding. The proposed development would not increase the likelihood of flooding to adjacent land uses. The risks of impact as identified could be suitably mitigated and any discharge into watercourses is controlled by the EA. Potential contamination of leachate, as raised as a concern by objectors, is noted. However, I am satisfied that cells are appropriately engineered to minimise risk to contamination of groundwater and controlled through the EA permit. Whilst any contamination of local hydrology systems and groundwater is subject to penalty by the EA, I am satisfied that, given that no objections have been received by either the EA or LLFA, the applicant has demonstrated appropriate measures would be in place to manage drainage and protect hydrology interests.

I am therefore satisfied that the application is in accordance with the policies identified above with regard to flood risk and drainage.

Ecology

Chapter 15: *Conserving and enhancing the natural environment* of the NPPF, provides specific guidance on protection and enhancement of biodiversity the natural environment. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by “*(inter-alia)*:

- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; and*

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

Appendix B (d) Nature Conservation of the NPPW states that, in determination of planning applications, considerations will include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR Sites), a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves), Nature Improvement Areas and ecological networks and protected species.

Policy W5: *Identified Interests of Environmental Importance* of the DDWLP states that proposals for waste development, which might affect identified interests of environmental importance, will be assessed in the light of:

- the level of protection merited by the character and status of the interests; and
- the likely impact of the development on the interests.

Waste development will be permitted only if, in the context of the assessment, the development would not materially harm the identified interests.

Policy CLP16: *Biodiversity, Geodiversity and the Ecological Network* of the CBLP expects development proposals to protect, enhance and contribute to the management of the ecological network of habitats, to avoid or minimise adverse impacts and to provide a net measurable gain in biodiversity.

The site is not within any sensitive ecological designation. Duckmanton Railway Cutting Site of Special Scientific Interest (SSSI) and Doe Lea Stream SSSI are over 2.6km and 3.6km away from the site boundary respectively. At this mitigating distance, it is considered that there would be no direct or indirect impacts on the SSSIs.

Norbriggs Flash Local Nature Reserve (LNR) is located approximately 1.5km to the north of the site boundary. Norbriggs Flash is designated for its important habitats for wintering wading birds and wildfowl. Retained habitats within the retention lagoon area of the site may contribute to the existing corridor of Local Wildlife Sites (LWSs) between the River Doe Lea located on the eastern edges of the site and the River Rother over 2km to the north. It is considered that there will be no negative impacts from the proposal upon Norbriggs LNR.

Markham Colliery Reedbed LWS is a County designated site within 100m, which has potential to provide connectivity with the habitats in the north-eastern section of the site, providing a corridor of reedbeds and a network of ponds within the surrounding area. Considering this habitat is of County value,

it is considered probable that the retention of the reedbeds on site would contribute positively to the enhancement of this habitat network within the wider landscape, resulting in a permanent, significant and positive impact on this receptor.

The ES concludes that the restoration, as proposed with aftercare, would have a positive impact upon habitats and ecology of the site, some significant.

A Preliminary Ecological Appraisal (PEA) was undertaken within the proposed development site boundary to inform the ES. The principle of landfilling has already been established on site through the previous consents.

Therefore, the impact assessment considers the extension of time to continue the consented operations. The PEA lists potential wildlife types that may be in the immediate proximity, but suitable habitats are currently limited to restored areas and the fringes of the site given that it is a working landfill.

The site would be further enhanced through the measures outlined below, resulting in increased biodiversity throughout the site. These measures include:

- reduction in woodland areas allowing for increased diversity of habitats on site;
- increase in areas of unimproved species-rich neutral grassland supporting a diverse and complex mix of both flora and fauna;
- increased planting of native species hedgerows and trees supporting an increased invertebrate assemblage and improved foraging, commuting and nesting/roosting habitats for birds and bats; and
- creation of a network of surface water ponds and drainage ditches across site, enhancing habitat and waterbody connectivity.

It is considered that the now proposed restoration and planting scheme provides benefits to wildlife that outweigh the limited impacts to the low ecological value currently supported by the site. Should successful maturation of the habitats be achieved, supported by an appropriate aftercare plan, the site would be considered to provide a substantial positive enhancement in ecological value both on site and within the wider habitat. The species rich grassland in the proportions now proposed to offset some of the woodland planting, is considered overall to be a more balanced approach which is likely to result in biodiversity net gain.

Whilst DWT in its comment states that clearly any delay in the restoration will have a knock-on impact in terms of time on the recovery of nature in this part of the County, it does note that the ongoing use of the site for landfill is unlikely to have any additional impacts on features of high nature conservation value. DWT has not objected to the proposals and the reduction in woodland

planting is supported by EMBC who, “*note the emphasis on ecological restoration of the land and the intention to produce species-rich grassland and we would be in general support and applaud these plans, given that the site could support good populations of many butterfly species.*”

Subject to a condition requiring a revised aftercare document, to ensure maintenance of the habitats proposed in the revised restoration scheme, I am of the view the application is in accordance with the policies identified above with regard to ecological issues.

Heritage

The site is not within a sensitive locality with regard to cultural heritage and is not in close proximity to designated and non-designated heritage assets. The nearest designated heritage assets to the site are 18 Listed Buildings located in the nearby settlements Staveley, Netherthorpe and Long Duckmanton. There are no Scheduled Monuments located within 2km of the site.

Given the site’s historical use as an opencast coal site and the current landfill operation, the potential for direct impacts on heritage resources are considered to be negligible. Therefore, consideration of potential effects to heritage resources has been scoped out of the updated ES by the applicant. The proposal accords with the Development Plan and the NPPF in this regard.

Pests - Birds, Flies and Rodents

Appendix B (i). Vermin and birds of the NPPW, recognises that some waste operations can lead to attraction of pests, and in determination of such planning applications considerations will include the proximity of sensitive receptors. Some waste management facilities, especially landfills which accept putrescible waste, can attract vermin and birds. The numbers, and movements of some species of birds, may be influenced by the distribution of landfill sites. Where birds congregate in large numbers, they may be a major nuisance to people living nearby.

Policies W6: *Pollution and Related Nuisances* and W9: *Protection of Other Interests* of the DDWLP, and Policy CLP14: *A Healthy Environment* of the CBLP, all have some relevance in protecting amenity, minimising disturbance of adjoining land uses.

The ES indicates that the management of vermin and flies is detailed in the Operational Management Plan (OMP) and Pest Control Plan (PCP) controlled as part of the Environmental Permit for the site.

Mitigation through the PCP is as follows:

- Robust waste assessment combined with appropriate disposal and handling procedures.

- Sufficient cover material.
- Trained and informed staff.
- Good housekeeping on site.
- Use of approved pest control treatment techniques and qualified pest contractors.
- The site operates under a landfill gas management plan to minimise odour.

More specific fly control measures include:

- Insecticide sprays: These are used by the pest control contractor to address areas of the site that are reported as having an increase in fly numbers.
- Insecticide Fogging: This method is occasionally utilised on the waste when the Site Manager or the pest monitoring contractor are of the opinion that the number of flies has increased significantly or in the receipt of complaints. This method involves fogging the waste mass in the putrescible cells with insecticide, effectively treating as much of the operational waste areas as possible.
- Insecticutors: The site has a number of blue light insecticutors (that attract insects to the light and provide a mild electrical shock that kills the insect). These are placed around the offices and other buildings on site that are utilised and are maintained by our pest contractor to aid in controlling fly populations at the site.

More specific vermin control measures include:

- Baiting the site: This involves placing food in designed traps that attract the vermin in and contains them. This work is undertaken by our pest control contractor.
- Trapping areas of the site: This is in addition to baiting and is used to capture and contain vermin within the trap on site. This work is undertaken by our approved pest control contractor.
- Night time culls: In the event vermin numbers are considered to be excessive (i.e. the number of sightings of vermin on site increases) then Viridor is able to arrange for a series of night time culls on the site by a pest control contractor. When arranged, these culls often take place over a number of nights throughout a week to two week period.

A third party contractor carries out monthly visits to site to perform bait treatment in order to control the population of vermin. The frequency of attendance is set at a minimum of once per month to bait and trap the site for vermin. In the event that the numbers of vermin are considered by either the contractor or by Viridor staff to be on the increase then the frequency of visits is increased and the location and numbers of traps on the site is reviewed,

with any increase in number or change of location agreed with the contractor. Records of visits and treatments are retained within the site office.

Viridor has confirmed it does not currently use mechanical bird scarers on site. However, a falconer normally visits the site three times a week which can be increased if required.

It is noted that a substantial amount of the objections from the public received relate to issues of pest attraction. I acknowledge that any presence of vermin, flies and birds can lead to disturbance and at least a perception of associated potential health risks.

No objections have, however, been received by the EA or EHO, and I am satisfied that the mitigation measures are in place through the OMP/PCP. Whilst Appendix B(i) of the NPPW indicates that this should be a consideration in determination of the application, I am also mindful that there are measures in place to mitigate against these effects through the OMP/PCP. The need to duplicate such controls in this instance is not considered necessary, in consideration of Paragraph 183 of the NPPF, and also with regard to the tests for the imposition of planning conditions and obligations paragraphs 55-56 of the NPPF. I do not consider there to be particular conflict with the requirements of Appendix B(i) of the NPPW, or policies W6 and W9 of the DDWLP, and Policy CLP14 of the CBLP, given that the issues have been considered in determination of the application, and mitigation has been demonstrated. Following the advice of the EHO, however, should the operator fail to meet the requirements of the permit or fall short of the commitments in the approved OMP/PCP, then this would be within the remit of the EA to ensure the requirements of the permit are being met.

Climate Change

Paragraph 150 of the NPPF requires that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change. It says that when new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

The ES identifies the greatest potential impact to climate change from the operation of the landfill is the generation of landfill gas from the biodegradable waste degrading in anaerobic conditions. Landfill operators control landfill gas by implementing a positive extraction system that captures the gas, which is largely methane, and uses it as a fuel to generate electricity.

There is already a scheme of landfill gas management at Erin which generates electricity. The current planning permission allows operation of the gas engines and associated equipment for the life of the site. As the landfill

will be generating gas beyond that of the proposed cessation of restoration works (2035), the continued operation of the gas compound beyond 2035 will be sought under a new and separate planning application.

Given that the ES has demonstrated that the proposals would be within acceptable limits, and as a system to extract methane is in place and regulated by the EA, I do not consider that the proposal is at odds with Paragraph 150 of the NPPF.

Conclusions

The site of the established landfill operation is not within a sensitive locality with regard to landscape, heritage, or ecological designations. The site has an extensive planning history with previous planning permissions granted for landfill operations. I am satisfied that the principle of the development is acceptable given the context of the established planning history of the site as a landfill operation. The reasons and justification given for the extension of time for filling and restoration are considered acceptable as outlined above.

Extending the scope of the Erin landfill site will clearly build in resilience for landfill both locally and strategically. Landfill resilience is not evenly spread and Erin in particular is a key site to the County's ongoing access to useable landfill space. There are currently huge pressures on both local and national waste capacity, there is little evidence that prolonging existing landfill as per this application will have any measureable impact on the delivery of other waste facilities, indeed given the landfill tax rates as a disposal option it is now a very expensive and generally uneconomic option.

I am satisfied that there is a clear need for landfill capacity currently in the County as not all waste types can be recycled or re-used. There remains demand until other effective solutions, such as disposal of waste through energy from waste type operations come on line.

In consideration of the potential impacts of extending the time for filling and restoration, and changes to landscaping/restoration and the waste pad provision, no objections to the planning application have been received from statutory consultees.

I am mindful of the impacts outlined in the ES and concerns raised in representations by the public. I consider, however, that any impacts, either in isolation or cumulative, can be mitigated against appropriately either through the imposition of planning conditions where necessary, or through the EA permit for the operation.

The application is considered to be in accordance with the development plan and national planning guidance, and is recommended for approval subject to the conditions listed below.

(3) **Financial Considerations** The correct fee of £234 has been received.

(4) **Legal Considerations** The Conservation of Habitats and Species Regulations 2017 (as amended) consolidate earlier regulations and now transpose the European Union (EU) Directive on Natural Habitats, and Wild Fauna and Flora (92/143/EEC) into national legislation. They afford a high level of protection to a variety of species that are considered important at a European scale. The Regulations identify European Protected Species and various habitats of importance within the EU, with important sites being designated as Special Area of Conservation (SAC). Any proposed development that may have a significant effect on a SAC (either direct, indirect, temporary or permanent) should be assessed in relation to the site's '*conservation objectives*', i.e. the reasons for which the site is designated.

Under the 2017 Regulations, an "appropriate assessment" of the implications of the proposed development, in view of the site's conservation objectives must be made in respect of any decision to be taken for any consent for a project (or a plan) or which either alone or in combination with other plans or projects would be likely to have a significant effect on a European Site, and is not directly connected with the management of the site for nature conservation.

The proposal has been screened under the above Regulations and it is considered that there is no further requirement for an Appropriate Assessment in this case, given that any impacts would not significantly affect any site categorised in the designations identified above.

I do not consider there to be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

(6) **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(7) **Background Papers** **File No 2.117.37**
Application documents as submitted 26 October 2020 (including Environmental Statement documents), valid 10 November 2020. All correspondence relating to application, CW2/1020/38 file no. 2.117.37.

UK Energy From Waste Statistics, 2019 (Tolvik Consulting, 2020)
UK Statistics on Waste (DEFRA/Edie, 2018)
The Reducing Landfill Capacity in the UK and what needs to be done (Moore 2018)

(8) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to conditions substantively as follows:

Duration

- 1) All infilling operations approved or required under the terms of this Permission shall be completed by 31 May 2035 and all restoration shall be completed within a further 24 months.

Reason: To ensure that the development is carried out in accordance with the details in the submitted planning application.

Form of Development

- 2) The development shall take place in accordance with the details contained in the 1APP completed application form dated 26 October 2020 (considered valid on 10 October 2020), planning statement dated October 2020 (subject to revised wording to Paragraph 3.5.2 confirmed by email of agent of 12 March 2021), Transport Assessment 19 August 2020, Environmental Statement and Appendices of October 2020, Flood Risk Assessment of August 2020, Design Report (Surface Water Scheme, July 2020), and the following plans:
 - Site Location Plan - V14025/21/01 Rev.0
 - Planning Application Boundary Plan - V14025/21/02 Rev.0
 - Phasing Plan - V14025/21/03 Rev 0
 - Pre-settlement Contours - V14025/21/04 Rev 0
 - Post settlement Contours - V14025/21/05 Rev 0
 - Surface Water Management - V14025/21/06 Rev 0
 - Waste Reception Area - V14025/21/07 Rev 0
 - Restoration Contours (taken at 5 metre intervals)- V14025/21/08 Rev 1
 - Restoration Plan - V14025/08/05 Rev 0

Reason: To ensure that the development is carried out in accordance with the details in the submitted planning application in the interest of the amenity of the area.

- 3) Within three months of the date of this permission, a detailed specification for the waste pad hereby approved including depth, construction material and written method of litter control, shall be submitted in writing to the Waste Planning Authority. The waste pad

shall be constructed and operated in accordance with the details to be agreed in writing by the Waste Planning Authority.

Reason: For the avoidance of doubt and in the interests of litter control and amenity of neighbours and residents.

Vehicle Movements

- 4) No more than 185 heavy goods vehicles visits (370 vehicle movements) carrying waste shall enter the waste disposal site on any day.

Reason: To limit the volume of traffic in the interests of the amenity of local residents.

Hours of Operation

- 5) Except in emergencies to maintain safe landfill working, which shall be notified to the Waste Planning Authority as soon as practicable, no operations other than gas and leachate control, operation of pollution prevention and control equipment, servicing, essential maintenance and testing of plant shall be carried out except between:

0700 hours - 1730 hours Mondays to Fridays; and
0700 hours - 1300 hours Saturdays.

No waste material shall be delivered to or disposed of within the site between 1630 hours and 1730 hours Mondays to Fridays and no disposal operations shall take place on Sundays or Bank and other Public Holidays.

The owner/operator of the site may apply to the Waste Planning Authority for a temporary extension of these hours if adverse weather conditions threaten the achievement of the agreed programme of works for any year. The programme of works for each year shall have been submitted to the Waste Planning Authority before 30 November of the preceding year. The extra hours of operation and the period during which they shall apply shall be agreed in writing by the Waste Planning Authority.

Reason: To protect the amenity of local residents.

Types of Waste

- 6) No waste other than those materials defined in this and previous applications code nos. CW2/997/59, CW2/1007/155 shall be deposited at the site.

Reason: Waste materials outside these categories may raise other environmental and amenity issues which would require further consideration.

Access and Routing

- 7) The sole vehicular access to the site shall be via Markham Lane.

Reason: To prevent the use of other routes in the interests of the amenity of local residents.

- 8) The surface of the site access shall be maintained in a solid bound material and repaired as necessary and the access and all permanently surface internal roads shall be kept clean and free of mud and other debris at all times until completion of site restoration, landscaping and aftercare.

Reason: In the interests of highway safety and the amenity of local residents.

- 9) There shall be no alterations to the sign at the site entrance without the prior written approval of the Waste Planning Authority.

Reason: In the interests of highway safety and the amenity of local residents.

- 10) No mud or other debris shall be carried from the site onto the public highway.

Reason: In the interests of highway safety and the amenity of local residents.

Dust

- 11) At all times, all operations hereby approved at this site shall be carried out in a manner to minimise the generation of dust. Roads and haul roads shall be watered in dry conditions. At such times as any operation gives rise to unacceptable levels of dust leaving the site, that operation shall be temporarily suspended until it can be resumed without causing nuisance.

Reason: To protect the amenity of local residents.

Noise

- 12) All plant and machinery shall operate only during the permitted hours, except in emergency, and shall be silenced at all times in accordance with the manufacturers' recommendations.

Reason: To protect the amenity of local residents.

- 13) During the operational hours approved under Condition 5, the noise levels arising from the development shall not exceed 55 dB Laeq, 1 hour at any noise sensitive properties identified in Environmental Statement dated September 1997, and updated Environmental Statement dated October 2020.

Reason: To protect the amenity of local residents.

- 14) Where operations which are noisy and temporary (i.e. the construction of the amenity strip adjacent to Duckmanton and other screen bunds), the noise limit set by this condition may be exceeded for periods not exceeding eight weeks in any period of 12 months throughout the duration of the development, as measured at any of the noise monitoring locations. During these periods the noise levels shall not exceed 70 dB Laeq, 1 hour.

Reason: To protect the amenity of local residents.

- 15) The noise levels shall be monitored in accordance with the scheme submitted 9 July 1999, including the document entitled "Scheme for Monitoring Site Noise Levels", Terry Adams (undated) approved by the Waste Planning Authority on 9 September 1999.

Reason: To protect the amenity of local residents.

Water Resources

- 16) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of the interconnected tanks, plus 10% whichever is the greater. All filling points, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow shall be detailed to discharge downwards into the bund.

Reason: To protect the quality of water resources.

Restoration and Landscaping

- 17) The site shall be restored and landscaped in accordance with the following plans hereby approved:

- Pre-settlement Contours - V14025/21/04 Rev 0
- Post-settlement Contours - V14025/21/05 Rev 0
- Surface Water Management - V14025/21/06 Rev 0
- Restoration Contours - V14025/21/08 Rev 0
- Restoration Plan - V14025/08/05 Rev 0

Reason: To ensure the satisfactory restoration and landscaping of the site in the interests of the visual amenity of the area.

- 18) Within six months of the date of this permission, submission of a detailed scheme relating to species mixes, planting densities and cultivations, shall be submitted to the Waste Planning Authority for its written approval. The final landscaping/restoration of the site shall be undertaken in accordance with the details to be agreed in writing by the Waste Planning Authority.

Reason: To ensure the satisfactory restoration and landscaping of the site in the interests of the visual amenity of the area.

- 19) All trees, shrubs and hedges planted in accordance with the approved schemes shall be maintained and any plants which, within five years of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise approved by the Waste Planning Authority.

Reason: To ensure the satisfactory restoration and landscaping of the site in the interests of the visual amenity of the area.

Aftercare

- 20) Within six months of the date of this permission, an updated aftercare scheme to include details of the aftercare of the restored site, and to take account of any variations hereby approved in the landscaping detail and any variations in soil type strategy for restoration, including capping and restoration soil depths, shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall then be implemented as approved.

Reason: To ensure appropriate aftercare of the site in the interests of the visual amenity of the locality.

Cessation/Non-completion

- 21) In the event of the cessation of infilling operations or the failure to complete the approved level of infilling within the period specified in Condition 1, the operator, shall, within six months of the date of

cessation, submit a scheme for the restoration of the site at the levels achieved and the scheme shall thereafter be implemented as approved by the Waste Planning Authority. For the avoidance of doubt, in the context of this condition, the Waste Planning Authority may, at its discretion, adjudge tipping to have ceased if no significant amount of material has been deposited on the site for a continuous period of six months.

Reason: To secure the proper restoration of the site within a reasonable and acceptable timescale, particularly in the event of a cessation of the operations.

Floodlighting

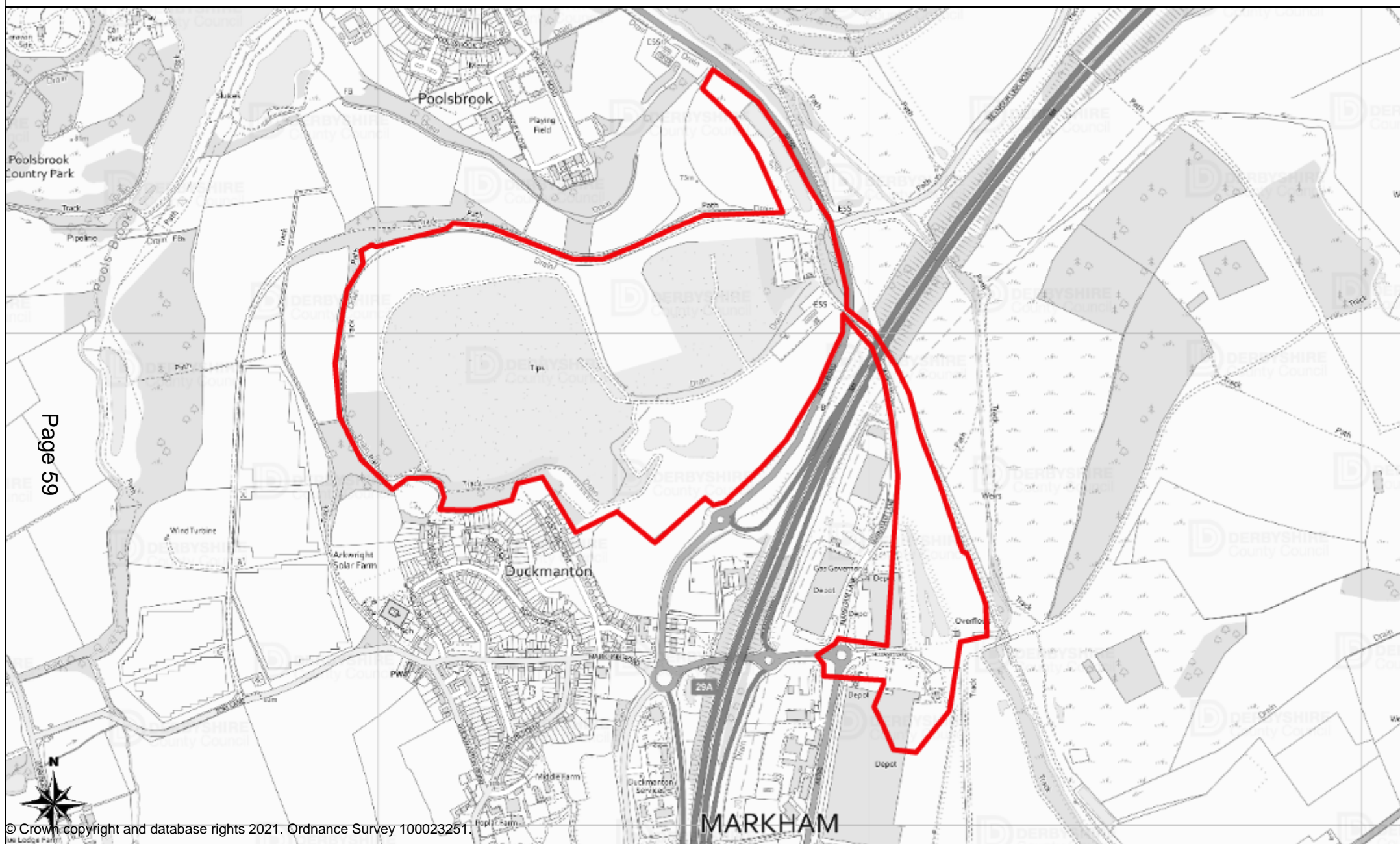
- 22) The external lighting employed at the site shall be as that detailed in the letter submitted by Haul Waste, dated 29 July 1999 and approved by the Waste Planning Authority 9 September 1999.

Reason: In the interests of amenity of local residents.

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

The Council, as Waste Planning Authority (the “Authority”), worked with the Council, as applicant (the “applicant”), in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant has engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

Tim Gregory
Director – Economy, Transport and Environment



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Agenda Item No. 3.2

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

12 April 2021

Report of the Director – Economy, Transport and Environment

- 2 APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO NOT COMPLY WITH CONDITION 2 (DURATION OF USE, AND CLEARANCE) OF PLANNING PERMISSION CW9/0816/45 IN ORDER TO REMOVE THE 10 YEAR TIME LIMIT ON THE PERMISSION AT WILLSHEE'S SKIP HIRE LIMITED, CADLEY HILL PARK, BURTON ROAD, SWADLINCOTE**
APPLICANT: WILLSHEES SKIP HIRE LTD
CODE NO: CW9/1119/61

9.1561.7

Introductory Summary

This is an application under Section 73 of the Town and Country Planning Act 1990 to not comply with Condition 2 (duration of use, and clearance) of planning permission code no. CW9/0816/45. This planning permission, granted in October 2017, permitted the development of an inert waste and wood waste transfer station and skip storage on land at Cadley Hill Park. The permission was limited by condition to a period of 10 years as a means of making the permission effectively temporary in order to ensure that it would not conflict with a policy in the South Derbyshire Local Plan (SDLP) to reserve the site for future use as a railhead.

This Section 73 application seeks to remove the 10 year time limit set out in the Condition and to thereby make this permission compatible with the more recent planning permission on the land at Cadley Hill Park for an extension to the site and the construction of a waste handling facility for the storage, treatment and processing of refuse derived fuel for use in waste to energy plants (code no. CW9/1018/63), which is not time limited.

The application documents for planning permission code no. CW9/1018/63 issued in May 2019, for further development on the wider Cadley Hill site, included a transport appraisal which the Council considered satisfactorily demonstrated that a railhead was not likely to be feasible. Therefore, through the application successfully meeting the exemption set out within the policy, this more recent permission does not include a time limiting condition.

The applicant has now submitted the same transport analysis as part of this Section 73 application in order to demonstrate that a railhead at the site is not likely to be feasible and to therefore justify the removal of the time limiting element of the permission. I am satisfied that the transport analysis is equally applicable to this development and that the same exemption within the relevant policy can now be applied to the development involving the processing of wood waste and inert waste materials at the site. The proposed release, by this application, from the requirement of the current Condition 2, is considered to be in accordance with the Development Plan and consequently the application is recommended for approval.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis**

Site and Surroundings

The site forms part of the land within a former rail yard, 'Depot 3', at Cadley Hill Park, Burton Road, Swadlincote. The site consists of an area of hard standing accessed via a track within areas of grassland and scrub vegetation. The applicant operates an inert waste and wood waste recycling and skip storage facility on part of the Depot 3, Cadley Hill site. On the wider Cadley Hill site the applicant also operates a waste handling facility for the storage, treatment and processing of refuse derived fuel (RDF) for use in waste to energy plants. A weighbridge and office building is located adjacent to the internal access road to the site and forms part of the applicants overall waste business in this location.

The wider Cadley Hill site in the applicant's ownership consists of predominantly flat land, in a semi-rural setting, on low lying ground on the western outskirts of Swadlincote, and south-west of Newall. Directly east of the site is the former Tetron Point Opencast Coal site which is now part of the large Abbey Glade industrial and recreational area and the extensive Bison Concrete Works. On higher ground, directly east of the site, is the A444 Burton Road. Within 150 metres (m) to the north is a large sewage works. Approximately 300m to the north-west is a large working farm and a small number of residential properties and to the north-east are residential properties and a boarding kennel on the A444. Approximately 200m to the south beyond the wooded areas is a former farm now converted into a complex of residential properties. All access to the site is from Cadley Hill Road (A514), then via the industrial area to the east on a hard surfaced road which travels under the A444. The site lies within, and the applicant's ownership largely constitutes, the Cadley Hill Local Wildlife Site.

Planning Background/Consented Development

Planning permission code no. CW9/0816/45, issued in October 2017, allows the importation of inert waste, the use of screening, crushing and shredding equipment in processing this material, and the stockpiling of processed and unprocessed waste materials. The planning permission is time limited to 10 years.

Planning permission code no. CW9/0418/3, issued in September 2018, allows the construction of a weighbridge and canteen on the internal access road into the site.

Planning permission code no. CW9/1018/63, issued in May 2019, allows the extension of the site and the construction of a waste handling facility for the storage, treatment and processing of RDF for use in waste to energy plants.

The Proposals

The planning application now under consideration seeks permission, under Section 73 of the Town and Country Planning Act 1990, to not comply with Condition 2 to which planning permission code no. CW9/0816/45 is subject. This condition controls the 'Duration of Use, and Clearance'.

It states:

"The use and all waste operations under this permission shall cease no later than the date which is the tenth anniversary of the date of commencement of the development and the site shall be cleared of all waste, recyclable materials, recycled materials including wood, aggregates and soils, structures, plant machinery, vehicles and equipment associated with the operations hereby permitted by no later than 3 months from that cessation of use date."

Reason: in order that the site remains available for rail freight terminal use in accordance with Policy INF2D iii) in the South Derbyshire District Local Plan Part 1 2016."

The applicant's Supporting Statement summarises what it considers to be the benefits of the proposal as:

- *Removal of Condition 2 allows for the removal of the time limit of the operating period which provides an appropriate time period to maintain valuable recycling infrastructure in the future and to continue to support an efficient and high quality recycling facility.*
- *Improves the compatibility between the planning permission for the existing development and the planning permission for the proposed development on site.*
- *Contributes to the national need for recycling plants within the UK.*

Overall, the proposal will allow the continuation of the benefits of an efficient recycling facility that provides employment opportunities into the future, due to the removal of Condition 2 enabling planning permission Ref: CW9/0816/45 to become compatible with planning permission CW9/1018/63.”

The submitted documents also include a Rail Freight Feasibility Study, which was also submitted in support of the application which resulted in the issuing of planning permission code no. CW9/1018/63.

Consultations

Local Members

Councillor Murray and Councillor Bambrick have been consulted.

South Derbyshire District Council

South Derbyshire District Council (SDDC) advised that it does not object to the proposal and that the application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The National Forest Company, the Environment Agency, Natural England, Derbyshire Wildlife Trust, the Lead Local Flood Authority, the Coal Authority and Network Rail

All stated that they had no objections or no observations to make.

Castle Gresley Parish Council

Was requested to respond by 28 December 2019 and again by 5 February 2020.

Highway Authority

No objections.

Publicity

The application was advertised by site notices and notices published in the Burton Mail with requests for observations by 13 January 2020.

One response was received which stated:

“Our view is that the condition was reasonable, appropriate and necessary and put in place to comply with the requirements of the local plan and because the plan has not changed we can see no justification in overturning the previous decision.”

This issue is discussed in the ‘Planning Considerations’ section below.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

The development plan consists of the saved policies contained within the Derby and Derbyshire Waste Local Plan (DDWLP) (adopted 2005), the adopted policies of the South Derbyshire Local Plan Part 1 (SDLP:P1) (2016) and Part 2 (2017) (SDLP:P2).

The National Planning Policy Framework (NPPF) (2019) and associated Planning Practice Guidance (PPG), together with the National Planning Policy for Waste (NPPW) (2014), form the national guidance for the determination of planning applications.

The most relevant development plan policies for this proposal are:

Saved Policies of the Derby and Derbyshire Waste Local Plan

W1b: Need for the Development.
W2: Transport Principles.
W5: Identified Interests of Environmental Importance.
W6: Pollution and Related Nuisances.
W7: Landscape and Other Visual Impacts.
W8: Impact of the Transport of Waste.
W9: Protection of Other Interests.
W10: Cumulative Impacts.
W13: Sorting of Waste Before Disposal.

South Derbyshire Local Plan

The SDLP:P1 was adopted by SDDC on 13 June 2016 and SDLP:P2 was adopted on 2 November 2017.

Within the SDLP, the most relevant policies are:

SD1: Amenity and Environmental Quality.
SD2: Flood Risk.
BNE3: Biodiversity.
BNE4: Landscape Character and Local Distinctiveness
BNE5: Development in Rural Areas
INF2: Sustainable Transport.
INF8: The National Forest.

National Planning Policy Framework

A revised NPPF was published in February 2019. The NPPF provides guidance on material considerations in the context of determining planning

applications. It states that the purpose of the planning system is to help deliver sustainable development and adds that there should be a presumption in favour of sustainable development. The term sustainable development is not defined, but is said to have interrelated economic, social and environmental aspects. The economic aspect is to provide sufficient land for the right type of development, in the right place at the right time. The social role is to support strong and vibrant communities by providing for the needs of the community whilst fulfilling the environmental role of protecting and enhancing the natural, built and historic environment.

National Planning Policy for Waste

The NPPW, published in October 2014, sets out the most recent Government policy requirements for the determination of planning applications for waste related developments. It reinforces established Government waste policy of driving the management of waste up the waste hierarchy whilst stating that local planning authorities need to ensure there are sufficient opportunities to meet the identified needs of the area. Appendix B of the NPPW sets out the locational criteria for consideration of the likely impacts of a proposed development on the local environment and amenity.

Policy Discussion

The principle of the development of the application site, as a facility for the processing of wood waste and inert waste materials, in the context of the above planning policies, has previously been established through the grant of the original planning permission in 2017.

The report to the Regulatory - Planning Committee on 9 October 2017 (Minute No. 82/17 refers) recognised the conflict with Policy INF2D iii, and in the absence of an expert analysis of the feasibility of delivering a rail freight terminal on the site, recommended the use of a time limiting condition restricting the development to 10 years. This recommendation was accepted by the Committee and resulted in Condition 2 of planning permission code no. CW9/0816/45.

Policy INF2: Sustainable Transport sets out requirements for all types of transport in South Derbyshire. Within the policy subsection D: Road and Rail Freight, Paragraph iii is specific to an area of land which includes the proposed development site.

Policy INF2 (D iii) states:

“Land at Tetron Point and the associated rail siding connecting to the Burton to Leicester railway line, is protected from development that would compromise its capacity to be used for rail freight purposes.”

The supporting text states at Paragraph 9.24 that the; *“transfer of freight from road to rail can help to relieve road congestion and improve highway safety.*

The site of a former rail head at Cadley Hill, Swadlincote offers rail freight opportunities on adjacent land, which is in employment use. This policy seeks to ensure that this opportunity is not lost by protecting the railway sidings and their connections onto the running lines. The protection of the site for rail freight shall not apply if it can be demonstrated that rail freight use is not feasible or deliverable.”

The application includes a Rail Freight Feasibility Study, which was also submitted in support of the application for planning permission code no. CW9/1018/63 for the RDF facility, and which addresses the exemption set out in the last sentence of the policy. The study found that there is a need for the planning system to bring forward new large-scale warehousing alongside rail terminals. However, the study also set out how the Tetron Point site does not meet feasibility criteria in terms of the scale of land that would be available at the site when considered against that needed for a commercially viable facility and, therefore, that it cannot be considered an appropriate location for a rail freight terminal in both planning and commercial terms. It also found that the approved RDF facility could not support the construction of a freight terminal on the site for its exclusive use.

In keeping with the conclusions set out in the report to the Committee on planning permission code no. CW9/1018/63 for the RDF facility, I consider that the Rail Freight Feasibility Study provides a robust analysis of the suitability and feasibility of the Tetron Point site as a rail freight link. I concur with its conclusions that the site does not meet relevant criteria to be considered an appropriate rail freight location (in either planning or commercial terms), and that there are several more appropriate locations for meeting the requirements for regional rail freight growth. I note that SDDC did not seek to challenge the conclusions of the study, both when it was submitted in support of application code no. CW9/1018/63 and in relation to the current application.

Taking this into account, together with the fact that no proposal for a rail freight terminal has come forward in the considerable timescale that the site has been idle, and that the Tetron Point site now has a number of existing commercial and industrial facilities in place that would presumably need to be removed or significantly changed to accommodate a rail terminal, I have to concur with the conclusions of the study.

I therefore continue to be of the opinion that it has been sufficiently demonstrated that the exemption within the policy should apply and that the site should not be protected for use as a rail freight terminal or as part of a connection to one at Tetron Point. I therefore conclude that the proposal, as supported by the Rail Freight Feasibility Study, now meets the requirements of Policy INF2 (D iii) of the SDLP.

Environmental and Amenity Impacts

The potential environmental and amenity impacts of this development were assessed during the consideration of the previous application in 2017 and subject to the recommended conditions were found to be acceptable. This application is not seeking any amendments to the approved development other than the removal of the 10 year time limit and I am of the opinion that this would not be likely to give rise to any significantly different or additional impacts to what were previously considered.

I acknowledge that with the removal of the 10 year time limit the facility could be expected to endure permanently and that any identified impacts would therefore potentially be experienced over a longer duration. However, I am mindful that this facility is a part of the applicant's wider waste business at the Cadley Hill site, including the RDF building and its associated operations, the weighbridge and offices, none of which are restricted by time limited permissions. The temporary aspect of this permission was imposed due to a potential conflict with the rail siding policy as described above and not as a means of addressing any site specific environmental or amenity issues. Furthermore, the combined effects of traffic, noise and vibration, emissions to air, ecology and biodiversity, flood risk and drainage, ground contamination landscape and visual impacts resulting from this development operating alongside the other consented waste developments at the wider Cadley Hill site were assessed as part of the determination of the application for the RDF processing facility (code no. CW9/1018/63) in 2019 and found to be acceptable.

I have however, reviewed and updated as necessary the other conditions previously imposed which provide control over aspects such as noise, hours of operation and dust. Planning permission code no. CW9/0816/45 contained a number of conditions requiring the submission and approval of schemes providing further detail on aspects of the development. Where these have been discharged, the corresponding condition has been removed and where an ongoing requirement has resulted from the relevant approved scheme, a condition requiring adherence to that requirement has been added. In order to achieve consistency in the planning controls on the wider Cadley Hill site, I have also included conditions that align the development with the existing requirements on the other permissions at the site.

Conclusion

The proposed removal of Condition 2 would enable the continuation of the development on a permanent basis in line with more recently granted waste permissions at the site. I am satisfied with the conclusions of the Rail Freight Feasibility Study submitted in support of the application and that the proposal would not conflict with national or local planning policies. Therefore, the application is recommend for approval subject to the recommended conditions.

(3) **Financial Considerations** The correct fee of £234 has been received.

(4) **Legal Considerations** I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being approved in accordance with the Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

(6) **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(7) **Background Papers** File No. 9.1561.7
Application documents received from AC Environmental on behalf of Willshee's Skip Hire Ltd dated 28 November 2019.
Email from the County Landscape Architect dated 12 December 2019.
Letter from the Coal Authority dated 17 December 2019.
Email from AC Environmental dated 18 December 2019.
Email from the Lead Local Flood Authority dated 19 December 2019.
Email from Network Rail dated 23 December 2019.
Email from the National Forest Company dated 2 January 2020.
Letter from Derbyshire Wildlife Trust dated 22 January 2020.
Letter from Natural England dated 28 January 2020.
Letter from South Derbyshire District Council dated 30 January 2020.
Letter from the Environment Agency dated 10 February 2020.
Email from the Highways Officer dated 17 March 2020.

(8) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission be **granted** subject to the conditions set out below:

Conditions

Permitted Development Rights

- 1) Notwithstanding the provisions of Part 7, Class L of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no buildings, plant structures or erections other than those hereby permitted shall be brought onto the Site without the prior written approval of the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area.

- 2) A copy of this permission shall be kept available for inspection at the site offices during the prescribed working hours for the duration of the development.

Reason: To ensure that the site operator is fully aware of the requirements of these conditions throughout the period of development.

Approved Plans

- 3) The development shall be carried out in accordance with the following plans and documents:

- 1 App form and certificates dated 18 August 2016.
- Site Location Plan (revised) – dated 19 September 2017.
- Design and Access Statement – ref 160801W1001- AC Environmental.
- Supporting Statement –ref 160801W1004 – AC Environmental.
- Ecology Surveys and Reports - (fpcr, 2016 and 2017).
- Dust Management Scheme.
- Noise Impact Assessment.
- Flood Risk Assessment and Surface Water Drainage Assessment - GSG - Ref 510 - July 2016.
- Phase 1 and Phase 2 Investigation – GSG ref 509-R-01 August 2016.
- Drawing Number W.PL.1810SLAv1 Rev 1.0 dated 10/2018.

Except in so far as the approved documents and plans listed above are amended by the conditions specified below.

Reason: To ensure that the development is carried out in accordance with the details in the submitted planning application.

Land Contamination

- 4) If, during the development, any contamination or evidence of likely contamination of land is identified that has not previously been identified or considered, then the applicant shall, as soon as is reasonably practicable, submit to the Waste Planning Authority for its approval, a written scheme to identify and control that contamination, which shall include a phased risk assessment, and appropriate remediation proposals, and be in accordance with the relevant guidance of the Environment Agency on the Environmental Protection Act 1990 Part 2A. Any scheme approved under this condition shall be implemented in accordance with the relevant guidance of the Environment Agency on the Environmental Protection Act 1990 Part 2A and to the satisfaction of the Waste Planning Authority.

Reason: To identify, remediate and control any contaminated land, or pollution of controlled waters and to minimise the risks to site workers, end users and ecological receptors.

Scope of Development

- 5) No waste or recyclable materials, other than inert construction and demolition waste, and wood waste shall be imported onto the Site. Only those inert waste materials defined in the Supporting Statement and Application Form shall be imported, processed and stored within the site, and no additional processes for the management of waste shall be carried out at any time on the site.

Reason: To define the scope of the development in the interests of safeguarding the amenity of neighbouring occupiers/residents and monitoring purposes.

- 6) Operations authorised by this permission shall only be carried out between:

07:00 hours to 18:00 hours Mondays to Fridays.

07:00 hours to 14:00 hours on Saturdays.

Maintenance of plant and machinery may take place between the following hours: 0700 hours to 1900 hours Mondays to Saturdays.

No operations shall be carried out on Sundays, Bank Holidays or other Public Holidays.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened.

Reason: In the interests of local amenity and the environment.

Import Limit

- 7) The total quantity of waste material imported and handled at the site under this permission shall not exceed 70,000 tonnes in any yearly period from 1 June until 1 June in the next year.

Reason: In the interests of safeguarding the amenity of neighbouring occupiers/residents, ecology in the area, highway safety and for the avoidance of any unacceptable impacts on the highway network.

- 8) The operator shall keep accurate records of the amount of inert and wood waste arriving at the site, and this record shall be submitted to the Waste Planning Authority every six months and made available for inspection by the Waste Planning Authority on request.

Reason: In order to monitor compliance with the authorised waste input tonnage.

Highways

- 9) The total number of Heavy Goods Vehicle movements (HGV movements) associated with the delivery or removal of waste, recyclable materials, recycled materials to/from the Site under this permission shall not exceed an average of 30 HGV movements per working day calculated over a full working week (Monday to Saturday).

Reason: To maintain control over the site and in the interest of highway safety.

- 10) All waste, recyclable materials, recycled materials in HGVs entering or leaving the Site shall be netted, sheeted, or placed within containerised vehicles.

Reason: To minimise dust and spillage in the interests of amenity and highway safety.

- 11) No vehicles associated with the development hereby permitted shall leave the Site in a condition whereby mud, dirt or other deleterious materials may be deposited on the private access road or public highway.

Reason: In the interests of highway safety and to prevent mud and dust being deposited on the highway.

Lighting

- 12) No external lighting shall be installed in relation to this permission except in accordance with a scheme that has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include precise details of the lighting proposals including lux levels. The scheme shall then be implemented as approved.

Reason: To minimise the nuisance and disturbances to neighbours, the surrounding area and the ecology of the area.

- 13) There shall be no burning of waste on the site.

Reason: In the interest of amenity.

- 14) All rubbish, debris, scrap and other waste material generated on the Site shall be regularly collected and stored in a suitable container until disposed of off-site in a suitable facility.

Reason: In the interests of amenity of the area and of the environment.

Dust

- 15) The development shall be carried out in accordance with the 'dust minimisation scheme' submitted by AC Environmental Consulting Ltd on 30 April 2018 and approved by the Waste Planning Authority on 5 July 2018. The scheme shall then be implemented as approved with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

Reason: To reduce the impacts of dust disturbance from the site on the local environment.

Waste

- 16) Non-conforming wastes shall be stored in a sealed container or skip and removed from Site within seven days

Reason: In the interests of amenity and management of waste not authorised to be received and processed at the Site.

- 17) The maximum heights of any storage bays or stockpiles shall not exceed 4 metres in height.

Reason: In the interests of visual amenity as the site is located near to a public highway.

Noise

- 18) The development shall be carried out in accordance with the document entitled 'WILSHEE (Noise Action Plan) Site: Swadlincote Noise Assessment' submitted by AC Environmental Consulting Ltd on 30 April 2018 (together with amendments submitted on 21 June, 5 July and 12 July 2018) and approved by the Waste Planning Authority on 19 July 2018, and as amended by the document titled Noise and Vibration Management Plan December 2020 (ref: W.PL.NVMP.2012.v2) submitted under the coving email from AC Environmental Consulting Ltd dated 18 December 2020. The approved scheme shall be fully implemented throughout the use under this planning permission.

Reason: In the interest of the amenity of the area.

- 19) All vehicles, plant and machinery operated on the site shall be maintained in accordance with the manufacturers' specifications at all times and shall be fitted with and use effective silencers.

Reason: To control the impact of noise generated by the development in the interests of amenity of the area.

- 20) All reversing warning systems used on plant and vehicles on the site shall either be non-audible, ambient related or low tone devices.

Reason: To control the impact of noise generated by the development in the interests of the amenity of the area.

Ecology

- 21) The construction works under this permission shall be carried out in strict accordance with the mitigation, compensation and enhancement measures submitted in support of the application for the duration of the development. In particular:

- Badger – those measures set out in Section 5 of the Badger Survey and Method Statement (FPCR, August 2017)
- Breeding birds – those mitigation and enhancement measures set out in section 6.8 – 6.11 of the Breeding Bird Report (FPCR, August 2017)
- The general mitigation and enhancement measures set out in sections 4.14, 4.18, 4.20, 4.22 and 4.24-4.27 of the Ecological Appraisal report (FPCR, August 2017), notwithstanding any modifications or amendments required under Condition 23 below.

Reason: In the interests of ecology and protected species.

- 22) The development shall be carried out in accordance with the 'Herpetofauna Method Statement' submitted by AC Environmental Consulting Ltd on 30 April 2018 and approved by the Waste Planning Authority on 28 June 2018. The scheme shall then be implemented as approved for the duration of the development.

Reason: In the interests of ecology, protected species and reptiles and amphibians.

- 23) The development shall be carried out in accordance with the 'Ecological Management Plan' submitted by AC Environmental Consulting Ltd on 30 April 2018 and approved by the Waste Planning Authority on 28 June 2018, except as where superseded by the 'Construction and Environmental Management Plan' submitted by AC Environmental Consulting Ltd on 19 July 2019 and approved by the Waste Planning Authority on 4 November 2019.

The management plan, as approved by the Waste Planning Authority, shall be fully implemented throughout the lifetime of the permission.

Reason: In the interests of ecological mitigation and compensation for loss of grassland mosaic habitat impacted by the development.

Landscaping

- 24) The development shall be carried out in accordance with the 'Landscape and Ecological Management Plan' submitted by AC Environmental Consulting Ltd on 17 July 2019 and approved by the Waste Planning Authority on 10 December 2019. The planting under the approved scheme shall be implemented in the first planting and growing season following the written approval of the scheme. Any tree or plant, or any replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location. The management plan, as approved by the Waste Planning Authority, shall be fully implemented throughout the lifetime of the permission.

Reason: To minimise the visual impact of the development and to compensate for loss of any grassland mosaic habitat impacted by the development.

Informative Note on Land Contamination:

For further assistance in complying with planning conditions and other legal requirements developers should consult "*Developing Land in Derbyshire – Guidance on submitting applications for land that may be contaminated*" This document has been produced by local authorities in Derbyshire to assist developers, and is available from

http://www.southderbys.gov.uk/environment/pollution/contaminated_land/default.asp

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in post application discussions and meetings with relevant officers in the Authority during the consideration of the application.

Tim Gregory
Director – Economy, Transport and Environment



Agenda Item No. 3.3

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

12 April 2021

Report of the Director – Economy, Transport and Environment

**3 SECTION 119 OF THE HIGHWAYS ACT 1980: PROPOSED
DIVERSION OF PUBLIC FOOTPATH NO.39 (PART) – PARISH OF
BARLOW**

(1) **Purpose of Report** To seek authority for the Director of Legal and Democratic Services to make a diversion order for the permanent diversion of Public Footpath No.39 in the Parish of Barlow, in the interests of the landowner.

(2) **Information and Analysis** Derbyshire County Council has received an application for the permanent diversion of part of Public Footpath No.39 in the parish of Barlow, in the interests of the landowner. The footpath currently passes close to domestic premises at Bolehill House and the diversion is being sought for security and privacy, partly due to instances of walkers straying off the path around the buildings and conflicts with the owner's dogs. The proposed diversion would move the footpath eastward away from the domestic premises.

If the proposed diversion takes effect, it will divert approximately 137 metres of that part of the footpath on the route **A** to **B** shown on the attached plan as a bold solid line. The proposed alternative would be approximately 150 metres long on the route **A-C-D-E-F** shown by a bold broken line. To get to or from the existing roadside entrance at Point **B** requires walking an extra 27 metres along the road (which has an accessible verge), taking the comparable distance to 177 metres. The alternative route has a natural surface between points **A**, **C** and **D**, and tarmac between points **D** and **E**, and would be surfaced in rolled stone on a fenced corridor between points **E** and **F**. The recorded width would be 2 metres. A short flight of timber steps would be installed between points **A** and **C**. Pedestrian gates to the current British Standard would be installed at **C** and **D**, and there would be a 1.1 metre-wide gap access at both **E** and **F**.

An informal consultation has been carried out with consultees including Barlow Parish Council, North-East Derbyshire District Council and the local Member, Councillor Angelique Foster. The Parish Council initially indicated opposition to the proposal but later withdrew its objections. One individual indicated opposition on the following basis:

1. Bolehill House is a former school and the footpath is inherent to its history. It is a beautiful Grade II listed building that would no longer be visible to the public if the footpath were diverted.
2. The footpath is around 30m from the buildings and is surrounded by walls and railings that maintain privacy.
3. The footpath offers the most direct access to Barlow village from the west.
4. The existing footpath is not clearly marked and improved waymarking could prevent people straying off the route.
5. The problems with the owners' dogs are caused by the owners allowing them to have access to the footpath, which is their choice.
6. Any problems with walkers' dogs straying could be addressed by signage.
7. If the owners wanted a more private home they should not have purchased one with a footpath through the grounds.
8. The verge between points **B** to **F** is not suitable for walking on, narrowing to about 60cm and sloping towards the road. There is a tight blind bend nearby so there could be an accident.

The Council must consider whether a diversion affects the public enjoyment of the path as a whole and whether the alternative route poses any inconvenience to the public. The objector has raised three issues that should be measured against the criteria the Council needs to consider.

The position of the path, in relation to the former school building, is a matter of fact and provides views of the listed building, as well as being intrinsically linked to its history undoubtedly providing access to the school. Whilst the public may enjoy views of the property from the public footpath, it is now a private dwelling and not a public building served by the path. The Council is required to take a view on whether the diversion would have a detrimental effect on the public enjoyment of the route as a whole. On balance, and because views of the building may be seen from the nearby road, it is considered to be a minor issue and will not adversely affect the public enjoyment of the path as a whole.

The proposed alternative route to its junction with the existing path is approximately 180m, making it 40m longer than the current route. It does not directly connect with any nearby footpath and, therefore, this additional walking on a quietly trafficked road is not considered to be detrimental to public enjoyment or convenience.

The objector has made comments on dogs. This is not a specific issue the Council should consider, however, it features as part of the applicant's request to divert the path and should therefore be noted as an intrinsic part of the overall application, lending only minimal weight by way of justification for the application.

The remainder of the comments from the objector, including waymarking, are points of view and therefore not a matter for the Council to consider as part of this application.

(3) **Financial Considerations** The applicant has agreed in writing to defray all of the costs in respect of making and advertising the Diversion Order and bringing the new route into a suitable condition for public use. This includes Officer time in processing the application which is estimated to be in the region of £2,000.

(4) **Legal Considerations** Derbyshire County Council may make an order under Section 119 of the Highways Act 1980:

- 1) Where it appears to a council as respects a footpath or bridleway in their area that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or of another owner, lessee or occupier), the council may, subject to subsection (2) below, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order,—
 - (a) create, as from such date as may be specified in the order, any such new footpath or bridleway as appears to the council requisite for effecting the diversion, and
 - (b) extinguish, as from such date as may be specified in the order the public right of way over so much of the path or way as appears to the council requisite as aforesaid.
- 2) A public path diversion order shall not alter a point of termination of the path or way—
 - (a) if that point is not on a highway, or
 - (b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.
- 6) The Secretary of State shall not confirm a public path diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which—
 - (a) the diversion would have on public enjoyment of the path or way as a whole,
 - (b) the coming into operation of the order would have as respects other land served by the existing public right of way, and
 - (c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.

Research has concluded that it is expedient to make the necessary diversion order because:

Whether it is in the interests of the owner of the land or of the public that the footpath should be diverted

The footpath currently passes close to domestic premises at Bolehill House and the diversion is being sought for security and privacy, partly due to instances of walkers straying off the path around the buildings and conflicts with the owner's dogs. The diversion is therefore in the interests of the landowner.

Whether the diverted footpath will (or will not) be substantially less convenient to the public

The proposed diversion will divert approximately 137m of Footpath No.39 onto an alternative route approximately 150m long. The difference of 13m is not significant, but to get to or from the existing roadside entrance requires walking an extra 27m along the road, taking the comparable difference to 40 metres. The entire footpath is currently some 1,176m long, and in this context the increase is only some 3.4%. The existing route has two gates, as would the alternative, and gradients are not excessive, although a short flight of steps is proposed on the alternative route. It can therefore be concluded that the alternative route is not substantially less convenient than the existing route.

The effect the diversion would have on the public enjoyment of the footpath as a whole

The more restricted views of Bolehill House from the alternative route would potentially reduce public enjoyment, but some members of the public are uncomfortable passing through domestic premises and prefer to be able to pass around them. These two aspects could be said to balance each other out. Also, the house and its vicinity represents a small portion of the route as a whole, the majority of which would be unchanged. It can be concluded that the public enjoyment of the route, as a whole, would not be significantly affected.

The effect which the coming into operation of the Order would have as respects other land served by the existing public rights of way

There are no known or anticipated issues in this regard.

The effect which the new public right of way created by the Order would have as respects the land over which the right is so created and any land held with it

There are no known or anticipated issues in this regard.

Whether it is expedient to make the Order

The proposed diversion is in the interests of the landowner and occupier. Whilst an objection was received to this proposal, on balance, it is considered that the proposed diversion would not be substantially less convenient to the public and would not have an adverse effect on the public enjoyment of the route as a whole. It would not adversely affect the land over which the diversion would run, or land served by the existing right of way. It is therefore considered expedient to make the order.

(5) **Environmental and Health Considerations** Consideration has been given to the County Council's Rights of Way Improvement Plan in considering this application and preparing this report.

(6) **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

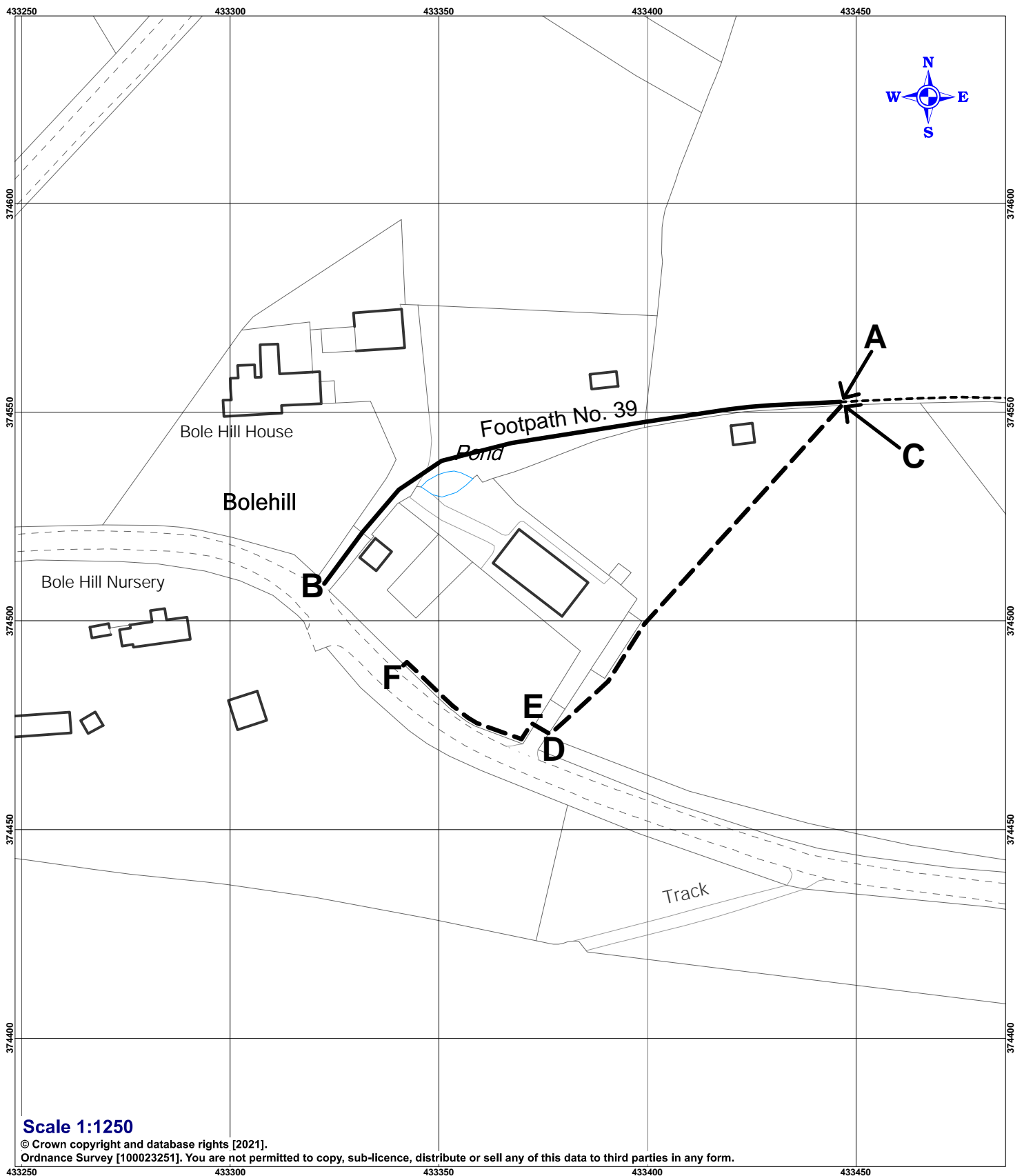
(7) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details - David McCabe, extension 39770.

(8) **OFFICER'S RECOMMENDATIONS** That:

8.1 The Director of Legal and Democratic Services be authorised to make the necessary order for the permanent diversion of part of Footpath No. 39 in the Parish of Barlow under the provisions of Section 119 of the Highways Act 1980.

8.2 Should objections be received to the making of the Order that cannot be resolved, then the matter be forwarded to the Secretary of State for determination.

Tim Gregory
Director – Economy, Transport and Environment



Ref: TE/DM/X4280/Cttee/2021
Produced by Public Rights of Way on 12 February 2021



Tim Gregory

Director - Economy, Transport & Environment
Derbyshire County Council
County Hall
Matlock
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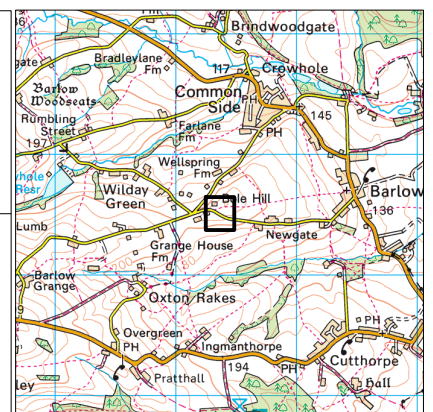
Highways Act 1980, Section 119:

Proposed Diversion of Public Footpath No. 39 (Part) - Parish of Barlow

Key:

Footpath to be diverted
Alternative footpath
Unaffected footpath

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Agenda Item No. 3.4

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

12 April 2021

Report of the Director – Economy, Transport and Environment

4 PUBLICATION OF A LOCAL ENFORCEMENT PLAN

Introductory Summary Paragraph 58 of the National Planning Policy Framework 2019 (NPPF), advises local planning authorities to consider publishing a Local Enforcement Plan (LEP) to manage enforcement proactively, in a way that is appropriate to their area.

Following this advice, the Planning Service has prepared such a plan, which it intends to publish on the Council's website. The LEP sets out the enforcement and site monitoring service that businesses and the public can expect from Derbyshire County Council. The Plan is a guide and sets out how the Council will deal with alleged breaches of planning control and also its proactive role in periodic monitoring of minerals and waste sites within the County.

The Local Enforcement Plan that has been prepared for publication is attached at Appendix A.

(1) **Purpose of Report** To notify the Committee of the intention to publish a Local Enforcement Plan.

(2) **Information and Analysis**

The Local Enforcement Plan

The LEP has been prepared in accordance with the guidance set out in Paragraph 58 of the NPPF which states:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”

Planning Practice Guidance (PPG), issued by the Ministry of Housing, Communities and Local Government (MHCLG), states that the preparation and adoption of a LEP is important because it:

- allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;
- sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;
- provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers;
- provides greater certainty for all parties engaged in the development process

Consultations

No consultations are required.

(3) **Financial Considerations** There are not considered to be any significant financial considerations associated with this report.

(4) **Legal Considerations** The LEP has been prepared in accordance with the PPG issued by the MHCLG. It relates to existing Council functions for monitoring and for enforcement under the Town and County Planning Act 1990, which are generally exercised through the Planning Service as provided by the scheme of delegation under the constitution.

(5) **Environmental and Health Considerations** As contained in the report.

(6) **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(7) **Background Papers** NPPF (2019) MHCLG, Planning Practice Guidance (on line) MHCLG.

(8) **OFFICER'S RECOMMENDATION** That the Committee resolves to endorse the publication of the Local Enforcement Plan on the Council's website.

Tim Gregory
Director – Economy, Transport and Environment

A photograph of a forest path in autumn. A person wearing a red jacket is walking away from the camera down a dirt path covered in fallen leaves. Large trees with yellow and orange foliage line the path. A purple curved shape is overlaid on the bottom left of the image.

LOCAL ENFORCEMENT PLAN 2021

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1. INTRODUCTION TO AND CONTEXT OF THIS PLAN

The Local Enforcement Plan sets out the enforcement and site monitoring service that businesses and the public can expect from Derbyshire County Council. The Plan is intended as a guide to how the County Council deals with alleged breaches of planning control and its proactive role in periodic inspection and monitoring of minerals and waste sites within the county. Section 3 below (from p5) explains what a “breach of planning control” is.

The Local Enforcement Plan has been prepared in accordance with the guidance set out in paragraph 58 of the National Planning Policy Framework - Revised, February 2019 (NPPF), which states:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”

National guidance on planning enforcement is provided in the online Planning Practice Guidance (PPG), which can be accessed at: <https://www.gov.uk/guidance/ensuring-effective-enforcement>.

The online PPG is frequently updated.

In taking enforcement action for breaches of planning control, the Council must have regard to the Government’s Enforcement Concordat, the Regulators’ Code, and all relevant Government guidance. The County Council’s actions must also accord with the principles of the Human Rights Act 1998 and The Equality Act 2010 and ensure that unlawful discrimination is eliminated, and all action is taken in a fair and consistent manner.

The County Council’s Planning Service seeks to resolve problems amicably where possible. However, the County Council will use powers of formal enforcement action where it is expedient to do so.

The County Council aims to deal with and close each enforcement case as soon as possible. However, some cases can take months or even years before reaching a final resolution as a consequence of what is needed for effective ongoing investigation, site monitoring or remediation over a longer term, or any other potential complexities. There is a right of appeal to the Planning Inspectorate against an Enforcement Notice, and in such cases the requirements of the notice are held in abeyance pending the outcome of the appeal.

WHAT WE AIM TO DO

The County Council aims to provide a high quality re-active and pro-active approach to monitoring and planning enforcement.

The County Council's principles of good monitoring and enforcement are as follows:

MONITORING

- To monitor existing waste and minerals sites at regular intervals;
- To keep effective records of operations and practices of waste and minerals sites;
- To work with operators to ensure they are operating in compliance with the parameters and conditions set within existing planning permissions.

ENFORCEMENT

- To investigate reported breaches of planning control in accordance with the Local Enforcement Plan [this Plan];
- To carry out investigations proportionately in relation to any breach of planning control suspected / identified;
- To keep all personal identification and details of individuals confidential at all times, unless required to be disclosed as part of statutory notice procedure or court proceedings or other legal obligations;
- To actively pursue a complaint to an expedient conclusion;
- In cases where it is concluded that any breach of planning control is causing insufficient public harm to warrant formal action, to notify all parties of the reason for the decision not to take formal action;
- To allow whoever is responsible for a breach of planning control a time-limited opportunity to take action to resolve the breach voluntarily before the matter is pursued through formal action, provided that no significant additional harm would be generated by any continuing breach up to that time.
- Where it is considered appropriate and expedient to do so having regard to the provisions of the development plan and any other material considerations, to take formal action, and follow it up with legal action where necessary and in the public interest.

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ENFORCEMENT CONTINUED

There are some key factors relating to enforcement work which anyone concerned with it should be aware of:

- Enforcement action is a discretionary power available to the County Council and the decision to take formal action must always be well founded.
- Enforcement powers are only used by the County Council where it is expedient and in the public interest to do so, having regard to the development plan and other material considerations.
- Enforcement action should not be taken simply to remedy the absence of a planning permission where development is acceptable on its planning merits. Planning Permission may be granted retrospectively to regularise development already carried out.
- The County Council is generally keen to encourage breaches of planning control to be resolved informally in the first instance. However this will not delay its use of powers of enforcement whenever it is judged expedient.
- Any action taken will be proportionate to the seriousness of the breach of planning control, as understood by the County Council. The approach will be based upon the specific circumstances of the individual case, taking into account scale of damage or potential damage to the natural or built environment, and of harm to public amenity or safety.
- The public including local groups nevertheless have a vital role to play in reporting problems they experience which might be breaches of planning control, so we can investigate them and potentially enforce against them.
- Carrying out or allowing a breach of planning control is not in itself a criminal offence, unless the breach involves works to a listed building. However failure to comply with a statutory notice requirement is generally an offence liable to prosecution.

2. IS PLANNING PERMISSION REQUIRED?

Planning permission is required for the majority of development with some exceptions.

The County Council is the responsible planning authority for development relating to Minerals and Waste (e.g. quarries, landfill sites, waste recycling/transfer sites). We also deal with planning applications for development the County Council has a significant interest in such as on school sites or libraries where the County Council may also be the landowner.

Planning relating to other types of development (i.e. housing, commercial, industry, shopping and leisure) is dealt with by the District and Borough Councils within the county and any complaints regarding such development should be directed to the relevant district/borough council.

3. WHAT IS A BREACH OF PLANNING CONTROL?

Section 171A of the Town and Country Planning Act 1990 (as amended) (TCPA 1990) provides that the following circumstances constitute a breach of planning control:

- a)** Carrying out development without the required planning permission; or
- b)** Failing to comply with any condition or limitation subject to which planning permission has been granted.

With respect to mineral and waste development a breach of planning control can include:

- Winning and working of stone and mineral without planning permission.
- Importing onto land, depositing and processing waste without planning permission.
- Unauthorised changes of use of land or buildings linked to mineral and waste development.
- Storing and/or processing scrap metal and carrying out vehicle depolluting and dismantling without planning permission.
- Non-compliance with conditions imposed by a planning permission.
- Non-compliance with approved plans.
- Any contravention of the limitations on, or conditions belonging to, permitted development rights, under the Town and Country Planning (General Permitted Development) Order 2015 and any subsequent amendments.

4. IMMUNITY FROM ENFORCEMENT ACTION

Where too much time has elapsed since a breach of planning has occurred, the County Council will be unable to take any action.

Section 171B of the Town and Country Planning Act 1990 sets two time limits;

- a four year limit which applies to “unauthorised operational development” which includes building works, engineering, mining or other operations in, on, over or under land without planning permission and
- a ten year limit which applies to all other development, such as a change of use or a breach of condition

If evidence shows that a breach has continued for a time period extending beyond the applicable limit, and no enforcement action has been taken within the relevant time limit, then the development will normally be immune from Enforcement Action. This does not apply to cases of deliberate concealment of a breach; in these cases the County Council is able to take action from whenever it becomes aware of the true position.

5. THE PURPOSE OF PLANNING ENFORCEMENT ACTION

The Town and Country Planning system is designed to influence and control the development and use of land and buildings in the public interest. It is not meant to protect the private interests of one person against the activities of another.

While it is unsatisfactory for development to be carried out without first obtaining planning permission, enforcement action should not be taken by the County Council solely to 'regularise' development which it finds is acceptable in all respects in planning terms. In other cases, where it considers that the development would accord with the Development Plan and might be made acceptable through granting of planning permission subject to conditions, the County Council may encourage the developer to apply for retrospective planning permission.

The County Council is expected generally to operate its enforcement activities within Government guidelines and in accordance with County Council policy. This means that:

- The County Council will decide whether the breach of control unacceptably affects public amenity or the existing use of land and buildings meriting protection in the public interest.
- Enforcement action should not be taken just because development has started without planning permission.
- The County Council does not always have to take action but the particular material circumstances of the case must always be considered.
- Enforcement action should be commensurate with the breach of planning control. Formal action is not normally taken against a technical or minor breach of control that causes no real harm.

However, where significant harm is being caused, the County Council will take firm action in the public interest, proportionate to the scale of harm.

6. ASSESSMENT OF HARM

Harm resulting from a breach of planning control could concern amenity or highway safety issues and could for example include noise nuisance, odour and air pollution, drainage, or issues arising from increased traffic flows.

Harm can be operations or development affecting the natural environment including wildlife habitats (such as nesting sites, bat roosts, badger setts), or groundwater conditions and contamination of soils.

Harm to the visual amenity of an area could occur for example through regrading of land levels, unscreened stockpiling of waste and aggregate, erection of buildings or engineering operations out of character with the area, and impacts on heritage assets such as listed buildings, and Conservation Areas.

Once the alleged breach has been investigated and it has been established that a breach of planning control has occurred, and harm is being caused, action may then be taken.

If the County Council consider that the level of harm being caused is not substantial then they may conclude that it is not in the public interest to pursue a breach of planning control further. In assessing any harm officers will refer to the National Planning Policy Framework (NPPF), the development plan and any other material planning considerations. If the breach is unlikely to be granted planning permission then it is likely to be considered harmful and planning enforcement action will be taken.

Issues which the County Council could not normally consider in any enforcement issue would for example include:

- loss of value to a neighbouring property,
- competition to another business,
- loss of an individual's view
- trespass issues
- personal issues with neighbours
- private property rights and covenants

7. LEGAL FRAMEWORK FOR ENFORCEMENT AND MONITORING

The law concerning enforcement is complex.

Legislation and Statutory Instruments relevant to Monitoring and Enforcement is contained within, but not limited to:

- The Police and Criminal Evidence Act 1984 (PACE)
- The Town and Country Planning Act 1990
- The Planning and Compensation Act 1991
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000 (RIPA)
- The Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.
- The Waste (England and Wales) Regulations 2011

In addition, the government sets out policy on enforcement matters in the following policy, guidance and regulations:

- National Planning Policy Framework 2019
- Planning Practice Guidance (online guidance)

8. REPORTING A SUSPECTED BREACH OF PLANNING CONTROL

Anyone who believes that they have observed a breach of planning control that has occurred or is taking place can make a report. Wherever possible, reports should be made in writing (by post or e-mail).

In writing by post:

Derbyshire County Council
Planning Services
County Hall
Room N8
Matlock
DE4 3AG

In writing by E-mail:

planning.enforcement@derbyshire.gov.uk

Via our website form:

<https://planning.derbyshire.gov.uk/enforcements/report>

Telephone:

(01629) 539800

Our office hours are 9.00am to 5.00pm Monday to Friday. At weekends and on bank holidays the offices are closed. Out of hours there is a facility to leave a telephone message.

To properly investigate an enquiry as much information as possible about the alleged breach should be supplied including the observer's contact details.

PERSONAL INFORMATION

The County Council encourages those making enquiries or reporting incidents to provide contact information so that we get in touch if we require further information or clarification.

Many successful investigations are assisted by information supplied by members of the public providing information.

Whilst the main content of such information held by the Council is public information, the name, address or other personal details of individuals are normally kept strictly confidential, in accordance with Data Protection law. In some exceptional cases, a court or the law may require that we release such personal information.

We sometimes invite people who have witnessed incidents to provide factual statements as evidence for planning appeals or court proceedings. This is one reason why the County Council Planning Service does not encourage any anonymous communications.

9. INVESTIGATION PROCESS

ACKNOWLEDGEMENT

Once a report of an incident is received it will be investigated, unless the incident is clearly so trivial as to not require further attention. Written reports, including emails, will, in most circumstances, be acknowledged in writing within five working days of receipt, as will telephone messages, assuming contact details have been given.

SITE VISITS AND RIGHTS OF ENTRY

The next step will, in the majority of cases be for one of our officers to visit the site. This will be done as soon as possible, but at times we will prioritise our visits according to the apparent seriousness of the problem. We aim to visit within ten working days of the report or earlier if the issue appears to be particularly serious or urgent.

The officer will identify themselves to anyone present on the site at the time and explain the purpose of the visit. They may ask questions, take photographs and obtain measurements as these will often be needed to help determine whether or not there has been a breach of planning control.

Designated officers of the County Council have rights to enter land to ascertain whether there has been a breach of planning control and whether any enforcement action should be taken and to check compliance with any requirement relating to enforcement action in place. This right to enter land extends to any land, including land adjacent to the site in question.

When exercising its rights of entry the County Council's officers will have regard to the Government's Code of Practice, details of which can be viewed at the following link:

<https://www.gov.uk/government/publications/powers-of-entry-code-of-practice>

Within 20 working days of a referral being received we will aim to provide a response which sets out the actions taken, any future action to be taken, or if no action is proposed the reasons why.

INVESTIGATION

If there is no breach of planning control or the County Council decide to end the investigation for another reason we will contact any current correspondents and explain why.

Investigations may be closed for a variety of reasons including:

- there is no, or little, evidence of a breach;
- development has taken place but planning permission is not required, usually as the development benefits from permitted development rights;

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INVESTIGATION CONTINUED

- the development already benefits from planning permission;
- In some cases the development may fall to the District or Borough Council for investigation and the enquiry may be referred accordingly to the relevant authority.

It is important to note that the closure of an investigation does not preclude the County Council from re-opening it or making further investigations should the need arise.

If a breach of planning control is identified we will consider the necessity for further investigation and potential action to remedy the breach. To assist the County Council in assessing a potential breach it may be considered appropriate to require information through a formal notice known as a Planning Contravention Notice.

PLANNING CONTRAVENTION NOTICE

Where it appears that a breach of planning control may have occurred but the County Council requires more information about the circumstances, we may serve a Planning Contravention Notice (PCN). This can be served on the owner or occupier of the land, anyone who has an interest in the land or anyone who is using the land for any purpose. The PCN requires the owner, occupier, etc. to provide information about ownership and the activities taking place on the land or within any buildings on the land.

PCN's are served under section 171C and 171D of the Town and Country Planning Act 1990 as amended. PCNs do not constitute enforcement action, however failure to comply with a PCN within 21 days or knowingly supply false information is an offence.

The PCN may invite the recipient to meet with officers of the County Council to discuss the matter.

There is no right of appeal against a PCN and failure to respond is an offence, although it is a defence to show a reasonable excuse for non-compliance.

SECTION 330 NOTICE

Where it is important to obtain information as to interests in land and use of premises a Section 330 Notice may be served on the occupier requiring them to confirm details of those persons who have a legal interest.

There is no right of appeal against a Section 330 Notice and failure to respond is an offence.

10. WHAT HAPPENS WHEN A BREACH IS FOUND?

Once the initial investigations have been carried out and it appears that a breach of planning control has occurred, there are a number of options available:

NO FORMAL ACTION

It may not always be expedient or possible to take enforcement action, for example, if the harm is insignificant, not in the public interest or there is evidence that the time limit for enforcement has passed. The County Council, in deciding whether or not to take formal action, must consider if it is expedient to do so. This means, that a judgment has to be made in each case as to the seriousness of the breach and the level of any harm caused. In making this decision we must take into account our own planning policies and the policy guidance published by the Government. If the breach is relatively minor, the level of harm caused may be low and in such circumstances if there is no significant conflict with planning policies, the County Council will not normally take formal action.

It should be noted that where there is a breach, however, land may be difficult to sell, mortgage or its value may be reduced even if the County Council takes no or limited action.

VOLUNTARY COMPLIANCE

The County Council may attempt to negotiate with those responsible for a breach to resolve the problem voluntarily rather than through formal enforcement action.

The person responsible for the breach will, in the majority of circumstances be written to with an explanation of the breach and, as appropriate, required by a stated date to:

- provide the County Council with a written proposal and/or timetable by which the breach will be remedied; and/or
- submit a retrospective planning application.

The obligation to remedy the breach lies with those responsible for it, although the County Council is prepared to offer advice.

The County Council will not allow protracted negotiations to prevent the taking of prompt and effective formal enforcement action where this is necessary. It reserves the right to serve any notice during the course of negotiations, or in the event of a retrospective planning application being made, in order to avoid undue delay.

RETROSPECTIVE PLANNING APPLICATIONS

Development carried out without planning permission can sometimes be made acceptable through the granting of planning permission and the imposition of appropriate conditions as necessary.

In cases where the unauthorised development appears to be acceptable in planning terms, and it accords with the Development Plan and all other material considerations, the County Council will normally ask for a retrospective planning application to seek to regularise the breach of planning control. The submission of retrospective planning applications will not be invited where the development is contrary to the development plan and/ or if any harm cannot be made acceptable through the imposition of conditions.

The County Council will not normally consider formal enforcement action if a retrospective application is being considered but such a submission, or proposed submission, does not negate formal enforcement action being taken if it is considered expedient to do so.

If after an invitation to submit a retrospective planning application the owner or occupier refuses to do so the County Council will consider the expediency of taking formal enforcement action to remedy any injury to amenity which has been caused by the breach

POWER TO DECLINE TO DETERMINE RETROSPECTIVE PLANNING APPLICATIONS WHEN AN ENFORCEMENT NOTICE IS IN PLACE

The Localism Act 2011 inserted new sections into the 1990 Act which gives the County Council the power to decline to consider an application for planning permission for the development of land if it involves (wholly or in part) land to which a pre-existing enforcement notice relates.

REFERRAL TO OTHER BODIES

If other authorities such as District or Borough Councils or agencies such as the Environment Agency are responsible for further action, all relevant information will be passed on.

FORMAL ACTION

Where informal negotiations have been unsuccessful and/or where the County Council considers the breach has significant harmful effects enforcement action will usually be taken. The decision to take enforcement action is made by the Head of Planning Services in accordance with the County Council's scheme of delegation.

11. FORMAL ENFORCEMENT POWERS AVAILABLE TO THE COUNCIL

There are a variety of enforcement powers available to the County Council to deal with breaches of planning control. The most appropriate action will be considered based the circumstances of the breach. Enforcement action will only be taken when it is expedient to do so in the public interest and will be proportionate to the breach of planning control.

ENFORCEMENT NOTICE

An Enforcement Notice is the most common form of notice used to deal with unauthorised development and is provided for under Section 172 of the Town and Country Planning Act 1990.

An enforcement notice may be issued where it appears to the County Council:

- that there has been a breach of planning control and,
- that it is expedient to issue the notice having regard to the development plan and other material considerations.

An Enforcement Notice is served on the owners and occupiers of the land to which it relates and any other party with an interest in the land.

An Enforcement Notice must specify what, in the County Council's opinion, the alleged breach is and the steps that must be taken to remedy the breach of planning control. This may require activities to cease and the land to be restored to its condition before the breach took place. The notice will specify steps required to be taken, or activities required to cease and a time period in which to carry out those steps. A notice cannot come into effect until at least 28 days after it is served.

An Enforcement Notice is registered as a local land charge and will therefore be made known to any potential purchaser of the land.

Prior to the date that the notice comes into effect the recipient of the notice has a right of appeal to the Secretary of State through the Planning Inspectorate. The Planning Inspectorate will allocate an Inspector to determine the appeal and, in effect, he or she acts as an independent arbitrator between the County Council and the appellant. If a valid appeal is made, the requirements of the Enforcement Notice are suspended until the appeal has been determined or is withdrawn.

It is an offence not to comply with an Enforcement Notice after the period for compliance has expired and no appeal has been made. Where a person is found to be in breach of an enforcement notice that has come into effect the County Council will consider whether to take forward prosecution proceedings.

Copies of all formal notices served are kept on the Enforcement Register which is available for inspection at the relevant District/Borough Council Office.

CARRYING OUT WORKS IN DEFAULT OF COMPLIANCE

Under Section 178 of the Town and Country Planning Act 1990 the County Council is empowered to enter land and take steps required by an enforcement notice (where they have not been taken by the end of the period for compliance) and recover from the landowner any expenses reasonably incurred in doing so. The County Council will only consider such action in appropriate cases and any such action must have regard to the relevant circumstances at the time.

BREACH OF CONDITION NOTICE

Section 187A of the Town and Country Planning Act 1990 provides for this type of notice, which can be used where planning permission has been granted subject to conditions and one or more of the conditions has been breached. The County Council can issue a Breach of Condition Notice (BCN) to ensure full or partial compliance with the planning conditions. A BCN can be served on any party carrying out the development on the land and/or any person who has control of the land.

A BCN would state the breach and set out the necessary steps required to ensure compliance with the condition(s) being breached. The notice would allow a minimum of 28 days in which to comply with the requirements. There are no rights of appeal against a BCN.

STOP NOTICE AND TEMPORARY STOP NOTICE

Under the provision of Section 183 (1) of the Town and Country Planning Act the County Council has the power to issue a Stop Notice in conjunction with an Enforcement Notice. These are used in cases where it is considered that an activity must cease before the expiry of the period for compliance in an enforcement notice.

A Temporary Stop Notice under the provisions of Section 171 E of the Town and Country Planning Act 1990 is similar to a Stop Notice but can be issued without an accompanying Enforcement Notice. Temporary Stop Notices are effective immediately after they are served but are only effective for up to 28 days. Within that period the County Council considers whether to take any further enforcement action.

There is no right of appeal against either type of Stop Notice. In the case of a Stop Notice an appeal can be made against the accompanying Enforcement Notice and where this is successful compensation may be payable.

Failure to comply with a Stop Notice or Temporary Stop Notice is an offence liable to prosecution.

PROSECUTION

A breach of planning control is not a criminal offence. However, non-compliance with the requirements of a formal notice to remedy a breach may be a criminal offence and on conviction the person served with the notice may be subject to a fine.

Where a contravener has failed to comply with a formal notice the County Council will normally instigate prosecution proceedings if there is a realistic prospect of conviction and it is considered to be in the public interest to do so.

PLANNING ENFORCEMENT ORDERS

Planning Enforcement Orders were introduced by the Localism Act 2011 to provide a mechanism to address breaches of planning control, both uses and development, which have been deliberately concealed. In such cases an application can be made by the County Council for a planning enforcement order to allow enforcement action to be taken where concealment has taken place and which would otherwise be out of time. A planning enforcement order does not itself require the landowner to do, or refrain from doing anything but it allows for the taking of enforcement action in a one year period (the enforcement year) beginning 22 days after the decision to make the order, or on the day any appeal to the High Court has been dismissed.

12. CERTIFICATES OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT (CLEUD)

If owners of land or property consider that a breach of planning control has become immune from enforcement action (e.g. because it has continued for longer than the time limits set for any enforcement action), they may apply to the County Council for a Certificate of Lawfulness of Existing Use or Development (CLEUD). If granted, such a certificate provides documentation to establish the lawfulness of the existing development.

An application for a CLEUD may be based on evidence to show that the use or development has existed, uninterrupted, for at least the 4 years (in the case of unauthorised operational development) or 10 years in the case of most other development including a change of use or breach of a condition. The planning merits of the development are irrelevant.

13. MONITORING

When planning permission is granted it is important that the approved plans and any conditions are adhered to. The person carrying out the development is responsible for ensuring this and should make sure that any contractor they employ is aware of the approved plans and any conditions. If any changes are proposed these should be discussed in advance with the Planning Service. If unauthorised changes are made then there is a risk that the work will have to be reversed, resulting in possibly significant cost and disruption.

The County Council has responsibility for monitoring approved minerals and waste developments in order to ensure the development is in accordance with the planning permission(s).

THE MONITORING OF MINERAL EXTRACTION AND LANDFILL SITES

Under regulation 15 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, Mineral and Waste Planning Authorities (the County Council) are able to charge a fee for inspecting mineral and landfill sites.

The Regulations state that up to 8 chargeable visits may be carried out in a 12 month period for an “active” site or one chargeable visit in a 12 month period to an “inactive” site (additional inspections could be made but cannot be charged for).

While the Regulations specify an annual maximum of 8 chargeable inspections, past experience has shown that inspections of active mineral extraction and landfill sites are likely to be carried out 4 times each year, or less.

The County Council seeks to undertake a frequency of monitoring which is appropriate for the site and will keep its monitoring frequencies under continuous review. The actual number of visits undertaken will be determined by a number of factors including the compliance performance of a site operator. Consistently compliant sites should expect fewer visits than those sites where breaches of planning control have been identified.

In deciding the appropriate number of site visits, the County Council will take the following factors into consideration:

- Size and type of development
- Number and complexity of conditions
- Number of issues requiring monitoring
- Stage of development. For example, more frequent visits to a mineral extraction site are likely to be needed during the initial site preparation and restoration phases than at other times

Continues on next page.

THE MONITORING OF MINERAL EXTRACTION AND LANDFILL SITES CONTINUED

- Type of development. For example, sand and gravel sites might expect more visits than hard rock quarries that are relatively slow in to progress.
- Whether the operator has ISO14001 or EMAS accreditation
- Breaches of Planning Control observed
- Complaints received for the site which have proved to be justified

Operators will be informed of the proposed number of inspections to be undertaken at the start of each financial year.

OTHER WASTE SITES

For non-landfill waste sites, the Waste (England and Wales) Regulations 2011 (as amended) state that Planning Authorities must ensure that periodic inspections are undertaken.

LIAISON GROUPS AND COMMITTEES

For large sites or those operating over a long period of time, arrangements are often made for the establishment of a Local Liaison Group or Committee. These meet regularly to discuss any issues or problems as they arise. This practice is encouraged as it provides a forum where representatives of the County Council, Parish Council, site operatives, other regulatory bodies such as the Environment Agency, elected members and representatives from the local community can discuss issues which concern them relating to the operation of a particular waste or mineral site. The Planning Service is committed to regular attendance by its Officers at Liaison meetings and will offer continued support their facilitation.

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Agenda Item No. 3.5

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

12 April 2021

Report of the Director – Economy, Transport and Environment

**5 REQUEST TO APPROVE A CONSULTATION EXERCISE
CONCERNING THE ADOPTION OF A REVISED LOCAL LIST OF
INFORMATION REQUIREMENTS FOR PLANNING APPLICATIONS**

Introductory Summary In accordance with guidance issued by the Ministry of Housing, Communities and Local Government (MHCLG), a draft revised list of County Council requirements for planning applications has been prepared to enable a consultation to be carried out on the adoption and implementation by the Council of a revised list.

(1) Purpose of Report To seek approval from the Committee for the Director – Economy, Transport and Environment to consult on revising the list of County Council requirements for planning applications.

(2) Information and Analysis Local planning authorities should process and determine planning applications as expeditiously as possible. In order for local planning authorities to fulfil this task, it is necessary that planning applications are clear and precise, and contain all the information that needs to be taken into account.

In 2008, the Government introduced the use of standard planning application forms (1APP). These forms apply to all full applications except for proposals for mineral development, for which (as regards Derbyshire) applicants use the specialist form available on the County Council's website.

There are certain National requirements for information which must accompany a planning application. Local planning authorities are also able to publish their own "local lists" of additional requirements for inclusion of particulars and supporting evidence to supplement the information required by application forms and national requirements. The local planning authority's requirements have to be specified on a list published on its website.

The local list is prepared by the local planning authority to clarify what additional information is usually required for applications of a particular type, scale or location.

An authority's information requirements must, in respect of planning applications, be:

- reasonable having regard, in particular, to the nature and scale of the proposed development; and
- about a matter which it is reasonable to think will be a material consideration in the determination of the application.

These statutory tests (in Section 62 (4A) of the Town and Country Planning Act 1990) were introduced by the Growth and Infrastructure Act 2013. Under Articles 11(3)(c) and 34(6) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), the requirements will apply to an application if the tests are met in respect of the particular development proposed, and the list was published or republished on the Authority's website during the two year period up to the application date.

The Authority adopted its first local list of requirements on 1 October 2011; this was comprehensively reviewed and updated in October 2014 and April 2018 and can be viewed on the County Council's website:

<https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/planning/planning-applications/making-a-planning-application/planappforms/local-list-of-information-requirements-and-validation-checklists.pdf>

Planning Practice Guidance contains guidance at paragraphs 38, 39 and 44 on the preparation of local lists and the process for reviewing and revising local lists:

www.gov.uk/guidance/making-an-application#Local-information-requirements

The process recommended by the guidance for reviewing and revising local lists involves the following three steps:

Step 1: Reviewing the existing local list

Local planning authorities should “*identify the drivers for each item on their existing local list. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how adopted policy should be implemented.*”

Having identified their information requirements, local planning authorities should decide whether they need to revise their existing local list. Where a local planning authority decides that no changes are necessary, it should

publish an announcement to this effect on its website and republish its local list.

Step 2: Consulting on proposed changes

Where a local planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation.

Step 3: Finalising and publishing the revised local list

Consultation responses should be taken into account by the local planning authority when preparing the final revised list. The revised local list should be published on the local planning authority's website.

I have therefore reviewed the existing local list and consider that it needs to be revised. Prior to publication of a revised local list, I would consult the local community, including applicants and agents, over a period of at least four weeks. All observations received would therefore be considered prior to the publication of such a list by the County Council.

A revised local list, once published, would assist the County Council in ensuring that particulars and evidence are clearly required to have been submitted. The revised list could continue to refer to a schedule of national requirements, as well as a compilation of potential local requirements, and has been prepared with the principles and criteria of the PPG in mind. A version of the draft revised list intended for consultation is attached at appendix 1. The proposed changes to the list are shown in red text.

Consultations

The consultation exercise to be carried out will be extensive. It will include consultation with statutory consultees, the minerals and waste industry, planning agents and consultants, neighbouring authorities and parish/town councils.

After the responses under the consultation exercise have been assessed, a report will be made to the Cabinet Member – Highways, Transport and Infrastructure to recommend authorisation for adoption of a revised list.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** This local list of requirements for planning applications is being revised in accordance with paragraphs 38, 39 and 44 of the Planning Practice Guidance (MHCLG 2018).

Sub-section (3) of Section 62 of the 1990 Act (as substituted by the Planning and Compulsory Purchasing Act 2004) empowers local authorities to specify

particulars and evidence that they think necessary as additional requirements for applications for planning permission. Section 63(4A) of the 1990 Act and Articles 11 and 34 of the DMPO limit the scope for exercising this power, as explained above under Information and Analysis.

(5) **Environmental and Health Considerations** As contained in the report.

(6) **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(7) **Background Papers** Existing local list of requirements for planning applications and the Planning Practice Guidance.

(8) **OFFICER'S RECOMMENDATION** That the Committee **resolves** to approve the carrying out of a consultation exercise on the publication by the Council of a revised local list of requirements for planning applications.

Tim Gregory
Director – Economy, Transport and Environment

Planning Services

Local List of Information Requirements

Approved 2021

**Department for Economy, Transport and Environment
Economy and Regeneration Division**

Planning Services Contact Details:

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Introduction

The purpose of this document is to provide guidance to developers on the information required to be submitted with planning applications in order for applications to be considered valid. In 2008 a mandatory standard national planning application form and associated information requirements for the validation of planning applications was introduced (a 2008 amendment to the Town and Country Planning (General Development Management Procedure) Order 1995). Since then additional guidance has been provided in the Town and Country Planning (Development Management Procedure) (England) Orders 2013 and 2015 in addition to national Planning Practice Guidance, a web-based resource first published in March 2014 and regularly updated.

This document reflects the most recent guidance on local validation requirements. In accordance with the Town and Country Planning (General Development Management Procedure) (England) Order 2015 (DMPO), once adopted the document should be reviewed every two years to ensure it remains relevant and fit for purpose.

Derbyshire County Council's Development Management Team manage planning applications related to minerals, waste and the County Council's own developments. County Council developments encompass all proposals involving County Council premises – schools, fire stations, libraries, social services buildings, some highway schemes and bridge repairs proposed as part of highway improvements or maintenance.

Planning applications for householder, residential, commercial and all other types of development are dealt with by district/ borough councils unless the site lies within the Peak District National Park. The Peak District National Park Planning Authority (PDNPA) deals with all planning applications that are within the National Park boundary (including minerals and waste proposals).

This document focuses on the validation requirements for applications for full planning permission. Mineral and waste proposals often involve planning applications to vary or remove planning conditions on an existing planning permission (known as Section 73 planning applications). There is also a process for the Review of Old Minerals Permissions (known as

ROMP applications) where the County Council considers a scheme of new and updated planning conditions in relation to an existing historic planning permission.

This document comprises two sections. The first section sets out the national planning application validation requirements (refs. NR1 – NR5). The second section sets out the local validation requirements (refs. LR1 – LR35). This second section is the reference resource for all applicants to find out what level of information should be included in a planning application and where additional guidance on a particular topic may be found i.e. reference to relevant sections of planning guidance and suggested resources for additional information.

With regard to the reference sources under sub-heading *Further Guidance* the use of website hyperlinks to directly access PDF (Portable Document Format) resource documents has been avoided where possible. Updates or changes to the naming of a PDF document changes its URL (Uniform Resource Locator), resulting in 'link rot' where the link is broken and the published (in this document for example) website link is no longer able to access the document.

Main website addresses and links to gateway pages (the page on a website that a document sits on) have been used in this document in certain instances as these are less likely to change over the life of this document. Where documents are specifically referenced i.e. title, author, year of publication, these can be accessed via an internet search engine.

National Requirements

This section identifies the mandatory information that is required in support of planning applications made to Derbyshire County Council. All information items are required countywide unless otherwise stated.

Ref. No. NR1:

Completed Application Form

Types of Application that Require this Information:

All planning applications (with certain exceptions) submitted to Derbyshire County Council.

Driver:
DMPO

What Information is Required?

For most planning applications (excluding mineral related development) a standard national application form should be completed (e.g. 1APP form). Copies of the relevant application forms can be accessed via the National Planning Portal at www.planningportal.gov.uk. Wherever possible planning applications should be submitted electronically via the National Planning Portal.

All applications for mineral-related development (except for on-shore oil and gas development) will need to be supported by a completed copy of Derbyshire County Council's Mineral Application Form, available from the [County Council's website](#). For on-shore oil and gas development, the standard national application form, available on the planning portal, should be completed.

For applications made under section 96A for non-material amendment(s) to a planning permission, a form is available from the planning portal.

Applications for the approval of details reserved by condition(s) attached to a permission do not need to be made using a 1APP form (although a 1APP form is available). In such cases applications can be made by letter, but this must clearly identify the permission reference number and condition(s) to which the submission relates.

The DMPO 2015 requires three copies plus the original (unless submitted electronically or where the County Council indicate that a lesser number is required).

Further Guidance

National Planning Portal website www.planningportal.co.uk

Derbyshire County Council website www.derbyshire.gov.uk

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Ref. No. NR2: **Location Plan**

Types of Application that Require this Information:

All planning applications submitted to Derbyshire County Council except for the following types:

- Applications for removal or variation of condition(s) following grant of planning permission (Section 73);
- Applications for approval of details reserved by condition(s);
- Applications for non-material amendments following the grant of planning permission (Section 96A).

Driver:

DMPO

What Information is Required?

All planning applications must include copies of a location plan, preferably based on an up-to-date **metric scale** Ordnance Survey map and **provide a drawing reference number**. This should be at a scale of 1:1250 or 1:2500, or 1:5000, or 1:10000 for large sites, and clearly show the direction of north. The DMPO 2015 requires three copies plus the original (unless submitted electronically or where the County Council indicate that a lesser number is required). The plans should identify sufficient roads (**i.e. at least two named roads**) and/or buildings on land adjoining the site to ensure the exact location of the application is clear. The inclusion of place names may be helpful.

The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by **or within the control of the applicant close to or adjoining the application site**.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Ref. No. NR3:

Ownership Certificates and Notices; and Agricultural Land Declaration

Types of Application that Require this Information:

All planning applications submitted to Derbyshire County Council.

Where applicable, the **Agricultural Land Declaration** is included as part of the relevant ownership certificates.

An Agricultural Land Declaration is **not** required for the following types of application:

- Approval of reserved matters;
- Renewal of temporary planning permission;
- Discharge or variation of conditions;
- Lawful Development Certificate;
- Non-material amendment to an existing planning permission.

For applications for the winning and working of oil or natural gas, including exploratory drilling, the applicant is not required to serve a notice in relation to any land which is used solely for underground operations.

Driver:

DMPO

What Information is Required?

A planning application is not valid, and therefore cannot be determined by the local planning authority, unless the relevant certificate (either A, B, C or D) has been completed, signed and dated. This certificate provides details about the ownership of the application site and confirms that an appropriate notice has been served on any other owners (and agricultural tenants) to inform them of the planning application. Only one of the certificate types will apply to an application.

All planning applications must include a completed, signed **and dated** ownership certificate and Agricultural Land Declaration where appropriate.

The ownership certificates and declaration (where applicable) are incorporated into the standard national application forms and the Derbyshire County Council Minerals Application Form.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance
DMPO

Ref. No. NR4: **Application Fee**

Types of Application that Require this Information:

All planning applications submitted to Derbyshire County Council (where a fee is payable).

Driver: DMPO

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as amended

What Information is Required?

Planning applications incur a fee and the fee applicable is dependent upon the type/category of the development for which permission is being sought. A detailed explanation of planning related fees is set out in Planning Practice guidance (PPG). The Planning Portal includes a fee calculator for applicants. Alternatively please contact Planning Services for advice.

If the planning application has not been submitted via the National Planning Portal the fee can be paid in the following ways:

Online by most major debit and credit cards (not American Express or Diners Cards) via (please paste this link into your website browser):

<https://www.derbyshire.gov.uk/business/online-payments/make-an-online-payment.aspx>

There is a £5000 limit per item if paying by card;

Or by cheque payable to 'Derbyshire County Council Planning Services' and posted to:

Planning Services
Derbyshire County Council
Room N8
North Block
County Hall
Matlock
DE4 3AG

Bankers Automated Clearing Services (BACS) payments may be possible and the applicant is advised to contact the County Council's Accounts Receivable Section at:

Email:
accounts.receivable@derbyshire.gov.uk

Tel. 01629 538729

Further Guidance

National Planning Portal Fee Calculator www.planningportal.co.uk

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as amended

Ref. No. NR5:

Design and Access Statement (DAS)

Types of Application that Require this Information:

Subject to the exceptions listed below, a DAS is required for any planning application in the categories listed below (only those parts relevant to County Matter applications are included):

- major development, which includes:

(a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(b) development carried out on a site having an area of 1 hectare or more.

- where any part of the development is in a designated area*, where the proposed development consists of:

(a) the provision of one or more dwellings; or

(b) a building or buildings where the floor space created by the development is 100 square metres or more.

*For the purpose of DAS, a 'designated area' means a World Heritage Site or conservation area.

A DAS is **not** required to be submitted if the proposed development is:

- for permission to develop land without compliance with conditions previously attached, made pursuant to section 73 of the Act;

- engineering or mining operations;
- of a kind referred to in article 20(1)(b) or (c) of the DMPO– these refer to time limits;
- for a material change in use of the land or buildings;
- for development which is waste development.

Driver:
DMPO

What Information is Required?

A Design and Access Statement must:

(a) explain the design principles and concepts that have been applied to the proposed development; and

(b) demonstrate the steps taken to appraise the context of the proposed development, and how the design of the development takes that context into account.

A development's context refers to the particular characteristics of the application site and its wider setting. These will be specific to the circumstances of an individual application and a Design and Access Statement should be tailored accordingly.

Design and Access Statements must also explain the applicant's approach to access and how relevant Local Plan policies have been taken into account. They must detail any consultation undertaken in relation to access issues, and how the outcome of this consultation has informed the proposed development. Applicants must also explain how any specific issues which might affect access to the proposed development have been addressed.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Design and Access Statements: How to write, read and use them (Design Council 2006)

National Design Guide: Planning practice guidance for beautiful, enduring and successful places (Ministry of Housing, Communities and Local Government, October 2019)

Local Requirements

This section identifies the local information requirements that may be required in support of planning applications made to Derbyshire County Council. The list provides comprehensive coverage of all matters that may need to be addressed in County Matter applications, but not all the issues will need to be addressed in support of every application. Further guidance is provided in the Validation Checklists prepared for the main types of planning applications and which are available below. Nonetheless applicants are advised to discuss information requirements with the planning authority at the pre-application stage. All information items are required countywide unless otherwise stated.

Ref. No. LR1:

Drawings/ Plans/ Sections/ Photographs

Types of Application that Require this Information:

All full planning applications for minerals, waste and County Council development.

Driver:

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance
DMPO

What Information is Required?

All drawings and plans should be at an identified standard metric scale and have a drawing reference number and title clearly annotated. Any revisions to drawings should be clearly referenced. The provision of the individual requirements listed below should always include information to demonstrate the existing situation at a site (i.e. 'as existing drawings').

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Ref. No. LR1.1:

Site/ Block Plans

Types of Application that Require this Information:

Most development and change of use proposals. Exceptions where block plans are not necessary should be agreed at pre-application discussions.

Driver:

Planning Practice Guidance

What Information is Required?

A site plan should be drawn at an identified metric scale (e.g. 1:200 or 1:500, or such scale as appropriate), **should include a drawing reference number and title** and should accurately show:

a) the direction of North;

b) the proposed development in relation to the site boundaries, with written dimensions including those to the boundaries;

The following items are required to be shown where they influence or could be affected by the proposed development:

(c) all buildings, roads and footpaths on land adjoining the site including access arrangements;

(d) all public rights of way crossing or adjoining the site (e.g. footpath, bridleway, restricted byway or byway open to all traffic);

(e) the position of all trees and hedgerows on the site and those on adjacent land that could influence or be affected by the development (also see Tree or Arboricultural Statement (LR6) of the local requirements for more advice/details);

(f) the extent and type of any hard surfacing;

(g) boundary treatment including walls or fencing where this is proposed;

(h) identify connection points for foul and surface waters and any culverted watercourses present within the development site (where known);

(i) the position and extent of any playing fields.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Ref. No. LR1.2:

Elevation Plans (Existing and Proposed)

Types of Application that Require this Information:

Proposals involving new buildings, structures, plant and machinery, or which would involve a change to the appearance of an existing building etc.

Driver:

Planning Practice Guidance

DMPO

What Information is Required?

- A drawing reference number and title;
- Drawn to a scale of 1:50 or 1:100 clearly showing all sides of the proposals (including blank elevations);
- Clearly show the proposed works in relation to what is already there;
- Details of the dimensions of the building in metric measurements;
- Details of all the external materials and finishes with colour (expressed in BS or RAL code);
- Position and materials of doors and windows;
- Details of any adjacent buildings and structures.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Ref. No. LR1.3:

Floor Plans (Existing and Proposed)

Types of Application that Require this Information:

All proposals for new buildings and/or the extension of existing buildings that would create additional floorspace.

Driver:

DMPO

Planning Practice Guidance

What Information is Required?

- A drawing reference number and title
- Drawn to a scale of 1:50 or 1:100
- Clearly show the proposed works in relation to what is already there
- Details of new walls to be created or existing walls to be lost;
- Position of window/door openings;
- Uses of the floorspace, where appropriate.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Ref. No. LR1.4:

Cross-Sections and Ground Levels (Existing and Proposed)

Types of Application that Require this Information:

All proposals where changes to the existing site/ground levels are proposed or where, although no changes to ground levels are proposed, cross sections would help demonstrate the perspective of the development relative to existing features.

Driver:

DMPO

Planning Practice Guidance

What Information is Required?

- A drawing reference number and title
- Drawn to a scale of 1:50 or 1:100
- Clearly show the proposed works in relation to what is already there
- Details of changes in site and ground levels and how the development relates to them;
- The position of adjoining land and development to demonstrate how they relate to the proposal.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Ref. No. LR1.5:

Photographs and Photomontages

Types of Application that Require this Information:

Applications where the development would result in a significant change in the appearance of a building or landscape. This includes development affecting Listed Buildings and conservation areas, mineral developments, major remediation schemes and waste management developments with substantial new buildings, structures or high storage facilities.

Driver:

DMPO

Planning Practice Guidance

What Information is Required?

Photographs to demonstrate the appearance of a building or area in its current state and photomontages to demonstrate the change. **The date when the photographs were taken should be clearly annotated. Details of the compass direction of each photograph can be helpful.**

Computer generated images may also be helpful.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Ref. No. LR2:

Planning/ Supporting Statement

Types of Application that Require this Information:

Most applications except those accompanied by an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations).

Note - the questions on the 1APP forms and the space provided for responses do not always enable applicants to fully describe and explain their proposals. The provision of a written supporting statement may be helpful to applicants.

Driver:

DMPO

What Information is Required?

A statement explaining the need for the proposed development which should be proportionate and specific to the development. The statement should consider national and local planning policies that are of direct relevance to the proposal and provide a reasoned assessment of the conformity or otherwise of the proposal with those policies. Where a proposed development does not comply with development plan policies, an explanation must be provided to justify the need for the development and set out overriding reasons as to why the proposal should go ahead. The supporting statement should also include details of the proposal in terms of its achievement of sustainable development, which should cover economic, social and environmental issues.

For County Council developments, where appropriate, the statement should include outline details of any wider development or redevelopment plans at the site (context for the current proposal). This could be presented in the form of a Master Plan for the site.

For developments on school sites that would increase pupil capacity, the supporting statement should provide details of the existing and proposed pupil and staff numbers and car parking provision for staff and visitors.

In areas where there is significant housing development proposed/ permitted the County Council would also consider the strategic planning needs for increased school capacities as part of a wider suite of measures planned for an area.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Ref. No. LR3:

Statement of Community Involvement/ Pre-application Engagement

Types of Application that Require this Information:

It is good practice to engage with the community at an early stage of any proposed development but especially most 'major' developments as defined in the DMPO.

Exceptions would include small scale proposals where the potential impact would be limited in scale and area. For example, small scale changes on an existing waste or minerals development.

Driver:

Pre-application engagement

Derbyshire County Council Minerals and Waste Development Framework: Statement of Community Involvement (adopted December 2006) – page 30 on pre-application consultation

National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government (MHCLG), February 2019)

Chapter 4: Decision-making. Paragraphs 39 – 42

What Information is Required?

The scale and level of detail in the Statement of Community Involvement (SCI) will be proportionate to the nature of the proposal and extent of consultation carried out. The statement should include details of the consultation carried i.e. who was consulted, what information was provided and how, were any public consultation events held, a summary of any responses, a commentary on how responses have been taken into account and a conclusion to confirm the effect of the public consultation on shaping the final proposal for submission.

Further Guidance

Derbyshire Minerals and Waste Development Framework: Statement of Community Involvement (Derbyshire County Council, December 2006)

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Ref. No. LR4:

Flood Risk Assessment

Types of Application that Require this Information:

A Flood Risk Assessment will be required for development proposals in areas at risk of flooding. For fluvial (river) and sea flooding, this is principally land within Flood Zones 2 and 3. It can also include an area within Flood Zone 1 which the Environment Agency has notified the local planning authority as having critical drainage problems.

Site-Specific Flood Risk Assessment is required for the following types of development/application:

- All development proposals of 1 hectare or greater in Flood Zone 1 (as identified by the Environment Agency);

- All development proposals for new development in Flood Zones 2, 3a and 3b (including minor development and change of use);
- All development proposals in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency);
- Where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.

Driver:

NPPF Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Paragraphs 148-169

Derby and Derbyshire Waste Local Plan (DDWLP) (March 2005) Policies W5: Identified interests of environmental importance, W6: Pollution and related nuisances and W9: Protection of other interests.

Derby and Derbyshire Minerals Local Plan (DDMLP) (April 2000) Policies MP1: The Environmental Impact of Mineral Development and MP4: Interests of Acknowledged Environmental Importance.

What Information is Required?

The assessment should demonstrate how flood risk will be managed now and over the development's lifetime, taking climate change into account, and with regard to the vulnerability of its users (see Table 2 – Flood Risk Vulnerability of the PPG).

Flood Risk Assessments should demonstrate compliance with the requirements set out in the Site-Specific Flood Risk Assessment: CHECKLIST of the PPG. Where appropriate, this will include consideration of the Sequential and Exception Tests.

Sequential and Exception Tests are not required for minor development. For this purpose, minor is defined as non- residential extensions with a footprint of less than 250sq.m. and development that does not increase the size of buildings. Such proposals still require a FRA, where otherwise necessary.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

www.gov.uk/guidance/flood-risk-assessment-standing-advice

www.flood-map-for-planning.service.gov.uk

www.flood-warning-information.service.gov.uk

Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems (Department for Environment, Food and Rural Affairs (DEFRA), March 2015)

Association of Drainage Authorities www.ada.org.uk

Ref. No. LR5:

Foul and Surface Water Drainage Details

Types of Application that Require this Information:

For all applications for new development (e.g. new buildings, extensions, hard surfaced areas such as car parks and playgrounds) where there are concerns about the capacity of wastewater infrastructure, applicants will be asked to provide information about how the proposed development will be drained and wastewater dealt with.

Driver:

1APP Form

NPPF Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Paragraph 165 in respect of SuDS

DDWLP Policy W6: Pollution and related nuisances

What Information is Required?

Sufficient information to demonstrate how surface and foul waters arising from the development will be managed. If an application proposes to connect a development to the existing drainage system then details of the existing system should be provided. Where new infrastructure or servicing is required the details should be provided with the application. The details shall include the type (including sustainable drainage systems [SuDS]) and nature of the system to be used and details of its design, specification and location.

Where the development involves the disposal of trade waste or of foul sewage effluent other than to the public sewer, a fuller foul drainage assessment is required including details of the method of storage, treatment and disposal. Applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment.

The level of information supplied should be sufficient to enable the application to be determined. It may be possible to defer full details to be submitted under the terms of a condition.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems (Department for Environment, Food and Rural Affairs (DEFRA), March 2015)

Ref. No. LR6:

Tree/ Arboricultural Statement

Types of Application that Require this Information:

All applications which involve the felling and pruning of existing trees and hedges on a site, or involve works (excavations, storage of materials and movement of heavy plant and vehicles) which could affect tree or hedgerow root systems.

Note – the 1APP form requires the provision of information relating to trees and hedgerows on site where they would be affected by the development either directly or indirectly.

Driver:

1APP Form

What Information is Required?

A tree survey detailing the location of existing trees on a site, including species, size, condition and spread.

The statement should describe:

1. How the proposed development would affect existing trees on or adjacent to the site and justify any trees to be felled due to their condition and/or as a result of the development;
2. Methods to be adopted to protect trees during construction and operation;
3. Proposals for replacement planting.

Note – All trees which require removal or pruning will need to be assessed for their potential to support roosting bats. Refer to LR7.2 **below** for further details.

Further Guidance

BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations (British Standards Institute, April 2012)

Natural England Standing Advice on Species Protection www.gov.uk/guidance/protected-species-how-to-review-planning-applications

Ref. No. LR7:

Ecology/ Nature Conservation Statement

Types of Application that Require this Information:

All applications which have the potential to affect sites or features with an ecological, geological or biodiversity based interest including:

- Statutorily or locally designated sites of ecological interest;
- Areas of priority habitat or other habitat of potentially significant value;
- Protected or notable species and other species referred to in the NPPF.

Applicants are advised to agree the need for such assessments in pre- application discussions with the County Planning Authority.

Driver:

1 APP Form

NPPF Chapter 15: Conserving and enhancing the natural environment
Paragraphs 170 – 177

DDWLP Policies W5: Identified interests of environmental importance and W6: Pollution and related nuisances.

DDMLP Policies MP1: The environmental Impact of development, MP4: Interests of acknowledged environmental importance and MP6: Nature conservation mitigation measures.

What Information is Required?

Surveys to establish the ecological interest of a site and surrounding area and assessments of any potential impacts on the ecological interest arising from the development, any mitigation proposals and proposals for long-term maintenance and management. Any proposals for biodiversity enhancement should also be provided.

The sequential steps of the Mitigation hierarchy should be followed comprising avoidance, minimisation, restoration and offsets. For major development this should take the form of an Ecological Impact Assessment (EclA). For other development a Preliminary Ecological Appraisal should be completed, noting that an EclA may subsequently be required.

All surveys and assessments should be undertaken and prepared by competent persons with suitable qualifications and experience, and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available.

Where surveys and assessments are not considered to be necessary, the application should be supported by a statement to explain why this is the case.

Ecological surveys should ordinarily be no more than two years old.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

A Green Future: Our 25 Year Plan to Improve the Environment (HM Government, 2018)

A Cross-Sector Guide for Implementing the Mitigation Hierarchy (Cross Sector Biodiversity Initiative, 2015)

Natural England Standing Advice on Species Protection www.gov.uk/guidance/protected-species-how-to-review-planning-applications

Natural England Discretionary Advice Service (DAS)

Guidelines for Preliminary Ecological Appraisal (Second Edition) (Chartered Institute of Ecology and Environmental Management (CIEEM), December 2017)

Guidelines for Ecological Impact Assessment in the UK and Ireland (CIEEM, 2018)

The Conservation of Habitats and Species Regulations 2017

BS42020:2013 British Standard for Biodiversity – Code of practice for planning and development (British Standards Institute (BSI), August 2013)

Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services (DEFRA, August 2011)

Government Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (Ministry of Housing, Communities and Local Government (MHCLG), August 2005)

Ref. No. LR7.1:

Protected and Notable Species Surveys

Types of Application that Require this Information:

All applications which have the potential to affect legally protected species, notable species or conservation priority species.

All applications where an initial ecological survey or preliminary ecological appraisal has identified that additional surveys for protected and notable species may be required.

Surveys should also be undertaken where an ecological consultant, Local Authority ecologist, Local Wildlife Trust, or other suitably qualified ecologist or body indicates the possible presence of such species.

Driver:

1APP Form

DDWLP Policies W5: Identified interests of environmental importance and W6: Pollution and related nuisances.

DDMLP Policies MP1: The environmental Impact of development, MP4: Interests of acknowledged environmental importance and MP6: Nature conservation mitigation measures.

The Conservation of Habitats and Species Regulations 2017

BS42020:2013 British Standard for Biodiversity – Code of practice for planning and development (BSI, August 2013)

Wildlife and Countryside Act 1981 as amended

What Information is Required?

A specific protected species survey and assessment.

The survey should be undertaken in accordance with the criteria outlined in LR7 above. Protected and notable species surveys should be no more than two seasons old.

The survey must be to an appropriate level of scope and detail and must:

- Record which species are present and identify their approximate numbers;
- Map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).

The assessment should identify and describe potential impacts, both direct and indirect, likely to harm the protected species and/or their habitats. Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

Proposals are to be encouraged that will enhance, restore or add to features or habitats used by protected species. The Assessment should give an indication of how species numbers are likely to change, if at all, as a result of the development.

All Minerals and Waste planning applications are expected to ensure that any pertinent biodiversity issues are addressed in accordance with BS42020:2013 British Standard for Biodiversity – Code of practice for planning and development (BSI, August 2013).

Further Guidance

The Conservation of Habitats and Species Regulations 2017

BS42020:2013 British Standard for Biodiversity – Code of practice for planning and development (BSI, August 2013)

Natural England Standing Advice on Species Protection www.gov.uk/guidance/protected-species-how-to-review-planning-applications

Natural England Discretionary Advice Service (DAS)

Guidelines for Preliminary Ecological Appraisal (Second Edition) (Chartered Institute of Ecology and Environmental Management (CIEEM), December 2017)

Bat Surveys for Professional Ecologists: Good Practice Guidelines (Bat Conservation Trust (3rd Edition), 2016)

Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services (DEFRA, August 2011)

Ref. No. LR7.2:

Ecological Surveys for Developments with the Potential to Affect Designated Sites or Priority Habitats

Types of Application that Require this Information:

All applications which have the potential to affect:

1. DESIGNATED SITES including:

- Internationally designated sites;
- Nationally designated sites;
- Regionally and locally designated sites.

2. PRIORITY HABITATS (Habitats of Principal Importance for Biodiversity under S.41 of the **Natural Environment and Rural Communities (NERC) Act 2006**).

A full survey and assessment may not be required where the applicant has received pre-application advice from Natural England (International and National Sites), or from the Local Planning Authority's ecologist, and/or the local Wildlife Trust (Regional and Local Sites and Priority Habitats) confirming in writing that they are satisfied the proposed development will not affect any designated sites or any other priority habitats or listed features.

Driver:

1. APP Form

DDWLP Policies W5: Identified interests of environmental importance and W6: Pollution and related nuisances.

DDMLP Policies MP1: The environmental Impact of development, MP4: Interests of acknowledged environmental importance and MP6: Nature conservation mitigation measures.

Government Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (Ministry of Housing, Communities and Local Government (MHCLG), August 2005)

The Conservation of Habitats and Species Regulations 2017

Wildlife and Countryside Act 1981 as amended

What Information is Required?

An Ecological/Geological Survey and Assessment for the relevant feature affected.

An ecological/geological survey and assessment or Ecological Impact Assessment (EcIA) may form part of a wider Environmental Impact Assessment.

The survey should be undertaken in accordance with the criteria outlined in LR7 above.

The survey must be to an appropriate level of scope and detail and should:

- Record which habitats and features are present on and, where appropriate, around the site;
- Identify the extent/area/length present;
- Map their distribution on site and/or in the surrounding area shown on an appropriate scale plan.

The assessment should identify and describe potential impacts, both direct and indirect, likely to harm the designated sites, priority habitats, other listed biodiversity features or geological features. Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

Proposals are to be encouraged that will enhance, restore or add to designated sites, priority habitats, or other biodiversity features. The assessment should give an indication of likely change in the area (hectares) of habitat resource on the site after development.

If a European site may be affected (Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar site), the submitted documents must contain sufficient information to inform a Habitats Regulation Assessment (HRA) to be completed in accordance with Part 6 Regulation 63(1) of The Conservation of Habitats and Species Regulations 2017. In addition, in accordance with Part 6 Regulation 63(2), the applicant is required to provide sufficient information to enable the County Planning Authority to complete its assessment. It is therefore advised that applicants submit their own HRA.

Further Guidance

The Conservation of Habitats and Species Regulations 2017

Guidelines for Preliminary Ecological Appraisal (Second Edition) (Chartered Institute of Ecology and Environmental Management (CIEEM), December 2017)

Guidelines for Ecological Impact Assessment in the UK and Ireland (CIEEM, 2018)

BS42020:2013 British Standard for Biodiversity – Code of practice for planning and development (BSI, August 2013)

Natural England Standing Advice on Species Protection www.gov.uk/guidance/protected-species-how-to-review-planning-applications

Natural England Discretionary Advice Service

Derbyshire County Council Record Office www.derbyshire.gov.uk/leisure/record-office/derbyshire-record-office.aspx

Existing environmental information may be available from:

Local Geoconservation Groups (also known as RIGS (Regionally Important Geological and Geomorphological Sites) Groups
www.geoconservationuk.org.uk

Local Wildlife Trusts www.wildlifetrusts.org/

Ref. No. LR7.3:

Assessment of Sites or Features of Geological Interest

Types of Application that Require this Information:

Applications which have the potential to affect designated sites of geological interest, or recognised or potential geological assets including:

DESIGNATED SITES including:

- Internationally and national designated sites of geological interest (geological SSSIs);
- Regionally and locally designated sites – Regionally Important Geological Sites (RIGS)/Local Geological Sites or Local Nature Reserves designated for geodiversity interest.

OTHER GEOLOGICAL CONSERVATION FEATURES

(including sites falling within the categories identified in the Earth Science Conservation Classification):

- Exposure or Extensive Sites
- Integrity Sites
- Finite Sites

A full survey and assessment may not be required where the applicant has received pre-application advice from Natural England (International and National Sites), or appropriate local geological experts such as the Local RIGS Group (Regional and Local Sites) confirming in writing that they are satisfied the proposed development will not affect any designated sites.

Driver:

1APP Form

DDWLP Policies W5: Identified interests of environmental importance and W6: Pollution and related nuisances.

DDMLP Policies MP1: The environmental Impact of development, MP4: Interests of acknowledged environmental importance

What Information is Required?

A Geological Survey and Assessment for the relevant feature affected.

A geological survey and assessment may form part of a wider Environmental Impact Assessment.

The survey should be undertaken in accordance with the criteria outlined in LR7 above.

The survey must be to an appropriate level of scope and detail and should:

- Record which features are present on and, where appropriate, around the site;
- Identify the extent/area/length present;
- Map their distribution on site and/or in the surrounding area shown on an appropriate scale plan.

The assessment should identify and describe potential impacts, both direct and indirect, likely to harm the designated sites or geological features. Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

Proposals are to be encouraged that will conserve or enhance the geological resource including access to and interpretation of where appropriate. The assessment should give an indication of likely change in the geological resource after development.

Further Guidance

Earth Science Conservation Classification (ESCC)

Existing geological interest information may be available from:

Local Geoconservation Groups (also known as RIGS (Regionally Important Geological and Geomorphological Sites) Groups
www.geoconservationuk.org.uk

Ref. No. LR8:

Landscape and Visual Impact Assessment

Types of Application that Require this Information:

The majority of developments involving surface mineral extraction and related structures, waste disposal developments, the construction of large buildings and structures and remediation schemes and applications that could adversely affect heritage assets.

Any development proposal which has potential to adversely impact on the character and appearance of the surrounding landscape, having regard to public viewpoints and the sensitivity of the landscape.

Driver:

APP Form

NPPF Chapter 15: Conserving and enhancing the natural environment
Paragraph 170a

DDWLP Policies W5: Identified interests of environmental importance and W7: Landscape and other visual impacts

DDMLP Policies MP1: The environmental Impact of development, MP4: Interests of acknowledged environmental importance

What Information is Required?

A landscape and visual assessment of the existing site and surrounding area identifying the landscape character and type and the visual receptors.

An assessment of the effect and impact of the development on these aspects and the residual impact, taking into account any proposed landscaping or screening features.

An indicative landscaping plan clearly indicating existing vegetation including trees, hedgerows and shrubs to be removed and those to be retained. It may be necessary to provide full details of the proposed landscaping scheme at the time of submission (species to be planted, numbers, spacing, size, seeding mix etc.), although in appropriate cases these details could be required under the terms of a condition of a planning permission.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

The Landscape Character of Derbyshire (4th Edition) (Derbyshire County Council, December 2013)

Guidelines for Landscape and Visual Impact Assessment (3rd Edition) (Landscape Institute, 2013)

Landscape Institute Advice Note 01/11: Photography and Photomontage in Landscape and Visual Impact Assessment
Landscape Institute, March 2011)

GOV.UK Natural Environment (landscape pages) (MHCLG, January 2016) www.gov.uk/guidance/natural-environment
National Character Area Profiles (Natural England, September 2014)

Ref. No. LR9: **Landscaping Scheme**

Types of Application that Require this Information:

All proposals where new or replacement landscaping is proposed as part of the development.

Note - this requirement is focused on those proposals where the form of landscaping is an integral part of the information required to determine an application. In other cases it may be possible to defer landscaping schemes to post-determination by condition.

Driver:
DMPO

NPPF Chapter 15: Conserving and enhancing the natural environment
Paragraph 170a

DDWLP Policy W7: Landscape and other visual impacts

DDMLP Policies MP1: The environmental Impact of development, MP4: Interests of acknowledged environmental importance

What Information is Required?

Details should include a plan detailing the location and type of vegetation to be either removed or retained, the location of any new soft or hard landscaping and opportunities for biodiversity enhancement that are proposed as part of the development. In addition, a statement should be provided which identifies the species, numbers and sizes of all new planting, including details of any seeding mixes, as well as details for the long-term maintenance and after-care period (5 years generally but up to 10 years for mineral developments).

If not essential for the assessment of the proposed development, the proposed landscaping could be shown as an indicative Master Plan with details to be agreed in future under the requirements of a planning condition. Applicants are advised to agree this with the planning authority prior to submission.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

The Landscape Character of Derbyshire (4th Edition) (Derbyshire County Council, December 2013)

Ref. No. LR10:

Green Infrastructure Provision

Types of Application that Require this Information:

Green infrastructure is a strategically planned and delivered network comprising the broadest range of high quality green spaces and other environmental features and covers a range of assets and spaces that provide environmental and wider benefits. This can include playing fields, municipal parks, allotments, private gardens, woodland, green roofs, tree-lined streets, swales (sustainable drainage ponds planted with reeds), canals and natural watercourses. Planning applications that involve the provision of these should provide information on their design and management as a multifunctional resource capable of delivering those ecological services and quality of life benefits required by the communities they serve, and needed to underpin sustainability. Planning applications that involve the loss of green infrastructure should provide justification for this and details of mitigation and compensation measures.

Driver:

Derbyshire Local Transport Plan 2011 - 2026 (LTP3) (Derbyshire County Council, April 2011)

Chapter 8: Guiding delivery – next steps: improving local accessibility and achieving healthier travel habits

Pages 44 – 45

Appendix A4: Greenway strategies page A81

What Information is Required?

The design and management of green infrastructure should respect and enhance the character and distinctiveness of an area with regard to habitats and landscape types. Detailed designs should be provided including details of construction and future maintenance.

Where a proposal results in the loss of green infrastructure, a justification for this and details of alternative facilities to compensate for this loss should be provided.

Further Guidance

Green Infrastructure Guidance NE176 (Natural England, January 2009)

www.gov.uk/guidance/natural-environment#green-infrastructure

Accessible Natural Green Space Standards in Towns and Cities: A Review and Toolkit for Their Implementation (ENRR526)
(Natural England, 2003)

Ref. No. LR11:

Hydrology/ Hydrogeology Statement

Types of Application that Require this Information:

All developments which involve disturbance to the ground that could affect the water table and the movement of water under and around the site or involves the use of materials and processes that could result in pollution of the water environment.

Driver:

NPPF Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Paragraphs 148 – 169

DDWLP Policies W4: Precautionary principle, W5: Identified interests of environmental importance and W6: Pollution and related nuisances.

DDMLP Policies MP1: The environmental Impact of development, MP4: Interests of acknowledged environmental importance

What Information is Required?

An assessment of the water environment around the site and the impact that the development could have on both the movement of water and its quality. The statement should include details of the mitigation measures proposed to prevent pollution and avoid affecting the riparian rights of others in the area.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Ref. No. LR12:

Contaminated Land Assessment

Types of Application that Require this Information:

All applications for development where contaminated land or buildings/structures are known or suspected to exist.

Driver:

NPPF Chapter 15: Conserving and enhancing the natural environment
Paragraphs 178 – 183

What Information is Required?

If there is a reason to believe contamination could be an issue, developers should provide proportionate but sufficient site investigation information (a risk assessment) to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the 'receptors') so that these risks can be assessed and satisfactorily reduced to an acceptable level.

The risk assessment should also identify the potential sources, pathways and receptors ('pollutant linkages') and evaluate the risks. This information will enable the local planning authority to determine whether further/more detailed investigation is required, or whether any proposed mitigation or remediation is satisfactory.

Planning applications involving any works to school buildings known, or suspected, to contain asbestos should be indicated as such in the planning application and should include, as a minimum, a desk top study. If the desk top study identifies that further investigation is critical to the determination of an application (i.e. could not be the subject of a planning condition) a site investigation will be required to validate the planning application.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

GOV.UK Land contamination technical guidance www.gov.uk/government/collections/land-contamination-technical-guidance

BS10175+A2:2017 Investigation of Potentially Contaminated Sites – Code of Practice (BSI, March 2011)

Asbestos: The Survey Guide HSG264 (2nd Edition) (Health and Safety Executive, 2012)

Managing Asbestos in Buildings INDG223 (Revision 5) (Health and Safety Executive, 2012)

Managing and Working with Asbestos – Control of Asbestos Regulations 2012 Approved Code of Practice L143 (2nd Edition) (Health and Safety Executive, 2013)

Ref. No. LR13:

Transport Assessment or Statement

Types of Application that Require this Information:

All proposals which would generate significant amounts of new or additional traffic or include the provision of a new or amended site access.

The form and detail required will depend on the significance of the transport implications.

In determining whether a Transport Assessment (TA) or Transport Statement (TS) will be needed for a proposed development, the following will be taken into consideration:

- the TA/TS policies (if any) of the Local Plan;
- the scale of the proposed development and its potential for additional trip generation (smaller applications with limited impacts may not need a TA/TS);
- existing intensity of transport use and the availability of public transport;
- proximity to nearby environmental designations or sensitive areas;
- impact on other priorities/ strategies (such as promoting walking and cycling);
- the cumulative impacts of multiple developments within a particular area; and
- whether there are particular types of impacts around which to focus the Transport Assessment or Statement (e.g. assessing traffic generated at peak times).

A TA/TS may still be required for smaller developments i.e. extensions to schools where the location is sensitive i.e. where there is the potential for increased conflicts between motorised and non-motorised users. Children, elderly people and people with disabilities are vulnerable road users.

Driver:

NPPF Chapter 9: Promoting sustainable transport
Paragraph 111

DDWLP Policies W2: Transport principles and W8: Impact of the transport of waste

DDMLP Policy MP5: Transport

What Information is Required?

The scope and level of detail in a Transport Assessment (TA) or Transport Statement (TS) will vary from site to site. The coverage and detail of the TA/TS should reflect the scale of the development and the extent of the traffic implications. Information should include all existing and proposed vehicular and pedestrian movements to and from the application site and vehicle manoeuvring, parking, loading and servicing areas should be delineated. Where relevant, particularly with proposals for schools, details of existing and proposed employee numbers and details of both vehicle and cycle parking spaces should be provided.

The information provided should identify the extent of the transport implications of the proposed development in order to determine the suitability of it for the standard of the highway network in the area. A sustainable approach to transport should be considered for all proposed development and an assessment of accessibility by non-vehicle modes should be considered.

A TA/TS should illustrate the likely modal split of journeys to and from the site. It should identify any proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking required by the development, and to mitigate transport impacts. A Travel Plan should be included in a Transport Assessment (see LR14 for more details).

A Transport Statement should identify the transport issues arising from a proposed development. It should include details of previous, present and proposed vehicle movements, including the size and type of vehicles, means of access, hours of operation and parking provision.

Further Guidance

Derbyshire Local Transport Plan 2011 - 2026 (LTP3) (Derbyshire County Council, April 2011)

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Guidelines for the Environmental Assessment of Road Traffic, (Institute of Environmental Management and Assessment (IEMA), 2004)

Transport Evidence Bases in Plan Making and Decision Taking (MHCLG, March 2015)

The Environmental Noise (England) Regulations 2006

Ref. No. LR14:

Travel Plan

Types of Application that Require this Information:

All applications which are accompanied by a **Transport Assessment/** Transport Statement (**TA/TS**) (see LR13 above).

Any proposal which would generate significant new travel movements in or near to Air Quality Management Areas, or is proposed in other locations where there are opportunities to promote the use of public transport, walking and cycling.

Any proposal at a County Council establishment that would affect the provisions of an existing Travel Plan.

A Travel Plan will be required for all planning applications for significant extensions to or new schools. The Travel Plan should consider access for vehicles and pedestrians, staff parking, parking provision for visitors and parking, manoeuvring and unloading space for service vehicles.

Driver:

NPPF Chapter 9: Promoting sustainable transport
Paragraph 111

Derbyshire Local Transport Plan 2011 - 2026 (LTP3) (Derbyshire County Council, April 2011)
Chapter 8: Guiding delivery – next steps: improving local accessibility and achieving healthier travel habits
Pages 44 - 55

What Information is Required?

A Travel Plan should identify the specific required outcomes, targets and measures, and set out clear future monitoring, management arrangements and a timetable all of which should be proportionate. It should also consider what additional measures may be required to offset unacceptable impacts if the targets should not be met.

A Travel Plan should set explicit outcomes rather than just identify processes to be followed (such as encouraging active travel or supporting the use of low emission vehicles). It should address all journeys resulting from a proposed development by anyone who may need to visit or stay and they should seek to fit in with wider strategies for transport in the area.

A Travel Plan is a long-term management strategy that seeks to deliver sustainable transport objectives and would normally be prepared in tandem with a TA/TS. A Travel Plan can form part of a TA/TS.

Further Guidance

Derbyshire Local Transport Plan 2011 - 2026 (LTP3) (Derbyshire County Council, April 2011)

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Department for Transport (DfT) Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development (DfT, September 2013)

Ref. No. LR15:
Parking Provision

Types of Application that Require this Information:

All proposals requiring the provision of new and additional parking facilities or ones which would result in the loss of existing parking provision.

Driver:

NPPF Chapter 9: Promoting sustainable transport
Paragraphs 105 – 107

What Information is Required?

An assessment of the parking requirements of the proposal and how that provision would be accommodated. The statement should, where necessary, provide details of the existing parking provision and how the requirements of the new development relate to it.

Further Guidance

Relevant Borough/ District Council Local Plan parking standards

Delivering Streets and Places (6C's Design Guide Management Board, 2017)

Ref. No. LR16:

Public Rights of Way (Footpaths, Bridleways and Byways)

Types of Application that Require this Information:

All proposals requiring any diversions/extinguishments and/or creation of rights of way. Any development which would require the temporary closure of routes for health and safety reasons during development.

Driver:

1APP Form

NPPF Chapter 8: Promoting healthy and safe communities
Paragraph 98

The Town and Country Planning Act 1990 Section 257 – 259

Road Traffic Regulation Act 1984

What Information is Required?

All public rights of way crossing or adjoining the proposed development site should be marked on a plan accompanying the application. The information supplied should make clear how the potential development will impinge on any rights of way.

Note - The granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to permanently divert or stop up the definitive line of a public right of way to allow development to take place, a diversion order will be required. Please contact the Public Rights of Way section for more information on this or temporary closures.

Further Guidance

www.derbyshire.gov.uk/leisure/countryside/access/right-of-way/right-of-way.aspx

Derbyshire County Council Public Rights of Way Team contact email address: ETEPROW@derbyshire.gov.uk

Ref. No. LR17:

Noise Assessment

Types of Application that Require this Information:

All developments which generate noise to a level that could potentially create a nuisance to neighbours. This would include all surface mineral extraction and associated developments of ancillary plant and recycling operations, waste management developments and school/college proposals where community use outside normal school hours is proposed.

Driver:

NPPF

Chapter 15: Conserving and enhancing the natural environment

Paragraph 180a)

Chapter 17: Facilitating the sustainable use of minerals

Paragraphs 204g) - 205c)

National Planning Policy for Waste (NPPW)

DDWLP Policy W6: Pollution and Related Nuisances

DDMLP Policy MP1: The Environmental Impact of Mineral Development

What Information is Required?

A Noise Assessment should be prepared by a suitably qualified acoustician. The assessment should identify the potential impact (if any) of noise generated by the development on the surrounding area. It should describe the existing noise levels in the area, noise sources arising from the development and the level of noise likely to be generated. It should identify noise sensitive receptors in the area and include mitigation measures to prevent or minimise the effects of noise. It should also describe the regime to be established to monitor and record the actual noise generated during the construction, use and operation of the proposed development.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Noise Policy Statement for England (DEFRA, March 2010)

BS7445-1:2003 Description and Measurement of Environmental Noise – Guide to quantities and procedures

BS7445-2:1991

Description and Measurement of Environmental Noise – Guide to the acquisition of data pertinent to land use

BS7445-3:1991

Description and Measurement of Environmental Noise – Guide to application to noise limits

BS4142:2014 Methods for rating and assessing industrial and commercial sound.

BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites

ETSU-R-97 The Assessment and Rating of Noise from Wind Farms (Noise Working Group/ DTI, September 1996)

A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise, Institute of Acoustics, May 2013)

Ref. No. LR18:
Dust Assessment

Types of Application that Require this Information:

All developments that could generate the release of dust particles with the potential to impact on neighbouring properties. This category is focused on surface mineral extraction and waste management developments but also includes developments where construction works could give rise to dust emissions although the subsequent use or operation may not.

Driver:

NPPF Chapter 17: Facilitating the sustainable use of minerals
Paragraph 205c)

NPPW

DDWLP Policy W6: Pollution and Related Nuisances

DDMLP Policy MP1: The Environmental Impact of Mineral Development

What Information is Required?

A dust assessment study should be undertaken by a qualified specialist and should include:

- Page 160
- Establish baseline conditions of existing dust climate around the site of the proposed operations;
 - Identify site activities that could lead to dust emission without mitigation;
 - Identify site parameters which may increase potential impacts from dust;
 - Recommend mitigation measures, including modification of site design;
 - Make proposals to monitor and report dust emissions to ensure compliance with appropriate environmental standards and to enable an effective response to complaints.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Guidance on the Assessment of Mineral Dust Impacts for Planning Version 1.1 (Institute of Air Quality Management (IAQM), May 2016)

Ref. No. LR19:

Air Quality Assessment and Emissions

Types of Application that Require this Information:

Geographic location(s) - Countywide but focusing on those Air Quality Management Areas (AQMA) identified by the district councils in Derbyshire.

All proposals inside or adjacent to a designated AQMA where the development itself could result in the designation of an AQMA, or where the development would conflict with the aims and objectives of the AQMA.

All developments which involve processes or activities that would result in the release of emissions to air of substances or particles that would be potentially damaging to human health and the environment, or that would give rise to a **received** risk to human life.

Driver:

NPPF

Chapter 15: Conserving and enhancing the natural environment

Paragraph 181

Chapter 17: Facilitating the sustainable use of minerals

Paragraph 205c)

NPPW

DDWLP Policy W6: Pollution and Related Nuisances

DDMLP Policy MP1: The Environmental Impact of Mineral Development

What Information is Required?

Proposals that impact on air quality or are potential pollutants should include an air quality assessment (AQA) identifying the air quality of the area, the scale and nature of emissions from the proposal, the potential impact on people and the environment in the area and the proposed measures to prevent or minimise those impacts.

The AQA must focus on the issues specific to the proposal i.e. dust, odour, traffic pollution, bio-aerosols and other pollutants. The AQA must include a description of base line conditions, likely impact of the development proposed, any modelling or assessment undertaken to determine impact and details of mitigation and management as a minimum.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

The Air Quality Standards (Amendment) Regulations 2016

Air Quality Management Areas <https://uk-air.defra.gov.uk/aqma/>

Air Pollution Information System www.apis.ac.uk

Ref. No. LR20:

Odour Assessment

Types of Application that Require this Information:

All applications for new or extended facilities for the disposal of waste, for composting operations, anaerobic digestion and mechanical biological treatment facilities, outdoor storage and processing of waste materials, and for site remediation schemes that involve the movement and processing of odour emitting substances.

Driver:

NPPW

DDWLP Policy W6: Pollution and Related Nuisances

What Information is Required?

A site specific Odour Impact Assessment and/or Management Plan should demonstrate that the odours released by the development can be adequately controlled so as not to give rise to adverse impacts on the amenity of the environment and neighbouring properties.

It should identify the sources of potential odour emissions and sensitive receptors in the area. It should also include details of any measures and practices to be adopted to minimise and mitigate odour emissions. It is advisable to include the details of the monitoring regime that would be adopted.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

www.gov.uk/guidance/control-and-monitor-emissions-for-your-environmental-permit

[Guidance on the Assessment of Odour for Planning Version 1.1 \(IAQM, July 2018\)](#)

Ref. No. LR21:

Bioaerosol Assessment

Types of Application that Require this Information:

All applications for new or extended facilities for the composting and anaerobic digestion of biodegradable waste materials.

Waste and waste management operations provide environments that are conducive to the release of bioaerosols into the air.

Driver:

NPPW

DDWLP Policy W6: Pollution and Related Nuisances

What Information is Required?

This issue is closely related to the considerations relevant to the release of odours (see above) and the assessment and provision of information could be combined in appropriate cases. The assessment should identify the potential for the generation and release of odours from the development, the area that could be affected by bioaerosols, the potential impacts in that catchment area and the mitigation measures to prevent or minimise those impacts.

Further Guidance

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Technical Guidance Note (Monitoring) M9: Environmental Monitoring of Bioaerosols at Regulated Facilities (Environment Agency, July 2018)

Bioaerosol Monitoring at Regulated Facilities – Use of M9:RPS209 (Environment Agency, January 2018)

VR1121: Bioaerosols and Odour Emissions from Composting Facilities (DEFRA, August 2013)

Bioaerosol emissions from waste composting and the potential for workers' exposure (Health and Safety Executive, 2010)

Ref. No. LR22:

Heritage Impact Assessment

Types of Application that Require this Information:

All applications for development that would directly affect designated and non-designated heritage assets or affect the setting of such assets, or has the potential to impact on features of archaeological interest.

Heritage assets include World Heritage Sites (Derwent Valley Mills World Heritage Site), Scheduled Ancient Monuments, Listed Buildings and Conservation Areas as examples.

The following are examples of developments when a Heritage Impact Assessment would be required:

- Applications affecting a Conservation Area or the setting of a Listed Building or a world heritage site;

- Mineral workings;
- Other developments involving excavations and disturbance to the ground in areas of potential Archaeological interest.

Note - this is not meant to be a comprehensive list of all such assets. The list is too exhaustive and is a representative guide only. Confirmation of the need for inclusion in a Heritage Statement can be established in pre-application discussion.

Driver:

NPPF Chapter 16: Conserving and enhancing the historic environment
Paragraphs 184 - 202

DDMLP

Policy MP4: Interests of Acknowledged Environmental Importance

DDWLP Policy W5: Identified Interests of Environmental Importance

World Heritage Convention 1972

Planning (Listed Buildings and Conservation Areas) Act 1990

What Information is Required?

A Heritage Impact Assessment (HIA) should describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The HIA should include an assessment of the impact of the proposal on the heritage asset and the justification for it as well as any measures to minimise those impacts.

The applicant should consult the Derbyshire Historic Environment Record (HER), and the impact of that information and advice should be recorded in the HIA. The applicant should refer to [the listing description for a Listed Building or structure \(see the Historic England Listing Search\)](#).

Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, an appropriate desk-based assessment should be submitted. Where necessary, a field evaluation (field walking, trial trenching, boreholes and geophysical surveys) should be carried out. The results should be incorporated into the assessment and should inform proposals by the applicant for researching, recording or preserving the heritage feature to be disturbed.

For all applications in the Derwent Valley Mills World Heritage Site the HIA should demonstrate how the development would conserve or enhance the Outstanding Universal Value (OUV) of the area.

Further Guidance

<https://historicengland.org.uk/listing/the-list/>

Planning Practice Guidance website www.gov.uk/government/collections/planning-practice-guidance

Derbyshire County Council Records Office www.derbyshire.gov.uk/leisure/record-office/records/guide/record-office-guide.aspx

Derbyshire County Council Conservation and Design Team
www.derbyshire.gov.uk/environment/conservation/conservation.aspx

Derbyshire Heritage Mapping Portal Guide www.derbyshire.gov.uk/leisure/record-office/records/historic-maps.aspx

Mineral Extraction and Archaeology (Historic England Advice Note 13, January 2020)

Statements of Heritage Significance: Analysing Significance in Heritage Assets (Historic England Advice Note 12, October 2019)

Derwent Valley Mills World Heritage Site Management Plan [2020-2025](#)

The Setting of Heritage Assets (2nd Edition) (Historic England Advice in Planning Note 3, December 2017)

Conservation Principles: Policies and Guidance (English Heritage, April 2008)

Ref. No. LR23:
Lighting Assessment

Types of Application that Require this Information:

All proposals where external lighting is included in the development. This includes external lighting at mineral and waste management facilities and at county council establishments (e.g. schools, particularly if involving floodlighting).

Driver:

NPPF Chapter 15: Conserving and enhancing the natural environment
Paragraph 180c)

DDWLP Policy W6: Pollution and Related Nuisances

DDMLP Policy MP1: The Environmental Impact of Mineral Development

What Information is Required?

Details of the location of any proposed external lighting and the type of lighting, including details of the height above ground and the power rating of the lighting. The statement should include the proposed hours of use of the lighting (including the means of control over the hours of illumination), and should be accompanied by drawings to demonstrate the spread of the light and the means of ensuring that the light does not extend beyond the site to the detriment of the amenity of neighbouring properties.

The assessment of potential impact should include the impact on any sensitive biodiversity feature where relevant and protected species such as bats.

The potential impact upon Listed Buildings or Conservation Areas including their setting is a consideration to be included in a lighting assessment.

Further Guidance

Planning Practice Guidance website: www.gov.uk/government/collections/planning-practice-guidance
www.gov.uk/guidance/light-pollution

Chartered Institution of Building Services Engineers (CIBSE) Lighting Guides website:
<https://cibse.org/knowledge/guides,-tms,-ams-and-more/sll-lighting-publications>

Institution of Lighting Professionals website: www.theilp.org.uk

PLG04 Guidance on Undertaking Environmental Lighting Impact Assessments (Institution of Lighting Professionals, 2013)

Ref. No. LR24:

Waste Management Statement

Types of Application that Require this Information:

All development involving ground excavations to enable the development to proceed (e.g. excavations for foundations). This requirement does not normally apply to mineral developments.

Driver:

NPPW

What Information is Required?

An estimate of the amount and type of waste or excess material generated by the ground works and a statement to establish how the material is to be disposed of or used within the overall development.

Further Guidance

Ref. No. LR25:

Recreation/ Open Space Statement

Types of Application that Require this Information:

Countywide - mainly focused in town and villages.

All applications involving the loss, or provision of, open space, sports and recreation facilities (including school playing fields)/green infrastructure. This mainly affects developments by the County Council at existing school sites or for the provision of new facilities.

Driver:

NPPF Chapter 8: Promoting healthy and safe communities
Paragraphs 96 – 101

What Information is Required?

Government policy seeks to protect and enhance the range of recreation/sports facilities that are available which involves both the protection of existing facilities and those spaces allocated or identified as suitable for new facilities. The assessment should provide: details of the facility to be lost in terms of use, size and condition; an assessment of the facilities to be retained against the current standards; justification as to why the facility is no longer required. If the development involves the provision of alternative facilities to compensate for this loss, details of the replacement facility should be provided, including details of construction and future maintenance (where appropriate, e.g. football pitches).

Planning applications for County Council school development which involve the loss of or impact upon school playing field provision should include information on existing and proposed summer and winter sports pitch layouts, together with a justification as to why the proposed development and location is required.

Further Guidance

Planning for Sport Guidance (Sport England, June 2019)

Playing Fields Policy and Guidance (Sport England, March 2018)

Assessing Needs and Opportunities Guide for Indoor and Outdoor Sports Facilities (July 2014)

Accessible Natural Green Space Standards in Towns and Cities: A Review and Toolkit for Their Implementation (ENRR526) (Natural England, 2003)

Ref. No. LR26:
Community Use Statement

Types of Application that Require this Information:

All proposals that involve making facilities available for use by the community outside the normal hours of operation of the site. This mainly affects schools where buildings and sports facilities are to be made available for community use.

Driver:

NPPF Chapter 8: Promoting healthy and safe communities
Paragraph 92(a)

What Information is Required?

An application should be accompanied by a Community Use Management Statement which details the facilities to be made available, the uses that would be allowed, the hours of use available and how the site is to be managed at times outside the normal hours of operation of the facility. This should include details of the parking facilities that would be made available and the identification of a contact point for the local community.

Further Guidance

Schools for the Future: Designing Schools for Extended Services (Department for Education and Skills, 2006)

Sport England Advice on Community Use Agreements www.sportengland.org

Ref. No. LR27:

Draft Planning Obligation

Types of Application that Require this Information:

All applications where pre-application discussions have highlighted the possible need for a legal agreement or where the applicant knows the development would affect third party owners of land.

Driver:

NPPF Chapter 4: Decision-making
Paragraphs 54 – 56

What Information is Required?

A draft of a legal agreement containing the heads of terms explaining what the applicant is offering.

Further Guidance

Planning Practice Guidance website: www.gov.uk/government/collections/planning-practice-guidance

Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019

Ref. No. LR28:

Ground Stability Report/ Mining Risk Assessment

Types of Application that Require this Information:

Sites which fall within the Coal Authority defined High Risk Development Area (but recommended for all sites within former coalfield areas).

All applications involving built development or disturbance to the ground in the defined Development High Risk Area in former coal mining areas of the county, or where the condition of the ground could affect the form of the development.

Driver:

NPPF Chapter 15: Conserving and enhancing the natural environment
Paragraphs 178 -179

What Information is Required?

A report to assess the history of coal mining legacy in the area and how it could affect the proposed development. It should include recommendations to address the potential risks posed to the development by past mining activity.

Further Guidance

www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments

Guidance for developers – Risk based approach to development management (Version 4) (The Coal Authority, 2017)

Ref. No. LR29:

Soil Assessment

Types of Application that Require this Information:

All applications that involve significant development on agricultural land, where significant quantities of soil are required to be removed and/or a significant area of agricultural land would be lost as a result of the development.

Driver:

NPPF Chapter 15: Conserving and enhancing the natural environment
Paragraph 170a)

DDWLP

Policy W5: Identified Interests of Environmental Importance

Policy W9: Protection of Other Interests

DDMLP

Policy MP1: The Environmental Impact of Mineral Development

Policy MP4: Interests of Acknowledged Environmental Importance

Policy MP10: Reclamation and After-Use

What Information is Required?

The soil assessment should include the following:

- An assessment as to the degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved;
- Soil surveys on best and most versatile land agricultural land of Grades 1, 2 or 3a. Where the land grade is not known surveys will be required to establish the quality of the soil resource to be affected by the development;
- The agricultural land classification and soil survey should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres);
- Details of how any adverse impacts on soils can be minimised.

Further Guidance

Technical Information Note TIN049: Agricultural Land Classification: Protecting the Best and Most Versatile Agricultural Land (Second Edition) (Natural England, December 2012)

Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (DEFRA, 2009)

Good Practice Guide for Handling Soils (DEFRA, 2000)

Guidance for Successful Reclamation of Mineral and Waste Sites (DEFRA, 2004)

Planning and Aftercare Advice for Reclaiming Land to Agricultural Use (Natural England, January 2018)

Ref. No. LR30:

Economic Statement

Types of Application that Require this Information:

All applications which are aimed at regeneration, create new employment uses or result in the loss of existing employment uses, or change the use of a site or building which is allocated for employment in the Development Plan.

Driver:

NPPF Chapter 6: Building a strong, competitive economy
Paragraphs 80 -81

What Information is Required?

A report setting out the regeneration benefits of the proposed development, details of any new jobs that might be created or supported, the relative floorspace totals for each proposed use (where known), any community benefits referenced to any relevant community strategy, Parish/community plan or study, and reference to any regeneration strategies that might lie behind or be supported by the proposal.

Applications involving the loss of land or buildings last used for employment purposes should set out the following, where applicable:

- Evidence that the site has been marketed;
- Evidence of why the site is no longer capable of offering accommodation for employment uses;
- Evidence of why the use of the site for employment purposes raises unacceptable environmental problems;
- A statement explaining why the proposed alternative use offers greater potential benefits to the community, and explaining why the site is not required to meet economic development or local employment needs.

Further Guidance

Planning Practice Guidance website: www.gov.uk/government/collections/planning-practice-guidance

Ref. No. LR31:

Climate Change/ Energy Statement/ Renewable Energy/ Sustainability Statement

Types of Application that Require this Information:

All major County Council development applications.

All mineral and waste developments for new sites and extensions to existing sites.

Driver:

NPPF Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Paragraph 149 – 154

Climate Change Act 2008 (2050 Target Amendment) Order 2019

What Information is Required?

Statements should include a sustainability appraisal outlining the elements of the proposal that address sustainable development issues including adaptation to, and mitigation of the impacts of climate change. This could include the choice of building design and facilities aimed at reducing energy needs, water consumption and the overall carbon footprint.

Statements should demonstrate how sustainable design and construction have been addressed, including reducing energy consumption and carbon emissions, minimising waste and increasing recycling, conserving water resources, incorporating green infrastructure and sustainable drainage (SUDS), minimising pollution, maximising the use of sustainable materials and adaptation to and mitigation of climate change.

Details of how the development has sought to achieve standards of design that meet 'outstanding' or 'very good' or 'excellent' **Building Research Establishment Environmental Assessment Method (BREEAM)** standards or any other recognised standard that has been agreed with the County Planning Authority as an appropriate measure during the pre-application stage.

For Minerals and Waste proposals: Demonstration of the consideration of design standards, use of sustainable materials, water efficient design and sustainable transport of minerals and waste.

Further Guidance

Planning Practice Guidance website: www.gov.uk/government/collections/planning-practice-guidance

BREEAM www.breeam.com

Solar Parks: Maximising Environmental Benefits (TIN101) (Natural England, 2011)

Bats and Onshore Wind Turbines (interim Guidance) (TIN051) (Natural England, 2012)

Bats and Single large Wind Turbines: Joint Agencies Interim Guidance (TIN059) (Natural England, 2009)

Assessing the Effects of Onshore Wind Farms on Birds (TIN069) (Natural England, 2010)

Ref. No. LR32:

Health Impact Assessment/ Planning and Health

Types of Application that Require this Information:

Proposed developments with the potential for impact on human health.

Driver:

NPPF Chapter 8: Promoting healthy and safe communities

Paragraphs 91 – 92

Derbyshire County Council Strategic Statement: Planning and Health Across Derbyshire and Derby City (Derbyshire County Council, January 2016)

Our Lives, Our Health: Derbyshire Health and Wellbeing Strategy 2018-2023 (Derbyshire County Council, 2018)

What Information is Required?

The assessment should:

- Identify the potential health consequences of the proposed development on various population groups;
- Demonstrate whether and to what extent, the development would have an impact (both positive and negative) on local residents and future site users.

Submitted supporting information should confirm that reference to the Derbyshire Health and Wellbeing Strategy 2018-2023 has been made and appropriate mitigation measures are proposed.

Further Guidance

Planning Practice Guidance website: www.gov.uk/government/collections/planning-practice-guidance

Health Impact Assessment: Evidence on Health (Department of Health, July 2010)

Our Lives, Our Health: Derbyshire Health and Wellbeing Strategy 2018-2023 (Derbyshire County Council, 2018)

Ref. No. LR33:

Cumulative Impact Assessment

Types of Application that Require this Information:

Planning applications are considered on their own merits, however, there are occasions when other existing or approved development may be relevant in determining whether significant cumulative effects are likely as a consequence of a proposed development. The County Council as Planning Authority has a duty to have regard to the possible cumulative effects arising from any existing or proposed development.

Cumulative impacts, i.e. on health, living conditions, the natural environment, are the combined effects of a number of individual impacts which in aggregate are greater than the sum of those individual impacts.

Applications for minerals and waste development are particularly relevant.

Mineral developments can involve extensive areas of land and can include major new buildings, structures for processing, large-scale disturbance of land and a range of associated operations. These have the scope for generating adverse impacts on the environment, on wildlife, local communities and surrounding areas i.e. dust, noise and heavy vehicle movements. Waste developments can be a source of significant adverse impacts on a locality i.e. odours, fly infestation, dust and heavy vehicle movements.

Driver:

NPPF Chapter 15: Conserving and enhancing the natural environment
Paragraph 180 and 181

NPPW Paragraph 5: Identifying suitable sites and areas

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019)

What Information is Required?

An evaluation of the combined effects of a proposal and the impacts of other developments taking place in a location at the same time on the natural and built environment, health, residential amenity, living conditions, sensitive sites in the vicinity, heritage assets and vehicle movements.

Further Guidance

Planning Practice Guidance website: www.gov.uk/government/collections/planning-practice-guidance

Ref. No. LR34:

Environmental Statement

Types of Application that Require this Information:

An Environmental Statement will be required if your proposal is likely to have significant effects on the environment and meets the thresholds/ criteria set out in The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations).

Driver:

Planning Practice Guidance website: www.gov.uk/government/collections/planning-practice-guidance

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

What Information is Required?

The EIA Regulations require a developer to prepare an Environmental Statement for all Schedule 1 projects and some Schedule 2 projects.

A 'screening opinion' can be obtained from the County Council as to whether the proposed development falls within the scope of the EIA Regulations. A checklist of matters to be included in an Environmental Statement is provided in the EIA Regulations and the applicant is required to describe the likely significant effects of a development on the environment and to set out the proposed mitigation measures.

Other existing or approved development in the vicinity of the site the subject of a screening opinion may be relevant when determining whether significant effects are likely. Regard should be had to the possible cumulative effects created from any existing or approved development.

The applicant can request a 'scoping opinion' as to the key environmental issues the Environmental Statement should cover.

Environmental Statements should be prepared by a competent expert and be accompanied by a statement detailing the qualifications of relevant professionals in their field.

Further Guidance

Planning Practice Guidance website: www.gov.uk/government/collections/planning-practice-guidance

www.gov.uk/guidance/environmental-impact-assessment

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Ref. No. LR35:

Validation Checklist

Types of Application that Require this Information:

All applications submitted to Derbyshire County Council.

Driver:

What Information is Required?

A completed checklist relevant to the type of application being submitted.

Further Guidance

Acronyms Use in the Local List

1APP is the acronym for the standard planning application form introduced by the Government

AQA	Air Quality Assessment
AQMA	Air Quality Management Area
BNG	Biodiversity Net Gain
BREEAM	Building Research Establishment Environmental Assessment Method
BS	British Standard
BSI	British Standards Institute
CIBSE	Chartered Institute of Building Service Engineers
CIEEM	Chartered Institute of Ecology and Environmental Management
DAS	Design and Access Statement
DDMLP	Derby and Derbyshire Minerals Local Plan
DDWLP	Derby and Derbyshire Waste Local Plan
DEFRA	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
DMPO	The Town and Country Planning (Development Management Procedure) (England) Order 2015
DTI	Department of Trade and Industry
EcIA	Ecological Impact Assessment
EIA	Environmental Impact Assessment (from the Town and Country Planning (Environmental Impact Assessment) Regulations 2017)
ESCC	Earth Science Conservation Classification

ETSU	Energy Technology Support Unit
FRA	Flood Risk Assessment
HER	Historic Environment Record
HIA	Heritage Impact Assessment
HRA	Habitats Regulation Assessment
HSE	Health and Safety Executive
IAQM	Institute of Air Quality Management
IEEM	Institute of Ecology and Environmental Management
IEMA	Institute of Environmental Management and Assessment
MHCLG	Ministry of Housing, Communities and Local Government
NERC	Natural Environment and Rural Communities
NPPF	National Planning Policy Framework
NPPW	National Planning Policy for Waste
OUV	Outstanding Universal Value
PPG	Planning Practice Guidance
RIGS	Regionally Important Geological/ Geomorphological Site
SAC	Special Area of Conservation
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest

SuDS	Sustainable Drainage Systems
TA	Transport Assessment
TPO	Tree Preservation Order
TS	Transport Statement

**Validation Checklist Form A:
Applications for Outline/Full Planning Permission**

This form should be completed and submitted in support of all planning applications made to Derbyshire County Council which seek outline or full planning permission.

Provision of all the National List Requirements is compulsory for all applications. It may not be necessary to provide information for all the Local List Requirements in support of every planning application. Guidance on the circumstances when information is required and what information should be provided is available in the Local List of Information Requirements which can be viewed on the County Council website.

Failure to provide all the National List Requirements and the relevant Local List Requirements will result in the application being invalid and the application may be returned to you.

LOCATION OF PROPOSED DEVELOPMENT	
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NATIONAL LIST REQUIREMENTS:

All the following national requirements are required in support of the application

Item No.	Item	Tick	Where the information can be found in the application documents
NR1	Completed Application Form		
NR2	Location Plan		

NR3	Ownership Certificates and Notices		
NR4	Application Fee		
NR5	Design and Access Statement (where applicable)		

LOCAL LIST REQUIREMENTS:

The following Local List requirements should be provided where the application meets the location and other circumstances identified in the Local List

Item No.	Item – The information requirements for this type of application may include:	Tick	Where the information can be found in the application documents
LR1.1	Site/ Block Plans		
LR1.2	Elevation Plans (Existing and Proposed)		
LR1.3	Floor Plans (Existing and Proposed)		
LR1.4	Cross-Sections and Ground Level Plans		
LR1.5	Photographs and Photomontages		
LR2	Planning/ Supporting Statement		
LR3	Statement of Community Involvement/Pre-Application		

	Engagement		
LR4	Flood Risk Assessment		
LR5	Foul and Surface Water Drainage Details		
LR6	Tree or Arboricultural Statement		
LR7	Ecology/Nature Conservation Statement		
LR7.1	Protected and Notable Species Surveys		
LR7.2	Ecological Surveys for Developments with the Potential to Affect Designated Sites or Priority Habitats		
LR7.3	Assessment of Sites or Features of Geological Interest		
LR8	Landscape and Visual Impact Assessment		
LR9	Landscaping Scheme		
LR10	Green Infrastructure Provision		
LR11	Hydrology/Hydrogeology Statement		
LR12	Contaminated Land Assessment		
LR13	Transport Assessment or		

	Statement		
LR14	Travel Plan		
LR15	Parking Provision		
LR16	Public Rights of Way (Footpaths, Bridleways and Byways)		
LR17	Noise Assessment		
LR18	Dust Assessment		
LR19	Air Quality Assessment and Emissions		
LR20	Odour Assessment		
LR21	Bioaerosol Assessment		
LR22	Heritage Impact Assessment		
LR23	Lighting Assessment		
LR24	Waste Management Statement		
LR25	Recreation/ Open Space Statement		
LR26	Community Use Statement		
LR27	Draft Planning Obligation		
LR28	Ground Stability Report/Mining Risk Assessment		
LR29	Soil Assessment		
LR30	Economic Statement		
LR31	Climate Change/Energy Statement/Renewable		

	Energy/Sustainability Statement		
LR32	Health Impact Assessment/ Planning and Health		
LR33	Cumulative Impact Assessment		
LR34	Environmental Statement		
LR35	Validation Checklist		

Validation Checklist Form B:**Applications for the removal or variation of conditions following the grant of planning permission (Section 73 and 73 A of the Town and Country Planning Act 1990)**

This form should be completed and submitted in support of all planning applications made to Derbyshire County Council for the removal or variation of conditions attached to an existing planning permission.

Sufficient information should be provided to enable the County Council to identify the previous planning permission and the condition or conditions which the applicant is seeking to remove or vary. The application should state the proposed revised condition and provide clear reasons why it is considered to be more appropriate to the development. The full version of the Local List of Information Requirements can be viewed on the County Council website. It contains guidance on the circumstances where each Local List Requirement is relevant for an application and on the information that is required.

Failure to provide all the information listed, both the National List Requirements and the relevant Local List Requirements, will result in the application being invalid and the application may be returned to you.

LOCATION OF PROPOSED DEVELOPMENT	
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NATIONAL LIST REQUIREMENTS:

All the following national requirements are required in support of the application.

Item No.	Item	Tick	Where the information can be found in the application documents
NR1	Completed Application Form		

NR2	Ownership Certificates and Notices		
NR3	Application Fee		
NR4	Design and Access Statement (where applicable)		

LOCAL LIST REQUIREMENTS:

The following Local List requirements should be provided where the application meets the location and other circumstances identified in the Local List

Item No.	Item – The information requirements for this type of application may include:	Tick	Where the information can be found in the application documents
LR1.1	Site/ Block Plans		
LR1.2	Elevation Plans (Existing and Proposed)		
LR1.3	Floor Plans (Existing and Proposed)		
LR1.4	Cross-Sections and Ground Level Plans		
LR1.5	Photographs and Photomontages		
LR2	Planning/ Supporting Statement		
LR3	Statement of Community Involvement/Pre-Application Engagement		

LR4	Flood Risk Assessment		
LR5	Foul and Surface Water Drainage Details		
LR6	Tree or Arboricultural Statement		
LR7	Ecology/Nature Conservation Statement		
LR7.1	Protected and Notable Species Surveys		
LR7.2	Ecological Surveys for Developments with the Potential to Affect Designated Sites or Priority Habitats		
LR7.3	Assessment of Sites or Features of Geological Interest		
LR8	Landscape and Visual Impact Assessment		
LR9	Landscaping Scheme		
LR10	Green Infrastructure Provision		
LR11	Hydrology/Hydrogeology Statement		
LR12	Contaminated Land Assessment		
LR13	Transport Assessment or Statement		
LR14	Travel Plan		

LR15	Parking Provision		
LR16	Public Rights of Way (Footpaths, Bridleways and Byways)		
LR17	Noise Assessment		
LR18	Dust Assessment		
LR19	Air Quality Assessment and Emissions		
LR20	Odour Assessment		
LR21	Bioaerosol Assessment		
LR22	Heritage Impact Assessment		
LR23	Lighting Assessment		
LR24	Waste Management Statement		
LR25	Recreation/ Open Space/ Statement		
LR26	Community Use Statement		
LR27	Draft Planning Obligation		
LR28	Ground Stability Report/Mining Risk Assessment		
LR29	Soil Assessment		
LR30	Economic Statement		
LR31	Climate Change/Energy Statement/Renewable Energy/Sustainability Statement		

LR32	Health Impact Assessment/ Planning and Health		
LR33	Cumulative Impact Assessment		
LR34	Environmental Statement		
LR35	Validation Checklist		

Validation Checklist Form C: Applications for the approval of reserved matters

This form should be completed and submitted in support of all planning applications made to Derbyshire County Council which seek the approval of reserved matters in an outline planning permission. The matters which can be reserved in outline planning applications for post permission approval are appearance, means of access, landscaping, layout and scale.

It may not be necessary to provide information for all the Local List Requirements listed below in support of every reserved matter application. Guidance on the circumstances where information is required and what information should be provided is available in the Local List of Information Requirements which can be viewed on the County Council website.

Failure to provide all the information listed, both the National List Requirements and the relevant Local List Requirements, will result in the application being invalid and the application may be returned to you

LOCATION OF PROPOSED DEVELOPMENT	
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NATIONAL LIST REQUIREMENTS:

All the following national requirements are required in support of the application

Item No.	Item	Tick	Where the information can be found in the application documents
NR1	Completed Application Form		
NR2	Ownership Certificates and Notices		

NR3	Application Fee		
NR4	Design and Access Statement (where applicable)		

LOCAL LIST REQUIREMENTS:

The following Local List requirements should be provided where the application meets the location and other circumstances identified in the Local List

Item No.	Item – The information requirements for this type of application may include:	Tick	Where the information can be found in the application documents
LR1.1	Site/ Block Plans		
LR1.2	Elevation Plans (Existing and Proposed)		
LR1.3	Floor Plans (Existing and Proposed)		
LR1.4	Cross-Sections and Ground Level Plans		
LR1.5	Photographs and Photomontages		
LR2	Planning/ Supporting Statement		
LR3	Statement of Community Involvement/Pre-Application Engagement		
LR4	Flood Risk Assessment		
LR5	Foul and Surface Water		

	Drainage Details		
LR6	Tree or Arboricultural Statement		
LR7	Ecology/Nature Conservation Statement		
LR7.1	Protected and Notable Species Surveys		
LR7.2	Ecological Surveys for Developments with the Potential to Affect Designated Sites or Priority Habitats		
LR7.3	Assessment of Sites or Features of Geological Interest		
LR8	Landscape and Visual Impact Assessment		
LR9	Landscaping Scheme		
LR10	Green Infrastructure Provision		
LR11	Hydrology/Hydrogeology Statement		
LR12	Contaminated Land Assessment		
LR13	Transport Assessment or Statement		
LR14	Travel Plan		
LR15	Parking Provision		

LR16	Public Rights of Way (Footpaths, Bridleways and Byways)		
LR17	Noise Assessment		
LR18	Dust Assessment		
LR19	Air Quality Assessment and Emissions		
LR20	Odour Assessment		
LR21	Bioaerosol Assessment		
LR22	Heritage Impact Assessment		
LR23	Lighting Assessment		
LR24	Waste Management Statement		
LR25	Recreation/ Open Space/ Statement		
LR26	Community Use Statement		
LR27	Draft Planning Obligation		
LR28	Ground Stability Report/Mining Risk Assessment		
LR29	Soil Assessment		
LR30	Economic Statement		
LR31	Climate Change/Energy Statement/Renewable Energy/Sustainability Statement		
LR32	Health Impact Assessment/ Planning and Health		

LR33	Cumulative Impact Assessment		
LR34	Environmental Statement		
LR35	Validation Checklist		

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

12 April 2021

Report of the Director – Economy, Transport and Environment

Item for the Committee's Information

6 CURRENT ENFORCEMENT ACTION

Site	Breach	Action Taken	Comment
Lindrick, Mansfield Road, Corbriggs (formerly MXG)	Unauthorised storage and processing of inert waste.	Enforcement Notice issued 27 June 2013, requiring removal of all waste material before 1 August 2014. A Notice of Relaxation of Enforcement Notice was issued on 23 March 2015. This extended the period of compliance for the processing and removal of waste to 31 January 2016, and the seeding of the exposed perimeter banks to 31 July 2016. Planning Contravention Notice issued 1 November 2016 (response received). Breach of Condition Notice (Mud on Road) issued 19 December 2016. Notice of Relaxation of Enforcement Notice issued on 10 July 2017 extended the period of compliance to 31 December 2017.	Site inactive.
Stancliffe Quarry 3.696R	Condition 43 relating to stability of land adjacent to quarry face. Non-compliance	Breach of Condition Notice served October 2013 requiring submission of a relevant scheme by end of January 2014 (extended date). Temporary Stop Notice issued 17 February 2017.	Site inactive. Two planning applications relating to the site under consideration CM3/0918/48 and CM3/0918/49).

	<p>relating to requirement to provide appropriate remediation scheme.</p> <p>February 2017 Breach involving the removal of stone via unauthorised access, creation of access track and damage to trees covered by Tree Preservation Order.</p>	Interim Injunction Order granted 31 March 2017.	
Land west of Park Farm, Woodland Road, Stanton	Without planning permission, the change of use of the land from an agricultural use to a use comprising agriculture and the importation and storage of waste material.	Enforcement Notice issued 14 December 2018	<p>Date notice takes effect – 21 January 2019.</p> <p>Ongoing monitoring of notice requirements.</p>
Land at Park Hills Farm, Mugginton Lane End, Weston Underwood	Without planning permission, the deposit of waste materials onto land.	<p>Temporary Stop Notice issued 29 May 2019.</p> <p>Enforcement Notice issued 3 February 2020.</p>	Ongoing monitoring/review. Enforcement notice took effect 4 March 2020.
Land at Lady Lea Road, Horsley	Importation and deposit of material onto land.	<p>Planning Contravention Notice issued 28 October 2019.</p> <p>Temporary Stop Notice issued 29 May 2020.</p> <p>Enforcement Notice issued 16 July 2020 – Notice takes effect on 19 August 2020 unless an appeal is lodged before the effective date.</p>	Appeal against enforcement notice lodged with Planning Inspectorate. Appeal start date - 8 September 2020.

Land at Barden Farm/Hirst Farm, Smalley	Importation and deposit of waste material; treatment and processing of waste material; formation of an excavation and deposit of waste material within the excavation.	Planning Contravention Notice issued 4 August 2020 – Response received 11 September 2021.	Planning Contravention Notice issued in consultation with Amber Valley Borough Council
Land at Coombes Lane Works, Chisworth	Importation and storage of excavated waste material.	Planning Contravention Notice issued 12 March 2021. Response received 17 March 2021.	Planning Contravention Notice issued in consultation with High Peak Borough Council

Tim Gregory
Director – Economy, Transport and Environment

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PLANNING SERVICES

Outstanding Items

Date: 29/03/21

EIA applications outstanding more than 16 weeks

MAJOR applications outstanding more than 13 weeks

MINOR applications outstanding more than 8 weeks

APP CODE	PROPOSAL	LOCATION	STATUS	WEEKS
EIA (8)				
CM3/0817/40	Development of a lateral extension to the south west of the existing permitted operations to provide the winning and working of minerals, associated ancillary operations and amended restoration scheme through landfill at Slinter Top Quarry, Cromford.	Slinter Top Quarry, Cromford, Matlock, DE4 3QS	Report being prepared	190
CM3/0906/91	Section 73 application for the amendment of condition 17 of planning permission WED/1284/836	Middleton Mine, Middleton by Wirksworth	Further Information Awaited	759
CM6/1110/112	Recovery of 400,000 tonnes of coal using surface mining and the development of two flood alluviation areas along the Bottle Brook at George Farm Reclamation Site, Denby.	George Farm, Denby, Derbyshire, DE5 8PP	Approved Pending Legal Agreement	530
CM9/0620/19	Extension to Willington Quarry to extract 1.1 million tonnes of sand and gravel with restoration to wetland and grassland	Willington Quarry, Castleway Lane, Egginton, DE65 6BW	Further Information Awaited	42
CM9/0816/46	Application under Section 73 to vary condition specifically to commencing extraction in the Western Extension prior to completing restoration of Phases 8/9 of Planning Permission CM9/0211/163 and allowing increased stocking of waste materials in the landfill transfer station	Shardlow Quarry, Acre Lane, Shardlow, DE72 2SP	Discussions with Applicant Pending	164
CD9/0319/110	Demolition of Ashlea Farm and related buildings off Deep Dale Lane and the development of a new all movement junction on the A50 and connecting link road to Infinity Park Way, with associated works including: street lighting	Land between Deep Dale Lane and Infinity Park Way, Sinfin, Derby	Recommended for Approval	100
CM9/0620/20	Section 73 planning application to vary conditions 2, 3, 51 & 52 of permission CM9/0715/63 in order to extend the duration of permission and enable the processing of mineral extraction from the Trent South Extension and minor amendments to the approved restoration scheme.	Willington Quarry, Castleway Lane, Egginton, DE65 6BW	Further Information Awaited	42
CW2/1020/38	Application to not comply with conditions (1,2,17,19) of planning permission CW2/1007/155 and proposed variation of those conditions to complete infilling operation by 31 May 2035 and all restoration to be completed within a further 2 years.	Viridor Waste Management Ltd, Erin Landfill Site, Markham Lane, Duckmanton, Derbyshire, S44 5HS	Application Pending a Decision	19
MAJOR (6)				
CM5/0818/42	Reclamation, cut of and fill site, of the former Whitwell Colliery site to facilitate mixed use redevelopment of the site together with landscaping, ecology and drainage.	Former Whitwell Colliery, Station Road, Whitwell, S80 4TS	Approved Pending Legal Agreement	124
CM1/1017/57	S73 Application to vary condition 16 of permission R1/0498/5, to regularise the extraction limit so that it conforms the 1947 limit, not the 1951 limit.	Dowlow Quarry, Sterndale Moor, Buxton, SK17 9QF	Report being prepared	177
CM3/0918/48	Amendment to condition 7, 10 & 11 of determined conditions approval R3/0699/17 (LET 7276). Relating to quarry permit 1390/9/2 (7 March 1952)	Stancliffe Quarry, Dale Road North, Matlock	Held in Abeyance	119

CM3/0918/49	Formation of new access and road to existing quarry	Stancliffe Quarry, Dale Road North, Darley Dale, DE4 2GY	Held in Abeyance	119
CW9/1119/61	Under Section 73 of the Town and Country Planning Act 1990 to not comply with Condition 2 of planning permission CW9/0816/45 in order to remove the 10 year time limit set out in the condition and to make this permission compatible with the existing planning permission CW9/1018/63 at Cadley Hill Park, Burton Road, Swadlincote.	Willshee's Skip Hire Ltd, Cadley Hill Park, Burton Road, Swadlincote, DE11 9GE	Report being prepared	69
CW8/0818/45	Section 73 application seeking permission to amend condition 24 of planning permission CW8/0811/61 to extend the hours of working on the established Ward Waste Recycling Facility on land at the Quarry Hill Industrial Estate, Hallam Fields Road, Ilkeston, Derbyshire	Donald Ward Limited, Quarry Hill Industrial Estate, Ilkeston, DE7 4AZ	Approved Pending Issue of Decision	133

Agenda Item No. 3.8

**DERBYSHIRE COUNTY COUNCIL
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8 CURRENT APPEALS/CALLED IN APPLICATIONS

The following appeal has been lodged with the Planning Inspectorate.

Appeal Reference APP/U1050/C/20/3257919

Land at Lady Lea Road, Horsley, Ilkeston

Appeal against Enforcement Notice Issues on 16 July 2020

Appeal Start Date – 8 September 2020

Decision pending

**Tim Gregory
Director – Economy, Transport and Environment**

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Agenda Item No. 3.9

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

12 April 2021

Report of the Director – Economy, Transport and Environment

Item for the Committee's Information

**9 MATTERS DETERMINED BY THE DIRECTOR – ECONOMY,
TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS**

Date	Reports
10/02/2021	Applicant: Mr Neil Adams, Riverside Works Planning Application Code No: CW2/1020/35 Change of Use from and Industrial Process E(G) to an Asbestos Waste Transfer Station (Sui-Generis) Comprising of a Fenced Compound where a Container (Enclosed, Lockable Asbestos Skip) will be sited on an Impermeable Concrete Base at Riverside Works, Storforth Lane, Chesterfield
10/02/2021	Delegation Decisions on Schemes Required by Planning Conditions: CD9/0520/8 Roundabout, Occupation Lane, Woodville: SD3505: Materials Management Plan SD3506: Written Archaeological Works
18/02/2021	Applicant: LHoist Submission No: PD17/5/80 Request for the Council's Prior Approval for the Erection of a Solid Recovered Fuel Silo at Whitwell Quarry, Southfield Lane, Whitwell
01/03/2021	Applicant: Ben Bennett Jnr Ltd Submission No: PD17/3/81 Request for the Council's Prior Approval for Replacement Portacabins at Grange Mill Quarry, Wirksworth
04/03/2021	Applicant: Derbyshire County Council Planning Application Code No: CD8/1220/45 Change of Use from First Floor Library to Registration Service and Ceremony Room, Ancillary Joint Office Use and Staff Workplace Facilities in Basement at Ilkeston Library, Market Place, Ilkeston
04/03/2021	Delegation Decisions on Schemes Required by Planning Conditions:

	CW5/1117/69 Oxcroft Disposal Point, Stanfree SW3523: Restoration and Aftercare Management Scheme
15/03/2021	Applicant: Breedon Southern Ltd Planning Application Code No: R1/1017/33 First Periodic Review of Mineral Planning Permission at a Mining Site under Schedule 14 of the Environment Act 1995: Application for Approval of New Conditions Relating to the Operation of the Existing permitted Quarry Development at Dowlow Quarry, Buxton
15/03/2021	Applicant: Derbyshire County Council Planning Application Code No: CD8/0121/47 Proposed Temporary Classroom Building, Brackenfield Special School, Long Eaton
15/03/2021	Delegation Decisions on Schemes Required by Planning Conditions: CD8/0920/33 Former Ormiston Enterprise Academy, Ilkeston SD3522: Submission of details of a Liaison Committee
17/03/2021	Applicant: Tarmac Cement and Lime Limited (Tarmac) Submission No: PD17/1/82 Request for the Council's Prior Approval for the Erection of a Chlorine Bypass and Increased Solid Recovered Fuel Storage and Feeding Capacity at the Existing Cement Plant at Tunstead Quarry, Waterswallows Road, Buxton
29/03/2021	Applicant: Derbyshire County Council Planning Application Code No: CD8/0221/48 Demolition of Existing Temporary Classroom Unit and Construction of New Extension to Form Additional Accommodation including Alterations to Existing Building, Brackenfield Special School, Bracken Road, Long Eaton
29/03/2021	Delegation Decisions on Schemes Required by Planning Conditions: R1/1197/11 R1/0913/27 ROMP Tunstead Quarry and Old Moor Quarry: SM3531: 2 Year Quarry Development Plan SM3545: 2 Year Quarry Development Plan SM3538: 2 Year Quarry Development Plan SM3532: Noise Management and Mitigation Protocol SM3546: Noise Management and Mitigation Protocol SM3539: Noise Management and Mitigation Protocol SM3533: Noise Monitoring Survey SM3547: Noise Monitoring Survey SM3540: Noise Monitoring Survey SM3534: Dust Monitoring SM3548: Dust Monitoring SM3541: Dust Monitoring SM3535: Groundwater Monitoring

	<p>SM3549: Groundwater Monitoring</p> <p>SM3542: Groundwater Monitoring</p> <p>SM3536: Groundwater Monitoring Report</p> <p>SM3550: Groundwater Monitoring Report</p> <p>SM3543: Groundwater Monitoring Report</p> <p>SM3537: Annual Plan of Rock Faces to be Disturbed</p> <p>SM3551: Annual Plan of Rock Faces to be Disturbed</p> <p>SM3544: Annual Plan of Rock Faces to be Disturbed</p> <p>R1/0697/7 ROMP Brierlow Quarry</p> <p>SM3524: Scheme of Working, Reclamation, Landscaping and Aftercare</p> <p>CD1/0420/5: Glossopdale School, Newshaw Lane, Hadfield, Glossop</p> <p>SD3530: Construction Management Plan and Construction Method Statement</p> <p>CD8/0920/33 Former Ormiston Enterprise Academy, Ilkeston</p> <p>SD3511: Source of Material</p> <p>SD3512: Method Statement</p> <p>SD3513: Suitable Methodology for Testing for Contamination</p> <p>SD3514: Construction and Environment Management Plan</p> <p>SD3515: Construction Management Plan</p> <p>SD3516: Arboricultural Method Statement</p> <p>SD3517: Intrusive Site Investigations</p> <p>SD3519: Surface Water Run-off Details</p> <p>SD3521: Assessment of Ground Conditions</p>
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Tim Gregory
Director – Economy, Transport and Environment

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PLANNING SERVICES DEVELOPMENT MANAGEMENT

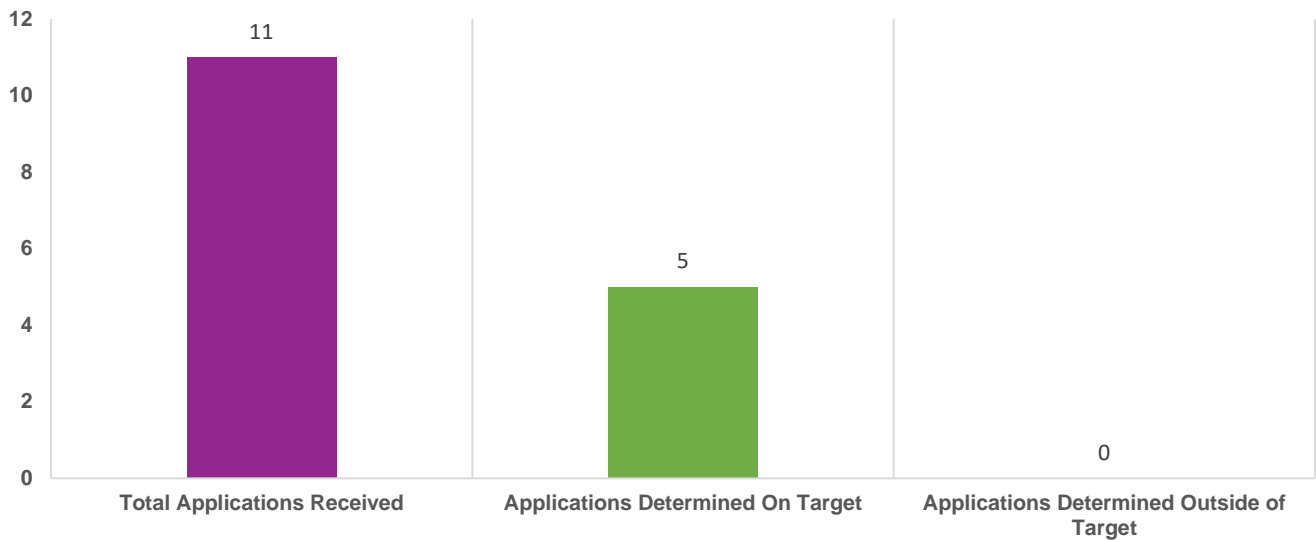
Quarterly Performance Statistics
01 October 2020 to 31 December 2020

APPLICATIONS OVERVIEW

EIA Applications: 1 - Major Applications: 4 - Minor Applications: 6

Total Applications Received	11
Applications Determined On Target	5
Applications Determined Outside of Target	0

TARGET RESULT **100.00%**



SUBMISSIONS OVERVIEW

Applications Received	26
Applications Determined On Target	14
Applications Determined Outside of Target	2

TARGET RESULT **85.71%**

