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PUBLIC

To: Members of Regulatory - Planning Committee

Thursday, 23 December 2021

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **10.00 am** on **Monday, 10 January 2022** in The Council Chamber, County Hall, Matlock, DE4 3AG, 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) s Apologies for Absence

To receive apologies for absence (if any)

1 (b) s Declarations of Interest

To receive declarations of interest (if any)

1 (c) s Declarations of Significant Lobbying

To receive declarations of significant lobbying (if any)

1 (d) s Petitions

To receive petitions (if any)

2. Minutes (Pages 1 - 6)

To confirm the non-exempt minutes of the meeting of the Regulatory – Planning Committee held on 6 September 2021

To consider the non - exempt reports of the Director of Legal and Democratic Services on :

3 (a) Review of prioritisation of applications to register land as a town or village green (Pages 7 - 12)

3 (b) Application to register land at Dale Crescent, The Dale, Hathersage as a Town or Village Green (VG 145) (Pages 13 - 32)

3 (c) Delegations of non-executive functions to Head of Planning Services (Pages 33 - 36)

To consider the non-exempt reports of the Executive Director - Place on:

4 (a) Removal of Three Existing Wooden Sheds and the Erection of a Garage for Storage at Ridgeway Primary School, Main Road, Ridgeway, S12 3XR
Applicant: Derbyshire County Council Code No: CD4/0521/6 (Pages 37 - 48)

4 (b) A "Local List" of Information Requirements for Planning Applications Submitted to Derbyshire County Council (Pages 49 - 158)

4 (c) Current Enforcement Action (Pages 159 - 162)

4 (d) Outstanding Application List (Pages 163 - 164)

4 (e) Current Appeals/Called in Applications (Pages 165 - 166)

4 (f) Matters Determined by the Executive Director - Economy, Transport and Environment under Delegated Powers (Pages 167 - 170)

4 (g) Department Management Performance Monitoring (Pages 171 - 172)

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Agenda Item 2

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 6 September 2021.

PRESENT

Councillor M Ford (in the Chair)

Councillors, R Ashton, A Griffiths, L Grooby, R Mihaly, D Murphy, P Niblock, R A Parkinson, and D Wilson

Apologies for absence were submitted on behalf of Councillor M Yates.

35/21 **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 21 June 2021 be confirmed as a correct record.

36/21 **MATTERS ARISING** Section 119 of the Highways Act 1980: Proposed Diversion of Public Footpath No 39 (Part) – Parish of Barlow. (Minute 28/21 refers) Councillor Mihaly asked whether clarification had yet been received that officers had been satisfied that the diversion would not impede accessibility over the footpath by people with disabilities. The Head of Planning Services had contacted colleagues in Rights of Way to provide an answer to this but to date an answer had not been received. A reminder would be sent with a view to a response being made available to the next meeting

37/21 **NEW SECURITY FENCING AROUND THE PERIMETER OF THE SCHOOL DETACHED PLAYING FIELD AT HASLAND JUNIOR SCHOOL, THE GREEN, HASLAND, CHESTERFIELD APPLICANT: DERBYSHIRE COUNTY COUNCIL. CODE NO: CD4/0521/5** An application had been received from Derbyshire County Council which sought planning permission for the erection of 380 linear metres of 2.4 metres high black security fencing and gates at the Hasland Junior School around a detached playing field.

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 a set of conditions, detailed in the Executive Director's report.

In conclusion the Team Leader Development Management commented that there was a clear need for the development at the school to improve the security of

the detached school playing field. The site was, however, located in the Green Belt and the proposed fence, as a structure, would affect its openness (albeit to a limited extent) and would therefore be inappropriate development within the Green Belt according to the NPPF and a departure from the current Local Plan Green Belt policy. She was, however, satisfied that the applicant had effectively demonstrated that very special circumstances existed, as was required for granting permission for such a type of development in accordance with the NPPF.

She did not consider that the proposed development would cause any other adverse impacts and was satisfied, therefore, that the proposal, would not conflict with the NPPF, or with the policies of the development plan other than as described in the report, in respect of policy GS2. The application was therefore recommended for approval, subject to the conditions set out in the report.

Members were given the opportunity to make comments and ask questions which were duly answered or noted by officers.

RESOLVED that planning permission be granted subject to the conditions listed in the Executive Director’s report.

38/21 **CURRENT ENFORCEMENT ACTION RESOLVED** to receive the report on current enforcement action.

39/21 **OUTSTANDING APPLICATION LIST RESOLVED** to receive the list on decisions outstanding on 24 August 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.

40/21 **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

41/21 **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 – Place under delegated powers on:

Date	Reports
11/06/2021	Applicant: Rainbow Waste Management Limited Planning Application Code No: CW9/1220/44

	The Consolidation of Existing Planning Permissions to Continue the Use and Operation of the Site as a Waste Recycling/Waste Transfer Facility; the Retrospective Regularisation of the Installation and Use of a Wood Fuelled Biomass Boiler and Alterations to the External Site Layout at the Existing Rainbow Waste Management Waste Recycling Facility
11/06/2021	<p>Delegation Decisions on Schemes Required by Planning Conditions:</p> <p>CHA/1156/23 Hindlow Quarry SM3561: Outdoor Lighting Scheme Amendment</p> <p>R1/0913/27 Tunstead Quarry SM3559: Archaeological Written Scheme of Investigation SM3555: Restoration and Aftercare Report</p> <p>R1/1197/11 Tunstead Quarry SM3560: Archaeological Written Scheme of Investigation SM3553: Restoration and Aftercare Report SM3557: Restoration and Aftercare Report</p>
17/06/2021	<p>Applicant: Derbyshire County Council Planning Application Code No: CD6/0221/51 Provision of New Single Classroom Block with Toilets using Modern Methods of Construction at Kilburn Junior School, The Flat, Kilburn, Belper DE56 0LA</p>
17/06/2021	<p>Delegation Decisions on Schemes Required by Planning Conditions:</p> <p>R1/1197/11 Tunstead Quarry SM3554: Annual Badger Survey SM3558: Annual Badger Survey</p> <p>R1/0913/27 Tunstead Quarry SM3556: Annual Badger Survey</p>
24/06/2021	<p>Applicant: Derbyshire County Council Planning Application Code No: CD6/0421/2 Erection of 2.4 Metres High x 3 Metres Wide Black Weldmesh Steel Fencing in Place of Existing Black Painted Steel Handrail, Adjacent to the North-Eastern Entrance to Parkwood Day Centre, Alfreton Park, Alfreton DE55 7AL</p>
01/07/2021	<p>Delegation Decisions on Schemes Required by Planning Conditions:</p> <p>R1/1197/11 Tunstead Quarry SM3562: Peregrine Falcon Survey SM3564: Peregrine Falcon Survey</p> <p>R1/0913/27 Tunstead Quarry SM3563: Peregrine Falcon Survey</p> <p>CW9/0420/7 Former Drakelow C Power Station SW3565: Submission of Study SW3566: Submission of Proposed External Finish Materials SW3567: Submission of Site Boundary Details</p>
07/07/2021	<p>Applicant: CEMEX UK Ltd Planning Application Code No: NMA/0621/76</p>

	Proposed Non-Material Amendment to Planning Permission CM9/1111/111 not to Comply with Conditions 17 (Restoration), 18, 19 and 20 (Landscaping) of the Scheme of Conditions for Planning Permission Code No REP/1166/18 at Stretton Land, Willington Quarry, Castleway Lane, Egginton
13/07/2021	Delegation Decisions on Schemes Required by Planning Conditions: CD1/0420/5 Glossopdale School SD3528: Surface Water Drainage System CD9/0520/8 Roundabout Spur, Occupation Lane, Woodville SD3467: Detailed Highways Design
22/07/2021	Applicant: Brackenfield Special School Planning Application Code No: CD8/0621/11 Proposed Temporary Classroom Unit, Brackenfield Special School, Bracken Road, Long Eaton, NG10 4DA
22/07/2021	Delegated Decisions on Schemes Required by Planning Conditions: CW9/0420/7 Former Drakelow C Power Station SW3568: Submission of External Lighting Schemes SW3570: Submission of Construction Layout Details.
29/07/2021	Delegated Decisions on Schemes Required by Planning Conditions: CD3/1219/65 Highfields School, Upper Lumsdale, Matlock SD3573: Parking Management Plan CW9/0420/7 Former Drakelow C Power Station SW3571: Remediation Strategy Verification Report.
06/08/2021	Applicant: Suez Recycling and Recovery UK Ltd Planning Application Code No: CW1/0521/4 Development of a Re-use Area at Waterswallows Household Waste Recycling Centre, Waterswallows Industrial Estate, Buxton
06/08/2021	Applicant: Cemex UK Operations Ltd Planning Application Code Nos: CM9/0620/19 and CM9/0620/20 Proposed Development at Willington Quarry, Castleway Lane, Egginton: 1) Extension to Willington Quarry to Extract 880,000 tonnes of Sand and Gravel with Restoration to Wetland and Grassland 2) Section 73 Application to not Comply with Conditions 2, 3, 51 and 52.
06/08/2021	Applicant: The Coal Authority Submission No: PD17/6/83 Request for Council's Prior Approval for the Erection on a Mine Gas Ventilation Stack, 8 Garnett Avenue, Heanor
06/08/2021	Delegated Decisions on Schemes Required by Planning Conditions: CD3/1219/65 Highfields School, Upper Lumsdale, Matlock SD3581: Travel Plan
10/08/2021	Applicant: Derbyshire County Council

	<p>Planning Application Code No: CD6/0621/10 Increase the Height of Existing Fencing Surrounding the MUGA from 3 Metres to 5 Metres at Swanwick School and Sports College, Hayes Lane, Swanwick</p>
18/08/2021	<p>Delegated Decisions on Schemes Required by Planning Conditions: CW9/0420/7 Former Drakelow C Power Station SW3569: Landscaping Scheme</p>

42/21 **DEPARTMENTAL MANAGEMENT PERFORMANCE MONITORING RESOLVED** to receive the Planning Services Development Management Performance Management Statistics for 1 April 2021 to 30 June 2021.

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

10 January 2022

**Report of the Director of Legal and Democratic Services
Review of prioritisation of applications to register land as a town or
village green**

1. Purpose

- 1.1 To inform the Committee of a change in case law affecting applications to register land as a town or village green (TVG) and consequential amendments to the scheme of prioritisation employed in relation to such applications.

2. Information and Analysis

- 2.1 Applications to register land as a town or village green (Applications) are dealt with in accordance with provisions of the Commons Registration Act 1965 or the Commons Act 2006, dependent upon the legislation in force at the date of receipt of the Application and also in accordance with the Growth and Infrastructure Act 2013.
- 2.2 In light of the recent Supreme Court judgment in Lancashire County Council v Secretary of State for the Environment, Food and Rural Affairs [2019] UKSC 58 (Lancashire), registration authorities should now consider, where land subject to a TVG Application is held by a public body for statutory purposes, whether registration as a TVG would be incompatible with the statutory purposes for which the land is held. Essentially the case law prevents the registration of land as TVG where it is shown that such registration would be incompatible with the statutory purposes for which land is held.

Priorities

2.3 It has been the County Council's practice to prioritise Applications in accordance with a scheme of priorities presented to the Regulatory Licensing and Appeals Committee on 9 September 2013 which updated the previous scheme authorised on 28 February 2005 in light of the Growth and Infrastructure Act 2013. This provided that the registration authority would prioritise Applications broadly as follows:

Priority 1 - where the Application Land becomes subject to planning permission, a development plan or neighbourhood development plan or some other trigger event specified in relation to section 15C of the Commons Act 2006 and it is known that the developer would be proceeding to undertake the development but for the Application;

Priority 2 – where the Application Land becomes subject to an application for planning permission or becomes subject to planning permission, a development plan or neighbourhood development plan, or some other trigger event specified in relation to section 15C of the Commons Act 2006 but the start of works is not imminent;

Priority 3 – where the status of the land needs to be determined to enable the provisions of a Local Plan to be finalised or the Application Land becomes subject to consultation on a development plan or neighbourhood development plan;

Priority 4 – where the land is akin to a “traditional village green” and there is unlikely to be any objection to the Application;

Priority 5 – other Applications, for example to protect land from future development.

2.4 The Council currently has several TVG Applications awaiting determination which under the current prioritisation scheme are considered low priority but where the land subject to the application is owned by a public body.

2.5 Due to the *Lancashire* judgment, and in particular the impact that statutory incompatibility may have on the determination of some TVG Applications, it is suggested it would be prudent to review all the Council's outstanding TVG Applications and where there is a potential statutory incompatibility, to determine those Applications ahead of other Applications allocated as Priority 2, 3, 4 and 5.

- 2.6 If Committee were minded to agree to the suggestion then the scheme would be amended by inserting the following priority 1B level to read as follows:

Priority 1 - where the Application Land becomes subject to planning permission, a development plan or neighbourhood development plan or some other trigger event specified in relation to section 15C of the Commons Act 2006 and it is known that the developer would be proceeding to undertake the development but for the Application;

Priority 1B – Applications where the subject land is owned by a public body and therefore statutory incompatibility may prevent the registration of land as a TVG

Priority 2 – where the Application Land becomes subject to an application for planning permission or becomes subject to planning permission, a development plan or neighbourhood development plan, or some other trigger event specified in relation to section 15C of the Commons Act 2006 but the start of works is not imminent;

Priority 3 – where the status of the land needs to be determined to enable the provisions of a Local Plan to be finalised or the Application Land becomes subject to consultation on a development plan or neighbourhood development plan;

Priority 4 – where the land is akin to a “traditional village green” and there is unlikely to be any objection to the Application;

Priority 5 – other Applications, for example to protect land from future development.

3. Consultation

- 3.1 No consultation is required

4. Alternative Options Considered

- 4.1 Do nothing. If the scheme of prioritisation is not revised then the Council, as Registration Authority, would be unable to expedite the determination of Applications where statutory incompatibility potentially precludes registration of the Application Land as a TVG and this option should therefore be rejected.

5. Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 None identified.

7. Appendices

7.1 Appendix 1- Implications.

8. Recommendation(s)

That Committee notes the report and approves the amendment to the current scheme of prioritisation proposed by the Director of Legal Services.

9. Reasons for Recommendation(s)

9.1 The above recommendation would allow the Council to determine TVG Applications that are potentially affected by the *Lancashire* decision regarding statutory incompatibility which would in turn help to reduce a substantial backlog in the determination of TVG Applications.

Report Author: Pete Shimwell

Contact details: pete.shimwell@derybshire.gov.uk

Appendix 1

Implications

Financial

1.1 All likely expenditure to be incurred will be met from the existing budget.

Legal

2.1 The Supreme Court judgment in Lancashire County Council v Secretary of State for the Environment, Food and Rural Affairs [2019] UKSC 58 held that the rights which TVG registration conferred on local residents to use the land for recreation in perpetuity were incompatible with the use of any of the land for education purposes, including for example construction of new school buildings or playing fields. It was not necessary for Lancashire County Council to show that the land was currently being used for such purposes, only that land is held for such statutory purposes (see Lancashire [para 65] which states It is not necessary for LCC to show that they are currently being used for such purposes, only that they are held for such statutory purposes (see Newhaven, para 96).). Similar points arose in relation to land owned by the NHS.

Human Resources

3.1 None associated with this report

Information Technology

4.1 None associated with this report

Equalities Impact

5.1 None associated with this report.

Corporate objectives and priorities for change

6.1 *None associated with this report.*

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 In preparing the Report the relevance of the following factors as far as they are not covered by the Report has been considered: social value, environmental, health, personal and property considerations, the prevention of crime and disorder, equality of opportunity.

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FOR PUBLICATION
DERBYSHIRE COUNTY COUNCIL
REGULATORY - PLANNING COMMITTEE

10 January 2021

Report of the Director of Legal and Democratic Services

**Application to register land at Dale Crescent, The Dale, Hathersage as a
Town or Village Green (VG145)**

1. Purpose

- 1.1 To ask the Committee to determine an application made under the Commons Act 2006 to register land known as Dale Crescent, The Dale, Hathersage as a town or village green.

2. Information and Analysis

- 2.1 The Regulatory, Licencing and Appeals Committee previously authorised the appointment of an independent Inspector to make recommendations to the Council as to the determination of this matter.
- 2.2 Miss Annabel Graham Paul of Counsel was appointed as Inspector on 11 February 2019 and a report was provided to the Council on 04 October 2019.
- 2.3 Miss Annabel Graham Paul's report to the Council is at Appendix 2 and sets out the evidence presented to her and her conclusions in relation to the application.
- 2.4 The application to register land at Dale Crescent was made by a local resident, Brian Griffiths and the relevant date of the application was 31 August 2016.
- 2.5 There were no objections received to the application.
- 2.6 The application was made pursuant to section 15 of the 2006 Act with the relevant 20-year period being from 24 August 1996 to 24 August 2016. The

Inspector writes at paragraph 8 of her report, “*The questions which then arise are:*

(1) *Has there been use of the application land for lawful sports and pastimes for at least twenty years up until 24 August 2016?*

(2) *If so, has such use been by a significant number of inhabitants of any neighbourhood within a locality?*

(3) *If the answer to (1) and (2) is ‘yes’, has that use been ‘as of right?’*”

2.7 The Inspector sets out the evidence presented on behalf of the Applicant from paragraph 13 concluding at paragraphs 18 and 19, “*that the written user evidence is... sufficient (alone) to demonstrate as a matter of impression that there has been a wide range of activities taking place on the land which would qualify as LSP (legal sports and pastimes) throughout the relevant period. In particular... annual community events and a significant amount of recreation in the form of children’s games. This is without taking into account that there must have been additional activities which others from the claimed neighbourhood have also carried out. These are exactly the types of activities which village greens are used for up and down the country and a conscientious landowner (if there had been one present) ought to have been aware that people were asserting a right to use the land as such*” and, “*I therefore consider that the Applicant has discharged the burden of proof in showing that the land has been used by a significant number of local inhabitants for lawful sports and pastimes throughout the relevant period*”.

2.8 At paragraph 20 the inspector considers whether the use of the Application Land had been ‘as of right’, i.e. without force, without secrecy and without permission and reaches the conclusion, in the absence of any objections to the application, that “*once ostensibly qualifying use has been made out by an applicant, the burden shifts to an objector to show that the use is not ‘as of right’. There are no objections to the application and therefore no basis for me to find that the use has been anything other than ‘as of right’*”.

2.9 From paragraph 21, the Inspector considers the question of neighbourhoods and localities noting that, “*although the area is small, this reflects the users of this relatively small piece of land. The Court of Appeal in R (Lancashire County Council v Secretary of State for Environment, Food and Rural Affairs [2018] EWCA Civ 721 stressed that the question of whether a ‘neighbourhood’ exists is not, in any sense, a scientific or technical issue and it is a matter of judgement which is essentially a matter of impression. The determining question, in a word, was “cohesiveness”*”, and concludes that, “*as a matter of impression, it would appear to me that the claimed neighbourhood has a sufficient degree of cohesiveness*” to be considered a neighbourhood for the sake of the application and that the Parish of Hathersage would be a qualifying ‘locality’.

2.10 The Inspector’s conclusion (from paragraph 24) is that:

“In light of the above, I consider that the applicant has proved on the balance of probabilities that all elements of the statutory test for registration of the land as a town or village green have been met and the application should succeed

in full. I therefore recommend that the registration authority register the land as a new town or village green”.

3. Consultation

- 3.1 Notice of the application was posted on site on 1st December 2016 and published in the Derbyshire Times dated 1st December 2016.
- 3.2 No objections were received to the application.

4. Alternative Options Considered

- 4.1 Committee rejects the Inspector’s recommendation in relation to VG145 and resolves not to register the land at Dale Crescent, The Dale, Hathersage as a Town or Village Green. This would be contrary to the recommendation of the Inspector who has considered all the evidence submitted in support of the application and concluded that it is sufficient to prove on the balance of probabilities that the statutory tests for registration have been met.
- 4.2 That Committee neither rejects or accepts the Inspector’s recommendation and resolves not to determine the application. To neither accept nor reject the inspector’s recommendation would leave the application undetermined.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 Application file VG145 held by the Director of Legal Services. Inspector’s Report dated 4 October 2019.

7. Appendices

- 7.1 Appendix 1 – Implications.
- 7.2 Appendix 2 – Miss Annabel Graham Paul’s report to the Council.
- 7.3 Appendix 3 – Plan showing the land subject to the TVG application.

8. Recommendation(s)

That Committee accepts the Inspector's recommendation in relation to VG145 and resolves to register the land at Dale Crescent, The Dale, Hathersage as a Town or Village Green.

9. Reasons for Recommendation(s)

- 9.1 For the reasons set out in the Independent Inspector's Report of 4 October 2019, that the legal test for registration as a town or village green has been met; that the land has been used by a significant number of inhabitants of a neighbourhood within a locality for lawful sports and pastimes for a period of 20 years and that use has been as of right.

Report Author: Pete Shimwell

Contact details: pete.shimwell@derybshire.gov.uk

Implications

Financial

1.1 The cost of determining this matter will be met from the existing budget.

Legal

2.1 Legal considerations are dealt with above and in the Inspectors report at Appendix 2.

Human Resources

3.1 None associated with this report

Information Technology

4.1 None associated with this report

Equalities Impact

5.1 None associated with this report.

Corporate objectives and priorities for change

6.1 *None associated with this report.*

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 In preparing the Report the relevance of the following factors as far as they are not covered by the Report has been considered: social value, environmental, health, personal and property considerations, the prevention of crime and disorder, equality of opportunity.

Inspector's Report dated 4 October 2019

In the matter of an application to register land at Dale Crescent Green as a town or village green

**INSPECTOR'S REPORT
FOR DERBYSHIRE COUNTY COUNCIL
4 October 2019**

Annabel Graham Paul

Francis Taylor Building
Inner Temple
EC4Y 7BY

Janie Berry
Director of Legal Services and Solicitor
Derbyshire County Council
County Hall
Matlock
Derbyshire
DE4 3AG

INTRODUCTION

1. I have been appointed as an independent Inspector by the registration authority, Derbyshire County Council, and asked to report with recommendations in respect of an application to register land at Dale Crescent Green, Hathersage as a new town or village green ('the application land').
2. The application was made by Brian Griffiths ('the applicant') on 24 August 2016 (validated on 31 August 2016) under s. 15(2) of the Commons Act 2006. It alleges that the application land has been used by a significant number of the inhabitants of an area coloured green on a plan attached to the application (being land at the Dale, Hathersage, Hope Valley) between 24 August 1996 and 24 August 2016 for lawful sports and pastimes as of right. The application was accompanied by a number of evidence questionnaires / statements and accompanying photographs from local residents attesting to their and others' use of the application land.
3. When I first considered this application in May 2019 I raised concern that the applicant had not properly identified a locality or neighbourhood within a locality where the users of the land come from. I felt that, in the interests of fairness, the applicant ought to be given the opportunity to put forward what he felt was the appropriate locality or neighbourhood within a locality. Given the lack of objections, I did not consider that any prejudice could arise were the applicant to choose to amend the application accordingly. I will now consider the application, as amended by the email from Brian Griffiths dated 3 July 2019, in the context of an alleged neighbourhood marked blue on the plan attached to that email within the claimed locality of the Parish of Hathersage.
4. The application states that residents have been unable to ascertain the ownership of the land from either the Land Registry or from the deeds of their houses. I note that Mr Prince's evidence questionnaire refers to a Mrs Hilda Spooner having owned the field upon which Dale Crescent was built and there is some reference to payment of £1 a year ground rent which then stopped. It does not appear, however, that Mrs Spooner is still alive and it is not known who the field passed to.

5. The application was publicised in the press and a request for information sent to Derbyshire County Council (as Minerals Planning Authority), Peak District National Park (as Local Planning Authority) and The Planning Inspectorate to establish whether any trigger or terminated events had occurred. No objections were received to the application. The application notes that the Council (presumably the County Council) employs a contractor from time to time to cut the grass on the application land; however, the Council does not assert that it is the owner of the land. The land is unfenced, although on its southern boundary it is bounded by a low stone wall.

Relevant Statutory Provisions

6. Section 15(1) of the Commons Act 2006 provides that any person may apply to the commons registration authority to register land to which this Part applies as a town or village green in a case where subsection (2), (3) or (4) applies. The relevant subsection in the context of this application is (2).
7. Section 15(2) applies where:
 - (i) A significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and
 - (ii) They continue to do so on the date of the application.

Relevant Questions

8. The questions which then arise are:
 - (1) Has there been use of the application land for lawful sports and pastimes for at least twenty years up until 24 August 2016?
 - (2) If so, has such use been by a significant number of inhabitants of any neighbourhood within a locality?
 - (3) If the answer to (1) and (2) is 'yes', has that use been 'as of right'?

Burden and Standard of Proof

9. I remind myself and the registration authority that the burden lies on the applicant to prove, on the balance of probabilities, that the statutory requirements are met and, as Lord Bingham said in R (Beresford) v Sunderland City Council [2004] 1 AC 889 at [3]:

“It is no trivial matter for a landowner to have land, whether in public or private ownership, registered as a town green ... It is accordingly necessary that all ingredients of this definition should be met before land is registered, and decision-makers must consider carefully whether the land in question has been used by the inhabitants of a locality for indulgence in what are properly to be regarded as lawful sports and pastimes and whether the temporal limit of 20 years’ indulgence or more is met”.

10. Thus, even if a case where there are no objections to the registration of the application land as a TVG, the applicant must still make out their case on the balance of probabilities that each element of the statutory test is met.
11. Having said that, there are certain matters which cannot properly be found absent evidence from an objector. In particular, the burden of proof of showing that qualifying use is either permissive, by force, or by stealth, would fall on an objector on the balance of probabilities (see R (Lewis) v Redcar and Cleveland BC (No 2) [2010] 2 AC 70 at [67] and R (Mann) v Somerset County Council [2017] 4 WLR 170 at [61]) and thus some positive case would need to be made in order to find that use which is ostensibly ‘as of right’ is vitiated by one of these three circumstances.

Issues

12. In light of the above, I consider that the following issues arise in determining the application:

- (i) Has there been qualifying use by a ‘significant number’ of the identified neighbourhood in the Parish of Hathersage between August 1996 and August 2016?
- (ii) If so, is there any reason why that use has not been ‘as of right’?
- (iii) Is the area shown green on the plan accompanying the email from Brian Griffiths dated 3 July 2019 a qualifying neighbourhood and is the locality of the Parish of Hathersage a qualifying locality?

THE EVIDENCE PRESENTED

13. Notwithstanding that there is no objection to there being qualifying use throughout the 20 year period by a significant number of local inhabitants, given that the burden of proof falls on the applicant to establish this, I consider it necessary to summarise the written evidence in order to judge whether the statutory test is met.

Name	Address	LSP	Dates	Frequency (where specified)
Paul Mathieu	4 Dale Crescent, S32 1AP	Playing football with son and friends	2013 to present	Once to several times a week, spring to autumn, less in winter
Ken and Diane Ackerman	3 Dale Crescent, S32 1AP	Recreation, playing games, street parties	1984 to present	Weekly
Catherine Foley	2 Dale Crescent, then 6 Dale Crescent	Sports and games, bike and shooter riding, snow player	1985 to present	Weekly, mainly weekends
Elaine Lindley	11 Dale Crescent, S32 1AP	Playing games, building snowmen, street parties	1963 to present	Weekly

Brian and Susan Wilson	Seastwood Cottages, The Dale, S32 1AQ	Recreation, children's games, street parties	1970 to present	Most days
Jeffrey and Joyce Farnell	14 Dale Crescent, S32 1AP	Fireworks and viewing village gala parade	1989 to present	Occasionally
Joyce Johnston	13 Dale Crescent, S32 1AP	Playing games e.g. cricket, rounders, tennis	1970 - 2016	Summer time, often everyday
David Griffiths	9 Dale Crescent, S32 1AP	Children's games, gala display, street party	1970 to present	Regularly since son young, occasionally since mid-1980s
Brian and Alison Griffiths	7 Dale Crescent, S32 1AP	Street party, football, socialising, cutting the grass	1970 to present	Weekly
Mark, Moira, Charlotte and Hannah Chapman	5 Dale Crescent, S32 1AP	Children's games, socialising, picnicking, snowballing	2012 to present	At least a few times a week
Kate Maison	Five Acres, The Dale S32 1AQ and then Rose Cottage, The Dale, S32 1AQ	Playing games, celebrating Queen's golden Jubilee	1968 to present	Weekly
Alfred Prince	3 Dale Crescent S32 1AP	Recreation, games with children, street parties	1935 – 1984 (outside relevant period)	

Mr and Mrs B Madden	Dale Cottage, The Dale S32 1AQ	Family games, recreation and street party	1999 - 2016	Regular, each week, often
Marie Barnett	3 The Dale, S32 1EQ	Playing with children, dog walking	1995 to present	Weekly
M Laver	1 The Dale, S32 1EQ	Games and dog training	1957 to present	Not disclosed
Philip Wright	10 Dale Crescent, S32 1AP	Recreation, playing games	2004 to present	Weekly
Lisa Harris	1 Dale Crescent, S32 1AP	Children playing cricket, rounders with neighbours, scarecrows	2007 to present	Everyday when children younger, now for social and village events
Amanda Watson and Richard Long	5 School Lane, S32 1SD	Football, running, picnics, snowmen	2013 to present	Daily
Rebecca Cadle	12 Dale Crescent, S32 1AP	Meeting people	2014 to present	Weekly
John Townend	8 Dale Crescent, S32 1AP	Recreation, community events, bonfire night	1963 to present	At least once a week in summer, less frequently in winter

ASSESSMENT

14. I turn then to consider the issues set out above.

Has there been qualifying use by a ‘significant number’ of local inhabitants of the Parish of Hathersage between August 1996 and August 2016?

15. The issue I must consider is whether there was a sufficient continuance of use of sufficient intensity to bring home to a reasonable observer, and in particular to the landowner, that LSP of some sort were taking place throughout the period which are attributable to the acquisition of a TVG right (see R (Barkas) v North Yorkshire CC [2015] AC 195 at [61] and [65]). The key question is “how the matter would have appeared to the owner of the land”, and is not at all concerned with “evidence of the individual states of mind of people using [the land]”: R v Oxfordshire CC ex p Sunningwell [2000] 1 AC 335 at 352-3 and 354-6.

16. The further linked issue is whether use for LSP has been by a significant number of local inhabitants throughout the relevant 20-year period. This is a slightly different question because it turns on whether the assertion of a TVG right by qualifying local inhabitants has been by merely a small and insignificant number of people, indicative of merely use by some households, or whether it can properly be categorised as use by a significant number of qualifying local inhabitants: R (Alfred McAlpine Homes Ltd) v Staffordshire County Council [2002] 2 PLR 1. What is meant by a ‘significant number’ is very much a matter of impression. The number might not be so great as to be properly described as considerable or substantial; but it must be more than *de minimis* and sufficient to indicate general use by the community (see Alfred McAlpine at [71]). Again, I am conscious that the burden is on the applicant to establish this and use must be by a significant number of local inhabitants throughout the relevant period.

17. I should add that it is clear that TVG rights can ‘co-exist’ with other uses of land, in particular the landowners’ own activities (Lewis v Redcar (above)) and use by residents from outside the locality (no predominance test). I therefore do not consider there is any authority to suggest that significance needs to be viewed against the backdrop of other activities taking place on the land. The question is simply whether the number of qualifying users is significant in accordance with McAlpine (above) and the use is of a sufficient intensity to assert a TVG right.

18. I note that the written user evidence is, by its nature, somewhat perfunctory and has not been tested at an inquiry. However, notwithstanding this, I consider it is sufficient (alone) to demonstrate as a matter of impression that there has been a wide range of activities taking place on the land which would qualify as LSP throughout the relevant period. In particular, there seem to have been annual community events and a significant amount of recreation in the form of children's games. This is without taking into account that there must have been additional activities which others from the claimed neighbourhood have also carried out. These are exactly the types of activities which village greens are used for up and down the country and a conscientious landowner (if there had been one present) ought to have been aware that people were asserting a right to use the land as such.
19. I therefore consider that the Applicant has discharged the burden of proof in showing that the land has been used by a significant number of local inhabitants for lawful sports and pastimes throughout the relevant period.

Is there any reason why the use has not been 'as of right'?

20. As I have set out, once ostensibly qualifying use has been made out by an applicant, the burden shifts to an objector to show that the use is not 'as of right'. There are no objections to the application and therefore no basis for me to find that the use has been anything other than 'as of right'.

Is there a qualifying 'neighbourhood within a locality'?

21. The claimed neighbourhood is an area marked blue on a map attached to the applicant's email dated 3 July 2019. It essentially comprises Dale Crescent and surrounding streets and is separated from the main part of Hathersage by a main road. I note that the word 'neighbourhood' in s. 15(2) was drafted with deliberate imprecision and its introduction into the Commons Act 2006 was intended to abolish technicalities (Oxford City Council v Oxfordshire County Council [2006] 2 AC 674 at [27] per Lord Hoffmann). Notwithstanding this, a neighbourhood would normally be an area where people might reasonably regard themselves as living in the same portion or district of the town, as opposed (say) to a disparate collection of pieces of residential development which have

been ‘cobbled together’ just for the purposes of making a TVG application (R (Cheltenham Builders Ltd) v South Gloucestershire District Council [2003] EWHC 2803 (Admin) at [85]).

22. Although the area is small, this reflects the users of this relatively small piece of land. The Court of Appeal in R (Lancashire County Council v Secretary of State for Environment, Food and Rural Affairs [2018] EWCA Civ 721 stressed that the question of whether a ‘neighbourhood’ exists is not, in any sense, a scientific or technical issue and it is a matter of judgement which is essentially a matter of impression. The determining question, in a word, was “cohesiveness” – a distinctly impressionistic and protean concept, which allows ample scope for differences of judgement (see [104] and also [105] – 107)). Although I have not conducted a personal site visit, as a matter of impression, it would appeared to me that the claimed neighbourhood has a sufficient degree of cohesiveness.
23. I understand the Parish of Hathersage to be an identifiable administrative area. This would be a qualifying ‘locality’ (see Oxfordshire County Council v Oxford City Council [2006] 2 AC 674).

CONCLUSION

24. In light of the above, I consider that the applicant has proved on the balance of probabilities that all elements of the statutory test for registration of the land as a town or village green have been met and the application should succeed in full. I therefore recommend that the registration authority register the land as a new town or village green.

RECOMMENDATIONS

25. My recommendations are:

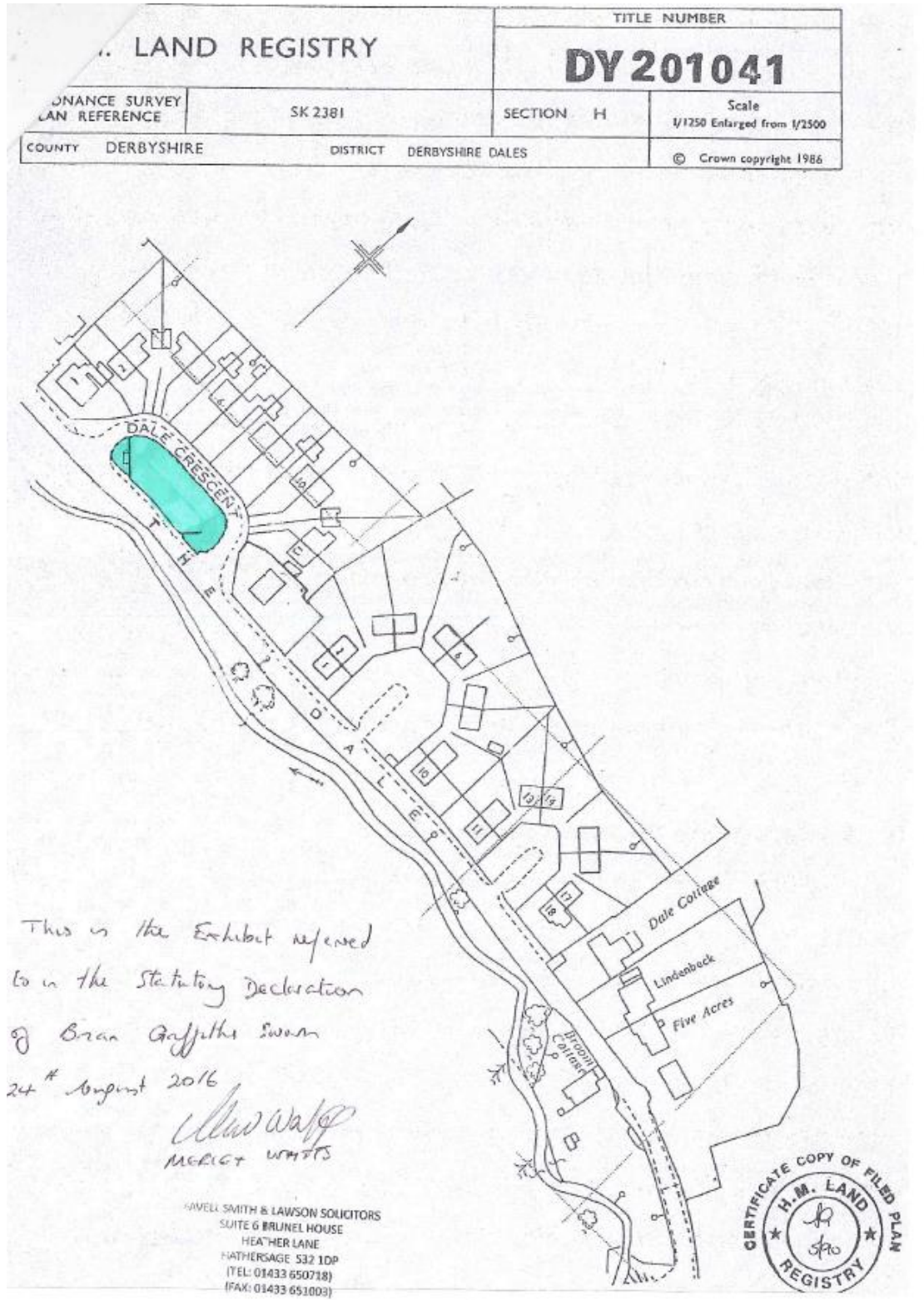
- (1) That my Report should be made available to the applicant and to the landowners, together with final confirmation of the date of the meeting at which the registration authority will reach its decision.

- (2) That the decision on the application is for the registration authority which must exercise its own discretion, save that it must not take into account issues relating to any balance of advantage or disadvantage flowing from registration or non-registration of the land as a TVG.
- (3) That in reaching its decision on the application it must have regard to my overall conclusions and reasoning, as well as any advice from officers.
- (4) That subject to that advice and any late representations received, the application should succeed in respect of the entire application land and for the reasons set out in this Report and summarised above.
- (5) If the registration authority accepts my recommendations and reasons, its reasons should be stated to be “the reasons set out in the Independent Inspector’s Report of 4 October 2019”.

Annabel Graham Paul

Francis Taylor Building
Inner Temple
EC4Y 7BY

Plan showing the land subject to the TVG application



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AGENDA ITEM No. 3.3

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

10 January 2022

Report of the Director of Legal & Democratic Services

Delegations of non-executive functions to Head of Planning Services

1. Purpose

- 1.1 To enable the Committee to resolve to delegate to the Head of Planning Services certain functions for which the Committee is responsible.

2. Information and Analysis

2.1 The exercise of the main enforcement powers under the Town and Country Planning Act 1990, amongst other statutory functions, has been specifically delegated to the Head of Planning Services. These powers include power to serve enforcement notices, breach of condition notices, and temporary stop notices, and to apply for injunctions. The Act also contains the following associated and complementary powers, which are also within the Committee responsibilities (being non-executive functions) but which have not previously been delegated specifically to the Head of Planning Services:

- Power under section 171C to issue planning contravention notices
- Power under Section 102 to make orders for discontinuance of a use of land, for imposition of conditions on continuance of use of land, or for alteration of buildings or works (to which provisions at schedule 9 apply in relation to use of land for minerals or waste development)
- Power under Section 196A to authorise entry on to land

- 2.2 These statutory powers are each of a kind that may need to be exercised quickly for acting effectively to prevent or remediate harm to amenity from breaches of planning control. This is incompatible with seeking prior committee approval.
- 2.2 The current scheme of delegations does not necessarily require Committee authorisations for exercise of such powers. This is because it makes general allowance for a relevant function to be exercised by officers directly, both for day-to-day administration and operational management of services and functions, and for situations of particular urgency (after discussion, if practicable, with the leader of the Council or the relevant Cabinet Member or Chairman). However, bringing these functions into the suite of functions delegated specifically to Head of Planning Services will mean that the constitutional position for the officers involved in planning enforcement will be firmer and more transparent to the public.
- 2.4 Delegation by a resolution of the Committee as recommended below can be effective immediately but Appendix 1 to the Constitution will then need to be amended accordingly. Appendix 1 to the Constitution is the part of the Constitution in which all specific delegations to officers should be recorded.
- 2.5 There are some other functions under the Town and Country Planning Act for which additional specific delegations to the Head of Planning Services are also considered desirable, but which are not designated by the regulations as non-executive functions. Because this Committee has no role in relation to such functions, it is envisaged that those potential delegations will be addressed in a report to the Cabinet.

3. Alternative Option Considered

Doing nothing now. This is considered to be undesirable, because the delegation being recommended is simple and would promote greater transparency and more efficient planning service delivery.

4. Implications

- 4.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

5. Consultation

5.1 Not applicable.

6. Background Papers

6.1

DCC Constitution including Scheme of Delegation in Appendix 1 (available from DCC website, in “The Council” section, at “How the Council works”: <https://www.derbyshire.gov.uk/council/council-works/how-the-council-works.aspx>)

7. Appendices

7.1 Appendix 1 – Implications.

8. Recommendation(s)

That the Committee resolves to delegate to the Head of Planning Services the exercise of the following functions under the Town and County Planning Act 1990:

- The power to issue planning contravention notices under s171C
- The power to make orders under Section 102
- The power to authorise entry on to land under Section 196A of the Town and Country Planning Act 1990

9. Reasons for Recommendation(s)

9.1 To enable the non-executive functions delegated to HoPS to include and to be seen to include those covered by this report.

Report Author:

S. Brent on behalf of Director of Legal & Democratic Services

Contact details:

stephen.brent@derbyshire.gov.uk

Implications

Financial

1.1 None

Legal

2.1 Most functions of the Council can be delegated to officers employed by the Council, as provided by the Local Government Act 1972. The functions recommended for delegation by this report are functions that regulations made under the Local Government Act 2000 specify as functions that cannot be exercised by a Council's executive side (i.e. cabinet). These functions are therefore within the functions that have been allocated to the Committee.

Human Resources

3.1 None

Information Technology

4.1 None

Equalities Impact

5.1 Not applicable

Corporate objectives and priorities for change

6.1 This report links to the Council Priority of High Performing Value for Money and Resident Focused Services. The changes proposed will enable efficient and up to date functioning of the Council as a corporate body.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None



Agenda Item No. 4.1

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

10 January 2022

Report of the Executive Director - Place

Removal of Three Existing Wooden Sheds and the Erection of a Garage for Storage at Ridgeway Primary School, Main Road, Ridgeway, S12 3XR

Applicant: Derbyshire County Council

Code No: CD4/0521/6

4.1609.24

Introduction Summary

This is an application for planning permission for the removal of three wooden sheds and the erection of a garage for storage at Ridgeway Primary School, Main Road, Ridgeway. The applicant seeks permission to replace existing storage facilities that are in disrepair, and to improve security of school property. The site is located within the Moss Valley Conservation Area. The main school building is not a listed building but is of some historical importance as an example of a Victorian vernacular design. The nearest listed building is Kent House, a Grade II listed building, which is 170 metres to the south-west of the application site.

The site is outside the defined Settlement Development Limits boundary and is located within the North East Derbyshire Green Belt, as identified in the North East Derbyshire Local Plan 2021 (NEDLP). It is considered that the development would be a departure from Policy SS10 of the NEDLP as the building, would affect the openness of the Green Belt. I am satisfied, however, that the type of building proposed, being related to outdoor recreation and sport, is an acceptable development within the Green Belt.

It is not considered that the proposal would result in any adverse impacts. Other than the effect upon openness of the Green Belt, the proposal would accord with the National Planning Policy Framework (NPPF, July 2021) and

with policies of the NEDLP. It is recommended that the application for planning permission be approved subject to recommended conditions.

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

(2) **Information and Analysis** The proposed development consists of the removal of three wooden sheds and the erection of a prefabricated concrete, flat-roofed garage. The garage would have a metal roof, dark grey in colour. The overall finish of the garage would be a smooth render, also in a recessive dark grey colour. The garage dimensions would be 7.4 metres (m) length x 3.2m width x 2.2m height. This development would take place in the southern corner of Ridgeway Primary Schools' playground. The proposed garage width of 3.2m would be a reduction in size from the previous combined width of the sheds of 5.08m (not including gaps between the sheds).

Ridgeway Primary School is located in the village of Ridgeway in North East Derbyshire. It is situated within the boundary of both the North East Derbyshire Green Belt and the Moss Valley Conservation Area. The site location is outside Settlement Development Limits defined on the North East Derbyshire Local Plan (NEDLP) Policies Maps.

Ridgeway is a linear settlement pivoting around Main Road. Main Road is an unnumbered classified road to the west of Ridgeway Primary School. Access to the school is from Main Road. On the opposite side of Main Road is a playground and recreational ground. Behind the recreational ground are open agricultural fields. North of the school site is High Lane, a B-road, and some residential buildings. To the north-east there are more densely packed residential buildings which are a clear indicator of where the Conservation Area boundary is located. To the rear of the school property (east), open agricultural land lies in the foreground of Kent Woods, 530m away. Kent Woods is classified as ancient woodland and lies on the Moss Valley Conservation Area Boundary. Further residential buildings lie to the south of the school site.

The school, whilst of some historic architectural interest, is not a listed building. The nearest listed building is Kent House, 170m away. The site is in flood zone 1 and has a low probability of flooding, as identified on the Environment Agency flood map. The school site lies within a low-risk coal development area and there are no public rights of way through the site. The western boundary along Main Road is a low stone wall and the site is clearly visible from the public realm.

Consultations

North East Derbyshire District Council

Has been notified.

North East Derbyshire District Council Environmental Health Officer

Has been notified.

Eckington Parish Council

Has been notified.

Local Members

Councillor Carolyn Renwick (Eckington and Killamarsh) has been notified and declared she is a Governor of Ridgeway Primary School. No objections have been raised.

Councillor Mark Foster (Eckington and Killamarsh) has been notified.

The Highway Authority

The Highway Authority has raised no objection.

Publicity

The application has been publicised by site notice, press notice in a local newspaper (the Sheffield Star on 14 October 2021) and by neighbour notification with a request for comments by 4 November 2021. No comments have been received as a result of this publicity.

Planning considerations

Section 38(6) of the Planning and Compulsory Purchase Act of 2004 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In respect of this application, the relevant policies of the development plan are the policies of the NEDLP adopted in November 2021. The NPPF, last updated in July 2021, and the associated Planning Practice Guidance (PPG) are also material considerations.

North East Derbyshire Local Plan (Adopted November 2021)

The policies most relevant to this proposal are:

SS1: Sustainable Development.

SS2: Spatial Strategy and the Distribution of Development.

SS9: Development in the Countryside.

SS10: North East Derbyshire Green Belt.

SDC5: Development within Conservation Areas.

SDC9: Non-Designated Local Heritage Assets.
SDC11: Flood Risk and Drainage.
SDC12: High Quality Design and Place Making.

Neighbourhood Plan

There is no adopted neighbourhood plan in place for the locality of the application site.

National Planning Policy Framework (July 2021)

2: Achieving sustainable development.
4: Decision making.
12: Achieving well designed places.
13: Protecting Green Belt land.
15: Conserving and enhancing the natural environment.
16: Conserving and enhancing the historic environment.

Key planning considerations for this application are:

- The Need for the Development.
- Location of Development.
- Green Belt.
- Design and Visual/Landscape Impact.
- Heritage.

The Need for the Development

The planning statement accompanying this application states that the proposed garage is needed to improve the security of school property, increase the school's ability to provide sport and recreational activities, enhance the aesthetic of the playground and to provide a storage structure that is protected from vermin.

I am satisfied that there is a clear need for the proposed development, which would provide appropriately enhanced security for school property and would help to deliver greater storage capacity for sport and recreation equipment, therefore increasing the school's ability to provide essential sport and recreational activities.

Location of the Development

The site is located within the administrative boundary of North East Derbyshire District Council (NEDDC). The site location is classified as being in the countryside as it is outside Settlement Development Limits as defined on the NEDLP Policies Map (1). The site is also within the boundaries of the North East Derbyshire Green Belt and the Moss Valley Conservation area designations.

The NEDLP sets out a hierarchy for development with the aim of targeting new development within defined settlement limits, to support the sustainability of existing settlements. The NEDLP focuses the majority of development in and around the most sustainable locations, where the best use can be made of existing infrastructure, services and facilities; whilst at the same time meeting the essential needs of smaller rural communities in an appropriate way.

Given that the site is outside the Settlement Limits of Ridgeway in the NEDLP, it is for the purposes of that plan, to be considered as being in countryside.

Policy SS2: Spatial Strategy and the Distribution of Development of the NEDLP states that *'Land which lies outside a Settlement Development Limit and is not allocated for development, will be treated as 'countryside' where development will only be permitted in accordance with Policies SS1 (Sustainable Development) and SS9 (Development in the Countryside)'.*

NEDLP Policy SS1: Sustainable Development, promotes sustainable development, such as through the use of previously developed land and provision of public services and infrastructure. I am of the opinion that the proposal meets these requirements, given that the school site, whilst technically in countryside, is adjacent to the settlement of Ridgeway. The proposed development relates to the operation of the school, which in itself serves Ridgeway and nearby settlements, and assists in sustaining these communities.

Under NEDLP Policy SS9: Development in the Countryside, development proposals in countryside locations outside the Settlement Development Limits are supported where they involve a replacement building for the same use which is not significantly larger than the building it replaces, and also where they involve the provision, expansion, or improvement of social infrastructure, or relates to a development which has a demonstrable community and/or social benefit.

The proposal is for minor scale development and replaces three dilapidated shed structures with one garage. The site is located on a long-established Derbyshire County Council school property. The garage would be erected in the rear southern corner of the school playground, which is the least obtrusive area of the playground. The replacement garage has a smaller footprint (23.68 meters squared (m²) to the three sheds currently in situ (28.32 m²). The primary purpose of the site is educational, the storage of sport and recreational equipment is essential to the school and their ability to provide enhanced sport and recreational activities.

I am therefore satisfied that the proposal would be acceptable in this location despite being outside defined settlement limits, and that it would not conflict with the requirements of policies SS1, SS2 and SS9 of the NEDLP. The site is, however, in designated Green Belt and within the Moss Valley Conservation Area, which are considered below.

Green Belt

The site is located within the North East Derbyshire Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belts, as stated in the NPPF, is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence. Paragraph 138 of the NPPF identifies five purposes which the Green Belt serves:

- (a) “to check the unrestricted sprawl of large built-up areas;*
- (b) to prevent neighbouring towns merging into one another;*
- (c) to assist in safeguarding the countryside from encroachment;*
- (d) to preserve the setting and special character of historic towns; and*
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

I consider there to be no significant conflict between the proposal and these purposes of Green Belt designation. Paragraph 148 of the NPPF states *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.”*

Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, subject to certain exceptions, which include:

- “(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;”*

Policy SS10 of the NEDLP similarly identifies the provision of appropriate facilities for outdoor sport/outdoor recreation, as appropriate development within the Green Belt, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The new structure is an essential storage facility in order to enhance sport and recreation provision, which would be an acceptable use within the Green Belt under Policy SS10: North East Derbyshire Green Belt of the NEDLP, for which no very special circumstances are required to be demonstrated.

Whilst this proposal, at least in part, accords with Policy SS10 of the NEDLP, specifically as it would be an essential facility for outdoor sport and recreation, the policy, and paragraph 149 (b) of the NPPF, also requires that the openness of the Green Belt be preserved.

I consider that, as a structure of concrete construction, the new structure would have some limited effect on the openness of the Green Belt. It is considered, therefore, that the proposal would constitute a departure from the NEDLP.

I do not, however, consider that the proposal would conflict with the purposes which the Green Belt serves. The development would replace structures in poor repair. The development site is located on a well-established educational site that has accommodated similar structures in the past, setting a precedent.

On balance, therefore, whilst the openness of the Green Belt would be affected, I consider that this would have a very negligible effect upon the purposes of its designation, particularly given that the development would be within the established school site.

Design and Visual Impact

Chapter 12 of the NPPF: Achieving well-designed places, and Policy SDC12: High Quality Design and Place Making, relate to the requirement of good design principles in new development.

The garage would not have any windows and would have a single roller shutter on the front elevation. The garage would have a render finish and metal roof, both finished in a recessive grey colour.

Both the total footprint and the height of storage facilities at the location would be slightly reduced (height reduction of 0.01m², footprint reduced by 4.64m²) by the development. The proposed garage would be in keeping with the surrounding locality and would have a recessive external appearance. I consider that the proposal would improve the aesthetic of the area, particularly when considering the disrepair of the sheds currently in situ.

The proposal would not result in any significant visual impact upon the immediate locality. I consider the proposed location, colour, design and materials of the garage to be appropriate, given the wider context of the application site. The proposal demonstrates compliance with the good design principles highlighted above. I therefore consider this proposal to be in accordance with Policy SDC12 of the NEDLP and the NPPF.

Heritage

The school is located within the Moss Valley Conservation Area. Whilst the school building is not listed, it is of some historic merit as a good example of a late Victorian vernacular school building which is understood to have been founded in 1874. Whilst the proposal would be in proximity to the listed Kent House, given the distance (170m away), I do not consider it to be within the setting of that building. For development within a Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the decision maker pays '*special attention [...] to the desirability of preserving or enhancing the character or appearance of that area*'.

National policy regarding protection of designated and non-designated heritage assets is laid out in paragraphs 189-208 in the NPPF. Paragraph 195 of the NPPF this states that "*local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.*"

Policy SDC5: Development within Conservation Areas of the NEDLP is relevant and requires development proposals preserve or enhance the character of conservation areas and their settings.

Given that the main school building has some historic value, Policy SDC9: Non-Designated Local Heritage Assets of the NEDLP, which also seeks to "*positively sustain or enhance the significance of the asset, its features, character and setting*", is relevant.

The development is unlikely to cause any detrimental impacts to the character of the Conservation Area. The sheds that are currently on site are in disrepair and have no historic relevance to the Conservation Area. The replacement of these sheds with an updated garage would improve the aesthetic of the school playground and the foreground views into the Conservation Area. For similar reasons, I do not consider that the proposal would significantly impact upon the historic value of the school and its character as a non-designated heritage asset.

I am satisfied that this development is in accordance with the NPPF and policies SDC5 and SDC9 of the NEDLP and, having regard to Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that the public benefit of the proposal would outweigh any negligible impact that the proposal would have upon heritage assets.

Conclusion

I consider that a clear need for development has been demonstrated and justified. The new development would play a vital role in enhancing sport and recreation facilities and activities at Ridgeway Primary School. This would be

an acceptable development within the designated Green Belt. On balance, whilst the openness of the Green Belt would be affected to a limited extent, I consider that this would have a very negligible effect upon the purposes of the Green Belt designation, particularly given that the development would be within the established school site. I am satisfied that the design of the building would be appropriate within the context of the locality, and Moss Valley Conservation Area designation.

I consider the proposal to be acceptable and, aside from the marginal affect upon openness of the Green Belt, to be in compliance with the policies contained within the NEDLP and the NPPF. I therefore recommend the application for approval, subject to the conditions set out below.

(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 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 4.1609.24

Valid application documents received 23 September 2021.
Garage store brochure extract received 21 May 2021.
Design and access statement received 24 May 2021.
Existing layout site plan received (1226-01/45-01) 1 July 2021.
Proposed layout site plan received (1226-01/45-02) 1 July 2021.
Elevation plan received (1226-01) 7 July 2021.
Elevation plan rev B received (1226-01/45-03) 16 November 2021.
Heritage impact assessment received 24 September 2021.
Consultation response from Built Heritage received 27 September 2021.
Consultation response from Councillor Renwick received 29 September 2021.
Consultation response from Highways Authority received 28 September 2021
Consultation response from Countryside Officer received 30 September 2021.
Site notice, press notice, neighbour notice posted 14 October 2021.

(8) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to conditions substantially similar to the following draft conditions:

Commencement

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: The condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990.

Approved details

- 2) The development shall take place in accordance with the details in the 1APP form dated 21 May 2021 and the and the following:

1APP form dated 21 May 2021
Design and Access statement dated 25 May 2021
Heritage Impact Assessment dated 26 May 2021
Location Plan, drawing number 1226-01/45-02, dated 01 July 2021
Elevation Plan, drawing number, 1226-01/45-03 Rev B, dated 16 November 2021
Correspondence email chain dated 6 December 2021

Reason: To ensure that the development hereby approved is carried out in conformity with the details submitted with the application.

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 was given clear advice as to what information would be required.

**Chris Henning
Executive Director – Place**



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Agenda Item No.4.2

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

10 January 2022

Report of the Executive Director – Place

**A “Local List” of Information Requirements for Planning Applications
Submitted to Derbyshire County Council**

Introductory Summary

In accordance with guidance issued by the Department for Levelling Up, Housing and Communities (DLUHC), a draft revised list of County Council information requirements for planning applications, has been prepared for publication and implementation by the Council.

On 12 April 2021, this Committee authorised the commencement of consultations on a draft revised Local List of information requirements for planning applications. The draft Local List had been prepared in accordance with guidance issued by the DLUHC which also required the County Council to consider and take account of any representations received prior to publication and implementation of the Local List. This report summarises the representations that have been received and the amendments which are proposed to be made to the Local List in response to those representations. The revised draft final Local List is attached at Appendix B.

(1) **Purpose of Report** To notify the Regulatory - Planning Committee of the intention to publish a revised Local List of Information Requirements for planning applications with effect from 15 January 2022.

(2) **Information and Analysis**

Background Information

An extensive consultation exercise was undertaken. In total, 469 consultations were issued directly and the list was also placed on the County Council's website in order to make it available to as wide an audience as possible. The list included all the statutory consultees such as district, borough, parish and

town councils in the County, all local authorities bordering Derbyshire and the bodies and organisations whose opinions are sought on planning applications, such as the Environment Agency and the Highways Agency. Consultees also included a range of other interested parties. This included minerals and waste companies operating in the County, and planning consultants and other groups and individuals who had previously expressed a desire to be consulted on future planning issues. The list of interested parties had been compiled from groups and individuals who had previously expressed a desire to be consulted on future planning issues.

The response rate has been limited. Observations were received from 14 consultees which included responses from four parish/town councils, eight from statutory consultees (on planning applications), one response from a private sector planning agent and one response from a private individual.

Since the consultation exercise on the draft revised Local List, the Department for Levelling up, Housing and Communities (DLUHC) and Ministry of Housing, Communities and Local Government (MHCLG) issued new planning guidance on Fire Safety and High-Rise residential Buildings and a requirement for fire safety statements, effective from 1 August 2021. A new section (ref. no. LR32.1) has therefore been inserted into the draft Local List at Appendix B. Section LR17 - Noise has also been updated to include reference to vibration impacts and assessments.

Assessment of Representations

Details of the specific observations and comments on them and recommendations from them are provided in the table in Appendix A.

The specific observations can be summarised as falling into three categories, namely those expressing support for the inclusion of a specific topic or topics, those suggesting amendments to the detailed requirements of topics already included on the draft list, and those suggesting the inclusion of other topics and or guidance in the Local List.

The primary purpose of the exercise is to establish a set of local information requirements for planning applications. Whilst it is necessary for the Local List to adequately explain the information that an applicant should provide and the circumstances where it is required, it is also necessary to restrict the size and content of the List to avoid producing a document that is unnecessarily lengthy. Some of the suggested inclusions have been rejected for this reason. The National Planning Policy (NPPF) Framework (July 2021) iterates in Paragraph 44 that local planning authorities, when publishing a list of their information requirements for applications for planning permission, should keep the list to a minimum and only request supporting information that is relevant, necessary and material to the application in question.

The content and response to the representations, which made relevant suggestions to the form and content of the Local List, are provided in the table in Appendix A. A revised draft final Local List of Information requirements for planning applications is provided in Appendix B.

Consultations

No consultations or publicity are required at this stage.

(3) **Financial Considerations** There is no fee associated with this report.

(4) **Legal Considerations** This Local List of information requirements for planning applications is being prepared in accordance with the Planning Practice Guidance issued by the Department for Levelling Up, Housing and Communities (DLUHC).

(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** Report to the Regulatory – Planning Committee dated 12 April 2021 (Minute No. 21/21 refers).

(8) **OFFICER'S RECOMMENDATION** That the Regulatory - Planning Committee **notes** that the adopted Local List of information requirements for planning applications has been revised in light of the consultation responses and is to be published from 15 January 2022.

Chris Henning
Executive Director – Place

Appendix A: Respondents and Summary of Representations

List Item	Consultee	Summary of Representations	Officer Comments and Recommendations
LR1.4 Cross-Sections and Ground Levels (Existing and Proposed)	Hilton Parish Council	Considers that in addition to the ground levels on the site, there needs to be a full topographical survey of the area surrounding the site such that the changes in ground level on the site can be put into context.	<p>The comments are noted. Requesting a full topographical survey with every planning application is considered immoderate and would be requested on a need only basis at application validation stage.</p> <p>Recommendation: No change to the document.</p>
LR1.5 Photographs and Photomontages	Historic England	Recommends considering the wording for when photo montages are required. There may be instances where there is not 'significant' change but where photo montages would be useful to assess the impact to the significance of heritage assets, including their setting and on how to minimise or avoid impacts. Historic England also considers it essential that the quality and effectiveness of any photo montages submitted are assessed to ensure they are fit for purpose.	<p>The comments are noted and concurred with and relevant wording has been inserted into this section.</p> <p>Historic England's comments with regard to assessing that the quality and effectiveness of photomontages are fit for purpose are unnecessarily detailed and are not relevant for inclusion in the document, being more relevant for application validation stage. NPPF guidance on keeping the Local List to the minimum is relevant.</p> <p>Recommendation: The wording to be amended to consider the use of photomontages in respect of</p>

			the impact to the significance of heritage assets.
LR4 Flood Risk Assessment	Environment Agency	Welcomes the requirements for a flood risk assessment (FRA) where one is required, for example development proposed in flood zones 2 and 3. The EA reiterates the wording in LR4 where developments larger than 1ha in flood zone 1 will also need a FRA, which would then be reviewed by the Lead Local Flood Authority (LLFA) as they are the responsible authority for surface water.	The comments are noted. Recommendation: No change to the document
LR7 Ecology/ Nature Conservation Statement	Derbyshire Wildlife Trust	Requests the addition of publication Advice Note: On the Lifespan of Ecological Reports and Surveys (CIEEM, April 2019) under the <i>Further Guidance</i> section.	The comments are noted and concurred with. Recommendation: The publication Advice Note: On the Lifespan of Ecological Reports and Surveys (CIEEM, April 2019) has been included in section ref. LR7 under the <i>Further Guidance</i> list.
LR7 Ecology/ Nature Conservation Statement	Environment Agency	Notes the reference to biodiversity enhancement in this section. The EA recognises that biodiversity net gain (BNG) is not yet mandatory and requests that this is kept under review for when it becomes mandatory.	The comments are noted. Whilst the Environmental Act 2021 was passed into UK law in November 2021, the requirement for BNG set out in the Act is not expected to become mandatory until 2023 and requires further legislation. When BNG is mandatory the Local List will be amended to include a relevant section on BNG.

			<p>Recommendation: No change to the document.</p>
LR7 Ecology/ Nature Conservation Statement	Private Individual	<p>Considers the wording of LR7 flawed where 'surveys to establish the ecological interest of a site' are only required on sites deemed of ecological interest. Considers that other sites such as agricultural land and green spaces could be 'rewilded' (quote responder) which would increase their ecological value.</p>	<p>The comments are noted. LR7 is pertinent to planning applications which have the potential to affect sites or features with an ecological, geological or biodiversity-based interest including:</p> <p>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.</p> <p>Requiring all green spaces and agricultural land to be rewilded and subsequently increasing their ecological value is outside the remit of LR7.</p> <p>Recommendation: No change to the document.</p>
LR7.1 Protected and Notable Species Surveys	Derbyshire Wildlife Trust	<p>Requests the addition of publications under the <i>Further Guidance</i> section:</p> <p>Bat Roosts in Rock: A Guide to Identification and Assessment for Climber, Cavers & Ecology Professionals (Bat Biology and Conservation) (Pelagic Publishing, Release Date 31 January 2022);</p>	<p>The comments are noted and partly concurred with. Both of the 2018 publications can be added to the list of publications under the <i>Further Guidance</i> section. The Bat Roosts in Rock publication is not yet released by its publisher and as such cannot be included as a reference source at this time.</p>

		<p>Bat Roosts in Trees: A Guide to Identification and Assessment for Tree-Care and Ecology Professionals (Pelagic Publishing, October 2018);</p> <p>Guidance Note 08/18: Bats and Artificial Lighting in the UK (Bat Conservation Trust and Institute of Lighting Professionals, 2018).</p>	<p>Recommendation: The publications Bat Roosts in Trees: A Guide to Identification and Assessment for Tree-Care and Ecology Professionals (Pelagic Publishing, October 2018) and Guidance Note 08/18: Bats and Artificial Lighting in the UK (Bat Conservation Trust and Institute of Lighting Professionals, 2018) have been included in the list of <i>Further Guidance</i>.</p> <p>The publication Bat Roosts in Rock: A Guide to Identification and Assessment for Climber, Cavers & Ecology Professionals (Bat Biology and Conservation) (Pelagic Publishing, Release Date 31 January 2022) is not yet published and such is not included.</p>
LR7.1 Protected and Notable Species Surveys	Private Individual	<p>Considers the wording '<i>potential to affect</i>' as in: "<i>All applications which have the potential to affect legally protected species, notable species or conservation priority species</i>" to be too broad with disregard paid to areas not already identified as having ecological significance.</p>	<p>The comments are noted. The remit of LR7.1 is pertinent to planning applications which have the potential to affect legally protected species, notable species or conservation species. Areas not having ecological significance are outside the remit of LR7.1.</p> <p>Recommendation: No change to the document.</p>
LR7.2 Ecological	Private Individual	<p>Considers that LR7.2 <i>protects the protected</i> and disregards areas not already identified as having</p>	<p>The comments are noted. The remit of LR7.1 is pertinent to planning applications</p>

<p>Surveys for Developments with the Potential to Affect Designated Sites or Priority Habitats</p>		<p>ecological significance.</p>	<p>which have the potential to affect:</p> <p>Designated Sites including: Internationally designated sites; Nationally designated sites; Regionally and locally designated sites; and Priority Habitats.</p> <p>Areas not having ecological significance are outside the remit of LR7.2.</p> <p>Recommendation: No change to the document.</p>
<p>LR8 Landscape and Visual Impact Assessment</p>	<p>Historic England</p>	<p>Requests inclusion within the assessment description about how to assess historic landscapes. Also requests links to the Historic England website.</p> <p>Historic England seeks that any adverse effects for heritage should be minimised and avoided where possible to include heritage landscapes and townscapes where the wider historic environment may be affected including heritage assets and the cumulative impacts of development on historic landscapes.</p>	<p>LR8 is concerned with the Landscape and Visual Impact Assessment of developments. The comments of Historic England are more relevant to LR22 Heritage Impact Assessment (HIA) which requires an HIA for all planning applications for development that would affect designated and non-designated heritage assets and their settings (which would include any relevant historic landscapes and their contribution to the setting of other assets).</p> <p>Recommendation: No change to the document.</p>
<p>LR10 Green and Blue</p>	<p>Environment Agency</p>	<p>Welcomes the inclusion of this section on Green Infrastructure. The EA requests that this section</p>	<p>The comments are noted. The EA request to expand this section to include blue</p>

<p>Infrastructure Provision</p>		<p>includes reference to blue infrastructure to highlight the opportunities to provide information to improve and enhance water-based environments such as watercourses where this is applicable. The EA adds that encouraging developments to think about blue/green infrastructure can help to find multi-functional solutions to future impacts of climate change, such as increasing flood risk, water resources and improving water quality.</p>	<p>infrastructure is considered to be appropriate.</p> <p>Recommendation: Blue Infrastructure has been included into the Information Items title and the description has been amended.</p>
<p>LR10 Green and Blue Infrastructure Provision</p>	<p>Private Individual</p>	<p>The responder comments:</p> <p><i>Justification for loss of green infrastructure and details of mitigation and compensation required (the responder is quoting from the last sentence under subheading Types of Application that Require this Information).</i></p> <p><i>Can justification be found during a climate crisis? Is there any compensation equal to the loss of a woodland or watercourse?</i></p> <p><i>Does the construction of solar farms outweigh the destruction of green space?</i></p> <p><i>What are the parameters and where is the value? Value nature or green infrastructure?</i></p>	<p>The comments are noted. LR10 is pertinent to Green Infrastructure which is a predominantly man-made, strategically planned and delivered network comprising green spaces, playing fields, parks, allotments, private gardens, woodland, green roofs, tree lined streets, sustainable drainage ponds, canals and watercourses.</p> <p>The concerns of the responder concentrate on the final sentence under LR10 subheading <i>Types of Application that Require this Information</i> which states: <i>Planning applications that involve the loss of green infrastructure should provide justification for this and details of mitigation and compensation measures</i></p> <p>The requested justification seeks to</p>

			<p>alleviate, mitigate and/or compensate, effectively seeking a balance between the loss of green infrastructure and new development. The questions put forward on justification during a climate crisis, compensation for the loss of woodland or watercourse, the building of solar farms outweighing the loss of green space and questions on parameters and values are outside the remit of the aims of LR10. The NPPF guidance on keeping the Local List to the minimum is relevant.</p> <p>Recommendation: No change to the document.</p>
LR12 Contaminated Land Assessment	Amber Valley Borough Council Environmental Health Officer (EHO)	<p>Recommends that the Environment Agency Land Contamination Risk Assessment (https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm) is included under the <i>Further Guidance</i> heading.</p>	<p>The comments are noted.</p> <p>The weblink provides three relevant documents:</p> <p>LCRM: Stage 1 Risk Assessment, Environment Agency, April 2021); LCRM: Stage 2 Options Appraisal, Environment Agency, April 2021); LCRM: Stage 3 Remediation and Verification, Environment Agency, April 2021).</p> <p>Recommendation: The documents have been included under the <i>Further Guidance</i> heading.</p>

LR13 Transport Assessment or Statement	Hilton Parish Council	Recommends the inclusion of an up to date traffic survey of the roads serving a site including speed and volumes of vehicles.	The comments are noted. The County Highways Authority are consulted on all County Matter planning applications and would advise whether such information is required as necessary. The guidance in the NPPF on keeping the Local List to the minimum is relevant. Recommendation: No change to the document.
LR19 Air Quality Assessment and Emissions	Amber Valley Brough Council Environmental Health Officer (EHO)	Amber Valley Borough Council Environmental Health recommends that the Institute of Air Quality Management (IAQM) publication: Land-Use Planning & Development Control: Planning for Air Quality (January 2017) is included under the <i>Further Guidance</i> heading.	The comments are noted and concurred with. Recommendation: Land-Use Planning & Development Control: Planning for Air Quality (IAQM, January 2017) is included in the section under the <i>Further Guidance</i> heading.
LR19 Air Quality Assessment and Emissions	Private Individual	The responder acknowledges that human health is fundamental and appreciates that it is included in the document. The responder is concerned that there is no mention of impact to the health of other species. Queries whether a project would be acceptable if it impacted on the health of frogs or badgers. Recommends amending the wording to include all life forms.	The comments are noted. LR19 is pertinent to air quality and emissions affecting humans. NPPF guidance in respect of Air Quality Management Areas concentrates on human health rather than other species. Amending the wording of LR19 to include all species is not considered relevant. Climate change is a global phenomenon

		<p>The responder states that air pollution can be a direct cause of climate change and other forms of environmental degradation which impacts on human and non-human life. Considers that there should be a precaution for climate change included in LR19.</p>	<p>that is being addressed at Central Government and worldwide levels. Climate change as a material consideration is taken into consideration when assessing and determining development proposals. Climate change is covered under requirement LR31 Climate Change/ Energy Statement/ Renewable Energy/ Sustainability Statement.</p> <p>NPPF guidance on keeping the Local List to the minimum is relevant.</p> <p>Recommendation: No change to the document.</p>
<p>LR22 Heritage Impact Assessment</p>	<p>Historic England</p>	<p>Historic England welcomes the inclusion of this section and requests that the wording of this section is clear where Heritage Impact Assessments are required.</p> <p>Historic England requests a link to the Derwent Valley Mills World Heritage Site website and to its management plan with the aim of providing information on how to conserve the Outstanding Universal Value of the World Heritage Site in addition to considering planning applications within its boundary and setting.</p> <p>Historic England refers to mineral workings and</p>	<p>The comments are noted. LR22 provides examples of where a Heritage Impact Assessment would be required. The wording of this section clearly states that this is not a comprehensive list and is a representative guide only where more detailed information can be gleaned via pre-application discussion.</p> <p>The comments made with regard to the World Heritage Site are noted. This document seeks to avoid weblinks where possible as these are subject to regular change making them unusable. LR22</p>

		<p>requests that where heritage assets may be affected that appropriate heritage impact assessment is provided and that this also considers any appropriate restoration principles in keeping with heritage landscapes and the setting of heritage assets. This section of Historic England's comments concludes by welcoming the current description of what information is required and the <i>Further Guidance</i> recommended.</p> <p>Historic England makes a general comment referring to assessments for noise, waste, minerals, traffic, air quality and hydrology. It considers that a link to the historic environment may be appropriate to ensure that these issues are assessed for their impacts on the historic environment.</p> <p>Historic England considers that there is minimal reference to archaeology and what issues may need to be considered where a planning application may affect archaeology. No specific section of the document is referred to and Historic England invites the reader to check its website.</p>	<p>refers to the Derwent Valley Mills World Heritage Site Management Plan 2020-2025 under the <i>Further Guidance</i> subheading. The final paragraph of the section <i>What Information is Required</i> advises the reader that a Heritage Impact Assessment should demonstrate how a development would conserve or enhance the Outstanding Universal Value of the area.</p> <p>The comments made with regard to assessments for noise, waste, minerals, traffic, air quality and hydrology are noted. LR22 provides a list of examples of developments where a Heritage Impact Assessment may be required and states clearly that this list is not exhaustive, being representative only, advising the reader that confirmation of the need for inclusion in a Heritage Impact Assessment can be established in pre-application discussion.</p> <p>The comments made in respect of archaeology are noted. The text of LR22 includes developments involving excavations and disturbance to the ground in areas of potential archaeological interest in the examples</p>
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			<p>listed of developments where a Heritage Impact Assessment would be required.</p> <p>Recommendation No change to the document.</p>
LR23 Lighting Assessment	Derbyshire Wildlife Trust	Recommends that publication Guidance Note 08/18 – Bats and Artificial Lighting in the UK (Bat Conservation Trust/ Institution of Lighting Professionals, 2018) is included in the <i>Further Guidance</i> section.	<p>The comments are noted and concurred with.</p> <p>Recommendation: Guidance Note 08/18 – Bats and Artificial Lighting in the UK (Bat Conservation Trust/ Institution of Lighting Professionals, 2018) is included in the <i>Further Guidance</i> section.</p>
LR23 Lighting Assessment	Hilton Parish Council	The responder comments that where possible, all lighting should be ‘dark skies’ compliant.	<p>The comments are noted. LR23 is pertinent to external lighting proposed as part of new development. The issue of light pollution affecting skies is widely accepted and Derbyshire County Councils Planning Policy Team endeavor to influence emerging Local Plan Policies and Neighborhood Plan policies to include dark skies. The NPPF guidance on keeping the Local List to the minimum is relevant.</p> <p>Recommendation: No change to the document.</p>
LR23 Lighting	Private Individual	The responder comments that the International Dark Sky Association lists over 130 places in the	The comments are noted. LR23 is pertinent to external lighting proposed as

Assessment		<p>word which take extraordinary measures to keep their skies dark. Through minimizing glare and blue light, to reducing light trespass and sky glow, certain measures can be taken to limit the effects of light on wildlife and the wider environment. The responder adds that it also enhances our skies and enables greater stargazing.</p> <p>The responder considers that Derbyshire County Council could be doing more about dark skies and iterates that light interference is having profound impacts on animal populations.</p>	<p>part of new development. The issue of light pollution affecting skies is widely accepted and Derbyshire County Councils Planning Policy Team endeavor to influence emerging Local Plan Policies and Neighborhood Plan policies to include dark skies. The issue is not relevant to LR23. The NPPF guidance on keeping the Local List to the minimum is relevant.</p> <p>Recommendation: No change to the document.</p>
LR25 Recreation/ Open Space Statement	Sport England	<p>Welcomes the Sport England reference documents that have been included in this section but considers that the current list does not provide enough detail from which Sport England would be required to make a substantive response to any planning application consultation affecting playing fields or sport and recreation facilities. Sport England states that there is a range of further specific sport related guidance and resources which are available on the Sport England website i.e. design and cost guidance, national turf for sport, selecting the right artificial surface, comparative sizes of sports pitches and courts.</p>	<p>The recommendations of Sport England in respect of the inclusion of several additional reference documents are noted. The design and cost guidance is a weblink to the Sport England website rather than a published document.</p> <p>Recommendation: List the Sport England website address. Add references to the National Turf for Sport, Selecting the Right Artificial Surface and Comparative Sizes of Sports Pitches and Courts guidance suggested by Sport England.</p>
LR26 Community Use Statement	Sport England	<p>Requests that in the information required section it should include information if changing and toilet facilities are available. Sport England also</p>	<p>The comments of Sport England on the availability of changing rooms and toilets at school sports facilities are noted and</p>

		provides weblinks to its website in respect of the use of schools, community use and community use agreements.	<p>accepted. The weblinks recommended by Sport England are noted, however, this document seeks to avoid weblinks where possible as these are subject to regular change making them unusable. The document refers to the Sport England website and its advice on Community Use Agreements.</p> <p>Recommendation: Reference to the availability of changing facilities and toilets is included in the information required section.</p>
LR28 Ground Stability Report/ Mining Risk Assessment	The Coal Authority	Welcomes the wording of LR28 in respect of proposed development in Coal Authority High Risk Areas and the need for a Coal Mining Risk Assessment. Welcomes the inclusion of the further guidance providing information to those seeking advice and information on this issue.	<p>The comments are noted.</p> <p>Recommendation: No change to the document.</p>
LR29 Soil Assessment	Private Individual	The responder considers that soil erosion is a significant problem and that Derbyshire County Council should be doing all it can to protect all soil within the county.	<p>The comments are noted. LR29 seeks to prevent the best and most versatile agricultural land within Derbyshire from being lost when land is developed. These are categorised as Grades 1, 2 or 3a. Soil erosion is not within the remit of LR29.</p> <p>Recommendation: No change to the document.</p>

<p>LR30 Economic Statement</p>	<p>Private Individual</p>	<p>The responder recommends that the text is amended to request evidence as to how a project supports sustainable or green economic growth within Derbyshire.</p>	<p>The comments are noted. LR30 is aimed at planning applications which seek the regeneration of deprived areas, as well as the creation of new employment or result in the loss of employment or change the use of a site or building which is allocated for employment. Sustainability is one of the core principles of the NPPF and this includes economic growth. This is suitably addressed by current local plan policies and the current requirements of LR30. However, currently there is no national legislation or guidance regarding the growth of the green economy and planning. It is noted that the green economy is an area of growth but in this circumstance LR31 is relevant.</p> <p>Recommendation: No change to the document.</p>
<p>LR31 Climate Change/ Energy Statement/ Renewable Energy/ Sustainability Statement</p>	<p>Private Individual</p>	<p>The responder considers that this should be recommended for all sites.</p>	<p>The comments are noted and agreed with, however the information required to be provided should be proportionate to the scale of the development proposed, for example planning applications for very minor development on a school site such as a shed would be unreasonable.</p> <p>Recommendation: The description of the types of</p>

			development and what information is required has been amended and expanded.
LR32 Health Impact Assessment/ Planning and Health	Private Individual	The responder considers that the scope of potential impact should be widened to include all life forms.	The comments are noted. LR32 is pertinent to proposed developments with the potential for impact on human health in accordance with the NPPF (July 2021) Chapter 8: Promoting Healthy and Safe Communities. Requesting applicants to produce Health Impact Assessments for all life forms would be outside the remit of this section. NPPF guidance on keeping the Local List to the minimum is relevant. Recommendation: No change to the document.
LR34 Environmental Statement	Private Individual	The responder queries the term <i>likely to have significant effects</i> and questions who judges this. Recommends that this is required for all planning applications stating that all planning applications have some environmental impact.	The comments are noted. LR34 is pertinent to planning applications that are likely to have significant effects on the environment and meet the thresholds and criteria set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). Significant effects are quantified through the screening process where the local planning authority determines whether environmental issues arising individually or cumulatively or of a magnitude,

			<p>complexity or extent are considered to be significant in relation to the EIA Regulations where an Environmental Statement would or would not be required.</p> <p>NPPF guidance on keeping the Local List to the minimum is relevant.</p> <p>Recommendation: No change to the document.</p>
Ball Strike	Sport England	Sport England states that some planning application sites on or close to a site used for sport may require a ball strike assessment. Sport England iterates that it is happy to advice on this matter on a case by case basis.	<p>The comments are noted. There is no need to include a section on this matter. Sport England acknowledges that it can be addressed on a case by case basis.</p> <p>Recommendation: No change to the document.</p>
Biodiversity Net Gain	Derbyshire Wildlife Trust	Derbyshire Wildlife Trust suggests that there should be a requirement for a Biodiversity Net Gain Assessment for all development across Derbyshire. This may comprise a separate item or be included within the Ecology/ Nature Conservation Statement. Derbyshire Wildlife Trust refers to the NPPF which requires planning policies and decisions to provide net gains for biodiversity.	<p>The comments are noted. Biodiversity Net Gain as set out in the Environment Bill applies in England only by amending the Town and Country Planning Act 1990 and is likely to become law in 2023. Given that Biodiversity Net Gain is not yet a mandatory requirement it could be considered unreasonable to request an applicant for such information. The NPPF guidance on keeping the Local List to the minimum is relevant.</p>

			<p>Recommendation: No change to the document.</p>
General	Derbyshire Planning Agency	<p>The responder agrees with the content of the document. Considers it would be helpful if there was an explanation of the registration of planning applications and the date a planning application is valid from.</p> <p>Derbyshire Planning Agency also requests advice to applicants on the confidentiality of information and what would be published.</p>	<p>The comments are noted.</p> <p>With regard to there being an explanation of the registration of planning applications and the date a planning application is valid from this is outside the remit of this document. The purpose of the Local List is to indicate to developers/other applicants the information required to be submitted with planning applications in order for planning applications to be considered valid.</p> <p>With respect to the request for advice to be included within the document on the confidentiality of information and details of what would be published this is outside the remit of the purpose of this document.</p> <p>Recommendation: No change to the document.</p>
Neighbourhood Plans	Hilton Parish Council	<p>The responder comments that there is no mention of Neighbourhood Plans in the document. Requests that all planning applications must be subject to the requirement of any applicable Neighbourhood Plan.</p>	<p>The comments are noted. It is recognised that a neighbourhood plan attains the same legal status as a local plan once it has been approved at referendum. At this point it comes into force as part of the statutory development plan. The purpose of the Local List of Information</p>

			<p>Requirements is to indicate to developers/other applicants the information required to be submitted with planning applications in order for applications to be deemed valid. Decisions on planning applications are made using national planning guidance, relevant local plan policies and relevant neighbourhood plans and any other material consideration.</p> <p>Recommendation: No change to the document.</p>
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PLANNING SERVICES LOCAL LIST OF INFORMATION REQUIREMENTS

Revision 4

Reviewed 15 January 2022

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1. INTRODUCTION

- 1.1 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.
- 1.2 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 Local List should be reviewed every two years to ensure it remains relevant and fit for purpose. The original Local List was adopted in 2011 and was last reviewed in 2018.
- 1.3 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.
- 1.4 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).
- 1.5 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.
- 1.6 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.

- 1.7 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.
- 1.8 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.

2. NATIONAL REQUIREMENTS

- 2.1 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:

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

Driver:

2.3

- DMPO

What Information is Required?

2.4 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.

2.5 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.

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

2.7 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.

2.8 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

2.9

- [Link to National Planning Portal](#)
- [Link to Derbyshire County Council](#)
- [Link to Planning Practice Guidance](#)

REF. NO. NR2: LOCATION PLAN

Types of Application that Require this Information:

2.10 All planning applications submitted to Derbyshire County Council.

Exceptions:

- 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:

2.11

- DMPO

What Information is Required?

2.12 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.

2.13 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

2.14

- [Link to Planning Practice Guidance](#)

REF. NO. NR3: OWNERSHIP CERTIFICATES AND NOTICES; AND AGRICULTURAL LAND DECLARATION

Types of Application that Require this Information:

2.15 All planning applications submitted to Derbyshire County Council. Where applicable, the Agricultural Land Declaration is included as part of the relevant ownership certificates.

2.16 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.

2.17 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:

- 2.18
- DMPO

What Information is Required?

2.19 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.

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

2.21 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

- 2.22
- [Link to Planning Practice Guidance](#)

REF. NO. NR4: APPLICATION FEE

Types of Application that Require this Information:

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

Driver:

2.24

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

What Information is Required?

2.25 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.

2.26 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)

[Link to online derbyshire payments](#)

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

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

Planning Services
Derbyshire County Council
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:

[Link to accounts receivable email address](#)

- Tel. 01629 538729

Further Guidance

2.27

- [Link to National Planning Portal Fee Calculator](#)
- [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012, as amended](#)
- [Link to Planning Practice Guidance](#)

REF. NO. NR5: DESIGN AND ACCESS STATEMENT (DAS)

Types of Application that Require this Information:

2.28 Subject to the exceptions, 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.*

2.29 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:

2.30

- DMPO

What Information is Required?

2.31 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.

2.32 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.

2.33 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

2.34

- [Link to 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, January 2021)
- National Model Design Code Part 1 & Part 2 (21 July 2021)

3. LOCAL REQUIREMENTS

- 3.1 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:

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

Driver:

3.3

- DMPO
- Planning Practice Guidance

What Information is Required?

3.4 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

3.5

- [Link to Planning Practice Guidance](#)

REF. NO. LR1.1: SITE / BLOCK PLANS

Types of Application that Require this Information:

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

Driver:

3.7

- DMPO

What Information is Required?

- 3.8 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

3.9

- [Link to Planning Practice Guidance](#)

REF. NO. LR1.2: ELEVATION PLANS (EXISTING AND PROPOSED)

Types of Application that Require this Information:

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

Driver:

3.11

- DMPO
- Planning Practice Guidance

What Information is Required?

3.12

- 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

3.13

- [Link to Planning Practice Guidance](#)

REF. NO. LR1.3: FLOOR PLANS (EXISTING AND PROPOSED)

Types of Application that Require this Information:

3.14 All proposals for new buildings and/or the extension of existing buildings that would create additional floorspace.

Driver:

3.15

- DMPO
- Planning Practice Guidance

What Information is Required?

3.16

- 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

3.17

- [Link to Planning Practice Guidance](#)

REF. NO. LR1.4: CROSS-SECTIONS AND GROUND LEVELS (EXISTING AND PROPOSED)

Types of Application that Require this Information:

3.18 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:

3.19

- DMPO
- Planning Practice Guidance

What Information is Required?

3.20

- 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

3.21

- [Link to Planning Practice Guidance](#)

REF. NO. LR1.5: PHOTOGRAPHS AND PHOTOMONTAGES

Types of Application that Require this Information:

3.22 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. Photomontages can be useful to assess the impact to the significance of heritage assets, including their setting and on how to minimise or avoid impacts.

Driver:

3.23

- DMPO
- Planning Practice Guidance

What Information is Required?

3.24 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

3.25

- [Link to Planning Practice Guidance](#)

REF. NO. LR2: PLANNING / SUPPORTING STATEMENT

Types of Application that Require this Information:

- 3.26 Most applications except those accompanied by an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations).
- 3.27 **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:

- 3.28
- DMPO

What Information is Required?

- 3.29 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.
- 3.30 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.
- 3.31 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.
- 3.32 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

- 3.33
- [Link to Planning Practice Guidance](#)

REF. NO. LR3: STATEMENT OF COMMUNITY INVOLVEMENT/ PRE-APPLICATION ENGAGEMENT

Types of Application that Require this Information:

- 3.34 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.
- 3.35 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:

3.36

- Pre-application engagement
- Derbyshire County Council Planning Services - Statement of Community Involvement 2021 (December 2021)
- Section 18 Planning and Compulsory Purchase Act 2004 – Statement of Community involvement
- National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government (MHCLG), January 2021)
- Chapter 4: Decision-making. Paragraphs 39-42
- Localism Act 2011
- Planning Practice Guidance

What Information is Required?

- 3.37 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

3.38

- Derbyshire County Council, Planning Services - Statement of Community Involvement 2021 (December 2021)
- [Link to Planning Practice Guidance](#)

REF. NO. LR4: FLOOD RISK ASSESSMENT

Types of Application that Require this Information:

3.39 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:

3.40

- NPPF Chapter 14: Meeting the challenge of climate change, flooding and coastal change Paragraphs 153-173
- 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?

3.41 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).

3.42 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.

3.43 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

3.44

- [Link to Planning Practice Guidance](#)
- [Link to preparing a flood risk assessment](#)
- [Link to flood map for planning](#)
- [Link to Check for Flooding in England](#)
- Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems (Department for Environment, Food and Rural Affairs (DEFRA), March 2015)
- [Link to Association of Drainage Authorities](#)

REF. NO. LR5: FOUL AND SURFACE WATER DRAINAGE DETAILS

Types of Application that Require this Information:

3.45 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:

3.46

- 1APP Form
- NPPF Chapter 14: Meeting the challenge of climate change, flooding and coastal change Paragraph 168-169 in respect of Sustainable Urban Drainage Systems (SuDS)
- DDWLP (March 2005) Policy W6: Pollution and related nuisances

What Information is Required?

3.47 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.

3.48 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.

3.49 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

3.50

- [Link to 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:

3.51 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.

3.52 **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:

3.53

- 1APP Form
- NPPF Chapter 12: Achieving well-designed places Paragraph 131 and Chapter 15: Conserving and enhancing the natural environment Paragraphs 174-180(c)

What Information is Required?

3.54 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.

3.55 **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

3.56

- BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations (British Standards Institute, April 2012) (Currently under review)
- [Link to Natural England Standing Advice on Species Protection](#)

REF. NO. LR7: ECOLOGY/ NATURE CONSERVATION STATEMENT

Types of Application that Require this Information:

3.57 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.

3.58 Applicants are advised to agree the need for such assessments in pre- application discussions with the County Planning Authority.

Driver:

3.59

- 1APP Form
- NPPF Chapter 15: Conserving and enhancing the natural environment
- Paragraphs 174-188
- DDWLP (March 2005) Policies W5: Identified interests of environmental importance and W6: Pollution and related nuisances.
- DDMLP (April 2000) Policies MP1: The environmental Impact of development, MP4: Interests of acknowledged environmental importance and MP6: Nature conservation mitigation measures.
- Environment Act 2021
- Section 40 of the Natural Environment and Rural Communities Act 2006

What Information is Required?

3.60 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 / net gain should also be provided.

3.61 The sequential steps of the Mitigation hierarchy should be followed comprising avoid, mitigate or as a last resort compensate for. 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.

3.62 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.

3.63 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.

3.64 Ecological surveys should ordinarily be no more than two years old.

Further Guidance

3.65

- [Link to 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)
- [Link to Natural England Standing Advice on Species Protection](#)
- 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)
- Advice Note: On the Lifespan of Ecological Reports and Surveys (CIEEM, April 2019)
- 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)
- BS 8683:2021 Process for designing and implementing Biodiversity Net Gain. Specification (August 2021)
- The Biodiversity Metric 3.0 (July 2021)

REF. NO. LR7.1: PROTECTED AND NOTABLE SPECIES SURVEYS

Types of Application that Require this Information:

- 3.66 All applications which have the potential to affect legally protected species, notable species or conservation priority species.
- 3.67 All applications where an initial ecological survey or preliminary ecological appraisal has identified that additional surveys for protected and notable species may be required.
- 3.68 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:

3.69

- 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
- Section 40 of the Natural Environment and Rural Communities Act 2006
- Environment Act 2021

What Information is Required?

- 3.70 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).

3.71 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 alternatives 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.

3.72 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.

3.73 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

3.74

- The Conservation of Habitats and Species Regulations 2017
- BS42020:2013 British Standard for Biodiversity – Code of practice for planning and development (BSI, August 2013)
- [Link to Natural England Standing Advice on Species Protection](#)
- 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)
- BS 8683:2021 Process for designing and implementing Biodiversity Net Gain. Specification (August 2021)
- The Biodiversity Metric 3.0 (July 2021)

REF. NO. LR7.2: PROTECTED AND NOTABLE SPECIES SURVEYS

Types of Application that Require this Information:

3.75 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).

3.76 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:

3.77

- 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.
- 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.
- Section 40 of the Natural Environment and Rural Communities Act 2006.
- Environment Act 2021.

What Information is Required?

3.78 An Ecological/Geological Survey and Assessment for the relevant feature affected. An ecological/geological survey and assessment or Ecological Impact Assessment (EclA) may form part of a wider Environmental Impact Assessment.

3.79 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.

3.80 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 alternatives 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.

3.81 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.

3.82 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.

3.83

- 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)
- [Link to Natural England Standing Advice on Species Protection](#)
- Natural England Discretionary Advice Service
- [Link to Derbyshire County Council Record Office](#)
- Existing environmental information may be available from:
 - [Link to Local Geoconversation Groups \(also known as RIGS \(Regionally Important Geological and Geomorphological Sites\) Groups](#)
- [Link to the Local Wildlife Trusts](#)
- BS 8683:2021 Process for designing and implementing Biodiversity Net Gain. Specification (August 2021)
- The Biodiversity Metric 3.0 (July 2021)

REF. NO. LR7.3: ASSESSMENT OF SITES OR FEATURES OF GEOLOGICAL INTEREST

Types of Application that Require this Information:

3.84 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

3.85 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:

3.86

- 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
- NPPF Chapter 15: Conserving and enhancing the natural environment Paragraph 174a

What Information is Required?

3.87 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.

3.88 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.

3.89 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

3.90

- Earth Science Conservation Classification (ESCC)
- Existing geological interest information may be available from:
 - [Link to Local Geoconversation Groups \(also known as RIGS \(Regionally Important Geological and Geomorphological Sites\) Groups\)](#)
 - [Link to British geological survey](#)

REF. NO. LR8: LANDSCAPE AND VISUAL IMPACT ASSESSMENT

Types of Application that Require this Information:

- 3.91 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.
- 3.92 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:

3.93

- 1APP Form
- NPPF Chapter 15: Conserving and enhancing the natural environment Paragraph 174a
- 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?

- 3.94 A landscape and visual assessment of the existing site and surrounding area identifying the landscape character and type and the visual receptors.
- 3.95 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.
- 3.96 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.

3.97

- [Link to 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)
- Technical Support Document 1 – Areas of Multiple Environmental Sensitivity (Derbyshire County Council, 2013)
- Technical Support Document 2 – Tranquillity (Derbyshire County Council, 2013)
- Technical Support Document 3 (2nd edition 2021) - Monitoring Landscape Change 2003 – 2021 (Derbyshire County Council, 2021)
- Landscape Institute Advice Note 01/11: Photography and Photomontage in Landscape and Visual Impact Assessment (Landscape Institute, March 2011)
- [Link to Natural Environment \(landscape pages\)](#) (MHCLG, January 2016)
- National Character Area Profiles (Natural England, September 2014)

REF. NO. LR9: LANDSCAPING SCHEME

Types of Application that Require this Information:

3.98 All proposals where new or replacement landscaping is proposed as part of the development.

3.99 **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:

3.100

- DMPO
- NPPF Chapter 15: Conserving and enhancing the natural environment Paragraph 174a
- 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?

3.101 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).

3.102 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

3.103

- [Link to Planning Practice Guidance](#)
- The Landscape Character of Derbyshire (4th Edition) (Derbyshire County Council, December 2013)
- Technical Support Document 1 – Areas of Multiple Environmental Sensitivity (Derbyshire County Council, 2013)
- Technical Support Document 2 – Tranquillity (Derbyshire County Council, 2013)
- Technical Support Document 3 (2nd edition 2021) - Monitoring Landscape Change 2003 – 2021 (Derbyshire County Council, 2021)

REF. NO. LR10: GREEN AND BLUE INFRASTRUCTURE PROVISION

Types of Application that Require this Information:

3.104 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 and tree-lined streets. Blue infrastructure includes swales (sustainable drainage ponds planted with reeds), rivers, canals, natural watercourses, wetlands and other water bodies. 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 and/or blue infrastructure should provide justification for this and details of mitigation and compensation measures.

Driver:

3.105

- 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
- NPPF Chapter 8 Promoting healthy and safe communities Paragraph 92
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change Paragraph 154

What Information is Required?

3.106 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.

3.107 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.

3.108

- [Link to Planning Practice Guidance](#)
- Green Infrastructure Guidance NE176 (Natural England, January 2009)
- Accessible Natural Green Space Standards in Towns and Cities: A Review and Toolkit for Their Implementation (ENRR526) (Natural England, 2003)
- Building with Nature Standards Framework BwN 2.0 (2021)
- Greater Nottingham Green and Blue Infrastructure Strategy Part 1 July 2020
- 6C's Green Infrastructure Strategy Volume 1 Sub-Regional Strategic Framework
- District and Borough Council's Local Plans

REF. NO. LR11: HYDROLOGY/ HYDROGEOLOGY STATEMENT

Types of Application that Require this Information:

3.109 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:

3.110

- NPPF Chapter 14: Meeting the challenge of climate change, flooding and coastal change Paragraphs 152-169
- 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?

3.111 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

3.112

- [Link to Planning Practice Guidance](#)
- The Environment Agency's approach to groundwater protection (amended March 2018)

REF. NO. LR12: CONTAMINATED LAND ASSESSMENT

Types of Application that Require this Information:

3.113 All applications for development where contaminated land or buildings/structures are known or suspected to exist.

Driver:

3.114

- NPPF Chapter 15: Conserving and enhancing the natural environment Paragraphs 183-188

What Information is Required?

3.115 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.

3.116 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.

3.117 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.

3.118

- [Link to Planning Practice Guidance](#)
- [Link to Land contamination technical guidance](#)
- BS10175:+A2:2017 Investigation of Potentially Contaminated Sites – Code of Practice (BSI, March 2011) (Current but under review)
- 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)
- LCRM: Stage 1 Risk Assessment, Environment Agency, April 2021)
- LCRM: Stage 2 Options Appraisal, Environment Agency, April 2021)
- LCRM: Stage 3 Remediation and Verification, Environment Agency, April 2021)

REF. NO. LR13: TRANSPORT ASSESSMENT OR STATEMENT

Types of Application that Require this Information:

3.119 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.

3.120 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).

3.121 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:

3.122

- NPPF Chapter 9: Promoting sustainable transport Paragraph 113
- DDWLP Policies W2: Transport principles and W8: Impact of the transport of waste
- DDMLP Policy MP5: Transport

What Information is Required?

3.123 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.

- 3.124 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.
- 3.125 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).
- 3.126 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

3.127

- Derbyshire Local Transport Plan 2011 - 2026 (LTP3) (Derbyshire County Council, April 2011)
- [Link to Planning Practice Guidance](#)
- Guidelines for the Environmental Assessment of Road Traffic, (Institute of Environmental Management and Assessment (IEMA), 2004)
- Department for Transport (DfT) Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development (DfT, September 2013)
- 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:

- 3.128** All applications which are accompanied by a Transport Assessment/ Transport Statement (TA/TS) (see LR13 above).
- 3.129** 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.
- 3.130** 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:

3.131

- NPPF Chapter 9: Promoting sustainable transport Paragraph 113
- 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?

- 3.132** 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.
- 3.133** 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.
- 3.134** 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

3.135

- Derbyshire Local Transport Plan 2011 - 2026 (LTP3) (Derbyshire County Council, April 2011)
- [Link to 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:

3.136 All proposals requiring the provision of new and additional parking facilities or ones which would result in the loss of existing parking provision.

Driver:

3.137

- NPPF Chapter 9: Promoting sustainable transport Paragraphs 105-107

What Information is Required?

3.138 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

3.139

- Relevant Borough/ District Council Local Plan parking standards
- Delivering Streets and Places (6C's Design Guide Management Board, 2017)
- Nottinghamshire County Council Guidance for the Preparation of Travel Plans In support of Planning Applications (September 2010)

REF. NO. LR16: PUBLIC RIGHTS OF WAY (FOOTPATHS, BRIDLEWAYS AND BYWAYS)

Types of Application that Require this Information:

3.140 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:

3.141

- 1APP Form
- NPPF Chapter 8: Promoting healthy and safe communities Paragraph 100
- The Town and Country Planning Act 1990 Section 257–259
- Road Traffic Regulation Act 1984

What Information is Required?

3.142 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.

3.143 **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

3.144

- [Link to Rights of Way](#)
- [Link to Derbyshire County Council Public Rights of Way Team email address](#)
- [Link to Rights of Way Improvement Plan for Derbyshire](#)

REF. NO. LR17: NOISE AND / OR VIBRATION ASSESSMENTS

Types of Application that Require this Information:

- 3.145 All developments which generate noise and/or vibration to a level that could potentially cause a loss of amenity for residents within the vicinity and other noise and vibration sensitive uses including but not limited to educational establishments, hospitals, care homes, offices and public recreation areas.
- 3.146 The types of development that have the potential to generate noise include: mineral extraction sites (including ancillary mineral related development); oil and gas sites including exploratory wellsites; waste sites; new road infrastructure, or modifications to existing road infrastructure; sports pitches and multi use games areas (MUGAs); mechanical plant for schools, or any other type of development; construction from any site and other industrial uses.
- 3.147 The types of development that have potential to generate vibration include: mineral extraction sites (including ancillary mineral related development); oil and gas sites including exploratory wellsites; some waste sites; and some constructions works including piling, tunnelling, blasting and use of vibratory plant and equipment.

Driver:

3.148

- NPPF
- Chapter 15: Conserving and enhancing the natural environment Paragraph 185a)
- 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?

- 3.149 A Noise and/or Vibration Assessments should be prepared by a suitably qualified and experienced acoustician. The assessment(s) should identify the potential impact (if any) of noise and vibration 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 and/or vibration sensitive receptors in the area and include mitigation measures to prevent or minimise the effects of noise and/or vibration. It should also describe the regime to be established to monitor and record the actual noise and vibration generated during the construction, use and operation of the proposed development (including any noise and/or vibration from associated Heavy Goods Vehicle traffic).

3.150

- [Link to 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 (Current but under Review)
- BS7445-3:1991 Description and Measurement of Environmental Noise – Guide to application to noise limits (Current but under Review)
- BS 4142:2014+A1:2019 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)
- BS 8233:2014 Guidance on sound insulation and noise reduction for buildings - Code of Practice
- BS 6472-2:2008 Guide to evaluation of human exposure to vibration in buildings - Blast-induced vibration
- BS 6472-1:2008 Guide to evaluation of human exposure to vibration in buildings - Vibration sources other than blasting
- BS 7385-2: 1993 Evaluation and measurement for vibration in buildings – Part 2: Guide to damage levels from groundborne vibration
- World Health Organisation – Guidelines for Community Noise, 1999
- World Health Organisation – Night Noise Guidelines for Europe, 2009
- [Link to Design Manual for Roads and Bridges – Noise and Vibration](#)

REF. NO. LR18: DUST ASSESSMENT

Types of Application that Require this Information:

3.151 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:

3.152

- NPPF Chapter 17: Facilitating the sustainable use of minerals Paragraph 211c)
- NPPW
- DDWLP Policy W6: Pollution and Related Nuisances
- DDMLP Policy MP1: The Environmental Impact of Mineral Development

What Information is Required?

3.153 A dust assessment study should be undertaken by a qualified specialist and should include:

- 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

3.154

- [Link to 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:

- 3.155 Geographic location(s) - Countywide but focusing on those Air Quality Management Areas (AQMA) identified by the district councils in Derbyshire.
- 3.156 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.
- 3.157 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:

3.158

- The Environment Act 1995 Part IV Air Quality
- NPPF
- Chapter 15: Conserving and enhancing the natural environment Paragraph 18
- Chapter 17: Facilitating the sustainable use of minerals Paragraph 211c)
- NPPW
- DDWLP Policy W6: Pollution and Related Nuisances
- DDMLP Policy MP1: The Environmental Impact of Mineral Development

What Information is Required?

- 3.159 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.
- 3.160 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.

3.161

- [Link to Planning Practice Guidance](#)
- The Air Quality Standards (Amendment) Regulations 2016
- The UK plan for tackling roadside nitrogen dioxide concentrations' (DEFRA) (2017)
- Air Pollution in the UK 2019 (DEFRA, September 2020)
- [Link to Air Quality Management Areas](#)
- [Link to Air Pollution Information System](#)
- Land-Use Planning & Development Control: Planning for Air Quality (IAQM, January 2017)
- East Midlands Air Quality Network South Northamptonshire Council - Air Quality and Emissions Mitigation Guidance for Developers (March 2019)
- Institute of Air Quality Management 'Guidance on the Assessment of Dust from Demolition and Construction version 1.1' (2014)

REF. NO. LR20: ODOUR ASSESSMENT

Types of Application that Require this Information:

3.162 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:

3.163

- NPPW
- DDWLP Policy W6: Pollution and Related Nuisances

What Information is Required?

3.164 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.

3.165 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

3.166

- [Link to Planning Practice Guidance](#)
- [Link to 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:

- 3.167 All applications for new or extended facilities for the composting and anaerobic digestion of biodegradable waste materials.
- 3.168 Waste and waste management operations provide environments that are conducive to the release of bioaerosols into the air.

Driver:

3.169

- NPPW
- DDWLP Policy W6: Pollution and Related Nuisances

What Information is Required?

- 3.170 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

3.171

- [Link to 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)
- WR1121: 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:

- 3.172 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.
- 3.173 Heritage assets include World Heritage Sites (Derwent Valley Mills World Heritage Site), Scheduled Ancient Monuments, Listed Buildings and Conservation Areas as examples.
- 3.174 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.

- 3.175 **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:

- 3.176
- NPPF Chapter 16: Conserving and enhancing the historic environment Paragraphs 189-208
 - 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?

- 3.177 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.

- 3.178 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).
- 3.179 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.
- 3.180 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

3.181

- [Link to Historic England – Advice: Technical Guidance and Planning Listing](#)
- 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)
- The Setting of Heritage Assets (2nd Edition) (Historic England Advice in Planning Note 3, December 2017)
- [Link to Planning Practice Guidance](#)
- [Link to Derbyshire County Council Record Office](#)
- [Link to Derbyshire County Council Conservation and Design Team](#)
- [Link to Derbyshire Heritage Mapping Portal Guide](#)
- Derwent Valley Mills World Heritage Site Management Plan 2020-2025
- [Link to International Council on Monuments and Sites \(ICOMOS\)](#)
- Conservation Principles: Policies and Guidance (English Heritage, April 2008)

REF. NO. LR23: LIGHTING ASSESSMENT

Types of Application that Require this Information:

3.182 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:

3.183

- NPPF Chapter 15: Conserving and enhancing the natural environment Paragraph 185c)
- DDWLP Policy W6: Pollution and Related Nuisances
- DDMLP Policy MP1: The Environmental Impact of Mineral Development

What Information is Required?

3.184 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.

3.185 The assessment of potential impact should include the impact on any sensitive biodiversity feature where relevant and protected species such as bats.

3.186 The potential impact upon Listed Buildings or Conservation Areas including their setting is a consideration to be included in a lighting assessment.

Further Guidance

3.187

- [Link to Planning Practice Guidance](#)
- [Link to Chartered Institution of Building Services Engineers \(CIBSE\) Lighting Guides](#)
- [Link to Institution of Lighting Professionals](#)
- 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:

3.188 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:

3.189

- NPPW

What Information is Required?

3.190 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

3.191

- Waste Management Plan for England (DEFRA, January 2021)
- [Link to Planning Practice Guidance](#)

REF. NO. LR25: RECREATION / OPEN SPACE STATEMENT

Types of Application that Require this Information:

3.192 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:

3.193

- NPPF Chapter 8: Promoting healthy and safe communities Paragraphs 98-103

What Information is Required?

3.194 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).

3.195 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

3.196

- [Link to Sport England](#)
- 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)
- National Turf for Sport: Updated Guidance for 2011 (Sport England, May 2011)
- Selecting the Right Artificial Surface (Sport England, December 2010)
- Comparative Sizes of Sports Pitches and Courts (Outdoor) (Sport England, September 2015)
- Comparative Sizes of Sports Pitches and Courts (Indoor) (Sport England, September 2015)
- 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:

3.197 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:

3.198

- NPPF Chapter 8: Promoting healthy and safe communities Paragraph 93(a)

What Information is Required?

3.199 An application should be accompanied by a Community Use Management Statement which details the facilities to be made available (including the availability of changing rooms and toilets), 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

3.200

- Schools for the Future: Designing Schools for Extended Services (Department for Education and Skills, 2006)
- [Link to Sport England Advice on Community Use Agreements](#)

REF. NO. LR27: DRAFT PLANNING OBLIGATION

Types of Application that Require this Information:

3.201 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:

3.202

- NPPF Chapter 4: Decision-making Paragraphs 55-57
- Town and Country Planning Act 1990 Section 106

What Information is Required?

3.203 A draft of a legal agreement containing the heads of terms explaining what the applicant is offering.

Further Guidance

3.204

- [Link to Planning Practice Guidance](#)
- [Community Infrastructure Levy \(Amendment\) \(England\) \(No.2\) Regulations 2019](#)
- [Link to Planning Portal - The decision-making process](#)

Types of Application that Require this Information:

3.205 Sites which fall within the Coal Authority defined High Risk Development Area (but recommended for all sites within former coalfield areas).

3.206 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:

- 3.207
- NPPF Chapter 15: Conserving and enhancing the natural environment Paragraphs 183-184

What Information is Required?

3.208 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

- 3.209
- [Link to 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:

3.210 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:

3.211

- NPPF Chapter 15: Conserving and enhancing the natural environment Paragraph 174a)
- DDWLP Policy W5: Identified Interests of Environmental Importance and Policy and W9: Protection of Other Interests
- DDMLP Policy MP1: The Environmental Impact of Mineral Development, Policy MP4: Interests of Acknowledged Environmental Importance, and Policy MP10: Reclamation and After-Use

What Information is Required?

3.212 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

3.213

- 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:

3.214 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:

3.215

- NPPF Chapter 6: Building a strong, competitive economy Paragraphs 81-82

What Information is Required?

3.216 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.

3.217 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

3.218

- [Link to Planning Practice Guidance](#)

REF. NO. LR31: CLIMATE CHANGE / ENERGY STATEMENT / RENEWABLE ENERGY / SUSTAINABILITY STATEMENT

Types of Application that Require this Information:

3.219 All mineral and waste developments for new sites, extensions to existing sites and ancillary development. Information should also be provided for all County Council development applications proportionate to the scale of the development proposed.

Driver:

3.220

- NPPF Chapter 14: Meeting the challenge of climate change, flooding and coastal change Paragraph 153-158
- Future Buildings Standard 2021
- Government 10 Point Plan for a Green Industrial Revolution 2020
- Planning and Compulsory Purchase Act 2004
- Planning and Energy Act 2008
- Climate Change Act 2008 (2050 Target Amendment) Order 2019
- Environment Act 2021

What Information is Required?

3.221 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 materials, design and facilities aimed at reducing energy needs, use of renewable or low carbon energy generation and supply systems, water consumption and the overall carbon footprint.

3.222 Statements should demonstrate how sustainable design and construction have been addressed, including reducing energy consumption and greenhouse gas emissions through the use of sustainable technologies, use of renewable or low carbon energy generation and supply systems, climate change adaptation and mitigation measures (during both the operational and restoration phases of developments), carbon offsetting or other appropriate mechanisms. Minimising waste and increasing recycling, conserving water resources, incorporating green and blue infrastructure and sustainable drainage (SuDS), minimising pollution, maximising the use of sustainable materials and sustainable forms of transport.

3.223 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. A recognised quality regime must be implemented to ensure that the 'as built' performance of the development matches the calculated, specified, performance in terms of energy use and GHG emissions. This will require post construction monitoring of the development and reporting to verify as built specification compliance.

3.224

- [Link to Planning Practice Guidance](#)
- Relevant Local Authority Supplementary Planning Guidance
- Planning for the Future: planning policy changes in England in 2020 and future reforms (House of Commons Library, March 2021)
- Net Zero Strategy: Build Back Greener (October 2021)
- Heat and Buildings Strategy (October 2021)
- [Link to BREEAM](#)
- 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)

Types of Application that Require this Information:

3.225 Proposed developments with the potential for impact on human health.

Driver:

3.226

- NPPF Chapter 8: Promoting healthy and safe communities
- Paragraphs 92-93
- 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?

3.227 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.

3.228 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

3.229

- [Link to Planning Practice Guidance](#)
- Health Impact Assessment: Evidence on Health (Department of Health, July 2010)
- Health Impact Assessments in Planning Toolkit (Worcestershire County Council, March 2016)
- Our Lives, Our Health: Derbyshire Health and Wellbeing Strategy 2018-2023 (Derbyshire County Council, 2018)
- Planning for Health Rapid Health Impact Assessment Tool Fourth Edition (NHS - Health Urban Development Unit (HUDU), October 2019)
- Health Impact Assessment in spatial planning: A guide for local authority public health and planning teams (Public health England, October 2020)

REF. NO. LR32.1: FIRE SAFETY AND HIGH RISE RESIDENTIAL BUILDINGS

Types of Application that Require this Information:

3.230 Following the Grenfell Tower fire in June 2017 the government commissioned an Independent Review of Building Regulations and Fire Safety. The report highlighted the need to transform the fire and building safety regime. From 1 August 2021 planning applications in respect of buildings containing two or more dwellings or educational accommodation and of a height of 18 metres or more, or seven or more storeys, must include a Fire Statement in the supporting information.

Driver:

3.231

- Fire Safety and High Rise Residential Buildings (from 1 August 2021), MHCLG (June 2021)

What Information is Required?

3.232

- The principles, concepts and approach relating to fire safety that have been applied to each building in the development;
- The site layout;
- Details of emergency vehicle access and water supplies for firefighting purposes;
- What, if any, consultation has been undertaken on issues relating to the fire safety of the development and what account has been taken of this;
- How any policies relating to fire safety in relevant local development documents have been taken into account.

Further Guidance

3.233

- [Link to Planning Practice Guidance](#)

REF. NO. LR33: CUMULATIVE IMPACT ASSESSMENT

Types of Application that Require this Information:

- 3.234 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.
- 3.235 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.
- 3.236 Applications for minerals and waste development are particularly relevant.
- 3.237 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:

- 3.238
- NPPF Chapter 15: Conserving and enhancing the natural environment Paragraph 185-186
 - 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?

- 3.239 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

- 3.240
- [Link to Planning Practice Guidance](#)

REF. NO. LR34: ENVIRONMENTAL STATEMENT

Types of Application that Require this Information:

3.241 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:

3.242

- Planning Practice Guidance
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

What Information is Required?

3.243 The EIA Regulations require a developer to prepare an Environmental Statement for all Schedule 1 projects and some Schedule 2 projects.

3.244 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.

3.245 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.

3.246 The applicant can request a 'scoping opinion' as to the key environmental issues the Environmental Statement should cover.

3.247 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

3.248

- [Link to Planning Practice Guidance](#)
- [Link to 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:

3.249 All applications submitted to Derbyshire County Council.

What Information is Required?

3.250 A completed checklist relevant to the type of application being submitted.

4. ACRONYMS USED IN THE LOCAL LIST

Acronym	Description
1APP	is the acronym for the standard planning application form introduced by the Government
AQA	Air Quality Assessment
AQMA	Air Quality Management Area
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
EclA	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

Acronym	Description
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

5. 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:

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		

Item No.	Item – The information requirements for this type of application may include:	Tick	Where the information can be found in the application documents
LR9	Landscaping Scheme		
LR10	Green and Blue 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 (Foot-paths, Bridleways and By-ways)		
LR17	Noise and / or Vibration 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 State-ment		
LR25	Recreation / Open Space Statement		
LR26	Community Use Statement		

Item No.	Item – The information requirements for this type of application may include:	Tick	Where the information can be found in the application documents
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		
LR32.1	Fire Safety and High Rise Residential Buildings		
LR33	Cumulative Impact Assessment		
LR34	Environmental Statement		
LR35	Validation Checklist		

6. 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:

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		

Item No.	Item – The information requirements for this type of application may include:	Tick	Where the information can be found in the application documents
LR9	Landscaping Scheme		
LR10	Green and Blue 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 and / or Vibration 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		

Item No.	Item – The information requirements for this type of application may include:	Tick	Where the information can be found in the application documents
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		
LR32.1	Fire Safety and High Rise Residential Buildings		
LR33	Cumulative Impact Assessment		
LR34	Environmental Statement		
LR35	Validation Checklist		

7. 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:

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		

Item No.	Item – The information requirements for this type of application may include:	Tick	Where the information can be found in the application documents
LR9	Landscaping Scheme		
LR10	Green and Blue 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 and / or Vibration 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		

Item No.	Item – The information requirements for this type of application may include:	Tick	Where the information can be found in the application documents
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		
LR32.1	Fire Safety and High Rise Residential Buildings		
LR33	Cumulative Impact Assessment		
LR34	Environmental Statement		
LR35	Validation Checklist		



Agenda Item No.4.3

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

10 January 2022

Report of the Executive Director – Place

Item for the Committee's Information

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).	Site inactive.

		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.	
Stancliffe Quarry 3.696R	Condition 43 relating to stability of land adjacent to quarry face. Non-compliance relating to requirement to provide appropriate remediation scheme. February 2017 Breach involving the removal of stone via unauthorised access, creation of access track and damage to trees covered by Tree Preservation Order.	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. Interim Injunction Order granted 31 March 2017.	Site inactive. Two planning applications relating to the site under consideration CM3/0918/48 and CM3/0918/49).
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	Date notice takes effect – 21 January 2019. Ongoing monitoring of notice requirements. Monitoring stalled due to Covid-19 Inspection to be arranged.
Land at Park Hills Farm, Mugginton	Without planning permission, the	Temporary Stop Notice issued 29 May 2019. Enforcement Notice issued 3 February 2020.	Ongoing monitoring/review. Enforcement notice took effect 4 March 2020.

Lane End, Weston Underwood	deposit of waste materials onto land.		Monitoring stalled due to Covid-19 Inspection to be arranged.
Land at Lady Lea Road, Horsley	Importation and deposit of material onto land.	Planning Contravention Notice issued 28 October 2019. Temporary Stop Notice issued 29 May 2020. Enforcement Notice issued 16 July 2020 – Notice takes effect on 19 August 2020 unless an appeal is lodged before the effective date.	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 required by 25 August 2020. Response received.	Planning Contravention Notice issued in consultation with Amber Valley Borough Council
Land at Barden Farm, Smalley	Importation of waste material, deposit of waste material, transfer of waste material, storage of waste material and empty skips, and treatment of waste material	Planning Contravention Notice issued 30 November 2021.	Planning Contravention Notice served on Heanor Mini Skips Ltd

Chris Henning
Executive Director – Place

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PLANNING SERVICES**Outstanding Items**

Date: 22/12/2021

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 (4)				
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.	Slinter Top Quarry, Cromford, Matlock, DE4 3QS	Consultation Replies Awaited	228
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	798
CM6/1110/112	Recovery of 400,000 tonnes of coal using surface mining and the development of two flood alleviation areas along the Bottle Brook at George Farm Reclamation Site, Denby.	George Farm, Denby, Derbyshire, DE5 8PP	Approved Pending Legal Agreement	569
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	203
Major (9)				
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	163
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	158
CM3/0918/49	Formation of new access and road to existing quarry	Stancliffe Quarry, Dale Road North, Darley Dale, DE4 2GY	Held in Abeyance	158
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	172
CW9/0321/54	Partially Retrospective Development of a Woodshed, Concrete Walled Bays and HGV Parking at Depot 3	Willshee's Waste And Recycling Limited, Keith Willshee Way, Swadlincote, DE11 9EN	Further Information Awaited	28
CW2/0521/3	Extended area for scrap metal recovery and ancillary operations to encompass wider site area, including increase incoming waste tonnage to 75,000 tonnes per annum, additional storage areas, and increase the storage stockpile heights to 4 metres (m) in bays.	Pinball Metals Ltd., Unit 2, Burley Close, Chesterfield, S40 2UB	Further Information Awaited	27
CM3/0721/15	Application not to comply with Condition 8 of Planning Permission CM3/0718/32 to update the area where permitted development rights apply, to better reflect the extent of processing operations.	Brassington Moor Quarry, Longcliffe, Brassington, DE4 4BZ	Further Information Awaited	22
CW8/0721/16	Installation of an anaerobic digestion (AD) plant and associated buildings, plant and machinery	The Old Ironworks Crompton Road Ilkeston DE7 4BG	Further Information Awaited	21

APP CODE	PROPOSAL	LOCATION	STATUS	WEEKS
CW8/0721/18	Section 73 application not to comply with condition 31 of planning permission CW8/0417/1 to allow the storage of material above the Nutbrook Culvert within the permitted site boundary.	Johnsons Recycling Centre, Crompton Road, Ilkeston, DE7 4BG	Further Information Awaited	20
Minor (2)				
CD4/0521/6	Removal of three existing wooden sheds and the erection of a garage for storage	Ridgeway Primary School, 1A Main Road, Ridgeway, S12 3XR	Report being prepared	12
CD1/0721/14	The removal of an existing concrete ramp and steps. Replaced with new steps and a sloped path to link the top and lower levels to provide all-inclusive access. To include a 1.2m high guard rail at the top of the path / retaining wall to prevent falling, as well as handrails to the steps.	Padfield County Primary School, Rhodes Street, Padfield, Glossop, SK13 1EQ	Report being prepared	20



Agenda Item No. 4.5

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

10 January 2022

Report of the Executive Director – Place

Item for the Committee’s Information

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

Chris Henning
Executive Director – Place

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Agenda Item No.4.6

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

10 January 2022

Report of the Executive Director – Place

Item for the Committee's Information

**MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR
– PLACE UNDER DELEGATED POWERS**

25/08/2021	Delegation Decisions on Schemes Required by Planning Conditions: CD8/0221/49 Harrington County Junior School SD3586: External Elevational Brickwork
03/09/2021	Applicant: Severn Trent Water Limited Planning Application Code No: CW3/0521/7 Section 73 to not Comply with Conditions 3 pf Planning Permission CW3/0320/83 to Permit the Installation of Four New Swing Jibs, Revised Sludge Tank Covers and Relocation of the Motor Control Centre Kiosk Doors, Matlock Sewage Treatment Works
03/09/2021	Delegation Decisions on Schemes Required by Planning Conditions: CD6/0221/51 Kilburn Junior School SD3585: Intrusive Ground Investigations SD3584: Site Stability and Methods of Intrusive Ground Investigations SD3585: Assessment Relating to Ground Gases SD2588: Ecology Survey.
10/09/2021	Applicant: Derbyshire County Council Planning Application Code No: CD8/0421/1

	Section 73 to not Comply with Conditions 3 and 17 of the Approved Planning Permission CD8/0120/72 at the Former Pupil Referral Unit, Brookside Road, Breadsall
10/09/2021	Applicant: Ben Bennett Jnr Ltd Submission No: PD17/3/84 Request for Prior Approval for Replacement Portacabins to be Located in the same Positions as the Existing Cabins at Grange Mill Quarry, Wirksworth
10/09/2021	Delegation Decisions on Schemes Required by Planning Conditions: CM1/1017/58 Dowlow Quarry SM3595: Investigation for Archaeological Work SM3596: Protected Species Survey – Badges SM3597: Protocol for the Management of Protected Species R1/1017/33 Dowlow Quarry SM3598: Protocol for the Management of Protected Species CHA/1156/23 Hindlow Quarry SM3575: Soil Stripping and Storage CD6/0221/51 Kilburn Junior School SD3582: Travel Plan CD8/0221/49 Harrington County Junior School SD3599: Measures to Prevent Badgers being Trapped in Open Excavations and/or Pipes and Culverts SD3600: Identify and Control Any Environmental Risk
17/09/2021	Applicant: Derbyshire County Council Planning Application Code No: NMA/0721/77 Non-Material Amendment to Planning Permission Code Number CD8/0920/33 to Amend the List of Approved Plans Associated with Condition 3 at the Former Ormiston Academy and Playing Fields, Bennerley Avenue, Cotmanhay, Ilkeston
23/09/2021	Delegation Decisions on Schemes Required by Planning Conditions: CD8/0120/72 Behavioural Support Centre Breadsall SD3591: Details for storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic restrictions. SD3593: Details of additional surface water run-off during construction.
07/10/2021	Applicant: Russell Barker, Red Materials Ltd Planning Application Code No: NMA/0821/78 Non-Material Amendment to Planning Permission CW5/1117/69 to Change the Order of Phased Re-Profiling

	and Restoration of the Site including Location of the Site Compound within Phase 3 at the Former Oxcroft Colliery Tip, Mill Lane, Stanfree S44 6AG
07/10/2021	Delegation Decisions on Schemes Required by Planning Conditions: CM9/0620/19 Extension to Willington Quarry SM3601: Water Receptor Monitoring Scheme CHA/1156/23 Hindlow Quarry SM3576: Archaeological observation and recording – Written Scheme of Investigation SM3577: Ecological Survey and Recording
14/10/2021	Applicant: Tarmac Cement and Lime Limited Planning Application Code No: CM1/0621/12 The Erection and Operation of a Filter Fines Feed System Comprising Three Silos and Ancillary Development at the Existing Cementitious Bagging Plant at Tunstead Quarry, Waterswallows, Wormhill, Buxton SK17 8TG
14/10/2021	Delegation Decisions on Schemes Required by Planning Conditions: CD8/0221/49 Harrington County Junior School SD3587: Construction Management Plan
22/10/2021	Applicant: Derbyshire County Council Planning Application Code No: CD5/0821/19 Removal of Existing Dilapidated Roof Lights and Replacement with New at Bolsover Family Support Centre, High Street, Bolsover S44 6HF
22/10/2021	Delegation Decisions on Schemes Required by Planning Conditions: CD8/0120/72 Former Pupil Referral Unit Breadsall SD3590: Construction Management Plan and Construction Method Statement SD3602: Method Statement SD3604: Scheme to identify and control any environmental risks associated with the site are developed and undertaken SD3605: Written Method Statement for remediation and environmental risks. SD3592: Detailed design and associated management and maintenance plan of surface water drainage. SD3594: Landscape and Ecological Management Plan
05/11/2021	Applicant: Steetley Dolomites Ltd Planning Application Code No: CM5/0721/13 Erection of a Storage Shed and Replacement of an Existing Hardstanding, Whitwell Works, Southfield Lane, Whitwell S80 3LJ
16/11/2021	Applicant: Mr Les Foulger, C/O Saint Gobain PAM Planning Application Code No: CW2/0721/17

	Application Made Under Section 73 of the Town and Country Planning Act 1990 Planning Application to not Comply with Conditions 24 (Restoration Masterplan) and 25 (Restoration of Lagoons and Ponds) of Planning Permission Reference CW2.0113/133, including Revised Restoration Scheme that Accommodates an Existing High Voltage Underground Electricity Cable that Passes through the Site and Reconfiguration of Hedgerow Banks and Field Pattern (Made in Retrospect), Former Staveley Works off Works Road, Hollingwood, Chesterfield
16/11/2021	Applicant: Derbyshire County Council Planning Application Code No: NMA/1021/79 Non-Material Amendment for Proposed Design Changes to Approved Planning Application Code No: CD8/0221/49, including Increase in Roof Parapet Height by 250mm, Photovoltaic Cells on Roof and Substitution from Trespa to Rockpanel Cladding, Harrington County Junior School, Derby Road, Long Eaton, NG10 4BJ
16/11/2021	Delegation Decisions on Schemes Required by Planning Conditions: CD1/0420/5 Glossopdale School, Hadfield SD3603: Scheme providing lux levels, the height and location of proposed lighting, the specification for the light fittings and measures to prevent adverse impacts to bats. Scheme shall also make provision for no lighting to be erected along the eastern elevation of the new building.

Chris Henning
Executive Director - Place

PUBLIC

PLANNING SERVICES DEVELOPMENT MANAGEMENT

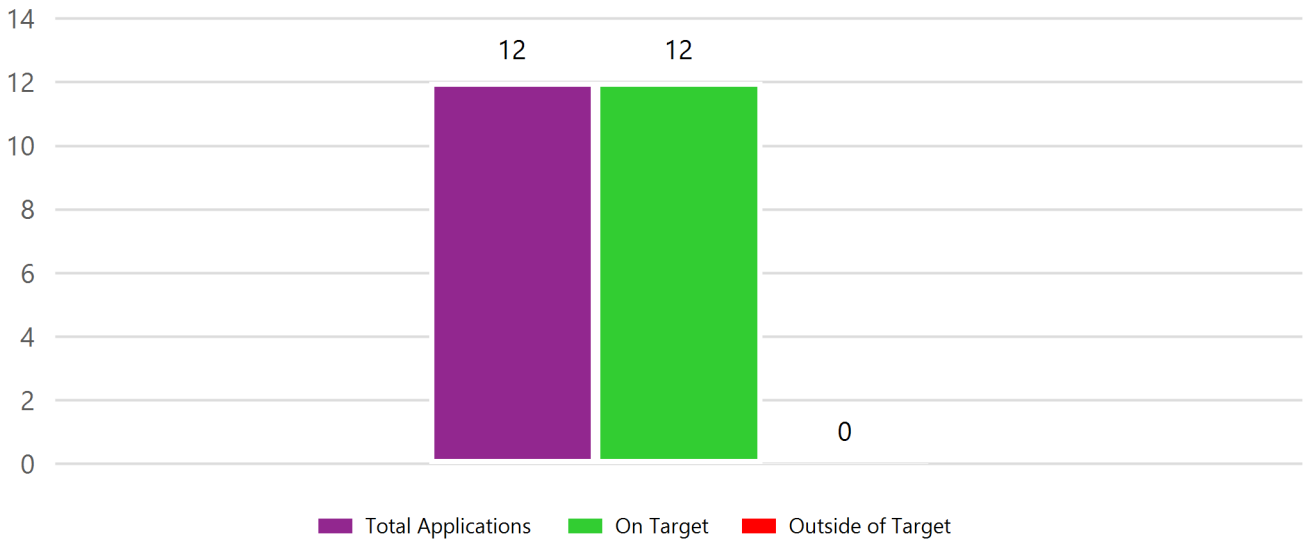
Quarterly Performance Statistics
01 July 2021 to 31 December 2021

APPLICATIONS OVERVIEW

EIA Applications: 2 - Major Applications: 8 - Minor Applications: 5

Applications Determined	12
On Target	12
Outside of Target	0

TARGET RESULT **100.00%**



SUBMISSIONS OVERVIEW

Submissions Determined	40
On Target	32
Outside of Target	8

TARGET RESULT **80.00%**

