

Agenda Item No. 3.2

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

12 April 2021

Report of the Director – Economy, Transport and Environment

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

9.1561.7

Introductory Summary

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

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

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

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

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

(2) **Information and Analysis**

Site and Surroundings

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

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

Planning Background/Consented Development

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

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

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

The Proposals

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

It states:

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

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

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

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

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

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

Consultations

Local Members

Councillor Murray and Councillor Bambrick have been consulted.

South Derbyshire District Council

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

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

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

Castle Gresley Parish Council

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

Highway Authority

No objections.

Publicity

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

One response was received which stated:

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

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

Planning Considerations

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

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

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

The most relevant development plan policies for this proposal are:

Saved Policies of the Derby and Derbyshire Waste Local Plan

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

South Derbyshire Local Plan

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

Within the SDLP, the most relevant policies are:

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

National Planning Policy Framework

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

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

National Planning Policy for Waste

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

Policy Discussion

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

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

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

Policy INF2 (D iii) states:

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

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

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

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

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

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

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

Environmental and Amenity Impacts

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

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

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

Conclusion

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

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

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

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

(6) **Other Considerations**

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

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

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

Conditions

Permitted Development Rights

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

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

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

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

Approved Plans

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

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

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

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

Land Contamination

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

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

Scope of Development

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

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

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

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

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

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

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

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

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

Import Limit

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

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

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

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

Highways

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

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

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

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

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

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

Lighting

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

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

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

Reason: In the interest of amenity.

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

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

Dust

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

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

Waste

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

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

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

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

Noise

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

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

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

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

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

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

Ecology

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

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

Reason: In the interests of ecology and protected species.

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

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

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

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

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

Landscaping

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

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

Informative Note on Land Contamination:

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

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

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

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

Tim Gregory
Director – Economy, Transport and Environment