

PARISH Old Bolsover

APPLICATION Outline application for General Industrial (B2 uses), Warehousing (B8 uses), energy centre, a transport hub, open storage and a museum/visitor centre with details of access (all other matters reserved).
LOCATION Land Formerly Known As Coalite On North And South Side Of Buttermilk Lane Bolsover
APPLICANT Bolsover Land Limited
APPLICATION NO. 14/00089/OUTEA **FILE NO.**
CASE OFFICER Mr T Ball
DATE RECEIVED 14th February 2014

SITE

Disused and partially cleared former smokeless fuels and chemical works to the west of Bolsover. The site is divided roughly east/west by Buttermilk Lane and north/south by the now disused and dismantled railway to Bolsover. The River Doe Lea forms the southern boundary of the site being the District Boundary with North East Derbyshire District Council (NEDDC).

The application site encompasses 31ha of mainly brownfield land.

The former chemical works are on the north-western side of Buttermilk Lane where various tanks and plant remain together with various disused buildings. Adjoining to the north and north-eastern sides is agricultural land and the partially restored colliery spoil north tip of Markham colliery. To the south-western side across the river is the restored south tip of Markham Colliery (currently undergoing further restoration works as part of the Markham Vale development).

The former smokeless fuels site is on the south-eastern side of Buttermilk Lane much of which has been cleared and left derelict. The area of the proposed development between the railway and river adjoins to the south the former Bolsover Colliery (now Bolsover Business Park) and Snipe Bog (a wildlife site), with agricultural land on the south-western side of the river Doe Lea. To the north-east, across the now disused railway to Bolsover, is agricultural land and the reclaimed Bolsover northern pit tip.

The application site also includes a small area of agricultural land on the south-western side of the river where the District boundary follows an old route of the River, just to the north of the A632 bridge over the River Doe Lea.

Large parts of the site are visible from Bolsover Castle (Grade 1 Listed Building, Ancient Monument and Garden of Historic interest). Also from the western slopes of Bolsover town (in particular the Castle Estate) and Hill Top. The site is also visible in distant views from Sutton Scarsdale Hall (Grade 1 Listed Building and Ancient Monument). North-east of the site, close to the site of the former Headquarters offices, is Woodhouse Farm a grade II Listed Building facing the site in an elevated position.

The area of the former Coalite Works to the southern side of the River Doe Lea, comprising

the former vehicle maintenance workshops, sewage works and fuel stocking yard together with the agricultural land between the A632 and the River Doe Lea is the subject of a separate planning application to NEDDC for residential development (up to 795 dwellings with a local centre).

PROPOSAL

Outline application for General Industrial (B2 uses), Warehousing (B8 uses), energy centre, a transport hub, open storage and a museum/visitor centre with details of access (all other matters reserved).

Application form indicates that there will be 93,600 sq. m. B2/B8 floorspace with 1,095 sq m for the Museum/Visitor Centre. Total floorspace proposed 94,695 sq m. A range of units is proposed to provide for smaller start-up and incubator type units to larger manufacturing and distribution facilities.

Number of jobs, hours of working unknown at this stage.

Submitted with the application are:

- Design and Access Statement;
- Illustrative Masterplan;
- Phasing and parameters Plan;
- Environmental Statement (ES);
- Non-Technical Summary of the ES;
- Transport Assessment
- Site Investigation and Risk Assessment;
- Statement of Community Involvement.

The Illustrative Masterplan (which is attached to the end of this report) covers both the Bolsover District Council area and that of North East Derbyshire. The north-western area shows a mix of industrial units (of various sizes) and open storage areas (1.94ha) with a visitor centre at the northern end and the transport hub (showing 141 trailer spaces) in the area between the former railway line and the River Doe Lea. The area on the south-eastern side of Buttermilk Lane (former Smokeless Fuels area) is shown with larger industrial units and adjacent to the Bolsover Business Park an energy centre. A new roundabout is shown to serve this area and the transport hub opposite, while the remaining sites off Buttermilk Lane are served by new junctions.

[The NEDDC area is shown as residential development with the illustrative layout including a local centre, landscaped areas, public open space areas, great crested newt habitat and some provision for sustainable urban drainage. Access to the residential area is provided by roundabouts on Chesterfield Road (A632) and Buttermilk Lane.]

The following summary of the proposal and its aims is taken from the Design and Access Statement:

“There is a legacy of contamination on the site due to its former use. The northern site area (plots 5-8) contains a number of large storage tanks, the majority of which have been cut open and these contained a range of hydrocarbon wastes that include coal oil, crude tyre oil, tar acid and phenolic wastes. All loose drums of chemicals and the contents of the above ground storage tanks were removed from the site during 2013. However, there remains significant contamination of the soils and groundwater at the site that represents a significant

risk to human health and the aquatic environment.

The site soils are contaminated with a range of complex hydrocarbons that include chlorinated phenols and phenolic compounds, fuels and oils, coal tars and pitch and locally dioxins. These compounds can emit odours and site sensitive receptors have been identified. A specialist consultant undertook odour surveys in 2008 and latterly in 2013—a comparison of these demonstrates a reduced odour nuisance associated with the site due to the removal of loose chemicals. Results of this can be read in the ‘Odour Assessment’ report accompanying this application. An odour management plan has been developed to provide a framework for managing the remediation and construction processes to reduce the risk of odour impacts at off-site locations.

The development proposals are for demolition, clearance and remediation of the former Coalite chemical works to allow the site to deliver the scope of accommodation outlined in the masterplan proposals.”

There are significant ecological habitats adjacent to the river and the presence of Great Crested Newts in the NEDDC area. The former railway and river provide habitat corridors which bisect the site. A masterplan objective is to retain, enhance and open these areas to the public realm.

The document contains a brief summary of relevant planning policy.

A Flood Risk Assessment has been carried out, various improvements to the River Doe Lea (improvements to the water course channel and the existing flood plain and the removal of various structures along the river and the replacement of the Buttermilk Lane road bridge (which is restricted and contributes to flooding in that area) are proposed.

A drainage strategy has also been prepared. This proposes that in the commercial areas the use of SuDS should be investigated, however it is anticipated that due to the former site uses and known levels of contamination present in the site soils, groundwater infiltration drainage is unlikely to be feasible. The use of underground storage tanks would be the best solution, and would offer a degree of protection against cross-contamination of clean surface water with contaminated ground water present within the site soils. A new foul drainage network is proposed which will require either a pumping station with restricted discharge rates to Staveley Treatment Works (until the operating capacity at the works is improved, although the capacity at the works takes account of the strategic employment site, i.e. there is no allowance for the residential development). Temporary package on-site treatment works is proposed until the main foul drainage infrastructure is installed.

Design Principles for the development are set out: buildings to address principle access roads and pathways, office accommodation on prominent corners, significant landscaping to the northern and southern boundaries to enhance the landscape and wildlife corridors which bisect the site, service yards central facing, opportunity to introduce substantial landscape corridors in a north-south configuration between buildings which will help mitigate visual impact from Bolsover Castle.

The open storage areas are those areas of the site where contamination is the highest.

The proposed energy centre would generate 11.25 MW together with the same output in thermal energy. A gasification process is proposed involving heating biomass. A flue stack of 16m would be required.

The proposals seek to introduce ecological corridors to the river and disused railway. The existing habitat areas along the Doe Lea will be retained and enhanced. The majority of existing vegetation within and around the site is to be retained where possible.

Sustainability target for the industrial units would be a score of very good under the BREEAM method of assessment.

The Environmental Statement deals with the following topics and provides these conclusions:

- Ecology – impacts will only be neutral or slight, but with significant benefits being delivered by the creation of new habitats which will deliver positive impacts.
- Cultural Heritage – impacts on heritage assets is considered as being less than substantial harm, and any impact is outweighed by the public benefits of the proposal (land remediation, environmental enhancements, new jobs and new homes).
- Noise – mitigation measures will ensure noise from the employment uses will not impact on residential amenity of nearby and future occupants.
- Flood Risk & Drainage – the site is within flood zone one but proposals to rebuild Buttermilk Bridge will lead to further enhancements and reduced risk of impacts, a drainage strategy is also recommended to ensure surface water and foul water are discharged with minimum impacts on the existing treatment and sewer systems.
- Contamination – extensive site investigations has led to a detailed remediation methodology and risk assessment being prepared to ensure minimum impacts (e.g. odour, air quality) on the amenity of nearby residents during the construction phases and also that land is made suitable for redevelopment.
- Air Quality – a reduction of baseline odour levels is expected upon completion of works as no odour emissions are anticipated from the application site following the remediation strategy.
- Landscape & Visual Impact Assessment – the development will deliver significant positive impacts due to the reclamation and redevelopment of the derelict site.
- Transport – the development will result in potential increases in traffic, but at junctions where the increase is above a 5% increase further investigations have been undertaken to identify junctions in need of improvements.

These topics are discussed in more detail in the assessment section of this report.

Phasing of the development is discussed in the Environmental Statement. It is anticipated that the development will take approximately 15+ years to complete in its entirety, with changes dictated by market forces. The residential and commercial aspects of the overall development are split into individual phases however no specific order or timing of those phases in relation to each other is given. Habitat mitigation will be delivered before development work commences.

AMENDMENTS

Various revisions have been made to the application in terms of responses to issues raised by consultees and discussions with the planning officers; this comprises additional information as well as amendments to the original submission. The latest position in relation to submitted documents is as follows:

Masterplan revision B which added information about the energy centre (use of Refuse

Derived Fuel omitted), and revised access arrangements in NEDDC area. (22.01.15)
Response to comments of DWT with information about where OMHPDL could be provided.
(03.02.15)

Proposed Remediation and Phasing Strategy including revised phasing (no residential development within NEDDC area until completion of the remediation strategy in BDC and removing reference to the remediation only being viable if residential development is released for occupation after phase 2 of the remediation), principles of the remediation scheme to be undertaken and of its phasing, odour assessment, plan showing remediation phasing in relation to development phasing, and phasing and parameters plan (showing the phases of development construction). (07.07.15 and 29.07.15)

Revised Transport Assessment (31.03.15)

It has been confirmed (07.07.15) that phase 1 of the Remediation Strategy involves the clearance of materials above ground which may include tanks, buildings, retaining walls, and some raised concrete slabs; phase 4 (the treatment of 'hot spots' in the area north of the former railway and west of Buttermilk Lane) involves the removal of material below ground (which includes the removal of slabs and hardstandings). Phase 5 involves the remediation of the treatment area used for the rest of the site; the hardstanding will be broken up and crushed, chemically tested if visually contaminated; any contaminated soils below the concrete slab will be excavated and treated by bioremediation (as with the rest of the site) on an impermeable liner, or if quantities are small transported off-site to a treatment facility. Landscape Masterplan at scale with key (as depicted in illustrations in various documents). (22.07.15)

HISTORY

02/00614/LAWEX: Application for Lawful Development Certificate approved November 2003 for various uses, principally B2 (General Industrial Use) but also including elements of B1 (Business Use – headquarters office), C3 (Dwelling houses – caretakers bungalow), agricultural use – land to rear of headquarters office complex) and woodland and marshland.

08/00755/OUTEA: Outline application for Industrial (Class B1 and B2) and Distribution Park (Class B8) Application disposed of (withdrawn) by the Local Planning Authorities (BDC and NEDDC) as various remediation issues needed resolution before determination of the application in October 2010.

13/00157/DETDEM Demolition of remaining buildings, structures and tanks by current applicant; approved July 2013.

CONSULTATIONS

Infrastructure

Local Highway Authority (DCC):

Discussions have been held with the applicant resulting in a revised Transport Assessment. There is no evidence to support a reason for refusal on the basis that the development would result in severe harm on the highway network in accordance with policy 32 of the National Planning Policy Framework, subject to implementation of the identified mitigation measures. Therefore no highway objections subject to conditions, S106 contributions and measures. It is noted that the Transport Assessment considers the highways and transport implications of the traffic generated by the overall development (i.e. industrial/commercial development in BDC and residential in NEDDC).

There are various highway network improvements required (including the access points into

the site) and Buttermilk Lane improvements, implementation being dependant upon the progress and phasing of the development. A condition requiring a site wide phasing programme prior to submission of any Reserved Matters is recommended to help manage the timescale for implementation of the highway works. The access details submitted as part of the application are considered to be satisfactory in principle. The TA sets out the basis for a phased approach to bus service provision to cater for both residential and employment elements. Arrangements will need to be co-ordinated between the developer and the bus operator to be provided for in a S106 Planning Obligation.

Recommends following conditions:

Site wide phasing programme prior to or concurrent with first Reserved Matters application (content of programme suggested); no development until phasing programme approved; construction management plan prior to each phase of development; Framework Travel Plan prior to or concurrent with the first Reserved Matters application to be approved individual Travel Plan for each reserve Matters application; Reserved Matters to include detail design for employee and visitor parking, manoeuvring etc. space. S106 to include provision for off-site highway works in Bolsover (Hilltop/Station Road junction, Town End), public transport provision, removal of unnecessary signage. 09.07.15

Highways Agency:

Notes that the outline application 14/00089/0UTEA specifies a larger amount of development than has been evaluated by the Highways Agency's Consultants at the pre-application stage. Consequently, there is a strong possibility that the mitigation proposed by the applicant for M1 J29a may no longer accommodate the increase in traffic associated with the proposed employment development and, as such, further modelling work is likely to be required. Since there are still unresolved transportation issues, the application, as it stands, has insufficient information to warrant a substantive response from the Highways Agency. Issues a direction preventing the granting of planning permission for 3 months to allow the concerns of the Highway Agency to be addressed or overcome. 14.03.14

Further comments following further discussions with applicants consultants; confirm the principle of development is acceptable; the improvement scheme, shown on a submitted drawing, at M1 J29a southbound off-slip is required to accommodate the additional traffic from the development. Directs a condition that no occupation of any part of the development until the improvement scheme to J29a is complete and open to traffic. 05.08.15

Flood Risk Management Team (DCC):

Surface Water Model indicates that the site is likely to be subject to surface water flooding during a 1 in 200 year event in its current state. Encourage use of permeable hardstanding or use of SUDs; surface water discharge regardless of the sites status as brownfield should be as close to greenfield rate as practical. Responsibility for future maintenance of SUDS features should be clarified.

Site may fall within Environment Agency flood zones 2 and 3 from the Main River which crosses the site.

Groundwater may be vulnerable to contamination, infiltrating water should be free from contaminants. Increased infiltration is likely to result in ground instability. Site specific ground investigation should be undertaken for the site.

Has records of two incidents of historical flooding within the site but no information relating to pathway or receptor recorded.

River Doe Lea which intersects the site is currently assessed as being of poor ecological status; no activity or works should deteriorate the status of the watercourse, all water bodies

should reach good ecological status by 2015 according to the Water Framework Directive 2000. 17.03.14

Environment Agency:

Flood Risk

Object to this application in the absence of sufficient evidence to demonstrate that the flood risk Sequential Test has been applied. Part of the application site lies within Flood Zones 3a/2 as having a high/medium probability of flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. In this instance the Applicant has proposed to modify the floodplain to accommodate the development outside these Flood Zones, but has not provided sufficient detailed topographical information to determine what the proposed Flood Zones 3a / 2 would be. For the purpose of this application we could agree in principle with the LPA that the Flood Zones may be modified provided sufficient information is submitted to demonstrate that flood risk will not be increased elsewhere, and also if flood risk will be further reduced to contribute towards wider sustainability benefits. With regard to phasing of the development, the hydraulic improvements to the floodplain, such as replacement of the road bridge and removal of other structures must precede the phases of development shown in Flood Zones 3a / 2 on our current Flood Map.

We advise there should be a further reduction in surface water runoff from the brownfield site to that proposed. The FRA (Environmental Statement) proposes that surface water runoff will be reduced by 20%, whereas the Chesterfield, Bolsover and North East Derbyshire Strategic Flood Risk Assessment recommends that the minimum reduction should be to greenfield runoff rate, or at least 30% reduction to existing points of discharge. The FRA (Environmental Statement) does not make any recommendation for the minimum floor levels for non-residential development.

Biodiversity

The ES Chapter outlines a comprehensive mitigation plan for ecological receptors and the illustrative masterplan shows that the river Doe Lea will be adequately buffered from the proposed development. However we would like to see improvements to the river itself in order to help improve its WFD status.

The WFD Ecological Status of this waterbody is currently poor, and it is failing for fish, invertebrates and phytobenthos. The river itself is straightened for the majority of its length, including 900m that is in contact with the site. These channel realignments have created conditions which exacerbate the deposit of sediment and reduce habitat diversity (sediment is confirmed as a reason for failure for fish due to impact on fish spawning sites).

The normal mitigation proposed for historic river straightening is achieved via channel alteration (e.g. re-meandering) or by increasing the in-channel morphological diversity of the watercourse (e.g. by removing hard banks and replacing with soft engineering, or introducing flow deflectors)

Groundwater & Contaminated Land

There have been extensive investigations undertaken across the site. The investigations undertaken to date have not identified any gross contamination, however given the historic land use we would anticipate that pockets of gross contamination may be present and identified during development.

Should the objection set out above be resolved to the satisfaction of the Environment Agency, the following conditions are recommended

Standard contaminated land investigation and remediation condition

However the site is subject to wide spread contamination and would expect to see a full remediation for the land for any development to take place, this will require an Environmental Permit.

We will have concerns regarding how odour from such a remediation activity will be managed.

This is because:

- The contamination of the existing site is known to be odorous, and when disturbed is likely to be detectable resulting in possible amenity issues
- There are residential properties and workplaces existing and proposed (as part of this application) within 250m of the development

Will therefore require a comprehensive Odour Management Plan. 11.04.14

Further comments following review of amended Remedial Strategy:

No additional comments to make. Confirm that the remedial techniques and mitigation of pollution arising from these will be managed by within the deployment of any mobile permit.

In terms of flood alleviation it is feasible that the use of soakaways could increase the migration potential of any residual contamination of soils. As the site is not within source protection zone 1 do not object to the use of soakaways or below ground storage of surface water run-off with controlled release. 23.07.15

Yorkshire Water:

Recommends condition that the development should accord with chapter 12 (Flood Risk Assessment and Drainage Strategy) of the Environmental Statement. This chapter indicates: Foul water to Staveley Waste Water Treatment Works, at a restricted discharge of 6 l/s via new Pumping station for Phase 1.

Sub-soil conditions do not support the use of soakaways.

A watercourse exists near to and through the site - connection subject to EA / Local Land Drainage Authority/ IDB requirements.

Surface water to River Doe Lea via storage with restricted discharge to be agreed with EA.

No surface water to be discharged to public sewer network. 11.04.14

Heritage Assets

Development Control Archaeologist (DCC): The information provided by the applicant establishes that the area of the proposed development within Bolsover District has been almost entirely impacted by the footprint of the former Coalite Works and its associated infrastructure. I recommend that the part of the site within Bolsover District retains no potential for below-ground archaeology.

The proposals may pose significant setting impacts to designated heritage assets within the viewshed of the development. The statutory consultees in this matter are English Heritage, and the local planning authority's conservation officer, the application should be determined in line with the advice of these consultees. 20.03.14

English Heritage:

Development of the application site will affect the setting of Bolsover Castle, which was designed to capture wide and framed views across the Doe Lea Valley from the Terrace Range and Little Castle. It will be essential to carefully develop the details of the scheme under reserved matters to ensure that the scale, height and appearance of the proposed

industrial units and associated energy centre do not harm the setting of Bolsover Castle, in light of the draft policy your authority has developed to guide development on the site. The statutory requirement to have special regard to the desirability of preserving listed buildings, their setting and any features of special interest must be taken into account by your authority in determining this application (ss.16, 62, 1990 Act).

We welcome the principle of mixed use development of this site and the move away from very large distribution 'sheds', as was previously mooted. As this is an outline application it is difficult to assess if the development will harm the setting of Bolsover Castle - clearly development on the site has the potential to have a visually harmful impact through scale, height and design. We thus believe that careful design of the employment elements of the scheme is essential in order to avoid causing harm to the setting of Bolsover Castle; a design framework could be a useful way of securing this.

The response describes the history and significance of Bolsover Castle, and discusses the impact of the scheme.

We welcome the proposed mix use development of the Coalite site in light of the wider public benefits it offers for the decontamination of this site and the potential for well designed development which will make a positive contribution to Bolsover's economy and community. Previous development schemes for the Coalite site have focussed on very large distribution sheds which would, in our view, have a substantial visual impact on Bolsover Castle. The smaller sized units indicated in the masterplan are thus an improvement upon this. However we would welcome involvement in the detailed design of the scheme to ensure that scale, height and design respond positively to both Bolsover Castle and the distinctive local character of Bolsover as a settlement. This is because of the potential to cause harm to the setting of the Castle through poorly considered development.

Our letter to North East Derbyshire District Council on the twin application for this site highlights the harm caused to the setting of Bolsover Castle by that development, whilst accepting that, on balance, we believe it is justified in light of the public benefits associated with this scheme. However it will be essential to ensure that de-contamination and re-development of the Coalite site is legally secured as part of any permission granted - i.e. that residential development of the current site cannot occur and the Coalite site then left in its current state.

Our advice has focussed on the impact of the development on the setting of Bolsover Castle. This reflects our statutory focus on highly designated heritage assets but we also agree with the assessment made in the Cultural Heritage Baseline Study that the primary impacts of the development will be on the setting of Bolsover Castle, rather than the other heritage assets identified.

We recognise the wider public benefits associated with the decontamination and redevelopment of the Coalite site and welcome the principle of the mixed use scheme proposed. We urge your authority to ensure that adequate opportunity is given to develop the detailed design of development on the site in order to avoid harm to the setting of Bolsover Castle, presumably under reserved matters.

We have identified harm to the setting of Bolsover Castle through development of the Greenfield site but believe that, on balance, the harm can be justified by the wider public benefits. We understand that this scheme is not financially viable without the residential development. In light of the important link between the justification for this development and the wider redevelopment of the Coalite site we believe it is essential that a robust legal agreement is attached to any consent given ensuring that one cannot be developed without the other. We do not believe that development of the Greenfield site could be justified without the wider redevelopment of the Coalite site. 26.03.14

Environmental issues

Environmental Protection Officer (BDC Environmental Health):

Contaminated Land:

Interim response, further information and clarifications being requested, detailed response to follow.

Ambiguity in submitted documents regarding phasing, would not support an application that includes development prior to remediation being completed.

If the remediation is not specifically intended and fully costed as being carried out prior to any construction of the residential properties, our position remains as we have stated previously and we will be strongly advising a refusal of the overall planning application due to the extreme difficulties of securing appropriate remediation on the proposed commercial site within Bolsover District Council while there are potentially sensitive residential receptors within the area of land within North East Derbyshire District Council. The odour assessment also clearly states that it is based on no new sensitive receptors within the NEDDC land so that would need to be reviewed.

The remediation options appraisal has some interesting suggestions, in particular, the use of in-situ thermal desorption techniques to deal with some of the contamination. However, there are no details as to the potential cost of such techniques and the remediation options appraisal does make clear the need for the costs to be assessed as they could be prohibitive. We are conscious that whilst the previous trials of the bioremediation treatment were successful in that levels of contamination decreased, there was certainly an amount of contamination and odour remaining within the treated materials. We also had concerns regarding the scaling up of the remediation this could lead to a significant increase in the potential for odour generation.

The remediation options appraisal provides a good summary of the technologies that have been considered with respect to this redevelopment. However, whilst there is so much uncertainty in the final remediation strategy, it is difficult to assess the overall environmental impact of the assessment and the viability of the project as a whole.

The length of time of the proposed remediation has also not been mentioned within the report. It is difficult to assess the overall environmental impact if no estimates are made of the length of time proposed for remediation.

At this stage, we are not in a position to state whether or not we support this application and would appreciate some further clarification. We are also reviewing the site investigation and associated risk assessment in more detail so will be responding again shortly with a more detailed, technical response.

Noise

The following is an interim assessment of the information provided although more time and some clarification of information will be required before a final response can be made.

The noise levels measured and calculated within the noise report are reasonable and indicate that there will need to be attenuation provided to many areas of the development should the application be approved. This attenuation, it is suggested will take the form of acoustic screening, coupled with building design and operation in respect of the industrial units.

No significant assessment has been made of noise that will be generated during the construction and remediation phase of the development, which it has been suggested, may be over a fifteen year period.

The proposed screening, particularly in relation to traffic, is significant and relates to the

provision of 2.5m high acoustic barriers in many areas for example the north western and south western boundaries of the application site, and a 3.0m high acoustic barrier for example along the southern boundary of the commercial aspect of the site.

The report has considered noise generated by external activities/working at the proposed industrial units and suggested that conditions attached to any approval could control the operations at these industrial units and ensure that 'noisy' operations are confined to internal working with 'roller shutter doors' closed. It also suggests that hours of operation can be controlled by appropriate planning conditions and that the units themselves are constructed in a manner that additional/increased acoustic insulation is incorporated into the design.

The noise generated by the industrial part of the proposed development has been shown to have a potential impact on the existing adjacent farm, whereas the dwellings proposed as part of the development will be affected by noise from the existing highways (with increased traffic as a result of the proposed development), the new road infrastructure, the existing recycling centre and scaffold hire business and the industrial operations of the new development.

Whilst it is accepted that a new development may have some impact on existing properties and mitigation should be introduced to minimise that impact, a development that creates new industrial units which will then have a potential impact on dwellings proposed as part of that same development is more of a concern, particularly when the size of the development is as significant as this application.

Any mitigation measures will need to be maintained for the life of the development. This includes the maintenance of acoustic screens, the control of working hours/operation of new business or industry and the control and maintenance of any design features, for example when windows are replaced or industrial units expanded or adapted.

I have some concerns that any conditions attached to an approval will prove problematic, although I am aware that all the development will still be subject to Statutory Nuisance legislation.

Air Quality

From a brief review of the application documentation it would appear that the concerns raised in response to the Scoping Request have not been addressed in sufficient detail that would enable support of the application to be given at this time. These concerns include cumulative impact of other committed development in the area, in particular at Town End Bolsover; impact on existing AQMA's; and the release of odours which likely to be significant. Further consideration of the air quality aspects will be made. 23.04.14

Derbyshire Wildlife Trust:

The Ecology Chapter of the ES has been informed by a comprehensive suite of surveys undertaken during 2013 which has considered all relevant species groups.

The habitat survey identifies 15ha of Open Mosaic Habitat on Previously Developed Land (OMHPDL), a UK Biodiversity Action Plan priority habitat and of County level of importance.

The Environmental Statement states that none of the habitats within the site were found to be of high value in their own right and none supported notable or important flora. This is incorrect. The site was identified to support the nationally threatened plant Common Cudweed native to Derbyshire. This makes the site to be of County level of nature conservation importance.

The Lowland Derbyshire Biodiversity Action Plan states that the presence of open mosaic habitat is important within the Rother and Doe Lea Valleys Area Action Plan area and that it should be maintained in situ wherever possible especially where it contributes to a wider network linking key habitats.

A Greenprint for Bolsover District adopted May 2006 recognises the importance of Post Industrial Habitats as a priority habitat. One of the objectives/actions of the Plan is to ensure that restoration or development proposals for post industrial sites maintain and enhance their biodiversity value. This objective and action is not met by the current proposals.

No net loss of priority habitat is included in the Government's Biodiversity 2020 mission which is considered in the Natural Environment section of the online Planning Practice Guidance. Whilst the ES states that the value of the habitat is somewhat compromised by the fact that in all likely scenarios it would be lost from the site in the future we would suggest that the development should be seen as an opportunity to secure the retention and appropriate management of this habitat type within the layout.

It is essential the site is assessed against the definition for the priority habitat so that the exact extent of Open Mosaic Habitat on Previously Developed Land is accurately determined in order that an appropriate level of mitigation and/or compensation is provided as part of the development to ensure there is no net loss of priority habitat in line with the principles of the National Planning Policy Framework (NPPF).

We would not support the creation of Open Mosaic Habitat on Previously Developed Land through the sowing of a seed mix and advise that any replacement of this habitat should be achieved by the collection and spreading of topsoil containing the seedbank on to the proposed receptor sites. It is also important that this approach is adopted to maintain the population of Common Cudweed and to transfer populations of Common Bird's-foot-trefoil with associated pupal stages of the Dingy Skipper butterfly. We also recommend that the individual areas of replacement OMHPDL should be a minimum size of 0.25ha in order to maintain the functionality and integrity of the habitat.

UK BAP priority butterfly Dingy Skipper was considered to be widespread in the areas of Open Mosaic Habitat across the site.

A significant amount of bird interest was identified on the site including ground nesting UK BAP priority species Skylark and Grey Partridge which are again associated with the areas of OMHPDL. It is acknowledged within the ES that it is not possible to provide on-site mitigation for these species and for this reason it is understood that a contribution to off-site mitigation through enhancement of adjacent land will be provided. However, further details and a firmer commitment to this approach is required before we would consider it acceptable.

The Design and Access Statement states that the design proposals consider the ecological environment and habitats and retain and enhance the biodiverse habitats that are established. In the absence of more detailed information in respect of Open Mosaic Habitat and mitigation for the bird interest we are of the view that these objectives have not been reflected in the submitted Masterplan.

We are satisfied that sufficient consideration has been given to the presence of great crested newts, bats and water vole and that suitable mitigation is proposed to maintain the population of great crested newt that has been identified on the site. We advise that the mitigation package as set out in the Great Crested Newt Survey and Mitigation Plan should be implemented in full as a condition of any permission.

The site has been identified to support a medium population of grass snake. Whilst the proposed mitigation package outlined in the ES includes the capture and removal of grass snakes from within the development site we would advise that insufficient information has been submitted with regard to the provision and enhancement of any receptor sites for the translocated reptiles.

We support the recommendation that if any works are required within the river corridor a specific pre-construction survey for riparian mammals should be undertaken which should be secured by a planning condition.

Other recommended conditions cover a requirement for a Biodiversity Method Statement for each phase of development before development commences; the submission of a Landscape and Ecological Management Plan for each phase of development; submission of a construction environmental management plan.

In summary, whilst we would advise that the general principle of development of the site is broadly acceptable we have concerns over the evaluation of the OMHPDL and the subsequent level of mitigation and compensation proposed for this habitat type as part of the development.

In the absence of further information in respect of the extent of Open Mosaic Habitat on Previously Developed Land and off-site compensation for the impact upon bird species including skylark and grey partridge, it is not possible to accurately assess the ecological impacts associated with the proposed development. It is therefore not possible for the Council to be confident that the proposal as currently submitted accords with the objectives of the NPPF, policies ENV5 and ENV6 of the Bolsover District Local Plan, the Lowland Derbyshire Biodiversity Action Plan, A Greenprint for Bolsover District and the Government's Biodiversity 2020 mission. 13.05.14

(Also see comments of Environment Agency in relation to biodiversity issues above)

Other

Arts Development Officer (BDC):

This site would lend itself well to a substantial piece of public art under the per cent for arts policy which would make a great statement on the entry into Bolsover District. I would work with the locally elected members, community, schools etc to determine what would be appropriate as a work of art and also work within the new strategy framework about to be adopted. The Council is currently preparing a new Arts Strategy which will consider more strategically what would be considered an appropriate approach for Public Art in this locality. 08.04.14

Crime Prevention Design Adviser:

At this stage in the application process has no comments to make; reference is made in the Design & Access Statement to designing out crime. Request consultation when further details are submitted. 29.04.14

Regeneration (BDC):

The proposals to bring forward employment led development are strongly supported in principle from an Economic Development and Investment perspective and should allow new employment opportunities to be brought forward at this key employment site.

The site is one of a limited number in the area which can be rail served (given previous rail connection). The new proposals do not appear to mention the sites capability to be rail served. The ability for the site to be rail served could help increase the sites ability to attract future investment.

No mention is made at this stage of the number or types of job opportunities that could be created. No detailed information appears to be provided in terms of the size/scale of future plots/uses/buildings

It is important to ensure that any future employment development can sit comfortably within landscape and not to be to detriment of the setting of the nearby Key visitor attraction (namely

Bolsover Castle).

Overall, the principle of the redevelopment is strongly supported on land within the Bolsover District Council administrative area. 26.03.14

North East Derbyshire District Council:

Supports the principle of the remediation of the former Coalite site and wishes to see appropriate remediation take place in full at the earliest possible opportunity. Details of remediation must be agreed and monitored by the Councils Joint Environmental Health Service. No objection to the proposed redevelopment scheme. 12.01.15

No responses received from:

Leisure Services,
Severn Trent Water,
Garden History Society,
Heritage and Conservation Manager,

Urban Design,
Chesterfield Borough Council;
Old Bolsover Town Council.

PUBLICITY

Advertised in press. 6 Site notices posted. 36 Neighbours notified. Further site notice posted and press advert published in April 2015 following receipt of remediation and phasing strategy with revised Transport Assessment.

Responses from 7 people received:

This brownfield development would be more beneficial to Bolsover than destroying green areas (Sherwood Green). The Avenue has shown that these developments are possible.

Supports regeneration of this site; will address the industrial legacy; supports Masterplan, sustainable development; support the landscaping proposals, of prime importance that wildlife habitats are maintained and improved; Also of prime importance, the development should improve the setting of Bolsover Castle and views from it, large industrial units to be designed not to impact on views from Bolsover Castle, may need to be individually designed to suit, not generic 'metal sheds', suggests living roofs, local stone and timber cladding, scale of development relates well to its surroundings design of buildings and green spaces should be of the highest quality. Further comments that supports revised masterplan and agrees with comments of English Heritage.

Support for clean up and redevelopment. Will benefit the area, any effort to improve this depressing patch can only be good, green space with walkways and cycle paths will be a welcome facility. Refreshing to have some 'clean industry' in our area in the form of the modern waste to energy plant. Local road improvements also most welcome.

Woodthorpe Village Community Group strongly supports this imaginative proposal to tackle the chronic problems of the site. Directly relevant to village which continues to be subject to noxious smells from Coalite. Comprehensive clean up operation is long overdue and warmly welcomed.

The sooner it is implemented the better as the site is an eyesore.

Provided the clean-up is carried out in a correct manner has my full support.

Letter of objection:

Not mixed use, does not provide a balanced development of workplaces, homes and services; therefore likely to increase the need to travel contrary to sustainable development principles of the NPPF. Concerned that deliverability depends on housing on the adjacent site; also then the most severely contaminated parts of the site will not be addressed.

POLICY

National Planning Policy Framework (NPPF):

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration with a presumption in favour of sustainable development. As the Bolsover District Local Plan was adopted prior to 2004 due weight should be given to its policies according to their degree of consistency with the NPPF.

Core principles include securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings, supporting sustainable economic development, and encouraging the reuse of land that has previously been developed, all within a presumption in favour of sustainable development.

Bolsover District Local Plan (BDLP)

GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), GEN4 (Development on Contaminated Land), GEN5 (Land Drainage), GEN6 (Sewerage and Sewage Disposal), GEN11 (Development Adjoining the Settlement Framework Boundary), GEN17 (Public Art);
EMP15 (Coalite Chemicals, Bolsover; Area of Existing Operations);
TRA4 (Protection of Existing Railway Sidings), TRA5 (Safeguarding Potential Railway Sidings), TRA7 (Design for Accessibility by Bus), TRA13 (Provision for Cyclists);
CON10 (Development Affecting the Setting of Listed Buildings);
ENV5 (Nature Conservation Interests Throughout the District).

It is considered that the general aims of these policies have a degree of consistency with the principles and policies of the National Planning Policy Framework.

ASSESSMENT

Principle of development

Within BDC the site is within the settlement framework defined by the Bolsover District Local Plan where general urban area control policies apply, development is generally acceptable subject to compliance with the policies of the Local Plan.

Policy EMP15 relates to the area of the chemical works and states that if the works cease operation as a major hazard site favourable consideration will be given to redevelopment which secures the permanent cessation of the major hazard use and incorporates significant environmental improvements and provides employment diversification. Use as a Major Hazard Site ceased sometime ago, the related Hazard Substances Consents were revoked in 2012. The proposal meets the requirements of the policy.

The proposed development area of the application site has the benefit of Certificates of Lawful Existing Use, primarily for B2 General Industrial use, but also including areas of B1 offices, agriculture and C3 residential uses. In broad land use terms the principle of the development of the application site for the proposed uses is therefore acceptable. The proposal will result in the remediation and redevelopment of a contaminated brownfield site and the removal of a derelict eyesore. Buttermilk Lane which in recent years has become an accident blackspot, will be improved.

The principle of the development therefore accords with the policies of the Bolsover District Local Plan and the principles of the National Planning Policy Framework as they relate to the supporting economic development and the reuse of previously developed land.

The main consideration relates to detailed aspects of the proposal, which are covered by the Environmental Statement and its subsequent updates.

Ecological Impacts

The ecological impacts of the development are considered to generally be acceptable subject to the proposed mitigation measures proposed in the Environmental Statement, including habitat protection, creation and management. Appropriate conditions can control these aspects.

The concerns of DWT are set out in the consultation section above.

In response the applicant has stated an intention to retain OMHPDL on site to the extent that it is commercially viable and submits a plan showing parts of the site where there is the opportunity to retain or create OMHPDL, which could be up to 5ha. This includes significant landscape corridors along the River, an area proposed for Open Storage and key landscaped area at entrances into the site off Buttermilk Lane. In the interests of the visual impact of the development such a landscape at key locations may not be the most appropriate treatment. It is stated in the ES that although this habitat is relatively resilient it is a temporal habitat and will be lost in time without management. Over time, without management, such habitat 'grows' and develops. DWT suggest that the development should be seen as an opportunity to secure the retention and appropriate management of this habitat type within the layout.

In determining the application a balance in the decision will need to be made between the benefits of the development (remediation of the contaminated land, redevelopment of brownfield land and provision of employment land) against the impacts on ecological interests in particular the substantial loss of OMHPDL habitat and its implications for wildlife and plants. It is proposed that some of the habitat is retained within the site. Other habitats will be protected, developed and created, particularly along the river corridor.

It is considered on balance that the benefits of the development outweigh the impacts on OMHPDL habitat subject to the mitigation measures as proposed. The development in ecological impact terms therefore generally accords with the relevant policies of the Bolsover District Local Plan (including policy ENV5 Nature Conservation Interests throughout the District) and the National Planning Policy Framework as they relate to the conservation and enhancement of the natural environment.

The Water Framework Directive classifies the River Doe Lea as poor, it is failing for fish, invertebrates and phytobenthos (microscopic plants that live attached to substrates such as rock/stone or large plants). The Environment Agency would like to see improvements to the river by introducing meandering where it has been straightened and other modifications to the banking to improve the river conditions including water quality and biodiversity. A scheme of morphological improvements to the course of the river could be required by condition.

Heritage Impacts including Archaeological Impacts

The impacts on heritage assets relate primarily to two assets, Bolsover Castle and Woodhouse Farmhouse.

The Castle is of exceptional national significance, which is reflected in its multiple designations as a Grade 1 Listed Building, Scheduled Ancient Monument, Grade 1 Registered Park and Garden and being within a Conservation Area; it is one of the top 2% of listed buildings in England (English Heritage response).

The former Coalite works site, particularly the closer, former smokeless fuels area is prominent in views from The Terrace, the designed viewing platform at the northern end of The Terrace, and from the windows of the main rooms in the Little Castle, all of which are designed to exploit the views across the Doe Lea valley. The Castle was designed to take advantage of these westwards facing views and to dominate the vale. The Coalite works were a significant detracting feature to the setting of the Castle with its tanks, structures and batteries being prominent. The derelict contaminated site, now with many of its structures removed, is still a significant detraction from its setting. The clearance of the site and its remediation is therefore welcomed but any development must ensure that the scale, height and appearance of the industrial units and energy centre do not harm the setting of the Castle. The proposal which provides for a mixture of different size industrial units with scope for careful design and layout (including landscaping to create an 'openness' and greening to the site) can, as such, mitigate the impact of new development on this site on the setting of the Castle. These elements of detail can be controlled at the Reserved Matters stage but would benefit from a Design Framework (similar to that used at Markham Vale) which should be established before any Reserved Matters are designed and submitted. This can be required by condition.

Thus, taking the significance of the Castle into account, other development already present in the vale, in particular Bolsover Business Park (former Bolsover Colliery), and Markham Vale (based on the former Markham Colliery), provided the new development is carefully considered in terms of scale, height, design and appearance it is considered that harm to the setting of Bolsover Castle is less than substantial and that the benefits from the development (remediation and redevelopment of contaminated land for employment purposes) outweighs the adverse impacts.

The impacts are similar for Woodhouse Farm, a grade II Listed Building situated to the north-east of the Former Coalite Works. The farmhouse faces the site (previously looking onto the offices and caretakers bungalow). Currently the setting to this heritage asset comprises derelict land with various structures, tanks and buildings in poor condition. The benefits of the development through remediation of the contaminated site, provided its development is

carefully considered in terms of scale, height, design and appearance, will it is considered outweigh the impacts of the new development on the setting of this heritage asset.

In terms of the Bolsover District Local Plan policy GEN10 (Development Affecting the Setting of Listed Buildings) which requires development that affects the setting of a Listed Building to preserve or enhance that setting, the proposal will at least preserve those settings and, subject to detailed design and layout, etc potentially enhance those settings.

The Council has a duty under S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering planning applications which affect a Listed Building or its setting to have special regard to the desirability of preserving the building, or its setting. A recent Court of Appeal decision (“Barnwell”) made it clear that the statutory test must be given great weight when dealing with impacts on listed buildings and their settings. The judgement also indicated that where impacts result in less than substantial harm these still need to be given considerable weight. The judgement also re-iterated that ‘preserving’ means to do no harm. It is noted that Historic England (formerly English Heritage) do not object to the proposal on impacts on the setting of the Castle or other listed buildings; and, subject to a condition on design, support the proposal.

Accordingly given this strong presumption against development which harms the setting of a Listed Building; that ‘less than substantial harm’ is considered to arise from the proposal to the setting of Bolsover Castle and Woodhouse Farm; and the public benefits from the development (the remediation and redevelopment of the former Coalite Works with employment development) it is considered that the benefits from the development do outweigh the presumption to preserve the setting of Listed Buildings, as it is felt that the development (subject to a design framework etc) will be an improvement on the current and past position in terms of impact on the setting of these heritage assets.

Archaeological evidence is likely to have been truncated as a result both of industrial development from the 1950’s and due to medieval or later agricultural activity. In particular the development of the Coalite Works will have removed the archaeological potential across the vast majority of the site. The County Development Control Archaeologist is satisfied that there is no potential for below-ground archaeology.

Subject to appropriate mitigation measures in particular a condition requiring the preparation of a Design Framework it is considered that the development while causing less than substantial harm to the setting of heritage assets is justified as a result of the public benefits from the remediation and redevelopment of the former Coalite Works, with its resultant environmental, economic and employment benefits. The proposal is therefore generally in accordance policy GEN10 (Development Affecting the Setting of Listed Buildings) and with the heritage policies of the National Planning Policy Framework.

Noise

The relevant section of the ES and the related Noise Impact Assessment identify various mitigation measures to make the noise impacts acceptable.

Some of the measures proposed relate to the impact of the commercial elements of the

development upon the proposed residential elements of the development, as well as impacts on existing residential properties nearby. For instance between the industrial area on the northern side of the River and the proposed residential area to the southern side a 3m high barrier (close boarded fence) is proposed along the length of the access road servicing the industrial units. This would be alongside the landscaped corridor to be developed alongside the River. This is considered to be an unacceptable solution in visual amenity terms. The ES recommends, in addition, mitigation measures to protect the new residential area: restrictions on 24 hour working e.g. high noise generating activities only to take place within buildings with door closed, reversing alarms restricted, and the external facade of industrial units constructed to attenuate sound.

The application is an outline planning application; the noise assessment has been carried out using the indicative masterplan submitted with the application. While the masterplan shows a layout for the commercial and residential elements of the development, it is only indicative, the masterplan should only be used for the general proposed land uses. A major concern is that the commercial elements of the development may be constrained by the proposed residential elements. However the residential aspect of the development is within North East Derbyshire, which, while it is the subject of an application for planning permission is currently undetermined. It would not be reasonable to impose restrictions on behalf of hypothetical dwellings. It would become incumbent on the housing developer and NEDDC to ensure a suitable noise environment is present for prospective occupiers and/or for the developer of the Coalite Works to impose necessary restrictions on 'commercial' uses as land owners, should such residential development go ahead.

Appropriate conditions requiring a noise management strategy as suggested by Environmental Health to take account of the impacts of the remediation and construction phase and of the completed development upon existing residential properties (principally Nether Woodhouse Farm) would help control this aspect of the development.

The proposal, subject to appropriate mitigation measures, is therefore considered to generally accord with policies GEN2 (Impact of Development on the Environment) and GEN3 (Development Affected by Adverse Environmental Impacts from Existing or Permitted Uses) of the Bolsover District Local Plan in relation to noise impacts and with the noise policies of the National Planning Policy Framework.

Flood Risk and Drainage

The Environment Agency expressed objection to the application as part of the development lies within flood zones 2 and 3 where there is a medium to high probability of flooding. No sequential test has been applied (to identify preferable alternative available sites avoiding development in the flood plain) although the proposal includes modifications to the flood plain to accommodate the development outside such areas. However insufficient information to determine where the proposed Flood Zones 2 and 3 would be has been provided (insufficient detailed topographical information).

Information is provided on the principles of flood plain modification, including replacement road bridge at Buttermilk Lane, removal of other flood plain structures, and construction of a flood corridor along the whole of the river within the application site to ensure that the flood

flows remain within a designated area allowing built development as indicated.

It is considered, as the principles of flood management are established and appear practicable, that the exact details of the bridge and flood corridor, to include detailed topographical information can be required by conditions to be approved before the commencement of any development within the flood zone areas (existing and proposed). Details should also include minimum floor levels for buildings and a reduction in surface water runoff from the proposed 20% reduction to a minimum of greenfield run-off rate or a 30% reduction to accord with the North East Derbyshire Strategic Flood Risk Assessment. Future maintenance responsibilities should also be established through a condition.

In these respects, subject to conditions, the proposal generally complies with policy GEN5 (Land Drainage) of the Bolsover District Local Plan and with the policies of the National Planning Policy Framework as they relate to flooding issues.

The surface water drainage strategy identifies 3 catchment areas for surface water drainage. The area west of Buttermilk Lane and north of the former railway line (Development Plots 6 – 8) outfalls to the river via an on-site treatment works in the west corner. There are cut-off valves and storage tanks within the existing drainage network in case of chemical spillage to divert and hold potentially contaminated run-off. Water quality from this catchment is known to have been contaminated in the past and it is possible that the pipe network could still have the potential to contain contaminants. There is a large storage lagoon to the western corner which is used for storage of attenuated flows when the existing discharge limit is reached.

The second area (Plot 5) is that between the railway and the river, west of Buttermilk Lane which drains to a sump in the south-west corner where the surface water is pumped to the treatment area in the first area.

The third area (Plot 4) on the eastern side of Buttermilk Lane (Smokeless Fuels Batteries Area) has an impermeable area which drains unrestricted into the river and a further greenfield element which discharges overland into the river. There is a network of underground pipes and overland drainage channels which convey surface water from the impermeable areas to a settlement tank adjacent to the river into which it discharges unrestricted.

The proposed drainage strategy is to maintain the existing catchment areas and outfall locations where possible. For plots 6 – 8 a new drainage network would be constructed as it is expected that the existing system would be removed or abandoned or grouted up which will help prevent the migration of contaminated groundwater across the site. The use of SuDS is unlikely due to the former use and known levels of contamination present in the site soils and groundwater. Similarly with the creation of new open storage ponds and lagoons it is likely that the disturbance of contaminated soils will occur. The existing lagoon is therefore to be retained to attenuate flows.

For plot 5 (proposed transport hub and main treatment area during the remediation process) a new drainage network would be constructed with an underground storage tank and outfall into the River. Due to previous site uses and contamination the existing drainage network would be removed, abandoned and grouted up to prevent the migration of contaminated ground

water across the site. The use of SuDS is unlikely due to the former use and known levels of contamination present in the site soils and groundwater. Similarly with the creation of new open storage ponds and lagoons it is likely that the disturbance of contaminated soils will occur, however an underground tank is proposed which is better suited to commercial development and could offer a degree of protection from cross contamination of clean surface water run-off with contaminated groundwater present within the site soils.

For plot 4 a new drainage network would be constructed and the existing outfall into the river utilised. Due to previous site uses and contamination the existing drainage network would be removed, abandoned and grouted up to prevent the migration of contaminated ground water across the site. The existing settlement tanks will be broken up and removed to allow for the new access road. Each unit developed within this area would have its own attenuation system, which due to the former use and known levels of contamination present in the site soils and groundwater, would comprise underground tanks.

Foul sewerage is to be pumped to sewers located within Markham Vale although a temporary package treatment plant would be used for the initial phase of development.

A suitable drainage strategy is proposed for the development subject to the agreement of details as requested by the Environment Agency and Water Company. The risk of mobilisation of contaminated groundwater below ground areas to be remediated is a concern but subject to appropriate details should be manageable by condition. In these respects, subject to conditions, the proposal generally complies with policies GEN5 (Land Drainage) and GEN6 (Sewerage and Sewage Disposal) of the Bolsover District Local Plan and with the policies of the National Planning Policy Framework as they relate to drainage issues.

Contamination

Environmental Health have strong concerns due to the extreme difficulties of securing appropriate remediation on the proposed commercial site within Bolsover District Council while there are potentially sensitive residential receptors within the area of land to be developed within North East Derbyshire District Council. Discussions have been continuing for some time and further detail and information has been provided in a revised remediation strategy to try to address concerns raised. In addition changes to the phasing of the development have now been submitted which requires completion of the remediation phases before the commencement of any residential development (were that element of the development to be approved by NEDDC).

The ES and supporting documents describe the remediation options considered.

The Site Investigation and Risk Assessment report, a supporting document to the ES prepared by SKM Enviro, in considering remediation options (chapter 13.1) states:

“The chapter does not set out to produce a detailed remedial strategy for the site as it should be noted that at this stage development proposals are at outline stage only. In order to develop a detailed strategy for the site it will be necessary to:

- Establish detailed development proposals and phasing plans for individual development plots;

- Engage with specialist contractors experienced in the implementation of identified remedial techniques; and,
- Agree clean-up thresholds and validation criteria with key environmental regulators including the Local Authority and the Environment Agency.

In overall terms contamination sources have been identified at the site, which are consistent with the known history of activities. Each development area (A, B, C and D) possesses its own characteristics in terms of contamination source type and attendant risks and therefore there is no single remedial solution which can be applied across the entire development. In our opinion, remediation of the site to deal with identified pollutant linkages to allow for development to proceed will require the application of a range of techniques which can be applied to the types of contaminants identified.”

In assessing the various options the report states that:

- selective excavation and sorting would be feasible in limited parts of the site due to the potential for odour issues (could be used as part of an overall treatment process);
- bioremediation with forced biopiles (as used in the 'Goodman' trials) would be feasible subject to management of odours during treatment;
- bioremediation with turned windrows would not be feasible due to the high potential for the generation of odours during windrow turning;
- stabilisation, off-site disposal and soil washing are all considered as not feasible being unsuitable for the contaminants or having limited practicality due to the locally high contamination concentrations with implications for odour issues;
- Thermal desorption could be deployed to treat heavier areas of contamination in some areas;
- Capping would be suitable when used in combination with other methods to treat contaminants and deal with any residual odours.

The report concludes that:

- The site has been the subject of several rounds of extensive baseline intrusive investigation including sampling of soils, groundwater and surface water.
- There is no evidence of impact on the quality of surface waters in the River Doe Lea from site derived contamination, there is potential for contamination in shallow made ground soils and groundwater in proximity to the River to impact on future surface water quality if the site remains un-remediated.
- Dioxin concentrations in soil in all areas of the site were below site specific assessment criteria (SSAC) for long term risks to human health.
- Risks to deep groundwater have been classified as low due to the limited resource value of the underlying strata and overlying clay soils of the weathered Coal Measures.
- Much of the contamination found in Areas B (eastern side of Buttermilk Lane) and also Area A (western side of Buttermilk Lane) north of the proposed Transport Hub is present in the form of hotspots rather than as widespread zones.
- In Areas A and B, the presence of extensive hardstanding incorporated into future site layouts will serve to limit potential risks to future users of the site.
- Whilst not strictly a health risk and more of a perception issue, odours will be an important consideration for the development, particularly during the development construction phase.

This Site Investigation and Risk Assessment report recommends that:

- Each development area has different characteristics and a range of remedial techniques will need to be applied to deal with identified pollutant linkages. It is anticipated that remediation can be undertaken in conjunction with groundworks particularly as much of the identified contamination is present at relatively shallow depths in Made Ground deposits.
- For many of the soil borne hydrocarbon contaminants identified at the site ex-situ bioremediation through the use of forced bio-piles is likely to be a cost effective and sustainable form of treatment. For more recalcitrant contamination, or areas where impact is heaviest such as Zone 5 of Area A additional measures can be implemented.
- Other more conventional techniques can also be applied across all areas of the site, such as use of capping or barrier layers
- Further site investigation would be required in contamination hotspots (and for example beneath relic tanks/structures in Area A; it is not anticipated that any contamination (if present) will differ significantly from that already identified.
- A remediation strategy setting out detailed proposals for dealing with identified contamination for each of the four Areas can be worked up once detailed site development plans are finalised. This can then form the basis of a detailed Remediation Method Statement.

The revised updated Remediation Strategy submitted in March 2015 (with phasing amendments July 2015) details bioremediation with turned windrows as the preferred option using other techniques of controlled excavation, segregation, and screening to identify the contaminated soils. The ES indicates that this method (bioremediation with turned windrows) was considered as not suitable based purely on the potential generation of odours rather than the technical capability to remediate the contaminants in the soils. The applicants remediation specialist considers that the short-term odour effects of a more aggressive bioremediation treatment involving regular (i.e. monthly to bimonthly) turning exercises (as proposed) would be less than the longer term odour effects of a more passive traditional biopile. As the applicant states "In simple terms it smells a bit more for short periods, rather than just continuing to have a pervasive smell for a longer period continuing to impact on the local area". In order to assess the actual effects of this revised treatment method, the revised odour assessment was undertaken which ascertained that the likely impacts on the local vicinity prior to, during and after proposed treatment were acceptable. There may be stronger short term impacts rather than a prolonged on-going impact. Mitigation measures can be put in place which are specified in the Odour Management Plan, although this needs to be updated to reflect the revised Remediation Strategy and Odour Assessment.

Subject to agreement on assessment criteria for the remediation process, submission of a revised Odour Management Plan to take account of the revised Remediation Strategy and Odour Assessment, and production of a verification report by an independent consultant (as proposed in the Remediation Strategy), it is considered that a reasonable way forward for the preparation of the site for its intended use has been identified which accords with the policies of the development plan (policies GEN1 (Minimum Requirements for Development), and GEN4 (Development on Contaminated Land) of the Bolsover District Local Plan) and with the policies of the National Planning Policy Framework as they relate to development on contaminated land.

Air Quality (Including odour Issues)

The ES concludes that with an appropriate Odour Management Plan and Environmental Management Plan emissions to air and odours can be mitigated to an acceptable level during the construction phases. On completion of the development there will be a negligible impact on air quality mainly as a result of increased traffic on the local road network. No odour emissions are anticipated following the remediation phase. The ES contained as an appendix an Odour Assessment which included an Odour Management Plan.

Following discussions in relation to the remediation strategy a revised odour assessment has been submitted. The revision is to take account of the remediation strategy which had not been finalised at the time of the original odour assessment but refers back to the original Odour Management Plan. However the applicant has indicated that this is to be revised to take account of the revised remediation strategy and odour assessment.

Generally odour emissions are likely to continue if remediation does not occur, it is very likely that the activities of remediation will increase the levels of odour in the short term. Once the remediation works are complete there will be an overall benefit due to the proposed development as the sources of odour will have been removed. There may be some residual odour from the treated materials but the remediation strategy places these materials at depth (below 1m) with non-odorous materials above where they can be capped with a hard surface (hardstanding, road).

The odour impacts of the proposed remediation strategy are discussed in the preceding section.

Subject to conditions requiring the implementation of the mitigation measures outlined in the Odour Assessment and submission of an updated Odour Management Plan, the proposal generally complies with policy GEN 2 (2) Impact of Development upon the Environment and with the policies of the National Planning Policy Framework as they relate to air quality issues.

Landscape and Visual Impacts

A Landscape and Visual Impact Assessment has been undertaken by the applicant. The existing derelict character across the site would be replaced with new industrial buildings and infrastructure with a structural and ornamental landscape scheme to screen and enhance the landscape setting within the industrial landscape. Mitigation measures to reduce the landscape and visual impacts rely on perimeter and internal planting of the development plots to screen and filter views of the development.

The submitted Masterplan and the Design & Access Statement, together with the recently submitted Landscape Masterplan to clarify the illustrations within those documents, indicatively imply the retention of peripheral tree and other vegetation to the site edges plus new planting within the site to help mitigate the development visual impacts. The Design and Access Statement states that the majority of existing vegetation within and around the site will be retained. However there is some contradiction with the Remediation Strategy which states that the site clearance works will also involve the clearing and removal of the existing trees, shrubbery and scrub to ground level within the current works area. A condition requiring retention of trees etc along the river corridor and to other site boundaries unless their removal

is required to allow full remediation of the land, should be possible.

It is considered that the redevelopment of the Coalite Works will represent an improvement to the current derelict landscape and the past landscape of various structures towers and chimneys. However there will be a certain level of cumulative impact when viewed from Bolsover and the Castle where the proposal may be construed as an extension of Markham Vale and Bolsover Business Park. The mitigation measures proposed in the supporting documents will help break up the mass of development, however the stated principles are not well illustrated on the masterplan. In particular the former area of the Smokeless Fuel Works ('the batteries area') needs wider areas of landscape planting to give effect to the principles and careful positioning of buildings to maximise these principles.

As with the Markham Vale development it would be appropriate, to address issues of landscape and visual impact and impact on heritage assets, to require by condition a Design Framework which contains a full assessment of the context of the site including views into it and sets out design parameters including landscape corridors, layout, design of buildings, maximum heights of buildings and materials (colours) of construction. This should be submitted prior to any Reserved Matters applications.

Subject to such a condition it is considered that overall the development will improve the current landscape and be in general compliance with policies GEN1 (Minimum Requirements for Development) (4) and GEN2 (Impact of Development on the Environment) and the policies of the National Planning Policy Framework as expressed in its core planning principles.

Transport

Following discussions with the local highway authority (DCC) and the Highways Agency (Highways England) a revised Transport Assessment (TA) has been submitted. This TA is for the whole development site (BDC commercial and NEDDC Residential). Subject to agreement of details (which can be required by conditions or through the Highways Act procedures) and amounts for off-site improvements to be achieved through a S106 Planning Obligation (amounts not specified) the conclusions of the TA are agreed by DCC and Highways England (as it relates to their interests).

The TA identifies the following highway improvements and mitigation measures:

- Improvements to Buttermilk Lane (involving widening, resurfacing, alterations to vertical alignment, replacement of culvert and provision of footways / cycle facilities along the development site frontage);
- Introduction of shuttle signals arrangement on the narrow section of Buttermilk Lane over the disused railway line (allowing provision of separate footway/cycleway);
- Improvements to:
 - M1 J29A southbound off-slip roundabout
 - Markham Lane roundabout (east of Junction 29A)
 - A632 / Buttermilk Lane roundabout
 - A632 / Intake Road roundabout
 - A632 / Staveley Road signals (Duckmanton)
 - Hilltop/Station Road Bolsover
 - Town End/Welbeck Road/Moor Lane Bolsover.

The access points for the various parts of the development off the highway network are considered satisfactory by DCC subject to future detailed design as part of the Highways Act 1980 S278 Agreement process.

A Framework Travel Plan has been included with the application which sets out measures to encourage less reliance on single occupancy of the private car. Individual Detailed Travel Plans for each parcel of land as it is developed are recommended and can be required by condition as part of the submission of Reserved Matters for each plot (as recommended by the local highway authority).

A phased approach to the provision of public transport to serve both the commercial and residential elements of the development is proposed in the Transport Assessment, although this is dependent on the overall phasing of the development. The local highway authority suggests that this should form part of a S106 Planning Obligation, although it should be required through a revised FTP or the individual Travel Plans or condition (scheme for provision of public transport).

The policies and Proposals Map of the Bolsover District Local Plan show the railway line and the sidings serving the Coalite Site to be protected. The railway line has been closed for sometime and the track removed. The route remains and technically it could be possible to provide a private siding from the Markham Vale site to the north-west to serve the former Coalite site which would be in general compliance with policies TRA2 (Protection of Rail Routes) and TRA4 (Protection of Existing Railway Sidings) of the Bolsover District Local Plan.

A core planning principle of the National Planning Policy Framework is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. Subject to the provision of the appropriate highway improvements, including access into the site, footways, footpath and cycleway connections and provision for bus services, the proposal is considered to comply with the National Planning Policy Framework in respect of transport issues. In addition, subject to conditions the proposal as supported by the ES and revised TA generally complies with local (Bolsover District Local Plan policies).

Other Matters

The application originally contained a proposal for a 'CHP (Combined Heat and Power) Energy Centre' which would use refuse derived fuel (RDF). If such fuel is to be used this element of the proposal would be a 'County Matter' as it involves the disposal of waste. Reference to the type of fuel to be used has therefore been removed from the application as at this outline stage no detail is known. The proposal for an energy centre is however retained but with no reference to fuel. When details are known and submitted for approval if RDF is to be used then the energy centre would become a County Matter. There are no objections in principal to such a power station subject to design and flue height considerations, particularly in relation to impacts on Bolsover Castle and Bolsover generally.

The proposal includes a Museum/Visitor Centre, which would be an appropriate location for a work of art as requested by the Councils Arts Development Officer. No specific comments

have been made in relation to the Museum/Visitor Centre during the consideration of the application, it is in general compliance with the policies of the local plan other than its location in relation to public transport routes (a location for such a facility in the centre of Bolsover would be more appropriate).

Listed Building:	Discussed above.
Conservation Area:	Considered in relation to the setting of Bolsover Castle
Crime and Disorder:	Would see the remediation and development of a site with security concerns
Equalities:	No specific issues raised
Access for Disabled:	No specific issues raised
Trees (Preservation and Planting):	Various trees impacted by the development, overall significant improvement with additional landscaping to remediated site.
SSSI Impacts:	n/a
Biodiversity:	See ecological issues discussed above.
Human Rights:	No specific issues raised

Conclusions

Subject to appropriate conditions to mitigate the impacts of remediation, construction and operation of the proposal, the application is a very welcome proposal to clean up the derelict former Coalite Works and reuse this brownfield land for industrial, warehousing and other associated purposes. The proposal is considered to be sustainable development in the terms of the National Planning Policy Framework and generally accords with the policies of the Bolsover District Local Plan.

RECOMMENDATION:

APPROVE
subject to conditions
given below to be formulated in full by the Development Control Manager:

Conditions:

- 1 Approval of the details of the layout, scale, appearance and landscaping shall be obtained from the Local Planning Authority in writing before any development is commenced. (*To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)
- 2 Application for approval of the reserved matters for any phase of the development shall be made to the Local Planning Authority before the expiration of seven years from the date of compliance with condition 6 of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. (*To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)
- 3 The site shall be remediated in accordance with the Remediation and Phasing Strategy (dated July 2015), including the phasing as set out in the table at Section 2 on pages 5 & 6, the St Francis Group Remediation Outline Technical Proposal as amended and

dated July 2015 (as received 29th July 2015), the Odour Assessment dated January 2015 by Jacobs and the Odour Management Plan by SKM dated XX July 2015 except as varied by other conditions on this permission. No development other than remedial works shall take place until the remediation works are completed in accordance with condition 6. Only material from the former Coalite complex shall be remediated at the site. In the event of conflict during the remediation works between the Remediation Methodology and Odour Management, odour mitigation shall prevail.

- 4 Prior to the commencement of any remediation works site specific remediation targets shall be submitted to and approved in writing by the Local Planning Authority which shall include:
 - remedial criteria derived from detailed human health and controlled waters risk assessments which will be used to assess materials that require treatment, require further investigation or are suitable for direct re-use;
 - risk based targets for validating excavations and assessing the suitability of materials for re-use following treatment;
 - a qualitative assessment of odour to ascertain the most suitable potential disposition position and location for treated material.
- 5 Any material variation to the Remediation and Phasing Strategy including the importation of any materials to accelerate the bioremediation process or any change to the process to be used, shall have the prior approval in writing of the Local Planning Authority. Any such variation shall not to go beyond the overall assessment contained within the submitted Environmental Statement and Odour Assessment. In the event that any other contaminant is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary the remediation scheme must be revised in accordance with details to be approved in writing by the Local Planning Authority.
- 6 Prior to the commencement of any construction works in accordance with any approved Reserved Matters submitted in accordance with conditions 1 & 2 above, an independent assessment (to be undertaken by an independent assessor jointly agreed by the applicant and local planning authority prior to any remediation works taking place) shall take place to verify that the remediation works have been completed in accordance with the assessment criteria approved in accordance with condition 4 above. The Verification Report shall include the information specified in section 4 of the St Francis Group Remediation Outline Technical Proposal dated July 2015 (received 29th July 2015) and information with relevant data to demonstrate that the previously agreed remediation targets have been achieved both in relation to contamination and odour.
- 7 Notwithstanding the specific noise mitigation measures recommended in the Noise Impact Assessment submitted as part of the Environmental Assessment the Reserved Matters for development on plots 7 & 8 shall include a noise management strategy to take account of the impacts of the construction phase and of the completed development upon existing nearby residential properties (including Nether Woodhouse Farm and Woodhouse Farm). Noise from completed developments on plots 7 & 8 shall

not exceed [to be specified by Environmental Health] .

8 Prior to the commencement of any remediation works an Environmental Management Strategy shall be submitted to and approved in writing by the Local Planning Authority which shall include:

- Remediation Implementation Plan and Method Statements;
- Monitoring details for dust, odour, vibration and noise including locations, frequency and assessment criteria during remediation, construction and operational phases as relevant;
- Ecological Management Plan to protect the existing biodiversity within and adjoining the site as identified in the submitted Environmental Statement.

The Environmental Management Strategy shall be implemented as so approved.

9 Prior to the occupation of any unit constructed in accordance with any approved Reserved Matters submitted in accordance with conditions 1 & 2 above, the improvements to Buttermilk Lane and the access junctions into the site shall have been constructed in accordance with the plans approved hereby.

10 Prior to the occupation of any unit constructed in accordance with any approved Reserved Matters submitted in accordance with conditions 1 & 2 above, a revised Framework Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority which includes addressing public transport provision, identifying a programme of provision of any off-site road improvements identified as necessary by the local highway authority for this development and setting out footpath/cycleway linkages to the surrounding network and settlements with a timetable of provision. Individual Travel Plans for each development plot shall be submitted with the Reserved Matters for such plots showing their relationship to the approved Framework Travel Plan in addition to specific measures in relation to the development on that plot.

11 No part of the development hereby permitted shall be occupied until the improvement scheme at M1 J29a, as shown on Opus drawing number J-B0502.00/03/R3, including any subsequent revisions resulting from the implementation of the Road Safety Audit or detailed design, are complete and open to traffic. *(By direction of the Highways Agency to ensure that the M1 Motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highway Act 1980 and in the interests of road safety, efficiency, sustainability, and amenity in accordance with the National Planning Policy Framework (NPPF)).*

12 Before the commencement of any development within the flood zone areas (existing and proposed), being within plots 4 and 5, details of the Buttermilk Lane road bridge (watercourse/flood capacity) over the River Doe Lea and the remodelled flood corridor shall be submitted to and approved in writing by the Local Planning Authority. The details shall include detailed topographical information, minimum floor levels for buildings, a scheme for improvements to the River Doe Lea by channel alteration or in-channel morphological diversity, information to demonstrate that flood risk will not be increased elsewhere, and details of agreed future maintenance responsibilities for the flood plain area. The approved details shall be implemented as so approved prior to

the construction of any buildings on plots 4 and 5 or in accordance with an alternative programme of operations previously submitted to and approved in writing by the Local Planning Authority. *(On the advice of the Environment Agency to ensure that the overall capacity of the flood plain, taking account of the development proposal, is not compromised, to improve the water quality of the river which currently has poor WFD ecological status, and in compliance with policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), GEN5 (Land Drainage) and ENV5 (Nature Conservation Interests throughout the District) of the Bolsover District Local Plan. NOTE: This condition will require works on land within the applicants control but within the area covered by North East Derbyshire District Council, i.e. generally land on the south-western side of the river Doe Lea.)*

- 13 Notwithstanding the submitted Flood Risk Assessment included as part of the submitted Environmental Statement the surface water run-off rate shall be to greenfield runoff rate or at least 30% reduction to existing points of discharge. *(On the advice of the Environment Agency to accord with the North East Derbyshire Strategic Flood Risk Assessment and in compliance with policies GEN2 (Impact of Development on the Environment) and GEN5 (Land Drainage) of the Bolsover District Local Plan.)*
- 14 Drainage of the development shall be in accordance with the Flood Risk Assessment and Drainage Strategy contained within chapter 12 of the Environmental Statement which provides for a foul water pumping station with discharge to Staveley Water Treatment Works with surface water to the River Doe Lea with restricted discharge rates in accordance with condition 13 above. *(On the advice of Yorkshire Water to ensure satisfactory and sustainable drainage and in compliance with policies GEN2 (Impact of Development on the Environment,) GEN5 (Land Drainage) and GEN6 (Sewerage and Sewage Disposal) of the Bolsover District Local Plan.)*
- 15 No later than the submission of any reserved matters in accordance with conditions 1 & 2 a Design Framework shall be prepared submitted to and approved in writing by the local planning authority. *(To ensure that layout, scale, height and design respond positively to Bolsover Castle and other heritage assets, and the distinctive local character of Bolsover and local landscape as the proposals have the potential to cause harm to the setting of Bolsover Castle and other heritage assets and in compliance with policies GEN1 (Minimum Requirements for Development) GEN2 (Impact of Development on the Environment) CON10 (Development Affecting the Setting of Listed Buildings) of the Bolsover District Local Plan.)*
- 16 The Reserved Matters submitted in accordance with conditions 1 and 2 above shall be accompanied by a Design Statement demonstrating how the proposal takes account of the Design Framework approved in accordance with condition 15. *(To minimise the impact of the development on the settings of nearby heritage assets the landscape generally and in compliance with policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment) and CON10 (Development Affecting the Setting of Listed Buildings) of the Bolsover District Local Plan.)*
- 17 The Reserved Matters submitted in accordance with conditions 1 and 2 above shall be accompanied by an Ecological Enhancement and Management Plan to include the mitigation measures outlined in the submitted Environmental Statement (Chapter 9)

- 18 The existing trees along the Doe Lea river corridor and along the site edges as shown on the 'Landscape Masterplan' (dwg. No. N227-GA-0011 Rev A) shall be retained and protected from the development works in accordance with details submitted as part of the Ecological Management Plan approved in accordance with condition 8 above. In the event that a retained tree has to be removed to resolve contamination issues details of the tree(s) to be removed shall be submitted to the Local Planning Authority and suitable replacement tree(s) shall be included within the Landscaping Reserved Matters to be submitted in accordance with conditions 1 and 2 above. *(To retain mature landscaping and setting to the development site in the interests of visual amenity and the retention of biodiversity and in compliance with policiesof the Bolsover District Local Plan.)*
- 19 An asbestos in soil risk assessment must be carried out for the entire site and agreed in writing with the Local Planning Authority. Any subsequent recommendations or controls must then be implemented to the satisfaction of the Local Planning Authority and verification of the measures undertaken included within the Verification report required in Condition 6.
- 20 In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory using MCERTS Chemical testing of Soil Scheme, where accreditation exists. The results shall be submitted to the Local Planning Authority for consideration in advance of the soil being imported to site. Only the soil approved in writing by the Local Planning Authority shall be used on site.
- 21 Prior to the occupation of any unit constructed in accordance with any approved Reserved Matters submitted in accordance with conditions 1 & 2 above, a Management Plan for all public areas detailing management aims and objectives, typical maintenance regimes, and responsibility for maintenance and management shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include all public areas, landscape zones, ecological zones; and the River Doe Lea corridor through the site.

Notes for applicant:

- 1) For information in relation to the interpretation of the above conditions:
"development" relates to the whole project: remediation of the site, site preparation and building works);
"remediation" relates to clearance and treatment of contamination to render the site fit for development including the creation of development plateaus);
"construction" relates to works following and in accordance with the approved Reserved Matters, including formation of hardstandings, roadways, landscaping, erection of buildings, etc.
- 2) In connection with condition 6 as it relates to issues of odour:
as a minimum they should ensure that there is not a statutory nuisance with respect to odour after remediation.
In relation to this condition more generally the Local Planning Authority and its Environmental Health Department would wish to be involved in phased assessments of the remediated land at an early stage.

- 3) The Design Framework required by condition 15 will need to contain a full assessment of the context of the site including views into and out of it and set out design parameters including strategic landscape corridors and guidance on the design of buildings including siting, layout, massing, materials and colours, the setting of buildings (including landscaping, layout of car parking and boundary treatment), lighting, signage and the use of sustainable technologies.
- 4) The Highways Agency (now known as Highways England) provide the following advice:
 - a. The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. The Highway Agency therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highway Agency's Section 278 Business Manager Chris Holton to discuss these matters on david.steventon@highways.gsi.gov.uk
 - b. The applicant should be made aware that any works undertaken to the Highway Agency network are carried out under the Network Occupancy Management policy, in accordance with HA procedures, which currently requires notification/booking 12 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The Area 7 MAC's contact details for these matters is area7.roadspace@aone.uk.com
- 5) To support the Ecological Enhancement and Management Plan required by condition 18 the following information should be included:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Ongoing monitoring and remedial measures.

The Ecological Enhancement and Management Plan should also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan should also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

General Notes
 All the dimensions shall be verified by the Contractors site prior to commencing any works.
 Do not scale from this drawing.
 Only work to written dimensions.
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INDICATIVE ONLY

NO	DESCRIPTION	AREA	PERCENTAGE	PERCENTAGE	PERCENTAGE
1	PLANT ROOM	1.130	11.048	795	795
2	NEIGHBOURHOOD PERAL	22.392	21.829	15,828	15,828
3	OPEN STORAGE USE	25.000	24.500	17,750	17,750
4	TRANSPORT HUB	5.000	4.875	3,500	3,500
5	OPEN STORAGE USE	1.000	9.750	7,000	7,000
6	TRANSPORT HUB	1.000	9.750	7,000	7,000
7	OPEN STORAGE USE	1.000	9.750	7,000	7,000
8	TRANSPORT HUB	1.000	9.750	7,000	7,000
9	OPEN STORAGE USE	1.000	9.750	7,000	7,000
10	TRANSPORT HUB	1.000	9.750	7,000	7,000
11	OPEN STORAGE USE	1.000	9.750	7,000	7,000
12	TRANSPORT HUB	1.000	9.750	7,000	7,000
13	OPEN STORAGE USE	1.000	9.750	7,000	7,000
14	TRANSPORT HUB	1.000	9.750	7,000	7,000
15	OPEN STORAGE USE	1.000	9.750	7,000	7,000
16	TRANSPORT HUB	1.000	9.750	7,000	7,000
17	OPEN STORAGE USE	1.000	9.750	7,000	7,000
18	TRANSPORT HUB	1.000	9.750	7,000	7,000
19	OPEN STORAGE USE	1.000	9.750	7,000	7,000
20	TRANSPORT HUB	1.000	9.750	7,000	7,000
21	OPEN STORAGE USE	1.000	9.750	7,000	7,000
22	TRANSPORT HUB	1.000	9.750	7,000	7,000
23	OPEN STORAGE USE	1.000	9.750	7,000	7,000
24	TRANSPORT HUB	1.000	9.750	7,000	7,000
25	OPEN STORAGE USE	1.000	9.750	7,000	7,000
26	TRANSPORT HUB	1.000	9.750	7,000	7,000
27	OPEN STORAGE USE	1.000	9.750	7,000	7,000
28	TRANSPORT HUB	1.000	9.750	7,000	7,000
29	OPEN STORAGE USE	1.000	9.750	7,000	7,000
30	TRANSPORT HUB	1.000	9.750	7,000	7,000
31	OPEN STORAGE USE	1.000	9.750	7,000	7,000
32	TRANSPORT HUB	1.000	9.750	7,000	7,000
33	OPEN STORAGE USE	1.000	9.750	7,000	7,000
34	TRANSPORT HUB	1.000	9.750	7,000	7,000
35	OPEN STORAGE USE	1.000	9.750	7,000	7,000
36	TRANSPORT HUB	1.000	9.750	7,000	7,000
37	OPEN STORAGE USE	1.000	9.750	7,000	7,000
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40	TRANSPORT HUB	1.000	9.750	7,000	7,000
41	OPEN STORAGE USE	1.000	9.750	7,000	7,000
42	TRANSPORT HUB	1.000	9.750	7,000	7,000
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44	TRANSPORT HUB	1.000	9.750	7,000	7,000
45	OPEN STORAGE USE	1.000	9.750	7,000	7,000
46	TRANSPORT HUB	1.000	9.750	7,000	7,000
47	OPEN STORAGE USE	1.000	9.750	7,000	7,000
48	TRANSPORT HUB	1.000	9.750	7,000	7,000
49	OPEN STORAGE USE	1.000	9.750	7,000	7,000
50	TRANSPORT HUB	1.000	9.750	7,000	7,000

DATE: 15/08/2014
 DRAWN BY: MJD
 CHECKED BY: MJD
 PROJECT NO: 11078_PL03
 SHEET NO: B

Client: **Bolslover Land Limited**
 Project: **Former Caselle Works, Bolslover Illustrative Masterplan**

Scale: 1:2000
 Date: 15/08/2014

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