

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 9th July 2025 at 14:00 hours.

PRESENT:-

Members:-

Councillor John Ritchie in the Chair

Councillors Catherine Tite (Vice-Chair), Steve Fritchley, Chris Kane, Tom Munro, Sally Renshaw, Phil Smith and Janet Tait.

Officers:- Chris Whitmore (Development Management and Land Charges Manager), Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer), Chris McKinney (Senior Devolution Lead for Planning Policy, Strategic Growth and Housing), Neil Oxby (Principal Planning Policy Officer), Angelika Kaufhold (Governance and Civic Manager) and Matthew Kerry (Governance and Civic Officer).

Also in attendance at the meeting, observing, was Councillor Cathy Jeffery (Junior Portfolio Holder for Health and Wellbeing).

PL9-25/26 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Rob Hiney-Saunders and Deborah Watson, and Sarah Kay (Interim Director of Planning, Devolution & Corporate Policy).

PL10-25/26 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

PL11-25/26 DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

PL12-25/26 MINUTES

Moved by Councillor Steve Fritchley and seconded by Councillor Tom Munro

RESOLVED that the minutes of a meeting of the Planning Committee held on 11th June 2025 be approved as a true and correct record.

PL13-25/26 APPLICATION NO. 21/00331/FUL - OPEN SPACE EAST OF DAHLIA AVENUE, SOUTH NORMANTON

Committee considered a report in relation to the above application presented by the Development Management and Land Charges Manager, who gave details of the application and highlighted the location and features of the site and key issues. The

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planning application sought approval from the Committee for proposed layout amendments following site investigations which revealed a public sewer crossing the site was in a different location to that shown on the public sewer record – the originally designed scheme could not be developed in the manner envisaged.

Additional representations had been received and provided in the supplementary document.

To a question on any noise survey completed, the Development Management and Land Charges Manager confirmed that noise modelling had been undertaken and measures incorporated into the scheme (including mechanical ventilation to the dwellings and acoustic fencing to ensure that noise levels would be within acceptable limits from habitable rooms and outside amenity space).

Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

RESOLVED that upon receiving confirmation from the Derbyshire Wildlife Trust and the arrangements listed in the supplementary document will ensure no net loss of biodiversity, delegated authority be given to the Development Management and Land Charges Manager or Principal Planners to approve application no. 21/00331/FUL subject to prior entry into a S.106 legal agreement containing the obligations included in the recommendation on page 23 of the main report, and subject to the conditions listed on pages 23 – 33 of that report, including any revised or amended conditions as may be recommended by the Derbyshire Wildlife Trust:

- A. Limitation over the occupation of the dwellings to affordable housing.
- B. A contribution of £81,000 to be used by the Council for the provision for off-site biodiversity mitigation measures, including mechanisms for initial investigations, provision, and long-term management and maintenance.

AND subject to the following conditions:-

- 1. The development shall be begun before the expiration of three years from the date of this permission.
- 2. The development hereby permitted must be carried out in accordance with the following approved drawings and documents, unless otherwise required and / or approved under other conditions of this planning permission.

Documents submitted 21/05/2025:-

- 24-964-01C – Revised Layout;
- 24-964-02 – A Type Floor Plans and Elevations;
- 24-964-03 – A Type Floor Plans and Elevations;
- 24-964-04 – B Type Floor Plans and Elevations;
- 24-964-05 – F C Type Floor Plans and Elevations;
- 24-964-06 – C F Type Floor Plans and Elevations;
- 24-964-07 – D E Type Floor Plans and Elevations;
- 24-964-50 – Garden Areas Plan.

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3. Prior to the commencement of development, a Site Levels and Sections plan must be submitted to and approved in writing by the Local Planning Authority showing existing and proposed land levels and proposed finished floor levels for the proposed dwellings. The development must be built in accordance with any plan approved under this condition.
4. No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development must be carried out in accordance with the approved details. The materials to be used throughout the development must be consistent in terms of colour, size, and texture with the approved details.
5. No development shall take place until full details of both hard and soft landscape work with an associated implementation plan, have been submitted to and approved in writing by the Local Planning Authority. The hard landscape details must include means of enclosure, hard surfacing materials and street furniture, where relevant. The soft landscaping works must include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

All planting must be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period must be replaced with specimens of an equivalent species and size.

6. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Management Plan (CMP) must be submitted to and approved in writing by the Local Planning Authority. The submitted plan must include, but is not restricted to:-
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud and dust being carried onto the highway;
 - Arrangements for turning vehicles;
 - Details for the methods to be employed to control and monitor noise, dust, and vibration impacts
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses; and,
 - Timescales for the implementation of the scheme.

The approved scheme must be implemented and adhered to in full accordance with the scheme as approved under this condition.

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7. Before the commencement of the development hereby approved:-

- i. a contamination site investigation must be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis and a report of the site investigation must have been submitted to, and approved in writing by, the Local Planning Authority.
- ii. Only where the site investigation required by 6i above identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, must have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must have regard to CLR 11 and other relevant current guidance. The approved scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The developer must give at least 14 days' notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

8. No dwelling hereby approved will be occupied until:-

- a) Any approved remediation works required by 6 above have been carried out in full in compliance with the approved methodology and best practice in respect of that dwelling and its plot;
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works must be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority must be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material must be re-evaluated through the process described in 6 above and satisfy 7a above;
- c) Upon completion of the remediation works required by 6 and 7a above, a validation report prepared by a competent person must be submitted to and approved in writing by the local planning authority. The validation report must include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation must be included.

9. No development shall commence until:

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and,

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- b) any remediation works and / or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works must be carried out in accordance with authoritative UK guidance.

10. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development must be submitted to the Local Planning Authority for approval in writing. This document must confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

11. No development will take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:-

- a) ASC, Ltd. (Oct 2022), Flood Risk Assessment and Drainage Strategy Report, ref: SC128/FRA, including any subsequent amendments or updates as approved by the Flood Risk Management Team;
- b) Vista Architecture, March 2025, Dahlia Avenue South Normanton-Garden Areas Plan; and,
- c) DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority.

12. No development will take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 56 Reference ID: 7-056-20220825 of the planning practice guidance.

13. Prior to commencement of the development, details indicating how additional surface water run-off from the site will be avoided during the construction phase must have been submitted to and approved in writing by Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system must be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

14. No part of the development hereby permitted shall commence until an assessment of the risk to motorists using the M1 motorway as a result of glint and glare emitting from vehicle movements within the development or the proposed street lighting layout, has been carried out and any necessary mitigation scheme identified and has been approved in writing by the Local Planning Authority in consultation with Highways England. The approved mitigation scheme must

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thereafter be constructed in accordance with the approved plans prior to first occupation of the development and maintained in perpetuity.

15. Prior to the occupation of any dwellings, street lighting and lighting for the proposed shared parking court serving plots 10 to 16, must have been provided and be made operational in accordance with details that must have previously been submitted to and approved in writing by the Local Planning Authority, that must be maintained and operational, as approved, at all times thereafter.
16. An updated acoustic assessment must be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development. A scheme of mitigation, as necessary in light of the results of the assessment, [covering façade, glazing and ventilation specifications] must achieve levels not exceeding 30dB LAeq (night) and 45dB L_{Amax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas must be designed to meet the requirements of BS8233:2014. Once approved the mitigation must be installed fully in accordance with the approved scheme and permanently maintained thereafter.
17. The development hereby approved must not be occupied until the access, parking and turning facilities have been provided as shown on drawing 24-964-01C.
18. The development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which must first be submitted to and approved in writing by the Local Planning Authority. The storage area must be maintained for this purpose thereafter.
19. Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken. The results and any appropriate mitigation / licensing requirements must be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.
20. Due to the presence of Japanese knotweed on adjacent land, prior to the commencement of the development, including preparatory site clearance, a survey for any recent establishment of this species within the site or along the site boundary should be undertaken. The results and any appropriate mitigation requirements must be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.
21. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) must include the following:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of “biodiversity protection zones”;

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- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on protected species and sensitive habitats during construction;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and,
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) must be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

22. Prior to building works commencing above foundation level, a Species Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority. Approved measures must be implemented in full and maintained thereafter. The Plan must clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:-

- 21 integrated swift bricks (universal nest box) at ratio of 1:1, in line with British Standard 42021:2022. Bricks should be integrated into the fabric of the dwellings;
- 3 external or internal bat boxes; and,
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

23. A Landscape Enhancement and Management Plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development. These should be in accordance with the proposals set out in the submitted Biodiversity Metric 4.0 prepared by Brindle and Green 2nd November 2023. The LEMP should combine both the ecology and landscape disciplines and must be suitable to provide to the management body responsible for the site. It must include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric;
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric;
- c) Appropriate management methods and practices to achieve aims and objectives;
- d) Prescriptions for management actions;
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity);
- f) Details of the body or organization responsible for implementation of the plan;
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 5, 10, 15, 20 and 30 years;

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- h) Monitoring reports to be sent to the Council at each of the intervals above;
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met; and,
- j) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LEMP must 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 approved plan will be implemented in accordance with the approved details.

24.A Biodiversity Habitat Enhancement and Management Plan (BHEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The aim of the plan is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the Biodiversity Metric 4.0 prepared by Brindle and Green 2nd November 2023. The plan must be suitable to provide to the management body responsible for the site. It must include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric;
- b) Details for the enhancement of modified grassland to lowland calcareous grassland including the results of soil analysis;
- c) Aims and objectives of management, in line with desired habitat conditions detailed in the metric;
- d) Appropriate management methods and practices to achieve aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity);
- g) Details of the body or organization responsible for implementation of the plan;
- h) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 5, 10, 15, 20, 25 and 30 years;
- i) Monitoring reports to be sent to the Council at each of the intervals above;
- j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met; and,
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

The BHEMP must 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 approved plan will be implemented in accordance with the approved details.

25. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive

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ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

Advisory Notes

1. National Highways has advised that the applicant should provide actual revised ground levels (see condition 3) so that they can be assured and confirm there is no additional risk from any change in levels alongside its boundary.
2. Subject to acceptance of the SuDS design by Derbyshire County Council (Lead Local Flood Authority), the developer must submit Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details. (a copy to be kept by Bolsover District Council Engineering Services).
3. The sewer records show a public sewer within the area of the proposed work (plan available to view on the planning application record of the Council's website). The applicant should also be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant should be advised to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.
4. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
5. It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.
6. Any developer is requested to ensure that appropriate provision is made for NGA broadband infrastructure and services as part of the design of their development schemes at the outset. If it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation. Guidance on the characteristics of qualifying NGA technologies is available from The Department for Digital, Culture, Media and Sport.
7. Attention is drawn to the comments of the Force Designing Out Crime Officer included in his e-mail to this Council dated 12th June 2025, that provides advice regarding items that will need to be included with any discharge of conditions applications to support crime prevention in respect of means of enclosure, including gates to individual properties and lighting to public and private areas. Those comments can be viewed on the planning application pages of this

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Council's website.

8. The Highway Authority (Derbyshire County Council) has advised the following:-

- The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Implementation team at development.implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement;
- A Monitoring Fee;
- Approving the highway details; and.
- Inspecting the highway works.

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

- Drainage arrangements shall be provided to ensure that surface water from the development site does not discharge on to the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
9. Early iterations of the layout assumed that the proposed highway would be privately owned and maintained given the layout would include features that Derbyshire County Council as the Local Highway Authority (LHA) would not adopt. Whilst this may still be the case, any developer may wish to note that the Highway Authority has adopted a new approach to highway design such that there may be the option to seek adoption of the highway by Derbyshire County Council and it may be worthwhile for any developer to discuss the approved layout with the LHA if an adoption by them would be desirable. It should be noted that this would be a decision of the LHA and this note in no way indicates that adoption would be forthcoming. In addition, should potential adoption include any amendments to the approved layout, details of this will have to be provided to consider the suitability of these in planning terms, and the necessary process that may need to be followed to facilitate this.

PL14-25/26 APPLICATION NO. 24/00503/FUL - THE STABLES, FEATHERBED LANE, BOLSOVER, CHESTERFIELD

Committee considered a report in relation to the above application presented by the Development Management and Land Charges Manager, who gave details of the application and highlighted the location and features of the site and key issues. The

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planning application sought approval for the extension of the adjacent traveller site to provide parking and manoeuvring space.

Concerns were raised on the surface condition and speed of some road traffic users on the private road and its impact on the Public Right of Way that it carried.

Moved by Councillor Tom Munro and seconded by Councillor Janet Tait

RESOLVED that application no. 24/00503/FUL be **DEFERRED** to allow officers to seek confirmation from the Rights of Way Team at the County Council that they have no concerns with the use of a longer section of the private lane, which carries a Public Right of Way, for vehicles and equipment associated with a 7 pitch Gypsy and Traveller site and that the surface of the lane is suitable for multi-use without the need for any modifications or improvements.

In favour of the deferral: 7

Against the deferral: 1

Councillor Cathy Jeffery left the meeting at 14:25 hours.

PL15-25/26 APPLICATION NO. 25/00162/FUL - STATION YARD, CHESTERFIELD ROAD, PLEASLEY, MANSFIELD

Committee considered a report in relation to the above application presented by the Development Management and Land Charges Manager, who gave details of the application and highlighted the location and features of the site and key issues. The planning application sought for the material change of use of land to station 4 residential mobile home plots for travelling showpeople with the establishment of parking, turning and amenity areas within the site.

The Development Management and Land Charges Manager informed further consultation had been received from the Principal Environmental Health Officer that was provided in the supplementary document.

An additional representation had also been received – this was provided in the supplementary document and read out to the Committee.

Councillor Tom Kirkham raised concerns with aspects of the application.

Mr. Matt Williams spoke in favour of the application (the agent).

Questions were raised on the repair and maintenance of the road surface and the installation of a locked gate.

Moved by Councillor Phil Smith and seconded by Councillor Tom Munro

RESOLVED that application no. 25/00162/FUL be **APPROVED** subject to the following conditions:

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

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2. The site shall not be occupied by any persons other than travelling showpeople as defined in Annex 1: of the Planning Policy for Traveller Sites Guidance December 2024 (or its equivalent in replacement in national policy).
3. There shall be no more than four plots on the site. Each plot shall comprise no more than one caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, stationed on it at any time.
4. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions below:
 - Site Location Plan - drawing 25019-2 dated 25/03/2025; and,
 - Proposed Site Plan - drawing 25019-1 Rev A dated 18/02/2025.
5. No commercial or industrial activities shall be carried out and there shall be no storage of travelling showpeople's fairground or circus equipment on site.
6. Prior to the commencement of the development hereby permitted, a scheme of foul drainage and surface water disposal must be submitted and approved by the local planning authority. Prior to the occupation of the development the approved drainage schemes must be implemented fully accordance with the agreed scheme and be maintained thereafter.
7. Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site must be undertaken. The results and any appropriate mitigation must be submitted to the Local Planning Authority for approval and any mitigation measures implemented prior to first occupation of the mobile homes.
8. Prior to the installation of any lighting fixtures, a detailed lighting strategy must be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This must provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Once agreed the lighting scheme must be implemented fully in accordance with the agreed details and be maintained thereafter.
9. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) must include the following:-
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones";
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;

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- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and,
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP must be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

10. No dwelling must be occupied until full details of both hard and soft landscape works with an associated implementation plan, management schedule and monitoring, that includes defining the garden curtilage of each dwelling has been submitted to and approved in writing by the Local Planning Authority. The hard landscaping details must include the proposed hard surfaced materials. The soft landscape works must include a planting plan; schedules of any plants and trees, noting species, plant / tree sizes and proposed numbers/densities to demonstrate how the 10% biodiversity net gain will be provided in accordance with the submitted metric. All planting must be implemented in accordance with the approved details in the first available planting season. The created and / or enhanced habitat specified must be managed and maintained fully in accordance with the agreed landscaping plan.

11. Prior to first occupation of the hereby approved development:

- a) A Biodiversity Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority. The Plan must clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:-
 - external bird boxes;
 - external bat boxes;
 - insect bricks / towers;
 - habitat piles for hedgehogs and herptiles; and,
 - ecologically beneficial landscaping.

Once agreed the approved measures shall be implemented fully in accordance with the agreed details and be maintained thereafter.

- b) A statement of good practice including photographs must be submitted to the local planning authority to fully discharge this condition, demonstrating that the enhancements have been selected and installed fully in accordance with the approved Plan.

12. The hereby approved plots shall not be occupied for residential use until the off-road parking is provided in full. Once provided the parking shall be maintained free from obstruction thereafter.

13. Prior to the first occupation of the site, a detailed scheme of boundary treatment for the site must be installed fully in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment scheme shall then be maintained thereafter.

14. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:

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- a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
- b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
 - the likely presence of potentially hazardous materials and substances;
 - their likely nature, extent and scale;
 - whether or not they originated from the site;
 - a conceptual model of pollutant-receptor linkages;
 - an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;
 - details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy.

The phase 2 site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

15. Before the commencement of the development hereby approved, where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

16. No dwelling unit hereby approved shall be occupied until:

- a) The approved remediation works required by 15 above have been carried out in full in compliance with the approved methodology and best practice;
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is

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reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 14b to 2 above and satisfy 16a above.

- c) Upon completion of the remediation works required by 16 and 16a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

17. Prior to the commencement of development a geotechnical professional must carry out a slope stability assessment report of the slopes which surround the application site, which must demonstrate that the site is safe and stable for the development proposed and provide remediation, if necessary. The assessment must give consideration to the following:-

- a) Avoiding disturbance to the slopes that might impact stability, including to the toe of the slope, which may have been removed in certain places on the site;
- b) Any proposed excavations made in the ground in front of the toe of the slopes to incorporate appropriate temporary / permanent works and/or control measures to minimise the risks of them becoming unstable; and,
- c) Consider the impacts of the construction phase including the management of surface water run-off to prevent it reaching or accumulating within or alongside the slopes.

Once approved the development must proceed fully in accordance with the agreed slope stability assessment and any approved remediation must be implemented prior to the first occupation of the site.

Reasons for Conditions

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the terms of this permission and ensure future occupants are associated with the use for which the development is acceptable in planning terms in accordance with Policy LC5 of the Adopted Local Plan for Bolsover District.
3. To define the terms of this permission as proposed, and to prevent adverse impacts on residential amenity through intensification in use of the site, in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
4. In the interests of protecting residential amenity in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
5. To define the terms of this permission as proposed, and to prevent adverse impacts on residential amenity through intensification in use of the site, in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.

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6. This is a pre-commencement of development condition which is necessary in the interests of preventing unsatisfactory surface water run-off and enabling an adequate means of foul disposal in accordance with Policy SC7 and SC11 of the Adopted Local Plan for Bolsover District.
7. This is a pre-commencement of development condition necessary in the interests of preventing harm to protected species in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
8. In the interests of safeguarding bats and other protected species in accordance with Policy SC7 of the Adopted Local Plan for Bolsover District.
9. This is a pre-commencement of development condition necessary to prevent harm to protected species during the construction phase in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
10. In the interests of securing 10% biodiversity net-gain in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
11. In the interests of securing sufficient biodiversity enhancement on site in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
12. In the interests of securing sufficient off-road parking in the best interests of highway safety in accordance with Policy ITCR11 of the Adopted Local Plan for Bolsover District.
13. In the interests of protecting the rural character of the area and the privacy of existing and future occupants in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
14. In the interests of defining an acceptable bin collection point in the best interests of highway safety in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
15. This is a pre-commencement of development condition necessary to ensure the site is developed free from unacceptable levels of land contamination in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.
16. To ensure the site is developed free from unacceptable levels of land contamination in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.
17. To ensure the site is developed free from unacceptable levels of land contamination in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.
18. This is a pre-commencement of development condition necessary to ensure the site is made safe and stable for future occupants in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.

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Notes

1. Bolsover District Council's Senior Engineer advises as follows:
 - a) The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation;
 - b) All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010. In addition, any connections or alterations to a watercourse will need prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority;
 - c) The developer should provide detailed proposals of the disposal of foul and surface water from the site and give due consideration to the use of SUDS, which should be employed whenever possible;
 - d) Where SuDS features are incorporated into the drainage design it is strongly recommended that the developer provides the new owners of these features with sufficient details for their future maintenance;
 - e) It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.
2. This application will require the approval of a biodiversity gain plan before development commences, and as such you must adhere to the statutory requirements of the Biodiversity Gain Plan Advice Note provided below.
3. In relation to Condition 7, Derbyshire Wildlife Trust advises dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones / features. Guidelines can be found in Guidance Note 08/23 – Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.
4. The applicants / developer are made aware that the County Council does not wish for any structural assets such as retaining walls or similar to be built upon County Council land as the County Council would not assume any maintenance responsibilities or liabilities associated with their function. The development site is surrounded on three sides by the Country Park. The Country Park is at a higher level to the development and the existing tree cover may prompt future requests by potential occupants to remove tree and vegetation growth. Occupants should be aware that the tree cover surrounding the properties cannot be removed at any point in the future regardless of claims to any impact on the house structure and / or the residential use of that dwelling, other than for health and safety reasons.

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5. Following planning committee consideration on the 9th July 2025, the applicant is encouraged to erect lockable gates at the site entrance and to display contact details of a person(s) whom to contact in the event of an incident when the plots are not occupied

Statement of Decision Process

1. Officers have worked positively and pro-actively with the applicant during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

The decision contains several pre-commencement conditions which are so fundamental to the development permitted that:-

- it would have been otherwise necessary to refuse the whole permission; or
- are necessary to address issues that require information to show that the development will or can be made safe; or,
- address other impacts which need to be assessed to make the development acceptable to minimise and mitigate adverse impacts from the development.

The planning agent has agreed in writing to all of the planning conditions attached to this recommendation.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

Human Rights Statement

The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.

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PL16-25/26 APPLICATION NO. 25/00235/OTHER - REAR OF 16 TO 124 AND SOUTH WEST OF 124 AND BETWEEN BRICKYARD FARM AND BARLBOROUGH LINKS, CHESTERFIELD ROAD, BARLBOROUGH

Committee considered a report in relation to the above application presented by the Development Management and Land Charges Manager, who gave details of the application and highlighted the location and features of the site and key issues. The planning application sought the modification of a Section 106 agreement dated 7th March 2011 and Deed of Variation (DOV) dated 13th December 2016 linked to an approved residential development off Chesterfield Road, Barlborough known as 'Hawthorne Meadows'.

An additional representation had been received and was provided in the supplementary document.

Mr. Chris Creighton spoke in favour of the application (the agent).

Mr. Nigel Griffiths was present to answer questions (the applicant), as was Mr. Richard Burns (the advisor).

Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

RESOLVED that for application no. 25/00235/OTHER a Deed of Variation be entered into which allows for the delivery of 12 no. 20% discount sale affordable units on site with cascade provisions to allow for an equivalent financial contribution to be made if not sold within 6 months of marketing, and payment of a financial contribution of £98,548 in lieu of provision secured in respect of agreements relating to the Chesterfield Road, Barlborough site dated 07.03.2011 and deed of variation dated 13.12.2016.

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to secure the developer contributions required to deliver sustainable development. This has resulted in the submission of this application to modify the obligations dated 07.03.2011 and deed of variation dated 13.12.2016 in the manner proposed.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., "the Public Sector Equality Duty").

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

Human Rights Statement

The specific Articles of the European Commission on Human Rights ('the ECHR') relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence),

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Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.

PL17-25/26 FIVE-YEAR HOUSING LAND SUPPLY - ANNUAL POSITION STATEMENT (2025/26 - 2029/30)

The Principal Planning Policy Officer presented the report to the Committee.

A planning authority's 5 year housing land supply looked forward and required analysis of planning data and engagement with developers and housebuilders to forecast when and how housing sites would be built-out.

The Council's Local Plan had been adopted on 4th March 2020, covered 2014 to 2033 for housing requirements, and identified the need to deliver land to meet a requirement of 272 dwellings per annum.

The Council was required to review its Local Plan every 5 years.

The Committee had considered the 5 year review at a meeting on 19th February 2025. Members had been informed the Local Plan had proven very successful in delivering development within the District. However, following changes to the National Planning Policy Framework (NPPF) and national planning guidance in December 2024, changes included national policy on the approach to the Green Belt and how local housing need would be calculated.

To calculate the current local housing need for the District, the Council had used the latest stock figure (May 2025) and the latest amended affordability factor (March 2025) in accordance with the revised standard method. This calculation had resulted in the need for 360 dwellings per annum.

The NPPF had also reintroduced the requirement for the supply to include a buffer (5% for the Council) – applying this buffer resulted in the need for 378 dwellings per annum.

Table 1 of the report had identified between 1st April 2014 and 31st March 2025 the number of housing completions had exceeded the annual requirement by 959 dwellings.

The trend of completions indicated that the District's housing market was performing strongly and in good health. It also reflected the Council had pursued a growth agenda in recent years, seeing additional housing through 'windfall' sites.

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Table 2 of the report showed the requirements set against the deliverable housing supply over the 5 year period from 1st April 2025. The supply for housing delivery on minor sites was reflected over a 3 year period with the loss of dwellings being identified in the first year:

Year:	Housing Requirement Figure per annum	Anticipated Housing Supply Deliverable per annum	Cumulative Housing Requirement	Anticipated Cumulative Housing Supply Deliverable
2025/26	378	608	378	608
2026/27	378	445	756	1,053
2027/28	378	418	1,134	1,471
2028/29	378	342	1,512	1,813
2029/30	378	338	1,890	2,151

This table showed that the potential deliverable supply exceeded the requirement throughout the 5 year period with 5.69 years of deliverable housing land supply for the period 2025/26 to 2029/30.

Attached at Appendix 1 was the Council's annual position statement of its 5 year supply. Attached at Appendix 2 was a full list of major development sites and their contribution to the 5 year supply.

Moved by Councillor Phil Smith and seconded by Councillor Janet Tait

RESOLVED that the Committee: 1) Notes the detailed issues set out in the report;

- 2) Approves the assessment of the Council's Annual Position Statement of Five-Year Housing Land Supply 2025 as set out at Appendix 1;
- 3) Authorises the publication of the Annual Position Statement of Five-Year Housing Land Supply (Appendix 1) and List of Major Development Sites and their contribution to the Council's Five-Year Housing Land Supply (Appendix 2) on the Council's website; and
- 4) Gives delegated authority to the Assistant Director of Planning and Planning Policy in consultation with the Chair of Planning Committee to make any minor changes to the text or information referred to in recommendation 3) prior to publication.

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GOVERNMENT CONSULTATION ON THE REFORM OF PLANNING COMMITTEES

The Principal Planning Policy Officer presented the report to the Committee.

The UK Government's 'Reform of Planning Committees: Technical Consultation' had sought external views on their proposals to modernise planning committees, including the introduction of national rules for the delegation of planning functions, the size and composition of planning committees, and the mandatory training for members of planning committees.

Councillor Tom Munro left the meeting at 15:25 hours.

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The UK Government was intent on speeding up the delivery of new homes, with 4 consultation and working papers published in May 2025:

Technical consultation on implementing measures to improve Build Out transparency (25 th May 2025).	Proposed to introduce a new statutory build out framework which required information to be submitted at different stages of the planning and development cycle, and the power to decline to determine applications.	Consultation closes 7 th July 2025.
Planning Reform Working Paper: Speeding Up Build Out (25 th May 2025).	Invited views on incentives and options the government could pursue to encourage and incentivise development, particularly new homes and the Delayed Homes Penalty.	Closing date 11:59pm on 7 th July 2025.
Planning Reform Working Paper: Reforming Site Thresholds (27 th May 2025).	Invited views on reforming site size thresholds in the planning system to better support housing delivery on different types of sites, including minor, medium and major development sites.	Closing date 9 th July 2025.
Reform of Planning Committees: Technical Consultation (27 th May 2025).	Proposals around the delegation of planning functions, the size and composition of planning committees, and mandatory training for members of planning committees.	Closing date 23 rd July 2025.

The proposed reforms followed changes made to the National Planning Policy Framework (NPPF) in December 2024, which reintroduced mandatory targets for new homes through the revised standard method of assessing local housing need and enabling development on low quality 'grey belt' land where housing need could not be otherwise met.

The first three consultations and working papers were focused on the delivery of homes – a summary of the contents of these three consultations was attached at Appendix 1.

Due to the deadlines for these consultations, a response had been prepared in consultation with the Portfolio Member for Growth and the Chair of the Committee and this had been submitted on behalf of the Council in advance of the deadline.

The fourth of the Government consultations, the proposed Reform of Planning Committees: Technical Consultation, was the main focus of the report.

The questions from the UK Government had proposed responses, and Members were asked for their input.

The Chair noted the UK Government's intention to speed up the delivery of new builds likely did not take into consideration the installation / facilitation of gas, electricity and water supplies – it was not necessarily planning authorities and housing developers

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causing delays.

Moved by Councillor John Ritchie and seconded by Councillor Sally Renshaw

RESOLVED that the Committee: 1) Considers the contents of the Government's 'Reform of Planning Committees: Technical Consultation' and the proposed Council response to this consultation; and,

2. Gives delegated authority to the Assistant Director of Planning and Planning Policy, in consultation with the Chair of Planning Committee and Portfolio Member for Growth, to agree and submit the Council's response to the Government's 'Reform of Planning Committees: Technical Consultation'.

PL19-25/26 **APPEAL DECISIONS REPORT: JANUARY 2025 - JUNE 2025**

The Development Management and Land Charges Manager presented the report to the Committee.

In November 2016 (updated December 2024), the Department for Communities and Local Government had produced guidance entitled, "Improving Planning Performance which included guidance on speed of Planning decisions and Quality of Planning Decisions.

The measure to be used was the percentage of the total number of decisions made by the authority on applications that were then subsequently overturned at appeal. This was set at 10%.

The latest monitoring period was January 2025 – June 2025, and the Council had received no appeals on major planning applications and 4 appeal decisions on nonmajor planning applications – all 4 appeals were dismissed. The Council had therefore successfully defended 100% of the decisions appealed within that period.

A full summary of the decisions made was attached at Appendix 1.

The lack of appeals generally against planning decisions taken indicated current decision making was sound and the Council's performance in successfully defending decisions at appeal was good.

A Member thanked the Planning Team for their sterling work, with the Committee performing excellently.

Moved by Councillor Phil Smith and seconded by Councillor Janet Tait

RESOLVED that: 1) This report be noted; and,

2. Recommend appeal decisions continue to be reported to planning committee every 6 months

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6 MONTHLY ENFORCEMENT REPORT: JANUARY 2025 - JUNE 2025

The Development Management and Land Charges Manager presented the report to the Committee.

The Local Enforcement Plan (the 'Plan') had been adopted by the Committee in 2019 (refreshed in May 2022) and set out the service standards that Planning Enforcement Officers would consider to be specific, measurable, achievable and realistic.

Graph 1 helped to visualise the high performance of the Enforcement Officer.

Graph 2 highlighted good progress had also been made to resolve historic cases.

During January 2025 – June 2025, 7 Enforcement Notices had been served. The details of these notices were set out in the provided Table 1 of the report. The results indicated a high performance in respect of formal planning enforcement action taken over the review period.

The Chair commended the excellent work achieved.

Moved by Councillor Phil Smith and seconded by Councillor Catherine Tite

RESOLVED that: 1) This report is noted; and,

2. The Planning department's performance against the service standards in the Local Enforcement Plan and updates on planning enforcement continue to be reported to Planning Committee on a half-yearly basis and that a review of the current Local Enforcement Plan is undertaken to ensure that it remains fit for purpose, with any update or new plan to be presented to a future Planning Committee.

The Chair thanked all for attending.

The meeting concluded at 15:34 hours.