

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 10th December 2025 at 10:00 hours.

PRESENT:-

Members:-

Councillor John Ritchie in the Chair

Councillors Catherine Tite (Vice-Chair), Steve Fritchley, Rob Hiney-Saunders, Tom Munro, Sally Renshaw, Phil Smith, Janet Tait and Deborah Watson.

Officers:- Sarah Kay (Interim Director of Planning, Devolution and Corporate Policy), Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer), Chris Whitmore (Development Management and Land Charges Manager), Chris McKinney (Senior Devolution Lead for Planning Policy, Strategic Growth and Housing), Julie-Anne Middleditch (Principal Planning Policy Officer), Matt Connley (Leisure Facilities Planning & Development Manager), Dan Oakley (Community Arts Development Officer), Jonathan Gaynor (Principal Planner), Peter Sawdon (Principal Planner), Coby Bunyan (Scrutiny Officer) and Matthew Kerry (Governance and Civic Officer).

Also in attendance at the meeting, observing, were Councillors Cathy Jeffery and Clive Moesby.

PL48-25/26 APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Chris Kane.

PL49-25/26 URGENT ITEMS OF BUSINESS

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

PL50-25/26 DECLARATIONS OF INTEREST

| Minute No. | Member | Level of Interest |
|-------------------|--------------------------|--|
| PL53-25/26 | Councillor Sally Renshaw | As a Member of the Planning Committee, Councillor Sally Renshaw declared an interest in Item 7 being the local Ward Member and having likely a predetermined position. |

PL51-25/26 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 29th October 2025 be approved as a true and correct record.

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PL52-25/26 APPLICATION NOS. 25/00433/OTHER AND 25/00069/REM - LAND BETWEEN WELBECK ROAD AND OXCROFT LANE, BOLSOVER

The Interim Director of Planning, Devolution and Corporate Policy explained the relation between Application Nos. 25/00433/OTHER and 25/00069/REM and the request by Derbyshire County Council (DCC) to defer Application No. 25/00433/OTHER while a new viability assessment is undertaken.

Officers sought a deferral for both applications to a future Committee meeting for the Council, the applicant and DCC to discuss an agreeable solution to the potential developer contributions and allow DCC to commission their own viability appraisal.

9 in favour
0 against

Moved by Councillor Steve Fritchley and seconded by Councillor Tom Munro

RESOLVED that Application Nos. 25/00433/OTHER and 25/00069/REM be deferred to a future meeting while the Council, the applicant and Derbyshire County Council discuss an agreeable solution to the potential developer contributions and allow Derbyshire County Council to commission their own viability appraisal.

Councillor Cathy Jeffery left the meeting at 10:07 hours.

Councillor Sally Renshaw took no part in the following item.

PL53-25/26 APPLICATION NO. 25/00184/FUL - GARAGE SITE TO THE WEST OF 283 ALFRETON ROAD, BLACKWELL

The Development Management and Land Charges Manager explained that the item was deferred from the Committee's 29th October 2025 meeting to give the applicant an opportunity to address concerns that the proposals would result in the overdevelopment of the site and to consider increasing the number of car parking spaces.

Following deferral of the application, the applicant had reduced the overall footprint of the building, setting it back slightly so that the principal elevation was broadly in-line with the adjacent dwelling. 2 additional parking spaces at the front of the site had also been added (providing 6 spaces in total to satisfy the development plan requirement of the Local Highway Authority standards), providing a policy compliant level of parking.

The amenity spaces serving the development had reduced. However, they were considered to be acceptable and in accordance with the relevant provisions of the development plan and it remained that the proposed building in terms of its siting, scale and design would not result in unacceptable overbearing or overshadowing effects or result in a significant loss of privacy. A recommendation of approval was put forward on this basis.

Further submissions had been received and were detailed in the supplementary document.

Jon Pilkington, the Agent, spoke in favour of the application.

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To a question on the boundary of the application, Jon Pilkington informed it would remain what currently existed with the garage structures: 1.8 metres.

8 in favour

0 against

Moved by Councillor Tom Munro and seconded by Councillor Rob Hiney-Saunders

RESOLVED that application no. 25/00184/FUL be **APPROVED** subject to the following conditions:

1. The development must 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:
 - Proposed site layout, elevations and floor plans (dwg no. PA/24-023 SK 80 01 E) received on the 14th November 2025.
 - Preliminary Ecological Appraisal Report received on the 14th April 2025.
 - Coal Mining Risk Assessment received on the 25th June 2025.
3. No development shall take place above foundation level of the apartment block until such time that samples of the materials and finishes (brick, roof tile, render) have been submitted to and approved in writing by the Local Planning Authority.
4. The development hereby approved must not become occupied until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries or divisions within the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme must be completed before the building is first occupied or such other timetable as may first have been approved in writing with the Local Planning Authority.
5. The development hereby approved must not become occupied until full details of both hard and soft landscape works including a programme for implementation have been submitted to and approved in writing by the Local Planning Authority, and the works must be carried out as approved.
6. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it must be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.
7. Prior to the installation of 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 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 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

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measures will be implemented in full.

8. 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.
9. The development hereby approved must not be occupied until the access, parking and turning facilities have been provided as shown on drawing (dwg no. PA/24-023 SK 80 01 E) received on the 14th November 2025.
10. No development shall commence (excluding demolition) until;
 - a) scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - 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 safe and stable for the development proposed.

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

11. 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.
12. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:
 - 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 must 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,

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- 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 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.

13. 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 must have regard to 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 prior to commencing works in connection with the remediation scheme.

14. The development hereby approved must not become occupied until:

- a) The approved remediation works required by condition 13 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 reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in condition 12 and satisfy 14a above.
- c) Upon completion of the remediation works required 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.

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Reasons for Condition(s)

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the development takes the form as envisaged by the Local Planning Authority, and for the avoidance of doubt.
3. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1 and SC3 of the adopted Local Plan.
4. To ensure a satisfactory appearance of the completed development and to ensure that adequate privacy is provided for new and existing residents. In the interests of amenity and in compliance with policies SS1 and SC3 of the adopted Local Plan.
5. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.
6. To ensure that the landscaping for the proposed development can establish. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.
7. To ensure that bats and other nocturnal species are not adversely affected by artificial light. In the interests of biodiversity and in compliance with policies SS1, SC2 and SC9 of the adopted Local Plan.
8. In the interests of biodiversity net gain, and the enhancement / creation of other nature conservation interests. In compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.
9. To ensure conformity with submitted details. In the interests of highway safety and to ensure that the layout provides sufficient access for vehicles. In compliance with policies SS1, SC2, SC3, and ITCR10 of the adopted Local Plan.
10. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 187, 196 and 197 of the National Planning Policy Framework and policies SS1, SC2. and SC14 of the adopted Local Plan.
11. The undertaking of intrusive site investigations is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with

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paragraphs 187, 196 and 197 of the National Planning Policy Framework and policies SS1, SC2. and SC14 of the adopted Local Plan.

- 12.To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. In the interests of residential amenity and ground conditions, and in compliance with policies SS1, SC3, and SC14 of the adopted Local Plan.
- 13.To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. In the interests of residential amenity and ground conditions, and in compliance with policies SS1, SC3, and SC14 of the adopted Local Plan.
- 14.To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. In the interests of residential amenity and ground conditions, and in compliance with policies SS1, SC3, and SC14 of the adopted Local Plan.

Note(s):

1. Stopping Up/Diversion of Adopted Highway

You are advised that to facilitate the development an order must be obtained to divert the adopted highway under sections 247 of the Town and Country Planning Act 1990. Contact the National Transport Casework team. As part of the consultation process, associated with such applications, the Highway Authority and other interested parties will be given the opportunity to object to the proposed stopping-up. It should be noted that the Highway Authority's acceptance of the proposals for planning purposes does not preclude an objection being raised by the Authority at this stage.

2. Ground Investigations

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property What is a permit and how to get one? - GOV.UK (www.gov.uk)

3. Shallow Coal Seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check your site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area

4. The sewer records show a public sewer within the area of the proposed work (plan enclosed). 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

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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.

5. 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.
6. 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.
7. 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.

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised 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.

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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Councillor Sally Renshaw returned to the meeting at 10:17 hours.

Councillor Clive Moesby left the meeting at 10:18 hours.

PL54-25/26 APPLICATION NO. 25/00302/FUL - HURST FARM MANSFIELD ROAD, TIBSHELF, ALFRETON

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 application sought approval from the Committee for an Energy Storage System (ESS) at land at Hurst Farm, Tibshelf. The ESS would operate for a period of 40 years before the development was decommissioned and the land returned to its former state, except for the substation and associated infrastructure that would remain a permanent feature to be adopted by the Distribution Network Operator (DNO).

The application required the Committee's consideration in accordance with the officer scheme of delegation, as it was recommended for approval but was contrary to countryside policies in the Council's Local Plan.

Updated conditions were detailed in the supplementary document.

A Member provided thanks to the report and stated the site proved a substantial distance from the site of historical importance and that with natural tree foliage would be likely hidden / partially hidden for all but the winter months.

It was further noted there remained the need for nationally generated electricity to be stored in the UK to contribute all efforts towards the environment.

A Member noted a sympathetic rendering of the main buildings would contribute towards the proposed development's place within the natural landscape.

A Member observed the applicant would provide the Council with additional documentation regarding the Habitat Management and Monitoring Plan (to ensure targets were met). It was accepted that the proposal was located on greenfield land and there remained a need to guarantee any noise and light generated did not impact local wildlife.

A Member added to the previously raised environmental benefits the national security benefits such a proposal would bring.

The Chair noted the M1 Motorway could be seen from the site of historical importance – the proposal would likely have far less presence on the asset.

9 in favour
0 against

Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

RESOLVED that application no. 25/00302/FUL be **APPROVED** subject to the following conditions:

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1. The development must be begun before the expiration of seven years from the date of this permission.
2. 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:
 - Location Plan GBR_Hurst Farm_AD - SLP_07 – Drawing no. AD-SLP, received 23rd July 2025;
 - Preliminary Design Layout GBR_Hurst_LP2-PDL-BESS_05 – Drawing no. LP2-PDL, received 10th October 2025;
 - General Arrangement of Site Access - Drawing no. HFD-BWB-GEN-XX-DR-TR-101 S2 Rev. P7, received 10th October 2025;
 - General Arrangement of Access from Site to Road – Overview – Drawing no. HFD-BWB-HML-00-DR-TR-100 S2 Rev. P8, received 10th October 2025;
 - Landscape Strategy Plan – Drawing no. NT16771-020 Rev. P07, received 10th October 2015;
 - Ecological Impact Assessment Tree Retention and Removal Plan – Drawing no. 16625-P05d, received 11th July 2025;
 - Ecological Impact Assessment Bat Static Location Plan – Drawing no. 16625/P07, received 11th July 2025;
 - MV Skid Elevations UK_EPD_MV Skid_00 – Drawing no. UK_EPD_MVS, received 30th July 2025;
 - Tree Constraints Plan – Drawing no. 16625/P04c, received 11th July 2025;
 - Existing and Proposed Ground Levels – Main Access GBR_Hurst-Existing and Proposed Ground Levels - Main Access Track_00 – Drawing no. 01, received 11th July 2025;
 - Proposed Ground Levels GBR_Hurst-Proposed Ground Levels_00 – Drawing no. 01, received 11th July 2025;
 - Proposed Ground Profiles – Energy Storage System Area GBR_Hurst_Proposed Ground Profiles – Energy Storage System Area_00 – Drawing no. 01, received 11th July 2025;
 - Proposed Ground Profiles – Substation GBR_Hurst_Proposed Ground Profiles – Substation_00 – Drawing no. 01, received 11th July 2025;
 - Emergency Access – Drawing no. HFD-BWB-GEN-XX-DR-TR-112 S2 Rev. P3, received 11th July 2025;
 - Auxiliary Transformer GBR_EPD_Auxiliary Transformer_02 – Drawing no. GBR_EPD_AUX, received 11th July 2025;
 - BESS CCTV GBR_EPD_BESS CCTV_00 – Drawing no. GBR_EPD_BCC, received 11th July 2025;
 - BESS Lighting GBR_EPD_BESS Lightning_00 – Drawing no. GBR_EPD_BLG, received 11th July 2025;
 - BESS Security Fence GBR_EPD_BESS Security Fence_02 – Drawing no. GBR_EPD_BSF, received 11th July 2025;
 - BESS Security Gate GBR_EPD_BESS Gate_02 – Drawing no. GBR_EPD_BSG, received 11th July 2025;
 - DNO Generator GBR_Hurst_EPD_DNO Generator_00 – Drawing no. GBR_EPD_DNO GEN, received 11th July 2025;
 - DNO GRP GBR_Hurst_EPD_DNO GRP_00 – Drawing no. GBR_EPD_DNO GRP, received 11th July 2025;

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- EV Charger GBR_Hurst_EPD_EV Charger_00 – Drawing no. GBR_EPD_EVC, received 11th July 2025;
 - Entrance Wall and Gate GBR_EPD_Entrance Wall and Gate_00 – Drawing no. GBR_EPD_EWG, received 11th July 2025;
 - Backup Generator GBR_EPD_Backup Generator 20_00 – Drawing no. GBR_EPD_G20, received 11th July 2025;
 - GRP GBR_EPD_GRP_00 – Drawing no. GBR_EPD_GRP, received 11th July 2025;
 - Monitoring House / Communication Building GBR_EPD_Monitoring House/Communication Building_01 – Drawing no. GBR_EPD_MH/CB, received 11th July 2025;
 - Indicative Road Section GBR_EPD_Indicative Road Cross Section_01 – Drawing no. GBR_EPD_RCS, received 11th July 2025;
 - Spares Container GBR_EPD_Spares 40' Container_01 – Drawing no. GBR_EPD_S40, received 11th July 2025;
 - Storage GBR_EPD_Storage_00 – Drawing no. GBR_EPD_STG, received 11th July 2025;
 - Substation GBR_Hurst_EPD-Substation_00 – Drawing no. GBR_EPD_SUB, received 11th July 2025;
 - Toilet GBR_EPD_Toilet_01 – Drawing no. GBR_EPD_TLT, received 11th July 2025;
 - BESS Enclosures UK_EPD_BESS Enclosures_00 – Drawing no. UK_EPD_BSS, received 11th July 2025;
 - MV Skid UK_EPD_MV Skid_00 – Drawing no. UK_EPD_MVS, received 11th July 2025.
3. Notwithstanding the details contained in the plans approved under condition 2, no development shall take place until full details of the final positioning, design, materials and colour of any above-ground buildings, structures and boundary treatments have been submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented in full and maintained as such thereafter.
4. The rating level of noise emitted from the BESS site shall not exceed the rating levels predicted in the Noise Impact Assessment prepared by BWB, dated 27/06/2025, as measured or calculated in accordance with BS 4142:2014+A1:2019. Within one month of the site becoming fully operational the site operator shall undertake measurements of noise from the site and through measurement and/or calculation assess the level of noise in terms of compliance with this condition. The results shall be submitted to the Planning Authority.
5. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:
- 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,

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- 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 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.

6. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable (having regard to relevant guidance) 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.

7. No buildings hereby approved shall be occupied until:

- a) The approved remediation works required by condition 6 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 reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in conditions 5b to 6 above and satisfy 7a above.
- c) Upon completion of the remediation works required by conditions 6 and 7a 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

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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.

8. Prior to any surfacing works being carried out on the access track and / or BESS compound, full details of the surfacing to be used on the access track and BESS compound must have been submitted to and approved in writing by the Local Planning Authority. The development must be implemented in accordance with the approved details and maintained as such thereafter.
9. Prior to the installation of external lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy should be designed to safeguard bats and other nocturnal wildlife, as well as protect visual amenity. The strategy shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. The strategy shall minimise the durations of use. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. The strategy shall refer to the recommendations in the Ecological Impact Assessment (EclA) (Tyler Grange, July 2025). It shall also explain how proposals have been designed in compliance with Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). The approved measures shall be implemented in full and maintained as such thereafter.
10. 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) shall be produced by an ecologist and shall expand upon recommendations in the Ecological Impact Assessment (EclA) (Tyler Grange, July 2025). It shall 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 to retained habitats, amphibians, water voles, nesting birds, hedgehog, bats and badger.
 - 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.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall 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.

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11. Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall clearly show positions, specifications and numbers of features, in line with those recommended in the Ecological Impact Assessment (EclA) (Tyler Grange, July 2025), as well as details of a wild bird mix to be included in landscaping at suitable places around the site boundary. The development shall be implemented in accordance with the approved details.
12. Notwithstanding the landscaping details hereby approved, an additional strategy / details relating to trees along the access track shall be submitted to and approved in writing by the Local Planning Authority, taking account of Derbyshire Wildlife Trust's comments on the potential for predatory birds using such trees and the need to avoid this issue. The approved supplementary details shall be implemented in collaboration with the other approved landscaping details, superseding them where there is an overlap.
- 13.13. A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. If the standard HMMP template is not used, the HMMP checklist shall be consulted to ensure all appropriate information is included. The HMMP shall identify the habitats to be retained, created and / or enhanced on the site over the mandatory 30-year period and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not. Guidance on producing a HMMP can be found here: <https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>.
14. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be 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);
 - Advisory routes for construction traffic;
 - Any temporary access to the site;
 - 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;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Highway Condition survey;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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15. The existing access to Hurst Farm, shown as 'secondary access' on the Preliminary Design Layout GBR_Hurst_LP2-PDL-BESS_05 – Drawing no. LP2-PDL, received 10th October 2025, shall be used only in the case of an emergency and for no other purposes associated with the construction or operation of the development hereby permitted.
16. The development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on the revised submitted drawing(s).
17. The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 160m metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.
18. Full details of the point of connection between the approved development and the local distribution network shall be submitted to and approved by the Local Planning Authority prior to the connection being made. The connection shall be designed to be as visually inobtrusive as possible, preferably with cabling being laid underground. The development shall be implemented in accordance with the approved details.
19. No development shall 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. Alex Eaton, BWB Consulting, June 2025, Flood Risk Assessment, Revision P03.
 - b. A Shademani, BWB Consulting, April 2025, Indicative Drainage Strategy Sheets 1-3, Drawing numbers: NT16771-020, 243787-BWB-ZZ-XX-D-W-0002 & 243787-BWB-ZZ-XX-D-W-0003, Revision P05.
 - c. A Shademani, BWB Consulting, April 2025, Indicative SuDS Sections, Drawing Number: 243787-BWB-ZZ-XX-D-W-0004, Revision P01.
 - d. A Shademani, June 2025, Sustainable Drainage Statement, Revision P03.
 - e. And DEFRA's national standards for sustainable drainage systems (June 2025), have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
20. No development shall 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.
21. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The

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applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall 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.

22. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the Local Planning Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and,

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved archaeological Written Scheme of Investigation.

23. The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 22 and the provision to be made for publication and dissemination of results and archive deposition has been secured.

24. No above ground development shall commence until (excluding demolition of existing structures and site clearance);

- 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
- 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 shall be carried out in accordance with authoritative UK guidance.

25. 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 shall be submitted to the Local Planning Authority for approval in writing. This document shall 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.

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26. Planning permission is granted for a temporary period only and shall cease to have effect 40 years following the date of receipt of the Final Operational Notification (FON) from the District Network Operator (DNO) (or equivalent organisation). The FON shall be submitted to the local planning authority within 14 working days of the date of its receipt from the DNO.
27. Eighteen months before the end of the 40-year period taken from the FON date submitted under condition 26, a scheme of restoration shall be submitted to and approved in writing by the local planning authority including::
1. details of the retention of the substation and associated apparatus to be adopted by the DNO, retention of any approved boundary treatment(s), retained and new landscape planting, and biodiversity enhancements to remain in perpetuity; and,
 2. a written scheme of restoration for returning the site to an arable field on cessation of energy storage at the site.

The approved scheme of restoration shall be implemented and completed within 12 months of the end of the 40-year period taken from the date submitted under condition 26.

28. Notwithstanding the Outline Battery Safety Management Plan (OBSMP) submitted with the application, the development shall not be brought into use until a detailed Battery Safety Management Plan (BSMP) has been submitted to and approved in writing by the Local Planning Authority. The BSMP shall include Emergency Plans and Risk Assessments which will include the interfaces with external first responder organisations. The development shall be implemented in accordance with the approved BSMP.

Reasons for Conditions

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of proper planning and to define the scope of the permission.
3. To ensure an acceptable visual impact in accordance with policies SS1, SC2, and SC3 of the Local Plan for Bolsover District.
4. To ensure an acceptable residential amenity in accordance with policy SC11 of the Local Plan for Bolsover District.
5. To protect future occupiers of the development, buildings, structures / services, ecosystems and controlled waters, including deep and shallow ground water, in accordance with policy SC14 of the Local Plan for Bolsover District.
6. To protect future occupiers of the development, buildings, structures / services, ecosystems and controlled waters, including deep and shallow ground water, in accordance with policy SC14 of the Local Plan for Bolsover District.

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7. To protect future occupiers of the development, buildings, structures / services, ecosystems and controlled waters, including deep and shallow ground water, in accordance with policy SC14 of the Local Plan for Bolsover District.
8. To ensure an acceptable visual impact in accordance with policies SS1, SC2, and SC3 of the Local Plan for Bolsover District.
9. To safeguard wildlife and visual and residential amenity, in accordance with policies SS1, SC9, SC3 and SC9 of the Local Plan for Bolsover District.
10. In the interest of biodiversity and safeguarding wildlife in accordance with condition SC9 of the Local Plan for Bolsover District.
11. In the interest of biodiversity and safeguarding wildlife in accordance with condition SC9 of the Local Plan for Bolsover District.
12. In the interest of biodiversity and safeguarding wildlife in accordance with condition SC9 of the Local Plan for Bolsover District.
13. In the interest of biodiversity and safeguarding wildlife in accordance with condition SC9 of the Local Plan for Bolsover District and the mandatory BNG provisions.
14. In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with policy ITCR10 of the Local Plan for Bolsover District.
15. In the interests of highway safety in accordance with policy ITCR10 of the Local Plan for Bolsover District.
16. In the interests of highway safety in accordance with policy ITCR10 of the Local Plan for Bolsover District.
17. In the interests of highway safety in accordance with policy ITCR10 of the Local Plan for Bolsover District.
18. To ensure an acceptable visual impact in accordance with policies SS1, SC2, and SC3 of the Local Plan for Bolsover District.
19. To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided in accordance with policy SC7 of the Local Plan for Bolsover District.
20. To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options in accordance with policy SC7 of the Local Plan for Bolsover District.

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21. To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk in accordance with policy SC7 of the Local Plan for Bolsover District.
22. In the interests of preserving and / or understanding and recording potential significant archeological features in accordance with policy SC18 of the Local Plan for Bolsover District.
23. In the interests of preserving and / or understanding and recording potential significant archeological features in accordance with policy SC18 of the Local Plan for Bolsover District.
24. To ensure the safety and stability of the proposed development in accordance with policy SC14 of the Local Plan for Bolsover District.
25. To ensure the safety and stability of the proposed development in accordance with policy SC14 of the Local Plan for Bolsover District.
26. To define the scope of the permission.
27. To ensure a satisfactory restoration of the site following the development in accordance with policies SS1, SC2 and SC3 of the Local Plan for Bolsover District.
28. In the interests of safety of the public and environment in accordance with policies SC2, SC3 and SC9 of the Local Plan for Bolsover District.

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised 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.

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

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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.

PL55-25/26 APPLICATION NO. 25/00421/FUL - 48 ROWTHORNE LANE, GLAPWELL, CHESTERFIELD S44 5QD

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 domestic development sought retrospective planning permission for a front boundary treatment which consists of fencing panels and a gate finished in solid accoya timber in dark grey. The development had taken place adjacent to the classified highway to the west of Rowthorne Lane, Glapwell. The key issues to address were the visual impacts of the proposed development on the streetscene and highway safety hazards.

The application had been referred to the Committee for determination due to a call-in request from Councillor John Ritchie who wished to discuss the Highway Authority's recommendation.

Helen Roper, the applicant, spoke in favour of the application.

A Member asked if the gates / fencing could be lowered or have cut outs (to lessen their impact). Helen Roper informed the requirement to prevent any possible sight of the street remained the priority – the choice of gates / fencing had been deliberated on for some time before the current proposal was chosen.

The Member noted if the immediate neighbouring properties had gates / fencing of the same height, the streetscene impact the proposal had would be lessened.

A Member thanked Helen Roper for attending Committee and noted many properties on Rowthorne Lane, Glapwell shared the same height as the proposal (though it was noted the only property that shared the same height and colouring was to be found on a neighbouring highway).

The Member acknowledged the need for the proposal and providing that the steps previously stated were carried out – to reduce the safety hazards on the highway, e.g. installation of a convex mirror for safe manoeuvring – there would be no need to object the proposal.

A Member stated the proposal would have had less streetscene impact if the gates / fencing had been in a more sympathetic rendering.

A Member asked if the height of the remaining boundary matched the height of the proposal. Helen Roper informed the sides and rear of the property had not been the concern – only the front (the remaining boundary was in keeping with neighbouring properties at 5ft).

The Chair noted other properties on Rowthorne Lane, Glapwell had the same colour gates / fencing and the applicant's choice was not substantially out of the ordinary.

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Members deliberated and agreed to go against the officer recommendation, with a condition that would agree a scheme of improvements to improve visibility in the interests of highway safety.

9 in favour

0 against

Moved by Councillor Tom Munro and seconded by Councillor Rob Hiney-Saunders

RESOLVED that application no. 25/00421/FUL be **APPROVED** providing the safety hazards on the highway are reduced.

PL56-25/26 APPLICATION NO. 25/00441/VAR - SHIREBROOK MARKET PLACE, SHIREBROOK

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 application had been referred to the Committee as it proposed more than minor changes to proposals that had been previously approved by the Committee.

To a question from a Member, the Committee was informed that no kitchen / catering equipment would be installed in the premises by the Council as part of the project and that it was planned that the end use of the building would be determined by Shirebrook Town Council as the intended owner of the building.

The Committee was informed that although the cumulative impact of the proposed changes had resulted in some dilution of the original appearance, the resultant building would still be of high quality design that would serve to enhance the appearance of the Market Place and that the architecture paid homage to the headstocks of the former local coal mine.

A Member expressed thanks to the Council for allocating regeneration funding to Shirebrook and the design team and everyone involved in the process.

9 in favour

0 against

Moved by Councillor Steve Fritchley and seconded by Councillor Phil Smith

RESOLVED that application no. 25/00441/VAR be **APPROVED** subject to the following conditions:

1. The soft landscaping must be provided on site in accordance with plan no CC_DD_SMP001 Rev 1 before the building hereby approved is first occupied and must be maintained as such thereafter.
2. The development must be carried out in accordance with drawing numbers:
2201 Rev P08 Proposed Floor Plan
2200 Rev P14 Proposed Site Plan
4200 Rev P03 Proposed Building Sections
3200 Rev C09 Proposed Site Elevations

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3. The development shall be constructed in accordance with the approved materials as outlined in LMA-0001 Shirebrook Events Centre - Material Palette (Oct 2025) with the exception of the plinth material which shall be Ibstock Himley Ebony Black brick or equivalent in terms of size, texture and colour. The materials must be maintained as such thereafter.
4. The external paving and planters shown on DP-A-2200-S3-P14 - Proposed Site Plan must be provided on site in accordance with approved plan before the building hereby approved is first occupied and must be maintained as such thereafter

Notes

1. BNG1
2. The Biodiversity Gain Plan required by the deemed condition should be prepared in accordance with the Biodiversity Metric submitted with the application prepared by Futures Ecology and include a timeline for delivery of on-site measures.
3. The applicant is advised of the need to obtain a section 184 license from the Highway Authority to create a dropped crossing to any parking area

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised 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.

PL57-25/26 QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING

The Principal Planning Policy Officer presented the Quarter 2 2025/26 report to update Members on the progress of the spending of Section 106 contributions and to review the effectiveness of the Council's monitoring procedures.

The Community Arts Development Officer and the Leisure Facilities Planning & Development Manager were present to provide updates and respond to questions on specific projects.

The report followed the Council's approved S.106 Monitoring Procedure, which required a quarterly update highlighting contributions at risk of clawback (within 24 months of expiry) and summarising those held in years 3, 4, and 5 by infrastructure type.

The number of remaining sums within the 24-month threshold stood at 10, with full details provided in the report.

Questions were asked on Item 11 and 13 (both Land at Thornhill Drive, South Normanton), Item 19 (Land rear of 17-95 Alfreton Road, Pinxton) and Item 20 (Land West of Homelea and Tamarisk).

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9 in favour

0 against

Moved by Councillor Deborah Watson and seconded by Councillor Steve Fritchley

RESOLVED that the Planning Committee note the contents of the report and highlight any concerns about the implementation of the Section 106 Agreements listed.

The Chair thanked all those for their attendance.

The meeting concluded at 11:20 hours.