

## COMMITTEE UPDATE SHEET

### SUPPLEMENTARY REPORT OF THE DEVELOPMENT MANAGEMENT AND LAND CHARGES MANAGER

This sheet is to be read in conjunction with the main report.

### Applications to be determined under the Town & Country Planning Acts

Planning Site Visits held on 9<sup>th</sup> May 2025 commencing at 10:00 hours

PRESENT: -

Cllrs. **R. Hiney-Saunders, T. Munro; P. Smith; J. Tait; C. Tite and D. Watson**

Officers: Jonathan Gaynor – Principal Planner

### SITE VISITED

1. 23/00180/OUT – Bolsover Business Park, Woodhouse Lane, Bolsover
2. 23/00562/OUT – Land to the West of Cartwright

The meeting concluded at 11:16 hrs.

### **AGENDA ITEM 6 – 23/000180/OUT – OUTLINE PLANNING APPLICATION WITH ACCESS DETAIL ONLY, FOR MIXED-USE DEVELOPMENT COMPRISING OF UP TO 6,500 SQM OF EMPLOYMENT UNITS, RETENTION OF EXISTING 2,270 SQM OFFICES, 2 RETAIL UNITS (TOTAL GROSS AREA UP TO 3,200 SQM, ONE BEING FOR DISCOUNT FOOD RETAIL), AND A DRIVE-THRU TAKE-OUT UNIT INCLUDING ASSOCIATED PARKING, INFRASTRUCTURE AND ACCESS AT BOLSOVER BUSINESS PARK, WOODHOUSE LANE, BOLSOVER**

#### **1. Representations received from a Mr. Turner**

Mr Turner, makes the following comments in an email sent 6<sup>th</sup> May 2025:

*I am not able to speak publicly about the concerns I have with the progress and potential development of Bolsover Business Park*

*But we still trade our business off the business park and would like our concerns to be noted when considering the effect it would have and potential closure of our family business.*

*I wrote an email to Bolsover Council when the original application was instructed from Welbeck estates and would like it to be considered when the development decision is being made.*

Officer response:

Members are advised to note the comments. All representations received have been summarised in the officer report and considered in the assessment section where pertinent and material to the assessment of the planning application.

## **2. Representations Received from Cllr. D. Hales.**

The following comments have been received from Cllr. Hales:

Initial objections in 2023:

- \*Impact on Bolsover Town centre businesses.*
- \*Housing development outside local plan.*
- \*Concerns about relocation of existing businesses.*
- \* East gate access- poor visibility.*
- \* Effects on a vital community scheme- Woodland enterprise*
- \* Effects for employees of local businesses who may cease to run.*

*Planning permission for housing has been withdrawn but there are several other areas to be considered.*

*\* There is little comment about local independent business which depend on the footfall associated with Morrisons and B and M although a loss of 5.9 million is incredibly significant. SS1.Economic development should not support any application that negatively affects on the town centre.*

*\* The impact on existing business and employees are basically ignored, with no plans or alternatives given for relocation etc. Under the equality Act 2010 it would be remiss for the developer not to consider existing employees of businesses that may have to close.SS3*

*\*Impact on surrounding areas including SC9/10 biodiversity and woodlands etc. Gas hazards should be investigated as per the Coal authority recommendations.*

*\*Heritage aspects: such as SC21 non designated local heritage sites ie Portland house and work shops etc. The head office block is considered in the application for retention, but the workshops are also significant as other outlying buildings in terms of the heritage of the town.*

*Historic England's comments should not be minimised.*

*\* The new development and associated signage and street furniture etc will be directly visible from Bolsover Castle.*

*\* The usage of the East gate which is incredibly difficult visually for vehicles leaving the site does not appear to be commented on.*

*\* There appears to be no 106 arrangements and it's not clear what the BNG arrangements would be?*

*There is no doubt that the Bolsover District Town would receive help from increased employment opportunities and development of businesses, but this should not be at the detriment of its local heritage and long-established businesses. It's clear that the business*

*park has been underutilised with little investment in its infrastructure or modernisation for decades.*

Officer Response:

Officers advise that that Members note the above comments. The above matters are considered in the officer's report and the sustainability costs and benefits are given weight. These are considered to tip in favour of the development.

The development, in its amended form, maximises employment floorspace and indicates a range of building sizes to accommodate existing businesses on site. It also retains the centrally positioned former Colliery Headquarters Building. The planning system cannot interfere with the free market to compensate for businesses that are unable to sustain themselves through paying market rates for employment floorspace. The development seeks to secure new employment floorspace which meets current letting standards and conditions are recommended to enhance and maximise employment and training opportunities on site.

The application was made before the mandatory 10% biodiversity net gain requirement. The applicant has demonstrated that the development can be delivered without resulting in a net biodiversity loss to satisfy the requirements of Policy SC9 of the development plan and Derbyshire Wildlife Trust have advised that the metric can be updated when the layout and landscaping is finalised to meet this policy objective. A description and the location of features to be retained, created, enhanced and managed to meet, as a minimum, the post development habitat units set out in the BNG Metric received 4th March 2025 can be controlled by planning condition.

There is no requirement for developer contributions other than for the monitoring of the Travel Plan, which is to be secured through a s106 agreement. The resolution proposes that planning permission be granted following the prior entry into such an agreement.

Recommended condition 11 secures the recommendations in the geo-technical and geo-environmental assessment for more intrusive ground investigations to be undertaken, which will consider the potential for / evidence of ground gas and the need for any mitigation.

### **3. Further consultation response received from Derbyshire Wildlife Trust**

The following comments have been received from Derbyshire Wildlife Trust in a letter dated 7<sup>th</sup> May 2025:

*Further to our response letter dated 25th February 2025, additional information has been provided and the layout has been revised.*

*We are pleased to see that the six dwellings are no longer proposed in the southern grassland. The entirety of the southern habitat mosaic will be retained and enhanced, with impacts limited to the access road in the north-east. This will enable the population of marsh and common-spotted orchids to be retained in situ. The southern area should be*

*protected during works via measures secured in a CEMP: Biodiversity and must not be used for a site compound or storage of any kind.*

*The Bat Survey report (Ramm Sanderson, February 2025 and the Addendum Report (Ramm Sanderson, March 2025) explain that Building D will be retained within the scheme. Works are not anticipated to impact the external fabric where two common pipistrelle day roosts were identified (accessed behind fascia boards), however internal insulation work may be required within the roof void. A Precautionary Method of Works (PMW) is proposed to safeguard bats during these works and should be secured via condition.*

*Precautionary Working Measures to safeguard reptiles and amphibians can be secured in the CEMP: Biodiversity and in the unlikely event that GCN are encountered, it is likely that the applicant will use District Level Licensing.*

*Current figures show a net gain of +7.03 habitat units (52.18%), 0.47 hedgerow units (6.53%) and +0.01 watercourse units (0.22%). These gains are achieved largely through tree planting and woodland creation, with some enhancement of the southern grassland. However, it seems that these figures are based on the previous layout proposals. Given the revised layout is an improvement from an ecological perspective, reducing impacts in the south, actual gains are likely to be higher. If the LPA wish to have accurate gain figures, we advise that the metric should be updated when the layout and landscaping is finalised. Landscaping plans should reflect the measures outlined in the ecological report and BNG metric and we will provide comments to this effect at a later stage when such plans are submitted.*

Officer response:

Officers are satisfied that that all outstanding ecological matters have been addressed and that appropriate mitigation can be secured through the imposition of the following, additional planning conditions, to ensure that the relevant provisions of the development plan are satisfied and the District Council's duties under the Wildlife and Countryside Act are met:

- 1) The installation of insulation within the roof void of Building D shall not commence until a Precautionary Method of Works (PMW) has been submitted to the LPA for approval to safeguard the known bat roosts in the building. The PMW shall include the requirement for a toolbox talk and pre-works inspection of the roof void by a suitably qualified ecologist. It shall also specify details of the timings and method of installation to avoid disturbance and prevent any obstruction to the existing roosts. The works shall proceed strictly in accordance with the agreed PMW. If any requirement for licensing is identified during the pre-works check, works shall be delayed until an appropriate licence has been granted by Natural England.
- 2) Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA, to safeguard known onsite bat roosts and avoid lightspill to areas of green space. 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 ecological zones/features.

The Strategy should refer to Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023) and explain how proposals have been designed in compliance with this document. Such approved measures will be implemented in full.

- 3) 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 include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”, including the southern open space and specific features of value previously recorded on site, including orchids and other notable plants in both the south and west of the site, and bat roosts in Building D.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, to include precautionary working measures for reptiles and amphibians and nesting birds.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) Measures to prevent spread and remove Japanese knotweed from the site.
  - f) The times during construction when specialist ecologists need to be present on site to oversee works.
  - g) Responsible persons and lines of communication.
  - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - i) 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.

- 4) A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP 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 approved Biodiversity Metric. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-
  - a) Description and location of features to be retained, created, enhanced and managed, to meet as a minimum the post development habitat units set out in the BNG Metric received 4<sup>th</sup> March 2025.
  - b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
  - c) Prescriptions for management actions, using appropriate management methods to achieve aims and objectives.
  - d) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).

- e) Details of the body or organization responsible for implementation of the plan.
- f) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 3, 5, 10, 20 and 30 years.
- g) Monitoring reports to be sent to the Council at each of the intervals above
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Requirement for a statement of compliance upon completion of planting and enhancement works.
- j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022:
  - a. universal nest boxes and/or swift boxes on buildings.
  - b. integrated and/or external bat boxes on buildings and mature trees.
  - c. insect bricks and / or towers in public open space.
  - d. fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.

The LBEMP shall 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.

#### **4. Comments from the applicant**

The applicant's agent has suggested that the conditions are amended to allow for the phasing of the development and the submission of information commensurate with each phase. They have also pointed to the need to amend recommended condition 26 to recognise that the access from Woodhouse Road will also cross the field to south of the existing business park.

Officer Response:

The suggested changes will help deliver development on the ground and will enable the Local Planning Authority to exercise control over how the development will come forward to maintain and maximise the employment potential of the site. They also provide clarity and continue to meet the tests for conditions. Should members be minded to approve the application, the following conditions which incorporate the conditions suggested by Derbyshire Wildlife Trust factor in phasing, in addition to the advisory footnotes set out in the officer's report are recommended:

- 1 Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.
- 2 An application for details of the following matters (hereafter referred to as the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:
  - a) the scale of the development;
  - b) the layout of the development;
  - c) the external appearance of the development; and

d) the landscaping of the site.

The development shall thereafter be implemented in accordance with the approved details and the approved Phasing Plan.

- 3 The development hereby permitted shall be carried out in accordance with the approved drawings and documents unless specifically stated otherwise in the conditions below.
- Location Plan (Rayner Davies Architects, 20 February 2023), reference: 1989(02)001 Rev.B
  - Site Layout (CPMG, 06 March 2025), reference: 9586-CPMG-01-00-D-A-0003 Rev.P2
  - Design and Access Statement (P&DG, received 02 May 2023) insofar as it relates to the approved site layout
  - Landscape and Visual Appraisal (DSA, 07 March 2023) insofar as it relates to the approved site layout
  - Heritage Impact Assessment (Marrons, March 2023), reference: 22-039 insofar as it relates to the approved site layout
  - Flood Risk Assessment & Drainage Strategy (bsp Consulting, 22 April 2025), reference: BBPD-BSP-XX-XX-T-W-0001-P06\_Flood\_Risk\_Assessment
  - Surface Water Drainage Strategy Plan (bsp Consulting, 22 April 2025), reference: BBPD-BSP-XX-XX-DR-W-0001 Rev.P06
  - Phase 1 Geotechnical & Geo-environmental Site Investigation (Eastwood, 07 March 2023), reference: 47985-ECE-XX-XX-RP-C-0001
  - Transport Assessment (M-EC Consulting, December 2024), reference: 21227-TRAN-0801 Rev B
  - Transport Assessment Addendum (M-EC Consulting, April 2025), reference: 21227-TRAN-0803
  - Travel Plan (M-EC Consulting, December 2024), reference: 21227-TRAN-0802 Rev B
  - Proposed Access Design and Vehicle Tracking (M-EC Consulting), reference: 21227\_08\_020\_04 Rev.F
  - Supporting Planning & Retail Statement (P&DG, March 2023)
  - Business Retention & Economic Strategy (P&DG, May 2024)
  - Supplementary Retail Statement (Lichfields, May 2024)
  - Retail Addendum Briefing Note (Lichfields, 18 November 2024), reference: 67394/01
  - Further Retail Addendum (Lichfields, 06 March 2025), reference: 67394/01
  - BNG Metric (received 04 April 2025)
  - Ecological Appraisal (Rachel Hacking Ecology, June 2023)
  - Bat Survey Report (RammSanderson, February 2025) reference, and; RSE\_8359\_R1\_V2.

### Phasing

- 4 Prior to the commencement of any development, a Phasing Plan for the implementation of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the timing and order of all development phases, including the delivery of highway works, drainage infrastructure, open space, landscaping, and all buildings. The development shall thereafter be carried out in accordance with the approved Phasing Plan unless otherwise agreed in writing by the Local Planning Authority.

## Use and General Restrictions

- 5 The development shall include the retention of the Former Colliery Headquarters building and be in accordance with the mix of new uses set out on Site Layout Plan dated 6th March 2025, numbered 9586-CPMG-01-00-D-A-0003 Rev P2. The units and/or floorspaces for each use shall not exceed the following:

<b>Use</b>	<b>Maximum Floorspace</b>
Convenience (Food Store) Retail	1 no. unit with a maximum gross internal area of 1,886 sq. m and maximum net sales area of 1,320 sq. m
Comparison (Bulky Goods) Retail	1 no. unit with a maximum gross internal floorspace of 1,150 sq. m and maximum net sales area of 805 sq. m.
Employment E(g) (i), (ii) and (iii), B2 and B8	6500 sq. m
Drive Thru (Sui Generis)	85 sq. m

- 6 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended) or any Order revoking, re-enacting, or modifying those Orders, the 1 no. comparison retail unit shall be used for the retail sale of DIY goods, garden goods, furniture, carpets and floor coverings, electrical goods, camping, boating and caravanning goods, motor and cycle goods only and used for no other purposes, including any other activity within the same class of the schedule to the Use Classes Order.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no sub-division, addition, extension or enlargement of the 2 no. retail units hereby approved.
- 8 Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987 and the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended) or any Order revoking, re-enacting, or modifying those Orders the new employment floorspace shall be used for E(g) (i), (ii) and (iii), B2 and B8 use only and for no other purposes, including in the case of use class E (g) (i), (ii) and (iii) any other activity within the same class of the schedule to that Order.

## Highways

- 9 No phase of the development shall be brought into use/occupied until the access, parking and turning facilities for that phase have been provided in accordance with drawing 21227-08-020-04 Rev F or details agreed in respect of a subsequent approval of reserved matters application.

- 10 The Travel Plan (TP Rev B) hereby approved, dated December 2024 shall be implemented and monitored in accordance with the regime contained within the Travel Plan and phasing plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.
- 11 Prior to commencement of any phase of the development hereby permitted details of a Construction Management Plan (CMP), for that phase, 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

### Contamination and Air Quality

- 12 Before the commencement of any phase of the development hereby approved:

The site investigation strategy, for that phase, as identified in the Desk Study report Ref 47985-XX-XX-CO-C-0001 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the phase 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.

- 13 No development hereby approved, in any phase, shall be occupied until:
- a) The approved remediation works, for the relevant phase, required by condition 12 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, 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 the Phase I contaminated land assessment (desk-study) ref 47985-XX- XX-CO-C-0001 submitted with the application and through the process described in condition 11 above.
  - c) Upon completion of the remediation works required by condition 12 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.
- 14 Before the commencement of construction works, on any phase, including any demolition in connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site during construction and demolition periods, for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The construction shall be undertaken in accordance with the approved scheme.

#### Drainage

- 15 No development shall take place, in any phase, until a detailed design and associated management and maintenance plan of the surface water drainage, for that phase, in accordance with the principles outlined within:
- a. Additional information in response to LLFA comments, Tom Hall, 17/04/2025, Revised Site Layout, NG, Revision P2, 06/03/2025, Surface Water Drainage Strategy Plan, Tony Goddard, Revision P06, 22/04/2025, Flood Risk Assessment & Drainage Strategy, Tom Hall, Revision P06, 22/04/2025.
  - b. And 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.

- 16 No development shall take place, in any phase, 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, for that phase, accords with the drainage hierarchy as set out in paragraph 56 Reference ID: 7-056-20220825 of the planning practice guidance.
- 17 Prior to commencement of the development, in any phase, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site, for that phase, will be avoided during the construction phase. The 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 LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.
- 18 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 19 No development shall take place, in any phase, until details of the proposed means of disposal of foul water drainage for the relevant phase, including details of any balancing works, off-site works and phasing of the necessary infrastructure have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
- 20 No construction works shall commence, in any phase, until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker is retained at all times.

## CEMP

- 22 No development shall commence, in any phase, including any works of demolition, until a detailed Construction and Environmental Management Plan (CEMP), for that phase, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, the following details (where appropriate):
  - i. a construction programme including a 24-hour emergency contact number;
  - ii. complaints procedures, including complaint response procedures;
  - iii. air quality mitigation measures, including dust suppression;
  - iv. parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - v. arrangements to demonstrate how any concurrent construction with HS2 works shall not impede the construction of the HS2 works;

- vi. arrangements to minimise the potential for noise and vibration disturbance, vii. locations for loading/unloading and storage of plant and materials used in constructing the development;
- viii. details showing the siting, design and maintenance of security hoardings;
- ix. wheel washing facilities and measures to control the emission of dust and dirt during construction;
- x. site lighting details;
- xi. site drainage control measures;
- xii. tree protection measures in accordance with BS 5837:2012;
- xiii. details of ecological mitigation measures including an operational lighting scheme for bats;
- xiv. details of specific mitigation in relation to breeding or foraging black redstart;
- xv. details of biodiversity and arboricultural mitigation measures including a pre-commencement check by an ecological clerk of works (ECoW) to determine whether nesting birds are present;
- xvi. a scheme for recycling/disposing of waste resulting from demolition and construction works in accordance with the waste hierarchy and circular economy principles;
- xvii. An Unexploded Ordnance assessment to be undertaken; xviii. Membership of the Considerate Constructors Scheme.

The phase of development, including any works of demolition, shall only be carried out in accordance with the approved CEMP for that phase.

- 23 No development shall commence, in any phase, including any works of demolition, until a detailed Construction Logistics Plan (CLP), for that phase, has been submitted to and approved in writing by the Local Planning Authority. The CLP shall include information on:

- i. forecast programme and construction trips generated;
- ii. booking systems;
- iii. consolidated or re-timed trips; and
- iv. secure off-street loading and drop off facilities;
- v. use of logistics and consolidation centres;
- vi. re-use of materials on-site; vii. collaboration with other sites in the area;
- viii. use of rail and water for freight; and
- ix. implementation of a staff travel plan
- x. any areas for the parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction).

The development, including any works of demolition, shall only be carried out in accordance with the approved CLP.

### Biodiversity and Ecology

24. The installation of insulation within the roof void of Building D shall not commence until a Precautionary Method of Works (PMW) has been submitted to the LPA for approval to safeguard the known bat roosts in the building. The PMW shall include the requirement for a toolbox talk and pre-works inspection of the roof void by a suitably qualified

ecologist. It shall also specify details of the timings and method of installation to avoid disturbance and prevent any obstruction to the existing roosts. The works shall proceed strictly in accordance with the agreed PMW. If any requirement for licensing is identified during the pre-works check, works shall be delayed until an appropriate licence has been granted by Natural England.

- 25 Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA, to safeguard known onsite bat roosts and avoid lightspill to areas of green space. 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 ecological zones/features. The Strategy should refer to Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023) and explain how proposals have been designed in compliance with this document. Such approved measures will be implemented in full.
- 26 No development shall take place in any phase (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity), for that phase, has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall be produced by an ecologist and shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”, including the southern open space and specific features of value previously recorded on site, including orchids and other notable plants in both the south and west of the site, and bat roosts in Building D.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, to include precautionary working measures for reptiles and amphibians and nesting birds.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) Measures to prevent spread and remove Japanese knotweed from the site.
  - f) The times during construction when specialist ecologists need to be present on site to oversee works.
  - g) Responsible persons and lines of communication.
  - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - i) Use of protective fences, exclusion barriers and warning signs.

The approved Biodiversity 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.

- 27 A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) for each approved phase of development shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of development in that phase. The LBEMP shall 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 approved Biodiversity Metric. The LBEMP should combine both the ecology

and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, to meet, as a minimum, the post development habitat units set out in the BNG Metric received 4th March 2025.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Prescriptions for management actions, using appropriate management methods to achieve aims and objectives.
- d) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- e) Details of the body or organization responsible for implementation of the plan.
- f) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 3, 5, 10, 20 and 30 years.
- g) Monitoring reports to be sent to the Council at each of the intervals above
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Requirement for a statement of compliance upon completion of planting and enhancement works.
- j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022:
  - a. universal nest boxes and/or swift boxes on buildings.
  - b. integrated and/or external bat boxes on buildings and mature trees.
  - c. insect bricks and / or towers in public open space.
  - d. fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.

The LBEMP shall 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.

### Other

- 28 An appropriate programme of building recording (including architectural/historical analysis) shall be carried out in respect of the former colliery buildings, including the pithead baths, goods sheds and former manager's house prior to their demolition. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing by the Local Planning Authority.
- 29 Before the development hereby approved commences, an Employment Scheme to enhance and maximise employment and training opportunities during the construction phase of the project shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.

- 30 Within 6 weeks prior to any new employment unit falling within Use Class E(g) (i) (ii) (iii), B2 and B8 hereby approved being brought into first use, an Employment Scheme to enhance and maximise employment and training opportunities at the premises, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full in accordance with the approved timetable.
- 31 The development hereby approved shall not exceed 2 storeys in height and, other than the surface water drainage infrastructure and access from Woodhouse Road, no development shall take place on the undeveloped fields to the southeast of the existing employment site and north of the A632.
- 32 Any future approval of reserved matters application shall seek to maximise connectivity to footpath and cycle infrastructure, including existing and proposed multi-user trails, to facilitate travel to the site by means other than the private motor vehicle.
- 33 Prior to works commencing on the superstructure of the retail and employment buildings hereby approved a scheme setting out the measures to be incorporated into construction of the units to help address and adapt to climate change shall be submitted to and approved in writing by the Local Planning Authority. The development shall therefore be carried out in accordance with the approved details.

It is recommended that that application be approved with the above conditions following the prior entry into s106 agreement to secure the travel plan monitoring contribution.

**AGENDA ITEM 8 – Update report following resolution to approve application code ref. 17/00640/OUT – Land North of Clowne Including Section Of Town Centre, Hickinwood Lane, Clowne**

**1. Representations received from Bolsover Governance & Planning Association**

The following items and assurances have been sought from Bolsover Governance & Planning Association in a letter dated 7<sup>th</sup> May 2025:

Detailed Annex on Residual s106 Matters

*To assess their impact on the agreement's robustness, we request:*

- *A detailed annex listing all outstanding drafting corrections, their scope, and potential effects on financial contributions or infrastructure delivery.*
- *A clear timeline for resolving these matters, with a commitment to present significant changes to the Planning Committee for review.*
- *Confirmation that delegated authority (Recommendation 1) will not bypass committee scrutiny for material amendments to obligations such as education (£17.7 million) or highways (£5.8 million).*

Officer Response:

In the interests of being fully transparent the Local Planning Authority has appended the latest draft of the s106 agreement, which contains all current track changes to the draft s106. This has been drafted in light of the committee resolution on the 17<sup>th</sup> September 2025.

As set out in the update report at 2.9 it is envisaged that agreement will have been reached between the parties on a final draft towards the end of May 2025. Following agreement to the content there will be a short delay distributing the final agreement to all signatories for engrossment.

Following resolution of the above matters and engrossment of the agreement, it is recommended that the Local Planning Authority proceeds to issue the decision.

Any significant changes to the obligations, which sit outside of the scope of the original resolution to approve planning permission would need to be reconsidered by Planning Committee.

### Provisional Skylark Mitigation Strategy

*To ensure ecological compliance, we request:*

- *A provisional skylark mitigation strategy, detailing estimated land requirements, costs, and management plans, to be provided before s106 agreement approval.*
- *Evidence of Derbyshire Wildlife Trust's advice and its incorporation into the strategy, or a justification for proceeding without it.*
- *A stand-alone s106 obligation for skylark mitigation, ensuring enforceability across all development phases, rather than relying on condition 5.*

Officer response:

A Farmland Bird Mitigation Strategy (FPCR, 2023) - Appendix C of the ES was submitted with the planning application. The Mitigation Strategy calculates between 8.36ha and 18.1ha land will be required. The Strategy states that 3.3 ha of onsite land may be available, however, this will be subject to how development will come forward on the site. As per the Strategy, onsite land must comprise fields >1ha. Derbyshire Wildlife Trust have advised that depending on the required amount of land, it would be acceptable to bring forward the mitigation land in phases. Sufficient land should be brought into suitable management prior to impacts of each phase to provide alternative habitat for the birds which will be displaced by the development. They have also advised that adding the requirement to submit details of the farmland bird mitigation to the Phasing Plan condition would be reasonable. To ensure that appropriate offsetting / habitat mitigation land is available consideration is currently being given to identifying this in the s106 legal agreement (based on the amount of land that is likely to be required) and provisions relating to future management. The correspondence with DWT relating to this matter has been published on the application case file – code ref. 17/00640/OUT.

### Analysis of Deferred Contributions Risks

*We request:*

- *A sensitivity analysis showing the likelihood of securing deferred contributions under various viability scenarios, including worst-case outcomes*
- *A commitment to interim viability reviews (e.g., every two years or per phase) to secure SEND and library contributions earlier.*
- *Justification for prioritising other contributions (e.g., health, highways) over SEND and libraries, with evidence of community Impact assessments.*

Officer response:

The provisions relating to the viability review, which will be forward and backwards looking are set out in the draft s106, which is provided at Appendix 1. These provisions will ensure that any external funding secured or super profit made can be used to deliver the deferred contributions. It is not feasible (given the length of the build programme) nor necessary to carry out sensitivity analysis. All critical infrastructure contributions are protected in the agreement.

In the assessment of the planning application on 17<sup>th</sup> September 2024 it was explained that the Council's Infrastructure Study and Delivery Plan (March 2018) sets out what the priorities are for the District Council. These are sub divided into being critical, necessary, and complimentary. Based on this plan and the relevant consultation responses, the Local Planning Authority deemed the following contributions and requirements to be critically needed to facilitate the development, and comply with CIL Regulation 122 including:

- The construction of a Primary School
- Contribution towards Secondary School Places
- Treble Bob Roundabout Improvement (scheme described in full in Transport & Highway Section below)
- M1 Jct. 30 mitigation contribution ((scheme described in full in Transport & Highway Section below)
- Travel Plan Contribution
- Healthcare Contribution
- 10% Affordable Housing provision

A resolution to approve permission was made on this basis, subject to the prior entry into a s106 to secure such contributions, with the SEND and library contributions being deferred.

### Reassessment Against December 2024 NPPF Changes

We request:

- *A detailed analysis of how the NPPFs focus on socially rented homes affects the 10% affordable housing scheme (180 units), Including cost implications and developer commitments.*
- *A review of the Travel Plan and Active Travel Strategy against the "vision-led" transport approach, ensuring compliance with emerging NPPF priorities.*
- *A formal reassessment of the application against the updated NPPF, particularly on sustainability and housing tenure to confirm alignment with heightened standards.*

The draft s106 requires the submission of an affordable housing scheme to the Local Planning Authority for approval for each approval of reserved matters application including housing. This allows the Council to assess, respond to and deliver affordable housing based on need at the time of submission.

With regard to the request to review the Travel Plan and Active Travel Strategy, as set out in the update report the development has been planned based on anticipated vehicle flows with sustainable travel initiatives to be included in the Travel Plan and Active Travel and Sustainable Passenger Strategy.

To support the implementation of the vision-led approach, the government advised that they would publish updated Department for Transport guidance alongside the policy coming into effect. This requires new guidance on how transport assessments should be prepared, consulted on, and made available. This has not yet been issued. The changes do not therefore materially change the approach towards transport planning and assessment.

The updated NPPF does not change the sustainability costs and benefits of the development to warrant reassessment.

#### Evidence Supporting Viability Appraisal Validity

*We request:*

- *The viability expert's full report or a summary of data supporting claims of market improvements (e.g., house price trends, build cost data) and global uncertainties.*
- *A commitment to a new viability appraisal if the s106 agreement is not finalised by 31 May 2025, to reflect economic changes since August 2024.*
- *Justification for not leveraging improved market conditions (e.g., Bank of England rate cuts) to maximise contributions, particularly for deferred SEND and library funds.*

Officer Response:

The advice received from the Council's viability expert has been published on the application case file – code ref. 17/00640/OUT. This explains the reasons why the shelf life of the findings can be extended in this instance. Furthermore, a forward and backwards looking viability review mechanism allows the Council to revisit project viability at a future date to secure additional contributions over and above those that were deemed critical when it was resolved that the application be approved.

Comprehensive Publicity and Environmental Statement Details

*We request:*

*The full text of the advertisement (Appendix 3) and statement of decision (Appendix 4), verifying compliance with Regulation 30, including details on environmental effects, conditions, and consultation outcomes.*

*A comprehensive publicity plan, specifying media outlets, online platforms, and physical locations for the statement, to ensure broad community access.*

*Confirmation of proactive written notification to the Secretary of State post-s106 agreement, with evidence of compliance.*

Officer Response:

The extent of text to be included in the advertisement and statement of decision on the environmental effects is as set out in the documents appended to the update report at Appendix 3 and 4.

The EIA regulations require the authority to notify the public of the decision by local advertisement or by such other means as are reasonable in the circumstances. Publication in the press (Derbyshire Times) and/or on the Council's website would be sufficient to meet this requirement. The District Council intends to do both.

Once determined the Local Planning Authority will inform the Secretary of State and relevant consultation bodies of the decision in writing.