

PARISH Shirebrook Parish

APPLICATION Erection of 2 industrial units, 22 parking spaces service yard for the loading and unloading of LGV/HGVs and alterations to the access
LOCATION Land North of Sookholme Road Junction Portland Drive Shirebrook
APPLICANT Natalie Etches, Bolsover District Council, The Arc, Clowne, S43 4JY

APPLICATION NO. 24/00067/FUL **FILE NO.**
CASE OFFICER Mrs Karen Wake
DATE RECEIVED 13th February 2024

SUMMARY

The application is for the erection of 2 industrial units with service yard, 24 parking spaces, a cycle store, bin store and sustainable drainage system. The proposal also includes alterations to the existing access, changes to existing ground levels and extensive landscaping.

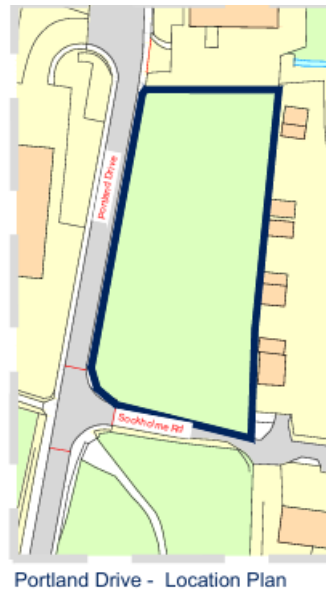
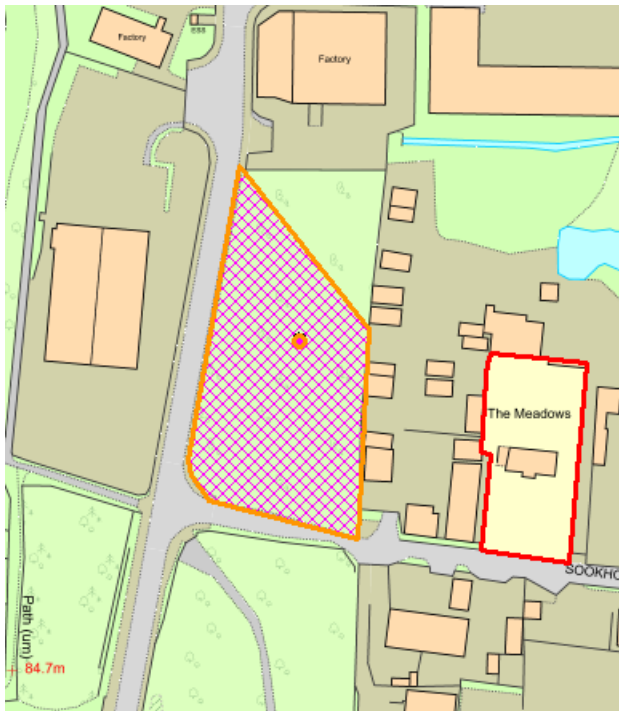
The application was considered at planning committee on the 22nd January 2025. It was resolved at that meeting that the development proposed at that time be granted subject to the submission of an acceptable drainage strategy and no concerns that could not be overcome by conditions requested by Natural England. Subject to compliance with the above delegated authority was given to the Development Management and Land Charges Manager to approve the application subject to conditions.

Natural England have since confirmed no objections to the proposals and do not require the imposition of any conditions.

Although a suitable drainage strategy has been submitted, this requires amendments to site levels, landform, the layout of the development and landscaping. The colour of the cladding to the exterior of the building has also changed. The application is re-presented to planning committee on this basis, so that members can consider such changes and determine whether it alters their earlier resolution in January 2025.

The application is recommended for approval, subject to conditions.

Site Location Plan



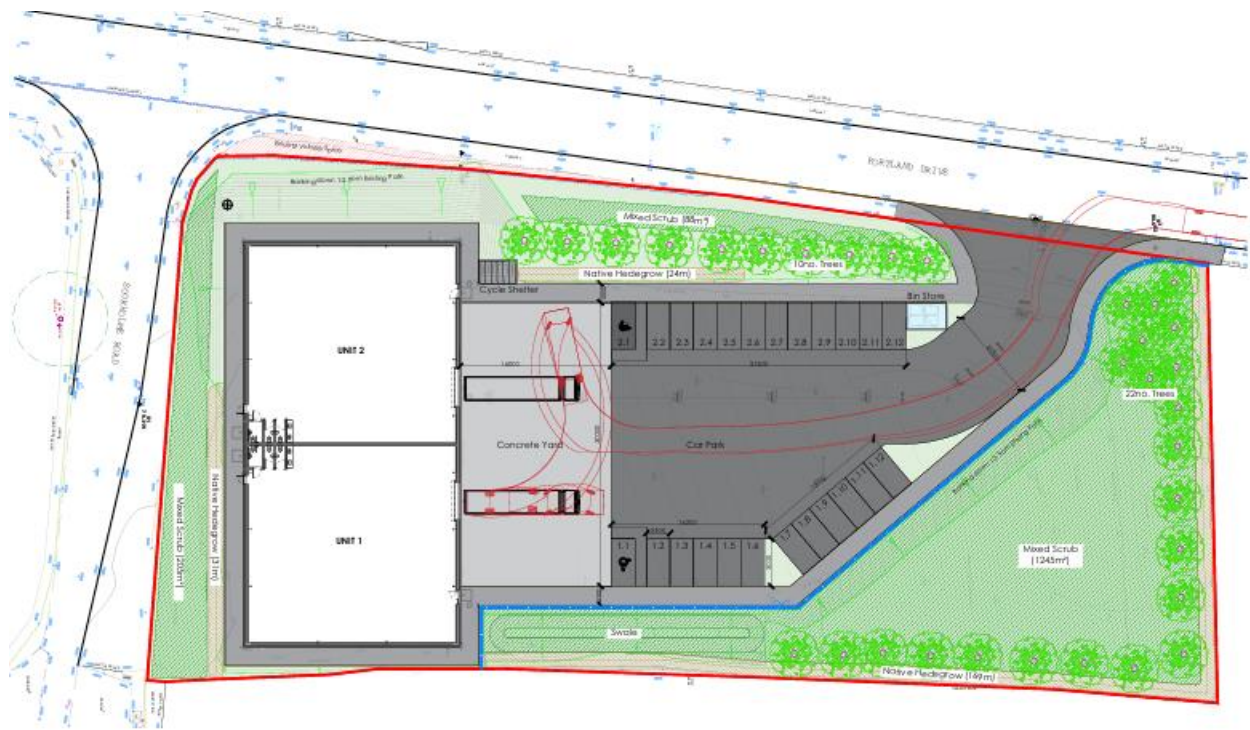
OFFICER REPORT ON APPLICATION NO. 24/00067/FUL

SITE & SURROUNDINGS

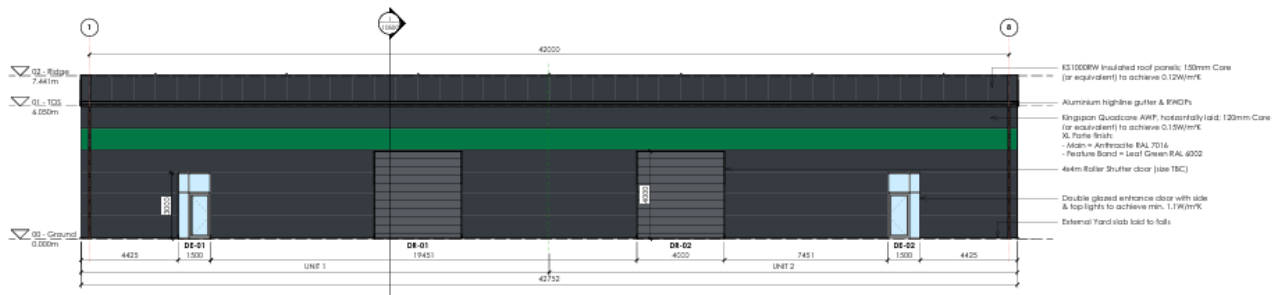
The site is a vacant, overgrown site with Portland Drive bordering the western boundary and Sookholme Road bordering the southern boundary. The site is located within an industrial area with storage facilities and industrial units to the north, east and west. An area of open space is also present beyond the roads to the south and west. The site is fairly level and is set slightly lower than the adjacent highways. The site is set lower than the one to the north and but higher than the site to the east.

PROPOSAL

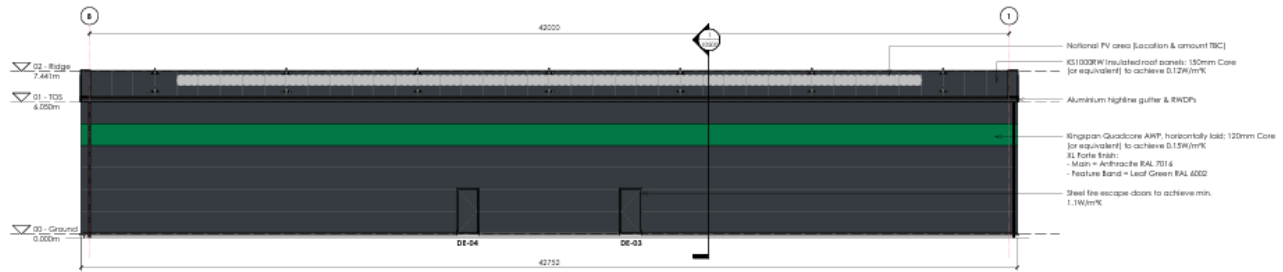
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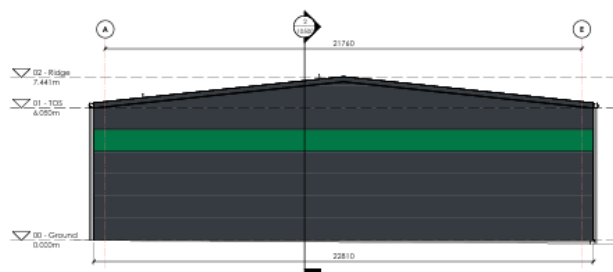
Proposed Site Layout Plan



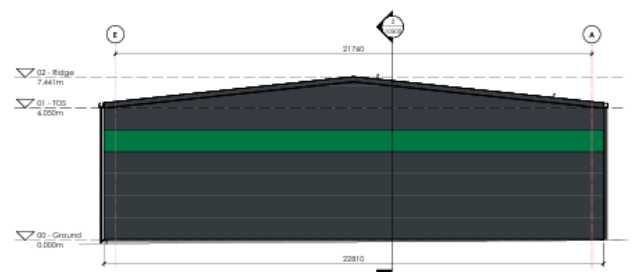
A - NORTH ELEVATION
1 : 100



C - SOUTH ELEVATION
1 : 100

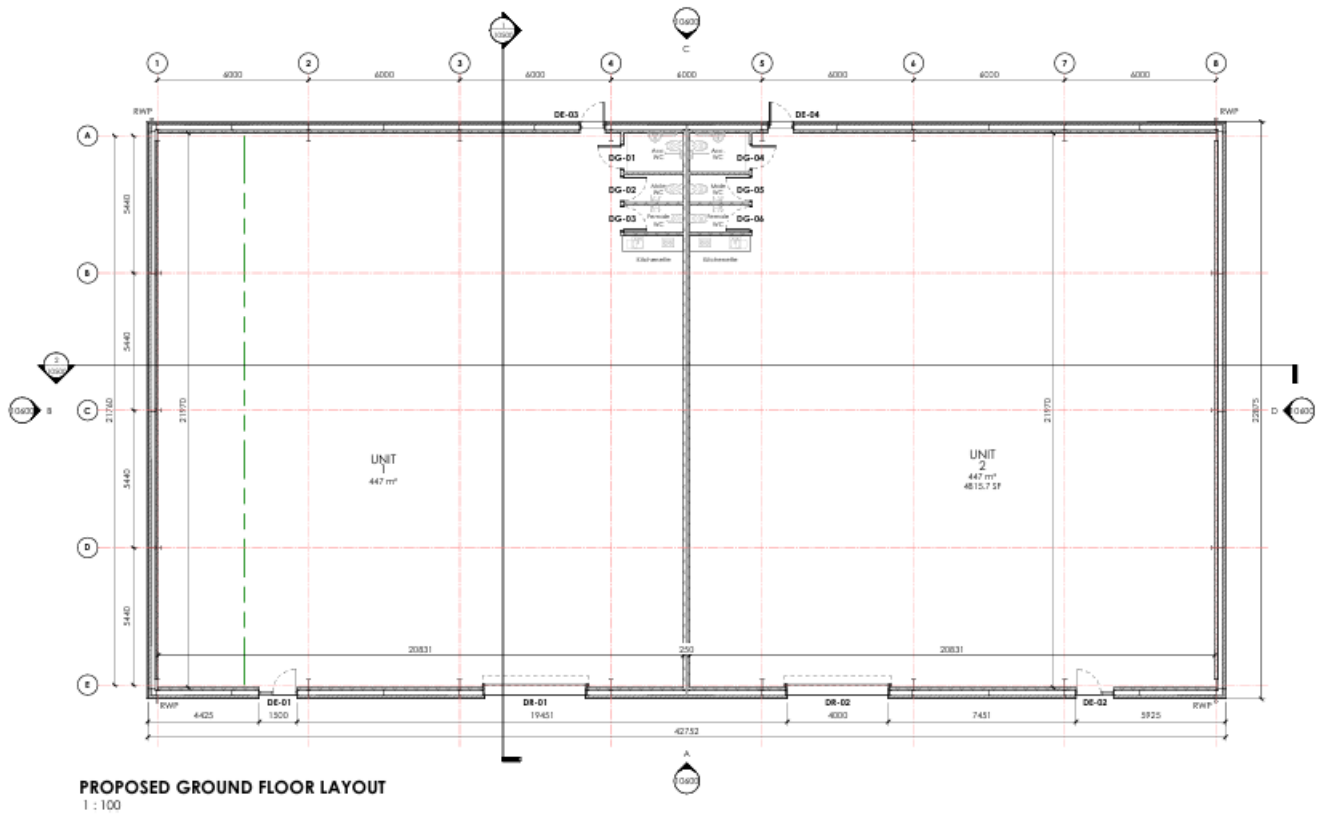


B - EAST ELEVATION
1 : 100



D - WEST ELEVATION
1 : 100

Proposed Elevations



Proposed Floor Layout Plan

1. The development shall be begun before the expiration of three years from the date of this permission.
2. Approved in accordance with the approved plan numbers.
3. Samples of materials to be submitted.
4. Submission, approval and implementation of a Landscaping and Biodiversity Enhancement and Management Plan based on the amended landscaping scheme plan and as described in the small site metric submitted.
5. Submission, approval and implementation of a construction environmental management plan
6. Access, parking and turning to be provided in accordance with the approved plans before the use is first implemented and maintained as such thereafter.
7. Surface water drainage to be in accordance with the approved scheme and any other associated drainage conditions necessary.
8. Any information and conditions recommended by Natural England

Since that time Natural England have confirmed no objections to the proposal and do not require the implementation of any conditions.

A number of drainage strategies have been considered based on up to date flood risk assessments and hydraulic modelling reports and the proposal has now been agreed with the Lead Local Flood Authority, subject to conditions requiring submission of a detailed design and associated management and maintenance plan of the surface water drainage for the site and details indicating how additional surface water run-off from the site will be avoided during the construction phase.

AMENDMENTS

The scheme has been amended to include a sustainable drainage scheme which incorporates amended site levels. The amount and type of landscaping is unaltered but the way it is incorporated on site has been amended. The layout has been amended to incorporate a landscaped banking on the highway boundaries rather than the gabion baskets originally proposed and provide a better on site manoeuvring space. The colour of the cladding of the proposed building has also been amended

An amended flood risk assessment has also been submitted, together with hydraulic modelling report and flood flow routes diagram.

EIA SCREENING OPINION

The proposals that are the subject of this application are not EIA development.

HISTORY

23/00018/FUL	Withdrawn	Erection of 14 industrial units, bin store, car parking with additional space of loading & unloading of LGV/HGV's. Alterations to access with a new T-Junction with Portland Drive
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CONSULTATIONS

Shirebrook Town Council

No comments received

Environment Agency

The development falls within flood zone 1 and therefore there are no fluvial flood risk concerns associated with the site.

Derbyshire County Council Highway Authority

No objection subject to conditions requiring implementation of the submitted travel plan, access, parking and turning to be provided in accordance with the approved plan and submission of a construction management plan.

Derbyshire County Council Flood Authority

No objections subject to conditions requiring submission of a detailed design and associated management and maintenance plan of the surface water drainage for the site and details indicating how additional surface water run-off from the site will be avoided during the construction phase. Confirm that the applicant has demonstrated there is an existing flood risk to the site and outside of the site in its current condition. The surface water drainage system has been demonstrated to manage the onsite risk and provide storage for flows from outside the site boundary. This reduces the volume of flows crossing the site to neighbouring areas this can reduce, but not remove, the flood risk outside of the site.

Environmental Health Officer

Recommend condition requiring a contamination watching brief which requires if, during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.

Derbyshire Wildlife Trust

Recommend any net loss to biodiversity is addressed to ensure no net loss. Recommend conditions requiring submission of a Landscaping and Biodiversity Enhancement and Management Plan and a Construction Environmental Management Plan.

Senior Engineer

The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. 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. There is actually a private sewer marked on our copy of STW's records in magenta (enclosed for information).

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. 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.

Natural England

No objections. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

PUBLICITY

Site notice, press notice and 10 neighbours notified. Objection received from one resident which raises the following issues:

1. The land is subject to heavy flooding throughout the year and if the land is raised the flood water will be pushed further into adjacent property causing more flooding.
2. The flood risk assessment documents are inaccurate. All of the mapping does not show the land surrounding has had the levels substantially raised and is not representative of where the water goes. The models show risk for 1 in 30, 1 in 100 and 1 in 1000 years. In fact, flooding is more like 1 in 2 weeks and is substantial.
3. The watercourse to the north of the land that runs Eastwards, where the proposed drainage from the application is planned to be pumped, discharges from a 900mm culvert. The property downstream has illegally without consent installed a 600mm culvert in their land. The flow of water is now severely restricted and already floods adjacent property most weeks during rainfall. The proposed application will therefore increase the flooding to this land. The flood models are based on the watercourse being unrestricted which it isn't and this can be evidenced.
4. A previous planning application was rejected on grounds of flood risk.
5. The site floods and the water from the land runs straight into the adjacent yard. This causes immense problems and damages the yard and back garden of the adjacent house which is private land.
6. The flooding from the land has previously been raised with the applicant but no response has given to these concerns.
7. The council should ensure a full, and thorough, flood risk assessment is carried out, and that any approval of the development is strictly conditional on the installation of an adequate and effective drainage system - preferably one designed to reduce current flooding issues rather than exacerbate them.

POLICY

Local Plan for Bolsover District ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1: Sustainable Development
- WC2: Existing Employment Sites
- SC1: Development within the Development Envelope
- SC2: Sustainable Design and Construction
- SC3: High Quality Development
- SC7: Flood Risk
- SC9: Biodiversity and Geodiversity
- SC11: Environmental Quality (Amenity)

National Planning Policy Framework ("the Framework")

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most

relevant to this application include:

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 85 - 87: Building a strong, competitive economy.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraph 161, 163, 164, and 166: Meeting the challenge of climate change.
- Paragraph 170 - 182: Planning and Flood Risk.
- Paragraphs 196 - 201: Ground conditions and pollution.

Supplementary Planning Documents

Successful Healthy Places: A Guide to Sustainable and Healthy Housing Layout and Design: To provide a guide to those promoting developments on how they can create sustainable places that deliver a good quality of life for the people that live there and preventing poor design that comes at a cost to the environment. This requires that our neighbourhoods are designed around the linked concepts of good place making and sustainability.

Local Parking Standards:

This document relates to Policy ITCR11 of the Local Plan by advising how the parking standards contained in appendix 8.2 of the local plan should be designed and implemented with development proposals. This SPD does not revise the standards contained in the Local Plan but does provide suggested new standards for parking matters not set out in the Local Plan, such as cycle parking.

Biodiversity Net Gain Design Note:

In light of the requirement for mandatory 10% biodiversity net gain, the Council has prepared a planning advice note to provide advice on the background to the introduction of mandatory 10% Biodiversity Net Gain, how this statutory provision relates to policy SC9: Biodiversity and Geodiversity in the Local Plan for Bolsover District, and how we will expect those preparing applications to approach this new legal requirement.

ASSESSMENT

Key issues

It is considered that the key issues in the determination of this application are:

- The Principle of The Development
- The Impact of The Proposed Development on The Character and Appearance of the Street Scene
- Residential Amenity
- Whether The Development Would Be Provided with a Safe and Suitable Access and Impacts on Highway Safety
- Impact on Biodiversity
- Flood Risk

- Issues Raised by Residents.

These issues are addressed in turn in the following sections of this report

Principle of the development

The application site is within an established industrial area, where the general principles for economic development are identified, as defined by policy WC2 of the adopted local plan.

This policy identifies the site to be an 'existing employment site' allocated on the Policies Map and is therefore a site which should be protected for employment generating uses in the future. The policy states that proposals for alternative employment generating uses at existing employment areas and allocated employment land will be treated on their merits.

Policy SS1 of the Local Plan states that development proposals should support the local economy by providing employment opportunities suitable for local people, contributing towards business expansion and growth in key sectors and promote the efficient use of land and the re-use of previously developed land in sustainable locations.

Policy SC2 states that the Council will permit proposals which promote the efficient use of land and infrastructure, including developments which include a sustainable and complementary mix of uses.

It is therefore considered that the principle of erecting purpose built industrial units to be used for employment generating uses is acceptable in principle, subject to compliance with other relevant local plan policies and material planning considerations.

The impact of the proposed development on the character and appearance of the area

The proposed development is considered to be in keeping with the adjacent industrial buildings and the street scene in terms of character, scale, design and materials. The site is fairly level. The adjacent highway is set slightly higher such that the proposed building will be set slightly lower than the road and a landscaped banking is proposed along the highway boundaries of the site. The proposed building is set slightly back from the Portland Drive frontage but is close to the Sookholme Road frontage, however there are existing buildings on Sookholme Road which are adjacent to the highway and the appearance of the building will be softened by the proposed landscaping. The proposal is therefore not considered to be unduly prominent or out of character in the existing street scene.

Access/Highways

The proposal utilises the existing dropped kerb access to the site but strengthens that crossing and provides it with suitable visibility splays. The proposal includes sufficient car parking and manoeuvring space within the site to serve the proposed development and there are no objections to the proposal from the Highway Authority subject to conditions requiring compliance with the transport plan submitted with the application and the parking and turning to be provided on site in accordance with the approved plan.

A transport statement has been submitted with the application which considered that the site is located within a reasonable walking distance of the majority of Shirebrook and within a reasonable cycle ride of the whole of Shirebrook as well as Mansfield, Bolsover and Warsop.

It also concluded that the bus stops on Market Place, offered a regular service into the centre of Mansfield and Chesterfield and Shirebrook Rail Station offering a regular service between Nottingham and Worksop. The site is therefore considered to be in a sustainable location, accessible by modes of transport other than the car and a Travel Plan has also been submitted which provides a strategy for encouraging sustainable travel.

The Transport statement also considered that there are no existing road safety issues pertinent to the development of the site and that the proposal is not considered to generate a significant number of vehicular movements to and from the site.

The transport statement concluded that the proposed development would not be expected to have a severe impact on the operation of the local highway network in accordance with the requirements of the National Planning Policy Framework which states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

On this basis, subject to conditions requiring the parking and turning areas to be provided on site in accordance with the approved plans, the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policy SC3 of the Local Plan for Bolsover District.

The Highway Authority have also asked for a condition requiring implementation of the submitted travel plan. However, given that the amended application is no longer classed as a major application and the travel statement submitted with the application concludes that the proposal would not generate significant movements, such a condition would be unreasonable and as such would not meet the tests for conditions. This is because Planning Guidance advises that travel plans are only required for developments which generate a significant number of vehicle movements.

The Highway Authority originally also requested further construction details about the access and proposed gabion wall retaining structure. However, the Gabion wall has been removed from the proposal and replaced with a landscaped banking. The Highway Authority have confirmed that the proposal is acceptable in principle and these construction details would be the subject of a separate Section 184 Agreement with the Highway Authority. A note can be added to advise the applicant of the need for such agreement and given that these details are covered under this section of The Highways Act it is not considered reasonable to require further construction details by condition.

Impact on Biodiversity and Ecology

The site is overgrown and as a result an ecology report was requested and has been submitted. The report found the habitat was of low ecological value and low ecological importance and that the habitat lost could be compensated through landscaping and tree planting on site. Site clearance works will need to be undertaken outside the bird nesting season Oct – Feb or a nesting bird check undertaken prior to vegetation removal and post development nest boxes should be incorporated into the building in the northeast corner. The report also advised good practice working methods will also be required for rabbit and hedgehog and should be outlined within a Construction and Environmental Management Plan (CEMP). This can be required by condition.

The site is close to two SSSI's and as such consultation with Natural England was required in relation to the impact of the development on these the SSSI's. Natural England have confirmed no objections to the proposal.

The application as originally submitted had a floor area which was just over 1000sqm which made it a major application which was received after 12th February making it subject to the mandatory requirement for a 10% net gain for biodiversity. The application has subsequently been amended to remove some of the floor area proposed such that the development is now just under 1000sqm floor area. This means the amended application is not defined as a major application and was received before 2nd April 2024 when the mandatory requirement for 10% net gain for biodiversity for non-major applications came into force. There is therefore no requirement for the development to achieve a 10% net gain for biodiversity. There is, however, a requirement to achieve no net loss for biodiversity in order to meet the requirements of Policy SC9 of the Local Plan for Bolsover District Council.

The small site metric for the amended proposal development shows the current baseline units on site, total 3.2860. Post-development, the habitat units are 1.8844, indicating a loss according to the metric.

However, it is important to note that the metric does not account for the site enhancements proposed in the landscaping scheme. Post-development, there will be an additional 1.5159 units of hedgerow and 32 newly planted trees. Currently, there are no trees on the site.

As a development which is exempt from mandatory Biodiversity Net Gain, there is no requirement for like-for-like habitat replacement. The proposed hedgerow units and new trees are considered to be an enhancement to the biodiversity on the site and these enhancements ensure there is no net loss on site, supporting biodiversity and contributing to the environmental value of the site. On this basis, the proposal is considered to meet the requirements of Policy SC9 of the adopted Local Plan.

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	Planning Application submitted before the mandatory requirement for 10%BNG

Flood risk

A Flood Risk Assessment has been carried out in accordance with the requirements of the NPPF and policy SC7 of the adopted local plan because the site is in an area which in part is in a high risk of surface water flooding zone and in part is in a medium risk zone.

Extensive information has been provided in the form of drainage strategies, up to date flood risk assessments, hydraulic modelling reports and a flood flow diagram and a site specific drainage scheme have been submitted to indicate how the development can be accommodated on site without increasing flooding problems from surface water on or adjacent to the site.

The LLFA have confirmed that the applicant has demonstrated there is an existing flood risk

to the site and outside of the site in its current condition. The surface water drainage system has been demonstrated to manage the onsite risk and provide storage for flows from outside the site boundary. This reduces the volume of flows crossing the site to neighbouring areas and this can reduce, but not remove, the flood risk outside of the site. On this basis the Lead Local Flood Authority have confirmed no objections to the proposal, subject to conditions requiring submission of a detailed design and associated management and maintenance plan of the surface water drainage for the site and details indicating how additional surface water run-off from the site will be avoided during the construction phase.

Consequently, subject to such conditions, it is concluded that, with regards to the flood risk requirements of the NPPF, the development proposals are acceptable and meet the requirements of policy SC7 of the adopted Local Plan.

Contamination

The Environmental Health Officer has asked for a condition requiring that if, during the works hereby approved being carried out on site, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority. Subject to such a condition the site is considered to be capable of being developed for its intended use without causing harm to the health of future occupiers of the site from any possible effects of contaminated land. Subject to such a condition the proposal is considered to meet the requirements of Policy SC14 of the adopted local plan.

Issues raised by resident

The issue of the potential increase in flooding from surface water of the adjacent site is covered in the above assessment.

The issue of the previous application being refused due to flood risk has not been considered because the previous application was materially different to the current application and included land which was within flood zone 3 and the current application does not. In addition, the previous application wasn't refused it was withdrawn.

CONCLUSION / PLANNING BALANCE

The proposal is an employment generating use in a sustainable location of an allocated employment site. The proposal is considered to be in keeping with the existing street scene in terms of scale and design and is not considered to be detrimental to the amenity of residents of adjacent dwellings over and above the existing situations. Subject to a condition requiring access, parking and turning to be provided in accordance with the approved plans the proposal is not considered to be detrimental to highway safety.

Additional information is necessary to fully address potential surface water flood risks but this can be required by condition and the LLFA have confirmed that there are no objections to the proposal, subject to such conditions as the applicant has demonstrated there is an existing flood risk to the site and outside of the site in its current condition. The surface water drainage system has been demonstrated to manage the onsite risk and provide storage for flows from outside the site boundary. This reduces the volume of flows crossing the site to neighbouring areas this can reduce, but not remove, the flood risk outside of the site.

Subject to conditions, the proposal is not considered to result in a net loss for biodiversity and

the low ecological value habitat lost can be compensated through landscaping and tree planting on site.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with the approved plan numbers:
12941-WMS-ZZ-XX-D-C-39201-S8-Rev P2: Revised proposed drainage layout
12941-WMS-ZZ-XX-D-A-10001-S3-Rev P4: Revised proposed site plan
12941-WMS-ZZ-XX-D-A-10400-S3-Rev P3: Revised proposed ground floor plan
12941-WMS-ZZ-XX-D-A-10401-S3-Rev P2: Revised proposed roof plan
12941-WMS-ZZ-XX-D-A-10500-S3-Rev P2: Revised proposed sections
12941-WMS-ZZ-XX-D-A-10600-S3-Rev P2: Revised proposed elevations
3. The external walls of the building must be constructed using Before the construction of the external walls of the building commences on site, samples of the materials to be used on the external walls and roof must be submitted to and approved in writing by the Local Planning Authority. The building must be constructed using the approved materials and must be maintained as such thereafter.
4. Before development starts on site, a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) to provide details for the creation, enhancement and management of habitats and species post development, in accordance with the proposals set out in the submitted Biodiversity Metric, combining both the ecology and landscape disciplines must be submitted to, and approved in writing by, the Local Planning Authority. The approved plan must be implemented in full in accordance with the approved details.
5. 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 include the measures detailed in the Ecological Impact Assessment (Futures Ecology, July 2022.) The approved CEMP must be implemented in full in accordance with the approved details.
6. Before the development hereby approved is first occupied, the access, parking and turning shown on the approved plan must be provided on site in accordance with that plan and must be maintained as such thereafter.
7. 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. a. William Saunders. (Nov 2025). *Flood Flow Routes*. 12941-WMS-ZZ-XX-D-C-39203-S8-P1.
 - b. William Saunders. (Nov 2025). *Drainage Strategy*. 12941-WMS-ZZ-XX-T-C-39201-S8-P2. "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team"
 - c. And DEFRA's National standards for sustainable drainage systems (2025), have been submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented on site before the development hereby

- approved is first occupied and must be maintained as such thereafter.
8. 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 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.
 9. If during the works hereby approved being carried out on site, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme must be implemented on site in full before the development hereby approved is first occupied

Reasons

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interest of visual amenity, highway safety and biodiversity enhancement in accordance with Policies, SC2, SC3, and SC9 of the Local Plan for Bolsover District.
3. In the interest of visual amenity in accordance with policies SC2 and SC3 of the Local Plan for Bolsover District.
4. To protect and enhance biodiversity interest on the site and to result in no net loss for biodiversity in accordance with Policy SC9 of the local Plan for Bolsover District
5. To protect and enhance biodiversity interest on the site and to result in no net loss for biodiversity in accordance with Policy SC9 of the local Plan for Bolsover District
6. In the interest of Highway Safety in accordance with Policy SC3 of the Local Plan for Bolsover District.
7. 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
8. To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development in accordance with policy SC7 of the Local Plan for Bolsover District.
9. To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy SC14 of the Local plan for Bolsover District.

Notes

1. BNG2
2. The LBEMP submitted under condition 4 above shall include the following:-
 - a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
 - b) Aims and objectives of management, in line with desired habitat conditions detailed

in the metric.

- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 3, 5, 10, 20 and 30 years.
- h) Monitoring reports to be sent to the Council at each of the intervals above
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022 and the recommendations in the Ecological Impact Assessment (Futures Ecology, July 2022).
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

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.

3. The CEMP submitted under condition 5 above shall be produced by an ecologist and include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - 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.

4. The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. 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. There is however a private sewer marked on Severn Trent Water's records which the applicant should be aware of.

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.

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.

5. Advisory notes provided by LLFA

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.