



Please ask for Liz Athorn
Direct Line: 01246 959612
Email democratic.services@chesterfield.gov.uk

The Chair and Members of Planning
Committee

24 November 2023

Councillors Bagley, Innes and Sarvent – Site Visit 1

Councillors Ogle and Wheeldon – Site Visit 2

Councillors Ogle and Wheeldon – Site Visit 3

Councillor Davies – Site Visit 4

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 4 DECEMBER 2023 at 1.00 pm in Committee Room 1, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

PLEASE NOTE THAT THE MEETING WILL BE PRECEDED BY THE FOLLOWING SITE VISITS.

Planning Committee Members should assemble in Reception at 10:55am. Ward members wishing to be present should attend on site as indicated below:-

1. 11:05am Chesterfield College, Infirmary Road
CHE/23/00455/FUL

2. 11:35am Troughbrook Road, Hollingwood,
Chesterfield
CHE/23/00561/FUL
3. 11:55am Land adjacent Four Roplars, Rectory Road,
Duckmanton, S44 5JS
CHE/22/00290/REM
4. 12:15pm Land to rear of 5-6 Walton Walk, Boythorpe,
Chesterfield
CHE/23/00084/FUL

Members are reminded that only those attending on site will be eligible to take part in the debate and make a decision on these items, unless a reasonable adjustment is in place by prior arrangement. Members intending to declare a Disclosable Pecuniary Interest, or any other matter which would prevent them taking part in discussions on an item, should not attend the site visit for it.

A reasonable adjustment meeting will take place at 10:30am in Committee Room 1 for those not able to attend the site visits.

Ward members are invited to attend on site and should confirm their attendance by contacting Liz Athorn on tel. 01246 959612 or via e-mail: liz.athorn@chesterfield.gov.uk by 9.00 a.m. on Monday 4 December 2023. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

Please ensure that all mobile phones are switched off during site visits and at the meeting at the Town Hall.

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 16)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 17 - 116)

5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 117 - 130)
6. Applications to Fell or Prune Trees (P620D) (Pages 131 - 138)
7. Appeals Report (P000) (Pages 139 - 150)
8. Enforcement Report (P410) (Pages 151 - 154)
9. Planning Obligation relating to the Wild Whittington Habitat Site at Old Whittington, Chesterfield (Pages 155 - 228)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', written in a cursive style.

Head of Regulatory Law and Monitoring Officer

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PLANNING COMMITTEE

Monday, 13th November, 2023

Present:-

Councillor Callan (Chair)

Councillors B Bingham
J Bingham
Davenport
Falconer

Councillors Miles
Stone
Yates

The following site visits took place immediately before the meeting and was attended by the following Members:

CHE/23/00284/FUL - Revised scheme for 1 detached dwelling (drawings submitted 28.09.2023) at land at Cross London Street, Cross London Street, New Whittington, Chesterfield, Derbyshire.

Councillors J Bingham, Callan, Davenport, Falconer, Miles, Stone and Yates.

CHE/23/00385/FUL - Proposed Solar Array at Handleywood Farm, Whittington Road, Barrow Hill, Chesterfield, Derbyshire, S43 2PW for Mr and Mrs B Steele.

Councillors J Bingham, Callan, Davenport, Falconer, Miles, Stone and Yates.

Councillor B Bingham was unable to attend on site and received relevant site information by other means as a reasonable adjustment.

*Matters dealt with under the Delegation Scheme

73 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Brittain, Brady and Caulfield.

74 **DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

75 MINUTES OF PLANNING COMMITTEE

RESOLVED - That the Minutes of the meeting of the Planning Committee held on 23rd October, 2023 be signed by the Chair as a true record.

76 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

*The Committee considered the under-mentioned applications in light of reports by the Group Leader, Development Management and resolved as follows:-

CHE/23/00284/FUL - Revised scheme for 1 detached dwelling (drawings submitted 28.09.2023) at Land at Cross London Street, Cross London Street, New Whittington, Chesterfield, Derbyshire.

***RESOLVED**

A. That the officer recommendation be upheld and the application be approved subject to the following conditions and that a CIL Liability Notice be issued as per section 5.11 of the Officer's Report:-

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

2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Site Location Plan, drawing number 113
- Proposed Ground Floor Plan, drawing number 101 (dated 05.09.2023)
- Proposed First Floor Plan, drawing number 102 (dated 05.09.2023)
- Proposed Loft Plan, drawing number 103 (dated 05.09.2023)
- Proposed Roof Plan, drawing number 104 (dated 05.09.2023)
- Proposed Front and Rear Elevations, drawing number 105 (dated 05.09.2023)
- Proposed Side Elevations, drawing number 106 (dated 05.09.2023)

- Proposed Street Scene, drawing number 109 (dated 05.09.2023)

3. The development hereby approved shall be carried out in accordance with the approved Construction site logistics, drawing number 112, received 07.11.2023 and Construction environmental management plan, report reference number REP-ME—NFv1, dated 07.11.2023 throughout the construction period.

4. Before any other operations are commenced a new vehicular access shall be created to Cross London Street in accordance with the application drawing 101.

5. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1700 hours on Saturdays, and at no time on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

6. Prior to the development hereby permitted commencing above foundation level precise specifications or samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

7. Prior to the development hereby permitted commencing above foundation level a scheme shall be submitted to the Local Planning Authority for the treatment of all parts on the site not covered by buildings to be approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion.

Details shall include:

- a) a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include details of ecologically beneficial landscaping to provide a biodiversity enhancement.
- b) proposed hardstanding surfacing materials
- c) elevational drawings of boundary treatments including materials, types of fencing and treatment/colour.

d) a schedule detailing sizes and numbers of all proposed trees/plants, sufficient specification to ensure successful establishment and survival of new planting.

e) Location and type of bird/bat boxes

8. Prior to the development hereby permitted commencing above foundation level, a scheme (including a programme of implementation and maintenance) to demonstrate an enhancement of the sites biodiversity primarily through the soft landscaping of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The enhancement shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

9. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

10. The dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

11. The development, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings 'Proposed Ground Floor Plan, drawing number 101 (dated 05.09.2023)' for the parking and manoeuvring of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or reenacting that Order with or without

modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage forward of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

13. The development, the subject of the application, shall not be occupied until space has been provided within the application site for the storage/parking of bicycles. Details of the proposed bicycle store shall be submitted to the Local Planning Authority for written approval and shall be installed prior to the occupation of the development and thereafter be maintained free from any impediment to its designated use.

B. That a CIL Liability Notice be issued for £5,177 as per section 5.11 of the Officer's Report.

CHE/23/00385/FUL - Proposed Solar Array at Handleywood Farm, Whittington Road, Barrow Hill, Chesterfield, Derbyshire, S43 2PW for Mr and Mrs B Steele.

***RESOLVED**

That the officer recommendation be upheld, that the application be **REFUSED** for the following reason:

1. The development proposed is considered to be inappropriate development in the green belt as it does not meet or satisfy any of the 'exception' criteria as set out in paragraph 149 of the National Planning Policy Framework and there are no very special circumstances in paragraph 151 which can be accepted which outweigh the harm to the green belt area. The development by virtue of being inappropriate development in the green belt and due to its encroachment of the structures into an open green field will adversely impact upon the openness of the Green Belt within an area of the site which has previously remained open and undeveloped. It is considered that the development is contrary to the provisions of Policy CLP1 and criteria (a) and (f) of Policy CLP15 of the Chesterfield Local Plan 2018 – 2035 and the requirements of the National Planning Policy Framework Chapter 13.

77 **APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE DEVELOPMENT MANAGEMENT AND CONSERVATION MANAGER (P140D)**

*The Development Management and Conservation Manager reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:-

(a) Approvals

CHE/23/00226/OUT	Erection of 1. detached single storey dwelling - (outline application for access with all other matters reserved) at 121 Handley Road, New Whittington, Chesterfield S43 2EF for Mr Andy Blank
CHE/23/00511/FUL	Conversion of garage to living accommodation at 8 St Josephs Court, Chesterfield Road, Staveley, Chesterfield S43 3GQ for Mrs Jennifer Whiting
CHE/23/00514/ADV	1 illuminated totem sign and 3 illuminated fascia signs at Brimington Road North Industrial Park, Unit 2 Brimington Road North, Chesterfield S41 9AJ for Suzuki G.B plc
CHE/23/00570/TPO	T1 Lime Tree - Raise crown and clean crown of dead, damaged and diseased branches at 42 Lakeside Close, Old Whittington, Chesterfield S41 9TD for Mrs Anne Lawson
CHE/23/00572/FUL	Demolition of existing building and the creation of charging zone, erection of EV chargers, erection of canopy, LV panel and associated forecourt works at Peveril Filling Station, 300 Sheffield Road, Whittington Moor S41 8JZ for Motor Fuel Group
CHE/23/00610/TPO	Beech (T20) and Oak (T21)- Shorten lateral branches to a suitable growth, remove epicormic growth and crown reduction to retain natural shape at 68 Mansfield Road, Hasland, Chesterfield S41 0JF for Mr Gary Yates

- CHE/23/00613/TPO T8 Sycamore- Crown thin and lift, T3 Oak- Crown lift and thin and T1 Maple- crown lift and thin at 15 High Street, Brimington, Chesterfield S43 1DE for Mr Matthew Bell
- CHE/23/00615/TPO Re-pollarding of 3 Lime trees, pruning just above previous pollarding point at 22 Netherleigh Road, Ashgate, Chesterfield S40 3QJ for Mr Gordon Dent
- CHE/23/00623/TPO T40 Oak - Crown reduce horizontal lateral scaffold branches by 2.5m minimum to a suitable growing point to reduce encroachment over the properties of Orwins Close, 425 Newbold Rd and 7 Ambleside Close at Land Between 7 Ambleside Close and Orwins Close, Newbold Road, Newbold, Chesterfield for Mr Gary McCarthy
- CHE/23/00653/TPO T1 - Lime - Crown lift, dead wood and a light crown thin at 23 Tennyson Avenue, Chesterfield S40 4SN for Mr Jake Eville
- (b) Refusals
- CHE/23/00405/ADV Installation of 1 post mounted directional sign at Verge At Junction Between Basil Close and Brewery Street, Basil Close, Chesterfield for CVS
- CHE/23/00531/FUL Detached garage at Woodward, Eckington Road, Staveley, Chesterfield S43 3XZ for Mr Christian Greaves
- (c) Discharge of Planning Condition
- CHE/23/00312/DOC Discharge of conditions 3 (Measures to reduce additional surface run-off from the site), 5 (Verification report) and 19 (Prevention of discharge of water onto

existing and proposed highway) of application CHE/20/00869/REM-Approval of reserved matters for 150 dwellings of CHE/18/00532/OUT -(Re-submission of CHE/16/00614/OUT (Outline application for proposed housing development with all matters reserved except the access) at Land To The North Of Northmoor View, Brimington, Chesterfield for Vistry Homes Yorkshire

CHE/23/00556/DOC

Discharge of Condition 5 (Land contamination) of application CHE/21/00780/FUL- Extension to existing factory / workshop at Universal Hydraulics Ltd, Carrwood Road, Chesterfield Trading Estate, Chesterfield S41 9QB for Challenger Hydraulics Limited

CHE/23/00577/DOC

Discharge of planning condition 4 (materials) of CHE/21/00414/FUL - Two storey rear extension and alterations at 20 Ringwood Avenue, Newbold, Chesterfield S41 8RB for Mrs L Smith

CHE/23/00622/DOC

Discharge of condition 3 (headlight screen) of CHE/23/00336/FUL- Levelling of frontage to form driveway at 9 Sycamore Road, Hollingwood, Chesterfield S43 2HQ for Miss Victoria Zhang

(d) Conditional Consent for Non-Material Amendment

CHE/23/00620/NMA

Non-material amendment to CHE/12/00568/FUL (Erection of first floor side extension formed above existing single storey entrance/w.c. area and rear single storey extension) to remove of skylight and insert north light, reposition windows and reduce from 4 to 2 at 14 Somersby Avenue, Walton S42 7LY for Mrs Josie Newton

(e) CLUD Granted

CHE/23/00174/CLU

Certificate of Lawfulness for the use of premises for the sale of firearms operating under Class E at Broomhill Farm, Broomhill Road, Old Whittington, Chesterfield S41 9EA for Broomfield Farm Ltd

(f) CLOPUD Granted

CHE/23/00544/CLO

Two storey rear extension, hip-to-gable roof extension and rear dormer extension and addition of 3 rooflights to the front elevation at 37 Kingsley Avenue, Birdholme, Chesterfield S40 2SZ for Taylor Mottershead Limited

(g) Prior approval not required

CHE/23/00578/TPD

Single storey rear extension to provide disability adaptations at 101 Brockwell Lane, Brockwell, Chesterfield S40 4EG for Mr Gunn

(h) Unconditional Permission

CHE/23/00614/CA

T2 Walnut- remove due to dead tree, T4 Sycamore- Crown thin and lift, T5 Oak- Crown thin and lift, T6 Larch- Remove due to overgrowth, T7 Conifer- Crown thin and lift, T9 Labernum- Remove and T10 Magnolia- Crown thin and lift at 15 High Street, Brimington, Chesterfield S43 1DE for Mr Matthew Bell

CHE/23/00636/CA

Fell dead walnut tree at 15 High Street, Brimington S43 1DE for Mr Matthew Bell

The Development Management and Conservation Manager reported that pursuant to the powers delegated to him he had determined the under-mentioned applications in respect of:-

(a) The felling and pruning of trees:-

CHE/23/00615/TPO	Consent is granted to the pruning of 3 Lime trees within G1 on the Order Map and which are situated in the grounds of 22 Netherleigh Road
CHE/23/00610/TPO	Consent is granted to the pruning of one Oak tree reference T20 and one Beech reference T21 on the Order Map and which are situated to the frontage of 68 Mansfield Road, Hasland
CHE/23/00623/TPO	Consent is granted to the pruning of one Oak tree reference T40 on the Order Map and which is situated to the rear of Orwins Close, Newbold
CHE/23/00570/TPO	Consent is granted to the pruning of one Lime tree reference T58 on the Order Map and which is situated to the rear of 42 Lakeside Close, Old Whittington
CHE/23/00613/TPO	Consent is granted to the pruning of three trees reference T1 Sycamore, T2 Oak and T3 Maple on the Order Map and which are situated in the grounds of 15 High Street, Brimington
CHE/23/00653/TPO	Consent is granted to the pruning of 1 Lime tree reference T10 on the Order Map and which is situated to the rear of 23 Tennyson Avenue

(b) Notification of Intent to Affect Trees in a Conservation Area

CHE/23/00636/CA	Agreement to the felling of the tree which has been inspected on 19 th
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The felling of one dead Walnut tree referred to as T2 on the submitted plan at 15 High Street, Brimington.

October 2023 and found to be in a dangerous condition.

The trees are within the Brimington Conservation Area and the applicant wishes to fell the Walnut tree because it is dead and dropping branches onto the public highway.

CHE/23/00614/CA

The felling of 6 trees referred to as T6 Larch, T9 Laburnum, T10 Magnolia, T12 Sycamore and T14 & T15 Cherry and crown lift and crown thin 4 trees referred to as T1 & T4 Sycamore, T5 Oak, T7 Conifer and T13 Acer as shown on the submitted revised plan at 15 High Street, Brimington.

Agreement to the felling and pruning of trees. The felling and pruning of the trees will not result in any major loss of amenity or be detrimental to the character of the conservation area.

The trees are within the Brimington Conservation Area and the applicant wishes to fell the trees because of the poisonous seeds on the Laburnum at the children's nursery, the Larch due to its size in the garden, the Magnolia because of damage to the grade 2 listed property and 2 Cherry trees because of overhead cables and the Sycamore competing with the adjacent Oak tree. The pruning works are to clear the lower branches and allow more light into the garden area.

79 **APPEALS REPORT (P000)**

The Development Management and Conservation Manager reported on the current position in respect of appeals which had been received.

***RESOLVED -**

That the report be noted.

80 ENFORCEMENT REPORT (P410)

The Local Government and Regulatory Law Manager and the Development Management and Conservation Manager submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

***RESOLVED -**

That the report be noted.

81 APPEAL DECISION - 7 ASHCROFT DRIVE, OLD WHITTINGTON

***RESOLVED –**

That the report be noted.

82 APPEAL DECISION - TAPTON BUSINESS PARK

***RESOLVED –**

That the report be noted.

Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	4 th December 2023
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER'S REPORT ON THE 4th DECEMBER 2023**

ITEM 1	CHE/23/00084/FUL - ERECTION OF A PAIR OF SEMI-DETACHED DWELLINGS WITH ASSOCIATED WORKS AND ACCESS FROM CENTRAL AVENUE ON LAND TO REAR OF 5-6 WALTON WALK, BOYTHORPE, CHESTERFIELD FOR MR REECE SMEDLEY.
ITEM 2	CHE/23/00455/FUL - CONSTRUCTION OF A TWO STOREY FURTHER EDUCATION FACILITY, INCLUDING THE DEMOLITION OF THE EXISTING NORTH BLOCK 1 BUILDING, NEW STEEL FIRE ESCAPE STAIR TO THE NORTH BLOCK 4 BUILDING AND LANDSCAPING AT CHESTERFIELD COLLEGE, INFIRMARY ROAD FOR THE CHESTERFIELD COLLEGE GROUP.
ITEM 3	CHE/23/00561/FUL - NEW SINGLE TRACK AGRICULTURAL ACCESS POINT OFF TROUGH BROOK ROAD INTO PADDOCK AT LAND TO THE EAST OF TROUGH BROOK ROAD, HOLLINGWOOD, CHESTERFIELD, DERBYSHIRE FOR CHATSWORTH SETTLEMENT TRUSTEES.
ITEM 4	CHE/22/00290/REM - RE-SUBMISSION OF CHE/21/00798/REM - PROPOSED DETACHED DWELLINGHOUSE, DRAINAGE PLANS SUBMITTED PROPOSING CONNECTION TO PRIVATE DRAINAGE SYSTEM SERVING POPLAR HEIGHTS AT LAND ADJ. FOUR POPLARS, RECTORY ROAD, DUCKMANTON, DERBYSHIRE, S44 5JS FOR MRS M WHEELWRIGHT

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Item 1

Case Officer: CW

Application No: CHE/23/00084/FUL

ERECTION OF A PAIR OF SEMI-DETACHED DWELLINGS WITH ASSOCIATED WORKS AND ACCESS FROM CENTRAL AVENUE ON LAND TO REAR OF 5-6 WALTON WALK, BOYTHORPE, CHESTERFIELD FOR MR REECE SMEDLEY.

Planning Committee Date: 04.12.2023

1.0 CONSULTATION RESPONSES

Ward Members:	No objection
Design Services Drainage	No objections, subject to conditions regarding drainage and surface water drainage
Coal Authority	No objection, subject to condition
Strategic Planning	No objection to principle, but request inclusion of conditions
Local Highways Authority	No objection, subject to condition.
Tree Officer	No objection, subject to conditions
Environmental Health	No objection, subject to conditions regarding noise, lighting, air quality and land contamination.
Representations	1 objection letter received signed by 11 residents from 5 properties raising issues concerning design, loss of natural light and loss of privacy.

2.0 THE SITE

2.1 The site the subject of this application is situated in the rear gardens of no's 5 and 6 Walton Walk, with the dwellings fronting and access onto Central Avenue. The site is on the edge of a residential area, with housing to the north, south and east, with an industrial unit to the west.

- 2.2 The rear garden of the existing dwellings is 40m long, but this has been separated, with fences positioned 10m from the rear of the dwellings leaving the application site at approximately 30m long and 11m wide.
- 2.3 A dwelling has been built at no.7 Walton Walk, which is of a similar design, plot size and relationship with the existing dwelling to this scheme.
- 2.4 A flat roofed garage was previously sited in the rear garden of no.5 Walton Walk as well as a mature evergreen tree, which has now been removed. There is a mature sycamore street tree to the front of the site, which is not part of the site.
- 2.5 The character of the area is dominated by semi-detached red brick dwellings and long rear gardens which include garages and car ports.
- 2.6 The land levels have a slight incline from south to north. The street is a two-way road, with restricted on-street parking, and which serves as a cut through for vehicles travelling from Chatsworth Road to Boythorpe Road.



3.0 SITE HISTORY

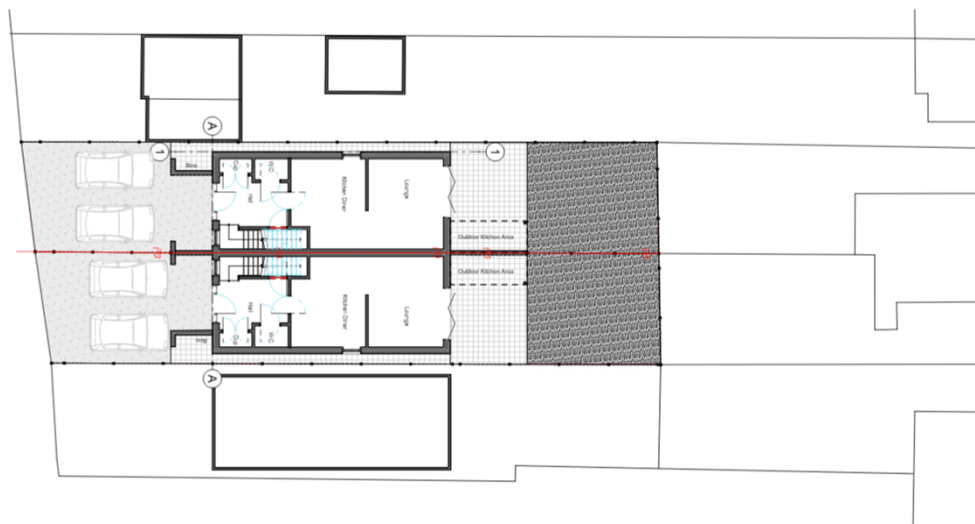
- 3.1 No.6 Walton Walk
CHE/21/00863/OUT - Outline application for a single detached 1.5 storey dwelling, with access off Central Avenue – Conditional Permission – 25/02/22
- 3.2 No.7 Walton Walk
CHE/22/00552/REM1 - Removal/variation of conditions 3 (Drainage details submitted before commencement) and 8 (External materials' details before commencement) of application CHE/15/00314/FUL – Application Withdrawn – 07/09/22
- 3.3 CHE/15/00314/FUL - Demolition of existing garage and erection of new 1.5 storey two bed dwelling with access from Central Avenue – Conditional Permission – 05/05/16

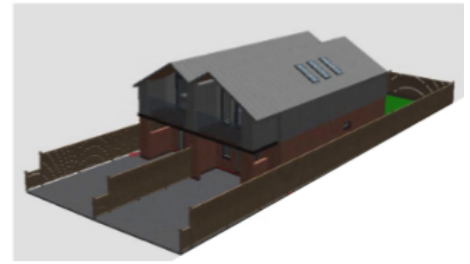
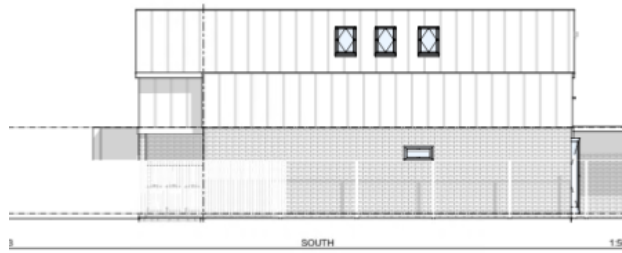
4.0 THE PROPOSAL

- 4.1 The application seeks consent for the erection of two semi-detached dwellings. This would include a pitched roof with a valley

in the middle. They would be constructed with brick on the ground floor and metal cladding on the first floor and roof.

- 4.2 The dwellings would have a lounge, kitchen/diner, hall, cupboard and W.C at ground floor level and 2 bedrooms and a bathroom at 1st floor. There would be a balcony to the front elevation and a canopy to the rear for outdoor dining.
- 4.3 The gardens for the proposed dwellings are 50 sqm in size. (10m in length, 5m in width). Each dwelling would have 2 parking spaces to the front.
- 4.4 To the rear of the dwellings they would have bi-folding doors at ground floor and a triple paned window to the 1st floor. To the front elevation there would be glazed doors and a side window at ground floor and large elements of glazing to the 1st floor. There would be 3 slim velux windows in the roof of each dwelling and a side window for the kitchens.
- 4.5 The garden would be paved to the rear, with a lawn and shrub planting beyond this.
- 4.6 The scheme has been altered during the application, with the roof altered from one roof pitch to two, the rear gardens split up into two separate gardens, the front elevation increased in glazing, the removal of the front gates and lowering of the fence heights.
- 4.7 The existing dwellings will be left with gardens of 50 sqm in size each.





5.0 **PLANNING POLICY**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 **Chesterfield Borough Local Plan 2018 – 2035**

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the demand for travel

5.3 **National Planning Policy Framework 2023**

- Part 2. Achieving sustainable development

- Part 4. Decision-making
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

5.4 Supplementary Planning Documents

- Successful Places' Residential Design Guide

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The application site is within the built-up area and within walking distance of a good range of key facilities. Although technically not previously developed land according to the NPPF definition (which excludes 'land in built-up areas such as residential gardens') the principle of residential development on this site would accord with policies CLP1 and CLP2.

6.1.2 Overall, the proposal would not prejudice the local plan's spatial strategy and strategic objectives and is within the built up settlement area, therefore broadly accords with the strategy of 'concentration'. The proposal would be broadly consistent with the requirements of the NPPF. On this basis there is no objection in principle to this proposal, subject to conditions.

6.2 Design and Appearance of the Proposal

6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

6.2.2 The existing site is a residential garden space sited in-between a two storey detached building and a rear residential garden which includes several single storey outbuildings. Historically these were all part of residential gardens. The neighbouring dwelling at no.7 is of a comparable design to this proposal, with a brick ground floor and metal cladding for the 1st floor and roof. The positioning of the

dwellings, gardens and driveways are of a similar location and size to the approved and built scheme at no.7.

- 6.2.3 The character of the area is red brick older dwellings on Walton Walk to the east, a large metal-clad industrial building to the west and the recently-built brick and metal clad dwelling to the south of this site; the proposed scheme appears to be generally reflecting on this scheme.
- 6.2.4 This application has adopted a modern approach towards the design and materials of the new dwelling. The proposed design of the new dwelling contrasts significantly with the majority of the existing residential properties in the locality, however it draws inspiration from similar designed scheme to the south and nearby industrial buildings. It is considered that these new dwellings are of an interesting and appropriate design and make use of suitable materials. It is important to encourage appropriate, innovative approaches to architecture in the borough, and this proposal seeks to do so.
- 6.2.5 The proposal is considered to respect the character and setting of the site, although the precise materials will be conditioned to ensure they are acceptable. In this regard it is considered to have an acceptable impact on the character of the surrounding area. The proposal therefore does accord with the provisions of policy Local Plan policy CLP20 and should be approved in this regard, subject to condition.

6.3 Residential Amenity

- 6.3.1 Local Plan policies CLP14 and CLP20 require development to have an acceptable impact on the amenity of users and neighbours.
- 6.3.2 The dwellings would not lead to significant levels of overshadowing or massing issues to surrounding dwellings. In regards overlooking the dwelling has high level side windows and the windows to the rear are 19m and 20m from the rear of the new dwellings to the rear of no's 5 and 6 Walton Walk. Although the guidance for separation distance between rear windows for dwellings is 21m, this depends on the context of the scheme. As the scheme is acceptable in regards the other residential amenity considerations it is not considered to be refusable on this issue alone.

- 6.3.3 The existing dwellings at no's 5 and 6 will have 50 sqm rear gardens and the proposed new dwellings will have 50 sqm sized gardens and which accords with the Council's 2013 Design Guide the guidance which states that 2 bedroom dwellings should have a minimum of 50 sqm.
- 6.3.4 Due to the size of the plot, a condition will need to be included to restrict future building on site to ensure no windows or extensions are built which could impact surrounding residents.
- 6.3.5 The proposal includes reasonable levels of outlook and an acceptable sized amenity space for a dwelling of its size. The proposal is acceptable in terms of residential amenity and is in line with policy CLP14, as well as the revised NPPF.

6.4 Flood Risk, Drainage and Stability of River Bank

- 6.4.1 The site is in a low risk area in relation to risk of flooding. CBC's drainage team have been consulted on the scheme. Any new connection will require prior approval from Yorkshire Water. The site should utilise separate systems of foul and surface water and further information is required in regards the proposed use of soakaways. This ensures that the proposal is acceptable in relation to Policy CLP13 of the Local Plan.

6.5 Highways Safety

- 6.5.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety. The highways authority has been consulted and did not object to the scheme, subject to condition.
- 6.5.2 The scheme has been amended, with the frontage altered to provide better manoeuvring on site and improved visibility when leaving the site. It is a for two 2 bedroom houses and includes 2 parking spaces per dwelling of an adequate size, with reasonable visibility to leave the site. In this regards the proposal is acceptable.
- 6.5.3 It is acknowledged that the construction phase of the development could cause some level of inconvenience and a construction management plan is being sought to help control issues such as construction worker parking and deliveries, as well as requesting details about materials and facilities on site.

6.5.4 The application will include off-street parking arrangements for four vehicles, which is considered to be sufficient for the development, therefore on this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan, subject to condition.

6.6 Biodiversity including trees and landscaping

6.6.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

6.6.2 Derbyshire Wildlife Trust was consulted on the proposal, but no comments have been received. The site is a residential garden with no significant planting on site, but there was a mature coniferous tree on site, which was removed prior to the submitting of the application.

6.6.3 It is proposed to plant shrubs and plants to the rear of the site, have a grassed lawn and to position wildlife tunnels and bird boxes to the rear of the dwelling. Further details are required for all these features, and this can be conditioned.

6.6.4 Further details have been sought regarding the street tree to the front of the site, with an arboricultural method statement requested and the council’s tree officer supporting its findings.

6.6.5 It is therefore considered reasonable and necessary to impose a condition for measures to secure further information on the biodiversity net gain, landscaping details and tree protection for the site. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.7 Environmental Health - Land Condition / Contamination

6.7.1 Land condition and contamination need to be considered having regard to policy CLP14 of the Core Strategy.

6.7.2 The Council’s Environmental Health team has reviewed the proposals and commented that they have no objections to the

plans. It has been considered that conditions should be imposed placing restrictions on the hours of construction in the interests of protecting the amenity of neighbouring properties, as well as the inclusion of electric charging points, to reduce air pollution, lighting and land contamination.

6.7.3 In relation to noise from the construction of the proposed dwellings; the workers on site would be restricted with the working hours to be 8am-6pm Monday to Friday, 9am-5pm on Saturdays and no work on Sundays or Bank holidays. These restrictions will assist in limiting the noise from the site to normal working hours and reduce impacts in the interests of the amenity of local residents.

6.7.4 In respect of potential Coal Mining Risk, the site the subject of the application is situated within a high risk area. The Coal Authority was consulted on this application and they have raised no objection subject to a condition being included on the decision on this matter.

6.8 Community Infrastructure Levy

6.8.1 Having regards to the nature of the application proposals the development comprises the creation of new residential accommodation and the development is therefore CIL Liable.

6.8.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

			A	B	C	D	E
Plot	Proposed Floor space (GIA in Sq.m)	Existing Floor space	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
Plots 1/2	222	0	222	£50	355	288	£13,682

$$\frac{\text{Net Area (A)} \times \text{CIL Rate (B)} \times \text{BCIS Tender Price Index}}{\text{BCIS Tender Price Index (at date of Charging Schedule) (D)}} = \text{CIL Charge (E)}$$

222 x 50 x 355 = £13,682

288

7.0 REPRESENTATIONS

- 7.1 1 objection letter has been received from 25 Riber Terrace raising issues concerning
- Design – don't look like houses but more like warehouses or temporary business premises – they are ugly – spent a lot of money in choosing to live here;
 - Too high and intrusive resulting in loss of natural light and loss of privacy to homes and gardens.
 - Would only be happy with a ground floor single storey unit with low roof without roof windows

The letter is countersigned by 11 residents from 5 properties.

- 7.2 Comment – The issues raised have been considered in the above report and are not sufficient to justify a refusal of permission.

8.0 HUMAN RIGHTS ACT 1998

- 8.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom

- 8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the 2023 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local

Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

- 9.2 The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

10.0 CONCLUSION

- 10.1 Overall subject to conditions the proposal is considered to be acceptable in accordance with policies CLP1, CLP2, CLP13, CLP14, CLP16, CLP20 and CLP22 of the Local Plan, subject to relevant conditions.

11.0 RECOMMENDATION

- 11.1 It is therefore recommended that the application be **GRANTED** subject to the following conditions:

11.2 Conditions

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

Reason - The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
 - Site Location Plan and Layout Plan (drawing no. A1.1 Rev B submitted 24/03/23)
 - Proposed Ground Floor plans (drawing no. A2.1 Rev A submitted 21/03/23)
 - Roof Plan (drawing no. A2.3 Rev A submitted 21/03/23)
 - Architectural Site Plan (drawing no. A1.2 Rev B submitted 24/03/23)
 - Proposed First Floor Plan (drawing no. A2.2 Rev B submitted 18/05/23)
 - Proposed elevations (drawings no's A3.1 Rev C, A3.2 Rev C, submitted 18/05/23)
 - Landscape plan (drawing no. L2, submitted 20/04/23)
 - Arboricultural Method Statement submitted 31/10/23

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

3. No development above floor-slab/D.P.C level shall take place until a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall have been submitted to and approved in writing by the Local Planning Authority. (The agent for the scheme stated that 1 bat box and 2 bird boxes; this is not considered satisfactory for the scheme, with replacement tree and shrub planting required on site, additional details shall include:
 - a) a scaled plan showing the trees and plants to be planted:
 - b) a scaled plan showing the trees and plants to be removed:
 - c) proposed hardstanding and boundary treatment (including details of variations to levels on site):
 - d) a schedule detailing species (to encourage wildlife), sizes and numbers of all proposed trees/plants
 - e) Sufficient specification to ensure successful establishment and survival of new planting.
 - f) Details of the types of bird boxes, bat boxes and bee bricks that are proposed.

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

Reason - In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 175 of the National Planning Policy Framework

4. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason: In the interests of residential amenity and CLP14

5. A residential charging point shall be provided for each dwelling with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. Non-residential charging points shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason: In the interests of air pollution and policy CLP14.

6. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 153 of the National Planning Policy Framework.

7. Before ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

Reason: In regards visual amenity and policy CLP20.

8. At the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period

in accordance with the approved designs free from any impediment to its designated use.

Reason: In regards highway safety and policies CLP20 and CLP22.

9. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of resident's vehicles (each space measuring a minimum of 2.4m x 5.5m), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In regards highway safety and policies CLP20 and CLP22.

10. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

Reason: In the interests of the amenity of occupants of adjoining dwellings, CLP14 and CLP20

11. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason - In the interest of satisfactory and sustainable drainage in accordance with Policy CLP13 of the Adopted Local Plan.

12. The development shall include a scheme for the provision of surface water run-off on site, either via the use of a SUDs channel or permeable block paving. If this is not possible the applicant is required to contact the Local Planning Authority to discuss alternative options; and then not complete works until an alternative solution has been agreed in writing by the LPA. The scheme shall incorporate sustainable drainage principles and shall be implemented in full. The submitted information shall include full details of the infiltration results and proposed location of the soakaway on site.

Reason: To prevent the increased risk of flooding, in relation to policy CLP13.

13. No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate.

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc
- Hours of operation
- Method of prevention of debris being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles

Reason: in the interests of highway safety and policies CLP20 and CLP22

14. The proposed dwellings shall not be occupied until space has been laid out within the site for the parking of two vehicles per dwelling to the front of the premises, such space to measure a minimum of 5.0m width and 5.5m length per dwelling. Once provided, such spaces shall be maintained free from any impediment to their designated use for the life of the development.

Reason: in the interests of highway safety and policies CLP20 and CLP22

15. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no gates or other barriers on the access/driveway at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

Reason: in the interests of highway safety and policies CLP20 and CLP22

16. Prior to occupation of the development hereby approved, details of any floodlighting and uplighting shall be submitted to and

approved by the Local Planning Authority. Such details shall include siting, angles, levels of illumination and any shields. The details shall be implemented in accordance with those approved and should ensure that the light falls wholly within the curtilage of the site and does not significantly impact upon wildlife in the area.

Reason: To protect the amenity of neighbouring residents and policy CLP14.

17. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

I. A desktop study/Phase 1 report documenting the previous land use history of the site.

II. A site investigation/phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason: To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard, in relation to policy CLP14.

18. No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - 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.

Reason: To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site, in relation to policy CLP14.

19. 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.

Reason: To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site, in relation to policy CLP14.

20. The development shall not commence above floor-slab/D.P.C level until details of a sustainable drainage scheme have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority. This shall any include the calculations of soakaway rates on site, which shall be completed in accordance with BRE Digest 365, to ensure no flooding for a 1 in 30 year rainfall event and no flooding of properties for a 1 in 100 year event.

Reason: To ensure that the proposed drainage method is realistic on site and acceptable in relation to CLP13.

21. The development shall be completed in accordance with the conclusions of the submitted Arboricultural Method Statement (submitted 31/10/23) including the tree protection measures.

Reason: To protect existing mature street trees and policy CLP16.

11.3 Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. In accordance with condition 3, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
 - bird/owl/bat boxes

(Locating your nest box: Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance. You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning. The number of nest boxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side. Do not place your nest box close to a bird table or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)

(Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

- biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats
 - measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance
 - holes in fences and boundary treatment to allow species such as hedgehog to move across the site
 - bee bricks
3. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
 4. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine

entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

5. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department - Place at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website
<https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licencesenforcements/vehicular-access/vehicle-accesses-crossovers-and-droppedkerbs.aspx>
E-mail highways.hub@derbyshire.gov.uk or
Telephone Call Derbyshire on 01629 533190.
6. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
7. It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, developers should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.
8. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

ITEM 2

**CONSTRUCTION OF A TWO STOREY FURTHER EDUCATION FACILITY,
INCLUDING THE DEMOLITION OF THE EXISTING NORTH BLOCK 1
BUILDING, NEW STEEL FIRE ESCAPE STAIR TO THE NORTH BLOCK 4
BUILDING AND LANDSCAPING AT CHESTERFIELD COLLEGE, INFIRMARY
ROAD FOR THE CHESTERFIELD COLLEGE GROUP**

Local Plan: Unallocated

Ward: Spire

Committee Date: 4th December 2023**CONSULTATIONS**

CBC Economic Development	Request local labour supply condition
Chesterfield Civic Society	Support, the building is well designed and will enhance the campus and the quality and quantity of its course provision. Also no objection to the fire escape to the Widdows building.
CBC Environmental Health	There needs to be phase 2 report on ground conditions, noise survey completed but no details on plant and equipment to be used, the advisory noise levels in the survey should be conditioned, working hours for construction to be restricted.
CBC Tree Officer	Comments made see report
Archaeology	No objection see report
CBC Climate Change Officer	Comments made see report
Yorkshire Water	Conditions recommended
Derbyshire Constabulary	No objections. New facility will be an improvement. The removal of the roadside hedge will help with wider site supervision. Infirmary Road access to the site is barrier controlled, but this is not shown on the plans, the removal of the barrier would be a backward step re: site security, I strongly recommend retention/replacement. There is mention of a private security consultant, who will be advising the college.
Highway Authority	Following a number of queries and amended documents the Highway Authority raise no objection and recommend conditions.

Coal Authority	No objection – comments made see report
CBC Design Services Drainage	Comments made see report
DWT	Comments made see report
LLFA	Conditions recommended
Derbyshire Fire and Rescue	No response received
Transition Chesterfield	No response received
CBC Forward Planning	No response received
CBC Urban Design Officer	No response received
DCC Policy team	No response received
Chesterfield Cycle Campaign	No response received
Community Safety Officer	No response received
Representations	Following a press notice, site notices and letters no comments from the public or Ward Members have been received.

2.0 **THE SITE**

2.1 The application site is the area of the existing North Block, its car park and associated amenity area which is partially laid to lawn with some hard surfacing. There is a substantial hedge to the site frontage and a row of trees are present to the centre of the site. The access into the site is via Infirmary Road with a further line of trees adjacent to this with surrounding housing to the north and college buildings to the east, south and west.

2.2





3.0 SITE HISTORY

- 3.1 CHE/17/00595/FUL The construction of an enclosed tarmac drill/marching square, on an existing grassed area adjacent the sports hall. Including the provision of a metal storage container, with appropriate hard standing and new access path. – Conditional Permission 13.10.2017
- 3.2 CHE/15/00015/NMA Non material amendment to CHE/14/00428/FUL - overclad the 1960's section of the south block at Chesterfield College to improve the thermal performance of the building and to improve the aesthetic – Unconditional permission 23.01.2015
- 3.3 CHE/14/00428/FUL Overclad the 1960's section of the south block at Chesterfield College to improve the thermal performance of the building and to improve the aesthetic. – Conditional Permission 06.08.2014
- 3.4 CHE/13/00661/FUL Application for external landscaping works to an existing external courtyard including; new high quality paving and resin bound gravel surfaces to be laid over an existing tar macadam surface;

introduction of stainless steel feature benches and planting; removal of 15 no. of existing car parking spaces from the front of the North Block 4 building; 30 no. of new car parking spaces to be provided on adjacent field; replacement of existing paving to roof terrace with new high quality paving; replacement of existing painted steel roof balustrade with stainless steel and glass balustrade; introduction of a cantilevered steel and polycarbonate canopy and rendered finish to the front elevation of the North Block 3 building. – Conditional Permission 06.12.2013

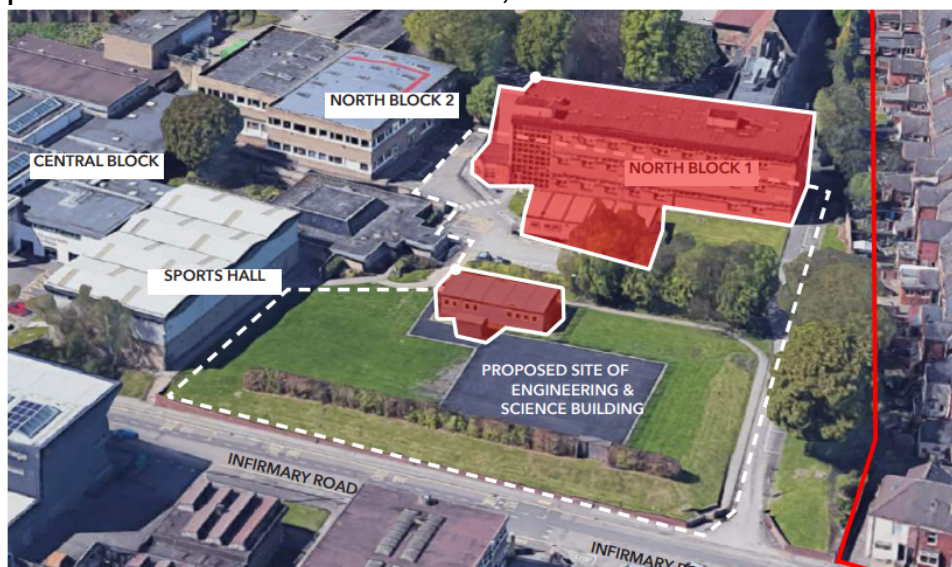
3.5 CHE/07/00763/OUT Outline application for further education college redevelopment – masterplan – Conditional Permission 18.06.2008

3.6 CHE/06/00525/FUL Erection of single storey building – Conditional permission 23.08.2006

4.0 **THE PROPOSAL**

4.1 The application sets out that the proposal is part of the College's ongoing Property Strategy to improve the quality of facilities available to its learners and to create a more coherent and attractive campus. The development is a new building to accommodate science, engineering, digital and advanced manufacturing provision supporting the development of training and skills for new technologies across the manufacturing industries, including the move to electric and hybrid technologies. This is a Government funded project and is therefore anticipated to move forward at pace.

4.2 The application includes the demolition of the north block and the two port-a-cabin structures on site, identified in red below:



4.3

It is then intended that a new Engineering and Life Sciences building will be erected to the site frontage on the area of existing lawn. This building will result in the removal of trees and hedgerow to this developable area of the site with the trees along the side of the access being retained.

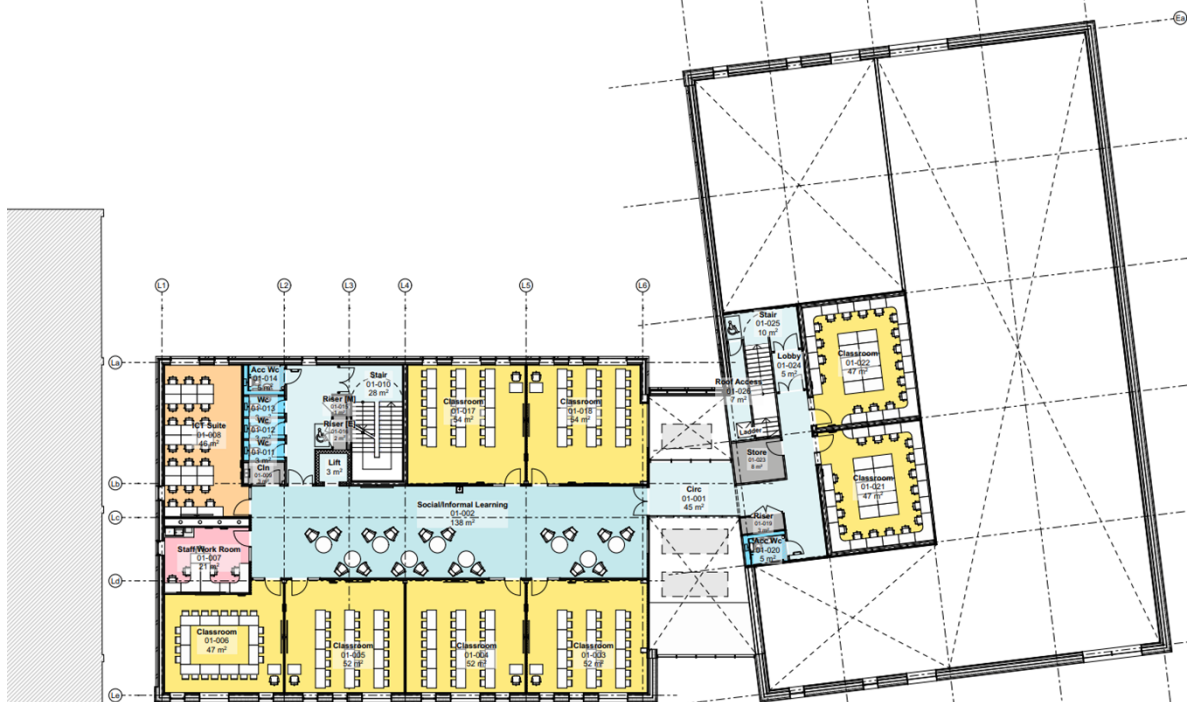


4.4

The proposed building has a floor plan in two halves; the ground floor plan shows that to the Infirmary Road frontage there will be 4 science labs, with plant, toilet areas, stairs, fitness suite and stores to the rear of this. The building then leads into an atrium linking into the second part of the building which will be advanced engineering workshop and work stations with a 3D print lab and EV tech area and Hydrogen Tech area, this area also includes staff room, toilets and storage. Much of this area of the building is a double height space.



4.5 To the upper floor the two areas are separated into classrooms with social space and a link over the atrium area:



4.6 Solar will be integrated into the roof space. The final cladding material has not been determined. The development description includes new steel fire escape stair to the North Block 4 building (western end of the site), but details of this have not been provided.

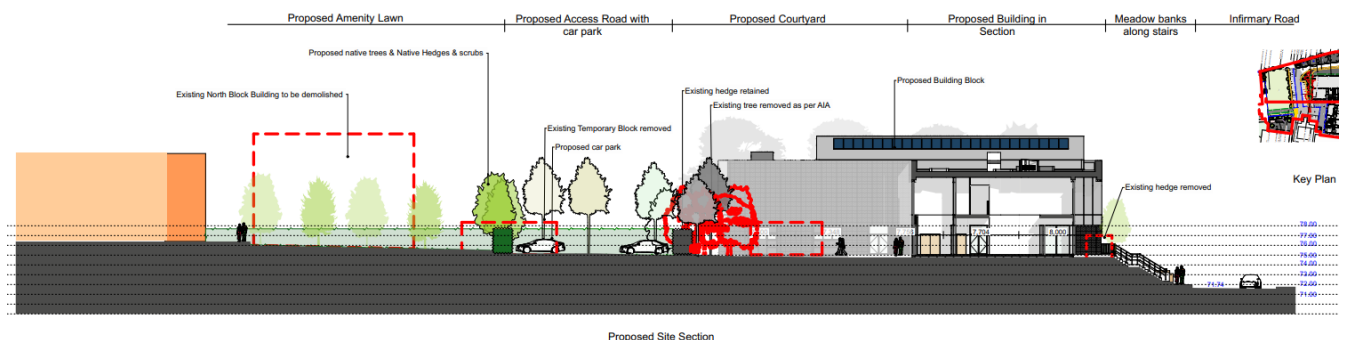
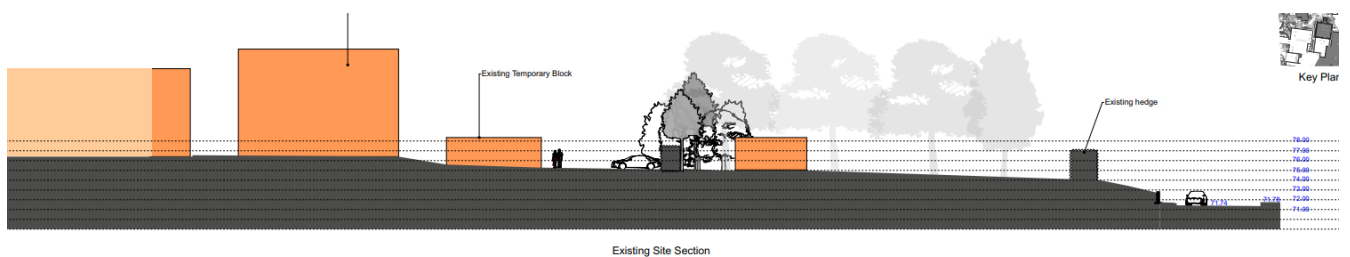
4.7 The site will then be re-landscaped to provide a biodiversity net gain on site, the hard landscaped areas will provide 33 car parking spaces. There will also be a substation to the south adjacent to the existing

building. A ramp to the rear of the site will be refurbished into a seating area adjacent to the planting. There will be an area of amenity grass land to the rear west of the site where the existing north block is located. These are shown on the landscaping plan below:



4.8

The scheme will include some minor level changes on the site, resulting in a more level site, thereby removing the need for ramped structures but with stepped access to Infirmary Road:



4.9 The application is accompanied by a number of supporting documents, the content of which has been considered in the report below:

- Noise Impact Assessment
- Arboricultural Report
- BREEAM Pre-Assessment Report
- Environmental Impact Assessment
- Phase 1 Desk Study
- Flood Risk Assessment and Drainage Strategy
- Travel Plan
- Preliminary Ecological Appraisal
- Design And Access Statement
- Bat Survey
- Biodiversity Net Gain Assessment
- Geo-Environmental Assessment Report

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 **Chesterfield Borough Local Plan 2018 – 2035**

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP10 Social Infrastructure

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP15 Green Infrastructure

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

5.3 **Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)

5.4 Key Issues

- Principle of development
- Design and appearance
- Impact on Heritage Assets
- Impact on residential amenity;
- Highways safety
- Biodiversity
- Ground conditions
- Drainage

5.5 Principle of Development

- 5.5.1 Policy CLP1 of the Local Plan sets out that; The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2.
- 5.5.2 Policy CLP2 of the Local Plan sets out that; Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:
- a) deliver the council's Spatial Strategy (policy CLP1);
 - b) are on previously developed land that is not of high environmental value;
 - c) deliver wider regeneration and sustainability benefits to the area;
 - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;
 - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;
 - f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements
- 5.5.3 Policy CLP10 sets out that; Improvement of existing facilities, The quality, functionality and accessibility of existing social infrastructure facilities will be improved at sites including Chesterfield Royal Hospital, Walton Hospital and Chesterfield College, so as to allow for their future expansion. Masterplans will be required to accompany proposals to ensure the sustainable and co-ordinated development of the hospital and college sites.

5.5.4 This proposal to expand and enhance the existing facilities are considered to be fully in line with the above policy requirements. Therefore, the principle of the development accords with the Adopted Local Plan.

5.5.5 Climate:
Policy CLP20 requires that: Major development should, as far as is feasible and financially viable minimise CO2 emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy.

5.5.6 The Council's Climate Officer has commented on the proposal:
"While the adoption of the BEEAM workflow is welcomed, I could not find reference to what level the applicant intends to achieve on site. Clarification on minimising emissions from site clearance and building work."

It is difficult to assess the mitigations proposed by the applicant at this stage without detailed specifications for building works proposed, but I recommend that the applicant be asked to provide evidence that they are taking steps to reduce the emissions resulting from use of the proposed development (CLP20n) in particular:

- A high standard of insulation / passive cooling
- Low carbon heating / heat recovery
- Minimising energy demand from buildings
- Installation of microgeneration technologies
- "Future proofing", by ensuring that scope for modified heat sources and charging infrastructure is included where these are not part of the initial proposed work.

What steps are they taking to reduce the vulnerability of future site users to the effects of climate change over the lifetime of the development.

Current estimates from the Met Office indicate an increase in floods, droughts, and heatwaves; therefore matters such as permeable surfaces, rainwater harvesting, passive cooling and high insulation should be considered.

Indirect impacts:

This development will result in negligible impact on resident's ability to mitigate or adapt to climate change. Refer issues surrounding biodiversity net gain, ecological impacts, and access to green space to the CBC planning team.

5.5.7 Whilst not set out in detail it is clear from the submission that one of the aims of the development is to improve the sustainability credentials of the whole site. Therefore, it is considered reasonable to impose a condition to seek to clarify these remaining matters through the submission of a sustainability or climate change statement which sets out the specific measures proposed, thereby ensuring compliance with policy CLP20 which seeks the submission of a statement as to how development will minimise emissions.

5.5.8 Policy CLP6 requires that; For all major development proposals, the council will seek to negotiate agreements with developers and occupiers covering recruitment, training and procurement to benefit the local economy and supply chain, so as to contribute to the sustainability of the borough and the surrounding area, both during construction and on a long-term basis.

This has been requested by CBC Economic Development and is to be imposed as a condition.

5.6 Design and Appearance

5.6.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

5.6.2 The building is considered to be a high quality contemporary building which is considered to assimilate well within the site context where there is a mix of older and much more contemporary building stock. Whilst the visuals of the building have been provided which show clear intentions, there is limited detail provided on the finished facing materials which therefore need to be agreed via condition. The proposal also includes a metal stair to the rear (west) of the site for which details plans are required again to be secured via condition.

5.6.3 The site will be re-landscape following the development with new hard and soft landscaping and amendment to the ramp structure to create a seating area. This will soften the development over time and create a pleasant space for students and staff to use. Conditions are required in relation to the hard and soft landscaping and amendment of the ramp structure.

5.6.4 Subject to these conditions the proposal is considered to accord with Policy CLP20.

5.7 Impact on heritage assets

5.7.1 Policy CLP21 of the Adopted Local Plan states that; In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible.

In regard to archaeological matters the policy goes on to note that; In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will:

d) identify and, where appropriate, protect important archaeological site and historic environment features;

g) within the Town Centre Core and other areas of archaeological significance, require relevant development proposals to demonstrate appropriate consideration of archaeological impact.

This policy is in line with the requirements of Part 16 of the NPPF.

5.7.2 The setting of a listed building can be a wide-ranging area not just the curtilage of the building itself. The listed building here is the main college building which is set some distance to the west of the application site. Given the intervening built form of the college site it is considered that the proposed development will have no perceivable impact on the setting of this heritage asset.

5.7.3 The County Archaeologist has commented that; The proposed development area lies 95m to the east of the approximate location of the former St Helens Chapel School recorded on the Derbyshire HER (MDR5344) and c. 90, to the east of its successor, Chesterfield Grammar School built in 1846 (MDR5389). A brief study of the geotechnical logs and ground investigations demonstrates that the site has been extensively levelled up by as much as 4m utilising ash, clinker, some industrial waste and refuse and the second edition of the ordnance survey shows that the ground had been terraced at that time, possibly at the same time as the clay pits to the northeast were infilled prior to the construction of the former Great Central Station and the Chesterfield loop railway line. While it is possible that there may be archaeological deposits at the base of this sequence, I note the presence of sandy clay with some brick between 2.4m and 2.8m below

ground level in SA1, I note too that this is outside the direct footprint of construction. On balance therefore, and given the nature of land use of the site, it is unlikely that any below ground archaeology. If such remains, will be affected by the proposed development and I therefore have no objection.

5.7.4 On the basis of the above there is no need for conditions relating to heritage matters, the development accords with CLP21.

5.8 Impact on Residential Amenity

5.8.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.

5.8.2 The proposed building is of a similar height to the existing but positioned further towards the Infirmary Road frontage. The space between the building and the adjacent houses will include the access road, which is already in place and the line of substantial trees which site alongside this. This space between the proposed building and existing dwellings will ensure that the building itself does not adversely impact on residential amenity to an unacceptable degree. The level of activity on site may increase as a result of the proposed new building but this is not considered to have unacceptable impacts on amenity over and above the wider use of the site. In this regard the proposal is considered to meet policy CLP14 requirements in terms of the impacts upon residential amenity. It is noted that no responses from residents have been received following notification of the application.

5.8.3 In terms of site security Derbyshire Constabulary have noted that: The existing barrier to the access is not shown on plan and if removed would be a backward step in respect of site security, the Constabulary strongly recommend its retention or replacement. This matter is to be covered by condition.

5.8.4 A noise survey has been undertaken which concludes that: "Environmental noise surveys have been completed to quantify the prevailing noise environment dominated by road noise from the A61 and Infirmary Road. This noise survey will be used to develop a 3D computer model of noise propagation across of the site including all significant noise sources and with a full topography, and to inform a scheme of mitigation measures required to ensure a commensurate level of protection against noise for occupants of neighbouring properties. At this stage in the project an assessment cannot be carried out of the

plant units proposed for the site as their selection has not been finalised. Instead, noise limits have been set for the site. These limits apply to all plant units operating simultaneously. Provided that the noise is controlled to less than or equal of 55db during the day and less than or equal to 37db at night, the requirements of BS4142(3) can be met.”

- 5.8.5 The CBC Environmental Health Officer has noted this report and suggested a condition is imposed to ensure plant and machinery is within the limits set out in the report. By conditioning compliance with the report it is considered that the noise impacts arising from the development are appropriately addressed.
- 5.8.6 It is noted that no responses from neighbouring residents have been received and therefore subject to conditions the proposal is considered to meet the requirements of CLP14 in terms of amenity impacts.

5.9 Highways Safety and Parking Provision

- 5.9.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.
- 5.9.2 The existing parking on site at 39 spaces, is controlled via a barrier for the use of staff only. Parking at present includes spaces along the access route into the application site, narrowing that access. It should be noted that on-street parking in the area is controlled by DCC under a resident only parking scheme.
- 5.9.3 The proposed development will remove spaces along the access route and result in the provision of 33 parking spaces including spaces for the disabled, this is a reduction from the 39 currently on site. This is based on the submitted plan details rather than the application form details where it is stated that existing spaces to be 28 and proposed to be 28.
- 5.9.4 The removal of parking spaces from along the access road is welcomed as this will enable the full width of that route to be used by vehicles. It is assumed that the barrier for staff only parking will be retained or replaced to control on-site parking and security as referred to in the comments of the Derbyshire Constabulary.
- 5.9.5 The presence of the on-street parking restriction in the area is assumed to be part of the reason for no public comments being received in regard to the application. It appears that parking here is no longer such a concern to residents as it has been in the past. The lack of parking on

site will also encourage site users towards more sustainable travel options. In this regard it is acknowledged that the site is in a sustainable location with good public transport routes available for both students and staff. Therefore, a reduction in parking spaces overall is not considered to result in harm to highway safety. Whilst there is some cycle parking on site, this appears to be limited and therefore should be increased as part of this application. This is secured via condition.

- 5.9.3 An updated Travel Plan has been agreed with the Highway Authority, therefore a condition securing compliance with this condition along with further conditions relating to construction storage and parking provision within the site and parking to be as shown on the submitted layout prior to occupation are requested. On this basis the highway authority has raised no objection. On this basis the proposal meets the requirements of policies CLP20 and 22.

5.10 Biodiversity, impact on protected species, enhancement and Trees

- 5.10.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

- 5.10.2 The proposal will result in the loss of the trees within the central area of the site and 2 trees to the south of the North Boock. The Council’s tree officer has noted:

An Arboricultural Survey, Impact Assessment (AIA) and Arboricultural Method Statement (AMS) has been submitted with the application by ECUS dated July 2023.

The survey recorded 33 individual trees and 2 hedgerows of predominantly mixed native deciduous species in overall fair to good condition. No trees within the Site boundary are protected by a Tree Preservation Order (TPO) and the site is not located within a Conservation Area.

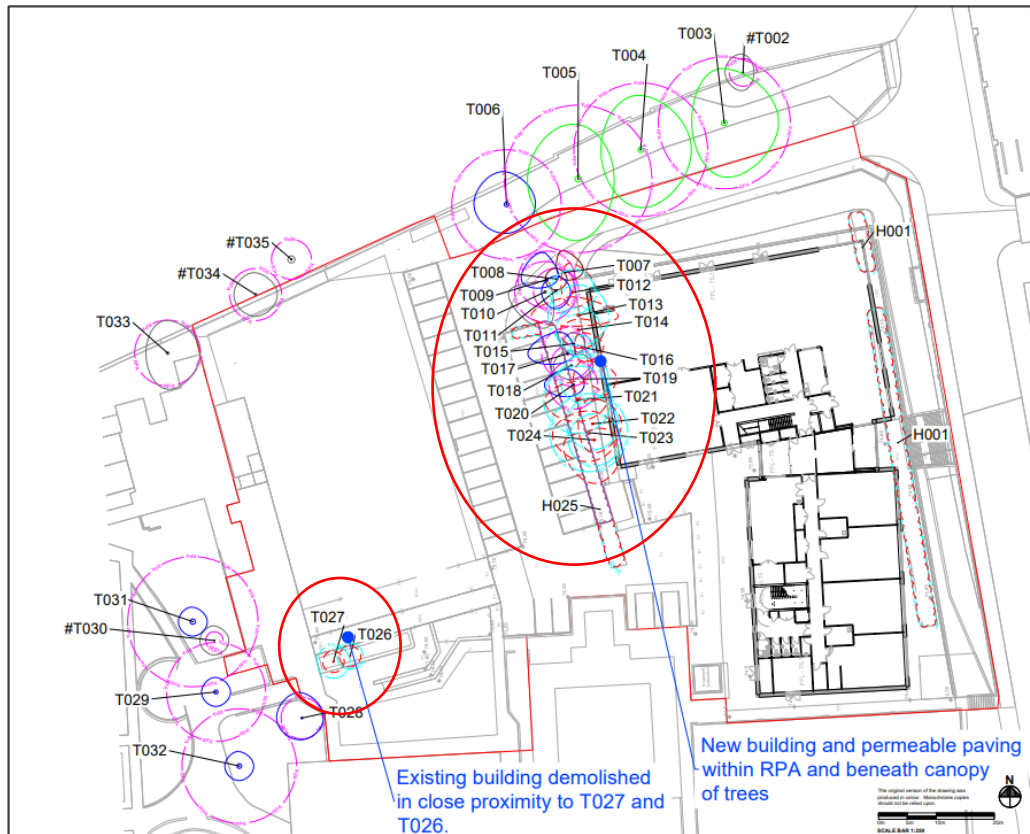
The AIA states that the development will require the removal of 11 trees, 1 hedgerow as well as 2 further sections of hedgerow and may also have an impact on the roots, stems and canopies of retained trees unless suitable protection measures are put in place. The AIA concluded that the development proposals indicate that 11 trees (T012 Maple,

T013 Ash, T014 Maple, T016 Rowan, T019 Maple, T021 Birch, T022 Maple, T023 Birch, T024 Oak, T026 and T027 Cordyline), 1 hedgerow (H001 Beech) and the northern and southern section of 1 further hedgerow (H025) within the Site boundary will need to be removed to facilitate the new development. These are either situated in the footprint of new structures or their retention and protection throughout the development is not suitable and are detailed in the Tree Survey Schedule.

Trees (T012 Maple, T013 Ash, T014 Maple, T016 Rowan, T019 Maple, T021 Birch, T022 Maple, T023 Birch, T024 Oak which are a mixed selection of native trees were planted in the late 1990's and although they do provide some visual amenity, are proposed for removal to facilitate the development. Construction of new hard surfaces comprising of permeable paving are proposed within the Root Protection Area (RPA) of the retained trees.

The retained trees will need protecting from development operations to ensure that they are not negatively impacted during the development, as detailed in the Arboricultural Method Statement (AMS).

The development proposals have allowed space for the planting of replacement trees throughout the site once the development is completed. The design offers an outdoor activity area and seating with a large open lawned area. The car parking has been retained along the access road with a few additional car parking spaces provided. Native hedge and mixed scrub area are proposed on the north-west boundary with tree planting to screen the car park from the lawn. A wildflower meadow mix is proposed along the banking to the frontage along Infirmary Road and the service and maintenance path abutting the new building to the north-west is proposed as permeable recycled rubber paving to protect the root protection areas of the retained trees. It is recommended at Section 4.7.5 of the Arboricultural Report that 'Where the removal of trees is required to facilitate the development, the planting of suitable replacement trees will be required as part of a wider landscaping scheme. It is recommended that tree planting follows a 5 – 10 – 20 - 30 formula (i.e. No more than 5% of any one cultivar, no more than 10% of any one species, no more than 20% of any one genus, and no more than 30% of any one family.) This gives any new tree population maximum resilience against pests and diseases. The general landscaping arrangement for the development are shown on drawing 10010 REV P03 and a detailed planting scheme is provided on drawing 1012 REV P02 which provides the species of plants/trees, location, size and quantity. Further details are also provided in the Landscaping Strategy. No objections subject to conditions.



5.10.3 The above plan shows the trees to be removed which are those to the centre of the site and the two trees close to the building to be demolished. The hedgerow to the site frontage will also be removed. Given the replacement planting proposed this is considered to be acceptable in order to facilitate the scheme.

5.10.4 A biodiversity net gain assessment – feasibility report has been submitted which concludes:
 Based on the current landscaping proposals, the construction of the proposed development is predicted to result in a gain of 0.19 Habitat Units (HU) which is a net percentage change of +6.10% and a gain of 0.11 Hedgerow Units (HeU) which is a net percentage change of +15.41%. In addition, the trading rules of the metric have been satisfied with respect to both HU and HeU.
 This is considered to be an acceptable net gain which is to recommended to be secured via conditions.

5.10.5 Derbyshire Wildlife Trust has commented on the scheme:
 In relation to the above application we have reviewed the information provided including Preliminary Ecological Appraisal Report (ECUS, July 2023) and the Derbyshire Biological Records Database. The proposals for a development on the site have the potential to impact an area of grassland, hedgerows and trees.

The habitats on site may support bats, breeding birds and foraging mammals such as hedgehogs.

Bats:

In line with recommendations in the PEA report and current guidance nocturnal bat surveys should be completed on the buildings which have been assessed as having potential to support roosting bats. These surveys should be completed prior to the determination of this planning application and may have already been undertaken having been scheduled for July/August 2023.

If bats are found to be roosting within the structure during the nocturnal surveys then further surveys may be required to classify the status of the roost. A Natural England Bat Mitigation Class Licence may be required in order to carry out any works that involve disturbance to bats or destruction of their resting place. We will be able to provide further advice and recommend conditions in relation to bats once we have reviewed a copy of the nocturnal survey results. Conditions recommended.

5.10.6 Following these comments a bat survey was undertaken. The result of the survey found that none of the buildings to be demolished had roosting bats and only one of the smaller building had negligible suitability for roosting bats.



5.10.7 A bat survey has then been submitted which found no evidence of bat roosts, taking on board the earlier comments of DWT as no bat roosts have been identified it is not considered that a Natural England licence is required. It is noted in the survey that the results are suitable for a 12 month period and that a precautionary approach should be undertaken when demolishing the building ceasing work should any evidence of

bats be found. This is considered to be a reasonable approach and if the demolition should take place 12 months after the date of the survey (June 2023) then further survey work will be required. These matters can be suitably conditioned. The report also suggests bat roosts are incorporated into the new building, again this can be conditioned.

DWT have responded to the report noting: I've now read the bat report and can confirm that the surveys were carried out in line with guidance and no evidence of roosting bats was noted from any of the buildings as you mentioned. Therefore, standard conditions with regards to lighting strategy and biodiversity enhancement including bat roosting features will be sufficient as per our letter ref: DWTCHE553 and dated 27/09/2023.

- 5.10.8 On the basis of the above and subject to conditions the scheme is considered to be acceptable in terms of biodiversity, ecology and trees in line with policy CLP16.

5.11 Ground conditions

- 5.11.1 Policy CLP14 requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use.

- 5.11.2 The Coal Authority has commented on the submitted ground investigation report:

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Our records indicate that part of the site is in an area of probable coal workings at shallow depth. If shallow workings are present then these may pose a potential risk to surface stability and public safety. The planning application is supported by a Phase 1 Desk Study, dated March 2023 and prepared by Waterman Infrastructure & Environment Ltd. This report states that the current site was previously investigated in 2007 with a very thin intact coal seam noted in the findings.

The report authors note that there is no evidence of old workings and the shallow seam is of uneconomic thickness, has very little rock cover and appears to be locally washed out. They also comment that the deeper seam is at sufficient depth and has enough rock cover so as not to represent a risk to surface developments if any unrecorded workings

are present. Based on this the report authors conclude that no further works in respect of historical coal mining are required. On the basis of the information submitted, and the professional opinions of the report authors set out therein, the Planning team at the Coal Authority has no objection to this planning application. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of any Permit application.

- 5.11.3 In terms of ground contamination the submitted report concludes:
The following actions are recommended to address the potentially unacceptable risks that remain:
Submission of this report to the Local Authority Contaminated Land Officer.
Consideration of the existing slope on the eastern boundary of the site when finished floor levels, foundation design and loadings are available.
Development of a Remediation Strategy to set out the methodology for implementation of the remediation options set out in Section 12.
The design installation and verification of the selected gas protection measures should be undertaken in accordance with BS8485:2015 and CIRIA report C735. An installation and verification report should be provided which as a minimum should include an accurate description of the measures actually installed and present the evidence gathered to confirm that installed measures are suitable for purpose.
The groundworks contractor must be made aware of the potential presence of asbestos fibres and ACM in Made Ground across the site. The contractor should have robust processes in place to identify any potential asbestos in soils during groundworks, and to investigate and remove suspected asbestos encountered during excavations. This should be in line with the requirements of the Control of Asbestos (CAR) Regulations.
- 5.11.4 The Council's Environmental Health Officer has noted the submitted reports in regard to contaminated land and agrees with the proposed scheme of works and will await the validation report to be submitted.
- 5.11.4 On the basis of these comments and those of the Coal Authority, it is considered that a condition relating to ground contamination will appropriately address any ground condition matters in line with policy CLP14.

5.12 **Drainage**

- 5.12.1 Policy CLP13 requires that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere.
- 5.12.2 A detailed flood risk assessment and drainage strategy accompanying the application concludes:
Chesterfield College is a brownfield Site. Its boundary extends to an area of approximately 0.729ha. The Site lies within Flood Zone 1. The risk of flooding from surface water, sewers, groundwater and artificial sources is low. The sequential test has been passed and the site does not require to undergo the exception test. The overall effective impermeable area for the site is 0.531ha. Yorkshire Water Services are the statutory undertaker and is responsible for the public sewer systems for the site area. The Site drainage has been designed based on 50% betterment for the 1 in 1 year 60-minute storm return period, which equates to 11.6l/s. The site is located within the Don and Rother Management Catchment peak rainfall climate change allowances. Based on the hierarchy above, it is considered that the proposed surface water discharge into the public combined public water sewer is the most appropriate option for the site. It is recommended that site managers and employees register with the Environment Agency Flood Alert and Flood Warnings services. Future maintenance for any private drainage systems would be under the responsibility of the Site owner or an appointment management company.
- 5.12.3 The site is not within a flood risk area. The LLFA have commented on the scheme noting no objection but recommending standard conditions. Yorkshire Water have commented recommending a condition and noting:
1.) The submitted 'Flood Risk Assessment and Drainage Strategy' WIE19853-100- R-1-1-3_FRA prepared by Waterman, dated 24/04/2023 is acceptable. In summary, the report states that
a.) Foul water will discharge to public f combined water sewer
b.) Sub-soil conditions do not support the use of soakaways
c.) A watercourse is remote from the site
d.) Surface water will discharge to public combined sewer via storage with restricted discharge of 11.6 litres/second.
- 5.12.4 The Council's Design Service Drainage team have noted:
The Environment Agency plans show that the development is not within Flood Zone 2 or Flood Zone 3 but does show a possibility of some surface water on the South side of the development. We concur with the

comments from Yorkshire Water about the proposed methods of foul and surface water disposal and the limitations placed on the discharge rates for the surface water. There is an increase in the impermeable areas of the development and we would require a copy of the calculations used to substantiate the pipe and attenuation tank sizing.

5.12.4 Subject to the conditions recommended it is considered that drainage and flooding matters have been appropriately considered in line with policy CLP13.

5.13 Development Contributions and CIL Liability.

5.13.1 The proposed development is not liable for the Community Infrastructure Levy (CIL). There are no contributions required as part of this proposed development.

6.0 REPRESENTATIONS

6.1 No representations received in response to the site and press notices and neighbour notification letters.

7.0 HUMAN RIGHTS ACT 1998

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 in respect of decision making in line with paragraph 38 of 2023 National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.
- 8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation is available on the website.

9.0 CONCLUSION

- 9.1 Subject to conditions the proposed development is considered to accord with the above-mentioned policies of the local plan. This is a high quality scheme which will enhance the site and provision of education at the college.

10.0 RECOMMENDATION

- 10.1 It is recommended that the application be **GRANTED** subject to the following conditions:

Conditions

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

Reason: The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment or conditional requirement

below. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Site location plan 1001 REV P03 received 02.08.23

Existing site plan 1003 REV P08 received 28.07.23

Proposed GA building sections 4501 REV P07 received 02.08.23

Proposed GA building sections 4501 REV P07 received 02.08.23

Proposed GA building sections 4501 REV P06 received 28.07.23

Proposed GA elevations 3201 REV P08 received 28.07.23

Sectional elevation 3201 REV P02 received 28.07.23

Landscape softworks layout 1012 REV P02 received 28.07.23

Proposed GA landscape layout 1010 REV P03 received 28.07.23

Demolition site plan 10005 REV P03 received 28.07.23

Proposed roof plan 2201 REV P14 received 28.07.23

Substation enclosure plans and elevations NC1V-004 REV 1.0 received 28.07.23

Proposed first floor GA floor plan 2201 REV P14 received 24.07.23

Proposed ground floor GA floor plan 2201 REV P14 received 24.07.23

Swept path analysis 0001 REV A01 received 24.07.23

General arrangement pavement and kerb details 9502 REV P01 received 24.07.23

General arrangement site levels 9501 REV P01 received 24.07.23

Drainage general arrangement 9201 REV P01 received 24.07.23

Revised Proposed landscape layout plan CCEL-BBA-A2-XX-DR-L-1010 Rev P04 received 19.09.23

Reason: In order to clarify the extent of the planning permission.

3. Prior to installation details of the proposed metal stair shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: To ensure an appropriate finished form of development in accordance with policy CLP20 of the Adopted Local Plan.

4. Prior to installation details of all external facing materials, including samples where necessary, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: To ensure an appropriate finished form of development in accordance with policy CLP20 of the Adopted Local Plan.

5. Prior to the commencement of development a sustainability statement on how emissions will be reduced through the construction process, along with details of the energy efficiency and renewable energy use of the proposed building, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed statement.

Reason: To seek to make the development suitable for renewable technologies and to seek to reduce emissions from development in accordance with Policy CLP20 of the Adopted Local Plan.

6. The development shall operate in accordance with the detail of the submitted noise impact assessment 100956-R01v02.

Reason: In order to protect the amenity of neighbouring residents in line with policy CLP14 of the Adopted Local Plan.

7. For the construction period, there shall be no construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

8. Prior to development commencing, an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

Reason: This is a pre commencement condition in order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CLP6 of the Adopted Local Plan.

9. Prior to works commencing on the existing ramp to be amended detailed plans of the proposed works shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: to ensure an appropriate finished form of development in accordance with Policy CLP20 of the Adopted Local Plan.

10. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.

Reason: To ensure safe and suitable access for all users, in the interests of maintaining highway efficiency and safety, recognising that even initial preparatory works could bring about unacceptable highway safety impacts in line with policies CLP20 and 22 of the Adopted Local Plan.

11. The Development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on drawing CCEL-BBA-A2-XX-DR-L-1010_Proposed GA Landscape Layout.

Reason: To ensure conformity with submitted details in line with policies CLP20 and 22 of the Adopted Local Plan.

12. The amended Employment Travel Plan hereby approved shall be implemented and monitored in accordance with the regime contained within the 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 travel to and from the site. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details

Reason: To reduce vehicle movements and promote sustainable travel in line with policies CLP20 and 22 of the Adopted Local Plan.

13. The tree protection measures as detailed in the Arboricultural Survey, Impact Assessment (AIA) and Arboricultural Method Statement (AMS) at Appendix 3, Figure 5 by ECUS dated July 2023 in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations, shall be implemented in full before any demolition and land clearance, and remain in situ until the development is completed unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure appropriate tree protection in accordance with policies CLP16 and 20 of the Adopted Local Plan.

14. The tree protection measures once installed shall be inspected by the project's Arboriculturalist. It should be confirmed by the project arboriculturist to the Local Planning Authority that the fencing has been correctly set out on site, prior to the commencement of any development operations.

Reason: In order to ensure appropriate tree protection in accordance with policies CLP16 and 20 of the Adopted Local Plan.

15. Any works that are proposed beneath the canopy or within the Root Protection Area of retained trees must be carried out as specified in the Arboricultural Method Statement. These works shall be supervised by the project arboriculturist so that any tree related issues that occur can be suitably dealt with.

Reason: In order to ensure appropriate tree protection in accordance with policies CLP16 and 20 of the Adopted Local Plan.

16. The approved tree pruning works to T018 Ash and T028 Rowan as described at Table 3: Tree Survey Schedule of the Arboricultural Impact Assessment shall be carried out to BS3998 Tree Works 2010 standard.

Reason: In order to ensure appropriate tree works in accordance with policies CLP16 and 20 of the Adopted Local Plan.

17. The development shall be carried out in accordance with the details shown on the submitted plan, "Flood Risk Assessment and Drainage Strategy' WIE19853-100-R-1-1- 3_FRA prepared by Waterman, dated 24/04/2023", unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage in accordance with policy CLP13 of the Adopted Local Plan.

18. Prior to first occupation details of a security barrier to the access shall be submitted to and agreed in writing by the Local Planning Authority, the barrier shall be installed in accordance with the agreed details.

Reason: To ensure appropriate site security in accordance with policy CLP14 of the Adopted Local Plan.

19. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full. Any lighting scheme on site should avoid the introduction of light to the site boundaries including retained boundary trees, hedgerows and other adjacent offsite habitats. No light should be introduced within the vicinity of proposed bat and bird boxes which will be provided as biodiversity enhancement including the flight paths to these features.

Reason: In the interest of protecting wildlife in accordance with Policy CLP16 of the Adopted Local Plan.

20. The timing of demolition and vegetation clearance should avoid the bird breeding season. Therefore, no demolition or vegetation clearance work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered, then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.

Reason: In the interest of protecting breeding birds in accordance with Policy CLP16 of the Adopted Local Plan.

21. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved, the details of which shall include :-
- a) indications of all existing trees, hedgerows and other vegetation on the land;
 - b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c) measures for the protection of retained vegetation during the course of development;
 - d) soil preparation, cultivation and improvement;
 - e) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - f) grass seed mixes and sowing rates;
 - g) finished site levels and contours;
 - h) means of enclosure;
 - i) car park layouts;
 - j) other vehicle and pedestrian access and circulation areas;
 - k) hard surfacing materials;
 - l) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - m) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
 - n) retained historic landscape features and proposed restoration, where relevant.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with policy CLP20 of the Adopted Local Plan.

22. 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 as set out in the Bond Bryan 'Proposed GA Landscape Layout' drawing (Reference CCEL-BBA-A2- XX-DR-L-1010 S1 DRAFT), dated 25.05.2023. It should also provide details and locations of biodiversity enhancement features provided post development and retained and created habitats in line with the submitted Biodiversity Net Gain Assessment – Feasibility Stage

document dated September 2023 V2.0. 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.
- b) Aims and objectives of management.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions
- e) Preparation of a work schedule (including a 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.
- 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, including universal swift nest boxes in line with British Standard 42021:2022 on new structures, bird nest boxes, integrated or external bat boxes, fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs and insect bricks / towers.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.
- l) Submission of an updated metric based on the landscaping scheme as approved under condition 21.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term (30 Years +) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LBEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: To ensure the long term management of the site including highways and open spaces and the protection of wildlife and habitat objectives, to secure opportunities for enhancing the site's

biodiversity value in the long term in accordance policy CLP16 of the Adopted Local Plan

23. 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. Flood Risk Assessment and Drainage Strategy, Reference: Wie19853-100-R-1-1-3- FRA, prepared by Waterman Dated 24th April 2023 and response from Waterman, reference: CC-LLFA Response, Dated 20th September 2023 and “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team” 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.

Reason: 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 to the Local Planning Authority, in advance of full planning consent being granted.

24. Prior to commencement of the development, the applicant shall submit for approval to the LPA 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 LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: 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.

25. Prior to the first occupation of the development, a verification report carried out by a suitably qualified independent drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor

variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls). Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

26. a) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') as identified in the Geo-Environmental Assessment Report (Issue 01) dated August 2023, shall be submitted to and approved in writing by the Local Planning Authority;
- c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
- e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
- f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: This pre commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with Policy CLP14 of the Adopted Local Plan.

27. Prior to works progressing on site above slab level, details of cycle parking for no less than 10 cycles shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall

be fully installed on site prior to first occupation of the premises hereby approved and retained as such thereafter.

Reason: To ensure appropriate cycle parking on site in accordance with Policies CLP20 and 22 of the Adopted Local Plan.

Informatives:

1. The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to achieving a positive outcome for the application.
2. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.
3. Coal:
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.
4. Highways:
Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
5. If construction works are likely to require Traffic Management, advice regarding procedures should be sought from the County Council Traffic Management Team. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
6. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says: Constructors should give utmost consideration to their impact on neighbours and the public Informing, respecting and showing courtesy to those affected by the work; Minimising the impact of deliveries, parking and work on the

public highway; Contributing to and supporting the local community and economy; and Working to create a positive and enduring impression, and promoting the Code. The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

7. LLFA:

Advisory/Informative Notes (It should be noted that the information detailed below

(where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA):

- A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
- B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.
- C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
- D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
- E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
- F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

- G. The applicant should provide a flood evacuation plan which outlines:
- The flood warning procedure
 - A safe point of extraction
 - How users can safely evacuate the site upon receipt of a flood warning
 - The areas of responsibility for those participating in the plan
 - The procedures for implementing the plan
 - How users will be made aware of flood risk
 - How users will be made aware of flood resilience
 - Who will be responsible for the update of the flood evacuation plan
- H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
- Surface water drainage plans should include the following:
- Rainwater pipes, gullies and drainage channels including cover levels.
 - Inspection chambers, manholes and silt traps including cover and invert levels.
 - Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
 - Soakaways, including size and material.
 - Typical inspection chamber / soakaway / silt trap and SW attenuation details.
 - Site ground levels and finished floor levels.
- On Site Surface Water Management;
- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.
- Peak Flow Control
- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the

1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.

For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.

For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.

Guidance on flood pathways can be found in BS EN 752.

The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which

is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

If infiltration systems are to be used for surface water disposal, the following information must be provided:

Ground percolation tests to BRE 365.

Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.

Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689- 1:2003.

Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.

Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.

Drawing details including sizes and material.

Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

The applicant should manage construction activities in line with the CIRIA Guidance on the Construction of SuDS Manual C768, to ensure that the effectiveness of proposed SuDS features is not compromised. See Appendix A for the requirements for verification reports.

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ITEM 3

Case Officer: CW

Application No: CHE/23/00561/FUL

Local Plan: River Corridor and Strategic Gap

Ward: Staveley South

Planning Committee: 4th December 2023

NEW SINGLE TRACK AGRICULTURAL ACCESS POINT OFF TROUGH BROOK ROAD INTO PADDOCK AT LAND TO THE EAST OF TROUGH BROOK ROAD, HOLLINGWOOD, CHESTERFIELD, DERBYSHIRE FOR CHATSWORTH SETTLEMENT TRUSTEES

1.0 CONSULTATIONS

Ward Members	No comments received
Parish Council	No comments received
Strategic Planning	No objections
Highways Authority	No objection subject to conditions.
Representations	8 objections from 6 separate residential dwellings received.

2.0 THE SITE

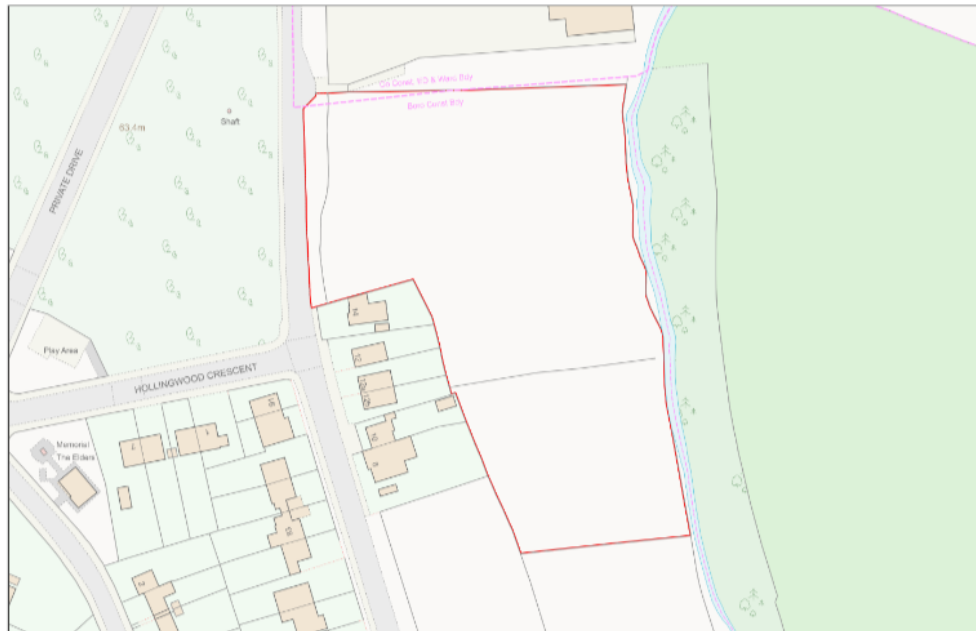
2.1 The site the subject of the application comprises land off Troughbrook Road. It is on a highway verge to the east of the road and would access farm fields associated to Pond House Farm. The highway verge currently has a mature hedgerow and trees to the rear and grass to the front.

2.2 It is a busy through road for vehicles moving between Whittington and Staveley/Inkersall.

Photos of the site:



The site:



3.0 SITE HISTORY FOR WIDER FARM SITE

- 3.1 CHE/17/00225/OUT - Outline planning application for residential development of up to 6 dwellings with all matters reserved – Refused – 18/07/17
- 3.2 CHE/17/00390/OUT - Outline application for residential development of up to 17 new build dwellings along with the retention of existing farmhouse, the conversion of existing stone barn to residential use and conversion of existing cart shed to garaging – Refused 10/10/17
- 3.3 CHE/18/00491/OUT - Re-submission of CHE/17/00225/OUT - Outline planning application for residential development of up to 6 dwellings with all matters reserved on land between 6 and 8 Troughbrook Road - Pending Consideration
- 3.4 CHE/18/00688/OUT - Re-submission of CHE/17/00390/OUT - Outline application for residential development of up to 17 new build dwellings along with the retention of existing farmhouse, the conversion of existing stone barn to residential use and conversion of existing cart shed to garaging on land to south of 4 Troughbrook Road– Pending Consideration

4.0 THE PROPOSAL

- 4.1 Planning permission is sought for a new single track access point into the paddock. This means that a roadside access directly to the

paddock can be secured rather than the current access through the farm yard and across adjoining fields.

- 4.2 the access will be 5 metres wide constructed of type 1 limestone laid on top of a terram membrane and finished with clean limestone. A galvanised steel gate is to be installed across the field entrance which will be set 10 metres from the carriageway edge.



5.0 PLANNING POLICY

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)

- CLP14 A Healthy Environment
- CLP15 Green infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 National Planning Policy Framework 2023

- Part 2. Achieving sustainable development
- Part 8. Promoting healthy and safe communities
- Part 9. Promoting sustainable transport
- Part 12. Achieving well-designed places
- Part 15. Conserving and enhancing the natural environment

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The proposed development would introduce an agricultural access into an existing farm field. The principle of the development is considered to be acceptable, as it proposes to continue the use of the existing site with no impact on either the river corridor or strategic gap annotations.

6.2 Design and Appearance of the Proposal (including landscape character)

6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

6.2.2 The existing paddock is sat behind a substantial highway verge which is largely mature landscaping. There is a maintained mown grass edge to the first metre with the remainder being self sett trees and bushes. It is considered that the access track would require the removal of some of the landscaping to provide the access route and then some of the existing landscaping would need to be removed or

trimmed back to provide an acceptable visibility splays for the access. Whilst there will be a gap where the new access punctuates the landscaping the removal either side to create visibility splays will still leave a mature landscaped edge to the site. Whilst not suggested it is accepted however that DCC as highway authority could clear all the landscaping within the highway verge. The proposed works are not considered to be inappropriate and are considered to be acceptable in regard visual amenity and policy CLP20.

6.3 Residential Amenity

6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.

6.3.2 No residential neighbours are located close to the means of access and it is not considered that the proposal will lead to any adverse impacts in terms of residential amenity. The proposal is acceptable in terms of residential amenity and is in line with policy CLP14, as well as the revised NPPF.

6.4 Highway Safety

6.4.1 Local Plan policies CLP20 and CLP22 require consideration of highway safety. The Local Highway Authority was consulted on the scheme, and they provided these comments:

The applicant is requesting to construct a new single-track agricultural access point from Troughbrook Road.

It is assumed that the access is intended to be used by agricultural vehicles to maintain the paddock and that no other operations are intended. The proposed access will measure 5m in width which is considered sufficient to allow an agricultural vehicle to enter the site. There is clearly sufficient space within the site to allow a vehicle(s) to turn and exit the site in a forward gear.

The application proposes emerging visibility splays of 2.4m x 43m in both directions, which are considered appropriate. The visibility splay in the southerly direction is currently obstructed by vegetation adjacent to Troughbrook Road. For the proposed visibility splay of 2.4m x 43m to be achieved in the southerly direction a significant amount of vegetation including small trees and hedge will have to be trimmed.

Based on the aforementioned comments, the highway authority has no objections to the application subject to the following conditions being included in any consent granted.

6.4.2 Troughbrook Road is a busy through road which has many existing accesses onto it, including from residential properties on, Hollingwood Crescent and Station Road as well as into the Plant Hire business to the north. The highway authority has suggested conditions, which are considered to be realistic, as it is likely that the trimming of existing vegetation will provide the necessary and acceptable visibility splays for the access which are all within highway limits. If these are provided and maintained it is considered that the access would not be inappropriate having regard to highway safety. On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan, subject to conditions.

6.5 Biodiversity

6.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the borough’s ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

6.5.2 The existing site is an agricultural field with a mature hedge to its western highway edge. A small section of the hedge will be removed, and the existing hedge and adjacent landscaping will be trimmed to provide visibility splays for the access. This is not considered to be a significant loss of biodiversity on site and there are no realistic options to replace the loss of vegetation. It is considered that there are no conflicts with policy CLP16 in this case.

7.0 REPRESENTATIONS

7.1 8 No comments from 6 separate residential dwellings have been received. The comments are objections raise the following issues:

- The access is not required,
- The proposal is linked to the development of other sites nearby, by the same developer,

- The access could allow local residents and their pets into the field, and horses to escape/be stolen,
- Highway safety – poor visibility,
- Pedestrian safety from local children,
- The new layby could encourage fly tipping.

7.2 ***Officer comment – Highways safety is discussed above and is provided for through imposition of appropriate conditions. The issues of the likelihood of the development leading to increased fly tipping, the escape/theft of horses and increased dog walking in the field are not considered to be material planning matters. The issue of the links between this development and other developments within the area, and that the road is “not required”, are also not planning matters since the planning merits of the current proposal must be considered. It is likely that there is a connection since the 2 applications referred to at paras 3.3 and 3.4 would preclude access to this field which is currently take through land to the south. It is not for the Local Planning Authority to consider in detail whether this access is needed, rather the considerations apply solely to the appropriateness of what is proposed.***

8.0 **HUMAN RIGHTS ACT 1998**

- 8.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law,
 - The objective is sufficiently important to justify the action taken,
 - The decisions taken are objective and not irrational or arbitrary,
 - The methods used are no more than are necessary to accomplish the legitimate objective,
 - The interference impairs as little as possible the right or freedom.
- 8.2 The action in considering the application is in accordance with clearly established Planning law and the Council’s Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

9.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and paragraph 38 of 2023 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF and with 'up-to-date' policies of the Local Plan.

10.0 CONCLUSION

10.1 The proposed development is considered to be acceptable in relation policies CLP2, CLP14, CLP16, CLP20, and CLP22 of the Local Plan and the NPPF (2023), as it would not lead to a significant impact in terms of highway safety.

11.0 RECOMMENDATION

11.1 It is therefore recommended that the application be GRANTED subject to the following conditions:

11.2 Conditions

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

Reason - The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans:

- Site Location Plan
- Site Layout Plan

; with the exception of any approved non-material amendment.

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

3. The access hereby approved shall not be brought into use until such time as 2.4 metre by 43 metre visibility splays are provided in each direction. The visibility splays shall thereafter be maintained clear of all obstructions above 0.6m height relative to nearside carriageway level.

Reason: In the interests of highway safety and policies CLP20 and CLP22.

4. The access gates shall be made to open inwards only and which shall be retained as such for the life of the development.

Reason: In the interests of highway safety and policies CLP20 and CLP22.

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

2. It is also recommended the following informative is included in any consent granted for the information of the applicant: construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways details can be found at www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk before commencing any works on the highway.

ITEM 4

RE-SUBMISSION OF CHE/21/00798/REM - PROPOSED DETACHED DWELLINGHOUSE, DRAINAGE PLANS SUBMITTED PROPOSING CONNECTION TO PRIVATE DRAINAGE SYSTEM SERVING POPLAR HEIGHTS AT LAND ADJ. FOUR POPLARS, RECTORY ROAD, DUCKMANTON, DERBYSHIRE, S44 5JS FOR MRS M WHEELWRIGHT

1.0 CONSULTATIONS

Ward Members	No comments received
Staveley Town Council	No comments received
Strategic Planning	Revised proposal does not appear to include details of landscaping or biodiversity net gain as required by conditions 13 and 16, and any measures to be incorporated on the building need to be shown on the submitted elevations and any new planting shown on the site plan. Improvements in design submission does not include information to enable assessment against policy requirements such as CLP20 and CLP22. The development would be CIL liable.
Environmental Health	No comments received
Design Services Drainage	No objections to the revised drainage proposal. Yorkshire Water will need to approve the revised drainage details and hydrobrake chamber
Lead Local Flood Authority	No comments on this minor application
Yorkshire Water	No objection to approval of reserved matters
Local Highway Authority	Resubmitted application includes 2 parking spaces as required in the previous Highway Authority comments. The submitted plans also indicate gates to be set back 5m from the back edge of the highway boundary. Conditions recommended in previous comments cover site

storage/compound details, visibility requirements, provision of parking, gates to be set back 5m and gradient of drive.

Conservation Officer No comments received

Civic Society No comments received

Derbyshire Wildlife Trust No comments to make

Tree Officer No objection, however details of landscaping or biodiversity net gain should be submitted as required by condition 13 on the outline permission (policy CLP16). Landscaping information should be submitted with proposed new planting and retained vegetation shown on a site plan.

CIL Officer CIL paperwork provided

Representations 7 letters of representations received – see report

2.0 THE SITE

- 2.1 The site subject of this application is located on the east side of Rectory Road. The plot was formerly part of the curtilage of Four Poplars. The site has been separated from Four Poplars by a timber fence to the southern boundary. The site is broadly rectangular in shape, measuring approximately 33m in length and a maximum of 13m in width, extending to approximately 320m² in area (0.032 hectares) overall. An existing gate forms an access with dropped kerb onto Rectory Road to the western boundary.
- 2.2 The site is bound by Poplar Farm with Grade II Listed farm house to the north and a residential development of 33 residential dwellings to the east/south east (application reference CHE/18/00768/REM). The site is approximately 400m walking/cycling distance from the defined Duckmanton Local Service Centre.
- 2.3 The site is located in an area considered to be at low risk of flooding (as defined by the Environment Agency) and is considered to be in an area at low risk of coal mining legacy requiring standing advice for coal mining risk as opposed to requiring referral to The Coal Authority.

- 2.4 Consent was granted in outline for the erection of a detached house (all matters reserved) in 2020 under CHE/20/00039/OUT. Consent was subsequently refused for reserved matters in 2022 under application CHE/21/00798/REM (see site history)



Aerial photograph of site and view of site from streetview taken from Google ©

3.0 **SITE HISTORY**

- 3.1 CHE/21/00798/REM - Reserved matters for the erection of a detached house – **REFUSED (07.02.2022)**

Reason for refusal;

The proposed development fails to adequately respond to the appearance and architectural style of the surrounding area taking into account the proximity to nearby listed building and forming part of its setting. The proposal includes incongruous side box dormers to each roof plane to provide additional floorspace but fail to provide a coherent and well considered proposal. The proposal therefore does not accord with Local Plan policies CLP20 and CLP21. The siting of the proposed dwelling and proximity to eastern boundary result in a scheme with inadequate separation distances from existing neighbouring properties, such that the development is likely to result in harmful amenity impacts upon existing and future residents. The proposal is therefore contrary to policy CLP20 and the adopted 'Successful Places' SPD, adversely impacts of the amenity of existing and future occupiers contrary to the requirements of policy CLP20 k), CLP14 and the Successful Places SPD.

- 3.2 CHE/20/00039/OUT - Outline application with all matters reserved for residential development of a detached house on land adjacent to Four

Poplars, Rectory Road, Duckmanton (revised site plan received 04.04.2020) – **CONDITIONAL PERMISSION (05.08.2020)**

- 3.3 CHE/19/00037/FUL - Two story rear extension, replacement and enlarged front conservatory, alterations and new roof to utility room to rear, juliet balcony to front bedroom at Four Poplars– **CONDITIONAL PERMISSION (13.03.2019)**
- 3.4 CHE/0902/0542 - Single storey side extension over existing ground floor room at Four Poplars – **CONDITIONAL PERMISSION (07.10.2002)**
- 3.5 CHE/0596/0280 - Single storey extension at Four Poplars - **CONDITIONAL PERMISSION (28.06.1996)**

RELEVANT SURROUNDING SITE HISTORY

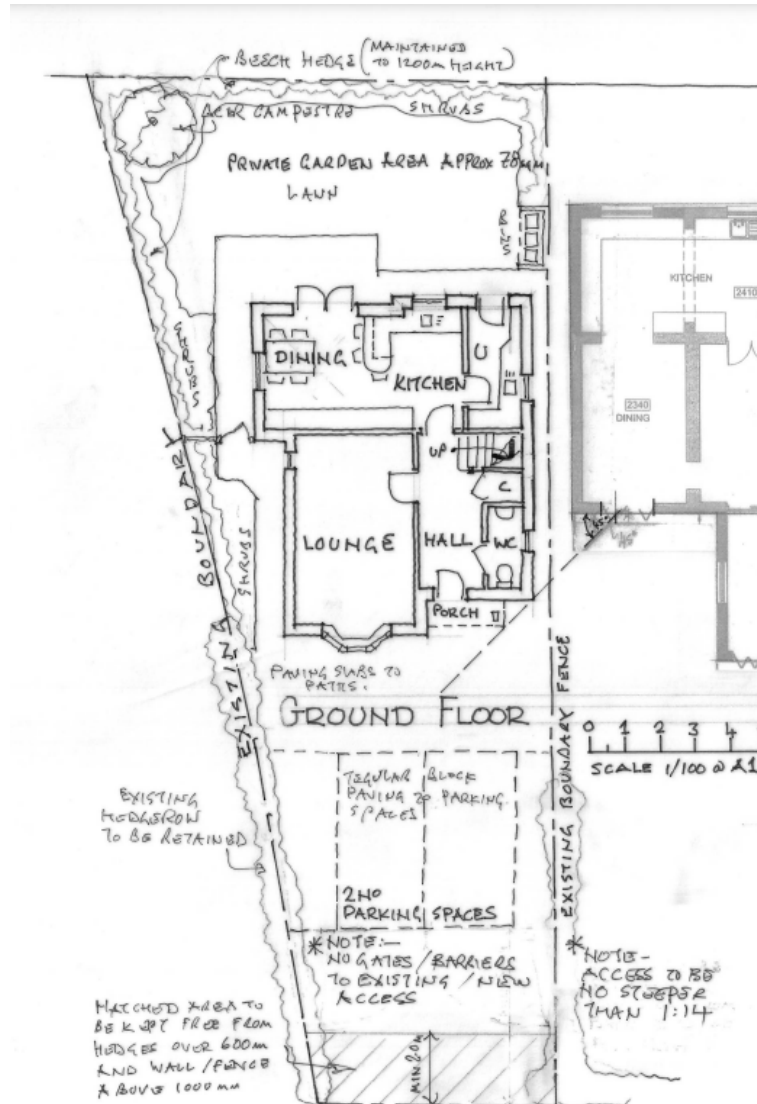
- 3.6 CHE/23/00066/DOC - Discharge of conditions 4 (Surface water drainage scheme),5 (Restriction of peak flow of surface water),6 (Sustainable drainage scheme details) and 17 (Disposal of surface water details) of application CHE/15/00085/OUT- Outline residential development on 1.38 hectares of land for up to 35 dwellings including means of access – **PENDING DETERMINATION**
- 3.7 CHE/18/00768/REM - Approval of reserved matters of CHE/15/00085/OUT - residential development of 33 dwellings - revised plans received 21/02/2019 – **CONDITIONAL PERMISSION (27.03.2019)**
- 3.7 CHE/15/00085/OUT - Outline residential development on 1.38 hectares of land for up to 35 dwellings including means of access – **CONDITIONAL PERMISSION (11.11.2015)**

4.0 THE PROPOSAL

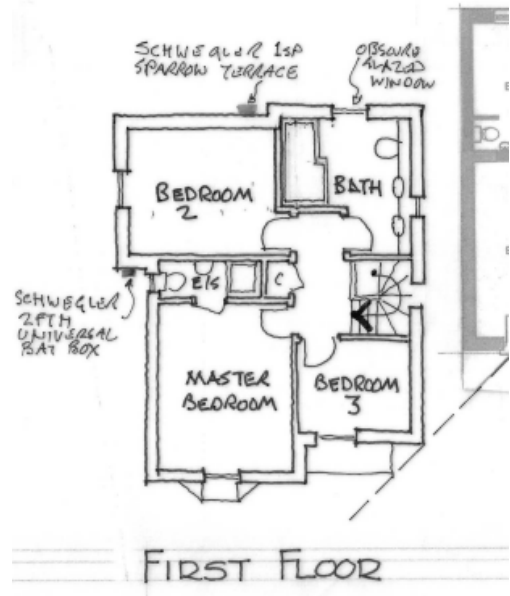
- 4.1 In line with the outline application, planning permission is now sought for the re-submission of detailed reserved matters for a detached dwelling. Under application CHE/20/00039/OUT all matters were reserved therefore the current submission covers appearance, means of access, landscaping, layout and scale.
- 4.2 The revised proposal is for a two storey detached dwelling, characterised by a dual pitched roof form with side gables and intersecting gables to the east and west elevations. The height and scale of the dwelling reflects the height of the ridge line at Four Poplars

- 4.3 The proposed dwelling features a lounge, open plan dining/kitchen and separate downstairs w.c, at ground floor with 3 bedrooms (one with en-suite) and shared bathroom at first floor. The gross internal footprint extends to 115sqm overall.
- 4.4 The property would be served by approximately 78sqm of private amenity space which exceeds the minimum recommended size for private amenity space for a 3 bed dwelling.

Proposed Site Plan and Ground Floor Plan

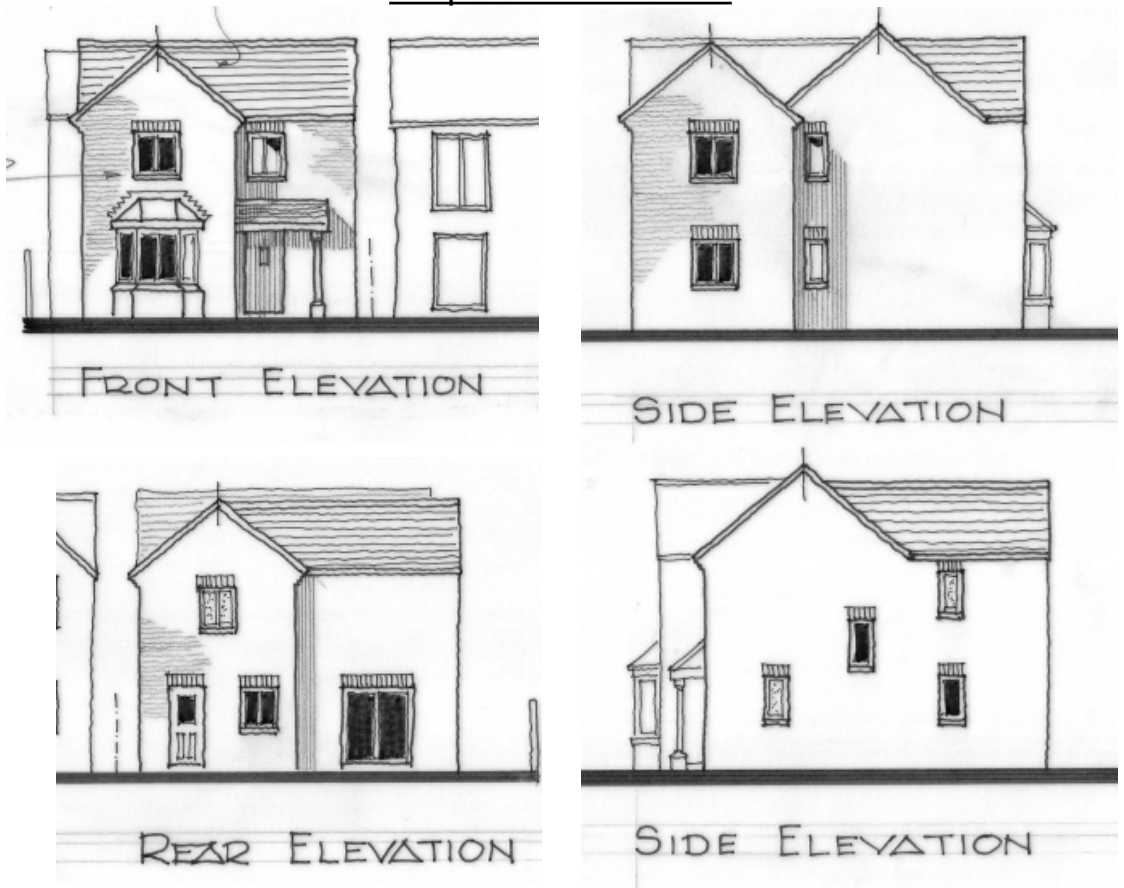


Proposed First Floor Plan



Proposed Elevations

5.0



CONSIDERATIONS

5.1

Planning Policy

5.1.1

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate

otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

- 5.1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development
- CLP3 Flexibility in Delivery of Housing
- CLP13 Managing the water cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF) 2023
 - 5. Delivering a sufficient supply of homes
 - 8. Promoting healthy and safe communities
 - 9. Promoting sustainable transport
 - 12. Achieving well-designed places
 - 15. Conserving and enhancing the natural Environment
- 'Successful Places' Supplementary Planning Document

5.4 Principle of Development

- 5.4.1 The principle of development is established by the outline permission and this application considers the detailed reserved matters only.

- 5.4.2 In considering the case it is important to note some of the conditions of the outline remain relevant to the application:

Details to be submitted concurrent with reserved matters

- Condition 4 – confirmation that the site is suitable for use concurrent with submission of reserved matters – see section 5.9
- Condition 6 – details of proposed means of foul and surface water drainage to be submitted concurrent with submission of reserved matters – see section 5.8

- Condition 12 – details of precise specifications of materials to be used submitted concurrent with submission of reserved matters – see section 5.5
- Condition 13 – landscaping details including details of ecological enhancement to be submitted concurrent with submission of reserved matters – see section 5.10

Other relevant conditions

- Condition 5 – construction hours condition
- Condition 7 – access arrangements and visibility requirements
- Condition 8 – no gates or barriers
- Condition 9 – gradient of access
- Condition 10 – parking space provided for parking prior to occupation
- Condition 11 – electric vehicle charging provision

5.5 Design and Appearance of the Proposal and Heritage Impact

Relevant Policies

- 5.5.1 Local Plan policy CLP20 states in part; *‘All development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context. b) respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials and k) have an acceptable impact on the amenity of users and neighbours’*
- 5.5.2 Local Plan policy CLP21 states in part *‘In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible, b) b) protect the significance of designated heritage assets and their settings including Conservation Areas, Listed Buildings, Scheduled Monuments and Registered Parks and Gardens;’*

Considerations

- 5.5.3 The proposed dwelling is set back by approximately 12.8m from the back end of the footway. The siting of the dwelling responds to the stepped built form on Rectory Road creating a continuation of the existing building extending from the Poplar Heights development to the south. The site layout will provide two off-street parking spaces and will create a rear garden which exceeds the minimum recommendations for a three bedroom dwelling.

- 5.5.4 The application proposes the erection of a 2 storey building formed of a broadly rectangular footprint. The scheme will create a three bedroom dwelling which would provide acceptable levels of living accommodation for future occupiers. Landscaping details have been provided indicating areas of proposed planting, hard surfacing and boundary treatments.
- 5.5.5 The submission is traditional in architectural character and style reflecting the design of the surrounding residential housing estate at Poplar Heights. The scale and massing are considered to be acceptable within the site context.
- 5.5.6 The outline permission required details of materials to be submitted concurrent with the reserved matters (condition 12 – copied below).

Condition 12

‘Concurrent with the submission of a reserved matters application, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing’

- 5.5.7 Materials are indicated to be Weinerberger double pantile rustic and Weinerberger Abbey Blend facing bricks. The material palette reflects the new residential housing estate and is considered to be acceptable.
- 5.5.8 Having consideration for the observations above the proposal is considered to be appropriately designed, laid out and at a scale appropriate to the site context. The proposal would therefore not cause adverse impacts on the visual amenity and character of the area or setting of Grade II listed Poplar Farm. The proposal will therefore accord with the provisions of policy Local Plan policies CLP20, CLP21 and the Council’s SPD

5.6 Residential Amenity

Relevant Policies

- 5.6.1 Local Plan policy CLP14 states that *‘All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts’*

- 5.6.2 Local Plan policy CLP20 expects development to *'k) have an acceptable impact on the amenity of users and neighbours;'*
- 5.6.3 The adopted 'Successful Places' SPD is a material consideration and covers design and amenity considerations. The document also details minimum requirements for private open space (excluding parking areas). Minimum requirements are outlined in table 4 (p78) and states that a 3 bedroom dwelling should have a minimum of 70sqm of private outdoor amenity space.

Considerations

- 5.6.4 The site is bound by residential dwellings to the south and east with the riding school associated with Poplar Farm forming the northern boundary.
- 5.6.5 To mitigate adverse impacts on residential neighbours the revised scheme considered the placement of windows in the proposed dwelling. Revised plans removed first floor clear windows to the rear (east) elevation, with just one obscurely glazed bathroom window proposed facing towards 18 Poplar Heights. Due to the siting of the proposed development any windows in the south elevation face onto the blank side elevation of Four Poplars.
- 5.6.6 To protect the amenity of the neighbours and address the constraints of the site with limited amenity space, it is recommended that a condition be imposed restricting permitted development rights to limit further extensions resulting in overdevelopment and additional windows in the rear (east) facing elevation.
- 5.6.7 The footprint of the proposed development will be approximately 17m from the rear windows of the bungalow to the east of the site. The separation distance is less than the minimum recommendation of 21m between habitable rooms, however the scheme has been designed so there are no first floor habitable room windows in the rear elevation of the proposed dwelling. The scheme will therefore not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted.
- 5.6.8 A condition restricting construction working hours was already imposed on the outline consent in the interests of the amenity of the surrounding occupants.
- 5.6.9 Having consideration for the observations above the proposal is considered to be appropriately designed and subject to conditions would not cause any significant injury to the residential amenity of the

other boundary sharing neighbours. The proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

5.7 Highways Safety, Parking Provision and Air Quality

Relevant Policies

5.7.1 Local Plan policy CLP20 expects development to '*g) provide adequate and safe vehicle access and parking and h) provide safe, convenient and attractive environment for pedestrians and cyclists*'

5.7.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking

Considerations

5.7.3 The revised application includes a site plan demonstrating the provision of two off-street parking spaces. The Highways Authority reviewed the revised submission and raised no objections, noting that the plans also indicate the gates will be set back 5m from the back edge of the highway boundary. The Highways Officer requested the conditions imposed on the previous comments be imposed on this decision. Conditions recommended in previous comments cover site storage/compound details, visibility requirements, provision of parking, gates to be set back 5m and gradient of drive.

5.7.4 The outline consent included conditions surrounding access arrangements/visibility requirements, gates and barriers and parking spaces provided prior to occupation. The Highways Authority have therefore requested an additional condition covering site storage/compound details prior to the commencement of development. Given the constraints of the site and existing vehicular access point, it is considered that site facilities and storage of materials will be required to be contained within the site. It is recommended that the wording of the condition be amended to be compliance based.

5.7.5 On the basis of the above it is considered that the development accords with CLP20 and CLP22.

5.8 Flood risk, Drainage and Water Efficiency

5.8.1 Relevant Policies

5.8.2 Local Plan policy CLP13 states that '*The council will require flood risk to be managed for all development commensurate with the scale and*

impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere.

- 5.8.3 Local Plan policy CLP13 goes on to note that *‘Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.’*

Considerations

- 5.8.4 The application site is located in ‘Flood Zone 1’ as defined by the Environment Agency and is therefore considered to be at low risk of flooding. The revised scheme seeks to join the existing drainage system serving Poplar Heights therefore having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council’s Design Services (Drainage) Team, Yorkshire Water and the Lead Local Flood Authority for comments in respect of flood risk and drainage/waste water.

- 5.8.5 The outline consent included a condition requiring the submission of details to address foul and surface water drainage of the site (copied below)

Condition 6

‘Concurrent with a reserved matters application details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works shall be submitted to the Local Planning Authority for written approval. Only those details which have been approved in writing by The Local Planning Authority shall be installed on site.’

- 5.8.6 To support the application, detail of drainage have been provided including surface water calculations, inspection chamber construction details, drainage general arrangement, catchment areas, pipe construction details.
- 5.8.7 The Lead Local Flood Authority had no comments to make on this application.
- 5.8.8 Yorkshire Water reviewed the revised details and raised no objection to the approval of reserved matters.
- 5.8.9 The Council’s Design Services Drainage Team reviewed the scheme and raised no objections to the revised drainage proposal. Yorkshire Water will need to approved the revised drainage details and hydrobrake chamber.

5.8.10 It is necessary to highlight that the proposal seeks to connect to the existing drainage system serving Poplar Heights. Under application CHE/15/00085/OUT drainage details were required to be submitted prior to the commencement of the development. The developer however proceeded with the scheme without discharging the relevant conditions and all units have now been purchased and are now occupied. The outstanding drainage conditions are pending determination under application CHE/23/00066/DOC. There does not appear to be a management company covering the drainage system serving Poplar Heights. The developer Woodall Homes has indicated that there would be no objection to the new dwelling connecting to the existing drainage however there may be further legal matters to be resolved should the drainage be privately conveyed to the individual land owners. This would be a separate private civil matter for the applicant to address with the relevant parties and to gain appropriate agreements. For the development to connect to the existing drainage system the new dwelling would connect via Four Poplars and would not require any works either to the capacity of the existing drains or access to the properties at Poplar Heights. The granting of a planning permission does not give consent for a connection to the private drainage system and this must be addressed by the applicant through the appropriate legal channels. If agreement cannot be reached the applicant will need to re-apply for amended drainage details which would need to be agreed by the Local Planning Authority in accordance with the requirements of the original outline permission.

5.8.8 Subject to the imposition of relevant conditions covering water efficiency the proposal will accord with the provisions of CLP13 and the wider NPPF.

5.9 Ground Conditions and contamination including air quality

Relevant Policies

5.9.1 Policy CLP14 states that; *'All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts).'*

5.9.2 Policy CLP14 also requires consideration of unstable and contaminated land.

Considerations

5.9.3 The outline consent included a condition requiring the submission of details to address potential land contamination of the site (copied below)

Condition 4

'Concurrent with the submission of a reserved matters application, evidence that the site is suitable for use shall be submitted to the Local Planning Authority for consideration and written approval. The evidence shall include the completion of

- a. Phase 1/desk study report documenting the previous land use history of the site.*
- b. a Phase 2/intrusive site investigation where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.*
- c. a Remediation Strategy (if necessary) and d. a Validation report*

All the reports a) to c) shall be submitted to the Council and approved in writing by the Local Planning Authority prior to the development commencing.'

5.9.4 The application is supported by a Phase 1 Environmental Assessment for residential development site adjacent Rectory Road Duckmanton, produced by CoDa Structures, dated 22.10.2021 (report reference 7236)

5.9.5 The Council's Environmental Health Officer did not provide comments on the current submission however previously provided comments on application CHE/21/00798/REM *'I can see that this application is supported with a Phase 1/desk study (reference 7236). Section 9 of the report refers to a site investigation and I recommend that ground structure is investigated (i.e. to determine the presence of 'made ground'). The information ascertained from this investigation must be presented in writing to the Council for approval prior to commencement of development'*

5.9.6 It is considered that if approved matters surrounding land stability and contamination would be addressed through parts b through to c, required to be submitted through a discharge of condition application prior to commencement of development.

5.9.7 Given the outstanding condition there is no need to consider these matters further as part of this application. On this basis the proposal is considered to meet the requirements of policy CLP14 of the Local Plan.

5.10 Biodiversity including Trees and Landscaping

Relevant Policies

5.10.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

Considerations

5.10.2 The outline permission required details of landscaping and ecological enhancements in line with the NPPF to be submitted concurrent with the reserved matters (condition 13 – copied below).

Condition 13

‘Concurrent with the submission of landscaping details as part of a reserved matters application plans/drawings shall be submitted to the Local Planning Authority for written approval demonstrating the creation of suitable habitat which enhances the ecological interest of the site, in line with guidance within Paragraph 175d of the NPPF. This could include native landscaping, retention of existing features of ecological value and incorporation of bat and bird boxes into the new dwelling. The approved biodiversity enhancement shall be installed in accordance with the approved details in the first planting season after completion or first occupation of the development whichever is the sooner.’

5.10.4 The application is supported by a proposed landscaping and site boundary treatment plan however this does not go into extensive detail regarding the number of plants/species etc. It is noted that an Acer Campestre (field maple) is indicated in the rear garden, this is a large tree and would not be appropriate in this location. As part of a condition covering landscaping detail, this aspect of the scheme should be removed. The location and type of bird and bat boxes are indicated on the submitted plans. It is accepted that part of the hedgerow on the site frontage will be lost to accommodate a wider access, the landscaping

plan indicates that new replacement planting will be incorporated within the application site to provide habitat, food source and cover for wildlife.

5.10.5 It is therefore recommended that a condition be imposed requiring a detailed landscaping plan be submitted for approval in accordance with the requirements of CLP16 and the NPPF.

5.11 **Developer Contributions and Community Infrastructure Levy**

5.11.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located within the Medium CIL charging Zone as set out in the Council's Charging Schedule. The CIL charge is calculated as follows:

$$\frac{\text{Net Area (A)} \times \text{CIL Rate (B)} \times \text{BCIS Tender Price Index (at date of permission) (C)}}{\text{BCIS Tender Price Index (at date of Charging Schedule) (D)}} = \text{CIL Charge (E)}$$

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
Residential (C3)	115	0	122	£50	355	288	£7087

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters and site notice and 7 letters of representation have been received. See summary of main points raised below.

- Privacy and outlook – the proposed development is 6.1m from the plots eastern boundary. The upstairs windows facing east must have obscure glass otherwise this window would provide a direct line of sight to habitable rooms of neighbouring bungalow. Assurance would be needed that no additional windows will be installed at first floor or the window is changed or altered which would impact neighbouring privacy.
- Shade/overshadowing impacts – proposal would result in considerable shadowing to the property to the east in autumn, winter and spring.
- Wildlife impact – large range of wildlife observed on the site including birds on the red list. Importance of habitat for the birds for cover and food sources, the birds would be impacted by the building work and any alteration to the hedgerow
- Drainage

- object to the connection of this property to the existing drainage system on the Poplar Heights estate in Duckmanton.
- There are already considerable drainage issues with this site, this development will only put more demand on a poor system.
- When purchasing the property on the Poplar Heights estate there was no mention of any shared drainage arrangement with the adjoining Four Poplars property and whether that property shares in the responsibility for the maintenance of the private drainage system within the Poplar Heights estate.
- Can the council provide any documentation to say that the addition of Four Poplars to the drainage system was approved and with what conditions.
- As Woodall Homes does not own the drainage system and the maintenance is the responsibility of the drainage system users I do not see how Woodall has the authority to give permission for that drainage system to be used by any further properties either now or in the future.
- Can the council please provide any information or permissions relevant to the additions to the usage of the drainage system and any consultation with those using and responsible for maintaining the drains
- Apart from the maintenance cost there is also the issue as to whether the drainage system was designed to cope with any additional properties. Can the council please provide the information to say what number of properties the drainage system was designed to be capable of supporting.
- I have looked through the latest documents on CBC planning website and cannot see anything that changes my position to object to the application. Yorkshire Water confirmed to me on 7 Feb that the entire drainage system on the estate was private. The main drainage down the road may at some point be adopted but until then the drainage maintenance is a private responsibility. The main drain then passes through my property which will not be adopted and remains the responsibility of the users.
- I had no knowledge of any connection of drains from 4 Poplars to the Poplar Heights estate prior to this planning application and with shared responsibility for Private Drains, I do not feel that planning agreement to this arrangement is appropriate. (I understand that NO drains on the estate have been adopted)
- Other matters – the property to the east of the plot should be shown on the site plan.

6.2 Officer comments – the above comments have been noted

- Privacy and outlook – see section 5.6
- Shade/overshadowing impacts – see section 5.6

- Wildlife impact – see section 5.10
- Drainage – see section 5.8
- Other matters – noted, the revised plans include the dwellings to the rear of the site on the site plan. The Case Officer visited the property to the rear of the proposal to assess the impact.

7.0 HUMAN RIGHTS ACT 1998

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 The action in considering the application is in accordance with clearly established Planning law and the Council’s Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and paragraph 38 of 2023 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with ‘up-to-date’ policies of the Local Plan, it is considered to be ‘sustainable development’ to which the presumption in favour of the development applies.
- 8.2 The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

9.0 CONCLUSION

- 9.1 The reserved matters application is considered to accord with the requirements of the Local Plan as set out in the report above.

10.0 RECOMMENDATION

10.1 It is therefore recommended that the application be **GRANTED** subject to the following:

Conditions

Approved plans and documents

1. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
 - Plans as Proposed, drawing number 22-875-01 Revision A

Reason - In order to clarify the extent of the planning permission for the avoidance of doubt.

Pre-commencement construction management plan

2. 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);
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Arrangements for turning vehicles;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason – In the interests of highway safety in accordance with Local Plan policies CLP20 and CLP22.

Landscaping

3. Prior to the development hereby permitted commencing above foundation level a landscaping scheme shall be submitted to the Local Planning Authority for the treatment of all parts on the site not covered by buildings to be approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion. Details shall include:
 - a. a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include details of

ecologically beneficial landscaping to provide a biodiversity enhancement.

- b. a schedule detailing sizes and numbers of all proposed trees/plants, sufficient specification to ensure successful establishment and survival of new planting.

Reason - *In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance it in accordance with policies CLP16 and CLP20 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 174 of the National Planning Policy Framework.*

Biodiversity enhancement scheme

4. Prior to the occupation of the development the bird and bat boxes shown on the approved plans set out in condition 1 shall be installed on site, in addition with a scheme of ecologically beneficial landscaping to provide a biodiversity enhancement as required in condition 3. The enhancements shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

Reason - *In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 174 of the National Planning Policy Framework.*

Landscaping maintained for 5 years

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason- *To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with CLP20 and CLP16*

Drainage

6. The development hereby approved shall only be undertaken in accordance with the submitted drainage details shown on the attached drawings
- DRAINAGE GENERAL ARRANGEMENT, drawing number MP-1693-01-DR-001
 - CATCHMENT AREAS, drawing number MP-1693-01-DR-002
 - PIPE CONSTRUCTION DETAILS, drawing number MP-1693-01-DR-003
 - INSPECTION CHAMBER CONSTRUCTION DETAILS, drawing number MP-1693-01-DR-004

Reason – In the interests of achieving acceptable foul and surface water drainage in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan

Water efficiency

7. The dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason - To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 153 of the National Planning Policy Framework.

Window to be installed obscurely glazed

8. Prior to the development hereby permitted being occupied/brought into use the first floor window in the east (rear) elevation shall be installed with obscure glazing and with no opening part being less than 1.7 metres above the floor level immediately below the centre of the opening part. The obscure glazing shall be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product. Once installed the glazing shall be retained as such thereafter.

Reason - To protect the amenity of the residential neighbours in accordance with Local Plan policies CLP14 and CLP20

Permitted development rights removed – extensions/additional windows

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or reenacting that Order with or without modification) no buildings, structures, extensions or new window shall be installed or erected to the dwelling subject of this application without the prior written approval of the Local Planning Authority upon an application submitted to it

Reason - *To protect the amenity of the surrounding occupiers and prevent overdevelopment of the site in accordance with Local Plan policies CLP14 and CLP20*

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
4. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department – Place at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council website..
5. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
6. Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway

margin. This usually takes the form of a dished channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

7. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
8. If construction works are likely to require Traffic Management, advice regarding procedures should be sought from the County Council Traffic Management Team and all road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
9. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

10. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
11. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the relevant legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.
12. In accordance with the landscaping and biodiversity enhancement conditions above appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
 - Bird/owl/bat boxes
 - (Locating your nestbox: Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to

mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.

- You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.
- The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.
- Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)
- (Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)
- Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.
- Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance.
- Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.
- Bee bricks.

Species	Potential Enhancement Measure	Notes
Wildflowers	Native wildflower meadow areas: as an alternative to amenity grassland.	Wildflower meadow can be added where there is grassed verge / communal garden space as well as within residential gardens

	Wildflower verges.	or as part of wider landscaping schemes. Advice for creating and maintaining a wild patch is available on the Wildlife Trust website and through Flora Locale .
Birds	<p>Bird Boxes and other nesting features: (such as stone ledges and wooden cladding).</p> <p>Native species planting and boundary features: Berry and seed producing shrubs are particularly beneficial for wildlife and include: Barberry, Blackthorn, Common Dogwood, Guelder Rose Hawthorn and Spindle berry.</p>	<p>Particularly where adjoining natural areas such as woodland, areas of priority habitat and the river and canal environment. For guidance on installing bird boxes including minimum height see: https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box</p> <p>Generally, boxes should be sheltered from prevailing wind, rain and strong sunlight. Check local records (Magic portal and DWT advice) for target species.</p>
Invertebrates	<p>Bug hotels and log piles with stones: particularly near ponds.</p> <p>South facing banks: with some bare ground.</p> <p>Rough or natural stone walls with holes for invertebrates to use.</p> <p>Brown roofs with a range of substrates these are particularly recommended on brownfield sites where open mosaic habitat</p>	<p>Examples of living roof projects are available on the Buglife web page: https://www.buglife.org.uk/our-work/living-roof-projects/</p>

	may have been lost. The substrate does not have to cover the entire roof.	
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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	4 th December 2023
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

These are reported to Planning Committee for information only.
Anyone requiring further information on any of the matters
contained in this report should contact:-

Planning Applications	Paul Staniforth	345781
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Delegated List
Planning Applications

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00222/FUL	Staveley North	Removal of existing communal annexe to Aston Court revised plans for the erection of three dwellings. At Aston Court Hassop Road Staveley Chesterfield S43 3YW For Chesterfield Borough Council	CP	20/11/2023
CHE/23/00211/FUL	Staveley North	Erection of Detached Garage At Poppy Barn Bridle Road Woodthorpe S43 3BY For Mrs Amanda Linaker	CP	17/11/2023
CHE/23/00275/FUL	Staveley South	Demolish existing sun room and rebuild new single-storey rear/side extension. Re-submission of CHE/22/00719/FUL At 16 Chestnut Drive Hollingwood Chesterfield S43 2LZ For Mr Lee Miller	CP	08/11/2023
CHE/23/00307/FUL	Brampton West & Loundsley	Single storey extension to provide welfare facilities At Scout Hut Brookfield Avenue Chesterfield S40 3NX For 2nd Brampton Scouts	CP	07/11/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00325/OUT	Spire	Outline application for the erection of residential flats with landscaping reserved At Car Park To The Rear Of Council House Saltergate Chesterfield For Mr James Holmes	REF	17/11/2023
CHE/23/00338/FUL	Spire	Single storey side/rear extension with first floor roof terrace, rear raised patio with swimming pool, provision of Juliet balcony on loft floor side elevation and side extension to existing garage - revised drawing showing proposed tree planting received 17.08.2023 - revised drawings showing raised balustrade on both sides of the terrace and taller planting received 18.10.2023 At 28 Gladstone Road Chesterfield S40 4TE For Mr Brammer	CP	07/11/2023
CHE/23/00387/FUL	Walton	Single storey front porch extension, single storey rear extension, hip to gable attic conversion with new dormer extension to rear and demolition of existing garage and erection of new garage At 181 Whitecotes Lane Walton Chesterfield S40 3HJ For Mr and Mrs Holland	CP	10/11/2023
CHE/23/00407/RET	Brampton West & Loundsley	Retrospective planning for open porch structure and decking At 170 Old Road Chesterfield S40 3QP For Mr Geoff Parker	CP	21/11/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00409/FUL	Staveley Central	Erection of 2 detached dwellings At St Josephs RC Church Chesterfield Road Staveley Chesterfield S43 3QF For Bellfield Construction Ltd	CP	21/11/2023
CHE/23/00414/DOC	Brockwell	Discharge of conditions 3 (Construction management plan), 6 (Site investigations) and 7 (Declaration of site safety) of application CHE/23/00220/FUL- Replacement of existing canopy, fuel tanks, fills, pipework, forecourt and alterations to existing parking arrangement At Chesterfield Express Newbold Road Newbold Chesterfield S41 7AL For Esso Petroleum Company Limited	PDOC	08/11/2023
CHE/23/00452/FUL	Walton	Erection of front porch, conversion of existing garage, erection of new garage and relocation of entrance door (revised drawings received 25.10.23) At 26 Park Hall Gardens Walton Chesterfield S42 7NQ For Mr and Mrs Byfield	CP	20/11/2023
CHE/23/00454/FUL	Walton	Two storey rear extension At 179 Whitecotes Lane Walton Chesterfield S40 3HJ For Ms D Brewin	CP	01/11/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00472/FUL	Brampton West & Loundsley	Single storey side extension to replace existing conservatory At Beech Trees 1 Westfield Close Chesterfield S40 3RS For Mr T Vickerman	CP	07/11/2023
CHE/23/00480/FUL	Linacre	Single storey front and rear extensions with two storey side extension At 8 The Grange Holme Hall Chesterfield S42 7PS For Mr S Higham	CP	17/11/2023
CHE/23/00487/FUL	Staveley North	Double hip-to-gable conversion, second floor rear balcony, alteration to front projecting hipped roof and single storey rear extension - revised drawings received 25.10.2023 showing the dormer cheeks stepped back from the gable walls and removal of balcony screen with door opening adjusted to form a Juliet balcony At 12 Bridle Road Woodthorpe Chesterfield S43 3BY For Mrs Jacqueline Hollinshead	CP	17/11/2023
CHE/23/00528/NMA	Walton	Non material amendment to CHE/21/00636/FUL (Hip to gable conversion and rear dormer loft conversion) for masonry gable as opposed to the dormer cheek At 24 Ling Road Walton Chesterfield S40 3HS For Mrs Meg Fisher	REF	09/11/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00541/FUL	Rother	Extension to existing single garage to create new double garage At 58 Langer Lane Birdholme Chesterfield S40 2JG For Mr Alex Davies	CP	01/11/2023
CHE/23/00555/FUL	Rother	Single storey rear/side and single storey front/side extensions with cladding At 81 Langer Lane Birdholme Chesterfield S40 2JP For Ms Lisa Walton	CP	21/11/2023
CHE/23/00557/FUL	Whittington Moor	Single storey front and side porch with front steps At 15 Thorndene Close Newbold Chesterfield S41 8SE For Mr Ian Green	CP	10/11/2023
CHE/23/00560/PRE	Hasland	Development of a specialist care home facility At Land Off Hartfield Close Hasland Chesterfield For Cairnwell Developments	PRASUP	06/11/2023
CHE/23/00573/FUL	Hasland	Single storey front extension At 6 Penmore Close Hasland Chesterfield S41 0SH For Mr John Lawty	CP	10/11/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00590/NMA	Brampton West & Loundsley	Non-material amendment to CHE/22/00511/FUL (Erection of a new 3 bedroom bungalow with attached garage and associated landscaping works) - To amend picture window on the western end of the living room to sliding doors At Land West Of Wash House Lane Wash House Lane Chesterfield For Mr Christopher Allenby	REF	09/11/2023
CHE/23/00598/PRE	Brimington North	LBC advice - Addition of a front porch At 15 High Street Brimington Chesterfield S43 1DE For Mr Roger Bell	PRNSUP	03/11/2023
CHE/23/00601/DOC	Staveley North	Discharge of conditions 3 (Site Investigation), 4 (remediation works), 5 (site investigation/Phase 2 report) and 16 (archaeological report) of CHE/20/00420 - Restoration of the Chesterfield Canal between Eckington Road and Hague Lane, including lifting level of existing earth embankment, installation of aqueduct over river Doe Lea, construction of two vehicular access bridges, two pedestrian/cycle bridges, a new lock and associated infrastructure. At Eckington Road To Hague Lane Eckington Road Staveley For Chesterfield Canal Trust Ltd	DPC	16/11/2023
CHE/23/00603/PRE	Brampton West & Loundsley	Proposed meeting and education cabin At Allotments Ashgate Road Chesterfield For Ashgate Allotment Society Ltd	PRASUP	17/11/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00607/TPD	Hasland	<p>Single storey rear extension with "flat warm roof" and glazed atrium roof light</p> <p>At 142 Hasland Road Hasland S41 0AB</p> <p>For Ms Abi Stanley</p>	PA	17/11/2023
CHE/23/00629/DEM	Spire	<p>Demolition of buildings on land to the north of Malkin Street and to the east of Brimington Road, Chesterfield,</p> <p>At Rear Of Peel House Brimington Road Tapton Chesterfield S41 7UG</p> <p>For Brimington Developments No.1 Ltd.</p>	PANR	07/11/2023
CHE/23/00657/TPO	Walton	<p>1. Ash tree - Reduce tree by 30% + removing dead wood leaving well balanced crown throughout the tree. Crown Lift to three metres. Shading, keep the tree in proportion so not encroaching too close to the house</p> <p>At 29 Foxbrook Drive Walton Chesterfield S40 3JR</p> <p>For John Salway</p>	CP	22/11/2023
CHE/23/00660/TPO	Staveley South	<p>T3 and T4 - Cherry trees to SW of site - Crown lift to clear 4m over road. Prune to clear streetlight splay and road sign</p> <p>At Attlee Medical Centre Attlee Road Inkersall Chesterfield S43 3ST</p> <p>For Derbyshire Support and Facilities Services Limited</p>	CP	15/11/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00663/PRE	Brockwell	TPO advice: root pruning under tennis courts At Chesterfield Lawn Tennis Club Hawksley Avenue Chesterfield S40 4TW For Fosse Contracts Ltd	PRASUP	07/11/2023
CHE/23/00668/TPO	Brockwell	Oak tree- Reduce / remove the lower branches to a height (maybe to the start of the roof) that reduces the risk of branches hitting our house during high winds. Lifting the crown the amount of acorns & leaves will reduce and so reduce the risk of falling At 1 School House Way Newbold Chesterfield S41 7QU For Suresh Panchal	CP	21/11/2023
CHE/23/00671/CA	Brampton West & Loundsley	T1- Sycamore, T2- Sycamore, T3- Oak, UP T15- Oak, T16- Chestnut, T17- Lime - Crown clean, crown lift up to 5m and prune back from war memorial streetlights, public footpath and roadside, to give 1-2m clearance, whilst maintaining a balanced crown At St Thomas' Church Chatsworth Road Chesterfield S40 3AW For Mr Liam Walker		06/11/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00675/CA	Spire	Tree works to 2 ash and 2 sycamore trees - crown lift to 5.2m and reduce branches overhanging above 5.2m by 2-3m. Only pruning branches which over hang the car park This work is required due to homeless gathering in the car park. At 5 Market Place Chesterfield S40 1TW For Outco Ltd	UP	17/11/2023
CHE/23/00681/TPO	Walton	American Oak - Crown lift, crown reduction to 2-3 metres spread At 7 Wolfe Close Walton Chesterfield S40 2DF For Mrs Heather Shore	CP	17/11/2023
CHE/23/00688/TPO	Spire	T2- Oak- Prune or remove dead or overhanging branches and crown thin At West Lawn 47 Newbold Road Newbold Chesterfield S41 7PG For Mr Martin Millott	CP	21/11/2023
CHE/23/00689/TPO	Spire	T3- London Plane- Prune and remove dead or overhanging branches and crown thin At 1 Abercrombie Street Chesterfield S41 7LW For Mr Lawrence Tighe	CP	21/11/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00698/TPO	Spire	<p>G1 - x3 Maples - Crown lift to 6m roadside & 4m carpark side. Prune trees away from streetlights/furniture to give a 1m clearance (pruned to suitable growth points). G2 - x4 Maples - Crown lift to 4m. T1 - Horse Chestnut - Reduce back from the driveway and ensure site sign is clear, to give a 1m clearance (pruned to suitable growth points).</p> <p>At Malthouse Court Sheffield Road Stonegravels Chesterfield S41 7LL For Mr Matthew Watson</p>	CP	22/11/2023
CHE/23/00699/TPO	Brockwell	<p>Lime Tree Ref T1. To prune existing roots from Lime tree Ref T1 outside of the court area as detailed in the preapplication advice given so that the tennis court can be reinstated to a playable condition with less risk from future root ingress disturbing the surface</p> <p>At Chesterfield Lawn Tennis Club Hawksley Avenue Chesterfield S40 4TW For Oates</p>	CP	17/11/2023

Delegated List - Planning Applications

Key to Decisions

Code	Description
AC	Historic
AP	Historic
APPRET	Application returned to applicant
CI	Called in by secretary of state
CIRNO	Circular 18/84 no objection
CNOCO	Circular 18/84 no objs but conditions
CONCOM	Confirmation Compliance with Conditions
CP	Conditional permission
CPEOTZ	Conditional Permission Extension of Time
CPMAZ	Conditional consent for material amendment
CPRE1Z	Conditional Permission Vary Conditions
CPRET	Conditional Approval Retrospective
DPC	Discharge of Planning Conditions
FDO	Finally Disposed Of
GR CLOPUD	CLOPUD Granted
GRANT CLUD	CLUD Granted
GRNTEX	Permission Granted with Exemption
ND	Non Development
OBJ	Other Council objection
OC	Other Council no obj with comments
OW	Other Council no obj without comments
PA	Prior Notification Approval
PADEM	Prior Notification Demolition Approve
PD	Found to be Permitted Development
PR	Prior Notification Refusal
RAP	Retrospective Application Refused
RARETZ	Retrospective Application Approved
RC	Application Refused
REF	Refused
RETAP	DO NOT USE
RETRFZ	Retrospective Application Refused
RF CLODUP	CLOPUD Refused
RTN	Invalid Application Returned
S106	S106 Approved pending planning obligation
SC	Split decision with conditions
SU	Split decision - approval unconditional
UP	Unconditional permission
UPRET	Unconditional Approval Retrospective
WDN	Withdrawn
XXXXXX	Recommendation Pending

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	4 th December 2023
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

These are reported to Planning Committee for information only. Anyone requiring further information on any of the matters contained in this report should contact:-

Applications to Fell or Prune Trees	Steve Perry	345791
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SECTION 1**APPLICATION TO FELL OR PRUNE TREES**

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/23/00660/TPO TPO 4901.291 15/11/23	The pruning of two Cherry trees reference T3 & T4 on the Order Map and which are situated at the Attlee Medical Centre, Attlee Road, Inkersall	Consent is granted to the crown lifting of two Cherry trees to clear the footpath and highway and to reduce branches growing around the street signage and street lighting head.
CHE/23/00699/TPO TPO 4901.179 17/11/23	The pruning of one Lime tree reference T1 on the Order Map and which is situated in the grounds of the Chesterfield Lawn Tennis Club, Hawksley Avenue	Consent is granted to the root pruning of two roots which are lifting the Tennis court surface material, pruning the roots just outside the edge of the tennis court and placing a root barrier into the ground to stop further encroachment.
CHE/23/00681/TPO TPO 4901.15 17/11/23	The pruning of one Oak tree reference T17 on the Order Map and which is situated to the frontage of 7 Wolfe Close, Walton.	Consent is granted to crown lift the tree to 3 metres, the reduction of branches to clear the properties and street lighting head and a light crown thin to allow more light to filter through the canopy.
CHE/23/00668/TPO TPO 4901.266 21/12/23	The pruning of one Oak tree reference T33 on the Order Map and which is situated on land off Newbold Back Lane adjacent to 1 School House Way, Newbold.	Consent is granted to a crown lift by 5 metres, crown thin by 20% and the reduction of branches growing towards the property to give a 2 metre clearance from the structure pruning back to suitable replacement branches.

<p>CHE/23/00688/TPO TPO 4901.19 21/11/23</p>	<p>The pruning of one Oak tree reference T2 on the Order Map and which is situated at 47 Newbold Road.</p>	<p>Consent is granted to a crown lift by 4 metres, the reduction of branches growing towards the property to give a 1.5 metre clearance from the structure, crown thin by 20% and the removal of dead wood.</p>
<p>CHE/23/00689/TPO TPO 4901.19 21/11/23</p>	<p>The pruning of one London Plane tree reference T3 on the Order map at 1 Abercrombie Street.</p>	<p>Consent is granted to a crown lift by 5.2 metres, the reduction of branches growing towards the property to give a 2 metre clearance from the structure, the removal of dead wood, crown thin by 20% and the reduction of branches growing towards the telephone wires to give a 2 metre clearance from the cables.</p>
<p>CHE/23/00698/TPO TPO 4901.168 22/11/23</p>	<p>The pruning of seven Maple trees reference T4–T10 and one Horsechestnut tree reference T12 on the Order Map and which are situated to the south of The Riverdale Care Home, Sheffield Road.</p>	<p>Consent is granted to crown lift seven Maple trees over the highway and car park and reduce branches growing around street lighting to give a 1 metre clearance pruning back to suitable replacement branches and the pruning of one Horsechestnut tree by reducing branches growing over the driveway and around signage to give a 1 metre clearance pruning back to suitable replacement branches.</p>

CHE/23/00657/TPO TPO 4901.174 22/11/23	The pruning of one Ash tree reference T18 on the Order Map and which is situated in the rear garden of 29 Foxbrook Drive, Walton.	Consent is granted to the crown lifting, crown reduction by 20% and the removal of dead wood within the crown to one Ash tree.
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SECTION 2**NOTIFICATION OF INTENT TO AFFECT TREES IN A CONSERVATION AREA**

<u>CONTENTS OF NOTICE</u>	<u>SUMMARY OF CONSIDERATIONS</u>	<u>TERMS OF DECISION</u>	<u>DATE OF DECISION</u>
CHE/23/00671/CA The pruning of trees at St Thomas Church, Chatsworth Road.	The trees are within the Chatsworth Road Conservation Area and the applicant wishes to prune 6 trees to remove the lower branches, dead wood and to clear the war memorial and footpaths for the Remembrance Service.	Agreement to the pruning of trees. The pruning of the trees will not result in any loss of amenity or be detrimental to the character of the conservation area.	06/11/23
CHE/23/00675/CA The pruning of trees at the Natwest overflow car park, Rose Hill to the west of the Hidden Knight Public House	The trees are within the Town Centre Conservation Area and the applicant wishes to prune the trees due to homeless people gathering in the car park.	Agreement to the pruning of trees. The pruning of the trees will not result in any loss of amenity or be detrimental to the character of the conservation area.	16/11/23
CHE/23/00686/CA The pruning of one hedgerow and one Ash tree located at 408 Chatsworth Road.	The trees are within the Chatsworth Road Conservation Area and the applicant wishes to prune the trees back to the boundary by 3 metres to clear the building structures at the neighbouring Orchard Nursing Home 410 Chatsworth Road.	Agreement to the pruning of trees. The pruning of the trees will not result in any loss of amenity or be detrimental to the character of the conservation area.	23/11/23

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APPEALS REPORT

MEETING: PLANNING COMMITTEE

DATE: 4th December 2023

REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

<u>TITLE</u>	<u>LOCATION</u>
Non exempt papers on files referred to in report	Development Management Section Planning Service Town Hall Chesterfield

1.0 PURPOSE OF REPORT

- 1.1 To inform Members regarding the current status of appeals being dealt with by the Council.

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER

These are reported to Planning Committee for information only. Anyone requiring further information on any of the matters contained in this report should contact Paul Staniforth on 01246 345781.

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APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/2581	Middlecroft & Poolsbrook ward	Mr T Singh	CHE/21/00381/FUL Extension at 26A Circular Road – Refusal	Officer delegation	23/2/23	Written Reps	Allowed 03/11/23 see appendix A
2/1257	Middlecroft & Poolsbrook ward	Mrs V Zheng	CHE/21/00778/FUL Change of Use and new build to create 20 apartments at Elm Tree Inn, High Street, Staveley – Refusal	Planning Committee against officer advice	28/04/23	Written Reps	
2/1209	Moor ward	Plumco Ltd	CHE/23/00090/ADV – 48 sheet illuminated signage Refused	Officer delegation	23/05/23	Written Reps	
2/1118	Whittington ward	Mr Paul Hardy (Vivid Outdoor Media Ltd	CHE/23/00026/ADV – Illuminated 48 sheet hoarding at Station Road, Whittington Moor - Refusal	Officer delegation	19/07/23	Written Reps	
2/	Brampton West and Loundsley Green	Mr Richard Ogle	CHE/23/00167/FUL – Vehicle access at 192 Old Road. - Refusal	Officer delegation	29/8/23	Written Reps	Dismissed 13/11/23 see appendix B
2/6155	Staveley North	Mr and Mrs Linathon	CHE/23/00287/FUL – extension of Oak Tree Barn, Bolsover Road - Refusal	Officer delegation	26/9/23	Written Reps	

2/5580	Walton ward	Mr A Aldred	CHE/23/00375/FUL – Extension at 4 Stanford Way, Walton - Refusal	Officer delegation	18/10/23	Written Reps (HAS) Seeking full costs against Council	
2/	Whittington ward	Mr G Wolstenholme	CHE/22/00568/HH – Remedial Notice served in respect of high hedges at 279 Handley Road	Officer delegation	8/11/23	Written Reps	



Appeal Decision

Site visit made on 23 August 2023

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2ND November 2023

Appeal Ref: **APP/A1015/W/23/3317224**

26A Circular Road, Staveley S43 3QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tajinder Singh against the decision of Chesterfield Borough Council.
 - The application Ref CHE/21/00381/FUL, dated 13 May 2021, was refused by notice dated 6 September 2022.
 - The development proposed is described as 'Two storey extension. Ground floor retail and storage. First Floor extension to flat'.
-

Decision

1. The appeal is allowed and planning permission is granted for two storey side extension and single storey rear extension - Ground floor retail and storage and First Floor extension to flat, at 26A Circular Road, Staveley S43 3QX, in accordance with the terms of the application, Ref CHE/21/00381/FUL, dated 13 May 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. I have used the description of the development as set out on the appeal form within my decision above, as this more accurately describes the development proposed.
3. Amended plans were provided to and considered by the Council during the course of the application, which included details of amenity space and amended parking provision. I have determined the appeal based on these revised plans.

Main Issue

4. The main issue is the effect of the proposal upon highway safety, with particular regard to parking provision.

Reasons

5. The appeal site comprises a convenience store with residential accommodation above. Fenced land to the immediate south of the convenience store provides storage for bins and private parking, with no customer parking on site. At the time of my visit, two vehicles were parked in this area. A dropped kerb extends along a large part of the site frontage, excluding a short section to the southern end. The surrounding area is largely residential in character, some with off street parking, others relying on on-street parking. There is a notable change in levels between the appeal site and dwellings located to the rear along St Johns Road.

6. The plans submitted indicate that the proposed development would provide an extended retail area and retail store at ground floor level and a larger lounge and dining room facilities at first floor to the existing three-bedroom flat. One parking space is proposed towards the southern boundary. No increase in staffing levels has been indicated, however, the larger premises would likely result in some intensification of the existing uses.
7. The Council confirms that it does not have any adopted parking standards at present. Policy CLP20 of the Chesterfield Borough Local Plan Adopted July 2020 (LP), requires that the design of new development incorporates adequate and safe vehicular access and parking. LP Policy CLP22 states that the level of vehicle and cycle parking provision appropriate to any individual proposal will take into account the circumstances of the particular scheme, including certain criteria. Of particular relevance to the proposal are (ii) The type, mix and use of the development, (iv) The availability of and capacity for safe on-street and public car parking in the area, and (vi) The likelihood that any existing on-street parking problems in terms of highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse.
8. By its nature, the convenience store is likely to attract customers from the local area and from here, it would be accessible by foot or cycle. Inevitably however, some customers will arrive by car and deliveries/waste collection would be by road also. Given the existing level of off-street parking at the appeal site, the commercial premises and flat above are likely to rely in large part on parking provision on-street to meet present and future needs.
9. The Council's decision notice sets out that the proposal would not have an acceptable level of on-site parking, which could lead to highway safety problems. However, in its Officer Report, the Council accepts that there is some capacity for safe on-street parking and in its Statement of Case, the Council confirms that the appeal scheme was not generally considered to be dangerous in highway safety terms.
10. Instead, the Council references inconsiderate development resulting in the utilisation of the existing parking on site. The appellant has provided parking survey information, which includes snapshots of the appeal site and adjacent highway, across a number of days and at different times, including in the evening. This information suggests that generally, there is on-street parking available within the vicinity of the appeal site and that the area is not congested. Whilst I accept that this information has some limitations and it has not been independently verified, there is no contrary evidence before me, sufficient to demonstrate that there is any lack of available on-street parking within this area, sufficient to meet the needs of the proposal. On street parking is possible along much of Circular Road, except where houses have private driveways.
11. Whilst the Council highlight instances where a parked vehicle restricted pedestrian access, and another where a delivery vehicle temporarily blocked the road and struggled to manoeuvre, there is little evidence before me to suggest that these are persistent issues resulting in harm to highway safety, or that they would be exacerbated to any significant degree by the proposed development.
12. Taking account of local circumstances and the information before me, there is no compelling evidence to suggest that there is any existing problem with on-

street parking in terms of highway safety, congestion or accessibility, or that a reliance on on-street parking for the proposed development, would worsen any such issues.

13. As such, I conclude that the proposed development would not result in harm to highway safety with particular regard to parking provision. The proposal would comply with LP Policies CLP20 and CLP22. Further, the development would accord with paragraph 111 of the National Planning Policy Framework (NPPF) where it seeks to ensure that development is only prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

14. I have considered the concerns of an interested party relating to the potential of the proposal to block the view from their garden. This property benefits from a long rear garden and whilst the proposed development would change the view, particularly from the rearmost part of this garden, it would not be significantly overbearing or result in a significant loss of outlook. The Council has raised no concerns in this regard.
15. Litter is raised as a further issue by interested parties. However, there is very limited information available on this matter and again, the Council has not raised similar concerns. Based on the information before me, I have no reason to conclude that waste could not be appropriately managed.
16. The Council references the presence of street furniture and that this could impact on the parking bay proposed. Re-location of any street furniture would be a matter for the appellant to resolve with the appropriate authority.

Conditions

17. I have considered the conditions put forward by the Council with reference to the NPPF and Planning Practice Guidance. The appellant has had the opportunity to comment.
18. I have imposed a condition which concerns the statutory time limit. In the interests of certainty, I have also imposed a condition concerning the approved plans.
19. A condition is imposed requiring the submission of a Construction Management Plan (CMP), which is necessary to effectively manage the construction phase, given the limited external space on site and proximity to neighbouring residents. As it is for the construction phase, it would be required prior to development commencing, to which the appellant has agreed. In order to protect the living conditions of occupiers of neighbouring properties, a further condition is imposed to control construction working hours.
20. The Council's Environmental Health Officer advises that mitigation measures are required to reduce noise emissions from fixed plant in accordance with the recommendations of the Noise Impact Assessment (NIA). These mitigation measures are not before me and so a condition is imposed to secure them. It has been confirmed that these measures will not be integral to the construction of the proposal itself, and so the details are required prior to installation, not commencement. As the findings of the NIA are based on specific make/models, the condition also specifies the retention of the approved units.

21. A condition is imposed to secure matching external materials, in the interests of the character and appearance of the area. A further condition is imposed to secure the delivery of the proposed parking space and its retention, in order to provide certainty that the development will be completed as approved.
22. LP Policy CLP14 requires that all development has an acceptable impact on the amenity of adjoining occupiers. The imposition of a condition for obscured and fixed glazing to 3 habitable room windows on the east elevation at first floor level is necessary to maintain the privacy of occupiers of properties on St Johns Road.
23. In order to improve environmental quality in relation to travel, LP Policy CLP22 seeks the provision of electric vehicle charging points where appropriate. Additionally, LP Policy CLP16 requires new development to deliver a net gain in biodiversity. The Council considers that in this case, the addition of two bird boxes would deliver the necessary net gain and from the information available, I have no reason to disagree. Conditions are imposed to secure these measures.
24. I have not been provided with any justification to prohibit any gates or barriers and no access/driveway is proposed, only the parking space. The area of the proposed parking space is relatively flat and so a condition to ensure the gradient as proposed by the Highways Authority is not necessary. A drainage condition is also unnecessary given that this relates to an extension to an existing building that has established drainage methods.

Conclusion

25. For the reasons set out above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

S Brook

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Existing Ground Floor Plan, Existing First Floor Plan and Elevations including air conditioning units, Proposed First Floor Layout, Proposed Ground Floor, Proposed Elevations including air conditioning units (revision date 09/07/21), Proposed Site Plan TQRQM21133103943001 (revision date 06/08/21), Commercial Condensing Unit R134a JEHS-0200-B2-M-1 and Air Conditioning Unit Mitsubishi Heavy FDC100VNA-W.
- 3) No development shall take place until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:
 - i. Parking of vehicles for site operatives and visitors
 - ii. Storage of plant and materials and site accommodation
 - iii. Details/method of construction/demolition of buildings on site

- iv. Method of prevention of mud/debris being carried onto the public highway
 - v. Arrangements for loading/unloading and turning vehicles within the site
 - vi. Any temporary roadside fencing/hoarding
- 4) No construction or demolition works, movement of construction traffic, or the delivery or collection of construction materials/waste, shall occur other than between 0800 and 1800 hours weekdays, 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.
 - 5) Prior to the first installation of the air conditioning and refrigeration units hereby approved, mitigation measures to reduce the impact of noise emissions from these units shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures provided shall include confirmation of the achievable reduction in noise emissions. The approved mitigation measures shall be implemented before these units are brought into use and shall be retained thereafter. The make, model and location of the approved units shall not be altered.
 - 6) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 7) The extension shall not be brought into use until the parking space has been laid out within the site in accordance with Proposed Site Plan TQRQM21133103943001 (revision date 06/08/21) for one car to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
 - 8) The extension hereby permitted shall not be occupied until the 3 lounge windows within the east facing elevation at first floor level have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the approved obscured glazing shall be retained thereafter.
 - 9) The extension shall not be brought into use until an electric vehicle charging point has been provided to the parking space shown on drawing Proposed Site Plan TQRQM21133103943001 (revision date 06/08/21) in accordance with the following criteria: A Residential charging point shall be provided with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. A non-residential charging point shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. Any alternative provision to this specification must first be approved in writing, by the local planning authority. The electric vehicle charging point shall be retained thereafter.
 - 10) Within 2 months of the completion of the extension hereby approved, the proposed biodiversity measures for the installation of 2 bird boxes shall be implemented on site, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved biodiversity measures shall be retained thereafter.

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Appeal Decision

Site visit made on 28 October 2023

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13.11.2023

Appeal Ref: APP/A1015/D/23/3328506

192 Old Road, Chesterfield, Derbyshire S40 3Q

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Richard Ogle against the decision of Chesterfield Borough Council.
 - The application Ref CHE/23/00167/FUL, dated 6 March 2023, was refused by notice dated 6 June 2023.
 - The development proposed is construction of hardstanding drive, accessed via Old Road by removing part of garden wall.
-

Decision

1. The appeal is dismissed.

Reasons

2. It is proposed to create a new vehicular access onto the B6150 Old Road from the appellant's front garden. The property is at the corner of Old Road and Heaton Street and is at the end of a row of terraced properties. Old Road is a busy classified road with double yellow lines around the corners of the junction and a single yellow line on the opposite side of the road. On-street parking is available on both roads.
3. In my judgement, a vehicle crossover onto a classified road at the junction of Old Road and Heaton Street, where visibility is already restricted by vehicles parked on both adjacent roads, would bring vehicles and pedestrians into conflict. Such conflict would be exacerbated by vehicles reversing off the appeal frontage. There is no technical evidence to demonstrate that a turning circle could be achieved to enable vehicles to enter and exit in forward gear.
4. This view is supported by the Highways Authority which objects to the proposal on highway safety grounds. Furthermore, the appellant also appears to acknowledge these concerns in his comment that vehicles reversing from the frontages of 178-184 (odd) are 'causing an issue for traffic on Old Road'.
5. Vehicles are parked on some nearby paved frontages. However, they do not have a dropped kerb access to the road. The Council confirms that planning permission for such works would be unlikely to be forthcoming. This is supported by a history of refusals of planning permission for other vehicular crossings on Old Road. The degree of driver visibility available due to the corner, end of terrace location of the appeal property does not outweigh the identified safety concerns.

6. I conclude that the creation of a new vehicular access to Old Road would introduce traffic movements to and from the public highway at a point close to a junction, thereby leading to danger and inconvenience to other highway users. Furthermore, there would be insufficient space within the site to enable the safe manoeuvring of vehicles, resulting in reversing onto or off a classified road, which would be detrimental to highway safety. The proposal is therefore contrary to the provisions of Chesterfield Borough Local Plan Policies CLP20 and CLP22 which, in summary and of relevance to this appeal, require developments to provide adequate and safe vehicle access and parking.
7. For the foregoing reasons, the appeal is dismissed.

Elaine Benson

INSPECTOR

FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 4TH DECEMBER 2023
REPORT BY: HEAD OF REGULATORY LAW
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

TITLE: Non-exempt papers (if any) on relevant files

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

1.1 For non-exempt information about current formal enforcement progress.

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

3.1 Formal enforcement is a last resort, with most planning problems resolved without formal action (in accordance with government guidance). More information on informal enforcement is available from the Enforcement team.

4.0 MORE INFORMATION ABOUT THE TABLE

4.1 A summary of the main types of planning enforcement action available to the Council and penalties for non-compliance is available from Legal Services.

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
HEAD OF REGULATORY LAW

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Regulatory Law
Tel 01246 936471 or email gerard.rogers@chesterfield.gov.uk

Enforcements currently Authorised: 10

ENFORCEMENT REPORT

23 November 2023

Address	Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Breach of Condition Notice		<i>Total currently Authorised: 1 Authorised to Issue Average: 540 days</i>							
York Street	2 <i>1,523</i>	balcony, canopy and french door	17/00800/FUL	16/03/21 <i>540</i>	16/03/21 <i>983</i>	16/04/21 <i>952</i>	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecution being prepared.	<input type="checkbox"/> <i>18/03/21</i>	Ha
Enforcement Notice		<i>Total currently Authorised: 5 Authorised to Issue Average: 198.7 days</i>							
Chester Street	94 <i>277</i>	wooden play structure		30/05/23 <i>99</i>	29/06/23 <i>148</i>	29/07/23 <i>118</i>	removal within 28 days. Issued 30/05/23. PINS confirmed appeal against refusal of planning permission invalid. No appeal against enforcement notice before notice took effect.	<input type="checkbox"/> <i>23/11/23</i>	B
Markham Road	Markham House <i>5,758</i>	storage of commercial vehicles		20/03/08 <i>31</i>	18/04/08 <i>5698</i>	20/10/08 <i>5513</i>	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> <i>14/11/19</i>	HI

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Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Park Hall Avenue	2	12/12/22 347	timber fencing and stone columns on frontage					Awaiting instructions	<input type="checkbox"/> 21/12/22	Wa
Pottery Lane West	10	18/07/22 494	Storage of vehicles		27/10/23 466	11/12/23 -17	08/01/24 -45	Issued.	<input checked="" type="checkbox"/> 23/11/22	Mo
York Street	2	09/10/17 2,237	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, conditions requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Not complied with conditions. BCN served - see separate entry.	<input type="checkbox"/> 19/12/18	Ha
Enforcement Notice (Listed Building)			<i>Total currently Authorised: 1 Authorised to Issue Average: days</i>							
Old Hall Road	Brampton House	02/10/23 53						various unauthorised alterations. Instructed, notice to be issued.	<input type="checkbox"/> 03/11/23	Bro

Section 215 Amenity Notice

Total currently Authorised: 3 Authorised to Issue Average: days

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Edinburgh Road	12	10/10/22 <i>410</i>	unroadworthy vehicle, trailer and miscellaneous building materials etc.					Did not comply within 3 months given. Instructed.	<input type="checkbox"/> <i>28/10/22</i>	SH
Highfield Road	80	05/10/20 <i>1,145</i>	Removal of debris and waste					Update report 15/02/21. Working with occupier and representative with view to progress without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SH
Tapton Terrace	26	05/10/20 <i>1,145</i>	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SL

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Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

Key to Ward abbreviations: BNW Barrow Hill and New Whittington • BN Brimington North • BS Brimington South • B Brockwell • D Dunston • Ha Hasland • Hb Holmebrook • HI Hollingwood and Inkersall • L Linacre • LG Loundsley Green • LW Lowgates and Woodthorpe • MP Middlecroft and Poolsbrook • Mo Moor • N Newbold • OW Old Whittington • R Rother • SH St Helens • SL St Leonards • Wa Walton • We West

SJP - single justice procedure: prosecutions dealt with by the Magistrates Court on paper without a hearing in open court

CV-19 - coronavirus implications for enforcement or compliance

FOR PUBLICATION

AGENDA ITEM

Planning Obligation relating to the Wild Whittington Habitat Site at Old Whittington, Chesterfield.

MEETING:	PLANNING COMMITTEE
DATE:	4th December 2023
REPORT BY:	DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD:	Whittington

1.0 REASON FOR THE REPORT

- 1.1 To seek authority for Chesterfield Borough Council (CBC) to enter into a planning obligation by deed of agreement with Derbyshire Wildlife Trust (DWT) and the site leaseholder in relation to the Wild Whittington Habitat Site. The agreement would require DWT/the leaseholder to provide, manage and maintain biodiversity units on the Wild Whittington Habitat Site, having regard to the provisions of the Council's development plan, the NPPF and the Environment Act 2021. As part of the agreement, DWT/the leaseholder would commit to giving CBC fees to cover monitoring of delivery of biodiversity units and CBC would in turn commit to utilising the monitoring fees to ensure that biodiversity units are being created and maintained in line with the Habitat Management and Monitoring Plan (HMMP) submitted by DWT (Appendix 1).

- 1.2 The report also seeks to inform Planning Committee of the wider context around Biodiversity Net Gain and highlight the importance of securing off-site net gain opportunities within the borough.

2.0 BACKGROUND

2.1 The Requirement for Biodiversity Net Gain

2.2 The NPPF (paragraph 174, d) and Chesterfield's Local Plan (Policy CLP16) require a net measurable gain in biodiversity from developments. However, they do not specify a percentage level of gain to be delivered. The Environment Act (2021) introduces the requirement for 10% Biodiversity Net Gain (BNG) above baseline conditions for planning permissions granted under the TCPA 1990 in England, and the requirement will come into force from January 2024. Habitat created to deliver BNG will need to be maintained for at least thirty years after the associated development has been completed. Local Planning Authorities (LPAs) will need to ensure that developments comply with the new legislation and that BNG is delivered in a sustainable and transparent way.

2.3 The Environment Act (2021) will introduce a statutory Biodiversity Metric, which is a habitat based approach to determining a proxy biodiversity value, developed by Natural England. The Metric is designed to measure both on-site and off-site BNG delivery both at baseline (pre-development) and post-development stages. 'On-site' includes all land within the red line boundary whereas 'off-site' is all land outside of the on-site boundary, regardless of ownership.

2.4 The ecological mitigation hierarchy is a key component of BNG, ensuring that on-site BNG will be prioritised. As set out in the National Planning Policy Framework (NPPF, 2021),

and the National Planning Practice Guidance (NPPG) the mitigation hierarchy seeks the avoidance of harm to valuable habitats and species, followed by mitigation (through design or mitigation measures) and compensation to provide an equivalent value of biodiversity to be used as a last resort.

2.5 The Biodiversity Metric has been designed to give weight to local mitigation and the siting of BNG at strategically important sites across wider geographies. There is a balance of local context to be weighed in each case, which should help Developers, Planners and Planning Committees arrive at the appropriate outcome for BNG.

2.6 BNG raises a number of key issues which CBC officers have been working to address prior to the Environment Act taking effect in January 2024:

- The lack of an existing habitat bank or mapped off-site BNG opportunities within Chesterfield.
- The lack of evidence required to support strategic significance scoring within the Defra Metric.
- The need to provide a transparent approach which supports the creation of long-term habitat enhancement at a landscape scale.

2.7 The development of a long term approach to habitat creation and evidence to support strategic significance scoring is currently being progressed through the production of a county wide Local Nature Recovery Strategy (LNRS) and at borough level through CBC's Plan for Nature. DWT commenced the Plan for Nature work in June 2023 and expect to publish the document in early 2024. The work will guide policy making and ensure an integrated approach to delivering biodiversity enhancements across the borough and identify strategic opportunities for new habitat creation and restoration on CBC owned land to help create a connected, functioning Nature Recovery Network.

- 2.8 Until the recommendations of the LNRS and Plan for Nature are progressed, there is a need for viable solutions to the challenge of where to site BNG (if developers can evidence that net gain cannot be achieved wholly within the redline boundary) and how to approach this prior to new laws and guidance coming from Defra. At present there are no third party off-site BNG receptor sites within the borough of Chesterfield.
- 2.9 A Habitat Site to Deliver Biodiversity Net Gain in Whittington Ward
- 2.10 DWT have put forward a proposal to rewild sixty acres (24.36 hectares) of land for nature with areas of woodland, scrub, wetlands and open areas of grassland. The site is located in 'Whittington' Ward, Chesterfield and the scheme to rewild the land is called 'Wild Whittington'.
- 2.11 Any uplift in biodiversity generated at the Wild Whittington site will be sold by DWT/the leaseholder as BNG habitat units, primarily to developers seeking to compensate for the loss of BNG units resulting from development. The project also aligns with DWT's core objective of achieving a Wilder Derbyshire, through the creation of Nature Recovery Networks and mobilising communities to support nature recovery.
- 2.12 Chesterfield Borough Council's Development Management Team has confirmed that the habitat enhancement at the Wild Whittington site does not require planning permission as it will not involve a material change of use. However, in line with Government guidance on selling biodiversity units as a land manager, a S106 agreement (or conservation covenant) is needed with the Council to legally secure the site's management as a habitat site and commit DWT/the leaseholder to delivering biodiversity units in line with the HMMP. It will also make some or all of the biodiversity units

from the habitat site available for allocation to developers by Sale or Transfer.

3.0 PROPOSED HABITAT SITE

- 3.1 The 24.36 hectare Wild Whittington site is wholly owned by DWT following purchase in 2023. The site is located in Whittington, Chesterfield and stretches between St Bartholomew's woods to the south and Grasscroft ancient woodlands to the north. The site was formerly used for intensive arable agriculture and does not contain any statutory designated sites for nature conservation. Two Local Wildlife Sites are located immediately adjacent to the site boundary: Grasscroft Wood (to the north) and Whittington Hospital Grounds (adjacent to the eastern boundary). The habitats on site are primarily former arable fields with narrow grassy field margins and native hedgerows with trees. A site location plan is provided below:



3.2 The site has been chosen by DWT for nature recovery owing to its potential to increase both species and habitat connectivity in the surrounding landscape. It would also create a large area of continuous habitat that is able to support a greater number of species than at present. DWT's Nature Recovery Network (NRN) modelling shows that the site is of high and medium priority for woodland and open habitat creation, with most of the site highlighted as high priority for open habitat creation. It is anticipated that the site will help to create habitat networks linking with hedgerows (east and west) as well forming a corridor between isolated priority

woodland to the south and broadleaved woodland to the north. Whilst Chesterfield does not have any formally identified areas of strategic significance the site is considered to meet best practice around enhancing habitat connectivity and extent.

3.3 DWT have provided a HMMP which shows how they anticipate the biodiversity gains on site coming to fruition. A baseline survey of the site (undertaken in October 2022 by a suitably qualified ecologist) indicates that the site has a baseline of 62.34 BNG habitat units. It is anticipated that Wild Whittington will increase the number of habitat units by 98.41 BNG habitat units within the 30-year management plan through the creation of the following units:

- A net increase of 5.84 woodland habitat units through natural succession (covering 3.83 hectares).
- A net increase of 92.57 habitats through the creation of a 50:50 mosaic of other neutral grassland and mixed scrub.

3.4 It is important to note that the baseline survey work was undertaken in October 2022 which is outside of the optimal period for habitat surveys (March to September). It is therefore likely that individual plant species were overlooked, however, DWT consider the surveys to provide a robust baseline for the site, with broad habitat types identified to a sufficient level. The HMMP also states that most of the site comprised arable land which is easily classified outside of the optimal survey season.

3.5 The HMMP states that the management plan for the site will be regularly reviewed and updated following the outcome of ongoing monitoring. Adaptive management for net gain sites is considered to be a good practice principle as any unsuccessful interventions can be modified to suit the site conditions and 30-year timeline of the net gain plan period. It also allows for any changes in legislation, regulations and guidance to be reflected.

4.0 AGREEMENT

4.1 DWT and the Leaseholder are seeking to enter into a Section 106 agreement to bind their interest in the habitat site and the obligations within the agreement. Under the S106 agreement DWT/the leaseholder would be obligated to carry out a number of actions, which include:

- to undertake the Habitat Creation and Enhancement Works in line with the HMMP;
- to pay the Council a Management Plan Monitoring Fee to an agreed schedule and to manage and maintain the site for a period of thirty years from the date of the Commencement Notice;
- to make available for allocation to developers by Sale or Transfer some or all of the Biodiversity Units from the Habitat Site; to provide Habitat Monitoring Reports to the Council and undertake any remedial measures as reasonably required by the Council;
- to apply to Natural England as the operator of the Biodiversity Gain Site register for registration of the relevant Biodiversity Units on that Register;
- to maintain a schedule setting out all of those biodiversity units on the habitat site which have been sold or transferred and a separate schedule of those biodiversity units on the habitat site which are available for sale or transfer.

4.2 In signing the agreement the council would covenant to:

- provide timely confirmation, approval and consent in writing where it is required for any purpose in connection with the terms of the S106 agreement;

- operate, abide by and comply with the arrangements terms conditions and obligations within schedule one of the agreement;
- return any part of the monitoring fee that is not committed for the purposes specified (along with any interest accrued) ten years after the date of receipt;
- remove local land registry charges relating to obligations and covenants once they have been satisfied by DWT/the leaseholder.

5.0 MONITORING REPORTS

- 5.1 Regular monitoring will be key to the habitat site's success as the management interventions outlined in the HMMP are closely associated with monitoring outcomes. The HMMP sets out that DWT will map the changes in habitat extent and distribution at the site at eleven points over the project lifespan (years 1-5, 7, 10, 15, 20, 25 and 30) in order to ensure that the site will deliver the BNG habitat units indicated within the Defra Metric.
- 5.2 Whilst DWT/the leaseholder would be obligated to carry out the habitat creation and enhancement and actions identified within the HMMP, the LPA will be required to review each monitoring report submitted to ensure that the monitoring results align with the original biodiversity net gain plan and metrics. This would also involve validating the monitoring through independent site visits. Where the council is of the view that the HMMP is not being complied with then DWT/the leaseholder would need to submit remedial measures for implementation following LPA approval.
- 5.3 The LPA will also need to keep track of cumulative gains and losses (including mapping) and the sale of units following notification from DWT.

- 5.4 CBC has no in-house ecology expertise at present and would need to use external consultants to scrutinise monitoring reports and any associated revisions where adaptive management is required. The advice would need to be procured from a 'competent person' i.e. holding a minimum of Membership of the CIEEM or a comparable body with a professional code of conduct.
- 5.5 A Management Plan Monitoring fee of £2,128 (index linked) per monitoring year has been agreed which is payable in the month of every April of a monitoring year by the Wildlife Trust/leaseholder. The fee is based on quotes gathered from three external sources and is considered to be a reasonable estimate of costs provided it is futureproofed through indexation.
- 5.6 Any balance not committed for monitoring remaining after ten years of the date of receipt would have to be repaid alongside any interest accrued by the council.

6.0 LINKS WITH PLANNING APPLICATIONS

- 6.1 At the planning committee meeting of the 12th December 2022 Members resolved to grant planning permission subject to conditions and the signing of a S106 agreement connected to outline planning for erection of warehouse units (Class B2/B8) up to 68,000 sq. m gross, with ancillary office accommodation; construction of new access road; provision of service yards and internal vehicle circulation and parking areas; erection of covered cycle parking areas, pump house and sprinkler tank, gate houses and perimeter fencing; associated drainage works, site levelling and landscaping; and realignment of existing public right of way (CHE/21/00554/OUT).

- 6.2 As yet the planning application related S106 remains outstanding and therefore permission has not yet been granted.
- 6.3 The committee report for the Markham Vale planning application concluded that the off-site delivery of biodiversity will take place on land within the ownership and control of DWT as part of an offsetting strategy. Part of the proposed habitat creation for application CHE/21/00554/OUT currently relies on being created in the Wild Whittington site and will result in the generation of 15.93 habitat units. The BNG specified through the resolution to grant planning permission is therefore dependent on DWT entering into a separate planning obligation with the council or conservation covenant with a responsible body to secure Wild Whittington as a habitat site.

7.0 PROCEDURES

- 7.1 Under the council's constitution entering into a covenant with the Derbyshire Wildlife Trust and leaseholder is a non-executive function which can be delegated to Planning Committee.
- 7.2 The council is under no obligation to enter into the Wild Whittington Section 106 agreement to secure land to meet the Markham Vale development's BNG requirement and consideration of whether to legally secure the delivery of the Wild Whittington Habitat site is a separate matter from consideration of the planning application itself. Consideration is not prejudiced by the Committee having already considered the Markham Vale expansion application, and members would not have to declare interests if they were at the Committee which considered the Markham Vale planning application.
- 7.3 Once the freestanding Wild Whittington S106 agreement has been signed, DWT can implement the HMMP and commence

the sale of biodiversity units and register the site on the national biodiversity net gain register once available. As the biodiversity units can be sold to multiple buyers, the sale date for biodiversity units will differ, the obligation of DWT to manage these habitats is contingent upon the start date of individual sales agreements.

8.0 CONSIDERATIONS

- 8.1 The obligation to undertake the habitat creation and enhancement works at the Wild Whittington site sits with DWT /the leaseholder and is dependent on the council as the local planning authority being satisfied that it is able to comply with the obligations set out within Schedule 2 of the draft 106 (described at Section 4.2).
- 8.2 The use of Wild Whittington as a habitat site takes National and Local Policy into consideration along with current best practice. The site would facilitate the provision of net gain as required through policy CLP16 of the Chesterfield Borough Local Plan (2018-2035) and the NPPF (paragraph 174, d). The provisions under section 98 of, and Schedule 14 to, the Environment Act 2021 will also impose a new statutory “general planning condition” on planning permissions granted under the TCPA 1990. The steps undertaken by DWT in bringing forward the Wild Whittington site are also in line with the government guidance¹ for land managers wishing to sell biodiversity units which highlight a need to secure the land through a planning obligation (Section 106) with an LPA or a conservation covenant with a responsible body.
- 8.3 Whilst the primary motivations for entering into the Section 106 Agreement would be to enhance biodiversity within the borough through the creation of a habitat site improved in

¹ Gov.uk Guidance - Sell biodiversity units as a land manager <https://www.gov.uk/guidance/sell-biodiversity-units-as-a-land-manager>

extent, quality and connectivity, there are a number of socio-economic factors:

- The Wild Whittington habitat site would facilitate development in cases where all on-site options for BNG have been exhausted. This would minimise delays to decision making and help meet the development needs of the borough.
- Developers with net gain requirements in nearby local authorities would be able to secure biodiversity units within Chesterfield (i.e., creating the potential for inward investment in biodiversity).
- The provision of public access to areas of the site and opportunities for community voluntary involvement would promote learning and recreational opportunities which can benefit human wellbeing and quality of life.

8.4 The proposal will allow significant financial investment in biodiversity within Chesterfield in a targeted and strategic manner. If the CBC does not enter into the agreement there is a risk that BNG contributions from developers will leave the borough as receptor sites are sought beyond the borough boundary. This would be a missed opportunity for health and wellbeing as well as species diversity.

8.5 The council will be obligated to monitor compliance with the HMMP and review Habitat Monitoring Reports for 30 years from the date of the Commencement Notice. This could result in additional expense for the council in the event that the Management Plan Monitoring Fee is insufficient to cover the Council's costs. To minimise this risk CBC has obtained a number of supplier quotes and futureproofed the fee through indexation.

8.6 Whilst it is recommended that the council enters into the obligations within the agreement, it does not mean that the habitat site will automatically be delivered. The project is reliant on the sale of biodiversity units and will rely on specific planning applications and conditions of planning stipulating that each of these will be legally obliged to demonstrate how they will achieve an overall 10% Biodiversity Net Gain.

8.7 There are no known equalities implications, positive or negative.

8.8 It is considered that the approach will have a overall positive impact on carbon emissions through the creation of measurably more habitat which will have the potential to capture carbon.

8.9 The management of the site for biodiversity should not sterilise the site's ability to be used more intensively for agriculture in the future.

9.0 RECOMENDATION

9.1 That the Planning Committee resolve that the Council enters into the Section 106 agreement with DWT/the leaseholder to ensure the delivery of biodiversity units on the Wild Whittington site.

GERARD ROGERS
HEAD OF REGULATORY LAW

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

Further information on this matter can be obtained from:

Gerard Rogers, Regulatory Law Tel 01246 936471 or
gerard.rogers@chesterfield.gov.uk

Helen Frith, Development Management Tel 01246 959699 or
helen.frith@chesterfield.gov.uk

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Derbyshire
Wildlife Trust

Wild Whittington Rewilding Management Plan 2023 – 2053

Created By	Ady Cox, Nature Recovery Advice Lead
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1 Introduction

1.1 Purpose and Scope of the Management Plan

Derbyshire Wildlife Trust's core objective is to achieve a Wilder Derbyshire, through creating Nature Recovery Networks, inspiring people and communities to care, and mobilising people to act. We are uniquely positioned to lead this change in Derbyshire, being grass roots and local, whilst also being part of a strong, cohesive movement. However, to achieve our vision of a Wilder Derbyshire we need to work collaboratively.

Everyone has a part to play in Nature's Recovery. As an organisation, we are actively engaged with our local authorities' planning and strategy decisions, and regularly work with developers, corporate organisations and policy makers to get the best outcomes for wildlife. We believe by working together we can change the natural world, which is the foundation of our wellbeing and prosperity.

The main purpose of this management plan is to provide a framework for the future management interventions at Wild Whittington – hereafter referred to as 'the site' – which is a new site acquired by Derbyshire Wildlife Trust's Wild Solutions to deliver more space for nature by utilising the opportunities presented by recent changes in UK environmental legislation and local and national planning policies.

A key objective of the site is that the biodiversity uplift generated by habitat creation will be sold as Biodiversity Net Gain (BNG) habitat units. The main buyers for the BNG habitat units generated at the site will be developers seeking to offset their loss of BNG units resulting from development. As such, the management plan needs to be sufficiently detailed to be submitted in association with a planning application and must therefore demonstrate how the required BNG habitat units will be delivered at the site to fulfil planning obligations.

The plan will outline how the site will be managed, prioritising rewilding principles and restoration of natural processes. This will include allowing natural succession of scrub, encouraging new woodland colonisation, and introducing a nature-based grazing regime to promote ecotones and a mosaic of habitats at the site. This will facilitate DWT's main strategic objectives of making more space for nature and the delivery of nature recovery on a landscape scale. The primary mechanism for delivery of nature recovery at Wild Whittington will be the emerging market of off-site BNG delivery: sales of BNG habitat, hedgerow and watercourse units.





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The management plan is designed to be iterative. This will mean that future versions of the plan will account for the outcome of monitoring at the site, and that although the overall aims and objectives will remain broadly the same, some methods and interventions may need to be adapted to suit the future needs of the site.

It is important to acknowledge throughout this management plan that the subject matter, methodologies and markets which are being explored and utilised are dynamic and evolving fields. Therefore, whilst the content of the management plan is based on best practice and up to date guidance at the time of writing, as markets develop, and new legislation and guidance is released the contents of the management plan are likely to require updating in future iterations.

1.2 Target Audience

The Trust aims to promote responsible and appropriate levels of access to all its reserves. The following target audiences are crucial stakeholders in the BNG delivery process, those the Trust would actively promote the reserve to or make improvements for (i.e. bird hides for birdwatchers, all-ability paths for wheelchair users etc.)

- **Primary:** Natural England, as the statutory body responsible for enforcement and monitoring of BNG delivery sites. Local Planning Authorities, as the planning system is fundamental for sales of BNG habitat, hedgerow and watercourse units.
- **Secondary:** DWT staff responsible for the management of the habitats on site and the delivery of legal obligations under BNG
- **Other:** The document will be available for members of the public who are interested in DWT's plans for Wild Whittington and potential users of the site in the future. It will also provide an example to other organisations seeking to adopt a similar BNG delivery business model

1.3 Site description

The site at Wild Whittington comprises 24.36ha in total, most of which (approximately 22ha) is former arable land on a south-facing slope above the town of Old Whittington, Chesterfield. Since purchase by DWT in March 2023, the fields have been left fallow and no active management is currently in place. The five field compartments are separated by native hedgerows which are also present on all boundaries, and a pond is present in the north-west corner.





1.4 Making Space for Nature

As an organisation Derbyshire Wildlife Trust are uniquely positioned to lead change for nature and people in Derbyshire, being bold, grassroots-oriented and local, whilst also being part of a strong, cohesive movement with the other 46 Wildlife Trusts (including our central team at the Royal Society of Wildlife Trusts).

Our strategic goals are to see 30% of Derbyshire managed for wildlife, a million people to benefit from nature connection in Derbyshire by 2030, one in four people acting for nature and to be carbon neutral by 2025. As the provider and protector of wildlife in Derbyshire, we believe we have a moral obligation to ensure that schemes, such as Biodiversity Net Gain, do not simply result in greenwashing but deliver the most effective solutions for society and nature. Over the last 2 years, DWT has invested in a team to develop solutions, to ensure that the delivery of BNG and other vital ecosystem services in the county makes more space for nature.

Our approach to BNG delivery is nature-led and underpinned by the latest research and evidence. Using GIS and spatial modelling we have created a strategic roadmap, prioritising where to focus habitat creation to support nature recovery networks and maximise other ecosystem services. We will continually update this analysis as more land is restored and the understanding of natural capital flows are improved.

1.5 Rewilding

As explained above, our primary objective as an organisation is to deliver the best outcome for nature on a landscape scale. Our approach to BNG will prioritise nature-led processes (such as rewilding) to create, enhance and maintain habitats at our BNG delivery sites.

At Derbyshire Wildlife Trust and Wild Solutions, we understand rewilding as reinstating natural processes to a range of different extents and where appropriate, reintroducing missing species to allow nature to shape the landscape, rather than relying on traditional agricultural management. We aim to join up habitats and create corridors across Derbyshire where whole sections of land will be dedicated to wildlife restoration, increasing the stability and adaptability of the landscape. This can be broadly summarised in the following statement from DWT's Rewilding Handbook (2022):





“Rewilding is the restoration of ecosystems to a point where nature can take care of itself. It seeks to reinstate natural processes and – where appropriate – missing species – allowing them to shape the landscape and habitats within”

Our rewilding approach is based on the Lawton Principles of “Bigger, better, more and joined up” (Lawton *et al*, 2010). It is however acknowledged that there will be limitations to the practical delivery of rewilding philosophies on sites such as this, which is relatively small (24.36ha) and in the context of a highly managed landscape, with traditional farming practices occurring to east and west and urban development to the south. Our approach will therefore seek to instigate those natural processes that we can, whilst acknowledging that other approaches may also be required.

Perino *et al* (2019) describe a general framework for the rewilding of complex ecosystems. For this site, the target will be increased wildness, which is a product of three main ecological processes:

- 1) Trophic complexity – increasing the number of trophic interactions between species in an ecosystem
- 2) Stochastic disturbance – random disturbance of habitats through natural phenomenon, e.g., movement of herbivores, weather events, movement of watercourses
- 3) Dispersal – the ability of species to move through a habitat and disperse between habitats and the wider landscape.

To restore a complex ecosystem, all three of these ecological processes need to be restored and integrated together. The framework they propose for rewilding, and which DWT will implement at Wild Whittington is as follows:

- **First step:** Analysis of the current ecological status of the focus area (the site) by identification of missing or degraded ecological processes and components. This should include the analysis of past vegetation changes (palaeoecological information), megafauna presence, fire dynamics and land-use history
- **Second step:** Assessment of the ecological viability of management options and synergies. Identification of socio-ecological constraints and key stakeholders. Identification of infrastructure hindering natural processes, human-wildlife conflicts, risks associated with the restoration of natural disturbances and evaluation of the pros and cons of proposed rewilding interventions (e.g., Is passive rewilding possible/acceptable?)





- **Third step:** Implementation of rewilding actions using an *adaptive* management approach. This will include monitoring of different interventions in the long-term. It should also include a robust communication strategy which reaches affected communities and involves them in decisions and should include outreach activities to inform the general public about the potential outcomes of rewilding.

1.6 Biodiversity Net Gain

Central to the funding strategy for Wild Whittington will be the sale of BNG habitat units from the proposed rewilding of the site. When an agreement to sell BNG habitat, hedgerow and watercourse units is made, a calculation of the expected loss of biodiversity units from the development site will be provided by the buyer which will include a detailed habitat baseline and condition assessment of the development site. This will then be used by DWT to calculate the number of off-site biodiversity units required at Wild Whittington to deliver a minimum 10% net gain in combination with on-site habitat creation and enhancement measures in line with the legal requirements mandated under the Environment Act 2021 (to be implemented November 2023).

As discussed above, DWT's management of the site will be nature-led. In July 2023, Natural England published a series of case studies to demonstrate how BNG could be delivered in practice. Case Study 5 (Natural England, 2023) specifically outlines how the Biodiversity metric can be applied to rewilding projects using a hypothetical rewilding site.

DWT will in the first instance always seek to use rewilding as the primary driver for habitat creation and maintenance, and where this is restricted or not deliverable within the timescales which are legally required under BNG, the alternative level or type of intervention that will be considered to ensure that we deliver on our legal habitat creation obligations.

Habitat creation at the site must satisfy the 'Trading Rules' of the metric (Panks *et al*, 2022) which is based on the 'distinctiveness' of habitats lost. Distinctiveness is a measure of the biodiversity value of certain habitat types which is based on its species richness, rarity at local, regional, national and international scales, the extent to which it is protected by designations and the degree to which it supports species rarely found in other habitats. The Trading Rules of the metric state that where habitats of certain distinctiveness are lost these must be replaced according to the rules in Table 1.1.



Table 1.1: Trading Rules for Biodiversity Metric Tool¹

Distinctiveness category of lost habitat	Example of habitats in this Distinctiveness band	Action required to satisfy Trading Rules
Very High	Lowland Meadows, Blanket Bog, Wood Pasture and Parkland	Bespoke compensation likely to be required
High	Lowland Mixed Deciduous Woodland	Same habitat type required
Medium	Other neutral grassland, Bramble scrub, Mixed scrub, Other broadleaved woodland, Arable field margins tussocky	Same broad habitat type required, or a higher distinctiveness habitat required
Low	Cereal Crops, Temporary Grass and Clover Leys, Modified Grassland, Bracken,	Same distinctiveness or better habitat required
Very Low	Artificial unvegetated, unsealed surface, Developed land; sealed surface, Unvegetated garden	Compensation not required

1.7 Survey methodology

Baseline habitat surveys were undertaken at the site in October 2022. The primary aim of these surveys was to record, map and classify the existing habitats at the site which could then be inputted into Defra’s Biodiversity Metric 3.1 (the latest available version at the time the assessment was undertaken) to provide a baseline BNG assessment. This baseline was then compared against the expected biodiversity unit uplift post-intervention to give an overall net biodiversity unit gain for the site. The surveys also noted the presence of any UK Biodiversity Action Plan priority habitat types.

At the time of writing a full detailed report containing the baseline UKHab survey results has not been completed. However, a summary of the baseline habitat surveys is provided in section 5.2 of this management plan. The Biodiversity Metric used to calculate the baseline biodiversity value of the site is available upon request.

¹ Adapted from “*Biodiversity metric 3.1: Auditing and accounting for biodiversity – User Guide*”





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A desk-based assessment of existing baseline ecological/biodiversity data was also carried out for the site to identify any historical or notable wildlife records on site and in the surrounding area, and to contribute to a baseline which can be measured against post intervention. Data was reviewed from the following sources:

- Derbyshire Biological Records Centre (DBRC)
- MAGIC maps²

The surveys focused on recording higher plant species and their associated vegetation communities and habitat. Habitats were classified using UKHAB classification methodology, enabling the baseline to be inputted into the Biodiversity Metric 3.1. All flora species and their abundance within these habitat groups were recorded with the DAFOR scale being used as a measurement, see below:

- D – Dominant
- A – Abundant
- F – Frequent
- O – Occasional
- R – Rare

Locally Abundant (LA) and Locally Dominant (LD) were also used.

Any sightings of fauna whilst on site were casually recorded during this survey (as opposed to species specific surveys) including any sightings of birds, mammals, invertebrates and trees with potential suitability for roosting bats.

The primary aim of the baseline assessment was to identify and classify habitats so that the biodiversity metric could be populated. A suite of species surveys are also being undertaken at the site which will enable DWT to measure the success of interventions at the site on individual species/species groups. These will include:

- Breeding bird surveys
- Reptile surveys
- Assessment of trees for roosting bats
- Soundscapes monitoring
- Automated static monitoring of the site for bat assemblage
- Pollinator transects

² <https://magic.defra.gov.uk/MagicMap.aspx> [Accessed 26/06/2023]





- Aerial drone photography

This suite of surveys is still in progress, and the results will be published in a separate ecological appraisal for the site once baseline surveys are complete. These surveys will provide a baseline against which regular monitoring of the site will be measured over the lifetime of the project.

1.7.1 Limitations

The baseline UKHab survey work was undertaken on 4th & 18th October 2022 which is outside of the optimal period for habitats surveys of March to September. As such, it is likely that individual plant species were overlooked during the surveys. However, it is considered that the surveys were sufficient to provide a robust baseline for the site, as the broad habitat types could still be identified to a sufficient level and condition assessments undertaken to be inputted into Defra's Biodiversity Metric. Additionally, it should be noted that most of the site comprised arable land which is easily classified outside of the optimal survey season and does not require a condition assessment under Biodiversity Metric 3.1. Habitat surveys will be undertaken during the optimal period moving forward as part of the monitoring strategy for the site.





2 Site location and context

2.1 General site information & description

The site is located on the edge of Old Whittington, a suburb of Chesterfield in Derbyshire. The habitats on site are primarily former arable fields with narrow grassy field margins and native hedgerows with trees. A small area of rank grassland was present in the south of the site, and a pond surrounded by mature trees and scrub was located in the northeast corner. At present, the site has been left unmanaged following its purchase by DWT in March 2023, however prior to this it was in active management as intensive arable agriculture. A general overview of the site is provided in Table 2.1, which includes access information, location and other relevant information. A map showing the site in the context of the wider landscape is provided in Figure 2.1.

Table 2.1: Site Information

Area of site	24.36 hectares
Access points (what3words)	Vehicular: ///emerge.speaks.sing Pedestrian: /// bank.zooms.safely /// digits.prep.teach
Nearest postcode	S41 9QY
Local Authority	Chesterfield Borough Council
Living Landscape	Chesterfield
National Character Area (NCA)	Notts, Derbyshire and Yorkshire Coalfield

The underlying geology is a combination of mudstone, siltstone and sandstone and is part of the Pennine Lower Coal Measures Formation. The soils are Soilscape 17 – slowly permeable seasonally wet acid loamy and clayey soils. The site slopes to the south, with the lowest point of the site approximately 100m and the highest 170m above sea-level.



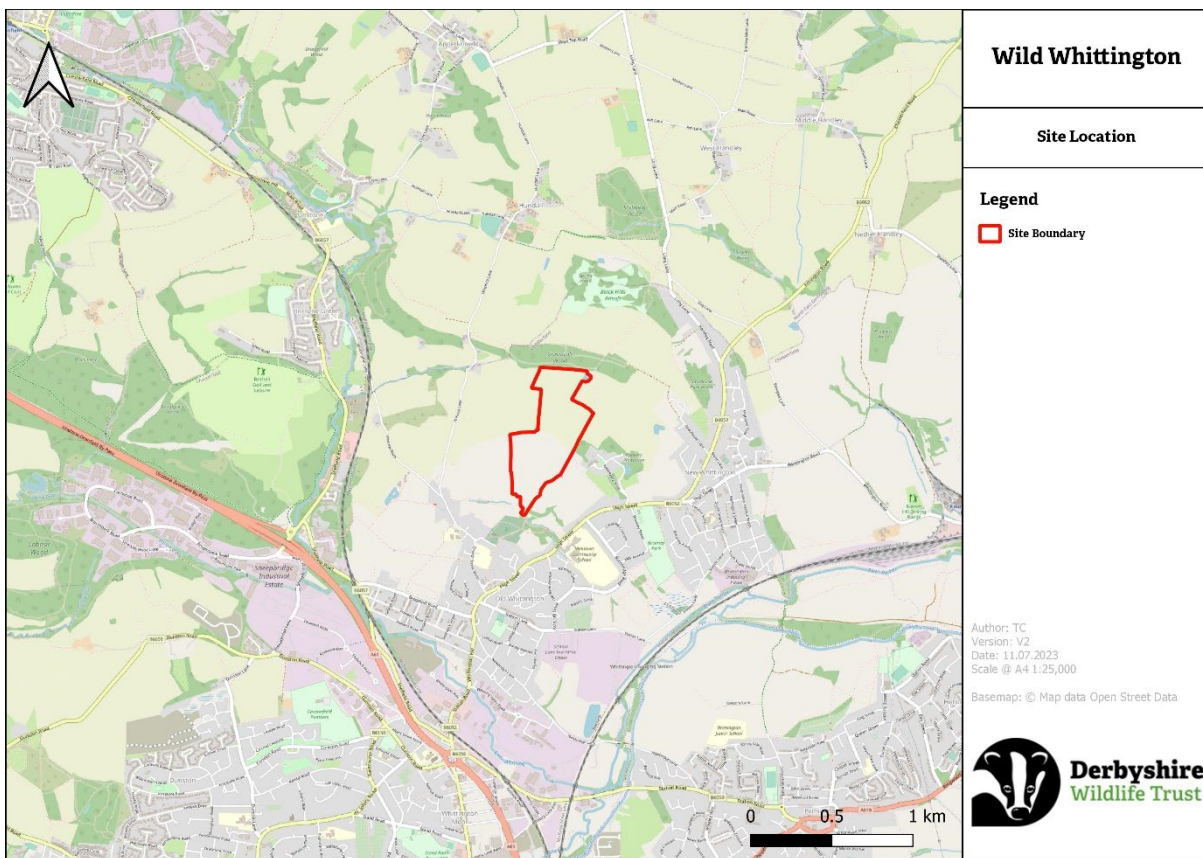


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At present the site is lacking in significant dynamic natural processes due to its former agricultural use. There are no watercourses within the site itself, and the site lacks any large herbivores except for occasional roe deer (*Capreolus capreolus*) which are known to pass through. Due to the site's slope most of the site is relatively well drained, with drainage assumed to be primarily from overland flow and via buried field drains into a dry stream bed adjacent to the south of the site.

The site lies within the Notts, Derbyshire and Yorkshire Coalfield National Character Area and lies over two Local Landscape Characters – Coalfield Village Farmlands in the southern half and Wooded Hills and Valleys in the north.

Figure 2.1: Site location and boundary



2.1.1 On-site & adjacent statutory designations:

No statutory designated sites for nature conservation, including Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) and Local Nature Reserves (LNR) were located within or adjacent to the site.





2.1.2 On-site & adjacent non-statutory designations:

No non-statutory designated sites were located within the site itself. Two Local Wildlife Sites are located immediately adjacent to the site boundary. These were Grasscroft Wood, a broadleaved Plantation Ancient Woodland Site (PAWS) which was adjacent to the northern boundary, and Whittington Hospital Grounds, which was secondary broadleaved woodland adjacent to the eastern boundary. One potential Local Wildlife Site (LWS) was located adjacent to the eastern boundary. This was Whittington Grange Meadows, which is of interest due to a grassland mosaic. This site has not currently been assessed against the LWS guidelines and so although it may be of sufficient quality to qualify as a non-statutory designated site it is not currently designated as such.

2.1.3 Landscape Context and Strategic Significance

The site is situated on the edge of open countryside on a south-facing slope and is connected to habitats within the surrounding landscape through adjacent broadleaved woodland to the north and through a network of hedgerows to the east and west. To the south is a small area of broadleaved woodland however south of the site is mostly suburban development.

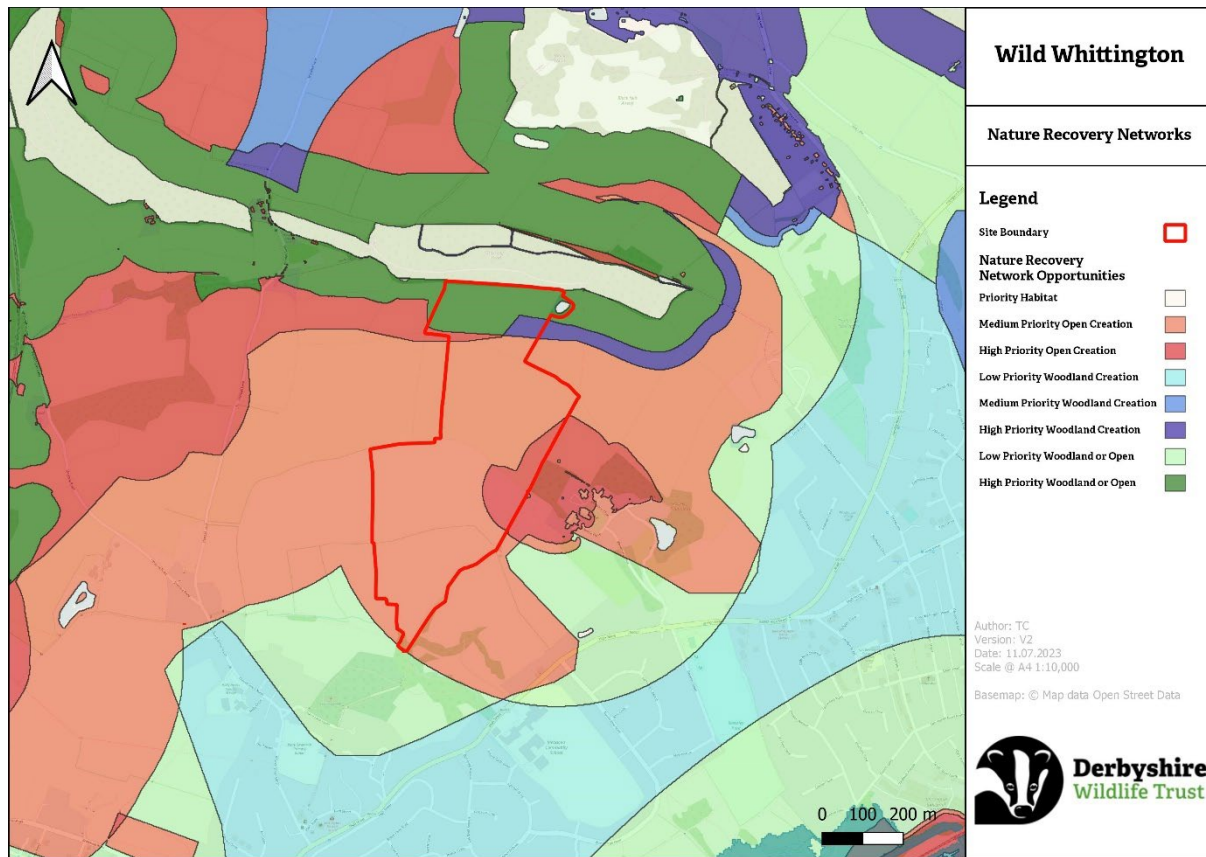
A review of DWT's Nature Recovery Networks (NRN) identified that the site lies within areas of high and medium priority woodland and open habitat creation, with most of the site highlighted as high priority for open habitat creation. Figure 2.2 shows the site boundary with the NRN mapping and areas of habitat creation superimposed. At present, Chesterfield Borough Council have not published a Local Nature Recovery Strategy (LNRS), however when inputting proposed habitat creation into the Biodiversity Metric 3.1 an assessment of the strategic significance of the habitats and their location is required to determine their value.

Although not formally identified as a location of high strategic significance, the site at Wild Whittington is well placed strategically to increase nature connectedness, with nature-rich sites to the north (Grasscroft Wood LWS) and east (Whittington Hospital Grounds) which would be linked by the increase in biodiverse habitat proposed at the site. The new habitats would also provide improved connectivity for a broad range of species as the habitats will be a mosaic of grassland, scrub and new woodland with well-developed ecotones to maximise permeability to a range of fauna and flora. As the site is also relatively large (24.36ha) in the context of its immediate surroundings this would become one of the largest continuous areas of habitat in the surrounding 2km and would link relatively isolated priority woodland to the south with a corridor of ancient woodland to the north (Grasscroft Wood, Ramshaw Wood).





Figure 2.2: Nature Recovery Networks Opportunity Map



2.2 Estates and legal issues

The site is wholly owned by Derbyshire Wildlife Trust and has been since March 2023. There are no conflicting agreements, obligations or tenancies associated with the land. Evidence of title deeds and sale agreement are available upon request.

2.3 Constraints

Consultation with relevant parties did not identify any significant constraints or restrictions to the proposed habitat creation at the site. A search was undertaken using Derbyshire’s Historic Environment Record mapping tool³ which did not identify any records of statutory or non-statutory historic assets at the site. No buried or overhead services were identified that may have implications for the proposed changes of land use set out within this management plan.

³ <https://her.derbyshire.gov.uk/map> [Accessed 14/07/2023]





Consultation with the Forestry Commission will be required to assess the need for an Environmental Impact Assessment for afforestation in areas of the site where woodland creation is proposed.





3 Overall aims of the management plan

This plan aims to set out our vision and priorities for the Wild Whittington nature reserve over the next 30 years. Some of the planned works are essential for wildlife, people or statutory reasons, whilst other works may be aspirational and will be delivered as the Trust's priorities and resources allow. The objectives outlined in each section of this management plan have been allocated a number between 1 and 3, based on the criteria outlined below:

- **Criteria 1** - These are key planned works the Trust undertakes for wildlife, people or statutory reasons. They are the Trust's main priorities for the reserve and, wherever possible, should be achieved.
- **Criteria 2** - These are a priority to be completed but will require additional funding or consent from other organisations to undertake. If funding cannot be sourced, some of these objectives may not be achieved.
- **Criteria 3** - These are not essential to manage the reserve for wildlife, people or statutory reasons but would complement key planned work. They will be completed as resources allow.





4 Vision and Objectives

Outlined below is DWT's vision for the site in the short, medium, and long-term.

4.1 Short-term vision

Intensive agriculture during the 20th and early 21st century has removed natural processes from the site. During the early establishment of the site, modern agricultural practices will be entirely removed including fertilization, and use of pesticides and herbicides. Semi-natural habitats such as grassland and scrub will begin to recolonise the site from the field margins and boundary hedgerows and proxy native herbivores will be reintroduced to the site. The in-field sward will change from monoculture crop to early successional habitats, resulting in an increased diversity of invertebrate species. This will have a positive effect on fauna at higher trophic levels such as birds, bats, amphibians and reptiles as regular disturbance from human activities is removed from the site.

4.2 Medium-term vision

The site will be managed as a single continuous unit, and natural processes will be restored including establishment of a grazing scheme which will closely mimic movement of natural herbivory through the site. As natural and semi-natural habitats become established, invertebrates and flora populations will stabilise at the site forming a stable base from which species will be able to disperse into the wider landscape, and the site itself will form a crucial component of the Nature Recovery Network, connecting existing habitats to the north and south of the site. Continuous monitoring of the site and adaptation of the management interventions and grazing regime are beginning to deliver the area of target habitats required under BNG, and distinct habitat areas are now established across the site with ecotones developing between them. Regular monitoring of the site indicates a significant increase in flora and fauna species diversity recorded compared to the baseline assessments undertaken in 2023, with new species recorded annually due to the improvement in habitats.

Sales of BNG habitat units generated by the change in management at the site will generate income for DWT and the site has become a leading example of blending a rewilding approach with sale of BNG habitat units, demonstrating that this is a viable model for the restoration of habitats at scale.





4.3 Long-term vision

By the end of the initial 30-year management period, the site will be a crucial link in the local Nature Recovery Network. Natural processes will have been restored to the site and the site will feature a diverse mosaic of native semi-natural habitats including newly regenerated woodland, patches of scrub and open areas of grassland. The habitats on site will all have achieved the minimum condition that was expected through the Biodiversity metric condition assessment. The mosaic of habitats on site will have been shaped by the movement and grazing patterns of native (or proxy) fauna and this unique pattern of habitats will provide a wide range of microclimates and habitat niches to suit the widest range of species possible. Ecological complexity will have been restored at the site and the site will feature a high degree of wildness compared to the start of the project and the three key ecological processes, trophic complexity, stochastic disturbance and dispersal, will have been restored.





4.4 Objectives

Table 4.1 summarises the overall objectives for the site and ranks them according to the criteria listed in Chapter 3.

Table 4.1: Summary of overall objectives for the site (2023 – 2063)

Objective 1	Delivery of Nature Recovery on a Landscape Scale
	<ul style="list-style-type: none"> • Monitor and map the changing habitat types as natural regeneration progresses at the site (1) • Use of a robust monitoring framework to assess the increase in biodiversity value at the site (1) • Monitor changes by providing opportunities for community involvement and volunteering through citizen science led monitoring programmes (3)
Objective 2	Develop a viable model for landscape-scale rewilding based on Biodiversity Net Gain
	<ul style="list-style-type: none"> • Use BNG as a funding mechanism for management of the site (1) • Create a model which can be adopted by other Wildlife Trusts and eNGOs seeking to use green finance to deliver rewilding at a landscape scale (1) • Explore the opportunities presented by aggregation of other ecosystem services at the site (2)
Objective 3	Establishment of new habitats through rewilding principles
	<ul style="list-style-type: none"> • Assessment of site's current 'wildness' and identifying potential obstructions to restoration of natural processes (1) • Restoration of natural processes at the site (1) • Provide opportunities for community involvement and volunteering to kickstart natural processes at the site (3)
Objective 4	Restoration of ecological complexity at the site and increase in 'wildness'
	<ul style="list-style-type: none"> • Monitoring impact of grazing so that our predicted ratio of scrub and open grassland are consistent with accompanying BNG metric (1) • Conversion of low value arable land to higher value mosaic of woodland, scrub and grassland with ecotones between different habitats (1)
Objective 5	Make Space for Nature
	<ul style="list-style-type: none"> • Demonstrate the potential of BNG for funding rewilding of low-grade arable land (1) • Contribute to the creation of a Nature Recovery Network within Derbyshire and the UK (1) • Showcase the potential of rewilding as a mechanism for delivery of nature-rich spaces (2)





4.4.1 Objective 1 – Delivery of Nature Recovery on a Landscape scale

Intervention 1 - Monitor and map the changing habitat types as natural regeneration progresses at the site

To understand the progress of natural regeneration at the site, it will be essential to observe the ways in which the habitats on site begin to develop. This will inform the management of the site as it develops, for example by enabling DWT to adjust grazing levels across the entire site in response to the speed of natural regeneration. Techniques including traditional habitat surveys e.g., UKHab surveys in combination with innovative methods such as use of drones to photograph the site from above and fixed-point photography.

Intervention 2 - Use of a robust monitoring framework to assess the increase in biodiversity value at the site

Use of a range of survey types will be important to monitor the impact of the rewilding programme on the whole ecosystem. This would include vegetation surveys (as described above) to monitor the changes in plant communities and habitat quality at the site. It would also involve surveying specific species/species groups which are important indicators of whole ecosystem health and habitat quality such as birds and insects. Soils assessments will also be undertaken. This will enable us to detect important species and habitats which may utilise the site as habitats become established, and to measure the success of the project in terms of its impacts on biodiversity.

Intervention 3 - Monitor changes by providing opportunities for community involvement and volunteering through citizen science led monitoring programmes

As well as regular monitoring of the site ourselves to ensure that we are on target to meet our legal obligations under BNG, Derbyshire Wildlife Trust's key strategic aim is to have 1 in 4 people acting for nature by 2030 (DWT, 2020). By creating a dynamic and rapidly changing new site for nature on the doorstep of Chesterfield, a major urban centre in a rural county, Wild Whittington will present an opportunity for Derbyshire Wildlife Trust to improve access to nature for a large community. Initiatives such as installation of fixed-point photography points on the site and providing public access to new areas of the site will help to achieve these objectives and ensure Wild Whittington is of value to the local community.

4.4.2 Objective 2 - Develop a viable model for landscape-scale rewilding based on Biodiversity Net Gain

A key blocker for restoration of nature at a landscape scale is the lack of a viable financial model through which this can be delivered sustainably. Under the Environment Act 2021, all





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new developments will be mandated to deliver a minimum 10% net gain in biodiversity as of November 2023, with many local planning authorities already requiring this in anticipation of this change. Where this cannot be delivered on site, developers have the option to purchase 'biodiversity habitat units' to offset their biodiversity losses. This system will be the key source of income for Wild Whittington and the first example of its type in Derbyshire. The development of this will follow the principles set out in the Green Finance Institute's Investment Readiness Toolkit⁴.

Intervention 1 – Use Biodiversity Net Gain as a funding mechanism for the site

Derbyshire Wildlife Trust are ideally placed to identify opportunities for the sale of BNG habitat units through their role as a consultee for local planning authorities. Evaluations of the impact of developments on biodiversity will be undertaken using Defra's Biodiversity Metric, and developers will be able to approach DWT for biodiversity habitat units to meet their planning obligations. This metric will then be used to assess the areas of proposed habitat creation at Wild Whittington, to deliver an 'Off-Site' biodiversity net gain for the development. In this way, the overall impact of the development will be reduced. Part of this process that will be crucial is the vetting of impacts of development, and DWT will only work with clients who can clearly demonstrate that the mitigation hierarchy⁵ has been followed and that compensation for biodiversity losses can only be achieved through purchase of biodiversity habitat units. A robust process will be developed by DWT which will prevent working with developers not demonstrating ecological best practice.

Intervention 2 - Explore the opportunities presented by aggregation of other ecosystem services at the site

Ecosystem services are defined as the direct and indirect contributions that ecosystems (natural capital) provide for human wellbeing and quality of life⁶. Biodiversity itself can be defined as an ecosystem service, and the sale of biodiversity habitat units as outlined above is one way in which ecosystem services can be used to generate income. DWT will undertake a high-level assessment of the site to determine what ecosystem services could be delivered on site and will also undertake a scoping exercise to determine what the market is for the services.

⁴ <https://www.greenfinanceinstitute.co.uk/gfihive/toolkit/> [Accessed 04/07/2023]

⁵ Avoid, Mitigate, Compensate

⁶ NatureScot, 2023





Intervention 3 - Create a model which can be adopted by other Wildlife Trusts and eNGOs seeking to use green finance to deliver rewilding at a landscape scale

A study published by the Green Finance Institute (GFI, 2021) identified that there was a funding gap of a minimum of £44-97 billion in investment above current public funding levels that are required for the UK to meet its current nature recovery commitments by 2030. This study specifically highlighted “Protection or restoration of biodiversity” as an area where the greatest gap existed. Once Biodiversity Net Gain becomes a mandatory condition of planning in November 2021, a key component of delivering this will be a national register of BNG delivery sites enabling developers to pay providers to deliver biodiversity gains off site where losses cannot be avoided, mitigated or compensated on-site, giving landowners and eNGO’s (environmental non-governmental organisations) the opportunity to provide BNG habitat, hedgerow and watercourse units as a saleable commodity. At DWT we believe that delivery of BNG units can and should be nature-lead and should be underpinned by the latest research and evidence, and furthermore to be effective this needs to be done at scale. Wild Whittington will provide DWT with the opportunity to take the lead in demonstrating to other eNGO’s how nature recovery can be delivered through rewilding whilst also taking advantage of the new funding opportunities presented by BNG.

4.4.3 Objective 3 – Establishment of new habitats through rewilding principles

The medium-term vision for the site is that it will be restored from a highly managed, modified landscape into a site where nature is the priority. The ambition is that the best way to achieve naturalness in the structure of the newly created habitats is through rewilding, enabling complexity to be returned to the site and avoiding the sectioning of the site into strictly defined areas. This will create a range of ecological niches for species to recolonise at the site and develop a healthy ecosystem which will have the maximum possible biodiversity benefits.

Intervention 1 – Assessment of site’s current wildness and identifying potential obstructions to natural processes

At present, the site is highly modified, having been used for intensive agriculture for at least the past 70 years. The first step in restoring the site will be to identify where human disturbance and activity have disrupted natural processes, in line with the rewilding framework proposed by Perino et al (2019). Given the land-use history of the site and its small size, it is anticipated that historic land drainage systems will have modified the natural flow of water across the site and given the suburban location of the site there is potential for human-wildlife conflict from surrounding land use. Understanding how the proposed rewilding will affect the site and surrounding land will be an important first stage in planning the rewilding of the site.





Intervention 2 - Restoration of natural processes

Where blockers to natural processes are identified, these will be removed to enable the site to return to nature more effectively. For example, where field drains are identified these could be removed, blocked, or diverted to enable areas of the site to be rewetted. A key element of the restoration of the site will be the reintroduction of large herbivores, as this is something that is currently lacking at the site, and if grazing is completely absent then the site would revert to dense scrub and eventually closed canopy woodland, lacking in open habitats. Use of grazing animals will result in a more natural and diverse mosaic of open and wooded areas than more traditional habitat creation e.g., large-scale planting. Grazing animals will be selected to mimic fauna which would originally have been present within the British landscape such as:

- Heritage breed cattle (such as longhorns). Cattle are unselective grazers and will readily eat unpalatable, dominating species – creating botanically diverse habitats.
- Wild ponies (e.g., Exmoor ponies) can shape habitats through tramping, path making and wallowing, creating a diverse structure of flowering communities.
- Heritage breed pigs mimic the natural rooting behaviour of Wild Boar. Pigs root through the vegetation, turning up soil, working to remove undesirable species and creating bare ground for resowing or natural regeneration. When allowed within a large area including woodland they will create ephemeral pools through wallowing.

Intervention 3 – Provide opportunities for community involvement and volunteering to kickstart natural processes at the site

For nature to recover and thrive, we need more people to be on nature's side, and if 1 in 4 people act for nature this may be enough to trigger a change of mindset in the majority of the population. By giving volunteering opportunities to the local community and potentially to corporate partners, this will not only contribute to rewilding on a local level at Wild Whittington but will also raise awareness and increase action for nature on a county-wide scale as a result, helping to achieve Derbyshire Wildlife Trust's strategic objectives.

4.4.4 Objective 4 - Restoration of ecological complexity at the site and increase in 'wildness'

Dynamic habitat mosaic more closely resembles healthy, natural ecosystems, and facilitate the recovery of nature by providing a range of ecological niches and different habitats. Having a varied range of habitats at the site will also increase ecological complexity and help to build a complete ecosystem more capable of self-regulation, minimising the need for direct





intervention as the habitats become established. By targeting ecological complexity as an objective, this will increase ecosystem resilience at the site, meaning that Wild Whittington will be better able to adapt to changing climatic conditions as climate change progresses. The targeting of ecological complexity in this manner, rather than specific indicator species or habitats, will be a key principle of the management of the site.

Intervention 1 - Monitoring impact of grazing so that the predicted ratio of scrub and open grassland are consistent with accompanying BNG metric

A key facilitator of the success of the project will be the sale of ecosystem services in the form of BNG habitat unit. This relies on the site delivering the stated number of BNG habitat units legally required of DWT, and it must satisfy the 'Trading Rules' of the metric which state that habitats created to compensate for biodiversity losses must be of equal or higher quality than those which are lost. Monitoring and mapping the % cover of scrub:open:woodland habitats at the site will enable DWT to deliver on our legal obligations whilst also letting nature lead on habitat creation, in line with rewilding philosophies. Monitoring will take place on a regular basis as describe above in Section 4.4.3. This will enable DWT to know when we are on track to create the right blend of habitats, and to act where necessary to deliver on our obligations under BNG.

Intervention 2 - Conversion of low value arable land to higher value mosaic of woodland, scrub and grassland with ecotones between different habitats

The site will be converted to a mosaic of grassland, scrub and woodland habitats, which will feature ecotones, transitional zones between different habitat types. Ecotones often support higher levels of biodiversity in comparison to the adjacent ecosystems that they transition between, as the merging of different habitats creates a wider array of ecological niches than the respective neighbouring habitats. By allowing ecotones to develop, this will aid dispersal of a wide range of species within the site and between the site and the wider landscape. This will be crucial in achieving the dispersal element which is a key element in restoring ecological complexity to the site.

4.4.5 Objective 5 - Make More Space for Nature

At Derbyshire Wildlife Trust a key objective is to increase the amount of space for nature, as well as protecting and enhancing existing nature-rich spaces. This means that we want to deliver on creating new biodiverse habitats ourselves, as well as encouraging other landowners and stakeholders to do more to create more space for nature.



*Intervention 1 - Showcase the potential of rewilding as a method for creation of nature-rich spaces*

To ensure the future success of the site in the long-term, engagement with the local community will be crucial. An effective communications strategy will be devised for the site to involve the public in the project and give them a sense of ownership, avoiding the risk of public perception being that people are excluded from the site. Initiatives such as fixed-point photography will increase public interaction with the site as it develops and will also contribute meaningfully to the monitoring of the site. Guided walks and tours of the site, along with interpretation boards will explain the rationale of the project and the guiding principles in an accessible way will increase public understanding and support of similar landscape-scale restoration projects.

Intervention 2 - Demonstrate the potential of funding mechanisms such as BNG and sale of other ecosystem services for funding rewilding of low-grade arable land

By demonstrating that nature-rich spaces can be created on low-grade arable land in Derbyshire, this will provide an example that other large-scale landowners in Derbyshire can identify with, visit, and be inspired by. By utilising the opportunity presented by BNG this will show that rewilding is a viable option and that this approach can be self-sufficient.

Intervention 3 - Contribute to the creation of a Nature Recovery Network within Derbyshire and the UK

A Nature Recovery Network works on the Lawton Principles (bigger, better, more, and joined up) by enabling species to disperse through the landscape easily, supporting metapopulations and aiding a stable, healthy ecosystem. The landscape itself will be of higher aesthetic value, increasing the mental health and wellbeing of local residents as well as providing the possibility of ecotourism opportunities and diversifying the local income.





5 Habitat Baseline

Baseline habitat surveys were undertaken by Derbyshire Wildlife Trust on the 4th and 18th October 2022. Full details of the results of the habitat assessment will be made available in the ecological appraisal for the site. A summary of the baseline UKHAB habitat surveys, and their BNG condition assessment is included below. The results of the BNG baseline and condition assessment can be viewed in Table 5.1.

5.1 Overall summary of existing habitats

Currently, the site is divided into five field compartments which are arranged north-south adjacent to each other. The top four compartments were dominated by c1c cereal crops, with “c1a arable field margins – tussocky grasses”. The fifth compartment, at the bottom of the site, was g5c5 *Arrhenatherum* neutral grassland. The field compartments were defined by native hedgerows which also formed the boundaries of the site. A narrow strip of “Lowland mixed deciduous woodland – other” ran along part of the site’s southeast boundary and part of the woodland adjacent to the north was within the site’s fence line. A dry ditch also ran along the site’s southern boundary.

5.2 Habitat descriptions and condition assessment

5.2.1 Cereal crops – winter stubble

This was the most abundant habitat type at the site and comprised 21.784ha. This habitat was not extensively surveyed as it comprised a monoculture and as such its biodiversity value is inherently relatively low compared with semi-natural habitat types. A condition assessment is not required for this habitat type as its condition is fixed as Poor.

5.2.2 Arable field margins – tussocky grasses

The margins of the arable fields were generally 2-4m wide, with a wider margin of approx. 6m along the northern boundary adjacent to Grasscroft Wood. This habitat type comprised approximately 1.168ha of the site. The vegetation was dominated by grass species such as cock’s foot (*Dactylis glomerata*) and false oat grass (*Arrhenatherum elatius*). A condition assessment is not required for this habitat type as its condition is fixed as Poor.





5.2.3 Neutral grassland

The fifth field compartment at the southern end of the site was not in agricultural production and comprised 0.897ha of neutral grassland. When assessed to Level 5 UKHAB the grassland is categorised as g5c5 *Arrhenatherum* neutral grassland. The grassland was rank and nutrient rich, and false oat grass was abundant with scattered scrub and tree saplings such as goat willow (*Salix caprea*) and ash (*Fraxinus excelsior*). Thistles (*Cirsium* sp.) were frequently recorded and there was a thick thatch indicating a lack of management over several years. There were damper areas of the grassland indicated by species such as meadowsweet (*Filipendula ulmaria*) and rushes (*Juncaceae*), however this was not extensive enough to be classified differently. This habitat was classified as in Poor condition.

This was a small area of which was also located around the edges of the fifth field and was characteristically similar to the *Arrhenatherum* grassland described above. This area graded into the adjacent woodland to the southwest and contained species indicative of high-nutrient levels including ruderal species such as nettle (*Urtica dioica*). The habitat was assessed as in Poor condition.

5.2.4 Heathland and scrub - Dense scrub – mixed

A small (0.024ha) area of scrub between the site's eastern boundary and the adjacent public right of way which runs north-south adjacent to the boundary hedgerows. This habitat was a mixture of species including blackthorn (*Prunus spinosa*), cherry (*Prunus* sp.), sycamore (*Acer pseudoplanatus*) and ash. It was assessed as in Moderate condition.

5.2.5 Heathland and scrub - Dense scrub – blackthorn

A small (0.034ha) area of scrub adjacent to the western boundary dominated by blackthorn, with occasional mature trees. This area was assessed as Moderate condition.

5.2.6 Lowland mixed deciduous woodland

There were two areas of woodland within the site boundary totalling 0.389ha of the site. The first was part of the Grasscroft Wood adjacent to the northern boundary and comprised mostly common lime (*Tilia x europaea*), oak (*Quercus robur*) and sycamore. The second was adjacent to the site's southeastern boundary and canopy species comprised mostly ash, pedunculate oak and wych elm (*Ulmus glabra*). Both areas of woodland returned a Moderate condition score.





5.2.7 Dry ditch

A dry ditch ran along the southern site boundary which was approximately 2-3m deep. Because this feature does not hold water for more than 4 months of the year it did not qualify for condition assessment.

5.2.8 Hedgerows

All the field boundaries comprised native hedgerows which varied in their species composition, structure and composition. Full details of the condition assessments of the hedgerows can be viewed in the full UKHab report contained within the Appendix. Four hedgerows were Priority habitat species-rich hedgerows or hedgerows with trees, and the remaining 10 were native hedgerows which in some cases featured mature trees or were associated with a bank or ditch. Species noted included hawthorn, blackthorn, hazel (*Corylus avellana*), field maple (*Acer campestre*), holly (*Ilex aquifolium*) and gorse (*Ulex europaeus*). One hedgerow was in Good condition (H7), seven were in Moderate condition (H4, H6, H8, H9, H12, H13, H14) and five in Poor condition (H1, H3, H5, H10, H11). One did not qualify for condition assessment as it was less than 20m in length (H2).

The hedgerow BNG baseline has not been calculated for the site and is absent from Table 5.1 as DWT will not be selling BNG hedgerow units.

5.2.9 Pond (Non-priority)

A small (0.064ha) pond was located in the northeast corner of the site, which was heavily shaded by mature trees (ash, yew) and scrub (hawthorn, goat willow) on all sides. An earth bund was present on the east and south banks of the pond. The water quality appeared poor, and the water was shallow (<10cm at the deepest point) and supported almost no emergent vegetation. The pond passed 4/9 condition assessment criteria and therefore was in Poor condition.

5.3 Soils

Soil testing was undertaken at the site in July 2023 to determine a range of variables including the pH, water content, carbon and nutrient levels and the amount of chemicals including phosphate, nitrate and fluorides. Full details and results of the soil testing will be provided in a separate report; however, a summary of the results is provided here for context.

5.3.1 Water Content

Water content in the soils was overall lower than could be expected in healthy soils (25%), with water content between 8-8.5% on average across the entire site. Although this could be





due to dry conditions at the time of sampling cracks were present in the soil surface following heavy rain, which indicates drought damage. Consistently dry soils (i.e., those artificially drained for agriculture) are less able to recover from drought.

5.3.2 pH

Overall, the soil at the site was slightly acidic, however there was significant variation between fields. However, there was no significant difference in soil pH at deeper samples, indicating that the underlying soils are consistent across the site which indicates that differences in pH at a field level are likely because of previous land management practices. Despite this, the pH of the site overall (6.06 – 6.71) does fall within the range for neutral grassland species and as such no remediation of pH is considered necessary.

5.3.3 Soil carbon

Overall, organic carbon content of the soils was between 6-10% which is relatively low, although this is not unusual for agricultural land in long-term use for crop rotation. To improve soil structure and health an increase in soil carbon is required, as this will have a positive feedback effect on soil structure, function and biodiversity. This can be achieved through restoration of semi-natural vegetation at the site over time, which will absorb carbon from the atmosphere and return it to the soil.

5.3.4 Nutrients (Chloride, fluoride, sulphate, phosphate and nitrate)

Nitrate levels were five times higher than what would be expected in naturally occurring soils in three out of five fields, indicating historic applications of fertilisers. Phosphate levels were lower than expected for agricultural land which is likely to be beneficial in terms of encouraging native plant species recovery at the site. Sulphate levels were low which is unlikely to be of concern as high levels of sulphates can be damaging and rewilding should provide conditions which enable sulphate concentrations to stabilise naturally. Chloride levels were very low, however if monitoring indicates that native plant species are thriving at the site as the rewilding progresses, this is not considered likely to need any further remedial action. Fluoride levels were low, but this appeared to be a natural occurrence and as such these will stabilise as natural processes are re-established at the site.





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Table 5.1: BNG baseline area habitat details

Habitat Type	Area (ha)	Habitat Condition	Strategic Significance	Total Baseline Biodiversity Units
Cropland – Arable field margins tussocky	1.168	N/A	Low	4.67
Cropland – cereal crops	21.784	N/A	Low	43.57
Grassland – other neutral grassland	0.897	Moderate	Medium	7.89
Heathland and shrub – mixed scrub	0.024	Moderate	Medium	0.21
Heathland and shrub – dense scrub blackthorn	0.034	Moderate	Medium	0.3
Lakes – Ponds (Non-Priority Habitat)	0.064	Poor	Medium	0.56
Woodland and forest – Lowland mixed deciduous woodland	0.389	Moderate	Medium	5.13
Total area (ha)	24.36	Total BNG habitat units		62.34

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6 Habitat creation, establishment & maintenance

6.1 Overall vision for the site

The general overarching objective for the site is to replace the current habitats, which are highly modified by human interventions and modern agricultural practices, with a more natural matrix of dynamic habitats which deliver high biodiversity value. The overall philosophy for habitat creation, establishment and maintenance is that this should be achieved wherever possible through rewilding principles, effectively the restoration of natural processes to the site.

Currently, the baseline value of the site is a total of 62.34 BNG habitat units. The overall objectives are to create a total increase of 98.41 BNG habitat units within the 30-year management plan, resulting in an **overall site value of 160.75 BNG habitat units** post intervention.

Approximately **3.83ha of new woodland** will be created through natural succession, which will deliver a **net increase of 5.84 woodland habitat units**. The remaining 20.53ha of the site will deliver a **net increase of 92.57 habitat units** through creation of an approximately **50:50 mosaic of Other neutral grassland and Mixed Scrub**. A plan showing the anticipated pattern of habitat regeneration has been provided in Appendix 2 – this is intended to be indicative, and the final layout of the site will be different due to the nature of the rewilding process, and through the process of BNG sales.

Habitat creation and maintenance at the site will be undertaken over a 30-year period, as this is the length of time that DWT are legally obliged to maintain the habitats for. The legal obligation of DWT to manage these habitats is contingent upon the start date of individual sales agreements under BNG. As the BNG habitat units from the site will not be sold in a single transaction to one buyer, therefore the agreement period will differ between sales parcels.

This management plan is designed to be adaptive and is intended to be iterative, based on a robust monitoring strategy for the site. Therefore, the management plan will be regularly reviewed and updated following the outcomes of ongoing monitoring at the site.



**Table 6.1: Intervention Hierarchy to achieve target habitats/conditions through rewilding**

Intervention Hierarchy number	Actions
1	These interventions will be the preferred method of habitat creation for each of the target habitats in the condition required by the Biodiversity metric. This follows rewilding principles led, low intervention model and relies on natural colonisation and appropriate grazing regimes to deliver the habitat creation
2	Where regular monitoring of the site by an ecologist, or baseline assessments of the conditions at the site indicate that approach 1 is unlikely to succeed (e.g. where nutrient levels are excessively high to create the correct habitats to the required condition within the timeframe required by the Biodiversity Metric 3.1), a more interventionist approach may be required to prepare the site and during the early establishment years. Once habitats begin to establish, management can take a more relaxed approach.
3	Where regular monitoring of the site by an ecologist indicates that the target habitats/conditions required by the Biodiversity Metric 3.1 are unlikely to be achieved through interventions 1 or 2, a more active management approach may be required to ensure that DWT deliver on their BNG habitat unit obligations.

6.2 Demonstrating the delivery of BNG habitat units

As stated in the previous chapters, the purpose of this management plan is to demonstrate the plan for the entire site. It must however be acknowledged that the sale of BNG habitat units is reliant on the planning system and that the delivery of BNG habitat units generated by the rewilding of Wild Whittington will be associated with specific planning applications and conditions of planning stipulating that each of these will be legally obliged to demonstrate how they will achieve an overall 10% Biodiversity Net Gain.

To satisfy this requirement, an example of how these units will be delivered for a specific case study has been included as an addendum to this report in Appendix 4.

6.3 Management approach for habitat creation

The tables in each section below describe the broad ways in which the target habitats will be created, established and then managed over the 30-year period. The interventions are listed in order of preference, with rewilding principles being preferred wherever possible. The end goal is to create the habitats in the condition stated within the 30-year agreement period.





6.3.1 Woodland

The overall vision for the site is creation of habitats following rewilding principles, which in practice will mean using natural regeneration as the primary method of woodland creation at the site.

The general vision for areas of new woodland is that these will occur through natural regeneration, thus comprising species already present within the site itself and within existing adjacent woodland and hedgerow habitats i.e., oak, hawthorn, blackthorn, holly. The primary areas of woodland regeneration will be in the north of the site, and this aligns with the local landscape character which recommends promoting linked extensions to ancient woodland sites through natural regeneration, and management of scrub and secondary woodland to link existing woodland and other habitats. It also aligns with the recommendations of the local landscape character type ‘Coalfield Village Farmlands’ which also seek to encourage the management of scrub and secondary woodland to link together existing isolated woodlands.

6.3.1.1 Biodiversity Metric – Target Habitat and Condition

The woodland will need to achieve the habitat type and condition which has been set out in the Biodiversity Metric in order to achieve the stated biodiversity units. The overall aim is that new woodland will be classified as ‘Lowland Mixed Deciduous Woodland’ in ‘Poor’ condition. The time to condition applied is 25 years. The rationale behind the low condition of the new woodland is that it will not be viable to create a higher condition woodland within this 25-year period, as it will be lacking in the structural complexity that can only be created over hundreds of years, such as mature trees, standing and fallen deadwood, and recognisable plant communities. A summary of the condition assessment criteria for woodland can be found in Table **A3.1** A3.1 in Appendix 3.





Table 6.2: Interventions for Woodland Creation, Establishment and Management (continues)

Objective: New woodland created by natural regeneration				
Indicators of success: 3.83ha of new woodland created; 5.84 woodland habitat units delivered				
Management Phase	Intervention Hierarchy number	Intervention	Timing of intervention	
Creation & Enabling Works	1	Cessation of cultivation across entire site		
		Installation of perimeter fencing around the entire site to create a single unit		
Management Phase	Intervention Hierarchy number	Intervention	Timing of intervention	
Early Establishment	1	“Vegetation pulse” in areas of woodland creation to enable natural regeneration of trees and scrub to develop prior to introduction of herbivores.	Y1 -Y6	
		Annual assessment of tree regeneration in target areas to check the germination and survival rates and cover of tree and scrub species. Assessment of habitat against UKHAB and BNG metric condition assessment, and natural succession of woodland will be assessed against the Forestry Commission’s Natural Colonisation guidance.	Y1 -Y6	
		Use of NoFence technology to prevent livestock (cows and pigs) accessing areas of woodland	Y1 -Y4	
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:			
	2	Use of pigs to break up the soil structure in areas which will enhance connectivity between existing wooded habitat to provide a better substrate for tree and scrub species to set seed and germinate	Y4-Y6	
		Scattering of tree seeds within areas of ground broken up by pigs. Tree seeds will be native species of local provenance, species to be selected based on local woodlands of high quality.	Y3-Y8	
		Annual assessment of tree regeneration in target areas to check the germination and survival rates and cover of tree and scrub species. Assessment of habitat against UKHAB and BNG metric condition assessment	Y4-Y8	
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:			
	3	Planting of native tree species of local provenance where woodland is not developing as required under BNG agreement	Y8 – Y11	
		Temporary fencing to enable trees to establish without browsing/grazing pressure. Alternatively, temporary tree guards to be installed around self-set seedlings to protect them from grazing/browsing while they are still young.	Y8 – Y11	
Annual assessment of tree regeneration in target areas to check the germination and survival rates and cover of tree and scrub species. Assessment of habitat against UKHAB and BNG metric condition assessment		Y8 – Y11		

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Table 6.2 (continued/continues): **Interventions for Woodland Creation, Establishment and Management**

Management Phase	Intervention Hierarchy number	Intervention	Timing of intervention	
Late Establishment	1	Monitor the impact of grazing pressure from wild species such as deer on regrowth or saplings/seedings	Y1 – Y4	
		Monitor and removal of any invasive non-native plant species that would outcompete native target species	Y1 -Y4	
		Monitor spread of woodland ground flora into new woodland areas from adjacent woodland.	Y6 – Y11	
		As young trees and scrub becomes established, allow brief periods of cattle grazing to increase disturbance and generate structural diversity within the new scrub / woodland such as future glades and openings	Y6 – Y11	
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:			
	2	Where natural regeneration is being suppressed by wild grazers, implementation of a management strategy, or introduce temporary shelters/tree protection on saplings to enable them to become established and better able to cope with grazing and browsing pressure	Y11 – Y13	
		Monitoring to establish whether tree species are likely to produce a resilient woodland. Check for indications of pests or disease e.g., Ash dieback. Where this is not threatening the woodland or a risk to H&S, leave dead/dying specimens as deadwood	Y8 – Y13	
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:			
	3	If fewer than five native trees/shrubs present 20 years after establishment, consider stocking woodland through planting of native tree and shrub species to improve species diversity	Y21 – Y30	
		Where disease proves significant risk to majority of trees (11-25% mortality), restocking with alternative native species may be necessary to maintain areas of woodland	Y16 – Y30	
Where adjacent native ground flora is not spreading naturally into new woodland from adjacent woodland areas, consider planting of native bulbs/woodland plant bulbs and seeding of native woodland flora to enhance ground flora		Y21 – Y30		





Table 6.2 (continued): Interventions for Woodland Creation, Establishment and Management

Management Phase	Intervention Hierarchy number	Intervention	Timing of intervention	
Long-term management, maintenance & monitoring	1	Assessment of % cover of newly created woodland at the site against the Biodiversity Metric through regular habitat surveys.	Y1 – Y30	
		Monitor and manually removal of any INNS that may occur	Y1 – Y30	
		Allow livestock into woodland areas for limited period each year (more often once woodland well established) to create disturbance and enhance woodland structure	Y6 – Y30	
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:			
	2	Adjust livestock stocking density and/or frequency of grazing to achieve more varied and natural woodland structure	Y6 – Y30	
		If INNS are spreading from neighbouring land, engagement with neighbouring landowners to reduce this	Y6 – Y30	
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:			
	3	If livestock is not achieving desired structural effect, consider underplanting/coppicing to enhance structural/species diversity	Y21 – Y30	
		Mechanical intervention of INNS where not possible to continue to remove by hand and where this is significantly negatively impacting on regrowth of native trees and shrubs	Y6 – Y30	





6.3.2 Scrub

It is anticipated that scrub will initially regenerate from the boundary hedgerows as the main source of recolonisation. This will be due to the encroachment of species such as bramble, and blackthorn which grow through suckering.

6.3.2.1 Biodiversity Metric Target Habitat and Condition

The Biodiversity Metric for the site will state that scrub created will be 'Mixed Scrub' as the target habitat in a Moderate condition. The time to target habitat/condition will be five years, and following this period DWT will be obliged to manage the scrub to ensure it remains at least in moderate condition for the remaining 30 years of the agreement period.

The overall vision for areas of grassland and scrub at the site is that these areas will form an approximately 50:50 mosaic, with scrub colonisation of the former arable cropland encroaching from the boundary hedgerows. Areas which are intended to deliver scrub units will inevitably contain some grassy glades, and this overlap between the condition assessments of grassland and scrub will work in DWT's favour at the site as it will result in a gradual ecotone between the two habitats.

To achieve the target condition of 'moderate', areas of scrub will need to pass 3-4 out of the 5 criteria in the condition assessment criteria for medium distinctiveness scrub from Biodiversity Metric 3.1 in Table A3.2 which can be viewed in Appendix 3.





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Table 6.3: Interventions for Scrub Creation, Establishment and Maintenance (continues)

Objective: New scrub created by natural regeneration				
Indicators of success: 20.53ha of new scrub / grassland mosaic which will be approximately 50:50 scrub: grass ratio, which will deliver 92.57 habitat units altogether				
Management Phase	Intervention Hierarchy number	Intervention	Timing of intervention	
Creation & Enabling Works	1	Cessation of cultivation across entire site		
		Installation of perimeter fencing around the entire site to create a single unit		
Management Phase	Intervention Hierarchy number	Intervention	Timing of intervention	
Early Establishment	1	Grazing collars will limit grazing of scrub areas by livestock during early years of creation	Y1 – Y3	
		Removal of invasive non-native species (INNS)	Y1 – Y3	
		Monitoring of scrub regrowth in the buffer zones to identify species present, sapling survival rates and damage from wild browsers i.e., deer	Y1 – Y6	
		Grazing collars will limit grazing of scrub areas by livestock during early years of creation	Y1 – Y3	
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:			
	2	Use of temporary fencing to exclude livestock from scrub areas where this is inhibiting regrowth. Fencing areas to be moveable to enable targeted browsing of some areas to develop scrub edges	Y4 – Y9	
		Implementation of deer management strategy where presence is clearly inhibiting regrowth of scrub	Y4 – Y9	
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:			
	3	Where monitoring indicates that grassland:scrub ratio is not delivering required % cover of scrub, planting of scrub species to kickstart regrowth	Y1 – Y6	
		Adaptation of grazing regime to favour scrub regeneration	Y1 – Y6	





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Table 6.3 (continued/continues): Interventions for Scrub Creation, Establishment and Maintenance

Management Phase	Intervention Hierarchy number	Intervention	Timing of intervention
Late Establishment	1	Removal of “buffer zone” to enable herbivory within scrub areas to develop glades, clearings, rides and ecotone between scrub and grassland	Y4 – Y6
		Continuous annual monitoring of scrub habitat against Biodiversity metric condition assessment to ensure that it remains at target condition or higher.	Y6 – Y30
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:		
	2	Monitor for presence of INNS and remove if exceeding 20% or significantly negatively impacting the regrowth of native target species	Y4 – Y9
		Adjustment of grazing collars to allow livestock access to some areas to create desired glades, and develop edges appropriately	Y6 – Y11
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:		
	3	Manual cutting to create required edges, clearing and glades in scrub. Where species mix exceeds 75% of a single species, other species to be introduced through planting	Y4 – Y9
		Where scrub is all a single age, planting and seeding may be required to achieve the desired age ranges (seedlings, saplings, young shrubs and mature shrubs) to meet condition assessment criteria	Y4 – Y9





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Table 6.3 (continued): Interventions for Scrub Creation, Establishment and Maintenance

Management Phase	Intervention Hierarchy number	Intervention	Timing of intervention
Long-term management, maintenance & monitoring	1	Livestock (primarily cattle and pigs) to maintain semi-open structure of grassland and scrub through grazing and physical disturbance. Where scrub cover is too extensive, increase livestock units to reduce scrub cover in grassland areas. Where too open, reduce livestock density.	Y6 – Y30
		Monitor scrub for presence of invasive non-native species and remove if present	Y1 – Y30
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:		
	2	Ensure scrub areas are not >75% any one species (except hazel). Adjustment of grazing regime to balance scrub species	Y6 – Y30
		Monitor during grazing to ensure that all age classes of scrub are present – seedling, saplings, young shrubs and mature scrub	Y6 – Y30
		Where grazing is not resulting in achievement of condition assessment criteria, adjustment of grazing collars to exclude livestock from some areas.	Y6 – Y9
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:		
	3	Ensure at least 80% of scrub is native species by removing non-native species manually	Y6 – Y30
		Ensure scrub does not comprise more than 75% of any one species by manual cutting/planting to achieve correct balance	Y6 – Y30





6.3.3 Grassland

It is expected that the former arable land will revert to grassland, and that recolonisation of these areas will occur from a combination of the seedbank and the existing field margins, neighbouring land, and existing grassland within the site. Grassland habitat will be more challenging to create within a short timeframe than scrub habitats due to the highly modified nature of the land under its previous management. Therefore, the creation and establishment of this habitat will be closely tied into the results of the soil assessments of the site and annual monitoring of the proposed areas of grassland creation.

6.3.3.1 Biodiversity Metric Target Habitat and Condition

The target habitat for open grassland areas of the site will be Other neutral Grassland in a 'moderate' condition. The metric anticipates a standard time to target condition of five years.

To achieve the target condition of 'moderate', areas of grassland will need to pass 4-5 out of the 7 criteria in the condition assessment criteria for medium distinctiveness grassland, a summary of which can be viewed in Table A3.3 in Appendix 3.

The overall vision for areas of grassland and scrub at the site is that these areas will form an approximately 50:50 mosaic, with scrub colonisation of the former arable cropland encroaching from the boundary hedgerows. Areas which are intended to deliver scrub units will inevitably contain some grassy glades, and this overlap between the condition assessments of grassland and scrub will work in DWT's favour at the site as it will result in a gradual ecotone between the two habitats.





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Table 6.4: Management Interventions for Creation, Establishment and Maintenance of Grassland (continues)

Objective: New grassland created by natural regeneration				
Indicators of success: 20.53ha of new scrub / grassland mosaic which will be approximately 50:50 scrub: grass ratio, which will deliver 92.57 habitat units altogether				
Management Phase	Intervention Hierarchy number	Intervention	Timing of intervention	
Creation & Enabling Works	1	Cessation of cultivation across entire site		
		Installation of perimeter fencing around the entire site to create a single unit		
		Testing of soils across the site to determine current nutrient and chemical levels from previous management		
Management Phase	Intervention Hierarchy number	Intervention	Timing of intervention	
Early Establishment	1	Initial period of non-intervention to encourage native grass, annuals, and perennials to recolonise the site from the field margins.	Y1 – Y2	
		Removal of arable crops self-set from previous use by cutting and removing from the site	Y1 – Y2	
		Where existing nutrient levels are suitable, leaving the arable land to revert to grassland naturally	Y2 – Y3	
		Regular monitoring of open areas of grassland as they develop, minimum annually during early establishment years. As the grassland develops less frequent monitoring will be required.	Y1 – Y4	
		Creation of a 'buffer' zone where manual removal of 'undesirable' plants (i.e., thistles and ragwort) from areas neighbouring pasture will be required to maintain good relations with neighbours. Close monitoring of these species will be required to determine whether they have a detrimental effect on grassland creation	Y1 – Y2	
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:			
	2	Where soils testing indicates excessive nutrient levels which are incompatible with native grassland creation, a period of multiple cuts and removal may be required to reduce nutrient levels	Y1 – Y3	
		Use of green hay from local source to reintroduce grassland plants to the arable land, where monitoring indicates that this is not occurring through natural colonisation	Y3 – Y5	
		Manual removal of 'undesirable' plants such as thistle, ragwort and docks, from all proposed grassland areas of the site	Y2 – Y4	
		Once pasture/grassland established enough to support livestock, set stocking density of cattle to <0.5 units per ha and introduce pigs to root the soil, disturbing the seedbed and allowing dormant seeds to germinate.	Y3 – Y6	
If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:				
3	Oversowing with diverse species seed mix to improve diversity of grassland, if green hay or natural colonisation from on-site seed sources or seed bank is unsuccessful.	Y5 – Y7		
	Sowing of yellow rattle in the autumn to reduce vigour of tussocky grasses and enable annuals to germinate	Y5 – Y7		
	Spot treatment of 'undesirable' plants such as thistle, ragwort and docks, from all proposed grassland areas of the site if manual removal is not possible/practical and populations of these species does not reduce naturally after first 3 years	Y4 – Y8		

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Table 6.5(continued): Management Interventions for Creation, Establishment and Maintenance of Grassland

Management Phase	Intervention Hierarchy number	Intervention	Timing of intervention	
Late Establishment	1	Graze native/heritage breed cattle at low stocking density (<0.5 LU/ha). Monitoring of scrub regeneration will enable grazing pressure to be adjusted where necessary to maintain the required amount of open grassland.	Y6 – Y30	
		Habitat surveys to monitor the establishment of native grasses, annuals, perennials within former arable areas. During early establishment (Y1-Y3) this should be at least annual.	Y1 – Y30	
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:			
	2	Use of mob grazing to improve soil structure and allow plant diversity to recover in former arable areas	Y6 – Y30	
		Remove grazing between April and August to allow plants to flower and set seed	Y1 – Y30	
		Where species diversity remains low (i.e., fewer than 5 higher plants per m ²) take a summer hay cut in August/September and remove arisings to prevent soil enrichment. Aftermath graze using cattle to prevent thatch buildup and open up the sward.	Y1 - Y30	
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:			
	3	Spot treatment of 'undesirable' plant species where this is not achievable manually	Y6 – Y30	
	If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:			
	Long-term management, maintenance & monitoring	1	Maintain grazing of site using heritage breed cattle at low density annually to create natural ecotone between grassland and scrub	Y6 – Y30
Monitor levels of scrub within grassland areas.			Y1 – Y30	
Regular habitat surveys (minimum every 3-4 years) to inform adaptive management plan			Y1 – Y30	
Introduce pigs occasionally to create patches of bare ground and turn over earth to create a variety of ecological niches			Y6 – Y30	
If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:				
2		Adjust grazing levels if overgrazing is occurring or if scrub levels are reducing grass:scrub ratio below that set by the Biodiversity metric	Y4 – Y9	
		Where scrub within grassland areas is exceeding % cover requirements of the Defra metric, increase livestock density to reduce this.	Y4 – Y9	
If monitoring of the site indicates that the above methods are unlikely to deliver target BNG habitats and condition assessment by the end of the timings given above then:				
3		Spot treatment of 'undesirable' plant species where this is not achievable manually	Y6 – Y30	
		If use of livestock to reduce scrub encroachment is ineffective, manual cutting of scrub to achieve <20% scrub cover within grassland areas.	Y6 – Y30	

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7 Monitoring Protocol

Regular monitoring will be a crucial part of the management of the site. As a minimum, DWT will map the changes in habitat extent and distribution at the site as the management interventions outlined in Chapter 6 are closely associated with the outcomes of monitoring.

The main objective of the monitoring of the site is to ensure that the habitats at the site will deliver the BNG habitat units required by the Defra Metric. As BNG habitat units are measured by categorising habitats according to UKHab and assessing their condition, this will be the most important component of the monitoring strategy. Regular feedback from the results of the monitoring will be most important during the habitat creation stages at the site to inform where interventions may be required.

Results of the monitoring surveys will be assessed against previous results to measure the success of rewilding interventions on target species/species groups. Where surveys are recommended in Table 7.1 below, these will be undertaken as resources allow but are not critical to achieving the main objectives of the site (delivery of BNG habitat units).

Table 7.1 below outlines the expected monitoring surveys that will be undertaken at the site. It should be noted that where surveys are 'recommended' rather than 'required', the timing and frequency of these monitoring surveys may be subject to change. Ecological conditions and monitoring technology will vary over the 30 year period covered by this management plan, and as such it is important that this monitoring protocol should remain flexible and adaptable.





Table 7.1: Outline of DWT’s Proposed Monitoring Strategy for the site

Type of survey / assessment	Year																															
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30		
UKHab Survey & Condition Assessment of Habitats	Required	Required	Required	Required	Required	Not Required	Required	Not Required	Not Required	Required	Not Required	Not Required	Not Required	Not Required	Required	Not Required	Not Required	Not Required	Not Required	Not Required	Required	Not Required	Not Required	Not Required	Not Required	Required	Not Required	Not Required	Not Required	Not Required	Not Required	Required
Calculation of biodiversity value of site using Defra metric	Required	Required	Required	Required	Required	Not Required	Required	Not Required	Not Required	Required	Not Required	Not Required	Not Required	Not Required	Required	Not Required	Not Required	Not Required	Not Required	Not Required	Required	Not Required	Not Required	Not Required	Not Required	Required	Not Required	Not Required	Not Required	Not Required	Not Required	Required
Fixed point photography	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended
Camera traps	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended	Recommended
Soil assessments	Recommended	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Not Required	Recommended
Bat activity monitoring	Recommended	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Not Required	Recommended
Breeding bird survey	Recommended	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Not Required	Recommended
Pollinator transects	Recommended	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Not Required	Recommended
Drone survey	Recommended	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Not Required	Recommended
Reptile survey	Recommended	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Not Required	Recommended
Soundscapes monitoring	Recommended	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Recommended	Not Required	Not Required	Not Required	Not Required	Not Required	Recommended

Key
Surveys required
Surveys recommended
Survey not required



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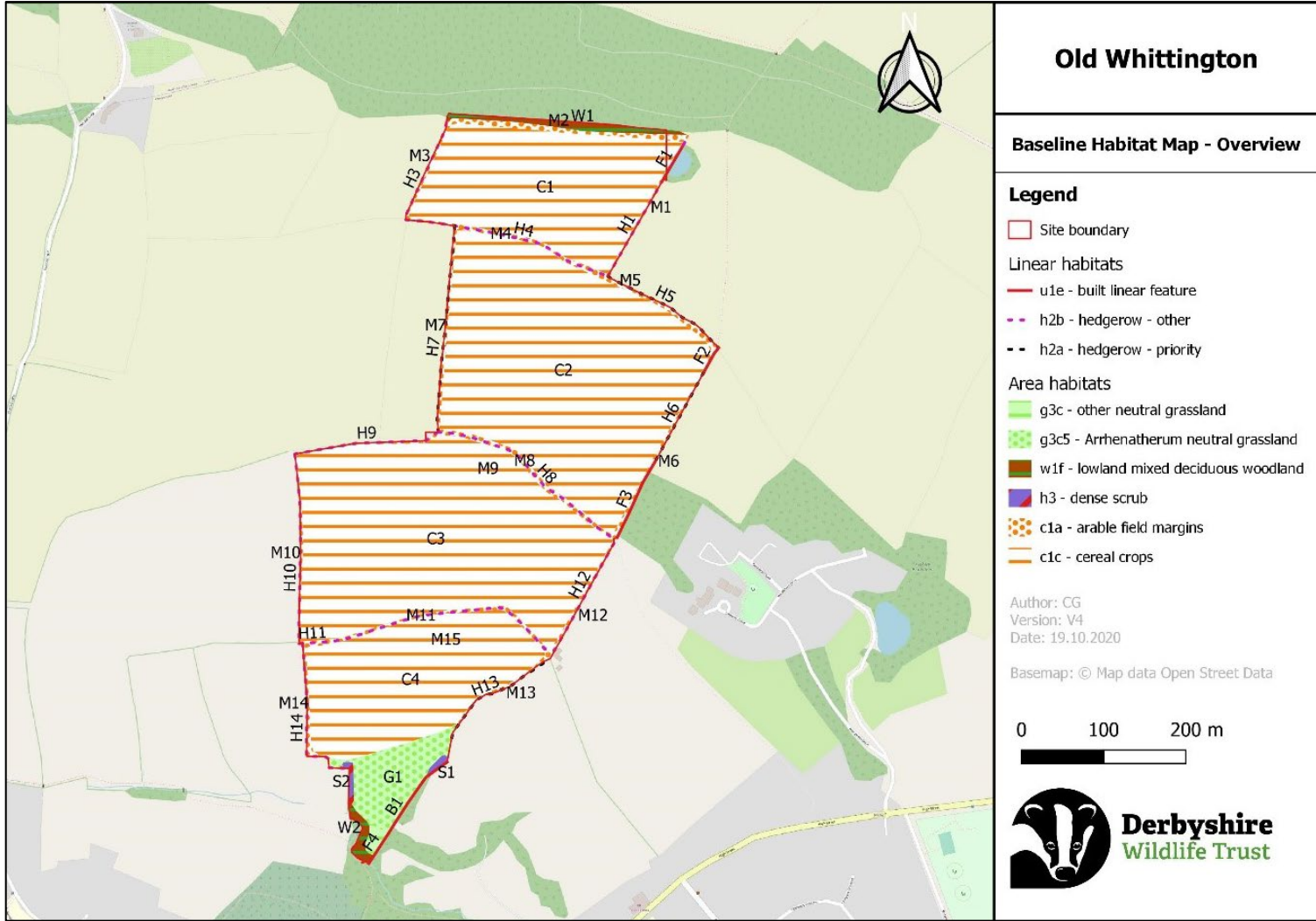


Appendix 1: Baseline Habitats (October 2022)

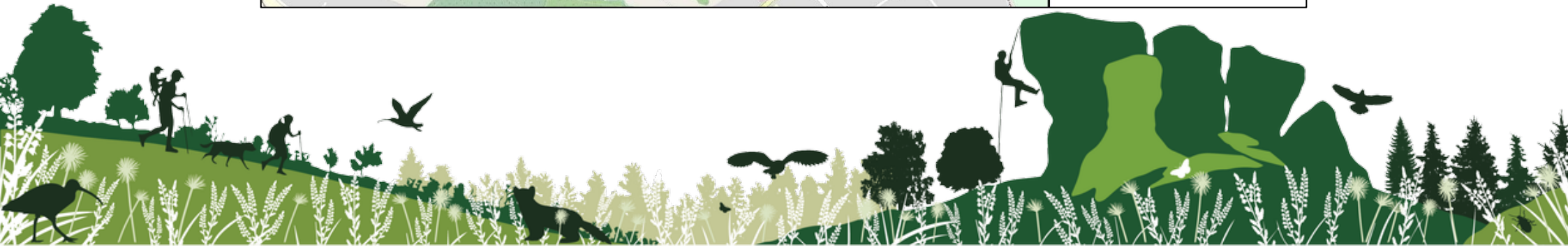




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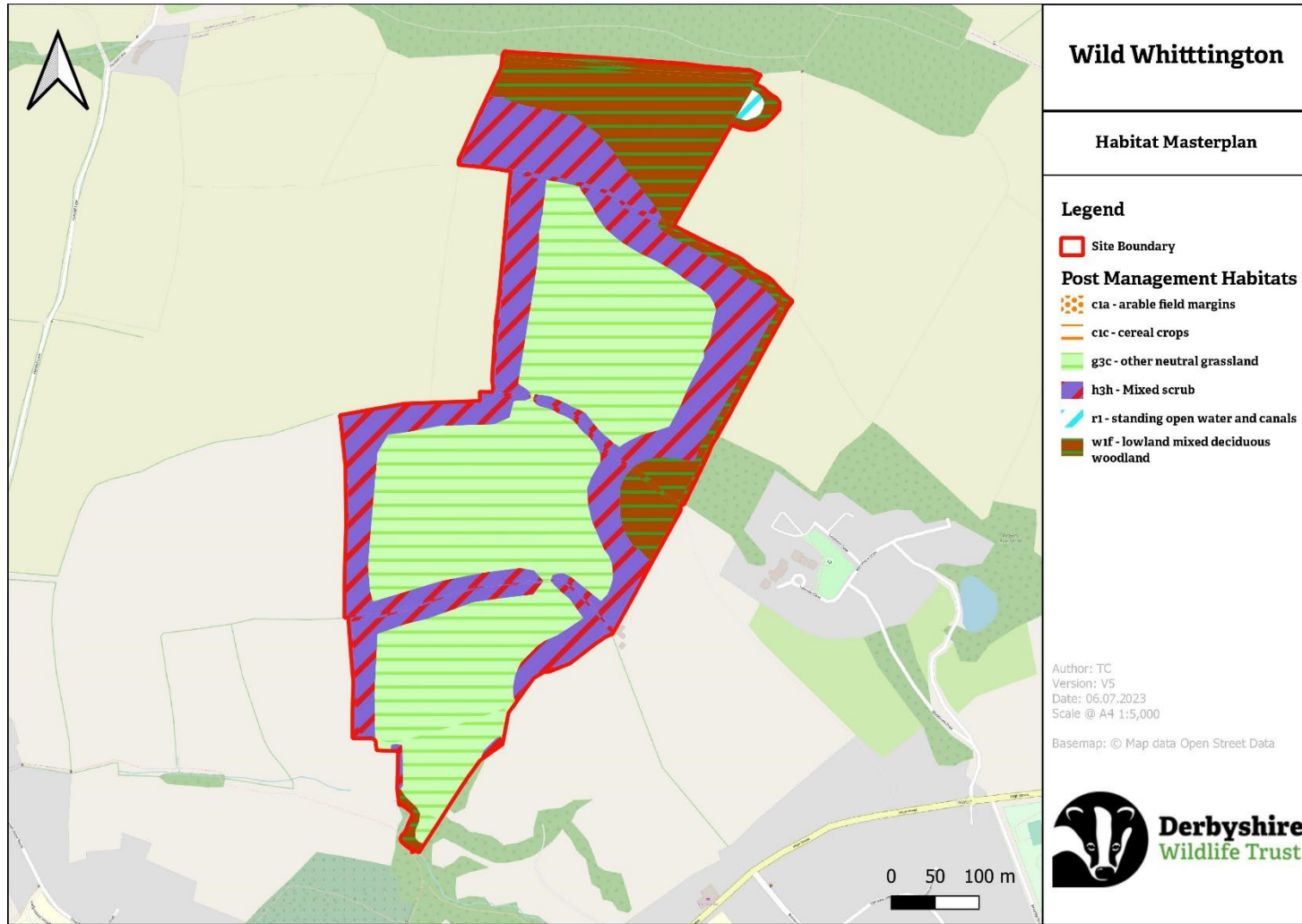




Appendix 2: Anticipated Habitat Masterplan (2053)



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Appendix 3: Biodiversity metric condition assessment criteria

Assessment of woodland condition under the condition assessment relies on the woodland scoring between 1-3 on each of the criteria, a summary of which is listed in Table A3.1 below for a woodland which would score 'Good'. Woodland in poor condition scores under 26, in good condition scores over 33, and moderate is in between. To undertake an assessment, the full condition assessment criteria must be consulted.

Table A3.1: Summary of biodiversity metric 3.1 condition assessment criteria for woodland⁷

Condition Assessment Criteria	
A	Three age classes of tree present (young, intermediate and old)
B	No significant browsing damage evident in woodland
C	No invasive plant species present
D	Five or more native tree and shrub species present
E	>80% canopy and understory are native species
F	0-20% open space present within woodland
G	All three classes of woodland regrowth present
H	Tree mortality under 10%
I	Recognisable woodland NVC plant community present
J	Three or more storeys, or a complex woodland
K	Two or more veteran trees per hectare
L	Presence of deadwood including standing, dead branches and stems and stumps
M	No nutrient enrichment or damaged ground

⁷ Adapted from Biodiversity Metric 3.1 – Habitat Condition Assessment Sheets with Instructions. (Available from: <https://nepubprod.appspot.com/publication/5850908674228224>)



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Table A3.2: Biodiversity metric 3.1 condition assessment criteria for scrub⁸

Condition Assessment Criteria	
A	Scrub is a good representation of the habitat type it has been identified as, based on UKHab. The appearance and composition of the vegetation closely matches the characteristics of the specific scrub habitat type. At least 80% of the scrub is native and there are at least 3 native woody species with none comprising >75% cover (Except hazel, juniper, sea buckthorn or box)
B	Seedlings, saplings, young shrubs and mature (or ancient/veteran) shrubs all present
C	Complete absence of INNS and species indicative of sub-optimal condition comprise <5% ground cover.
D	Well-developed edge with scattered scrub and tall grassland and/or herbs present between scrub and adjacent habitats
E	Clearings, glades or rides present within scrub providing sheltered edges

⁸ Adapted from Biodiversity Metric 3.1 – Habitat Condition Assessment Sheets with Instructions. (Available from: <https://nepubprod.appspot.com/publication/5850908674228224>)



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Table A3.3: Biodiversity metric 3.1 condition assessment criteria for medium distinctiveness grassland⁹

Condition Assessment Criteria	
A Essential for achieving higher than 'Poor' condition	Grassland is a good representation of the habitat type it has been identified as, based on UKHab. The appearance and composition of the vegetation closely matches the characteristics of the specific grassland habitat type. Indicator species listed by UKHab are consistently present
B	Sward height is varied (minimum 20% <7cm, 20%>7cm) creating microclimates providing opportunities for insects, birds and small mammals to survive and breed.
C	Cover of bare ground between 1-5%
D	Cover of bracken <20%, cover of scrub <5%
E	Combined cover of species indicative of sub-optimal condition and physical damage <5% of total habitat area. No INNS present
F Essential for achieving 'Good' condition	>10 vascular plant species per m ² , including herbs characteristic of the habitat type

⁹ Adapted from Biodiversity Metric 3.1 – Habitat Condition Assessment Sheets with Instructions. (Available from: <https://nepubprod.appspot.com/publication/5850908674228224>)



Appendix 4 – Henry Boot Case Study

Background

DWT were approached by Ecus Ltd in October 2021, on behalf of their client Henry Boot Developments, to support with the delivery of offsite Biodiversity Net Gain Habitat Units (BNG HU) within the Poolsbrook / Doe Lea area associated with the Markham Vale North Extension Scheme. A total of 16.47 BNG HU were required for the development site to deliver the minimum 10% biodiversity net gain.

A letter addressed to DWT from Ecus Ltd, dated 2nd September 2022 and titled 'Re. Markham Vale Northern Expansion – Impacts Summary and BNGA Update', sets out the BNG calculations related to the proposed Markham Vale Northern Extension scheme. This document, and the accompanying Biodiversity Metric 3.0 calculation tool spreadsheet, sets out the number of Habitat Units (HU) that would need to be delivered as part of off-site compensation. A total of 16.47 BNG HU are required from an off-site compensation area, for the development to achieve a 10% net gain. This will need to include a minimum of 3.96 HU of 'Lowland Mixed Deciduous Woodland' to satisfy the trading rules as set out in Defra's Biodiversity Metric 3.1.

Delivery of BNG Habitat Units

Figure A4.1 outlines how DWT will deliver the 16.47 BNG HU required by the Henry Boot Development site. The plan will allow the regeneration of 3.96 BNG HU of 'Lowland Mixed Deciduous Woodland' in 'Poor' condition (condition assessments to be undertaken as per Defra Metric 3.1 condition assessment criteria). Use of NoFence technology will be adopted to restrict grazing in areas of the site where woodland creation is the objective, allowing the existing hedgerows to expand into the existing field compartments. Detailed methods of habitat creation are outlined in Chapter 6 of the Rewilding Management Plan for the Wild Whittington site and woodland creation will be guided by the Forestry Commission's methodology for woodland creation by natural succession, ensuring that an appropriate density of woody shrubs and trees is in place at the end



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of the initial 10-year creation period. Trees and shrubs may need to be planted in year eight if natural colonisation is proving to be unsuccessful. In addition, seeding with woodland ground flora may be required once the canopy has started to close over, sometime between years 5 and 10.

The remaining 12.51 BNG HU required will be delivered through the creation of a mosaic of 'Other Neutral Grassland' in moderate condition and 'Mixed scrub' in moderate condition. It is recognised that seeding of the fields may be required where early monitoring indicates that an appropriate seedbank is not in place, to create a seed source for the site as it is relatively isolated from other grasslands being surrounded by intensive arable land to the west and modified grassland to the east. Once this is completed, the site will be grazed using a dynamic grazing regime, where numbers of grazing cattle will be adjusted to maintain areas of the site as open, with most scrub regeneration anticipated at the peripheries of the fields near to the hedgerows. Through this approach DWT are confident that the result will be a complex 50:50 mosaic of grassland and scrub habitats.

Through implementation of the methods outlined above and set out in detail in Chapter 6 of the management plan, DWT can confidently predict that we will deliver 18.04 BNG habitat units within the area outlined in Figure A4.1 below. This will be sufficient to deliver 16.47 BNG HU required by the Henry Boot Development site.



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Figure A4.1: Off-Site Biodiversity Compensation Plan

