

ITEM 1

**RETENTION OF MOUND AT SPRINGWELL HILL, ON LAND OFF
ECKINGTON ROAD, NEW WHITTINGTON, CHESTERFIELD FOR DP KELLY
LTD.**

Local Plan: Green Belt

Ward: Barrow Hill and New Whittington

1.0 CONSULTATIONS

Ward Members	No comments received.
Local Highways Authority	No objections – see report.
The Coal Authority	No objection.
Derbyshire Wildlife Trust	Comments received – see report.
Lead Local Flood Authority	Comments received – see report.
Environment Agency	No objection – informatives provided.
Derbyshire Constabulary	No comments received.
DCC Strategic Planning	No Comments received.
CBC Strategic Planning	No comments received.

CBC Environmental Health	No objection.
Urban Design Officer	No comments to offer
Representations/ Site Notice/ Advert	1 representation received – see report.

2.0 THE SITE

- 2.1 The site is located at the northern edge of the Borough and overlaps into North East Derbyshire District Councils area. The site was the former Springwell Colliery site linked to the railway to the east (Barrow Hill Engine Shed leg) but when the colliery closed the site was opencast and became a waste/landfill disposal facility. The landfill operation closed a number of years ago. Kelly Plant Hire continues to operate for the Romney type building at the bottom corner of the site (In NEDDC area).
- 2.2 The site, which extends to 8.24 hectares in size, is surrounded on all sides by agricultural land. Bridlepath Staveley 43 linking Nether Handley to the north to Parkhouse Farm and Whittington Road to the south cuts across the far eastern part of the site. There are a number of isolated dwellings around the site with Springwell House on the B6052 Springwell Hill opposite the site entrance, Ironstone Cottages within the woodland to the north with further farm premises in the Nether Handley settlement further to the north, Parkgate Farm on Parkgate Lane to the south west and Parkhouse Farm to the south.
- 2.3 The land is part of the undulating countryside which generally falls from north to south to where a watercourse runs along the valley bottom through the site. The watercourse feeds the pond which is also within the site boundary. There is a mixture of woodland blocks and fields with hedgerows and settlement buildings, typical of this part of North Derbyshire.



3.0 SITE HISTORY

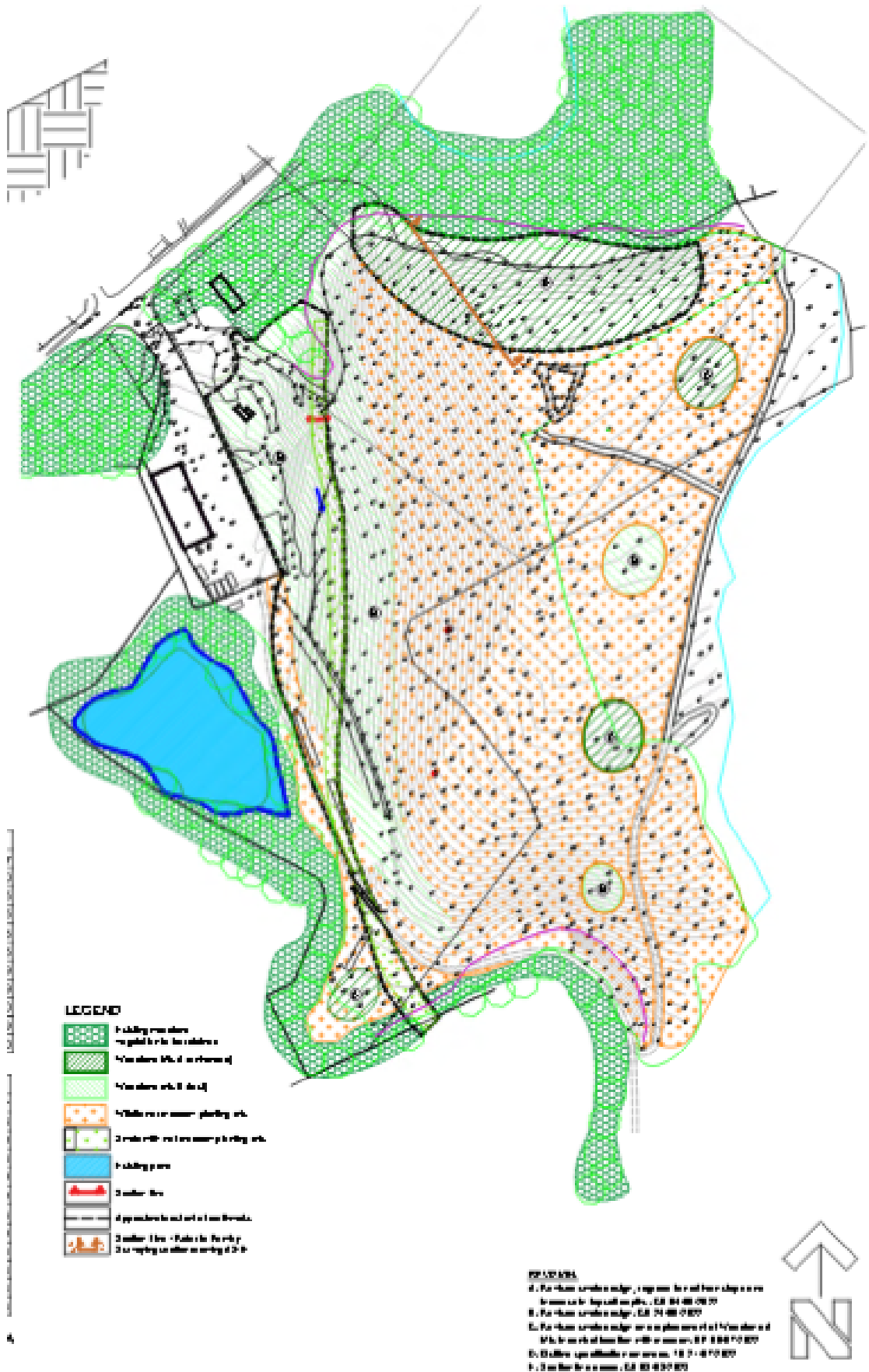
- 3.1 CHE/1186/0682 – Extension of Time limit for coal extraction imposed by condition 2 of CHE/1283/0736 – Refused 22.06.88
- 3.2 CHE/1186/0692 – Excavation of coal and overburden from 1.4ha of land – Refused 22.06.88
- 3.3 CHE/0187/0014 – Extension of Time imposed by condition 2 of CHE/0280/0132 – Refused 22.06.88

- 3.4 CHE/0693/0319 – Infill of voids by importing waste and site restoration – No objection to DCC 15.09.93
- 3.5 CHE/0994/0546 – 9 hole golf course – Permission granted 22.05.95
- 3.6 CHE/0696/0356 - Variation of conditions for the restoration of the site – Objected to DCC 22.08/96
- 3.7 CHE/0797/0396 – Variation of conditions 2 and 3 of CW4/696/22 and CW2/696/19 to extend time by 2 years for importation of waste – No objection to DCC 17.09.97
- 3.8 CHE/0798/0372 – Timescale extensions for submission of schemes – no objection to DCC 17.09.98
- 3.9 CHE/0500/0320 – Renewal of consent for 9 hole golf course with club house – Approved with conditions 18.07.00

4.0 THE PROPOSAL

- 4.1 The application seeks consent for retention of the mound levels and profile which currently exist on site.
- 4.2 Whilst the applicant had implemented the golf course permission through formation of the land forms to achieve the fairways, greens and tees on the east part of the site, it was decided not to progress with the golf course proposal but to restore the finished land to a natural landscaped site.
- 4.3 The proposal includes a landscape masterplan and planting plan by Weddle Landscape Design which sets out areas of woodland planting blocks but also grass and meadow wildflower planting. The scheme creates a swale to catch rainwater which would be linked to the watercourse/pond on the site. The proposed plan shows a total of 5360 new trees to be planted with substantial areas of meadow planting.
- 4.4 Screening of soils is currently taking place on site to secure appropriate topsoils suitable as a cover for the new landscaping

scheme however it is likely that additional planting medium will be needed to assist the landscaping scheme being successful.



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)
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design

5.3 National Planning Policy Framework

- Part 2. Achieving sustainable development
- Part 8. Promoting healthy and safe communities
- Part 12. Achieving well-designed places
- Part 13. Protecting Green Belt Land
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

5.4 Principle of Development

Relevant Policies

5.4.1 The application site forms a part of the Green Belt area around the north side of the Borough. Policies CLP1 and CLP2 are therefore of relevance.

5.4.2 Policy CLP1 states 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, and to focus on areas that need regenerating, including the 'place shaping' areas set out in policies SS1 to SS6 and Regeneration Priority Areas.'* The policy goes on to state that *'The existing Green Belt will be maintained and enhanced'*.

5.4.3 Policy CLP2 states that when *'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;*
- g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
- h) are not on the best and most versatile agricultural land;'*

Exceptions to the council's Spatial Strategy will be considered where development proposals can clearly demonstrate that the proposed use:

- i. needs to be in a specific location in order to serve a defined local catchment or need, to access specific resources or facilities (including transport connections) or to make functional links to other, existing uses; or*
- ii. is required to regenerate sites and locations that could not otherwise be addressed or to support existing community facilities that otherwise would be at risk of closure.*

Considerations

- 5.4.4 The principle of development is assessed through consideration of Local Plan Policies CLP1 and CLP2 (see extracts above).
- 5.4.5 The application site is part of a longstanding area of land where development and desolation of the landscape has existed for many years. This includes a former c19 colliery followed by opencast and landfill. The landfill operations agreed by the County Council did not include full detail of a restoration plan with very limited information of final levels and after use. The intention was an agricultural after use however concerns existed regarding the impact arising from the waste which was buried on the site. At the time government funding was being provided to fund such schemes where there was no restoration plan in place.
- 5.4.6 The site owner promoted an alternative after use as a 9 hole golf course which was accepted on the basis that it maintained an open use of the land, avoided agriculture and brought about an opportunity to agree a levels and landscape plan as part of the restoration. It was accepted at the time that such a use would generate an artificial landscape appearance together with the need for a car park and clubhouse which would attract a more intensive use of the land compared to the originally anticipated agriculture after use.
- 5.4.7 When the site ended as a household waste disposal facility the site owner continued with importation of inert waste to the site building up the levels to a point when the Council considered enforcement action to stop the continued importing of material to be necessary. Importation of all material subsequently ceased a number of years ago leaving the current mound. However, this has recently been softened by regrading parts of the land to remove the escarpment edge to the west side of the mound to achieve a more natural profile. It is the case that the mound levels exceed what was anticipated for the land however it is not possible to quantify this without a full site survey and there remains uncertainty as to then precise levels which had been agreed for the land. It is considered

more appropriate now to consider whether or not the landform and its after use as proposed is acceptable in green belt terms.

- 5.4.8 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of Green Belts being their openness and their permanence. Paragraph 138 of the NPPF 2021 states that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns;
- and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 5.4.9 Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and at paragraph 148 that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It states that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. At paragraph 149 it is made clear that the construction of new buildings is regarded as inappropriate in the Green Belt however there are exceptions including buildings for agriculture and forestry and for outdoor sport and recreation; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The paragraph also accepts the partial or complete redevelopment of previously developed land, whether redundant or in continuing use and which would not have a greater impact on the openness of the Green Belt than the existing development or would not cause substantial harm to the openness of the Green Belt. Paragraph 150 also makes it clear that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include for example mineral

extraction; engineering operations; and material changes in the use of land such as changes of use for outdoor sport or recreation.

5.4.10 Policy CLP15 is also of relevance in that it promotes the borough's green infrastructure network with the aim of protecting enhancing, linking and managing the network, and creating new green infrastructure where necessary. Development proposals should demonstrate that they will not adversely affect, or result in the loss of, green infrastructure, unless suitable mitigation measures or compensatory provision are provided. The policy states that development proposals should, where relevant:

- a) not conflict with the aim and purposes of the Green Belt (as set out in the NPPF); and
- c) enhance connectivity between, and public access to, green infrastructure; and
- f) protect or enhance Landscape Character; and
- g) increase tree cover in suitable locations in the borough to enhance landscape character, amenity and air quality; and
- h) where new green infrastructure is proposed, there must be clear funding and delivery mechanisms in place for its long-term management and maintenance, prior to the development commencing.

5.4.11 In this case there are no buildings or 'urbanising' features as part of the scheme. Indeed the none continuation of the development of the golf course will avoid the need to erect a clubhouse building. The main issue here concerns the extent of impact on the openness of the green belt having regard to the landform and after use now proposed.



From Parkgate Lane



From junction of Unstone FP40 with access to Binkley Cottages



From mid field on Unstone FP40

5.4.12 The land to which the application relates is not generally visible from the north or east due to the specific local topography. It is however clearly visible from Springwell Hill and beyond to the west and from Parkgate Lane to the south as shown in the three photographs above. The local area is generally undulating such that the proposed levels do not necessarily appear greatly at odds with the prevailing landform in the vicinity. The mound is currently noticeable as works to finalise the grading are completed with the screening equipment on its top and also in the absence of any landscaping. However, it is considered that in time the proposed landscape solution for the site will soften the mounds appearance and assist in blending the site into the local area. This will be the first opportunity for many years to rescue this despoiled site and integrate it into the local landscape character.

5.4.13 The most significant view is from Parkgate Lane as shown in the top photograph however the mound has been regraded on its western

left side to reduce the impact of its artificial appearance. Furthermore, the mound does not breach the land horizon line and when landscaped will appear as a part of the wooded hillside dropping down from Nether Handley to the north to the south towards the valley bottom. When viewed from the public footpath of Unstone FP40 to the west, as shown in the middle and bottom photographs, the land form assimilates into the existing topography and appears to be a part of the naturally sloping landscape and dropping levels to the valley bottom which runs along the site length.

- 5.4.14 In use terms the proposal also has to be assessed in terms of a comparison with the agreed and implemented golf course after use. The proposed solution will be far less artificial and urbanising and has the potential to become a re-wilded area dominated by landscaping. There will be no buildings or vehicle trips/car parking associated with the scheme which will be a positive in green belt terms.
- 5.4.15 The landform has changed slightly the local topography however, on balance, this is not to such an extent that there is any harm to the purpose of the green belt and the principal of retention of the mound as proposed with a landscaped after use solution would not conflict with green belt policy or the council's spatial strategy to the extent that an argument to resist the application could be made. On this basis it is considered that the proposal does not conflict with the principles advocated in policy CLP1, CLP2 and CLP15.

5.5 Design and Appearance of the Proposal

Relevant Policies

- 5.5.1 Local Plan policy CLP20 states '*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.*'

Considerations

- 5.5.2 This is largely dealt with under the previous paragraphs concerning the appropriateness visually in the green belt area. The landscaping option will help assimilate the site into the local area especially as indigenous species are specified.
- 5.5.3 Overall the proposal is considered to respond in a positive way to the current situation and taking account of the constraints of the site. The scheme is appropriately designed and would not cause serious adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the provisions of policy Local Plan policies CLP20.

5.6 **Impact on Neighbouring 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;'*

Considerations

- 5.6.3 The nearest dwelling to the site is Springwell House facing the site entrance. The residents comment that having lived opposite the site for 36/8 years, given the condition of the site and its history, the scheme appears to be a pragmatic solution to restoration of the area. The residents do however make comments regarding flooding/drainage and wildlife issues which are considered below.
- 5.6.4 The proposal does not have an adverse impact on the amenity of any residential neighbours due to its relatively remote location and does not therefore conflict with the provisions of policies CLP14 and CLP20 of the Local Plan.

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'*

Considerations

- 5.7.2 The proposed development concerns the levels and landscaping of the site and does not change anything in terms of access. Compared to the golf course scheme the access use will be reduced as the current proposal generates no vehicle activity. Any maintenance will most likely be carried out from the adjacent Kelly Plant site.
- 5.7.3 The County Highway Authority confirm that the application has no highway safety implications and that there are therefore no highways objections to make. Of course a consideration to take into account in the event that the levels proposed were not acceptable would be the need to remove all the materials off site to another landfill site. This would generate a significant highways impact with a substantial number of highway trips and which would not be a sustainable option.
- 5.7.4 In so far as Air Quality, whilst the EHO has not raised a comment, it is considered that the introduction of a landscaped solution for the site can only be a positive outcome.

5.8 Flood Risk, Drainage and Water Efficiency

Relevant Policies

- 5.8.1 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.*
Development proposals and site allocations will:

- a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;*
- b) be directed to locations with the lowest impact on water resources;*
- c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.*

Considerations

- 5.8.2 The siting of the mound within the application site falls within 'Flood Zone 1' as defined by the Environment Agency and is therefore considered to be at low risk of flooding.
- 5.8.3 The Environment Agency has reviewed the scheme and confirms no objections arise suggesting a number of standard informatives be applied to any decision issued. The Lead Local Flood Authority has also responded stating that due to the nature and scale of the proposal that there are no adverse comments to make, commenting that the developer should be advised that any works in or near an ordinary watercourse may require consent under the Land Drainage Act 1991 from the County Council and that further contact can be made at Flood.Team@derbyshire.gov.uk.
- 5.9.4 Given the natural sloping topography of the local area which is characterised by the valley bottom watercourse and pond, there has always been a prospect of rainfall running down the levels to the valley bottom, Whether the mound is at its current level or lower would make no difference to this. The land remains able to percolate water at times of rainfall and the proposal has not reduced the capacity for this to occur. Indeed, the scheme incorporates a cut off swale half way down the west facing slope such that any water landing above will migrate to the swale and then be channelled to the watercourse beyond the pond thereby limiting the water entering the pond at times of heavy rainfall. The introduction of landscaping within the scheme with 5360 new trees will also assist in mitigating the impacts of surface water run off.
- 5.8.5 It is considered that the development complies with the requirements of policy CLP13 and the wider NPPF.

5.9 Ground Conditions, Land contamination and Land Stability

Relevant Policies

5.9.1 Local Plan Policy CLP14 states that *'Unstable and Contaminated Land 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 and shall include:*

- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and*
- b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and*
- c) a strategy for any necessary mitigation and/or remediation and final validation.*

A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.

5.9.2 Paragraph 178 of the NPPF states that *'Planning policies and decisions should ensure that:*

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

Considerations

- 5.9.3 Both the Coal Authority and the Councils Environmental Health Officer have confirmed that no objections arise to the proposal due to its scale and nature.
- 5.9.4 The applicant has taken suitable precautions/mitigation necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and in accordance with Local Plan policy CLP14.

5.10 Biodiversity including Landscaping

Relevant Policies

- 5.10.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*
- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
 - *provide a net measurable gain in biodiversity'*
- 5.10.2 The NPPF also requires net gains in biodiversity (paragraph 170 d).
- 5.10.3 Policy CLP15 of the Local Plan as referred to above is also of relevance to this section of the report.

Considerations

- 5.10.4 Derbyshire Wildlife Trust commented that they welcome the proposals to create new woodland, species-rich grassland and wetland habitat. They commented that the proposed woodland mixes should be revised and based on the mixes specified for the Coal Measures Natural Area in the Habitat Creation guide for Lowland Derbyshire. They also commented that the composition of the existing adjacent woodland should also be considered. Whilst Workhouse Wood located immediately north of the red line boundary is not a designated Local Wildlife Site, it is listed on our database as a notable woodland site. The new woodland creation

should complement this existing habitat and provide an extension of this existing feature.

DWT also commented that the grassland mixes should also be based on the mixes specified in the Habitat Creation document detailed above, appropriate to the soil type.

- 5.10.5 The applicant was provided with the Habitat Creation guide and their landscape designer provided revised drawings which took account of the DWT advice.
- 5.10.6 DWT also confirmed that the adjacent woodland should be considered an important habitat, along with the adjacent pond which is designated as a Local Wildlife Site (NE141 Springwell Pond). They confirm that the proposals have the potential to positively impact these habitats and the species which may use them by creating a larger, joined up area of semi-natural habitats, which contribute to the wooded corridor running south to Barrow Hill and north-west to West Handley. It is therefore important that the habitat creation is appropriate to the local area and managed effectively in the long term. We advise that a management plan should be conditioned to secure the establishment and management of the habitat in the medium to long-term, providing a biodiversity net gain and contributing positively to local targets for green infrastructure and nature recovery networks. DWT confirm that on the basis of the site still comprising of largely bare and disturbed ground with ongoing works (evident from the current screening operation taking place to generate the top soil layer), then they do not anticipate any significant constraints.
- 5.10.7 The site of the mound is largely disturbed but with significant potential to create a connected habitat area linked to the surrounding habitats and which could become a real asset for the local area. It is considered that there is considerable scope for new planting to enhance biodiversity. It is recommended that a Management Plan for delivery and maintenance should be sought by condition as advocated by DWT and as referred to in policy CLP15.

5.10.8 Subject to conditions requiring biodiversity enhancements be installed through agreeing a Management Plan for the site, the development accords with the requirements of CLP16 and the NPPF.

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters and the only representations received have been from Springwell House. The comments made are summarized as follows:

6.1.1 The scheme is a pragmatic solution to restoration of the site given its current condition and history;

6.1.2 Hope the scheme would have time constraints imposed which would be monitored;

6.1.3 The Handley Brook discharges via a culvert under Springwell Hill through the site. The culvert was blocked resulting in water backing upto a considerable depth on the neighbouring farmland west of Springwell Hill. This brook drains a large area and flows vary according to rainfall. In 2007 the B6052 was badly flooded. Photographs have been submitted showing the floods in 2019 and 2020;

6.1.4 The area north of the B6052 has extensive wildlife activity with badgers, fox, hare and deer. The passage between this area and the site is evidenced by the frequency of road kill with 3 badgers and a fox in 3 weeks (2021). They have witnessed hare, fox and deer on the sites high ground.

Comments – The comments regarding drainage and flood potential are acknowledged but are unlikely to be affected in any material way as a result of the scheme. The brook referred to flows from west to east down the gradient with the flooding created by a blocked culvert. The Highway Authority dealt with the culvert recently at the same time as the highway ditches were cleared. The wildlife comments are noted however the proposal is likely to enhance the opportunities for ecology and biodiversity.

In so far as requiring a time limit for completion of the works this is generally not possible. It is usually to require development to start within a timeframe but to require completion in a timeframe could not be considered to be reasonable. What can be required by condition is an intended program of carrying out the works and maintenance for a reasonable period of time thereafter.

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 2021 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 has 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 proposal to retain the mound has an impact on the local topography however it will not appear at odds with the character of the undulating hillside at the base of which it is located. The addition of a landscaped after use brings with it significant visual, biodiversity, habitat opportunity and surface water run off benefits when compared to the previously agreed after use and which when matured will assist in blending and integrating the land form into the local area. Whilst the mound has an impact on the openness of the green belt area it is mitigated as far as possible through a natural form and which will not be at odds with the purposes of including the land within the green belt. The proposal is not considered to be in conflict with the requirements of Local Plan policies CLP1, CLP2 and CLP15 and the NPPF to the point where a refusal is justified.

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.
 - Landscape Masterplan and Planting Plan – 1021-SPH-01 rev E rec 16/03/23
 - Cross Section by Rowley Surveying – A3-01 rec 16/03/23
 - Cross Section location by Rowley Surveying – A3-02 rec 16/03/23

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

Landscaping and biodiversity

2. Within 4 months of the date of this permission a landscaping programme of implementation and maintenance scheme shall be submitted to the local planning authority for consideration. This

shall include how the scheme achieves a net measurable gain in biodiversity through the development. The details agreed in writing shall be implemented during the first planting season following the agreement of the details and which shall be maintained thereafter as agreed.

Reason - In order to safeguard and enhance the character and amenity of the local area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with CLP16 of the Local Plan. 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 170 of the National Planning Policy Framework.

Retention of soft landscaping

3. 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 the agreed maintenance period under condition 2 above, 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. All landscaping shall also be carried out in accordance with the details approved under condition 2 above.

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

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. Environment Agency Informatives
 - Follow the risk management framework provided in '[Land](#)

[contamination: risk management'](#) when dealing with land affected by contamination

- Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information.

3. Lead Local Flood Authority informative - The developer is advised that any works in or near an ordinary watercourse may require consent under the Land Drainage Act 1991 from the County Council and that further contact can be made at Flood.Team@derbyshire.gov.uk.