

**ITEM 1**

**Outline planning application 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. (Additional drainage information received 18.11.2021) at Land At North East To Markham Vale and Employment Site and M1 and The South West Of B6419 for MVNE LLP and Devonshire Property (M Vale) Limited.**

Local Plan: Not allocated

Ward: Lowgates and Woodthorpe

Plot No:

Committee Date: 12<sup>th</sup> December 2022**SUMMARY OF CONSULTATIONS**

Derbyshire Wildlife Trust	Comments made see report
Highway Authority	Comments made see report
National Highways	Conditions recommended
Lead Local Flood Authority	Conditions recommended
Yorkshire Water	Conditions recommended
CBC Design Services Drainage	This site is shown to be located partly in flood zones 2 and 3. Concur with those comments of Derbyshire County Council, as Lead Local Flood Authority and those of Yorkshire Water as the Sewerage Authority for Chesterfield.
DCC Policy including Landscape, Archaeology and Heritage	Comments made see report
DCC Rights of Way	Comments made see report
HS2	Comments made see report – safeguarded land would not be impacted
Environment Agency	Recommend condition

CBC Conservation Officer	Comments made see report
CBC Environmental Health	Recommend conditions regarding hours of work, lighting, EV charging and contaminated land phase 2.
Derbyshire Constabulary Designing Out Crime Officer	Comments made see report
Historic England	We have no detailed comments to offer and refer you to the advice of the County Archaeologist and your own Conservation Officer.
Ramblers Association	Comments made see report
Peak and Northern Footpaths	Comments made see report
Coal Authority	Comments made see report
CBC Economic Development	Detailed local labour clause required via condition or S106 and supporting comment in terms of economic growth and job creation – see report
Representations	7 comments received summarised in section 6.0 below

## 2.0 **THE SITE**

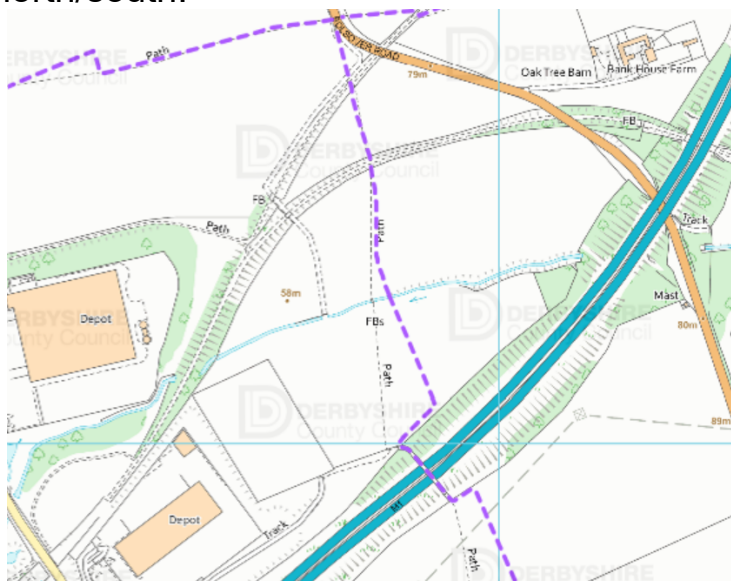
2.1 The application site covers both the Borough of Chesterfield but also part of Bolsover District Council land. Therefore, the same application has been submitted to both Local Planning Authorities. As Chesterfield has the larger site area the matter is being considered first by CBC before Bolsover District Council then consider their assessment of the case. The administrative boundary between the two local authority areas is marked by a stream known as Hawk Brook, which is a linear feature flowing broadly westerly/south-westerly direction towards the River Doe Lea.



Application site and access road edged red

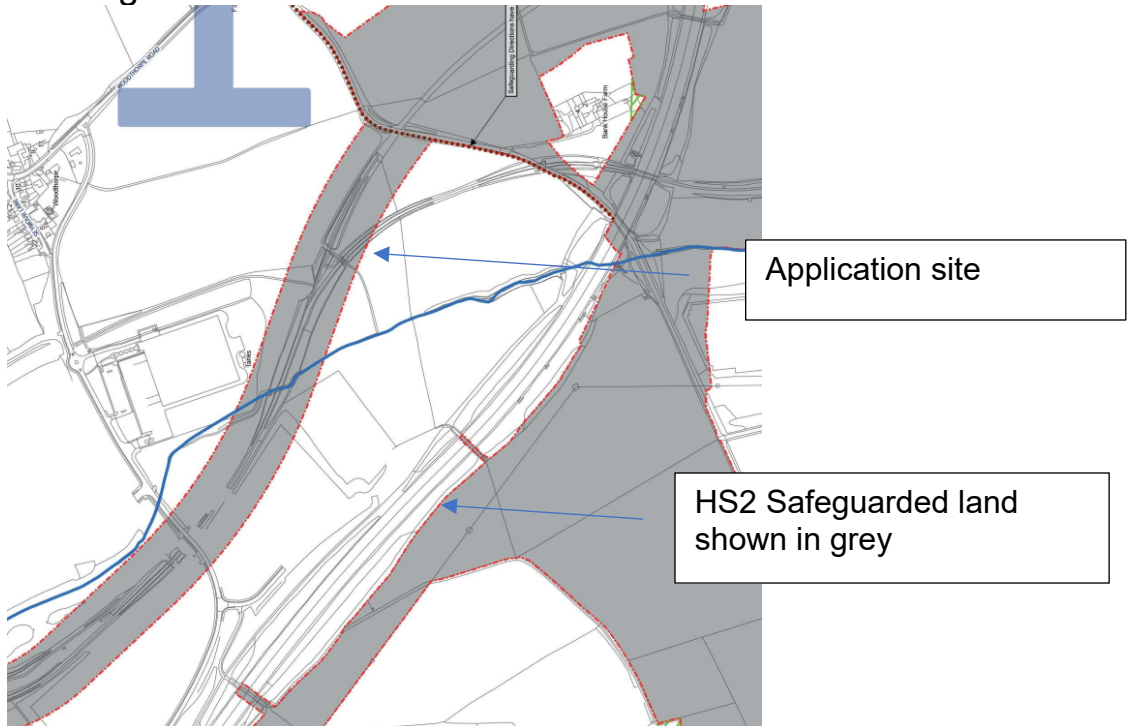
2.2

The site is an elevated parcel of land nestled between the M1 to the south east, Bolsover Road to the north, the Clowne Branch Line Greenway to the north west and Seymour Link Road with associated commercial developments to the south west. The site is approximately 27.6 hectares in area and is open green field agricultural land with some wooded areas. Footpath route Staveley Footpath 29 crosses the site north/south.



2.3

The former mineral railway line now dismantled and used as a recreational route for walking and cycling is to the north-west. This area is safeguarded for HS2:



2.4

The site inclines steeply from the Seymour Link Road access point and is then undulating in its topography with a central corridor for the water course. The features and topography can be seen from google earth images:



Site images:

Proposed access from Seymour Link Road adjacent to 'Gist'-



Elevated area adjacent to proposed Building A looking towards adjacent 'Gist' building and yard with the M1 –



Looking across the area of Building A –



From the area of Building A to the lower water course and area of Building B –





From adjacent the Oxcroft Branch Line in the area of Building B towards the elevated area of building A –



The Oxcroft Branch Line –



The Clowne Greenway –



The site from the Clowne Greenway-





### **3.0 SITE HISTORY**

- 3.1 CHE/20/00688/EIA Screening opinion under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017 for the proposed development of land for B2/B8 uses – Environmental Assessment not required 15.10.2020.

### **4.0 THE PROPOSAL**

- 4.1 The application is for the erection of two large commercial units noted as buildings A and B as set out below. These building are proposed alongside access and parking and circulation areas, with the provision of large service yards and ssoicated structures; which is proposed to be constructed on the existing greenfield site. This is an outline application considering access, landscaping, layout and scale at the outline stage with appearance being the only reserved matter left for future consideration. It should be noted that this is a speculative development and therefore the final user is unknown.
- 4.2 The application includes the access route from the existing road serving Gist Ltd off the Seymour Link Road and seeks full flexibility between B2 (General Industrial) and B8 (Storage and distribution) uses, it is not anticipated that B2 floorspace will exceed 35% of the total.

The size of the potential units are:

Unit A –

22,540 sq. m (242,622 sq.ft.) warehouse (which includes ancillary offices with a floorspace of 1,161 sq.m (12,500 sq.ft.) provided over two storeys

35 lorry parking spaces

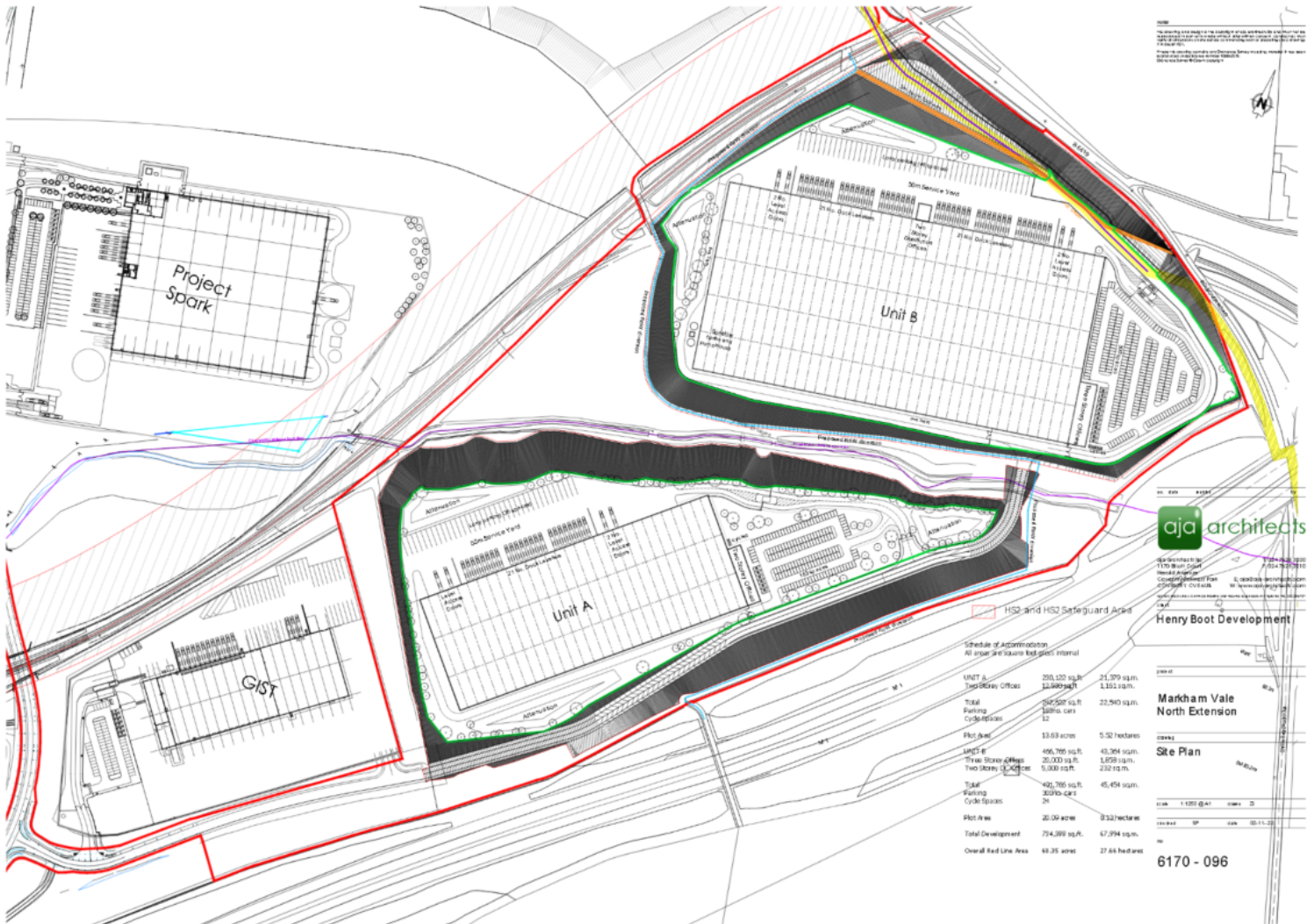
163 parking spaces including 6 disabled spaces

Unit B –

45,454 sq.m. (491,766 sq.ft.) warehouse (which includes ancillary offices with a floorspace of 2,090 sq.m (25,000 sq.ft.) provided over two storeys.

49 lorry parking spaces

300 parking spaces including 12 disabled spaces

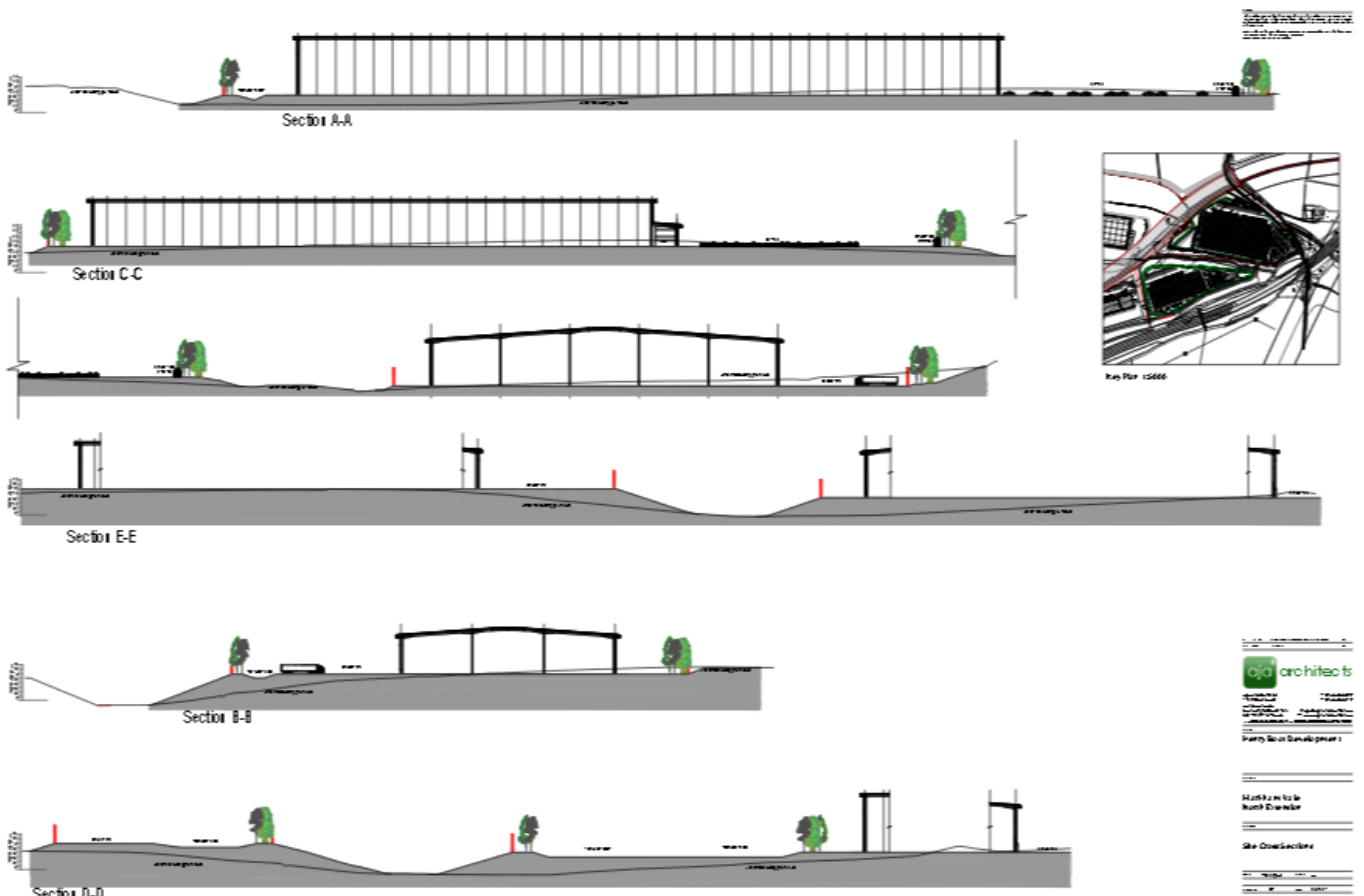


4.3

To enable the development it is proposed that the route of the existing public right of way across the site will be diverted. The realignment of

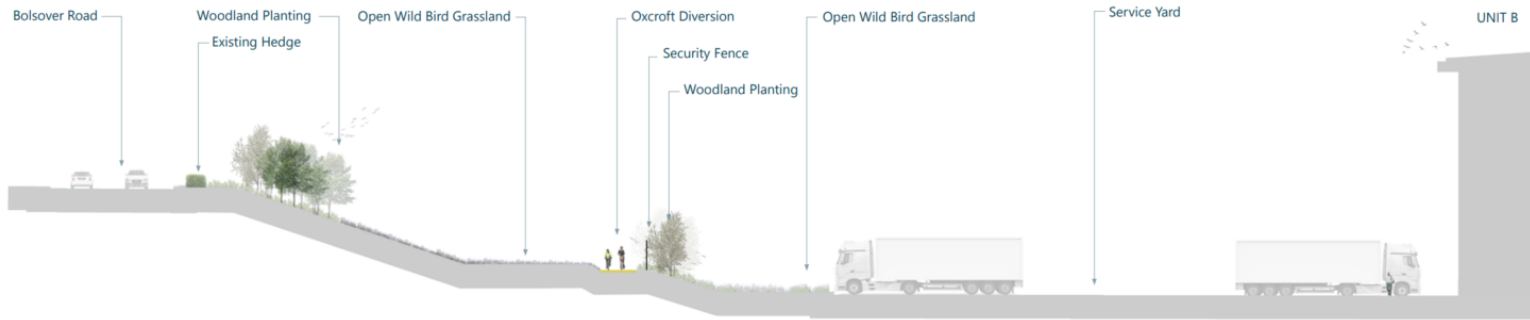
the footpath is intended to be broadly along the line of the watercourse. It is noted that whilst footpath diversion needs to be considered under this application, there is a separate legislative process that would need to be followed to seek the diversion of a footpath. It is noted in the submission that the redirection along the water course will provide added interest to the footpath route which will also be enhanced through the provision of additional planting in this area.

4.4 Due to the topography of the land substantial movement of earth would be necessary to create development platforms for the construction of the substantial buildings and associated external parking and manoeuvring areas as is shown in these sections:



In this detail the buildings are shown to be at a maximum 25m in height at the ridge and approximately 20m to the eaves and the level changes within the site to be within the region of 7.5m and 9m at the maximum.

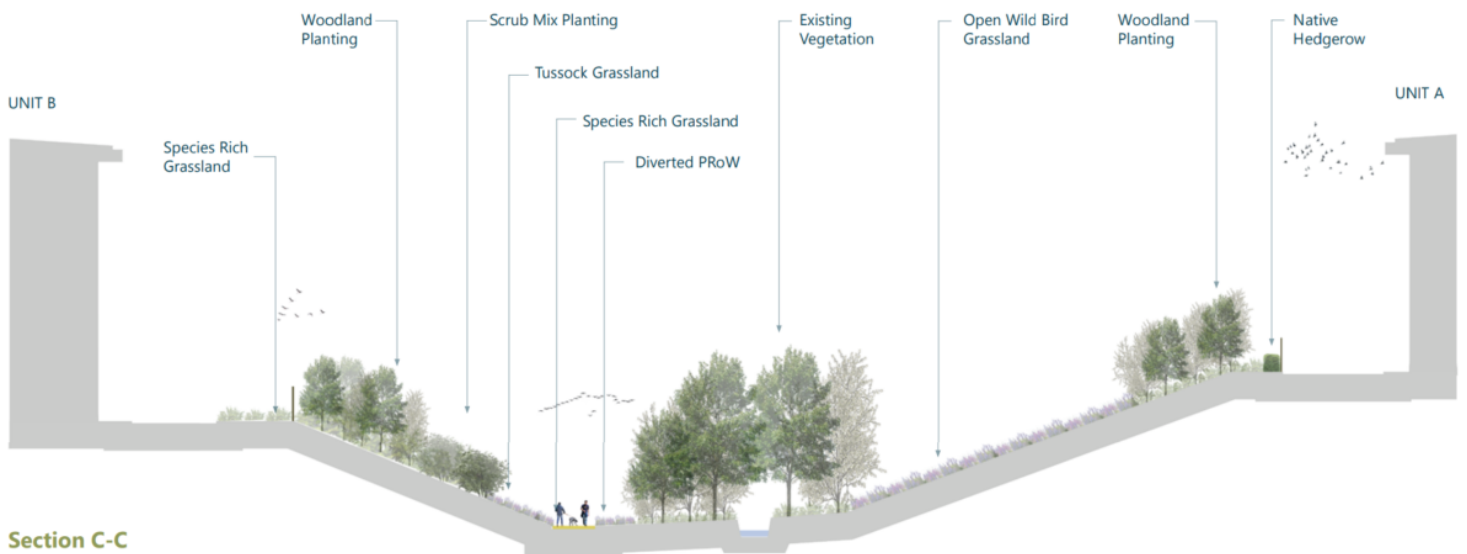
4.5 Later plans show the landscaping in association with the level changes in more detail:



Section A-A

4.6

The central corridor with water course is also detailed with the re-routed footpath:



Section C-C

4.7

The applicant has submitted a detailed planning statement the key points of which are noted:

- The emphasis on growth as set out in the NPPF is noted.
- Built development will fall entirely within the area of the site which is identified as Flood Zone 1.
- The proposed development would result in the expansion of the hugely successful Markham Vale employment area which extends across approximately 120 hectares of land in Bolsover, Chesterfield and North East Derbyshire.
- This area has been the subject of substantial private sector investment over a number of years, with Henry Boot Developments having invested substantial sums in providing a wide range of commercial units. Since the first occupier began trading in 2009, the site has grown to provide accommodation for a wide range of businesses, including manufacturing and distribution firms.

- Derbyshire County Council records indicate that as of April 2020 the wider Markham Vale site supported 2,236 jobs.
- All units at Markham Vale are under offer or occupied.
- There are no remaining areas of land within the allocated employment sites that provide opportunities for further expansion or units in excess of 50,000 sq. ft.
- Without additional land being made available for development, the potential for Markham Vale to continue contributing towards economic growth will be extremely limited, with the only areas of land left undeveloped being limited in size and only capable of providing for a relatively small area of the market, particularly in the industrial and logistics sectors.
- Demand is highest for units between 50,000sq. ft to 500,000sq. ft range, which require correspondingly large site areas which the allocated sites at Markham Vale are no longer able to provide for.
- Demand for space in this sector remains strong and growing with take-up of space in this sector in 2020 representing the highest figure for Grade A floorspace, 64% higher than in 2019.
- While a proportion of this may be attributable to the unique circumstances of the Covid-19 pandemic, this is believed to reflect a wider trend towards online retailing which is driving demand for logistics and distribution space in this sector.
- A limited and specific expansion of the existing employment site would therefore represent a unique opportunity to capitalise on the success of Markham Vale, and provide additional space for prospective occupiers, particularly those with requirements for larger units.
- Without the proposed expansion of the existing employment site, there is every prospect that potential investment in the economy of Bolsover and Chesterfield may end up locating elsewhere.
- As has been demonstrated in the Built Heritage Assessment which forms part of this application, the indicative development would not result in significant impacts on designated or non-designated heritage assets, while the Archaeological Desk Based Assessment and the subsequent Geophysical Survey and Trial Trenching measures have provided an assessment and recording of the archaeological value of the site.
- In the context of this location, a key consideration for the two local planning authorities is whether the benefits of the indicative development outweigh the general presumption against development outside of the defined limits of existing settlements or land allocated for a specific purpose in the Development Plan.

This underlined wording is considered to be the key issues to consider under this application.

- 4.8 The submitted report goes on to set out further the economic benefits:
- The economic benefits of the proposal include the provision of warehouse premises of a scale and nature and in a location where there has been strong demand for sites and premises as evidenced by the take-up rates which compare favourably with other locations.
  - The take-up of land at Markham Vale has been particularly strong with an average of 5.3ha per year across the various parts of the site which have come forward for development since 2009. This is in contrast to an average annual take up of 6.42 hectares across the district of Bolsover over an 11 year period, and 7.29 hectares across the Borough of Chesterfield between 2011 and 2019.
  - The supply of larger units in the wider region is now particularly constrained with only four known sites providing units of the requisite size currently, none of which in chesterfield or Bolsover.
  - There are very few potential sites in the sub-region which are capable of providing for the requirements of units in excess of the 300,000 sq. ft.
  - Other allocated employment sites in either Bolsover District or Chesterfield Borough not providing for the requirements of this sector of the market for sites and premises which has evidently experienced strong growth in recent years, there is evidence of an unmet need for larger sites.
  - While there may be other sites which could be capable of providing for a proportion of these requirements in the longer-term, there is clearly an identifiable, short term need, which the indicative development would seek to provide.
  - The need for land in Bolsover is specifically noted in line with The Council's 'Economic Development Needs Assessment' (EDNA, October 2015).
  - Based on the comparable evidence from recent developments of a similar scale and nature in the area, it is anticipated that the indicative development would result in the creation of between 650-880 jobs as well as providing employment opportunities during the construction phase.
- 4.9 The report notes specifically the Impact on the Bolsover Coalite Site:
- While the attributes of the site mean it is potentially suitable for redevelopment, it is evident that there are constraints associated

with its delivery and which limit its potential to provide land for new employment in the short-to-medium term.

- While this site has been identified as a regeneration for a number of years, there remains some uncertainty about when this site may come forward or reach a stage where it will provide land for economic development purposes. The ongoing remediation work means that this does not appear to represent a short-term option which could respond to the requirements of the market for larger commercial premises, whereas this site is unconstrained.
- It is also evident that a significant proportion of the Coalite site has been safeguarded for use in the construction of the main HS2 route between Birmingham and Leeds.

## **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)  
CLP6 Economic Growth (Strategic Policy)  
CLP10 Social Infrastructure  
CLP11 Infrastructure Delivery  
CLP12 Renewable Energy (Strategic Policy)  
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  
SS4 Markham Vale (Strategic Policy)

### **5.3 Other Relevant Policy and Documents**

National Planning Policy Framework (NPPF)

Part 2. Achieving sustainable development  
Part 4. Decision-making  
Part 6. Building a strong, competitive economy  
Part 8. Promoting healthy and safe communities  
Part 9. Promoting sustainable transport  
Part 10. Supporting high quality communications  
Part 11. Making effective use of land  
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  
Part 16. Conserving and enhancing the historic environment

#### **5.4 Key Issues**

- Principle of development
- Design and appearance
- Impact on Heritage Assets
- Impact on residential amenity
- Highway safety
- Biodiversity
- HS2
- Climate
- Ground conditions
- Drainage
- Contributions

#### **5.5 Principle of Development**

5.5.1 As set out in the applicant's submission above 'In the context of this location, a key consideration for the two local planning authorities is whether the benefits of the indicative development outweigh the general presumption against development outside of the defined limits of existing settlements or land allocated for a specific purpose in the Development Plan.' This underlined wording is considered to be the key issues to consider under this application.

5.5.2 Planning legislation requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (NPPF paragraph 2). The issue to be considered in this case is whether such material considerations exist, and the weight to be given to them.



- 5.5.3 The policy consideration of this extent of development within open countryside set out below, it is noted that the applicant has drawn on the consideration of policies which refer to specific allocation in the Local Plan. Land to the north of the site is protected under the strategic gap policy CLP15. The land to the west is the allocated employment land of Markham Vale to which policy CLP6 relates. Therefore, whilst adjacent to land that is covered by specific allocations the application site is unallocated and therefore development on the site has to be considered on policy principles not on the policies relating to the adjacent allocated sites.
- 5.5.4 The overall approach to growth set out in policy CLP1 is 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. The application site is a greenfield site and is not in need of regeneration however it is within close proximity of the regeneration area of Mastin Moor.
- 5.5.5 Policy CLP1 in relation to economic growth states: “To maintain economic growth and quality of provision, the council will make provision for 50 hectares of new employment land (B1, B2 and B8 uses) over the period 2018 to 2035. The key areas for employment land are at the already committed Markham Vale development, and at Staveley and Rother Valley Corridor. Policy CLP6 and the Policies Map set out broad locations for employment uses.” These are the allocated employment sites including an area at Markham Vale. The application site is outside of this area of allocated employment land. Therefore, such a development in this location is a departure from the local plan.
- 5.5.6 Policy CLP2 notes 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;
  - 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.

#### 5.5.7

- The extent to which the proposal meets these criteria is set out below:
- (a) the development is not within walking distance of a range of key facilities
  - (b) The development is not on previously developed land
  - (c) The site itself is not in need of regeneration, and there are no obvious sustainability benefits to development in this specific location, although there are regeneration benefits to the associated employment generation, and this is explored further below
  - (d) The extent to which the development in this location can maximise opportunities for walking access to a range of key services is generally considered to be poor
  - (e) This is the same as (d)
  - (f) The development does not utilise existing social infrastructure. Although supporting facilities (such as small scale retail and food and drink uses) have been developed as part of the Markham Vale development (at Duckmanton), they would only be realistically accessible to employees on this site by car, and no dedicated support facilities are proposed on site.

In terms of the allowed exceptions the second criteria noted at ii, is not relevant as the site is not in need of regeneration. However, the transport connections here are key and are considerations under i.

#### 5.5.8

Policies CLP2, CLP22 and the NPPF all seek to maximise walking and cycling as means of transport, followed by public transport. CLP22 notes: "To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to

maximise walking, cycling and the use of public transport through the location and design of development and parking provision. Priority will be given to measures to encourage more sustainable travel choices. To secure this aim, the council will expect development proposals to demonstrate the following in order of priority:

a) site specific and area wide travel demand management (measures to reduce travel by private car and incentives to use walking, cycling and public transport for appropriate journeys including travel planning);

b) improvements to walking and cycling facilities and public transport services that are provided early in the build out period of new developments and that are sufficient to encourage sustainable modes of transport;

c) optimisation of the existing highway network to prioritise walking, cycling and public transport such as measures to prioritise the needs of pedestrians above the car and improved or new cycle and bus lanes, provided early in the build out period of new developments; and

d) mitigation including highway capacity enhancements where the initiatives required under points (a) to (c) above are insufficient to avoid significant impacts from the development on the transport network in terms of capacity and congestion;

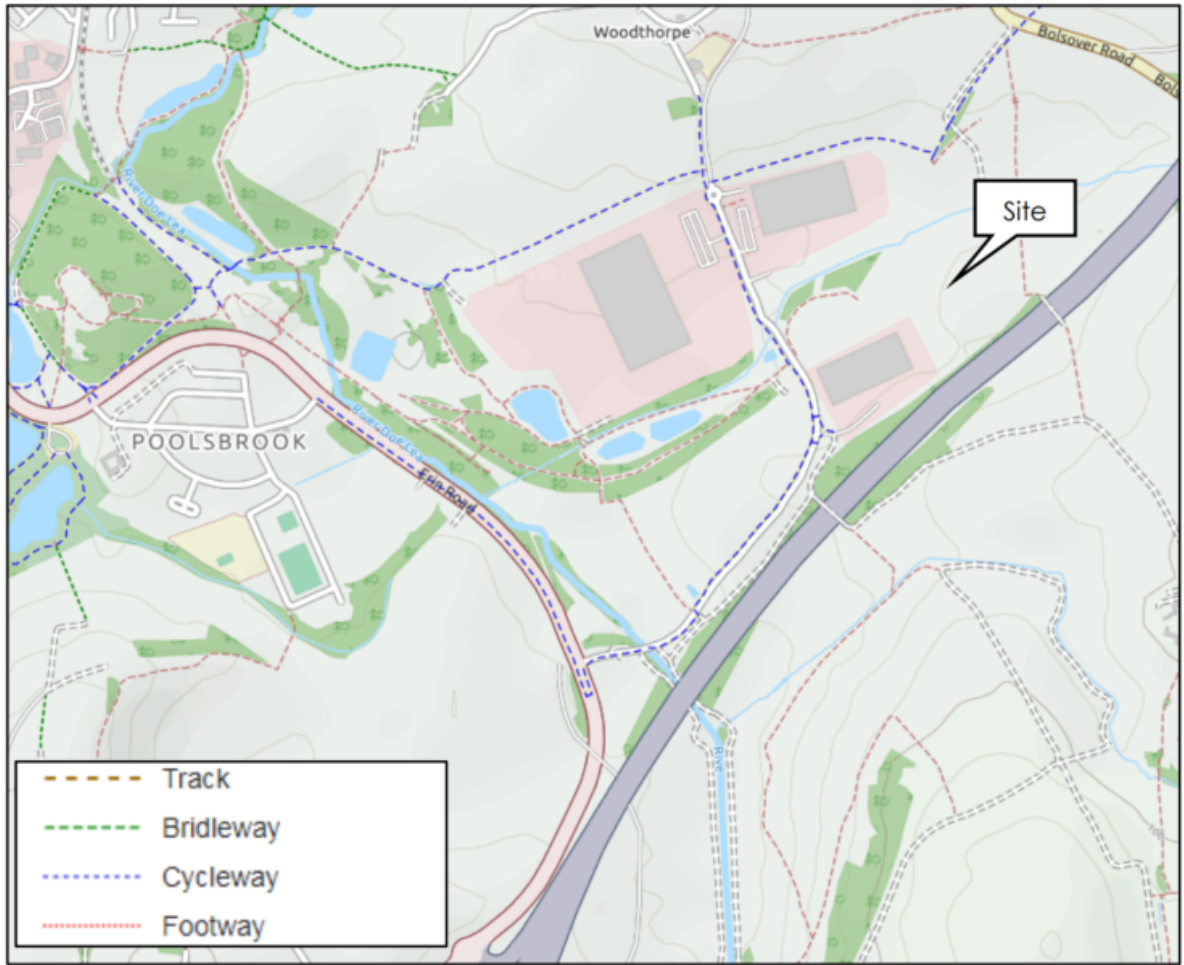
and

e) provision of opportunities for charging electric vehicles where appropriate.”

#### 5.5.9

The proposals as set out rely largely on existing public transport and connections. It is noted that the application includes a new route for the Oxcroft Branch line to meet with the Clowne Branch line greenway, and re-direct the existing footpath route through the site. The nearest residential area is Woodthorpe, approximately a kilometre away on foot via the Seymour Link Road, with any other areas significantly further away. The bus stops on Woodthorpe Road, are over a kilometre away from the nearest point of the site, and served only by the number 80/81 service, which runs approximately hourly during the day and provides no services between 11pm and 8am. The same service runs along Bolsover Road which has limited footpath access. The majority of these services do not serve Chesterfield (only a very few services operating between 8:30pm and 10:30pm), providing links primarily between Bolsover and Sheffield. For connections to Brimington and Chesterfield Town centre employees would need to walk to stops on the A619 for services 74 and 77, approximately 2km away.

- 5.5.10 Whilst covered in the Highway section below it is noted that the Highway Authority has requested £20K for bus stops on Seymour Link Road. However, Stagecoach have confirmed that they would be unwilling to reroute the 90 and 74 Services, and DCC have confirmed that service 81 also could not be re-routed (BWB response to DCC Highways Page 3). It is noted that DCC have recommended (comments dated 18th October 2021) that the developer should provide bus ‘taster’ tickets as part of their Travel Plan, and the Travel Plan recommends information on public transport and loans for bus tickets. However, in the absence of any bus services within a reasonable distance on which these could be used, none of these measures would achieve the policy objectives of prioritising walking and the use of public transport.
- 5.5.11 The lack of suitable access is also likely to harm the economic performance of the site. It is noted that employers on the adjacent existing employment site have raised concerns over the lack of bus services hampering their ability to secure employees, as set out in a recent newspaper article.
- 5.5.12 The applicant has submitted a report on connectivity which sets out the connected cycle route from the site into Staveley, the cycle network being along the route of the former Midland Railway Clowne Branch Line from Creswell via Clowne to the former Seymour Colliery site (currently Markham Vale North) for 7.4km.  
The report also notes that The Chartered Institution of Highways and Transportation (CIHT) publication ‘Guidelines for Providing for Journeys on Foot’ (2000) describes what are considered acceptable walking distances for pedestrians without mobility impairment. The Guidance suggests that for commuting, up to 0.5km is the desirable walking distance, up to 1km is an acceptable walking distance, and 2km is the preferred maximum walking distance. The 2km maximum catchment shows that three residential areas are within walking distance from the Site, Woodthorpe, Shuttlewood and Mastin Moor.  
In relation to cycling, it is generally accepted that cycling has the potential to substitute short car trips, particularly those under 5km, and to form part of a longer journey by public transport. There is a sizeable residential catchment area within cycling distance using existing infrastructure as demonstrated in the report:



5.5.13 The report also sets out bus availability which is known to be below that required to service such a development. The tables show the Woodthorpe Road and Erin Road bus services and the report notes these are 7 days a week.

**Table 2.1: Woodthorpe Road Bus Services Summary**

Service	Route (two-way)	Time of Operation & Frequency		
		Weekday	Saturday	Sundays
80A	Sheffield – Woodthorpe – Staveley – Chesterfield	20:34-22:34 (every 60 minutes)	20:34-22:34 (every 60 minutes)	08:34-18:34 (every 60 minutes)
81	Bolsover – Shuttlewood – Woodthorpe – Staveley – Markham Vale	07:31-17:06 (every 60 minutes)	07:31-17:06 (every 60 minutes)	No Service

Sources: <https://www.stagecoachbus.com>, <http://www.tmtravel.co.uk>

**Table 2.2: Erin Road Bus Services Summary**

Service	Route (two-way)	Time of Operation & Frequency		
		Weekday	Saturday	Sundays
74	Duckmanton – Staveley – Inkersall – Chesterfield	06:35-17:20 (every 60 minutes)	07:42-17:17 (every 60 minutes)	No Service
90	Staveley – Barrow Hill – Chesterfield – Yew Tree	18:34-23:34 (every 60 minutes)	18:34-23:34 (every 60 minutes)	09:34-22:34 (every 60 minutes)

Sources: <https://www.stagecoachbus.com>, <http://www.tmtravel.co.uk>

- 5.5.14 Despite the information provided in the connectivity report the development is considered to fall short of what would be considered good walking and public transport provision. However, in line with the connectivity report it is acknowledged that the existing cycle connections to Seymour Link Road including the Clowne Branch Line Greenway will connect into the site and a diversion of the Oxcroft Branch Line which runs towards Stanfree will be provided through the site from the Clowne Branch line green way. There are also cycle connections into Staveley as set out above.
- 5.5.15 It is also worth noting that the housing development at Mastin Moor will include cycle connections and will therefore create additional routes into the northern part of Mastin Moor. It is also hoped, but not guaranteed, that the housing development will also lead to better connectivity in terms of bus provision. It will inevitably bring the proposed development closer to the local population which will grow substantially as part of the proposed Mastin Moor housing development.
- 5.5.16 From the above it is clear there is some conflict with policies CLP2 and CLP22. However, it is noted that the Travel Plan could be improved to include such measures as direct financial support for improved bus services, car clubs, provision of or loans for bikes and e-bikes, or support for the existing ‘wheels to work’ programme, and this can be secured as part of a S106 legal agreement, to which the agent has noted agreement.
- 5.5.17 In addition to looking at local plan policy it is also necessary to consider national policy as this scheme is in effect a departure from the local plan.
- 5.5.18 Para 82 of the NPPF states: “Planning policies should... be flexible enough to accommodate needs not anticipated in the plan, allow for new

and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

- 5.5.19 Para 83 of the NPPF states “Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.”
- 5.5.20 Comment made by CBC Forward Planning note:  
The proposed development is not being aimed at meeting any needs not identified in the Local Plan (as per NPPF para 82). Provision has been made in the plan for other sites that could meet the requirement for manufacturing, and storage and distribution operations – sites include Hartington Tip and the former Staveley Works, which both benefit from access to the Staveley Northern Loop Road, and from there to J29a on the M1. The Staveley Works site would also benefit from the Chesterfield-Staveley Regeneration Route (CSRR), currently being progressed by DCC with an anticipated start date of 2025, and forms part (along with Hartington Tip and the remaining land at Markham Vale) of the proposed North Derbyshire Innovation Zone, for which an Expression of Interest has just been submitted by DCC, although it is now understood that this will not be progressed.
- 5.5.21 The applicant has submitted a report on the market for new warehouse accommodation noting that there is a rising demand, and a social profit report which notes that the investment proposed will bring forward substantial social benefits in association with:
1. Fiscal savings to Government and Taxpayers,
  2. Economic Benefits to HMRC and in increased earnings,
  3. Social Value through improved wellbeing.
- Whilst the market report makes reference to the Coalite site in terms of alternative provision in the area. It does not mention the former Hartington Tip site, or the former Staveley Chemical Works, both of appear to be able to meet this employment need. However, as the construction of the CSRR is expected to commence in 2025 at the earliest, there remains an issue in terms of available land in the short to medium term.
- 5.5.22 The recently adopted Local Plan 2020, demonstrated that there was sufficient land for employment uses, including Storage and Distribution uses, to meet identified need over the plan period. Given how recently

the Local Plan was adopted, it is considered that a high bar should be set in terms of any evidence suggesting that this is not the case. However, it also needs to be recognised that the market has changed significantly during this relatively short time period along with the economic forecast and matters such as HS2.

5.5.23 Input from the Council's Economic Development Unit on the economic benefits and the wider issue of employment land need and supply has been provided and is in favour of the development, it states in part: Following the successful development of Markham Vale, site provision for large-scale warehousing uses in Chesterfield (that can realistically be brought forward in the near-term) is limited with only the former Hartington Tip site (currently under-going reclamation) likely to become available. However, a market assessment prepared by consultants JLL (submitted as part of the evidence base supporting this application) highlights that the warehousing market is strong and likely to remain so for some time to come, with levels of demand outstripping supply for the foreseeable future. As such, it seems reasonable to assume that there is sufficient demand in the market to support both developments in future (assuming they both come forward for warehousing related uses). On-going action is required to build a more resilient local economy that can create and sustain a range of employment opportunities that are accessible to local people. Key regeneration initiatives have not yet delivered the scale of jobs anticipated, meaning that additional interventions need to be considered if new employment is to be secured. The growth of on-line retail and service delivery is driving structural change in key business sectors and the local area needs to be better placed to secure a share of this growth in future, rather than just experience the related down-side of declining retail employment in its town centres.

5.5.24 Derbyshire County Council note the economic benefits arising from the scheme but also note the site is open countryside to which restrictive planning policies relate. The landscape impacts of the scheme are considered below section 5.7.

5.5.25 In terms of the Coalite site and considerations from Bolsover area it is noted that there are comparable sites available within their District and therefore the need is not comparable with the Chesterfield Borough area.

It is noted by BDC that:

The site in question is identified as countryside within the Local Plan for Bolsover District and beyond the identified northern limit of the Markham



Vale Existing Employment Site. If developed it would extend the Markham Vale development further along the M1 corridor from Junction 29A and approximately half way towards Junction 30.

Policy SS9: Development in the Countryside is the adopted Local Plan's strategic policy that seeks to restrict urban forms of development in the countryside where these would not be appropriate or sustainable and not in accordance with the Local Plan's Spatial Strategy.

As such, it states that development proposals in the countryside outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within a number of stated categories. It is noted that the stated categories do not include new urban development of the type being applied for and therefore the proposal is contrary to the Development Plan and should only be approved if material considerations indicate otherwise.

With regard to the need for additional employment land BDC comment that at this very early stage of the monitoring of the delivery of the Local Plan's employment land target, there is no compelling case to justify the release of further greenfield land to help the Local Plan meet its target. Rather, the Local Plan has only recently been adopted after its target and the sites planned to meet that target within the Local Plan were found to be sound by the Inspector leading the Examination of the Local Plan for Bolsover District (Inspector's Report published in January 2020).

In so far as the impact on the delivery of the Former Coalite Priority Regeneration Site BDC comment that given that the Council still strongly supports the remediation and development of the former Coalite site and has identified it as a Priority Regeneration Area, they would be concerned that the release of additional greenfield land could undermine the Council's priority to see the brownfield Coalite site successfully brought forward into beneficial use.

It is noted that there have been positive signs of progress with securing planning permission and that marketing activity is now taking place of the units on the former Coalite site.

The units on the proposed Markham Vale expansion site are generally larger than the majority of the units being offered on the former Coalite site but that Unit A is comparable with Units 4B, 1 and 2 on the former Coalite site. This strongly suggests that the Markham Vale expansion site would compete somewhat with the units on offer at Coalite. It is also

possible that the Markham Vale units would be classified higher grade opportunities than the Coalite units due to them being in a slightly more desirable location.

The market analysis suggests that while the Markham Vale expansion units would compete and most likely be favoured over the former Coalite site units, market demand remains so strong that units on both sites will get taken up by the market. Whilst this is difficult to prove beyond doubt in advance of the units being taken up, it would suggest that concerns about the release of additional greenfield land undermining the Council's priority to see the brownfield Coalite site successfully brought forward into beneficial use should prove unfounded.

From an assessment of the principle of this proposal, it is considered that the proposal would be contrary to the policies of the Local Plan for Bolsover District, their Policy comment would recommend that the proposal be refused unless:

- a) the economic benefits of the proposal are judged to outweigh the loss of further countryside to development over and above that planned through the Local Plan site allocations; and
- b) the impact of the release of further greenfield land is judged to not undermine the Council's priority for the brownfield Coalite site successfully brought forward into beneficial use; and
- c) the proposal is able to demonstrate a high degree of performance against the factors set out in Policy SS1: Sustainable Development.

In the event that the above three points were satisfied, it is considered that a decision-taker may be able to conclude that the material considerations in this case could indicate a decision to approve.

#### 5.5.26 Conclusion on the principle of the development:

The comments and concerns of BDC are noted and acknowledged. However, it is for CBC to determine the application in line with adopted policies in the CBC local plan and bearing in mind issues relating to Chesterfield Borough, as BDC have the opportunity to determine the application as they see fit in line with their Adopted Local Plan.

5.5.27 Whilst the site is not well connected in terms of public transport provision there are reasonably good cycling routes to the site and to which the development will provide improvements; through funding and the provision of the sites Oxcroft Branch line route. The site is walkable albeit at a substantial distance. This lack of connectivity is a failing of the scheme and therefore a negative in consideration of the planning

balance. The site is also unallocated land and therefore the connectivity of the site in this case is of paramount importance in line with policy CLP2 although it should be acknowledged that there is no 'in principle' restrictive countryside policy as such.

- 5.5.28 There is a material consideration here in terms of the need for economic growth in the Borough as a whole but particularly to the east of the town, and the substantial creation of jobs this development will provide. It is clearly noted by the Council's Economic Development Team that growth within the town has been substantially below where it should be for some time and that there is a need for additional investment and jobs.
- 5.5.29 The local plan has allocated sufficient land for economic growth. However, the change in market direction to larger distribution sites and the lack of available sites for this elsewhere in the Borough is also a factor to consider. It is known that the Hartington site will provide an opportunity to provide this type of unit, but it is acknowledged that the timeline for the delivery of this site is uncertain and it is reasonable to conclude that in the short term the application site provides for the identified need without having an adverse impact on any other sites coming forward due to the specific and growing market demand. Taken together these issues weigh in favour of the development.
- 5.5.30 It is possible to mitigate the lack of connectivity through the travel plan to provide possibly for direct financial support for improved bus services, car clubs, provision of or loans for bikes and e-bikes, support for the existing 'wheels to work' programme, all of which can be provided by the employer.
- 5.5.31 To aid growth and to seek to address local deprivation the agent has worked with the economic development team to create a high-quality local labour scheme with apprenticeships and connections with local education. This scheme can be secured, monitored and amended over a 10-year period to ensure it is delivering appropriately for local labour through a S106 agreement both through the construction and operational stages of the development.
- 5.5.32 The other impacts arising from the development are considered in detail in the remainder of the report including; impact on heritage assets, landscape impacts, impact on residential amenity, impacts on highway safety and impacts in terms of biodiversity. As set out in the report below and in the conclusion there are competing issues to consider in regard to this proposal. There are substantial disbenefits arising from the scheme

from the loss of biodiversity and harm to landscape setting but also benefits from financial investment and job creation. The report considers these conflicting issues concluding that, on balance, in regard to the principle of development it is considered that the development is acceptable.

## **5.6 Impact on local list asset adjacent**

- 5.6.1 Policy CLP21 requires consideration of heritage assets and notes:  
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.
- 5.6.2 In this case the nearby heritage assets which maybe impacted by the development are:  
Grade II listed Church of St Peter at Woodthorpe (CBC area)  
Grade II listed Ruins of Romily Hall (BDC area)  
Grade II listed Brockley Primary School (BDC area)  
Grade II Listed Woodhouse farm (BDC area)  
Whilst some of these assets are outside of Chesterfield Borough the impact on these is required to be considered. These listed buildings all some distance from the site but even further away is the more considerable Grade I Bolsover Castle and Scheduled Monument and the Grade I listed Sutton Scarsdale Hall and Scheduled Monument. The impact of such a scale of development on the setting of these listed buildings has to be carefully considered.
- 5.6.3 Historic England have noted no comment on the application and have referred consideration of the case to the Council's Conservation Officer. The comments from the Officer are:  
"The landscape has and will continue to change. Our responsibility is to manage the impact of that change. The Derbyshire County Council team has provided comment on the archaeological impact, and upon HER heritage assets.  
It would be my preference for any new development to take place on former developed Brownfield land, to maintain (to an extent) the surrounding agricultural and forestry land in the setting of the Grade I Bolsover Castle, which given its elevated position, enjoys long ranging views from its grounds. The colours, undulations and land use provide a link to the former landscape shape and views in which the Castle was established. Development of any sort impacts upon this setting, the impact being more apparent when the development is a large unbroken

expanse, with associated infrastructure, thus altering the character or the land. The topology is affected, the colours and focal points disturbed. Previously approved schemes have impacted upon the views, and thus setting and character of Bolsover Castle. Large reflective buildings are visible, breaking the gradual undulations and range of colours and character. Even on a Google image from Bolsover Castle, the points I make are apparent in the views: (this is dated 2017)



Should all other factors be acceptable in planning terms, I make the following suggestions:

- Building size ideally small units, rather than large as example in the image above - and work with the existing topography
- Building materials to be matt to prevent reflective impact
- Building materials to be tonal to reduce visual impact
- Surrounding infrastructure to be of a minimum to prevent expanses of additional car parking and further removal of landscape features – surfaces of car parking areas, for example, to be considered for material and colour tone.”

#### 5.6.4

DCC Heritage have also commented on the case as follows:

“The proposed development presents itself as no exception to this generalisation adding a further extension to the Markham Vale site. The new warehouses differ in height measuring (approximately) between 15-18m to eaves level and 20-25m ridge height. Derbyshire County Council’s records indicate that there are no designated heritage assets within the development site, and so Officers are in agreement with the supporting Heritage Statement (HS) in that no direct impacts are anticipated. However, and as acknowledged in the HS, the proposed development is likely to have an indirect visual impact on designations that surround it. These impacts principally concern Bolsover Castle and Sutton Scarsdale Hall, both of which are Grade I listed buildings and are

considered to be amongst some of the most highly significant and revered historic buildings in the county. Impacts on these designations are likely to be felt in their wider landscape setting given that they are in the order of 2.5-3.5km away from the proposed development site.

Visual impacts on the setting of the Church of St Peter, a Grade II listed building, which is located just a few hundred metres to the north of the proposed development site, are also anticipated.

The HS suggests that the proposed development will be visible from both Bolsover Castle, to the south east, and Sutton Scarsdale Hall, to the south west of the site. Their distance from the site and level of visibility of the proposed development is such that the magnitude of impact is considered to be roughly equal. The level of change to the setting of these designations, brought about through the introduction of the two warehouses in their wider landscape setting, is considered to be relatively small, but nonetheless considered to be harmful to their setting. The rural landscape setting of both these designations contributes greatly to their significance as, very generally speaking, both rely on the ability to be able to interpret them as commanding historic buildings in what is still largely a rural landscape. A significant amount of harm to their setting has already been caused through the effects of the introduction of the M1, and, in more recent years, it has been further harmed by developments within the Markham Vale area.

Therefore, the proposed development is likely to have a further cumulative urbanising impact on the landscape setting of both of these designated heritage assets. It is therefore Officer's opinion that, under the current NPPF, this level of harm should be considered as less than substantial harm albeit at the lower end of the scale in this respect.

The Church of St Peter is much closer, within 350m, of the development site. The map regression exercise referred to in the HS illustrates that historically this would have been a very rural church, but in more recent years its setting has been urbanised through the introduction of surrounding residential developments. The building's significance has been further impacted on through its deconsecration and conversion to residential use.

The HS refers to existing and proposed visuals within the LVIA document which clearly shows that the proposed development will impact further on the ability to interpret the former rural setting of the church. This is because it will be built in line with what is probably the last remaining vistas from the church into the surrounding countryside. Given the significance of the building and the magnitude of change likely to be experienced it is the opinion of Officers that the level of harm is likely to be less than substantial. However, taking into consideration the existing urbanising effect of recent modern developments that presently surround

the building this is considered to be at the lower end of the scale of less than substantial harm.

In order to mitigate the visual effects of the proposed development the measures offered up within the documentation include the use of a 'grey' metal cladding system and landscaping to the site boundaries. While this approach is supported in principle, it is difficult to comment further on the suitability of any specific proposals given the absence of any detailed information submitted within the outline application.

Some of the proposed visuals/photomontages within the LVIA suggest that the warehouse units would feature a dark grey cladding to the roof and lighter colour panels, of varying tone and colour, applied to the elevations. However, Officers consider that this approach would look disjointed and this could result in the buildings appearing more visually incongruous in their countryside surrounds. Officers would therefore advise that this approach should be rationalised and the choice of cladding colour should be done very carefully. It would be Officer's preference to see a building that is as dark and recessive as possible, using a very dark grey or green cladding system."

5.6.5 It is clear that from distant views the loss of green fields as a result of this development will lead to less than substantial harm to the setting of the both the Grade I listed buildings at Bolsover Castle and Scarsdale Hall and less so to the Grade II listed former church in Woodthorpe through change to the historic landscape setting of these buildings. This harm is considered to be to the lower end of the scale of less than substantial harm given the physical distance of the development from these structures and due to the intervening development in each case. Para 202 of the NPPF advises: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.6.6 In this case the public benefits arising from the scheme are the economic benefits and job creation. Given the low level of harm identified these benefits are considered to outweigh the low level less than substantial harm to the setting of these listed buildings in this case. The cladding of the building as demonstrated in the documents is not considered to be appropriate but as appearance is a reserved matter the final appearance would be considered at a later stage.

5.6.7 Archaeology have also commented on the scheme as follows:  
The proposal site is adjacent to known sites with later prehistoric or Romano-British archaeology, at Seymour Colliery, Staveley and

Buttermilk Lane, Long Duckmanton. The applicant has therefore undertaken geophysical survey and trial trenching evaluation in order to establish archaeological significance in line with NPPF para 189.

The geophysical survey identified what is clearly an archaeological landscape of the Iron Age or Roman-British period – a rectilinear enclosure with internal house gullies and other features is at the SW of the site (Field 5), with field system type features and perhaps further areas of settlement to the east (Field 4). Further north the evidence is less clear cut, with further linear features and medieval ridge and furrow but also significant areas of disturbance (Fields 1-3).

The trial trenching evaluation did not include Field 5 as the significance of this area was felt to be already sufficiently established on the basis of the geophysics. The remainder of the site was subject to trenching to verify geophysical features and establish significance. The southern area of the site was found to contain a Romano-British field system with a small but significant pottery assemblage. The remainder of the site was of low significance with linear features traceable to field boundaries on post-medieval mapping.

The area of archaeological interest in the southern half of the site should therefore be subject to archaeological excavation and recording before the commencement of development, in line with NPPF para 199. This will aim to recover the research value in relation to the Romano-British settlement and fields, and is likely to comprise a full area strip, followed by open area excavation of significant remains.

5.6.8 A condition has been recommended to secure the archaeological works required and appropriate recording, the condition is considered to secure these matters sufficiently to safeguard the detail of any potential below ground archaeology.

5.6.9 It is considered that whilst there is less than substantial harm to the identified heritage assets as this is low level harm in line with Para 202 of the NPPF this is considered to be outweighed by the public benefits of additional jobs and investment arising from the development.

## **5.7 Design and Appearance**

5.7.1 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. Policy CLP15 notes that development proposals should f) protect or enhance Landscape character.

5.7.2 As the application is outline with appearance being considered at a later reserved matters stage the issue to consider in terms of design and appearance is the scale of the building and the overall visual impact of this within the landscape setting.

5.7.3 In this regard DCC policy have noted:

“The potential impacts of the proposed development on the open character of the countryside are compounded by a range of other environmental impacts particularly impacts on landscape and landscape character; archaeology; and built heritage.

Overall, the LVIA adequately assesses both the landscape and visual context for the development site to generally conclude that there will be significant adverse effects on both the character of the site and its immediate area, and on those visual receptors (people) closest to the site including residents and the users of local footpaths and the local road network. Officers would generally concur with that judgement and in that regard, it is difficult to see how this development proposal would be considered acceptable with regard to the relevant planning policies.

Officers are concerned that the Zone of Theoretical Visibility (ZTV) supporting the selection of viewpoints suggests that there may be longer distance views of the site from locations to west, north-west and east. These more distant vantage points don't appear to have been particularly considered in the final viewpoint selection, so it is difficult to determine how far reaching the landscape and visual effects of this development might be without this evidence. The fact that this application relies on the Markham Vale Design Framework is worrying. The existence of the Markham Vale development is seen as a mitigating factor to this proposed development when in reality it should have been assessed as part of the cumulative impacts.

As with much of the Derbyshire landscape there are no particular environmental values attached to this land such as a local landscape designation, and its value is very much in a local context where it forms part of the agricultural landscape surrounding the settlement of Woodthorpe, buffering it from the adverse effects already attached to the M1 motorway and the Markham Vale growth zone, and helping maintain some spatial separation from neighbouring settlements or isolated farmsteads. It is served by a number of existing footpaths many of which connect directly into the local communities; this is very much part of the local landscape. The photomontages produced in support of this application have also been very poorly selected and are not particularly

helpful in understanding the overall effects of this proposal. The ZTV suggest that there would be no view from Bolsover Castle and this is substantiated by field work. Equally the photomontage prepared for the view from the Church of St Peter in Woodthorpe would have been much more helpful if it had been prepared from the footpath rather than from the building to reflect what people will actually see from the edge of the settlement at this location. Officers have only been able to find the photographs for the selected photomontage locations and not from the other reference points identified on Figure 7 in the supporting document to the LVIA. If this is the case then Officers are certainly of the opinion that the five selected locations are not adequate in assessing the overall impact of this proposal, particularly when some show no view, and Officers would urge CBC to seek additional viewpoints such as from the edge of Woodthorpe, footpaths in the area including the recently reclaimed Clowne branch line, and Bolsover Road immediately north-east of the site, and would recommend that some of these are also supported by the production of further photomontages to fully appreciate the scale and extent of any landscape and visual impact assessment. This feels like a highly speculative planning application and as such has not had the robustness of assessment that it merits to fully understand the full extent of potential impacts and in this context it is difficult to appreciate how the relevant policies affecting this site can be found to be acceptable particularly those relating to development in the countryside, landscape character and design quality.”

- 5.7.4 Given the topography of the site and the need to create development platforms for these substantial buildings, it is clear that the proposal will result in harm to the immediate landscape character and appearance of the site. Whilst more views and details from the agent could be provided to demonstrate this, the impact is clear and will be a substantial change to the site and the immediate locality which is demonstrated through the site sections.
- 5.7.5 It is noted that the elevated land at the application site (location of Building A) provides a level of screening of the adjacent development at Makrham Vale and of the M1 adjacent to the site. The development of the site with such high buildings at an elevated level will not result in the loss of that screening but will adversely impact on the landscape character of rolling fields and hedgerows with a wooded water course.
- 5.7.6 It is possible to a minor extent to mitigate against the harm in the long term through a detailed planting scheme which would need to be managed over a long period of time. This is referred to in the Biodiversity

section of the report below. It is also noted as set out by DCC that there are cumulative impacts arising from the existing Markham Vale development along with the proposed development. However, what exists also has to be considered, which is the context of the site being bound by Bolsover Road, the M1 and the existing Markham Vale development with only the north westerly view being the open fields providing the strategic separation between the site and Woodthorpe and this is primarily where the landscape harm will be. This context is considered to reduce to a minor extent the visual harm in terms of landscape character, albeit there will still be a substantial visual change which will result in harm to the landscape setting.

- 5.7.6 Whilst conditions can be included regarding hard and soft landscaping along with contouring of the site and the appearance and materials will be considered under the reserved matters, the scheme will result in visual and landscape harm. It is noted that a design framework exists for the remainder of the Markham Vale development and whilst this development would not be tied to this the document would be referred to in considering the detailed design and colours of the development. Nevertheless, the visual harm resulting from the development is recognised as a negative of the scheme to be considered in the overall planning balance.

## **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 Concern has been raised by local residents of Woodthorpe at the noise and nuisance arising from existing developments at Markham Vale noting that in this scheme the main parking areas are facing towards Woodthorpe which will worsen impacts in terms of noise and nuisance, in particular from vehicles with reversing beepers.
- 5.8.3 The Council's Environmental Health Team has not raised any concerns with regard to noise but have recommended construction hours, lighting, contamination and EV charging conditions.
- 5.8.4 The applicant has not addressed the noise concerns specifically, but it is possible to mitigate against such issues through the detailed design of the buildings and through a conditional scheme for managing the movement of vehicles on the site, for example, no reversing noise from

vehicles during night-time hours. Such a scheme can be secured via condition.

- 5.8.5 It is assumed that such a development may wish to operate on a 24 hour or shift basis even though the occupier is as yet unknown. It is recognised that such a scale of development will result in an increased level of activity on site which is a negative of the scheme but due to the separation between the site and the local residents of Woodthorpe and Poppy Farm it is not considered that residential amenity would be so substantially impacted that a refusal would be warranted on these grounds alone. Therefore, subject to conditions it is considered that noise and nuisance can be satisfactorily mitigated such that the scheme accords with policy CLP14 of the Adopted Local Plan.

## **5.9 Highways Safety and Parking Provision**

- 5.9.1 Local Plan policy CLP20 and CLP22 Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 5.9.2 The scheme involves a vehicle access to the site from Seymour Link Road and the diversion of a public footpath which currently runs diagonally through the site in a north / south direction. The proposed development would interrupt that route and therefore the footpath would be diverted to turn from the main access, via building A along the water course then along the north western edge of building B linking into the Oxcroft Branch Line cycle route. The proposed route would be a longer and less direct route. The existing route of the footpath is not well signposted or easy to follow other than where it leads over the fields where the route is more visible. There are numerous hazards on the existing footpath route including a narrow route around the culverted area to the top of the site and the lack of appropriate access to the embankments of the Oxcroft Branch Line where the steps seems to have disintegrated over time. The existing route is poor and in need of improvement. The following images show the issues:



Routes onto the Oxcroft Branch Line where the steps have disintegrated, and a steep stoned embankment is difficult to access.



Narrow access to the side of a culverted ditch

### 5.9.3 Footpath:

Rights of way have commented on the scheme: Footpath no. 29 in Staveley parish passes from north to south through the site, continuing over the Borough boundary as Bolsover footpath no. 34. The line of the two footpaths passes through the sites of the two proposed industrial units. As has been recognised by the applicant, a formal diversion of the footpaths under section 257 of the Town & Country Planning Act 1990 would be needed if the development were to go ahead. The impact of the development on the footpaths is a material consideration when deciding whether to grant planning consent. Relevant factors include the extent and type of use the footpaths currently receive and are expected to receive in future if the development does not

proceed; the usefulness of the route for utility travel; the amenity value of the route (views, wildlife, heritage etc), and whether the proposed alternative routes would offer suitable compensation.

Evaluating these points would require some research, but without this it is nevertheless obvious that the development would make the footpath experience less rural, the views more closed-in and the route less direct. However, if the current use of the route is predominantly for leisure rather than utility travel, the loss of directness may not be a significant factor. If the development went ahead the urbanisation of the route would be mitigated to some extent by the proposed tree planting to screen the buildings, and the provision of a surfaced path for the diverted route could also potentially represent an improvement.

The proposed diversion would most likely provide a valuable amenity for future employees at the site during breaks and possibly as routes to and from work, also maintaining a link to the adjacent greenway.

Notwithstanding the considerations outlined above, the proposed diversion appears to provide the most practical route through the site as proposed, with other options being to the south, west and north of Unit A, and to the south, east and north of Unit B. Both of these lack the streamside amenity of the existing proposal, and the eastern option may be impractical due to insufficient space.

5.9.4 Derbyshire Constabulary has raised some concern regarding potential risks associated with possible increased footfall to high level highway structures. Highways England noted this was a matter for the Route Manager rather than a matter for the planning process.

5.9.5 The Ramblers Association have also commented on the proposal: We note that this proposal has the potential to significantly affect Bolsover FP (footpath), 34 and the ongoing Staveley FP 29. Effectively the proposals to divert the two paths referred to will more than double the distance of the existing FP's between points A to G. In relation to the requirements in relation to the diversion of footpath this could be considered to fail to meet the requirement that "the path or way will not be substantially less convenient. The potential to create a pleasant walking section along the Hawk Brook is noted, it is considered that this will, to some extent, offset the inconvenience of the increased distances, i.e. it may be considered of advantage, i.e., provide more enjoyment, with respect to the aesthetics of the path. However, it is suggested that convenience and enjoyment aspects relating to a diversion should be considered separately. With specific respect to the subject of the re-routing of the footpaths, we can see no obvious alternatives to the

proposal as drawn. However, we would reserve the right to offer further comment once the final plans are complete.

5.9.6 Peak and Northern Footpaths have also commented on the scheme: The relevant section in Chesterfield Borough is Staveley Footpath 29. Whilst recognising the need to provide jobs in the area and income for the Authority, we note that the impact on the footpath is a severe one. Its proposed circuitous route, caused by the layout of the two units, is unfortunate to say the least. Whilst a section of the footpath will run through a 'green corridor' along the borough boundary (the Hawke Brook), this hardly compensates for the proposed path's circuitous nature, post diversion. It is a pity that the proposed pond adjacent to the unit north of Hawke Brook prevents a more logical line for the diverted footpath 29, but no doubt the decision to separate the pond from the footpath by security fencing is logical. In conclusion, there is no doubt that a diversion will be necessary if this indicative layout is kept as it is. Therefore, we are reserving our right to object to any Public Path Order published as a consequence of an unchanged application being granted consent.

5.9.7 Footpath Conclusion:

It is clear from the comments above that the changes to the route of the footpath will result in a more circuitous footpath route through the site due to the need to divert around the buildings, and this is a negative of the scheme. However, the route itself is intended to be an attractive tree lined route along the water course, it will also be a surfaced route rather than walking across the centre of the field, and the existing hazards will be addressed. Therefore, there is considered to be sufficient mitigation and enhancement of the footpath route arising from the proposal sufficient to ensure the diversion is appropriate. The comments of Peak and Northern Footpaths is noted and there will be the right to make objections under the statutory process for footpath diversions under S 257 of the Town and Country Planning Act.

5.9.8 Access, parking and network capacity:

Policy CLP22 requires that: Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In terms of parking the policy goes on to note 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 in particular:

- i. The size of any dwellings proposed.
- ii. The type, mix and use of the development.
- iii. The proximity of facilities such as schools, shops or employment
- iv. The availability of and capacity for safe on-street and public car parking in the area.
- v. Proximity to and availability of public transport and other sustainable transport options.
- 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.
- vii. Local car ownership levels

5.9.9 This site is close to the M1 junction and therefore as part of the consideration of the impacts on the highway networks Highways England have been consulted and have noted:

Following ongoing discussions with the applicant's transport consultant BWB, additional information was provided and reviewed, following which National Highways considered the traffic modelling to suitably represent realistic performance of the highway network. From review of the traffic modelling results, we are now content that the development traffic shall not result in capacity issues on the roundabouts which serve the M1 slip roads at junction 29a. We can therefore confirm that no further assessment of traffic impacts will be required.

5.9.10 There has been ongoing discussion between the developer and the Highway Authority regarding the layout of the scheme, the uses, the parking layouts and highway capacity.

5.9.11 It has been acknowledged that in terms of public transport provision through discussions with the local bus company it has not been possible to agree a diversion of existing services to the development site due to; reduced patronage, bus driver shortages, reduced services, pending bus service improvements plan and funding uncertainty and the speculative nature of the development where shift patterns are unknown.

5.9.12 It has been requested by the Highway Authority that the bus stop infrastructure on Seymour Link Road will be provided with a contribution of £20,000 to be secured via S106 agreement. Whilst it is acknowledged there is no bus route along this road at present, this contribution will future proof the route should a bus service in this area be feasible in the future. It is acknowledged that despite the matter being raised with the Highway



Authority there are no upgrades to existing bus stops on Woodthorpe Road or Bolsover Road required as part of this application. It is also noted that no cycle network contributions are requested as part of the development notwithstanding that a new cycle route is proposed through the site itself.

5.9.13 A contribution of £5,075 for the travel plan monitoring is required via S106 as requested by the Highway Authority. A detailed travel plan has been submitted which includes aims for promoting sustainable travel including walking, cycling (maps and apps and cycle to work scheme), public transport and car sharing. The aims are summarised in the following table, but the aim of monitoring is to ensure this is updated and amended as needed to encourage sustainable travel:

**Table 5.1** provides a summary of these measures along with designated responsibility and timescales for implementation.

**Table 5.1: Timescales for Initiatives**

Measure	Description of Initiative	Action By	Timescale
M1	Prepare Travel Information Packs.	Travel Plan Coordinator	Prior to first occupation
M2	Investigate providing loans for public transport users	Travel Plan Coordinator	3 months after first occupation
M3	The TPC will review cycle demand and provide additional cycle parking if required	Travel Plan Coordinator	Throughout the life of the TP
M4	Onsite cycle storage facilities for 36 bikes	Developer	Prior to first occupation
M5	Lockers/shower facilities	Developer	Prior to first occupation
M5	Monitor Cycle parking demand	Travel Plan Coordinator	Throughout the life of the TP

5.9.14 Details of the transport assessment were queried but have now been resolved using updated information following the pandemic to which Highways England have raised no concerns.

5.9.15 It is noted that there remains a concern that if more than 35% floor space of Building A is used for as B2 uses (general industrial) then a revised parking layout will be required. This matter has been considered in the requested conditions now proposed by the Highway Authority.

5.9.16 In terms of junction capacity and the M1 slip road it is also noted that beyond certain percentages of floor space use there will be a need for some minor junction works to be carried out as established in the

sensitivity testing. Again, a condition relates to this requirement to secure the improvements should they be necessary based on the final use of the premises.

#### 5.9.17 Access, parking and capacity conclusion:

The Highway Authority have noted they have no concerns remaining with regard to access, parking and road network capacity subject to the conditions they have recommended and the S106 requirements in regard to the travel plan and bus stop provision. These conditions are included within the suite of recommended conditions. On this basis the proposal is considered to be acceptable in terms of highway and parking in accordance with Local Plan policies CLP20 and 22.

### **5.10 Biodiversity, impact on protected species, enhancement and Trees**

#### 5.10.1 Local Plan policy CLP16 sets out the requirements in terms of the consideration of Biodiversity:

The council will expect development proposals to:

- protect, enhance and contribute to the management of the borough's ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and
- avoid or minimise adverse impacts on biodiversity and geodiversity; and
- provide a net measurable gain in biodiversity.

If significant harm to biodiversity resulting from a development cannot be avoided, or through conditions or planning contributions adequately mitigated, or, as a last resort, compensated for (including off-setting), then planning permission will be refused.

#### 5.10.2 The NPPF in paragraph 174 notes in part that Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

5.10.3 NPPF paragraph 179 notes in part that:

To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity<sup>61</sup>; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

5.10.4 The NPPF paragraph 180 notes:

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

5.10.5 The development of this green field site for commercial development with the land level changes and engineering works required will result in a loss of biodiversity on the site. This has been considered in detail and revised plans now show landscaping details from which an updated Biodiversity Metric has been provided noting delivery on site will be 59.16 habitat units with a post development off site delivery of 15.93 units for an overall 10%

net gain. This demonstrates that even with on-site landscape mitigation the scheme will require substantial off-site compensation for the loss of habitat arising from the development. The agent has been in detailed discussion regarding the extent of off-site compensation and the location of this. It has been concluded that the off-site works needed will take place on land within the ownership and control of DWT as part of their offsetting strategy, as detailed below in para 5.10.15 onwards.

5.10.6 Through the application process detailed matters of species and habitat impacts have been considered through survey work which Derbyshire Wildlife Trust have considered in detail the conclusions of which are as follows:

5.10.7 **Hawke Brook:**  
The Trust originally questioned the impacts on the Brook and this has now been resolved through the more detailed plans (para 4.5 and 6 above) of the central brook area and the construction exclusion zone being put forward.

5.10.8 **Bats:**  
The loss of foraging habitat and commuting routes particularly the disused railway line which will impact 5 species of bat, and through construction works will lead to an adverse impact on bat activity across the site. The railway line provides a route for Daubenton's bat which roost within the railway bridge and brown long eared bats roost in the culvert. It is likely there are other roosts in the locality. These features will not be lost but may be impacted by the development.

The mitigation for this harm is landscaping proposals and new areas of woodland, wetland and grassland around the edges of the warehouses. As bats will find alternative foraging areas the loss of commuting routes and foraging habitat within the site is not considered likely to threaten the favourable conservation status of the local bat population once the mitigation is taken into account.

The loss of the railway line will have more impacts to the Daubenton bat species; however this is a widespread bat species and it seems unlikely that the favourable conservation status of this species would be detrimentally affected, the proposed habitat creation along the Clowne greenway and at the attenuation pond may increase foraging opportunities over time. In terms of culvert 2 there is potential for roosting which requires further consideration.

5.10.9 **Potential bat roosting features on site:**

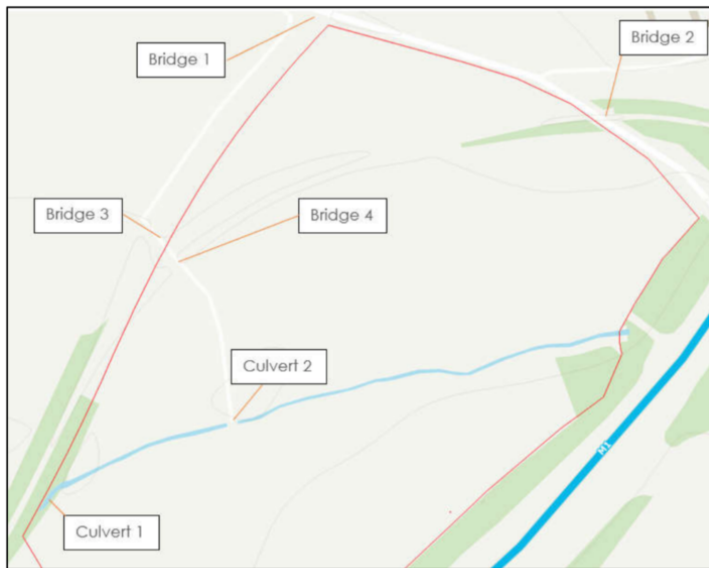


Figure 3.6: Location of Structures with Bat Roosting Potential



White numbers refer to Stopping Points. Yellow numbers indicate commuting/foraging corridors.

- 5.10.10 Following the above comments further bat survey work was undertaken which demonstrated that bats are not using bridges 1, 2, 3 or 4 or culvert 2, but could be using culvert 1 which could be indirectly impacted by the development. This can be mitigated via sensitive scheme for construction works agreed through a construction environment management plan condition.
- 5.10.11 **Breeding Birds:**  
The site supports red list farmland birds such as skylark, yellow hammer, grey partridge and linnet but as this will be dependent on a wider area, the development site the impacts are difficult to determine. The species mix could be of county level consideration. The loss of arable land, hedgerows and the railway line are likely to have an adverse impact. However, due to the footpath and the size and shape of the fields they are likely sub-optimal habitats for nesting skylarks.
- 5.10.12 **Badgers:**  
Detailed badger surveys have been undertaken and precautionary approach is required along with an immediate pre commencement survey.
- 5.10.13 **Brown Hare:**  
There are species in the area but these are unlikely to be adversely affected, but precautionary working methods will be required.
- 5.10.14 **Small Heath Butterfly:**  
Habitat will be lost. Proposals for on-site habitat creation will need to be detailed to ensure optimal conditions. It is not known whether there are

nearby populations which will re-populate the site. Translocation of grassland turf and species grassland creation will be needed as part of the off-site compensation.

5.10.15 As there will be a loss of biodiversity on site there needs to be a scheme for off site mitigation as required by Policy CLP16 of the Adopted Local Plan. This has recently been considered by the LPA through the provision of an off site contribution at £20k per habitat unit to be managed by the Council. However, in this case the off site habitat provision is substantial including a 10% net gain and therefore the developer has agreed a scheme of off setting on a site at Old Whittington in Chesterfield which is owned and will be managed by Derbyshire Wildlife Trust in accordance with a scheme for habitat creation drawn up by the Trust specifically to provide appropriate mitigation for the on site loss of biodiversity. The following table sets out the habitat unit figures:

**Table 1. BNGA Figures Summary**

Baseline	10% of Baseline	10% Net Gain Total to Reach	Delivered on Site	Change in Units i.e. to be delivered off-Site	To be delivered off site including 10%	10% Net Gain Total to Reach (on and off site combined)
68.26	6.83	75.06 [68.26+6.83]	59.16	-9.10	15.93 [9.10+6.83]	75.06 [59.16+15.93]

5.10.16 This sets out that the post development delivery on site will be 59.16 habitat units with a post development off site delivery of 15.93 units for an overall 10% net gain. The contribution to Derbyshire Wildlife Trust for the creation and long term management of the off-site habitat as compensation has been calculated by the Trust at £478,200 (this works out to be £30,018.08 per habitat unit) and will be secured via S106 agreement at a cost per habitat unit to which the Trust will need to be a signatory.

5.10.17 The site of the habitat creation is located within fields owned and managed by the Trust set to the north of Woodmere Drive at Old Whittington as shown below:



- 5.10.18 The proposed habitat creation is to be part of the biodiversity strategy for this parcel of land the detail of which is contained within the Biodiversity Design and Access Strategy for the land at Old Whittington dated November 2022 by Derbyshire Wildlife Trust which is specifically designed to address the loss of biodiversity from this proposed development.
- 5.10.19 The on-site habitat creation measures as illustrated on the Landscape plans (LAP- 20-P101 1001 and 1002) are considered to be acceptable by the Trust and do try to address some of the habitat as well as species impacts at the site. The proposed habitats primarily include wetlands, species rich grassland, open wild bird grassland mix, open ground for colonisation, amenity grassland, hedgerow margins, shrubs, scrub, woodland and hedgerows. This is a complex mix of habitats and process of creating and establishment the habitats as well as the successful long term habitat management will be quite challenging. It will therefore be important to ensure that there is a clear plan and strategy in place for this and that monitoring with remedial measures are built into that plan. A condition is recommended to secure the on-site enhancement and management.
- 5.10.20 The off-site compensation scheme includes the following:

Woodland: 2.91 ha of broad-leaved woodland will be created through natural regeneration. This is feasible and is in line with Forestry Commission advice.

Scrub: 2.23 ha of scrub will be created to the south of the woodland, the scrub will be encouraged to develop naturally (rewilding).

Grassland: 2.23 ha of 'other neutral grassland' will be created on former arable land. The proposals currently suggest waiting 1 year to see if any grassland species emerge from the seedbank, but also refer to over sowing with species rich seed mixes.

Green corridor enhancement for bats: The off-site scheme also includes the creation or enhancement of a scrubby corridor in the south east of the off site area.

Small heath butterfly and translocation of grassland:  
The current proposal to benefit small heath butterfly is to seed 2 ha of the Old Whittington site with a grassland seed mix.

Hawke Brook: Hawke Brook has not been included as part of the Biodiversity Metric primarily because impacts on the brook are unlikely according to the ecological assessments undertaken. However, there is a proposed road bridge which will result in localised impacts to that section of the riverbank. The ecology overlay (MVNE Ecology Overlay v2) and site sections plan (MVs-BWB-HGT-XX-DR-D- 620 Site Sections S1 P02) provide detail for the location of existing habitat within the brook and the construction exclusion zone. It would be advisable to review the potential for impacts on the brook at reserved matters to ensure that any changes are accounted for in the biodiversity metric. The construction exclusion zone should be clearly demarcated prior to development commencing and captured within the Construction Environmental Management Plan (CEMP) recommended condition.

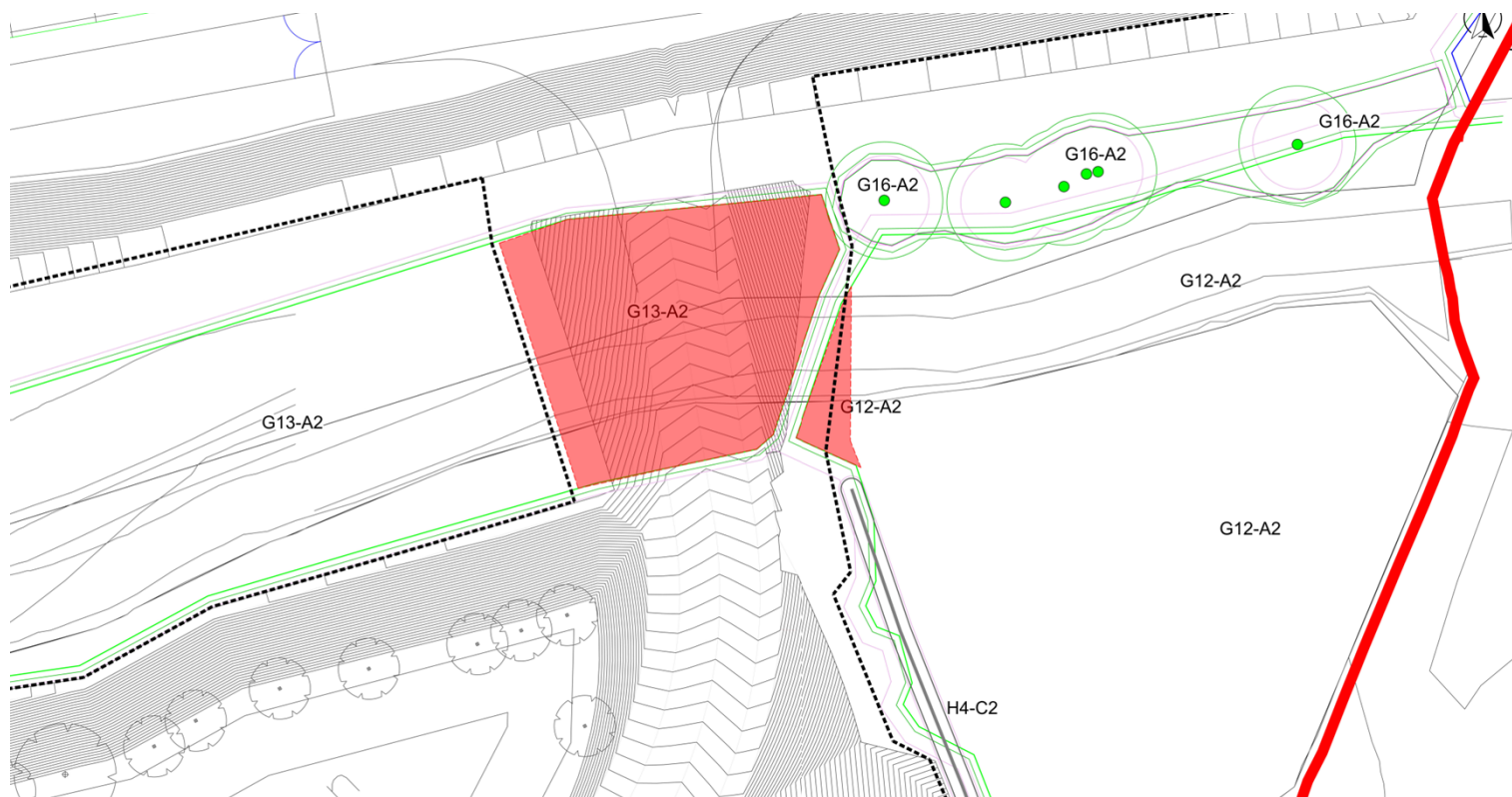
- 5.10.21 Whilst the development will result in a loss of biodiversity at the application site this can be mitigated by on site and off-site delivery of landscaping and habitat creation. To secure this planning conditions and a S106 will be required not only to secure the contribution but also to ensure the monitoring and long term management of the habitat. Subject to the legal agreement and conditions the proposal is considered to meet the requirements of Policy CLP16 and the aim for a 10% net gain in biodiversity.



5.10.21 Trees:

Policy CLP16 goes on to note that: Development proposals resulting in the loss or deterioration (including fragmentation) of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) will be refused, unless there are wholly exceptional reasons and the need for, and public benefits of, the development in that location demonstrably outweigh the loss or harm, and a suitable compensation/off-setting strategy has been secured with planning conditions or obligations.

5.10.22 The proposed development will lead to a loss of some woodland, open fields and hedgerow. The requested and now submitted Arboricultural Impact Assessment shows that some trees within groups G12 and G13 will need to be removed adjacent to the water course to enable the road construction to Unit B – note the area in red on the plan below:



This overlay plan shows the existing trees against the site layout plan:



5.10.23 The Council's Tree Officer has commented on the case, initially requesting a detailed Arboricultural Impact Assessment which has now been provided. In response to this the Officer has commented:

5.10.24 An Arboricultural Impact Assessment (AIA) by Environment-Arbiculture reference MVN-BWB-ZZ-XX-RP-LE-0001\_AIA Rev 2 has been submitted as requested to assess what impacts the access road will have on the group trees within G13. The AIA is based on the development proposals as shown on AJA architects drawing ref. 6170-096 'Site Plan' dated 02-11-22 and Tree Constraints Plan LDH 2217 (Sheets 1 and 2). The focus of the AIA is on the infrastructure enabling works and the formation of new access routes to plot B. The proposed will require the partial removal of two tree groups reference G13 and G12 with some minor loss to both in the formation of the new access route which is expected to have a negligible/ low impact on the character of the site and local landscape. Approximately 616m<sup>2</sup> of Group G13 – A2 and 45m<sup>2</sup> of Group G12- A2 (total of 661 m<sup>2</sup>) will need to be

removed to facilitate the new Unit B access road aspects of the development proposals.

Group 12 is described as dense area of predominantly young ash woodland. All stems exhibit healthy growth with no signs of ash dieback, full canopy cover with no dieback in outer crowns.

Group 13 is categorised as A2 with trees of high quality with an estimated remaining life expectancy of at least 40 years of particular visual importance as arboricultural and/or landscape features. The tree constraints table 1 in the tree report described 'the group of trees and vegetation on steep embankments down to stream. Forms dense area of mature canopy and a green corridor through the site. High value landscape and environmental feature providing good habitat'. It is also stated in section 4.4 of the tree report that 'G13 is a group of trees which are located on the steep embankments along the stream which dissects the site. These are large trees of mixed species containing ash, oak, elm and willow. The group provides a continuation of the canopy from G12, with tall tree growth providing significant landscape value'. The construction of the new access road will therefore separate these two groups.

Demolition, ground clearance and construction operations linked to the development are further expected to have an adverse effect on any retained trees on site unless adequate protection measures are provided. It is therefore recommended in the AIA that protective fencing is installed along the retained sections of groups 12 & 13 and G11-B2 and H4-B2 to prevent impacts on the rootzones from the associated earth works.

Section 3.3 of the AIA provides the residual impact of development on retained trees and are as follows:

- Demolition and construction operations near retained trees are likely to cause accidental damage of tree trunks and low hanging branches. In particular Tree group G11 – B2 and Hedgerow H4-C2;
- Vehicle and plant movement during construction may further cause ground compaction which could lead to irreversible damage of tree roots and the rooting environment within the RPA of retained trees in particular to Group G11 – B2 and Hedgerow H4 - C2;
- Any built structures, including new buildings, retaining walls, boundary treatments and street furniture, which require foundations within the RPA of retained trees may have an adverse impact on the health and growth of these trees; and
- Excavations for underground services may have an impact where they are proposed within the RPA of retained trees. Proposed above ground services may further conflict with parts of tree canopies. Where this

occurs, the contractor is to apply the recommendations outlined in the preliminary AMS and follow correct guidelines and procedures.

There are no objections to the proposals and if consent is granted to the application, all methodologies specified in the revised Arboricultural Method Statement (AMS) reference MVN-BWB-ZZ-XX-RP-LE-0001\_AIA Rev 2, Chapter 4.0 dated 29th November 2022 and the Tree protective fencing locations as shown on the Tree Impact Plan reference 775.002-ENZ-XX-XX-DR-AR-00-001 PL01 at Appendix 2 should be implemented in full to ensure the retained trees are adequately protected during site set-up, demolition and construction.

Landscape proposals have been submitted on drawing 1001 REV J & 1002 Rev H which provides a general description and location of the proposed soft landscaping, however if consent is granted to the application a more detailed scheme should be provided along with mitigation planting around the new access road adjacent to G12 & G13 where trees will be removed. Conditions recommended.

- 5.10.25 The conditions recommended by the Tree Officer are included with the suite of conditions below. On this basis subject to appropriate protection of the retained trees through construction and a soft landscaping plan for the whole site to ensure appropriate new planting in line with the biodiversity net gain to be achieved, the matter is considered to be acceptable in terms of tree loss and biodiversity.

## **5.11 Climate**

- 5.11.1 In regard to climate change 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. Planning applications for major new development should be accompanied by a statement (as part of or in addition to a design and access statement) which sets out how the development would do this in terms of:
- i. following the steps in the energy hierarchy by seeking to use less energy, source energy efficiently, and make use of renewable energy before efficiently using fossil fuels from clean technologies;
  - ii. optimising the efficient use of natural resources;
  - iii. reducing emissions through orientation and design.
- 5.11.2 The applicant has submitted an energy and sustainability statement to support the proposal which notes:

- The development will comply with building regulations in terms of reducing heating and cooling and passive solar gains.
- District heating has been considered but is not available within the locality, but will be built to accommodate any future connections.
- As the development is expected to comply with Part L 2013 requirements via passive and energy efficient design measures, the use of renewable/low carbon energy technology is not recommended, unless if cooling is required, in which case an ASHP via an Air-to-Air system (VRF) could be incorporated at the client's discretion.

5.11.3 Whilst it appears that some renewable energy systems such as solar would be suitable for the building none are detailed in the application, this is due to the end user of the buildings being unknown at this stage. It is therefore considered that a condition be imposed requiring that the reserved matters application shall be accompanied by clear proposals to minimise carbon emissions and use renewable energy sources as well as a scheme to ensure the slow release of carbon from any trees felled on site, all in order to meet the aims of policy CLP20.

## **5.12 HS2 Safeguarded Area**

5.12.1 The site is adjacent to the safeguarded land for HS2, who have been consulted on the matter and have noted:

I can confirm that areas of the red line boundary fall within land safeguarded for HS2 East. Specifically, three locations which are required for utility works which are likely to interface with the proposal and proposed HS2 works in that location. However, having reviewed the plans associated with the proposal, it is clear that no part of the of the built development will extend into safeguarded land. HS2 Ltd have been involved in extensive dialogue with the applicant on previous developments, including this proposal, as to how both parties may interact with the identified interface. Following those discussions, HS2 Ltd are content that a no objection response with informative would be acceptable in this circumstance and that the development could proceed in line with the submitted plans.

5.12.2 On this basis the proposal does not result in any adverse impacts on the HS2 safeguarded land and therefore this does not pose a barrier to the development.

## **5.13 Ground conditions**

5.13.1 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.

5.13.2 The Coal Authority has commented that:  
I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.  
The Coal Authority records indicate that 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, specifically probable shallow coal mine workings and probable shallow coal mine workings associated with thick coal seam outcrops. Our records also indicate that part of the site has been subject to past surface mining operations and that there is one recorded mine entry (shaft) within the planning boundary, of which has been stabilised and need not be considered further as it does not affect the development. The Coal Authority notes the supporting Coal Mining Risk Assessment & Shallow Mine Workings Investigation Report (June 2021, prepared by BWB Consulting Ltd), the content of which confirms the results of an intrusive site investigation undertaken comprising the drilling of rotary boreholes. On the basis that the boreholes confirm that the high wall of the former surface extraction does not affect the development area and that there is sufficient competent rock cover above identified shallow coal mine workings, the Coal Authority is satisfied the site is safe and stable to accommodate the proposed development and has no objections to this planning application.

#### Mine Gas:

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. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. 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, local planning authorities should seek their own technical advice on.

#### SUDS:

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the

implications of this in relation to the stability and public safety risks posed by coal mining legacy. 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.

- 5.13.3 The Council's Environmental Health team has requested a land contamination condition in regard to phase 2 investigations based on the outcome of the initial phase 1 report, this will include any potential ground gases. That report noted that underlying ground conditions at the site are expected to compromise Alluvial superficial deposits following the water course on site, overlying the Pennine Middle Coal Measures Formation – mudstone, siltstone and sandstone bedrock, directly underlying much of the site. topsoil is anticipated across most of the site, with limited Made Ground and/or infilled ground associated historical features including a former mill and possible infilled pit. The main risk on the site is migration and accumulation of ground gases, further investigations will confirm ground conditions, assess the ground gas regime and consider contaminant concentrations, foundation design and earthwork specification.
- 5.13.4 Subject to a condition on land contamination the matter of ground conditions is appropriately considered in line with policy CLP14.

## **5.14 Drainage**

- 5.14.1 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. Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance.
- 5.14.2 The applicant has submitted a drainage strategy which has been considered by the consultees:  
The LLFA have commented that - Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for

this application, which was received on 31/03/2022. The LLFA has no objection subject to conditions.

Yorkshire Water have recommended Conditions and footnotes be added to any permission. These are included within the recommendation.

- 5.14.3 Subject to these conditions the proposal is considered to have met the requirements of Policy CLP13.

## **5.15 Development Contributions**

- 5.15.1 The main contribution requested in this case relates to the provision of biodiversity net gain in terms of the off-site contribution which is £478,200 based on the up to date habitat numbers required for a 10% net gain. Also requested is a contribution for bus stop improvements on the Seymour Link Road at £20,000 and a Travel Plan monitoring scheme of £5,075. These are all to be secured via a S106 agreement.

## **6.0 REPRESENTATIONS**

- 6.1 7 comments have been submitted from residents of: Norbriggs Road, Woodthorpe Road and Seymour Lane, raising concerns about the application, these are summarised:

- There are already 2 empty warehouses on Seymour Link Road. Why build more warehouses to stand empty just for the sake of building them.
  - Response – The Council’s Economic development team have noted that all of the units are now under offer or occupied.
- There will be more light pollution adversely impacting on residents and wildlife.
  - Impacts on wildlife are covered in the report above but a lighting scheme can be secured via conditions to ensure minimal light spill in the interests of local wildlife.
- Residents already have noise from the warehouses on Seymour Link Road, we do not want more warehouses to add to it.
- What is the point of building more warehouses to probably generate more warehouse work when they are struggling to fill vacancies at the existing ones.
  - Response – this is a matter for market forces in regard to wages and whether these jobs are attractive to workers.
- There are numerous empty units in the Markham Vale area which have been empty for over 12 month. If each of these units became occupied they will be filled with workers causing more traffic with only



limited people living local as the need or want for employment at a warehouse isn't present in the area.

- Response – as set out above.
- There is no necessity to build these 2 new warehouses on agricultural land when there are new warehouses being built on the old Coalite site (brownfield), which is not far from the proposed warehouses. It is within easy access to the M1 just as these proposed warehouses will be.
  - Response – the Coalite issue is covered in the report above.
- The area has lots of wildlife habitat and as wildlife are already in decline generally, we should be helping them not taking away more habitat.
- There will need to be full wildlife surveys completed again because, due to the new warehouses that were built last year on Seymour Link Road, the wildlife have been displaced already, but that is after the last surveys were done on the proposed site.
- Damaging local wildlife but claiming they will help it by planting a few trees simply doesn't cut it.
- Reports from planners and professionals already submitted about this application (and other applications close to the MV area) raise concerns about creeping urbanization and the "gap filling" of spaces. Spaces which should remain green to ensure a balance and distance between local communities and the hard landscape of units, roads, motorway, and traffic and air pollution. The spaces also provide valuable habitat for wildlife and leisure opportunities for local communities. In our current climate where we should be protecting the green environment for the good of everyone, it is all the more important to protect these spaces.
  - Response – the site does not form part of a strategic gap as set out in the Local Plan.
- Most units in the MV Park do not do enough within their boundaries to maintain and enhance the green space, nor provide a discreet green space (picnic benches, green screening etc) for employees to take a break outside in pleasant surroundings. Small improvements to increase planting, but these could be built into the local planning approval conditions, to eventually improve the landscape and benefit the atmosphere for employees and for the local community.

We do not want to see all the gaps filled around the wider Markham Vale area.
- The land is agricultural land and as a planning application has been approved to build 650 homes on the agricultural land south of

Workshop Road, it doesn't seem to be the right thing to do to use more agricultural land to build on.

- Response – the land is not protected agricultural land, the loss of the land for agriculture is noted but is outweighed by the investment and job creation from the proposed development.
- There are plenty of other brownfield sites where warehouses could be built rather than on agricultural land, in an area that is already having too much construction done, eg, new houses, Markham Vale as it is now, potentially HS2 in the future.
  - Response – as set out in the report the supply for this type of commercial unit is limited.
- The siting of the 2 massive tin boxes so close to the Bolsover Road is not acceptable.
- The completed development site looks an eye sore but that was industrial prior to this and the additional paths and ponds makes it bearable (almost).
- We look over countryside adding more warehouses to the skyline is ruining that view.
  
- I know you state you will direct the water course and build additional ponds but we don't need any of it.
- They state that 65 individual businesses employ just over 2,000 people and yet 2 new buildings could generate up to 40% more ???.
  - Response – the Council's Economic development Unit have considered the suggested job creation and consider it to be a cautious estimate.
- They have also stated in their "independent" report that the social and economic impact could be in excess of £200 million, over what area and how many decades?
  - Response – it is difficult to quantify this, the assessment of the application has been based on the investment from the initial proposal and the job creation which has been assessed to be a cautious estimate.
- The £1.5 million rates bill to the council is questionable to say the least.

What also has to be considered is the construction work soon to be started just up the road - 650 houses on 2 sites and then HS2 on the other side of the road. All of this is eating up valuable arable land much needed since our departure from the EU.

- Response - The applications relating to the local area are considered on their own merits based on the local plan.

- We already have too much traffic in the area and air pollution from the M1 is bad at times. Walking on the footpaths around Markham Vale can sometimes be an unhealthy activity because of this.
- This area has one of the worst air pollution ratings in the country due to the M1 traffic and commercial uses. Increasing traffic with more warehouses will adversely effect the health of local residents.
  - Response – in terms of air pollution, whilst this may be increased by any development proposal the site is not within an air quality management area and therefore it would be unreasonable to refuse permission on this basis. All applications seek EV charging to ensure that the move towards electric vehicles with reduced emission is feasible.
- The proposed loading bays are facing the village, so there will be noise impacts on local residents. This is already a problem in normal working hours, at nights and at weekends.
- Due to satnavs delivery vehicles often try to access via Seymour lane which is not possible.
- The Local Plan, which says, [It]...”is about providing for the future development of an area in a way that benefits people the most. It helps to deliver places with a high quality of life where people want to live, work, and visit. Perhaps most importantly it offers a means for people to shape the future of the communities in which they live.” This application is very closely located to where local communities live.
- The Design Framework Review undertaken by HBD says specifically that any future development of Markham Vale Industrial Park must mitigate against the “harm done” If any more units are built in proximity to local communities and the heritage landscape.
- My reading of the reports suggests that remedies to mitigate against the effects of expanding the MV Industrial Park do not go far enough.
- PV provision should be a requirement on the roof of these huge units. It will relieve green fields of having to provide this.
  - Response – details of the buildings and measures to provide renewable technologies and address climate will be considered under any reserved matters application, a condition is imposed to secure a statement on sustainability and climate measures.

## **7.0 HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> 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 2012 in respect of decision making in line with paragraph 38 of 2019 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 /conclusion is available on the website.

## 9.0 **CONCLUSION**

9.1 This application is for the construction of two substantial commercial units on greenfield land which is unallocated. The proposal will result in harm in terms of landscape impact, biodiversity and the setting of heritage assets. The connectivity of the site for public transport is also weak with

elongated walking and cycling routes necessary to access local areas. The proposal would also require the diversion of the existing footpath at the site. These are considered to be the negatives of the scheme.

- 9.2 The loss of biodiversity will be mitigated by the on site and off site creation of new habitat and long term management of this. To a limited degree the landscape harm can be mitigated by the proposed landscaping of the site and the built up context of the site also has to be considered. The footpath diversion will be more circuitous but surfaced and more pleasantly located route with landscaped context. The scheme will include the provision of the Oxcroft branch line cycle link. Any harm to the setting of heritage assets is considered to be at the lower level of less than substantial harm and would be outweighed by the public benefits arising from the development. Therefore, some of the negatives of the development will be mitigated, nevertheless harms will remain.
- 9.3 Although speculative, the scheme will bring much needed investment into the Borough and will provide for a scale of commercial unit which in the short to medium term is unlikely to be available for development elsewhere in the Borough and for which demand is extremely high following the Covid pandemic. The proposal is also anticipated to bring forward up to 880 jobs within the Borough which is considered an appropriate approximation of job growth by the Council's Economic development team. The proposal would also be subject to an employment and skills strategy monitored over a 10 year period to ensure jobs and skills in the local area. These are considered to be substantial positives of the development.
- 9.4 The case is therefore considered to be finely balanced. When considering the adverse impacts against the benefits of the scheme it is considered that the harm is outweighed by the economic benefits which will arise from the development in a more deprived area of the Borough.
- 9.5 On this basis when considering all matters the development is considered, on balance, to meet the wider policy objectives of the local plan and national guidance which promotes economic growth and is therefore recommended for approval.

## **10.0 RECOMMENDATION**

- 10.1 It is therefore recommended that the application be **GRANTED** subject to a S106 to secure the following matters:

- The DCC Local Bus Team has advised to secure £20k financial contribution for the improvements of two bus stops along Seymour Link Road via S106.
- The DCC Sustainable Transport Team has advised to secure £5,075 financial for travel plan monitoring contribution.
- Contribution of £478,200 (based on a cost of £30,018.08 per habitat unit) for off-site Biodiversity Net Gain, in regard to habitat creation and long-term management and monitoring in line with DWT’s Biodiversity Design and Access Strategy for the land at Old Whittington dated November 2022. (Including: A 30-year management plan for the compensation site including aims, objectives, prescriptions and actions together with a schedule of works for a five-year period that can be rolled forward throughout the 30-year management period. Ongoing monitoring and remedial measures including benchmarking of the site creation/enhancement areas against the DEFRA conditions sheets reportable to the authority at 2, 5, 10-, 15-, 20- and 30-years post creation. Monitoring of small heath butterfly and farmland birds at 2, 5 and 10 years.)
- Employment and Skills Strategy with 10-year monitoring

And subject to the following **conditions**:

### **Conditions**

1. Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

Reason: This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
  - the external appearance of the development;
 The development shall thereafter be implemented in accordance with the approved details.

Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

3. 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 6170-078

Tree Constraints plan Sheets 1 and 2 – LDH2217 Rev 1

Viewpoint A sections 6170-097A

Typical Sections plan LAP-20-P101 1003 Rev C

Landscape proposals 1/ 2 and 2/2 LAP-20-P101 1001 Rev J, 1002 Rev J

Site sections - 620 S1 Rev P02

Site plan 6170-096

Site cross sections 6170-082 A

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

Biodiversity:

4. There shall be no removal of hedgerows, trees, shrubs or brambles from the site between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

5. Immediately prior to the commencement of development a detailed hibernation survey of all structures on site as recommended in the Ecological Impact Assessment prepared by BWB dated March 2022, shall be undertaken and submitted to and approved in writing by the LPA to address concerns relating to the possible use of these structures by bats. Works shall be commenced and completed in accordance with any mitigation or other recommendations arising from the survey.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

6. Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

7. A survey for any recently excavated badger setts on the site or within 30 metres of the site boundary together with an assessment of any other evidence for badger presence shall be undertaken prior to the immediate commencement of any groundworks on the site and submitted to the LPA for approval. Works shall be commenced and completed in accordance with any mitigation or other recommendations arising from the survey.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones” including Hawke Brooke, hedgerows, trees and adjacent features.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements for bats, badger, water vole, amphibians, aquatic invertebrates and other species at risk).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.



- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

9. 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 and management of habitats and enhancements in accordance with the MVNE Impacts Summary and BNGA Update prepared by ECUS 31st October 2022 and the accompanying Biodiversity Metric 3.1. The plan shall be suitable to provide to the management body responsible for the site and shall include the following: -
- a) A revised Biodiversity Metric 3.1 as necessary to take account of any changes resulting from design or other changes to the development
  - b) Description and location of features to be retained, created, enhanced and managed
  - c) A plan for the eradication of any invasive species
  - d) Aims and objectives of management.
  - e) Appropriate management methods and practices to achieve aims and objectives.
  - f) Prescriptions for management actions.
  - g) Preparation of a work schedule (including a five-year work plan capable of being rolled forward in perpetuity).
  - h) Details of the body or organization responsible for implementation of the plan.
  - i) Ongoing monitoring and remedial measures including benchmarking of the site creation/enhancement areas against the DEFRA conditions sheets reportable to the authority at 2, 5, 10-, 15-, 20- and 30-years post creation.
  - j) Habitat enhancements for nesting birds to include 10 bird boxes positioned within the site on suitable trees or the exterior of buildings where conditions are suitable.
  - k) Roosting opportunities for bats to be provided in accordance with section 7.3 of the EIA prepared by BWB, March 2022.
  - l) Requirement for a statement of compliance upon completion of planting - and enhancement works.

The on-site LBEMP shall also include details of the legal and funding mechanism(s) by which the 30-year implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

10. In line with the signed S106 agreement, a Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the BEP is to enhance the biodiversity value of land off-site to ensure there is a measurable net gain of biodiversity in accordance with the MVNE Impacts Summary and BNGA Update prepared by ECUS 31st October 2022 and the accompanying MVNE Biodiversity Metric 3.1. It shall be suitable to provide to the management body responsible for the site and shall include the following: -
- a) Location of compensation site
  - b) A revised Biodiversity Metric 3.1 as necessary to take account of any changes resulting from design or other changes to the development
  - c) Detail of the habitats that will be created and/or enhanced including habitat creation methods and location/extent within the compensation site
  - d) Details of enhancement measures targeted at farmland birds, bats and small heath butterfly (if different to above).
  - e) A 30-year management plan for the compensation site including aims, objectives, prescriptions and actions together with a schedule of works for a five-year period that can be rolled forward throughout the 30-year management period.
  - f) Ongoing monitoring and remedial measures including benchmarking of the site creation/enhancement areas against the DEFRA conditions sheets reportable to the authority at 2, 5, 10-, 15-, 20- and 30-years post creation.
  - g) Monitoring of small heath butterfly and farmland birds at 2, 5 and 10 years.
  - h) Details of the body or organization responsible for implementation of the plan.
- The off-site BCP shall also include details of the legal and funding mechanism(s) (as agreed within the S106 agreement or equivalent mechanism) by which the 30-year implementation of the plan will be secured by the developer with the management body(ies) responsible for

its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

11. A Grassland Translocation Plan (GTP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the GTP is to translocate areas of species rich grassland together with a colony of small heath butterfly and the plant grass vetchling to a suitable receptor area or areas either on-site or off-site in accordance with the MVNE Impacts Summary and BNGA Update prepared by ECUS 31st October 2022. It shall include the following: -
- a) Location of area to be translocated and receptor areas / sites
  - b) Detail of the method of translocation and subsequent 30-year management regime for the grassland
  - c) Details of costs and funding for translocation and management
  - d) Ongoing monitoring of grassland plant diversity, small heath butterfly and grass vetchling at 1, 2, 5, 10, 20 and 30 years.
  - e) Details of remedial measures if the translocation fails with respect of grassland plant diversity/community type, small heath or grass vetchling.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

12. In line with conditions 9 and 10 above and landscape proposal plans 1 / 2 and 2 / 2 numbered LAP-20-P101 1001 and 1002, prior to the commencement of development a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, 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) tree pit design and underground modular systems;
  - g) grass seed mixes and sowing rates;
  - h) means of enclosure;

- i) car park, footpath and cycle layouts;
- j) hard surfacing materials;
- k) minor artefacts and structures (e.g. cycle store, furniture, refuse and other storage units, signs, lighting etc);
- l) retained historic landscape features and proposed restoration, where relevant.

Reason: To ensure a satisfactory landscaped setting for the development and appropriate biodiversity enhancement in accordance with Policies CLP16 and 20 of the Adopted Local Plan.

13. There shall be no land clearance, demolition or construction activities on the site until all tree protection measures as stated in Chapter 4.0 of the revised Arboricultural Method Statement (AMS) reference MVN-BWB-ZZ-XX-RP-LE-0001\_AIA Rev 2 have been implemented with tree protective fencing installed to the specifications within the AIA Appendix 1 and locations as shown on drawing 'Tree Impact Plan' reference 775.002-ENZ-XX-XX-DR-AR-00-001 PL01 at Appendix 2 of the revised AIA.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policies CLP16 and 20 of the Local Plan.

14. A scheme detailing sections of existing and proposed finished land levels and contours including the attenuation basins, shall be submitted to and approved in writing by the Local Planning Authority prior to any works on site commencing. The development shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a satisfactory landform in the interests of visual amenity in accordance with Policy CLP20 of the Adopted Local Plan.

15. a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;
- b) 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') 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 Local Plan.

Yorkshire Water:

16. No building or other obstruction including landscape features shall be located over or within 5 metres either side of the centre line of the public sewer i.e. a protected strip width of 10 metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the local planning authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times in accordance with policy CLP13 of the Adopted Local Plan

17. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the point of discharge to be agreed.

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

18. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the local planning authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network in accordance with policy CLP13 of the Adopted Local Plan.

Climate:

19. As part of the reserved matters submission a detailed scheme/strategy shall be submitted setting out;
- a) measures to reduce carbon emissions through construction works and for the operation of the premises.
  - b) measures to slow the release of carbon from any trees to be felled on the site

Reason: To seek to reduce emissions from development in accordance with Policy CLP20 of the Adopted Local Plan.

Environment Agency:

20. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref. Jun 2021 / MVN-BWB-ZZ-XX-RP-YE-0002\_FRA) and the following mitigation measures it details:  
Development will be strictly limited to Flood Zone 1.  
These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.  
The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in line with policy CLP13 and 14 of the Adopted Local Plan.

Highways:

21. Prior to any works exceeding demolition and site clearance, a construction management plan or construction method statement shall be submitted to and be 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:

- 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

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Local Plan.

22. Throughout the period of construction, wheel washing facilities shall be provided within the site and used to prevent the deposition of mud and other extraneous materials on the public highway.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Local Plan.

23. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawing 6170-096 for the parking of cars and cycle and manoeuvring of visitors, staff, customers, service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Local Plan.

24. Unit A shown on plan - 6170-096 shall not be used for B2 use, unless a revised parking layout has been submitted to and agreed in writing by the Local Planning Authority detailing the on-site parking for the B2 use. The approved scheme shall be implemented in full on site and made available for use prior to any use under use class B2 taking place.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Local Plan.

25. Before the commencement of any operations on site, a scheme for the disposal of highway surface water via a positive gravity-fed system, discharging to an outfall on public sewer, highway drain or watercourse, shall be submitted to and approved by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Local Plan.

26. The premises, the subject of the application, shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable), to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the Local Planning Authority for approval for a period of five years from first occupation of the development.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Local Plan.

27. The maximum floorspace hereby approved is 68,000 sq. m gross. Before more than 35% of the approved floorspace (i.e. 23,800 sq. m gross across both buildings) may be brought into use for B2 purposes, and 65% of the approved floorspace (i.e. 44,200 sq. m gross across both buildings) may be brought into use for B8 purposes, the M1 Junction 29A Slip Roads shall be amended as per Drawing MVN-BWB-GEN-XX-DR-TR-204 and A6192 Erin Road/A6192 Markham Lane/Enterprise Way/Markham Road as per Drawing MVN-BWB-GEN-XX-DR-TR-205 (as submitted in the Transport and Infrastructure Planning B2 sensitivity test Rev P1, dated 18.06.2021) to address any traffic increase in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the approved scheme prior to any additional floorspace above the 35% being brought into use under B2 use class and 65% being brought into use under B8 use class.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Local Plan.

28. The reserved matters application for the development shall include details of secure and covered bicycle storage/parking facilities serving that development for visitors and staff prior to the occupation of the units hereby permitted and shall be permanently retained for purpose of bicycle parkin, all in accordance with the scheme approved in writing by the Local Planning Authority.



Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Local Plan.

National Highways:

29. No part of the development shall commence until geotechnical information has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways to demonstrate that the proposed earthworks associated with the development will have no adverse effect on the structural integrity of the SRN.

Reason: To ensure that the M1 motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interest of road safety in accordance with policy CLP22 of the Adopted Local Plan.

30. No part of the development shall commence until details of the boundary treatment adjacent to the M1 motorway boundary have been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The approved boundary treatment shall therefore be constructed in accordance with the approved plans and maintained in perpetuity.

Reason: To ensure that the M1 motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interest of road safety in accordance with policy CLP22 of the Adopted Local Plan.

Lead Local Flood Authority:

31. 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. BWB. 07/07/2022. *Flood Risk Assessment*. Rev P05.
  - b. BWB. 07/2022. *Sustainable Drainage Statement*. Rev P02.
  - c. Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”
  - d. 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 in accordance with policy CLP13 of the Adopted Local Plan.

32. Flood plain storage compensation:  
No development shall take place until a satisfactory scheme for compensatory flood storage has been submitted for the consideration and approval of the Local Planning Authority in consultation with the Lead Local Flood Authority. The applicant will need to demonstrate that there will be no loss of floodplain storage post development with any loss of floodplain storage to be compensated for on a volume by volume, level by level basis and in a suitable location. The approved scheme shall be implemented prior to the raising of land within the flood plain. In accordance with the principles outlined within:  
a. BWB. 07/07/2022. *Flood Risk Assessment*. Rev P05. b. BWB. 29/04/2022. Floodplain Compensation Analysis. MVS-BWB-ZZ-XX-DR-YE-0004. Rev DRAFT. Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

33. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.”

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

into the ground (infiltration);  
to a surface water body;  
to a surface water sewer, highway drain, or another drainage system;  
to a combined sewer.

In accordance with policy CLP13 of the Adopted Local Plan.

34. 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.

35. Prior to the first occupation of the development, a verification report carried out by a qualified 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 in accordance with policy CLP13 of the Adopted Local Plan.

36. Prior to the first completed building being brought into use a scheme for provision of electric vehicle charging points for each unit shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details prior to first occupation and the provision to remain available for use throughout the life of the development.

Reason: In the interests of reducing emissions in line with Policy CLP22 of the Adopted Local Plan 2020.

37. No 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.

38. Archaeology:

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

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

b) No development shall take place other than in accordance with the archaeological

Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.

Reason: to ensure the preservation and recording of any potential below ground archaeology in accordance with policy CLP21 of the Adopted Local Plan and Part 16 of the NPPF.

39. Prior to either building being brought into use a detailed scheme for mitigating noise and nuisance from the site including managing the movement of vehicles on the site during night-time hours shall be submitted to and agreed in writing by the LPA. The scheme shall operate in accordance with the agreed scheme until and unless otherwise agreed in writing by the LPA for example due to a change in operator at the site.

Reason: To minimise any potential noise and nuisance arising from the operation adversely impacting on local residents in accordance with policy CLP14 of the Adopted Local Plan.

40. As part of the reserved matters application a sustainability statement shall be submitted detailing; consideration of climate change in design and construction, use of renewable technologies, a statement on how emissions will be reduced through the construction process, and an assessment of the opportunities to create or connect the development to an energy centre/heat network.

Reason: To seek to reduce emissions from development in accordance with Policy CLP20 of the Adopted Local Plan.

41. Prior to any tree removal taking place on site a scheme shall be submitted to and approved in writing by the Local Planning Authority to seek to reduce the speed of the carbon release. Works shall be completed in accordance with the agreed details.

Reason: To minimise the carbon impacts of the development in accordance with Policy CLP20 of the Adopted Local Plan.

42. Prior to either building being completed details showing how the cycle and pedestrian routes will link into existing pedestrian and cycle routes shall be submitted to and agreed in writing by the LPA, works shall be completed in accordance with the agreed details prior to first occupation.

Reason: To ensure appropriate cycle connectivity in accordance with policy CLP2 of the Adopted Local Plan.

43. In association with condition 42 above, the cycle link and diverted footpath route as shown on plan 6170-069 received 07.11.2022 shall be fully implemented on site and available for use prior to first occupation.

Reason: In order to ensure appropriate connectivity of the site in accordance with policies CLP1 and 2 of the Local Plan.

### **Informatives:**

1. YW:  
Notes For The Developer:  
i) If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity.

sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6<sup>th</sup> Edition as supplemented by Yorkshire Water's requirements;

ii) The developer is required to consult with Yorkshire Water's Trade Effluent team (telephone 03451 242424) on any proposal to discharge a trade effluent to the public sewer network;

iii) Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network; and

iv) Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oil, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence.

## 2. Highways

- The application site is affected by a Public Right of Way (Staveley FP29/Bolsover FP34), would be diverted the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form. If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order. Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council. To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for proposed development rather than await the granting of permission.

- Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new internal roads should be laid out and constructed to adoptable standards. Advice regarding the technical, legal, administrative and financial processes involved may be obtained from emailing [ETE.DevControl@derbyshire.gov.uk](mailto:ETE.DevControl@derbyshire.gov.uk) in Development Control at County Hall, Matlock (tel: 01629 538658).

- Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from emailing [ETE.DevControl@derbyshire.gov.uk](mailto:ETE.DevControl@derbyshire.gov.uk) in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

- Pursuant to Section 163 of the Highways Act 1980, where the site curtilages slopes down towards the public highway/new estate street, measures shall 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 dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

- 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.

3. EA informative:

### **Flood Warnings and Alerts**

Parts of the site, including access roads, fall within a flood alert area. The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text End 2

message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

### **Environmental permit - advice to applicant**

The watercourse that runs through the site is classified as an ordinary watercourse. Any work that will directly affect the watercourse must be agreed with the Local Authority before work begins on site. Any work that may affect the River Doe Lea may require a permit. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

#### 4. HS2 Informative:

The applicant is advised that the part of the application site falls within land that may be required to construct and/or operate Phase 2b of a high speed rail line (HS2 East), known as High Speed Two. Powers to construct and operate High Speed Two are to be sought by promoting a hybrid Bill in Parliament. As a result the application site may be compulsorily purchased. More information can be found at: <https://www.gov.uk/government/organisations/high-speed-two-limited>.



5.

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](mailto: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.

- I. 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.

J. 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 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.

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