



Appeal Decision

Hearing Held on 29 September 2020

Site visit made on 10 September 2020

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 26 October 2020

Appeal Ref: APP/M1005/W/20/3248700

Land to the south of B600 Lower Somercotes, Somercotes, Alfreton, Derbyshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Paul Newman New Homes against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2018/0668, dated 4 July 2018, was refused by notice dated 17 September 2019.
 - The proposal is for a residential development of 99 dwellings with associated landscaping and recreational open space.
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Decision

1. The appeal is allowed and planning permission is granted for a residential development of 99 dwellings with associated landscaping and recreational open space at land to the south of B600 Lower Somercotes, Somercotes, Alfreton, Derbyshire, in accordance with the terms of the application, Ref AVA/2018/0668, dated 4 July 2018, subject to the conditions set out in the schedule to this decision.

Applications for costs

2. At the Hearing an application for costs was made by Paul Newman New Homes (the Appellant) against the decision of Amber Valley Borough Council. In addition, an application for costs was made in writing prior to the Hearing by Ms Kellie Judson. These applications are the subject of separate decisions.

Procedural Matters

3. Although the application was submitted in outline with only access to be determined at this stage, it was accompanied by an illustrative masterplan¹ as well as a raft of supporting technical documentation in relation to highways, drainage, contaminated land, heritage, air quality, noise, trees and ecology. Much of this material is accepted by technical consultees and demonstrates that a number of matters are capable of being satisfactorily dealt with either by condition or planning obligation.
4. The appellant has submitted a signed and dated agreement under Section 106 of the Town and Country Planning Act 1990. This would ensure the provision of affordable housing as well as contributions towards health facilities and

¹ Dwg ref: 1404/SK1F

secondary school provision in the local area. I will return to the planning obligations later in this decision.

5. The application was refused by the Council's Planning Board on 9 September 2019 contrary to the recommendations of its professional officers. The sole reason for refusal reads: "*To refuse the application because of H5, EN1, EN15, EN16, EN17, EN18, EN19, EN20 and EN24*".
6. The Committee Minutes supplied by the Council refer to comments made by Cllr John McCabe regarding the dangerous nature of the site, traffic problems in the area and the importance of maintaining a buffer zone between Riddings and Pye Bridge. It was later clarified that "*dangerous nature of the site*" refers to the potential for contamination from past mining activities and nearby former landfill sites.
7. On 15 June 2020 the Council informed the Inspectorate that it no longer wished to contest the appeal. Nonetheless, local residents including Cllr McCabe, have sought to substantiate their concerns and I have determined the appeal accordingly.
8. Following the submission of the appeal, the Appellant submitted an identical outline planning application² (the second application) which sought to address the Council's reason for refusal with further supporting information particularly in relation to contaminated land. The Council refused this application shortly before the Hearing on 7 September 2020 on noise and heritage grounds.
9. In light of the above, I wrote to the Council seeking clarification as to the implications of the 7 September decision for this appeal. The response dated 22 September indicated that as the Planning Board's decision was contrary to Officer's advice, its position in relation to this appeal was unchanged.
10. Shortly before the Hearing, the Appellant submitted a raft of updated plans and reports. These accompanied the second application and have already been the subject of public scrutiny. On that basis, and with regard to the Wheatcroft principles³ I decided to accept them and there is no prejudice to any party in doing so.
11. A signed Statement of Common Ground (SOCG) dated August 2020 was submitted prior to the Inquiry. This contains agreement between the Appellant and Council on a broad range of matters including the relevant development plan policies, the weight to be given to Policies EN1 and H5 of "*The Amber Valley Local Plan 2006*" (the LP), the Council's housing land supply position⁴, highways, heritage, amenity, ecology, drainage and land contamination issues. I have had regard to the SOCG in reaching my decision.

Main Issue

12. The main issue is whether or not there are material considerations that outweigh any conflict with the development plan.

² LPA Ref: AVA/2020/0405

³ Bernard Wheatcroft Ltd v SSE (JPL 1982)

⁴ Agreed as 5.16 years

Reasons

13. The appeal site forms a parcel of agricultural land approximately 4.6ha in size located to the south of the B600 Lower Somercotes. The western boundary leads to pasture fields and residential development at Cinder Road and Somercotes. To the north east is a small group of terraced properties known as Furnace Row. The Pye Bridge Industrial Estate extends along the south eastern edge of the site.
14. The southern site boundary abuts the Riddings Conservation Area (RCA) which includes the Grade II listed Riddings House and parkland. A private access road runs south from the B600 Lower Somercotes centrally through the site which is flanked by mature trees and hedgerows.

Policy context

15. The site is located outside but adjacent to the built framework of Somercotes as defined in the LP. It is therefore in the countryside for planning purposes. It is not part of the Appellant's case that the development complies with the requirements of Policy EN1 (a-c) the aim of which is to protect the countryside for its own sake. There is also no suggestion that the policy would accord with Policy H5 which seeks to control the type of development that can take place outside the built framework of settlements.
16. The LP itself was adopted in 2006, seven years before the original National Planning Policy Framework (the Framework) was published and only covered the period to 2011. It has therefore been out-of-date for significantly longer than it was in-date. The planning regime in 2006 was very different to the post-Framework era with no requirement to boost significantly the supply of housing, no requirement for identifying an Objectively Assessed Need and no presumption in favour of sustainable development. As is made clear in Section 3 of the LP, the settlement boundaries and allocations were drawn up to deliver the housing requirements which were based upon those in the adopted Derby and Derbyshire Joint Structure Plan. Those requirements were derived from household projections which are now at least two decades out of date.
17. Based on the above, the LP patently does not meet the requirement for the Council to have an up-to-date local plan and is woefully out of date in terms of its purpose, its strategy, content, and is not a strong foundation upon which to refuse planning permission. It is common ground between the Council and the Appellant that the wording of Policies EN1 and H5 are inconsistent with the balanced, cost/benefit approach set out in the Framework. These policies have therefore been overtaken by changes in national planning policy.
18. Based on these inconsistencies, I am attaching very limited weight to Policies EN1 and H5. The fact that the appeal site is outside the built framework is not a determinative factor in this appeal. The issue is rather whether the development would meet the other relevant requirements of the Framework and thus benefit from the presumption in favour of sustainable development.

Heritage

19. The duty under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving a listed building or its setting or any features of special

architectural or historic interest which it possesses. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

20. It is common ground that the appeal site forms part of the wider setting of Riddings House and Coach House, Church of St James, Riddings Farmhouse and associated octagonal building and circular water trough (all Grade II listed). These all form part of the RCA which encompasses the late-19th Century extent of Riddings Park.
21. The setting of a heritage asset is defined in the Framework as *"the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
22. As the Council's heritage policies are out-of-date, I have defaulted to the Framework which advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a development proposal will result in 'less than substantial' harm to the significance of the asset, this harm should be weighed against the public benefits of the proposal.
23. The Appellant's assessment on the setting of the heritage assets is contained within a Heritage Statement from Cotswold Archaeology dated March 2020. This details how the appeal site once formed an area of pasture-land on the outskirts of the parkland to the Riddings House estate. The site was not part of the parkland but rather provided a buffer between it and Lower Somercotes.
24. In this case, the development would not affect the historic grouping of the assets nor the parkland setting which has remain largely unspoilt along with the original layout of the village. In my view these are the principle components of the setting of the listed buildings. Given its historical position outside the parkland, distance from listed buildings and limited intervisibility therefrom, I find that the appeal site makes a largely neutral contribution to the setting of the identified assets including the RCA.
25. Nonetheless the encroachment of modern housing into an undeveloped buffer zone between the RCA and Lower Somercotes and the further encirclement of Riddings Park would diminish the historic landscape setting of the RCA. As the Appellant's Heritage witness puts it, this could be seen as part of the natural evolution of the landscape outside the RCA and does not necessarily need to be seen in negative terms. Moreover, through a carefully considered scheme it would be possible to strengthen and improve the existing landscaping along the southern boundary. For these reasons, I conclude that the level of harm in this instance would be towards the lower end of the 'less than substantial' range.
26. Nonetheless, paragraph 196 of the Framework, requires this harm to be weighed against the public benefits of the proposal. The public benefits are set out in paragraph 5.2.25 of the SOCG and paragraphs 9.5.16 -9.5.37 of the

Officer's Planning Board Report and it is not necessary for me to set them out again here.

27. Those opposing the development have not challenged the public benefits identified by the Appellant and the Council. I thus concur that the public benefits outweigh the harm to the setting of the RCA and nearby listed buildings.

Highways

28. Cllr John McCabe, on behalf of local residents and the Parish Council, expressed concerns about the impact of development traffic on the busy B600 between the appeal site and the A38.
29. The Appellant submitted a detailed Transport Assessment (TA) with the application which looked specifically at the impact of the development on the local road network taking account of existing flows along the B600 and factoring in other committed developments in the local area. The result of that analysis showed there is existing congestion particularly at the B6016 roundabout and those to the north serving the industrial estates. The TA forecasts that the development would add a further 47 morning peak-hour trips to the B600.
30. In the context of existing flows along the B600, an additional 47 trips (one every 76 seconds) is unlikely to be perceptible. Both the scoping and conclusions of the TA have been agreed by the County Highway Authority. Having regard to the TA and notwithstanding the genuinely held concerns about traffic levels and associated levels of air quality, I am satisfied the development would not give rise to any unacceptable impacts in these areas.
31. Accordingly, there would be no conflict with paragraphs 108 and 109 of the Framework which seek to ensure new development does not result in unacceptable impacts on road capacity, congestion and safety.

Contaminated land

32. Ms Judson on behalf of Somercotes Against Development has raised concerns regarding the potential for contamination of the appeal site from historical landfill sites in the immediate area via the movement of contaminants through below ground works associated with former coal mining activity in the area.
33. In response to those concerns and since the appeal was lodged, the Appellant has supplemented the original Desk Study with an updated report⁵. This looks specifically at the concerns raised by Mr Fryer (Ms Judson's technical expert). The report found that whilst there was a potential for contaminants migrating from former landfills, there are suitable methods available for addressing this if a linkage is found. The Council's own Environmental Health Officer, Public Health England and the Environment Agency have all accepted that conclusion, as indeed did the Council's Planning Board in relation to the second application.
34. It is germane that the High Court issued its Judgment in relation to the Nether Farm development⁶ in March 2020⁷. In that case, the Council had granted

⁵ Grant Smith LLP Supplementary Preliminary Geo-environmental Risk Assessment, dated April 2020, ref: R2857-R01-v2

⁶ Nether Farm, Birchwood Lane, Somercotes LPA Ref: AVA/2017/0645

⁷ Judson v Amber Valley Borough Council. Case Number: CO/3346/2018

planning permission for a large nearby residential development subject to standard contaminated land conditions (similar to those proposed here). The challenge was brought by Ms Judson on the basis that the Council granted permission prematurely and should have waited until the potential contamination of the site had been fully investigated and remedied if found. The Judgement held that the Council had acted appropriately when it imposed conditions to secure investigations and remediation.

35. I have carefully considered the objectors detailed submissions on this matter. However, in light of the Judgement and the wealth of information contained in two technical reports which are supported by the Council's own specialist consultees, I am satisfied that the level of information before me in this case is proportionate.
36. I have considered Mr Fryer's written and verbal submissions about the inadequacy of the proposed conditions. However, these concerns clearly failed to stand up to scrutiny and, in my view, are without merit.
37. I am thus satisfied that if contamination is found to be present on the appeal site then the suggested planning conditions would ensure there is no risk of harm to future residents. Accordingly, there would be no conflict with either paragraph 178 of the Framework, LP Policy EN18 or advice in the Planning Practice Guidance (PPG). Amongst other things, these state that planning authorities should work with developers to ensure adequate information is submitted with planning applications and where appropriate, to use conditions to secure remedial or mitigating measures.

Noise

38. The proximity of the appeal site to the Pye Bridge Industrial Estate gives rise to concerns about the potential for future residents to be adversely affected by noise generating activities.
39. A Noise Assessment was submitted with the appeal. On the basis of on-site noise readings, this identified road traffic not industrial activity as the main source of noise. Nonetheless, no significant noise issues were identified and subject to appropriate measures it was concluded that the living conditions of future residents could be safeguarded. The Council's specialist consultees have accepted these conclusions.
40. I acknowledge that Cllr McCabe has considerable experience of the area and has been contacted by local residents from time to time about noise issues. However, under questioning few details of these cases emerged. The Council was not aware of any noise complaints from the residents of Furnace Row or any other dwellings in the local area. From a cursory examination of the indicative layout, it is clear that the proposed dwellings would be sited further away from the industrial estate than many existing properties.
41. I therefore conclude that subject to noise mitigation conditions, the development would not result in unacceptable living conditions to future residents and there would be no conflict with LP Policies LS3 and H12 and paragraph 127 of the Framework.

Other Matters

42. Ms Judson has raised concerns about the Council's handling of the second application. However, this is not a matter to which I can ascribe any degree of weight.
43. Local residents have expressed concerns regarding a loss of wildlife habitats. However, whilst I understand the concerns of local residents, there is no compelling evidence before me which would lead me to conclude differently to the Council and its specialist consultees on this matter.
44. Various planning appeals, in particular the Amber Valley Rugby Club decision⁸, have been drawn to my attention. However, unlike the appeal site, that development was proposed on a former landfill site. Consequently, it has limited relevance to the scheme before me which I have determined purely on its own merits.

Overall Conclusions and Planning Balance

45. I am required to determine this proposal in accordance with the development plan, unless material considerations indicate otherwise. The starting point is therefore that the development of the site for market housing would conflict with LP Policies EN1 and H5. However, given the inconsistency of these policies with the Framework they are out-of-date. Not only does this significantly reduce the weight I can attach to the policy conflict, it also engages paragraph 11d) of the Framework. This shifts the planning balance in favour of the grant of consent unless any harm would 'significantly and demonstrably' outweigh the benefits.
46. The delivery of both market and 30% affordable housing are significant social benefits in a borough that does not have an up-to-date plan and only a marginal five-year supply of housing. The proposal is likely to provide new publicly accessible areas of open space in exceedance of policy requirements. Allied to that there would be public open space and recreation improvements to Riddings Park totalling £64,055.97. These benefits must weigh heavily in the balance given that the Framework views healthy communities as a key part of sustainable development.
47. The appeal site is located on the edge of Somercotes, the centre of which is some 1.4km to the north-west. There are existing pedestrian footways connecting the site to local shops and services. There is also a bus stop situated on the site frontage. Save for Sundays, this meets the Highway Authority's requirement for there to be a "*Minimum of hourly bus service to a sub-regional centre within 800m (10min)*". Alfreton train station although further afield would be a 16-minute bike ride from the site. Overall, I am satisfied that future residents would benefit from sustainable transport choices. This would be consistent with the aim of the Framework to locate development where the need to travel is minimised and residents have a genuine choice of transport modes.
48. The economic benefits would consist of the creation of jobs during the construction phase and additional household expenditure plus additional revenue from the New Homes Bonus. Although I acknowledge that some of these benefits would not be unique to this proposal; nevertheless, they would

⁸ Appeal Ref: APP/M1005/W/17/3167093

be tangible and would satisfy the economic role of sustainable development. Accordingly, I attach moderate weight to these benefits. Other benefits include bus stop improvements and biodiversity net-gains.

49. Overall, I have found that the development would contribute significantly to the economic and social dimensions of sustainability. Collectively these benefits carry significant weight. Although I have identified limited heritage harm, relative to the scale of the benefits arising, I find that this would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.

50. I consider this to be a significant material consideration sufficient to outweigh the conflict with the development plan. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

Planning Obligations

51. The Framework sets out policy tests for planning obligations which must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The same tests are enshrined in the statutory tests set out in Regulation 122 of the CIL regulations.

52. The affordable housing obligation seeks to secure 30% of the total number of dwellings in the proposed scheme as affordable units. This is in accordance with LP Policy H10 and the Council's Supplementary Planning Document (SPD) on Affordable Housing. I am thus satisfied that the obligation meets the statutory tests.

53. A contribution of £556,654.14 is sought towards the provision of secondary and post-16 education provision which are forecast to be over capacity in future years. The contribution is supported by a response from the Education Authority and has been calculated via a standard formula. This contribution meets the statutory tests.

54. The public open space obligations contain several elements. First, if the amount of on-site provision falls below 5,544m², an off-site contribution of £12.01 per sqm is triggered which would be allocated towards Thurston Avenue Recreation Ground. Second, contributions of £45,135.09 and £18,920.88 are sought towards the expansion of youth facilities and the development of grass sports pitches and changing facilities within Riddings Park. These obligations are supported by the Council's Development and Recreational Open Space SPD 2014 and as such, I am satisfied they meet the statutory tests.

55. As the development would result in an increased demand for medical services which cannot currently be accommodated by the local practices, a contribution of £47,616 is sought by Derbyshire Clinical Commissioning Group towards reconfiguring internal space to increase capacity in the local area. I am satisfied that the contribution meets the statutory tests.

56. Finally, a contribution of £8,000 towards bus stops improvements to on Lower Somercotes Road and a Travel Plan monitoring contribution of £5,075 are both considered to meet the statutory tests.

Conditions

57. The Council has suggested a number of planning conditions which I have considered against the advice in the PPG. In some instances and with agreement of the main parties, I have amended/amalgamated the suggested conditions in the interests of brevity and to ensure compliance with the PPG.
58. Conditions 1, 2 and 3 are standard conditions for outline planning permissions. A condition regarding the provision of surface water drainage systems is necessary to ensure satisfactory drainage of the site in the interests of flood prevention^[4]. I have amended the wording of the suggested condition to cover attenuation ponds and the submission of a verification report. Contaminated land and coal mining legacy conditions are necessary to ensure the development is suitable for its intended use^[5-8].
59. A construction method statement is necessary to protect the amenity of nearby residents^[9]. A noise attenuation condition is necessary to safeguard the living conditions of future residents^[10]. Highway conditions covering the submission and approval of a travel plan, the site access and a pedestrian link to the B600 are all necessary in the interests of highway safety and the promotion of sustainable travel modes^[11-13]. I have omitted the requirement for the Appellant to fund bus stop improvements as this is already covered in the S106 agreement and I am not persuaded it would be reasonable or necessary for other, more distant, bus stops to be upgraded. Although not suggested by the main parties, I have imposed a condition relating to the provision of electric charging points to assist in the move to a low carbon future^[14].
60. I have omitted those suggested conditions regarding the layout and design of internal estate roads and parking/bin storage areas as these matters would be covered by the Reserved Matters and in terms of the road layout as part of the road adoption process under section 38 of the Highways Act. Matters relating to cycle parking are capable of being dealt with at the Reserved Matters stage or through the Travel Plan.
61. A Landscape and Ecological Management Plan (LEMP) is necessary to ensure net-gains for biodiversity in accordance with paragraph 170 of the Framework^[15]. As it would be possible to secure details of the lighting strategy under the LEMP, I have not imposed a separate condition in this regard. A tree condition is necessary to safeguard those established trees on the site^[16]. Finally, an archaeology condition is necessary to protect any archaeological assets that may be present^[17].
62. Conditions 4, 5, 7, 9 and 17 are 'pre-commencement' form conditions and require certain actions before the commencement of development. In all cases the conditions address matters that are of an importance or effect and need to be resolved before construction begins.

D. M. Young

Inspector

APPEARANCES

FOR THE APPELLANT

John Pugh-Smith of Counsel FSA FCIArb

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Helen Frith BA (Hons), DipTP, MRTPI

Solicitor Advocate

Principal Planning Officer

INTERESTED PARTIES

Kellie Judson - Somercotes Against Development

Stephen Fryer BEng (Hons), BSc, MSc, CGeol FGS, CEnv, CEng IoM3 - Independent Consultant, GeoDelft Environmental, on behalf of Somercotes Against Development

Councillor John McCabe - Amber Valley Borough Council

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage (including attenuation ponds) for the site, in accordance with the principle outlined within:
 - a) BSP Consulting (May 2019) Lower Somercotes Alfreton Flood Risk Assessment and Drainage Strategy, 17-0147/FRA/DS Rev C, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team, and
 - b) DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),has been submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented in full accordance with the approved details. Prior to first occupation of any dwelling a verification report shall be submitted to and approved by the Local Planning Authority.
- 5) No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.
- 6) Prior to (or concurrent with) the submission of the first of the reserved matters the findings from intrusive site investigations to locate the mine entry and to establish the exact situation in respect of coal mining legacy features on the site shall be submitted to the Local Planning Authority for consideration and approval in writing. These findings shall be supported by a plan which shows the location of the mine entry established as being present on the site and shall define suitable no build zones for these features.

Where the findings of the intrusive site investigations identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

- 7) No development shall commence until:
- a)
 - i. The site has been subjected to a detailed investigation to determine the extent, scale and nature of any contamination and an assessment of the potential risks (the "Assessment") has been carried out.
 - ii. A report providing the details of the site investigation and the Assessment been submitted and approved in writing by the Local Planning Authority.
 - iii. A Remediation Method Statement (the "RMS") to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted and approved in writing by the Local Planning Authority.
 - b) The development shall be undertaken in strict compliance with the requirements contained within the approved RMS. Any proposed revisions to the RMS must be submitted and approved in writing by the Local Planning Authority prior to any changes in remediation methods.
 - c) If during development works, any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those already identified, then no further works shall take place until a revised RMS is submitted to and approved in writing by the Local Planning Authority and the works shall then be carried out in accordance with the revised RMS.
 - d) If during development work, site contamination is found in areas previously expected to be uncontaminated, then the remediation of those areas shall be carried out in accordance with the approved RMS.
 - e) No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the Local Planning Authority.
 - f) All investigations, assessments and reports must be carried out by a suitably qualified competent person previously agreed in writing by the Local Planning Authority and in accordance with the most recent version of BS 10175: Code of practice for the investigation of potentially contaminated sites.
- 8) If any part of the site is to be raised or filled using materials brought from outside the application site, the developer shall provide documentary evidence that all such materials are free from levels of contamination that would be in excess of current appropriate standards. In the event that no such evidence is available, the materials shall be subjected to chemical or other testing to demonstrate that the materials are suitable for their intended final use. All documentary evidence and/or sampling methodology and testing results shall be submitted to Local Planning Authority within 21 days for its approval.
- 9) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning

authority. The approved statement shall be adhered to throughout the development period and shall provide for:

- no construction works, or deliveries to and from the site, outside the hours of 08:00-18:00 on weekdays, 08:00-13:00 on Saturdays and not at all on Sundays or public holidays;
- measures to control the emission of dust and dirt during construction works and from vehicles entering or leaving the site, including notification of any proposed on-site crushing and/or screening of bricks, tiles or concrete;
- A plan showing the location of plant and material storage, site accommodation and areas for parking/loading/manoeuvring of site operatives'/ visitors' vehicles;
- A scheme for recycling/disposing of waste resulting from construction works;
- Measures for the control of works causing noise or vibration;
- Details indicating how surface water run-off from the site will be avoided during the construction phase;
- Details of any temporary construction accesses including any subsequent reinstatement of the verge/footway and kerbs;
- A construction traffic routeing plan;
- Method of prevention of debris being carried onto the highway, and
- Details of measures to protect biodiversity features on the appeal site

Before any other operations are started the approved scheme shall be fully implemented in accordance with the approved details and be retained as such throughout the construction period.

- 10) Prior to first occupation of the development a scheme for protecting the proposed dwellings from road and industrial noise shall be submitted in writing to the Local Planning Authority for approval. The scheme shall follow the recommendations identified in the BSP Consulting Environmental Noise Assessment January 2018. None of the dwellings shall be occupied until a verification report has been approved by the Local Planning Authority demonstrating that the scheme has been implemented in accordance with the approved measures.
- 11) Prior to first occupation of any dwelling the site access shall be provided in accordance with Plan No F17017/01 Revision A.
- 12) Prior to first occupation of any dwelling and unless agreed otherwise in writing by the Local Planning Authority, a new pedestrian route linking the site in the north western corner to the B600 Lower Somercotes and safe pedestrians crossing facilities shall be provided in accordance with details that shall first be submitted to and agreed in writing with the Local Planning Authority.
- 13) Prior to first occupation of any dwelling, a revised Travel Plan shall be submitted to the Local Planning Authority for its approval. The approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented

prior to occupation and following occupation. The approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets. 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 substantial completion of the whole development.

- 14) Prior to first occupation, the dwellings hereby approved shall be provided with an electric vehicle charging point. Once provided the charging points shall be retained thereafter.
- 15) A Landscape and Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority for its approval prior to the first occupation of the development. The LEMP shall be in general accordance with the Master Layout drawing 1404/SK 1H, the Landscape Masterplan dated April 2020 and section 3.6 of the Design and Access Statement dated April 2020 and shall include details of how a net-gain for biodiversity will be achieved. The approved plan shall be implemented in full.
- 16) The development shall take place in accordance with the submitted Tree information and Arboricultural Impact assessment submitted on the 28th April 2020 and updated on the 15th June 2020. Any changes to these documents as a result of a change in the layout of the development from that shown on the indicative masterplan through the reserved matters shall be submitted as an updated Arboricultural Impact Assessment as part of any reserved matters application.
- 17) 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, and
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigationb) 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 assessment 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 analysis, publication and dissemination of results and archive deposition has been secured.