

| | | | |
|--|------------------------------|---|---------------------------|
| APPLICATION NUMBER | | 23/00592/FUL | |
| SITE ADDRESS: | | Land South East of Breamfield Lane, Wirksworth Derbyshire | |
| DESCRIPTION OF DEVELOPMENT | | Change of use of land and installation of a new distribution service reservoir (covered), associated infrastructure and landscaping | |
| CASE OFFICER | Myles Joyce | APPLICANT | Seven Trent Water |
| PARISH/TOWN | Wirksworth | AGENT | N/A |
| WARD MEMBER(S) | Cllrs Slack and Greatorex | DETERMINATION TARGET | 5 th June 2024 |
| REASON FOR DETERMINATION BY COMMITTEE | Major Application | REASON FOR SITE VISIT (IF APPLICABLE) | Major Application |

| MATERIAL PLANNING ISSUES |
|--|
| <ul style="list-style-type: none"> • Policy Context • Compatibility of the scheme with the aims of National Policy in relation to locational choices • Impact on Landscape Character and Appearance • Trees, Tree protection and planting • Impact on Ecology • Floor Risk and Drainage • Highway Safety / Public Rights of Way |

| RECOMMENDATION |
|--------------------------|
| Approval with conditions |

1.0 THE SITE AND SURROUNDINGS

- 1.1 The proposed site is located to the north east of the existing Breamfield Distribution Service Reservoir (DSR) at Breamfield Lane, Breamfield, Wirksworth, Derbyshire, DE4 4AF. The proposed site extends to a stated area of approximately 1.12 ha and is situated within Open countryside surrounded by agricultural fields.
- 1.2 Breamfield Lane is located immediately to the north west of the proposed site. To the south west of the proposed Breamfield Distribution Service Reservoir (DSR) and immediately south of this is located Moor View Farm, approximately 75 metres to the southwest of the proposed site. The northern and southern boundaries consist of an existing dry-stone wall. The site lies within flood zone 1 and is therefore at low risk of flooding.

2.0 DETAILS OF THE APPLICATION

- 2.1 The existing Breamfield Distribution Service Reservoir (DSR) is a single, grass covered concrete cell dating from the 1960s. A smaller Break Pressure Tank (BPT) was constructed on the same site in the 1990s to allow the DSR to be isolated for cleaning and inspection. A number of schemes to improve capacity have been completed, or are in progress, but despite these, the volume of storage at Breamfield DSR remains inadequate.
- 2.2 Due to the size of the existing DSR and BPT, which were constructed some time ago, both are now undersized for the current demand on the water network. In addition, the existing DSR cannot be isolated for inspection without creating significant supply issues for customers who are fed from it.
- 2.3 Therefore, a replacement 12MI DSR is proposed to provide increased storage to address current future demand. The key driver behind this scheme includes:
 - The risk of no supply to customers during incident scenarios (severe hot and cold weather).
 - Upsize in water storage for future customer demand growth in the region; and
 - Provide access to the new DSR for future maintenance and inspections without creating supply issues.
- 2.4 The proposed solution comprises the installation of a new covered district service reservoir which will contain two separate cells which would be encased within an earthwork embankment. The proposal will also include associated pipework, inlet and outlet valve chambers and landscaping as part of the biodiversity net gain proposals. Full planning permission is sought for the proposed development.
- 2.5 The new DSR will be of sufficient size to provide suitable resilience during peak demands, whilst also improving the operability of the site to facilitate future inspection, and provide the ability to run either the gravity or the pumped areas of the control group separately via any and all cells.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)

| | |
|------|---|
| S1: | Sustainable Development Principles |
| S4: | Development in the Countryside |
| S10: | Local Infrastructure and Developers Contributions |
| PD1: | Design and Place Making |
| PD3: | Biodiversity and the Natural Environment |

PD4: Green Infrastructure
PD5: Landscape Character
PD6: Trees, Hedgerows and Woodlands
PD7: Climate Change
PD8: Policy PD8: Flood Risk Management and Water Quality
HC19: Accessibility and Transport

3.2 The Landscape Character and Design SPD (2018) aims to protect and enhance the character, appearance and features important in the landscape.

3.3 National Planning Policy Framework 2023- In particular paragraphs 8,11, 20, 128, 158

3.4 National Planning Practice Guidance: The NPPG provides guidance on water supply, wastewater and water quality. It states adequate water and wastewater infrastructure is needed to support sustainable development. A healthy water environment will also deliver multiple benefits, such as helping to enhance the natural environment generally and adapting to climate change.

4.0 RELEVANT PLANNING HISTORY:

4.1 There is no relevant planning history.

5.0 CONSULTATION RESPONSES

Wirksworth Council

5.1 No response

Derbyshire County Council (Highways)

5.2 No objections subject to an informative precluding works commence within the limits of the public highway without the formal written agreement of the County Council as Highway Authority.

Derbyshire Wildlife Trust

5.3 Further information required:

- Send across badger report should be sent across so that we can be fully reviewed.
- Two trees were identified on site with features that could be used by roosting bats. If these trees require removal, nocturnal surveys or aerial inspection will be required during the appropriate survey period (May-September). Whilst the PEA considered these trees likely to be retained, this should be clarified as we are approaching the end of the bat survey season.
- A single storey operational building is located on site, referred to as B1 in the PEA report.
- In line with the ecologist's recommendations, a daytime Preliminary Bat Roost Assessment of B1 should be undertaken, if works will impact the existing building. This should be undertaken at the earliest opportunity in case any nocturnal bat surveys are necessary.

5.4 On review of the badger survey advise that the application could be determined but with a condition attached, requiring update survey prior to any works on site to inform a Badger Mitigation Strategy and any licensing requirements.

Natural England

- 5.5 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Environment Agency

- 5.6 No formal comments to make towards this application. The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Archaeologist (Derbyshire County Council)

- 5.7 There is no archaeological objection to the proposed works.

Lead Local Flood Authority (Derbyshire County Council)

- 5.8 Additional information required as the Drainage Strategy Report notes that the proposed surface water outfall will be an existing "...gravity connection which outfalls to the west of Breamfield Lane...". Please provide additional information sufficient to verify the capacity, condition and onward connectivity of the proposed outfall destination.
- 5.9 Further information submitted but no reply to date from LLFA. Officers have conditioned the proposal to require this additional information as a pre-commencement condition.

County Tree Officer

- 5.10 Although the majority of the development lies on land outside DCC TPOs, the existing water distribution facility is protected by DCC TPO 23/W1 which protects all trees growing on site. Further information is required to be submitted including:
- A survey of all trees which are likely to be impacted upon by the proposed development, with details and categorisation results provided in an appropriate schedule (as per BS5837:2012 sections 4.4 - 4.6) This to include trees adjacent to the footprint of the development and areas in temporary use during the construction phase.
 - Trees clearly identified as either retained or removed (including trees on land adjacent to the site with canopies or RPAs which encroach onto the site).
 - Clear specifications for all proposed management works to retained trees.
 - A realistic assessment of the probable impacts between the trees and development (as per BS5837:2012 section 5.3.4).
 - Root protection areas (RPA) and construction exclusion zones.
 - Exclusion zone protective barriers (giving precise locations and specification).
 - The position of all new underground services in relation to RPAs.
 - Detailed specification and installation method statement for any proposed new structure, hardstanding, underground service or works access into RPAs.
 - Method statements for all other construction operations which impact on trees.
 - Positions and specification (following BS8545:2014 'Trees: from nursery to independence in the landscape - Recommendations' as appropriate) for all new tree planting.
 - Reinstatement and ground preparation for new tree planting and areas of soft landscaping.

5.11 Further information was submitted in March 2024 including a landscaping masterplan and the County Tree Officer consequently withdrew this objection

Derbyshire Constabulary

5.12 No objections

Environmental Health (Derbyshire Dales)

5.13 No response

Tree Officer (Derbyshire Dales)

5.14 The woodland is subject to Derbyshire County Council Tree Preservation Order so I recommend that their Trees Officer be consulted regarding tree losses, temporary tree protection measures and proposed replacement tree planting. I suggest a Landscape Architect should be consulted to determine the severity of the potential visual impact.

5.15 A gravel covered roof is proposed for the covered reservoir. I understand this material was chosen for for hygiene and insulation properties. However, I feel that the large unvegetated expanse in the rural location may present unacceptable negative impact to the character and appearance in the landscape.

5.16 I suggest the applicant investigates development of a 'green living roof' solution instead of / in addition to the proposed gravel. As well as reducing the visual impact of the proposed development in the landscape, a 'green living roof' would also have the potential to contribute significantly to biodiversity.

5.17 The submitted Biodiversity Enhancement Strategy report makes recommendations for habitat creation schemes for various parts of the site and I would endorse these. If new boundary treatments are required then I recommend that these be similar in style and materials to those existing in the immediate vicinity of the site.

5.18 Further information was submitted in March 2024 and consequently the Tree Officer withdrew his objection to the scheme.

6.0 REPRESENTATIONS RECEIVED

6.1 No representations have been received.

7.0 OFFICER APPRAISAL

7.1 The following material planning issues are relevant to this application:

Policy Context

- Principle of Development
- Impact on Landscape Character and Appearance
- Impact on Ecology
- Flood Risk and Drainage
- Highway Safety

Principle of development

- 7.2 A review of the current policy context of renewable installations is considered appropriate to outline the general approach advocated by the government reflected in the National Planning Policy Framework, Planning Practice Guidance and Local Plan Policies.
- 7.3 Paragraph 20 of the NPPF states strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:
b. infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk, coastal change management and the provision of minerals and energy. In addition, Paragraph 82 states planning policies should seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment.
- 7.4 Paragraph 128 states planning policies and decisions should support development that makes efficient use of land, taking into account the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement.
- 7.5 Paragraph 158 confirms plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.
- 7.6 Turning to the Local Plan, Policy PD4 states the Council will work through partnership working to project enhance and secure the long term management of green infrastructure networks subject to its design and appearance being commensurate with the surrounding area and that the scheme itself creates opportunities for biodiversity enhancement.
- 7.7 In relation to Policy PD5 seeks to protect, enhance and restore the landscape character, recognising its intrinsic beauty with development required to retain natural features including trees, hedgerows that contribute to the landscape character and setting of the development and managed appropriately in the future.
- 7.8 Policy S4 protects and enhances the landscape's intrinsic character and distinctiveness whilst also facilitating sustainable rural community needs. It states that planning permission will be granted for development where is comprises renewable energy development in accordance with Policy PD7.
- 7.9 Policy S10 states that the council will work with partners to ensure that infrastructure will be in place at the right time to meet the needs of the district and to support the development strategy. The release of land for development will be informed by capacity in the existing local infrastructure to meet the additional requirements arising from new development. Suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary including ensuring the availability of water, flood risk infrastructure (including maintenance of flood defences) and wastewater infrastructure by working with utility providers.
- 7.10 Officers are of the opinion therefore that the proposal is acceptable in principle subject to any other relevant planning policy guidance and material planning considerations.

Impact on Residential Amenity

- 7.11 The site is situated within a rural location approximately 300m away from the nearest residential cluster (Breamfield). It is located at the top of ground which steeply slopes

downwards in a north-westerly direction and more gradually in a south-easterly direction. The nearest residential property is Moor View Farm which is on the opposite side of the existing Breamfield DSR site and located approximately 75m to the southwest of the proposed reservoir.

- 7.12 The proposed reservoir will be covered and set into the level of the surrounding land and will be conditioned to have a grassed roof to further minimise any impact to its appearance. Accordingly, officer consider that the proposal will be in compliance with Policy S1 and PD1 of the Derbyshire Dales Local Plan.
- 7.13 As the proposed development comprises a water storage scheme, there will be no odour associated with the development. There will be temporary noise impacts during the construction period of the proposal and best practice measures will be implemented to minimise noise as far as practical. The intervening distance between the residential property and the proposed development adds a buffer zone to minimise the impact on amenity. The development, therefore, considers the protection of environmental quality in accordance with policy PD9 of the Derbyshire Dales Local Plan

Impact on Landscape Character and Appearance, Trees and Tree Planting

- 7.14 The sites lies within the Open Countryside and is not subject to any other planning constraints. The reservoir will be constructed from reinforced concrete with grass embankments around the perimeter. The proposed reservoir will be set into the existing ground. The ground will be re-profiled to provide grassed banks on all sides of the reservoir.
- 7.15 The County Tress officer notes that the existing water distribution facility is protected by DCC TPO 23/W1 which protects all trees growing on site and therefore required further information including all impacted trees to be surveyed, clarification of what trees were to be retained or removed and clear specification for tree protection measures during construction.
- 7.16 Further information is required to be submitted including a survey of all trees which are likely to be impacted upon by the proposed development, identifying those as either retained or removed a realistic assessment of the probable impacts between the trees and development (as per BS5837:2012 section 5.3.4) , root protection areas (RPA) and construction exclusion zones precise locations of exclusion zone protective barriers (giving precise locations and specification). In addition, the detailed specification and installation method statement for any proposed new structure, hardstanding, underground service or works access into RPAs and reinstatement and ground preparation for new tree planting and areas of soft landscaping.
- 7.17 The DDDC Tree Officer suggested that a Landscape Architect should be consulted to determine the severity of the potential visual impact and a 'green living roof' solution instead of / in addition to the proposed gravel roof for the reservoir should be proposed to reduce impact and promote biodiversity .
- 7.18 Additional information including the ADA Landscape Technical Note was submitted by the applicants in March 2024 with a 1km radius and found that there would be sufficient mitigation along with the submission of a Landscape Management Plan both in March 2024. Consequently, the holding objections of both officers were withdrawn. Officers consider that subject to conditions that the information provided is now sufficient and satisfactory with regard to protecting the landscape and sustainable management of the trees on site. The living roof request however given the reservoirs proposed gravel roof is therefore not considered to have any negative visual impacts and as such this condition is not justified. In addition, the grassed banks will help screen the reservoir from the wider views and as such are in line with Policies S4 and PD1 of the Derbyshire Dales Local Plan.

Impact on Ecology

- 7.19 The applicants appointed Middlemarch Environmental Ltd to provide a Preliminary Ecological Assessment (PEA), which was completed in February 2022. This had various recommendations including protecting trees and woodland in accordance with British Standard 5837: 2012 'Trees in relation to design, demolition and construction-recommendations', compilation of a biodiversity enhancement strategy demonstrating how biodiversity net gain will be achieved. A biodiversity enhancement strategy including the maintenance of it is recommended the clearance/removal of vegetation and drystone walls should be undertaken in a sensitive manner to avoid harming small mammals, vegetation clearance including clearance within the improved grassland field should be undertaken outside of nesting bird season between March and September and where clearance of suitable amphibian and reptile habitat is required as part of the works this should be undertaken in a sensitive manner following suitable working methods and timings.
- 7.20 In addition, a Badger Survey was carried out and report produced in August 2022 with the recommendation that that a Badger License should be obtained from Natural England prior to the commencement of works. A License has now been obtained and the relevant sets have now been closed ready for the works to start to avoid conflict with badgers.
- 7.21 Furthermore, Middlemarch Environmental Ltd were commissioned by Severn Trent Water in July 2022 to undertake a Preliminary Ground Level Bat Roost Assessment of the trees at Breamfield and to produce a Biodiversity Enhancement Strategy (BES). The proposed habitat creation measures comprise:
- 0.59 hectares (ha) of species-rich wildflower grassland with a target condition of moderate
 - 0.186 ha of modified embankment grassland with a target condition of poor;
 - 0.07 ha of broadleaved woodland planting with a target condition of fairly poor; and
 - 0.01 ha of mixed scrub planting with a target condition of poor to be created.
- 7.22 Derbyshire Wildlife Trust in their response required further information including sigh of the badger survey which they had no objections to subject to with a condition attached, requiring update survey prior to any works on site to inform a Badger Mitigation Strategy and any licensing requirements Further information required:
- 7.23 They also suggested that a daytime Preliminary Bat Roost Assessment of building B1 should be undertaken, if works will impact the existing building. This should be undertaken at the earliest opportunity in case any nocturnal bat surveys are necessary.
- 7.24 Officer have considered the above and have attached conditions which they consider necessary and proportionate to mitigate any potential harm and delivery biodiversity Net Gain and as such consider than the development is in accordance with Policy PD3

Highway Safety / Public Rights of Way

- 7.25 The existing vehicle access to the Breamfield DSR will be utilised for the new DSR once operational and the sites will be linked via paths. There are no public rights of way which will be affected by the proposed works. The County Highway Authority has no objections to this development and officers are satisfied that the proposal is acceptable in this regard.

Flood Risk and Drainage Management

- 7.26 The site lies within Flood Risk Zone 1 and therefore is not situated within an area at risk of flooding, however, as the development area exceeds 1 hectare, a flood risk assessment has been prepared and submitted with this planning application.
- 7.27 The Flood Risk Assessment submitted was alongside a Drainage Strategy Report and following the LLFA wish for more information and clarification of existing information, a Technical Note has been produced at the time of writing the LLFA response to this is still awaited but it is noted that the strategy deals with runoff from the reservoir roof and percolating waters from below the reservoir slab and walls. The system proposes to utilise filter drains, which allow suitable treatment of pollutants to be provided for the runoff generated by these areas.
- 7.28 Officers consider that the outstanding details can be added to the wording of a condition requiring development to be carried out in accordance with the said drainage strategy and the additional additional information to be submitted for approval pre operational use that this would be sufficient mitigation to overcome any potential harm caused. As such in this instance the development is in accordance with Policy PD8 of the adopted Local Plan.

Other Matters

- 7.29 There will be temporary access arrangements during the construction phase which will be reinstated upon completion. A construction management plan has been prepared for the site and has been submitted with this application. A condition in relation to this, vehicle movements and hours of construction (the standard hours) is attached to this report. It is noted in the applicants Design and Access Statement that the timescale is anticipated to extend between Summer 2023 until August 2024 and that these construction timescales are required in order for the development to be constructed and completed before the DWI notice expires in August 2024.

The Planning Balance

- 7.30 The proposed development seeks to provide additional water storage capacity to meet future demands. The proposal is acceptable in principle. Officers would consider that the proposal would therefore provide a positive social and environmental benefit
- 7.31 Care has been taken to seek to minimise its visual impact on the surrounding landscape and further conditions can be attached to promote biodiversity net gain. Other conditions can be attached to limit potential adverse impacts on relation to the construction phase.
- 7.32 The construction phase itself and the enhanced use of the site for water supply will provide slight economic benefits both short term during construction and longer term with the operation of the proposed reservoir.
- 7.33 Accordingly, on balance officer consider that the scheme will make a positive contribution to sustainable development and s such subject to conditions it is recommended planning permission be granted.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

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

Reason: This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following plans and documents:
- A7W12990-WSP-XX-TWS1-DR-C-0003 - Site Location Plan
 - A7W12990-WSP-XX-TWS1-DR-C-0005 - Existing Site Layout
 - A7W12990-WSP-XX-TWS1-DR-C-0001 - Proposed Site Layout
 - A7W12990-WSP-XX-TWS1-DR-C-0002 - Proposed Reservoir Plan Under Roof
 - A7W12990-WSP-XX-TWS1-DR-C-0004 - Proposed Reservoir Sections
 - RT-MME-157199-01- Preliminary Ecological Assessment (March 2022)
 - RT-MME-158240-04 - Badger Survey (August 2022)
 - RT-MME-158240-03 - Preliminary Ground Level Bat Roost Assessment (August 2022)
 - RT-MME-158928 - Wirksworth Biodiversity Enhancement Strategy (December 2022)
 - A7W12990-GHD-XX-ZZ-RP-C-0001 - Drainage Strategy Report (April 2023)
 - A7W12990-GHD-XX-ZZ-DR-C-0168 – Construction Logistics Plan (July 2023)
 - Construction Logistics Plan, Forkers Ltd (May 2023)
 - Flood Risk Assessment (May 2023)
 - Middlemarch Bat Assessment (December 2023)
 - 1120209-ADAS-XX-XX-DR-L-1000-01-Landscaping Plan (Jan 2024)
 - ADAS Technical Note Refs. Ref. 120209-L-RP-01 (March 2024)
 - 1120209-ADAS-XX-XX-DR-L-1000-02-Levels Plan (Jan 2024)
 - 1120209-ADAS-XX-XX-DR-L-1000-01- Landscaping Masterplan (April 2024)
 - A7W12990-GHD-XX-ZZ-RP-C-0010 GHD River Modellings Technical Note (April 2024)

Reason: For the avoidance of doubt.

3. That the constructions works shall be carried out in accordance with the provision of the Forkers Ltd and attached plan ref. Ref. A7W12990-GHD-XX-ZZ-DR-C-0168 – Construction Logistics Plan (June 2023) including details inter alia:
- i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control the emission of dust and dirt during construction;
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii. hours of construction work to be 0800 to 1800 Monday to Friday, 0900 to 1300 Saturdays and not at all on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of highway safety and residential amenity in accordance with Adopted Derbyshire Dales Local Plan Policy PD1 and HC19

4. No attendance on site shall be outside of the following hours:

Monday to Friday 0730-1800
Saturday: 0730 to 1300

And not at all on Sundays, Bank Holidays or Public Holidays

Reason: To preserve the amenities of the surrounding area in accordance with Adopted Derbyshire Dales Local Plan Policy PD1.

5. The development hereby approved shall be carried out in complete accordance with Chapters 5 and 6 of the submitted PEA and retained thereafter. Prior to the operational use of the approved development a Badger Mitigation Strategy shall be submitted to the Local Planning Authority for approval. This shall include the results of a recent survey, whether a development licence will be required from Natural England and full details of mitigation measures to be implemented during works. All further works required shall proceed, strictly in accordance with the approved scheme of mitigation, and the requirements of a development licence, if required.

Reason: To ensure continuity of their contribution to visual amenity, wildlife and biodiversity benefits in accordance with Adopted Derbyshire Dales Local Plan Policy PD3

6. That the development hereby permitted shall be undertaken in accordance with the recommendations of the RT-MME-158928 - Wirksworth Biodiversity Enhancement Strategy (December 2022)

Reason: To protect retained trees during the development phase in the interests of safety, stability and health of the trees and to ensure continuity of their contribution to visual amenity, wildlife and biodiversity benefits in accordance with Adopted Derbyshire Dales Local Plan Policies PD3, 5 and PD6

7. Prior to any site clearance, groundworks, excavations, demolition or construction works and before any materials or plant are brought onto the site for the purpose of the development, temporary tree protection fencing shall be erected according to the approved specification (or as specified by British Standard 5837:2012) and positioned such that 100% of the Root Protection Area (as defined by British Standard 5837:2012) of every retained tree on, and adjoining, the site is enclosed by the fencing within construction exclusion zones.

Unless approved in writing in advance by the LPA, this fencing will remain in place and intact until all development works at the site have been completed and all equipment, plant, machinery, surplus materials and waste have been removed from the site; and:

- 1) no ground level change,
- 2) excavation,
- 3) underground services installations/removals,
- 4) surfacing, or
- 5) construction

shall take place within the fenced areas.

Furthermore, unless agreed in writing in advance by the LPA there shall be:

- a. no access to the fenced areas for pedestrians/plant/vehicles;

- b. no waste/equipment/materials/consumables/spoil storage in the fenced areas;
- c. no fires in the fenced areas or within 10m of them;
- d. no fuel, oil, cement, concrete, mortar or washings shall be allowed to flow into the fenced areas.

The fence shall have affixed to it at 6m intervals, and at eyelevel, weatherproof signs, at least A4 in size, requiring that the above requirements are adhered to. In certain circumstances, temporary ground protection may be authorised in writing in advance by the LPA instead of tree protection fencing. Where this is the case the same requirements as for fencing of Root Protection Areas as detailed above will apply unless authorised by the LPA.

Reason: To protect retained trees during the development phase in the interests of safety, stability and health of the trees and to ensure continuity of their contribution to visual amenity, wildlife and biodiversity benefits in accordance with Adopted Derbyshire Dales Local Plan Policies PD3, 5 and PD6

8. No further tree works shall commence until an inspection by a qualified ecologist is undertaken to ensure bats have not colonised the trees. If any bats are encountered on site during works, all works in that location should cease until an updated bat survey is undertaken and its recommendations submitted to the local planning authority for approval.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Adopted Derbyshire Dales Local Plan Policy PD5 and PD6

9. That the hard and soft landscaping on site shall be carried out in accordance with the approved plans and specifications in ADAS Technical Note Refs. 120209-ADAS-XX-XX-DR-L-1000-01-Landscaping Ref. 120209-L-RP-01 (March 2024)

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Adopted Derbyshire Dales Local Plan Policy PD5 and PD6

10. Prior to the operational use of the development hereby approved, additional information verifying the capacity, condition and onward connectivity of the proposed outfall destination shall be submitted to the local planning authority for approval. The approved details shall be taken into account with the development carried out in complete accordance with the A7W12990-GHD-XX-ZZ-RP-C-0001 - Drainage Strategy Report (April 2023) and the A7W12990-GHD-XX-ZZ-RP-C-0010 GHD River Modellings Technical Note (April 2024)

Reason: For the avoidance of doubt and in the interests of flood risk and drainage management in accordance with Adopted Derbyshire Dales Local Plan Policy PD8.

NOTES TO APPLICANT:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. Any works affecting bird nesting habitat, such as scrub, hedgerows or trees

should be conducted outside the bird nesting season (1st March – 31st July). Under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. The work hereby approved does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species.

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

This decision notice relates to the following plans and documents:

- A7W12990-WSP-XX-TWS1-DR-C-0003 - Site Location Plan
 - A7W12990-WSP-XX-TWS1-DR-C-0005 - Existing Site Layout
 - A7W12990-WSP-XX-TWS1-DR-C-0001 - Proposed Site Layout
 - A7W12990-WSP-XX-TWS1-DR-C-0002 - Proposed Reservoir Plan Under Roof
 - A7W12990-WSP-XX-TWS1-DR-C-0004 - Proposed Reservoir Sections
 - RT-MME- 157199-01- Preliminary Ecological Assessment (March 2022)
 - RT-MME-158240-04 - Badger Survey (August 2022)
 - RT-MME-158240-03 - Preliminary Ground Level Bat Roost Assessment (August 2022)
 - RT-MME-158928 - Wirksworth Biodiversity Enhancement Strategy (December 2022)
 - A7W12990-GHD-XX-ZZ-RP-C-0001 - Drainage Strategy Report (April 2023)
 - A7W12990-GHD-XX-ZZ-DR-C-0168 – Construction Logistics Plan (July 2023)
 - Construction Logistics Plan, Forkers Ltd (May 2023)
 - Flood Risk Assessment (May 2023)
 - Middlemarch Bat Assessment (December 2023)
 - 1120209-ADAS-XX-XX-DR-L-1000-01-Landscaping Plan (Jan 2024)
 - ADAS Technical Note Refs. 120209-ADAS-XX-XX-DR-L-1000-01-Landscaping Ref. 120209-L-RP-01 (March 2024)
 - 1120209-ADAS-XX-XX-DR-L-1000-02-Levels Plan (Jan 2024)
 - 1120209-ADAS-XX-XX-DR-L-1000-01- Landscaping Masterplan (April 2024)
 - A7W12990-GHD-XX-ZZ-RP-C-0010 GHD River Modellings Technical Note (April 2024)
3. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in additional information being submitted revised proposals which

overcame initial problems with the application relating to tree planting, biodiversity neg gain, species protection and drainage.

4. The pre-commencement conditions attached to this permission have been imposed having served the requisite notice on the applicant(s) and having received a positive response (deemed or otherwise) under section 100ZA(5) of the Town and Country Planning Act 1990.