



Resources Directorate, Planning & Regeneration
Town Hall Ilkeston
Derbyshire DE7 5RP
Switchboard: 0115 907 2244

TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF DECISION

Part 1: Application Details

Applicant: VERDANT REGENERATION LTD

Application Ref: ERE/1221/0002

Proposal: Hybrid planning application for the comprehensive redevelopment of the site comprising:

Outline Application for demolition of existing buildings and structures to provide; a maximum 261,471 sqm of employment (a mix of Class Eg (iii) (Industrial Processes), B2 (General Industrial) and B8 (Storage & Distribution) with associated car, cycle and HGV parking; service yards; gatehouse(s) and security facilities; electrical substations; provision of cycle and walking infrastructure and foul and surface water infrastructure; removal of trees; retention of open space for biodiversity enhancements and landscaping; utilities; provision of land for safeguarding for future highway improvements; relocation and consolidation of existing railway line; provision of intermodal rail hub, and other associated works and improvements.

Full Application for provision of new access points from and alterations to Lows Lane and an internal estate road; diversion of a section of National Cycle Route 67; associated surface water infrastructure; infilling of part of the disused canal; remediation, and decontamination works and groundworks.

Site Address: PART OF FORMER STANTON IRONWORKS, LOWS LANE, STANTON BY DALE, DERBYSHIRE, DE7 4QU

Part 2: Decision

Erewash Borough Council in pursuance of powers under the above mentioned Act hereby

GRANT PERMISSION

for the development in accordance with the application, subject to compliance with the condition(s) imposed (in Part 3 below), and the subsequent approval of all matters referred to in the conditions:

Part 3: Conditions

In respect of the Full elements of the approval:

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

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans/details:

- Site Location Plan – Dwg No: 20-188-SGP-XX-XX-DR-A-111000
- Planning Application Boundary Plan – Dwg No: 20-188-SGP-XX-XX-DR-A-000012-A
- Removal of the Canal Section – Dwg No: 20-188-SGP-XX-XX-DR-A- 132003
- Site Sections Dwg No: 20-188-SGP-XX-XX-DR-A-001201
- Demolition Plan Dwg No: 20-188-SGP-ZZ-ZZ-DR-A-000013 Rev B
- Eastern Site Access Junction – Roundabout Option C (Incorporating TRS Access) – Dwg No: 82200919/6115 Rev C
- Western Site Access Junction – Dwg No: 8200919/6109 Rev C
- Minor Amendments to Easternmost Access – Dwg No: 8200919/6121 Rev B
- Cycle Path Diversion Plan - Dwg No: 20-188-SGP-XX-XX-DR-A-111002
- Internal Roads Dimensions & Visibility – Dwg No: 8200919/6117 Rev B
- Street Lighting Plans – MMA 17097/001 Rev R1, 17097 002 Rev R1, 17097 003 Rev R1 and Outdoor Lighting Report
- Tree Retention Plan – 10717-T-03-D
- Tree Retention Plan – 10717-T-04-D

Reason

For the avoidance of doubt as to what is approved.

- 3 No development, including preparatory works, shall commence until protective fences have been erected around all trees shown to be retained on the approved plans. Such fencing shall conform to best practice as set out in British Standard 5837:2012 and ensure that no vehicles can access, and no storage of materials or equipment can take place within, the root and canopy protection areas. The fences shall be retained in situ during the course of all development permitted by this permission, with the protected areas kept clear of any building materials, plant, debris and trenching, and with existing ground levels maintained; and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason

This pre-commencement condition is required in the interests of safeguarding existing trees and the visual amenities of the area.

- 4 No development shall take place (including demolition and ground works) until a Protected Species Working Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall include measures to avoid harm to badgers, reptiles and amphibians during remediation, earth moving and construction works. The development shall then be undertaken in accordance with the approved Method Statement.

Reason

To prevent harm to protected species during construction works.

- 5 No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include the following components:

a. A preliminary risk assessment which has identified:

- i. All previous uses
- ii. Potential contaminants associated with those uses
- iii. A conceptual model of the site indicating sources, pathways and receptors
- iv. Potentially unacceptable risks arising from contamination at the site

b. A site investigation scheme, based on (a) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site

c. The results of the site investigation and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken, to include:

- A Construction Environmental Management Plan
- A Materials Management Plan including details of acceptable soil criteria

- An Asbestos Management Plan
- A detailed Discovery Strategy for dealing with any unexpected contamination
- Details of site supervision of the works by a competent person

d. A verification plan, including a gas monitoring strategy, providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason

This pre-commencement conditions is required to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable contamination or water pollution.

- 6 No development shall commence on each phase of the access roads/junctions until;

a. A scheme of further intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, including that posed by recorded mine entries and shallow mine workings; and

b. Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public.

- 7 No works associated with the remediation and decontamination of the site, the approved earthworks, the construction of the access roads and junctions hereby approved, or deliveries to, or removal of materials from the site associated with these works, shall take place except between the following hours:

7:00 to 18:00 Monday to Friday

7:00 to 13:00 Saturday

No work shall be undertaken on Sundays or Public Holidays.

Reason

In accordance with the terms of the application and to protect the amenity of neighbours during the construction period.

- 8 No demolition of the former Exhibition Centre and former Training Centre on

Lows Lane, the 19th century foundry building behind Nos 1 & 2 Lows Lane, or the historic Nutbrook Canal bridge shall take place until a Level 3 Historic Building Recording of those buildings and structures has been undertaken and submitted to the local planning authority.

Reason

To ensure that appropriate historic recording of these non-designated heritage assets is made and retained prior to their demolition.

- 9 No development within 25m of the application site boundary with the Erewash Canal shall take place until a Method Statement detailing the earth moving and excavation works required for that development has been submitted to and approved in writing by the local planning authority. The Method Statement shall be informed by a slope stability survey of the Erewash Canal cutting slope along the eastern site boundary and shall identify and incorporate any measures to avoid the risk of adversely affecting the stability of the cutting slope or the structural stability of the Erewash Canal (such as stand-off distances from the canal for operating plant and machinery) during ground and remediation works. The development shall then be carried out in strict accordance with the approved Method Statement.

Reason

In the interests of avoiding the risk of creating land instability arising from any adverse impacts from earth works which could adversely affect the stability of the adjacent Erewash Canal cutting slope or the structural stability of the canal in accordance with the advice and guidance of paragraphs 174 and 183 of the NPPF and in the NPPG.

- 10 Prior to the provision of the re-routed Cycle Route 67 required by condition 31, full details of the proposed biodiversity enhancements to be undertaken along the route of the existing Cycle Route 67 and indicated on Parameter Plan 20-188-SGP-XX-XX-DR-A-001506 -Rev P shall be submitted to and approved in writing by the local planning authority. The scheme shall also include means of enclosure of this Biodiversity Enhancement Area and a timescale for the implementation of the works proposed. The scheme shall then be implemented in accordance with the approved scheme and timescales.

Reason

In accordance with the terms of the application, and to secure the biodiversity enhancement of this part of the site in accordance with the NPPF and Strategic Policy 2.1 of the Emerging Erewash Core Strategy Review.

- 11 Surface water drainage from areas of hardstanding associated with the roads hereby permitted shall be passed through an oil interceptor or series of oil interceptors prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed during the construction of the roads and shall be retained and maintained throughout the life of the development.

Reason

To reduce the risk of pollution to the water environment.

- 12 The development shall be delivered in accordance with the Flood Risk Assessment & Drainage Strategy submitted as Chapter 7.1 of the Environmental Assessment.

Reason

To ensure that the development is safe from, and does not contribute towards flooding, and that the drainage of the site is undertaken in accordance with the approved details.

- 13 Prior to the access roads/junctions being taken into beneficial use, a signed declaration prepared by a suitably competent person, confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the local planning authority. This document shall confirm the methods and findings of the intrusive site investigations required by condition 6 and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public.

- 14 Following the completion of the works set out in the remediation strategy required by condition 5, a verification report, including a gas monitoring report, shall be submitted to the local planning authority demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation. The verification report shall include results of sampling and monitoring carried out in accordance with the approved verification plan.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable contamination or water pollution.

In respect of the Outline elements of the approval:

- 15 Approval of the details of layout, scale parameters, landscaping and appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 16 Application(s) for the approval of reserved matters must be made not later than

eight years from the date of this permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 17 The development hereby permitted shall be carried out in accordance with the following approved plans/details:
- Site Location Plan – Dwg No: 20-188-SGP-XX-XX-DR-A-111000
 - Planning Application Boundary Plan – Dwg No: 20-188-SGP-XX-XX-DR-A-000012-A
 - Eastern Site Access Junction – Roundabout Option C (Incorporating TRS Access) – Dwg No: 82200919/6115 Rev C
 - Western Site Access Junction – Dwg No: 8200919/6109 Rev C
 - Minor Amendments to Easternmost Access – Dwg No: 8200919/6121 Rev B
 - Internal Roads Dimensions & Visibility – Dwg No: 8200919/6117 Rev B
 - Tree Retention Plan – 10717-T-03-D
 - Tree Retention Plan – 10717-T-04-D

Reason

For the avoidance of doubt as to what is approved.

- 18 Notwithstanding that landscaping is a Reserved Matter, the Biodiversity Enhancement Areas depicted in figure 1 of the “New Stanton Park – Biodiversity Enhancement Areas – Outline Habitat Management Plan (April 2022)” shall be retained in accordance with that plan, and within 12 months of the completion of ground remediation works on the site, shall be enhanced in accordance with, and thereafter managed in accordance with, that Management Plan.

Reason

To ensure that biodiversity interests on the site are retained, enhanced and managed in accordance with the application and the requirements of the NPPF and Strategic Policy 2.1 of the Emerging Erewash Core Strategy Review.

- 19 Notwithstanding that landscaping is a Reserved Matter, a scheme of tree planting within the “Proposed Areas of New Woodland / Buffer Tree Planting” identified on Parameter Plan 20-188-SGP-XX-XX- DR-A-001506 Rev P shall be submitted to and approved by the local planning authority. All tree planting included in the approved details shall then be carried out by the end of the first planting season following the completion of the site remediation works. Any trees which within a period of 5 years from their planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason

To ensure that satisfactory tree planting is provided within a reasonable time period in the interests of visual amenity.

- 20 Notwithstanding that landscaping is a Reserved Matter, a scheme of landscaping for the areas within “Proposed Landscape Buffers” identified on Parameter Plan 20-188-SGP-XX-XX-DR-A-001506 Rev P shall be submitted to and approved by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out by the end of the first planting and seeding seasons following the completion of the estate road. Any trees or plants which within a period of 5 years from the completion of the estate road, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason

This pre-commencement condition is required to ensure that satisfactory landscaping is provided within a reasonable time period in the interests of visual amenity.

- 21 Prior to the submission of any Reserved Matters application seeking approval of layout, a scheme of intrusive investigations shall be carried out to establish the risks posed by past coal mining activity to that specific phase of the development, including risks posed by recorded mine entries and shallow mine workings. These works shall be carried out in accordance with authoritative UK guidance. All applications seeking Reserved Matters approval for layout shall then be accompanied by: the findings of the intrusive site investigations, and if mining features are present, a proposed layout plan which identifies the position of all recorded mine entries, the extent of their potential zones of influence, and suitable “no build” zones around these features.

Reason

To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public.

- 22 Each Reserved Matters application for the construction of buildings shall be accompanied by sufficient drainage details to demonstrate that the cumulative discharge rate into the Nut Brook does not exceed 349.5 litres per second.

Reason

In accordance with the terms of the application and to ensure that the development does not lead to an increased risk of flooding.

- 23 Each Reserved Matters application for the construction of buildings shall be accompanied by a scheme for the parking and manoeuvring within the site of employees, visitors and goods vehicles to serve that buildings.

Reason

In the interests of highway safety

- 24 Each Reserved Matters application for the construction of buildings shall be accompanied by a scheme for secure (and under cover) cycle parking to serve the buildings. Occupation of the buildings shall not take place until the approved cycle parking has been provided in accordance with the approved details. Thereafter, the cycle parking shall be maintained and kept available for use.

Reason

To ensure the provision of appropriate cycle infrastructure to encourage the use of sustainable means of transport to the site.

- 25 Each Reserved Matters application for the construction of buildings shall be accompanied by a Travel Plan, which sets out actions and measures with quantifiable outputs and outcome targets in relation to the occupiers of those buildings. Following occupation of the buildings, the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason

In the interests of encouraging the use of sustainable means of transport.

- 26 Notwithstanding that landscaping is a Reserved Matter, no built development shall be proposed in subsequent Reserved Matters applications on land identified on the Parameter Plan 20-188-SGP-XX- XX-DR-A-001506 Rev P as being for landscaping, biodiversity enhancements or retained landscape features, with the exception of access roads to serve development plots where necessary.

Reason

In accordance with the terms of the application.

- 27 Notwithstanding that scale is a Reserved Matter, the “Maximum Development Height” zones depicted on the Parameter Plan 20-188-SGP- XX-XX-DR-A-001506 Rev P shall be adhered to in all subsequent Reserved Matters applications, and the maximum haunch heights of buildings depicted on that plan for Plots 1, 2 & 3 respectively shall not be exceeded in any submission of Reserved Matters applications.

Reason

In accordance with the terms of the application and to reduce the dominance and visual impact of the buildings.

- 28 No construction work shall commence on any elements of the development approved under Reserved Matters application(s) until the approved groundworks, remediation, decontamination, levelling and access works have been completed for that corresponding phase of the development site in accordance with the requirements of conditions 5, 6, 13 and 14 above.

Reason

To ensure each phase of the development is undertaken on land which has

been remediated, decontaminated, levelled and accessed in accordance with the details approved.

- 29 Prior to the first occupation of any unit on the site, the existing, redundant accesses to Lows Lane shall be permanently closed and reinstated as footway/verge in accordance with a scheme first submitted to, and approved in writing by, the local Planning Authority in consultation with the County Highway Authority.

Reason

In the interests of highway safety

- 30 Notwithstanding that landscaping is a Reserved Matter, prior to the first occupation of any building on the site, the Biodiversity Enhancement Areas depicted in figure 1 of the “New Stanton Park – Biodiversity Enhancement Areas – Outline Habitat Management Plan (April 2022)” shall be enclosed with fencing in accordance with that shown on that plan, with the Paladin fencing being coloured green and not exceeding 2m in height, and the Post & Rail fencing not exceeding 1m in height.

Reason

To prevent public access to the area of Biodiversity Enhancement in the interests of public safety and the protection of the enhancement areas.

- 31 The provision of the relocated Cycle Route 67 shall be undertaken in accordance with the details approved on Cycle Path Diversion Plan - Dwg No: 20-188-SGP-XX-XX-DR-A-111002, surfaced and made available for use prior to first occupation of any building.

Reason

To ensure the enhancement of cycle provision across the site in the interests of enhancing sustainable travel and recreation routes.

- 32 The provision of the proposed cycle path between Merlin Way and the proposed estate road shown on Parameter Plan 20-188-SGP-XX- XX-DR-A-001506-Rev P, shall be undertaken, surfaced and made available for use prior to first occupation of any building.

Reason

To ensure the enhancement of cycle provision across the site in the interests of enhancing sustainable travel and recreation routes.

- 33 No more than 70% of the total floorspace hereby approved shall be constructed until the Rail Hub has been constructed and made available for use on the 3.49ha of land identified on the Parameter Plan 20-188-SGP-XX-XX-DR-A-001506 Rev P for this purpose, in accordance with details to be approved through subsequent Reserved Matters applications.

Reason

To ensure the provision of the Rail Hub in a timely manner in the interests of maximising the potential rail freight use and mitigating the road traffic impact of

the development.

- 34 The development shall deliver at least 10ha of industrial development (within use classes E(g)(iii) or B2).

Reason

To ensure the provision of an appropriate mix of uses on site to meet identified employment need within the borough.

Part 4: Positive and proactive statement

The council has worked in a positive and proactive way with the applicants through pre-application discussions, the scoping of required submissions and throughout the assessment of the application. Matters of concern have been raised with the applicants at all stages and addressed satisfactorily through the provision of additional and amended information and plans and the imposition of appropriate conditions.

Part 5: Notes to Applicant

1. This planning permission should be read in conjunction with the associated s106 Agreement dated 25 August 2022.
2. The Remediation Strategy required by condition 5 above should include an asbestos soil risk assessment in line with CIRIA C733 (2014) and a gas risk assessment.
3. Anyone who takes, damages or destroys the nest of a wild bird whilst that nest is in use is guilty of an offence under the Wildlife and Countryside Act 1981. Prior to commencing work you should ensure no nesting birds will be affected. Further advice can be obtained from Derbyshire Wildlife Trust and Natural England.

4. Notes from the Highway Authority:

- a. 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. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from ete.devcontrol@derbyshire.gov.uk or tel: 01629 533190. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
- b. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Executive Director - Place at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section.

- c. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- d. The application site is affected by Public Right of Way Footpath 24 in the parish of Stanton by Dale, as shown on 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. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. For further information contact etc.PROW@derbyshire.go.uk

5. Notes from the Environment Agency:

Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to Pollution Prevention Guide 26 for the storage of drums and intermediate bulk containers.

Any facilities, above ground, for the storage of oils, fuels or chemicals should be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses should be located within the bund. The drainage system of the bund should be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations.

We advise that any potentially polluting materials and chemicals are stored in an area with sealed drainage.

Regulated Industry

The Environment Agency wishes to highlight the development site is currently an area heavily populated by waste operations and is subject to a high level of public scrutiny and interest from both the general public and MPs due to the amenity issues surrounding the area. Therefore any proposed operations for waste treatment etc. will need to ensure the appropriate environmental permits are in place, including all relevant emissions management plans (dust, odour, noise, fire prevention etc.)

We would also encourage that any applicants/developers engage with the Environment Agency at the earliest opportunity to discuss the permitting implications for proposed developments that require environmental permits.

The applicant is advised to find out more information about the permit application process online and to send a pre-application enquiry form via the gov.uk website: <https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>

This application is a hybrid application with outline permission for potential future uses including a mix of Class E(g) (iii) (Industrial Processes), B2 (General Industrial) and B8 (Storage & Distribution). The exact proposals will be subject to separate reserved matters applications. Where reserved matters applications are submitted which propose developments that would require environmental permits we recommend that the developer considers parallel tracking the planning and permit applications as this can help identify and resolve any issues at the earliest opportunity. Parallel tracking can also prevent the need for post-permission amendments to the planning application. We would welcome a joint discussion with the applicant and planning authority to discuss this further.

Date: 25 August 2022

Signed 
Steve Birkinshaw
Head of Planning & Regeneration

ATTENTION IS CALLED TO THE NOTES BELOW

Discharge of Conditions fees:

http://www.planningportal.gov.uk/uploads/english_application_fees.pdf

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Application Reference: ERE/1221/0002

HYBRID PLANNING APPLICATION FOR THE COMPREHENSIVE REDEVELOPMENT OF THE SITE COMPRISING:

OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES TO PROVIDE; A MAXIMUM OF 261,471 SQM OF EMPLOYMENT (A MIX OF CLASS E(g)(iii) (INDUSTRIAL PROCESSES, B2 (GENERAL INDUSTRIAL) AND B8 (STORAGE & DISTRIBUTION) WITH ASSOCIATED CAR, CYCLE AND HGV PARKING; SERVICE YARDS; GATEHOUSE(S) AND SECURITY FACILITIES; ELECTRICAL SUBSTATIONS; PROVISION OF CYCLE AND WALKING INFRASTRUCTURE AND FOUL AND SURFACE WATER INFRASTRUCTURE; REMOVAL OF TREES; RETENTION OF OPEN SPACE FOR BIODIVERSITY ENHANCEMENTS AND LANDSCAPING; UTILITIES; PROVISION OF LAND FOR SAFEGUARDING FOR FUTURE HIGHWAY IMPROVEMENTS; RELOCATION AND CONSOLIDATION OF EXISTING RAILWAY LINE; PROVISION OF INTERMODAL RAIL HUB, AND OTHER ASSOCIATED WORKS AND IMPROVEMENTS.

FULL APPLICATION FOR PROVISION OF NEW ACCESS POINTS FROM AND ALTERATIONS TO LOWS LANE AND AN INTERNAL ESTATE ROAD; DIVERSION OF A SECTION OF NATIONAL CYCLE ROUTE 67; ASSOCIATED SURFACE WATER INFRASTRUCTURE; INFILLING OF PART OF THE DISUSED CANAL; REMEDIATION AND DECONTAMINATION WORKS AND GROUNDWORKS.

AT PART OF FORMER STANTON IRONWORKS, NORTH OF LOWS LANE, STANTON BY DALE

Proposals

This major hybrid application includes matters for which outline planning permission is sought, and others for which full planning permission is sought.

The outline elements of the application seek permission for:

- Demolition of all buildings and structures within the site;
- Removal of trees;
- Provision of up to 261,471 sqm of employment development on the site comprising a mix of Use Class E(g)(iii) light industry, B2 general industry, and B8 storage and distribution;
- Provision of ancillary development to serve the employment uses including parking for cars, HGVs and cycles, service yards and security gatehouses, electrical substations, cycling and walking infrastructure, and foul and surface water infrastructure;
- Relocation and consolidation of existing railway line and provision of intermodal rail hub
- Safeguarding of land for future highway improvements;
- Retention of open space for biodiversity enhancements and landscaping;

The only matter for consideration with respect to the outline application is access, with scale, layout, appearance and landscaping reserved for future consideration.

Whilst permission for scale and layout is not being sought, the description of development specifies a combined development floorspace of up to 261,471sqm. So permission for that element of scale, along with its consequent implications for layout, is being sought now.

In addition, a Development Specification & Framework, and a Parameter Plan have been submitted that seek the Local Planning Authority's agreement to several other principles relating to maximum scale and layout. These parameters could be enforced through conditions, which would allow the developer to market the site to future occupiers with the comfort of knowing that scale and layout within those parameters would be acceptable in principle. Those parameters are:

- Maximum developable areas
 - The application splits the site into three large plots and proposes up to 60% of each plot being available for buildings, the remainder of the area being for parking, servicing, landscaping etc.
- Maximum building heights
 - The application identifies areas of the site where a specified maximum building height could be achieved. This would provide for buildings of up to 24m high on most of plot 1 to the west, up to 31m high on most of plot 2 in the centre of the site, and up to 21m high on most of plot 3 to the east of the site.
- The rail hub and additional railway line
 - The application proposes the consolidation of the existing rail spur in the south east corner of the site to a length of 650m as part of a 3.5ha rail hub, and for the provision of a new rail spur to the north of this to serve the north eastern part of the site.
- Access and routes at ground level
 - Safeguarding of land in the south west corner of the site at the Lows Lane / Ilkeston Road corner for future highway improvements.
- Landscape and open space
 - 12.6ha of retained habitat in the north west corner of the site around Pirates and Chadwick's Ponds;
 - 1.7ha of retained habitat in the open countryside the the west of Ilkeston Road including Rough's Hole pond and part of the Nutbrook Canal;

- 5.0ha of structural landscaping, comprising a 10m deep landscape border around the outer edge of the site and additional 5m landscape strips alongside the proposed internal estate road.
- Proposed biodiversity enhancements.
 - A management plan for the biodiversity enhancement of the retained habitat referred to above;
 - A financial contribution for off-site biodiversity enhancement and management to mitigate losses on site.

The Full elements of the application seek permission for:

- Provision of a new T-Junction from the western end of Lows Lane, a new roundabout onto the central part of Lows Lane, and the retention of a T-Junction serving “the old iron road” to its east;
- An internal estate road comprising a loop road between the proposed T-junction and the proposed roundabout, with a spur extending east;
- Diversion of National Cycle Route 67 from its current route between the end of Merlin Way and the Erewash Canal to a new route across the northern edge of the site;
- Surface water infrastructure including the provision of a new pond to the east of Chadwick’s Pond on the northern edge of the site;
- Infilling of parts of the old disused canal towards the centre of the site;
- Remediation and decontamination works, and groundworks, including levelling of the site.

The application is accompanied by numerous supporting documents including:

Documents for Approval:

- Application forms
- Development Specification and Framework
- Remediation Strategy
- Flood Risk Assessment and Drainage Strategy
- Transport Assessment and Framework Travel Plan
- Biodiversity Management Plan

Accompanying Documents:

- Environmental Statement (reporting the findings of the Environmental Impact Assessment) including non-technical summary and technical appendices
- Design & Access Statement
- Planning Statement
- Biodiversity Net-Gain Technical Note and Spreadsheet
- Utilities Report
- Building Record Report
- Statement of Community Involvement

Numerous plans are provided for approval for both the outline and full elements of the application and for illustrative purposes.

This application is before the planning committee as it is a major comprehensive development likely to have significant consequences for the Borough, represents a departure from adopted policies of the Development Plan, has been the subject of more than three objections from the public, and would deliver a strategic proposal of the emerging Core Strategy Review.

Site and Surroundings

The application site equates to some 79 hectares of land on the former Stanton Ironworks site and is located to the south of Ilkeston and the north of the village of Stanton by Dale. It is predominantly a brownfield site with an extensive history of heavy industrial uses.

The site is bordered to the south by Lows Lane, the west by Ilkeston Road, the north by the industrial area of Merlin Way and to the east by the Erewash Canal. A small finger of land along the Nutbrook Canal to the west of Ilkeston Road is also included in the application site.

The majority of the buildings and infrastructure associated with the former ironworks have now been demolished and the site is predominantly open and vacant, although several industrial buildings align the Lows Lane frontage of the site. Some of these are in use, and others vacant.

At its north western corner the site includes Privates and Chadwick's ponds which are surrounded by woodland of mixed quality.

The neighbouring land on the southern side of Lows Lane is occupied for employment purposes with much being used for open storage. The Stanton Bonna works are located to the south west of the site off Littlewell Lane. Industrial uses adjoin the northern boundary of the site along Merlin Way and off Crompton Road. Residential properties are located in small clusters along the northern side of Lows Lane, at the junction of Littlewell Lane and Lows Lane, and on Sowbrook Lane at Twelvehouses – a Grade II listed row of three storey former ironworkers cottages.

The disused Nutbrook Canal enters the site from the north west and traverses the site, partially in culverts. The Nut Brook also crosses the site along its northern boundary flowing west to east. The Environment Agency identifies land along the Nut Brook, proposed as retained habitat, within Flood Zone 3, and a wider area within Flood Zone 2. The more up to date data of the Greater Nottingham Strategic Flood Risk Assessment confirms the extent of Flood Zone 3, but finds a smaller area of Flood Zone 2 which is almost entirely restricted to the proposed area of retained habitat.

The application site includes three local wildlife sites: Stanton Ironworks LWS, Quarry Hill Lagoons LWS and Ilkeston Road Pond and Nutbrook Canal LWS.

Relevant Site History

Numerous planning applications have been submitted for development on the site over the years. Of most relevance to this application are:

ERE/0213/0001 – Outline application proposing the major comprehensive redevelopment of the entire Stanton Ironworks site (north and south of Lows Lane).

The application proposed:

- Up to 1,950 residential units
- Up to 2,787 sqm of A1 food retail
- Up to 1,275 sqm of A1 non-food retail
- Café, Bar and Restaurant uses (A3,A4,A5) of up to 1,672 sqm
- Community uses (D1) up to 2,500 sqm
- Up to 20,000 sqm of Offices (B1 a & b)
- Up to 50,000 sqm of General Industry (B2) and Storage & Distribution (B8)
- A 150-bed care home within a care village environment
- A GP/Health Centre of 1,000 sqm
- A 2-form entry Primary School
- Public Open Spaces including sports pitches, allotments, public realm improvements and a community plaza
- Associated car parking, landscaping, engineering and infrastructure works.

The application was included in the agenda for the planning committee on 29 July 2015 with a recommendation for refusal on 11 grounds however the applicants withdrew the application the day before it was due to be determined.

ERE/0921/0022 – Prior Notification of Demolition - Garages east of 1 Lows Lane – Prior Approval Not Required

ERE/0122/0016 – Prior Notification of Demolition – Former WFP Fabrications, Lows Lane – Prior Approval Not Required

ERE/0222/0025 – Prior Notification of Demolition - 2a Lows Lane – Prior Approval Not Required (property not in application site but immediately adjacent to southern boundary).

Policy Context

National Planning Policy Framework (2021)

Erewash Core Strategy (2014)

Policy A – Presumption in Favour of Sustainable Development

Policy 1 – Climate Change

Policy 4 – Employment Provision and Economic Development

Policy 7 – Regeneration

Policy 10 – Design and Enhancing Local Identity

Policy 11 – The Historic Environment
Policy 14 – Managing Travel Demand
Policy 15 – Transport Infrastructure Priorities
Policy 16 – Green Infrastructure, Parks and Open Space
Policy 17 – Biodiversity
Policy 19 – Developer Contributions
Policy 20 – Stanton Regeneration Site

Erewash Core Strategy Review (2022)

At its meeting of 3 March 2022, the council approved its proposed Core Strategy Review. This emerging document can now be afforded weight in planning decisions.

Strategic Policy 2 – Employment
Strategic Policy 2.1 – Stanton North
Strategic Policy 4 – Transport
Strategic Policy 5 – Green Infrastructure

The emerging Core Strategy Review is intended to replace Policies 4, 7, 16, and 20 of the adopted Core Strategy listed above.

Saved Policies of Erewash Local Plan (2014)

Policy T6 – Cycling
Policy T7 – Pedestrians and Disabled People
Policy T9 – Travel Plans
Policy EV6 – Listed Buildings
Policy EV7 – Buildings of Local Interest
Policy EV11 – Protected Species and Threatened Species
Policy EV12 – Nature Conservation – Planning Obligations and Conditions
Policy EV13 – Creative Conservation
Policy EV14 – Protection of Trees and Hedgerows
Policy EV16 – Landscape Character
Policy R1 – Recreational Trails
Policy R2 – Rights of Way
Policy R3 – Cycle Paths / Cycle Parking
Policy DC7 – Development and Flood Risk

Supplementary Planning Document: Biodiversity (2006)
Supplementary Planning Document: Developer Contributions (2015)
Supplementary Planning Document: Stanton Regeneration Site (2017)

Consultations

Contaminated Land Consultants (iDOM):

Initial Response:

The commercial/industrial nature of the development proposals will introduce a barrier across much of the site in the form of buildings and hardstandings which will preclude human exposure post development. However, exposure will still be possible in areas of soft landscaping where the main contaminant of concern is asbestos. With the exception of TP22 (the former gasometer position), no significant volatile contamination has been identified by the site investigations. Further action is required around TP22 and the asbestos tip to the east of the site.

Site preparation and groundworks will result in significant disturbance of soil. Controls will need to be in place. A discovery strategy for contamination will also be required. Whilst risk assessments provided establish conceptual models, detailed schemes will need to be established through a Construction Environmental Management Plan (CEMP) and Asbestos Management Plan (AMP). These could be secured by condition and should detail measures for the control of asbestos fibre release and monitoring.

Further details are required in respect of cut & fill earthworks, testing and supervision of works. Specific details are required for proposals for supplementary investigation and assessment of the former gasometer location. Some localised contaminant vapour protection may be required in the floor structure of new buildings in this area if a vapour risk remains after earthworks/remediation.

The removal of drainage conduits, underground tanks and foundations is supported. However there is no specific plan in place for contamination impact that may be present in surrounding soils and groundwater or in cases where localised spillages may have occurred. It is recommended that a framework be established for the identification and assessment of any such areas.

Further details of proposed clean service corridors during remediation are required.

The remedial strategy needs to include detail of clean soils in landscaped areas. The ground gas risk assessment report includes results of 6 rounds of ground gas monitoring which have identified elevated carbon dioxide levels. Methane was rarely detected. Volatile contaminant vapours have generally not been identified, except in the location of the former gasometer, and site-wide protection measures will not be required. Localised protective measures may be necessary. Additional mine gas assessment is required and it is reasonable for this to be undertaken concurrent with the earthworks. At this stage it is recommended that Characteristic Situation 2 protection to buildings should be a minimum requirement, although additional monitoring and assessment around mine shafts

may dictate more robust measures in those areas. These works could be carried out after the grant of planning permission.

In summary, the principles of remediation set out in the Environmental Statement and Remediation Strategy are broadly supported and are considered to be viable and in line with current practice. However it is considered that more detail is required to constitute a full Remedial Strategy.

Response to additional information:

The applicants' consultants provided a response to iDOM's initial consultation response, iDOM were reconsulted on that response and advised as follows:

The proposals for additional investigation works in areas such as the former gasometer and the additional gas assessment works are welcomed. We remain of the view that a more detailed remedial strategy is necessary which will build upon the findings of the additional investigations and risk assessment works. The details of the detailed remedial strategy should be agreed prior to commencement of development.

Remain of the opinion that additional details are required in a CEMP, AMP, supplementary site investigation around the former gasometer site and asbestos tip, a detailed remedial strategy and verification of such will be required prior to occupation.

It is considered that the documents presented to date demonstrate that it will be possible, in principle, to deliver a site that is safe and suitable for its intended use, subject to agreement of details. On this basis we have no objection to the granting of planning permission subject to the application of appropriate conditions.

Environment Agency

Initial Response:

The submitted FRA does not comply with Planning Practice Guidance. Several detailed points are raised which require additional information / amendment. Therefore object to the application.

Response to additional information:

The applicants' consultants provided a response to the Environment Agency's initial consultation response, the Environment Agency were reconsulted on that response and advised as follows:

On review of the additional information, the Environment Agency is satisfied to remove our objection. No objections to the proposals are raised subject to the inclusion of several conditions covering flood risk, contamination and ground water and environmental management. Various informatives are also provided for the applicant.

Coal Authority

Initial Response:

The Coal Authority raised a substantive concern. Their records indicate the presence of 26 mine shafts within or adjacent to the application site. The majority are related to coal mining although 4 are related to ironstone mining. The Coal Authority holds no information regarding any past treatment of the shafts with the exception of one. The Coal Authority considers the submitted information to lack detail and objects until an updated Coal Mining Risk Assessment is provided to address several identified matters including an outline of further works proposed to establish the exact situation regarding coal mining legacy affecting the site and their timing, and the anticipated approach to the remediation of this legacy.

The Coal Authority records indicate that there is surface coal resource present on the site but acknowledge that this may not be economically viable, feasible or environmentally acceptable to extract. However, consideration should be given to this as part of the planning application process.

Response to additional information:

The applicants' consultants provided a response to the Coal Authority's initial consultation response, the Coal Authority were reconsulted on that response and advised as follows:

The Coal Authority welcomes the additional work undertaken which includes a plan of mineshaft locations and potential zones of influence, recognition that further work to identify, investigate and remediate shafts will be required. The Coal Authority considers this work is required to identify areas of no-build.

In conclusion, the Coal Authority raises no objection to the proposals, advises coal mining is a material consideration and recommends the inclusion of several conditions on any grant of planning permission.

Derbyshire County Council (Lead Local Flood Authority)

The LLFA raised several questions in respect of the application and flood measures proposed. The applicants' consultants responded to those questions and the LLFA were reconsulted. In their response, the LLFA advised that they are content with the proposed discharge rate but that they consider more information is required. They expect pollution mitigation measures to intercept the service yards. They raise concern about providing flood compensation volumes. The FRA suggests 600m³ for the main part of the site and an unknown volume for a smaller part of the site affected by flood waters. The proposals need to address where it is proposed to locate these flood compensation volumes. Reference is made to it being difficult to see where such flood volumes can be accommodated given the current layout of the development.

(It is assumed the LLFA are referring to an indicative layout plan, which, as layout is a reserved matter, is not for determination at this stage).

Derbyshire County Council (Strategic Planning)

Initial response

A comprehensive response has been provided covering many aspects of the application. In summary, DCC comment that:

DCC recognises the considerable social, economic and environmental benefits that would be provided by the proposed development. In principle, it is considered that the scale, extent and nature of the proposed development, on balance and subject to the satisfactory resolution of a number of outstanding matters could be in broad conformity with the NPPF, the adopted policies of the Erewash Core Strategy, saved policies of the Erewash Local Plan and the emerging policies of the Erewash Core Strategy Review. Key to this conclusion was the 'tilted balance' of para 11 of the NPPF which states that plans and decisions should apply a presumption in favour of sustainable development where, as in the case here, the adopted Core Strategy is relatively dated. In such circumstances, permission should be granted unless the adverse impact of the proposals would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

Landscape Impact

Concerns are raised in terms of the landscape impact of the development and it is considered difficult to appreciate how the range of environmental constraints and considerations affecting the site have informed its overall layout as part of an iterative design process. The site as proposed is considered to be over developed and provides minimal opportunity for a robust landscape and green infrastructure framework that is able to compete with the scale of redevelopment and provide satisfactory environmental mitigation to integrate it with the surrounding landscape. There appears to have been no attempt to incorporate existing heritage features such as the canal and historic industrial buildings that would add some character.

Built Heritage

Significant concern is expressed that the existing heritage features on site seem to have been disregarded. Concern that many, if not all, of the Non-Designated Heritage Assets within the site are proposed to be demolished. It is felt that this will result in an erosion of the ability to interpret the site as a former industrial complex. It is felt that harm will be caused to the Grade II listed cottages (Twelvehouses) and other Non-Designated Heritage Assets adjacent to the site. It is recommended that the applicants explore options to retain Non-Designated Heritage Assets on site.

Transport

It is recommended that the applicant should undertake further discussion with Network Rail to consider how the proposed rail freight facility is impacted by the proposals in the Government's recently published Integrated Rail Plan and that the application should include an understanding of the likely demand for this site when there are other facilities open or in the planning stage nearby. Concern is expressed that there is a lack of detail in the submissions regarding what the

applicants would do to support bus services to the site. It is noted that current services are limited and it is suggested financial contributions are sought to support an extension in the hours of existing services or other alternative services. On a practical note, the applicants are requested to ensure the proposed spine road is completed before the first occupation of units to enable bus access.

Climate Change

Concern is expressed by DCC that the proposals should include more details and measures that would be implemented to both mitigate and adapt to the impacts of climate change. A number of recommendations are made.

Minerals & Waste

DCC recommend that further information should be provided by the applicant to consider the extent of the coal resource underlying the site and the feasibility and practicality of extracting any resource as part of the development.

Potential Significant Public Benefits

DCC fully recognise the potential significant positive public benefits of the proposals which include:

- The efficient use of the largest brownfield site in the borough, which has been vacant for many years and is currently under-utilised and subject to vandalism and dereliction;
- Significant ecosystem benefits through the decontamination and remediation of the site to provide land for employment which poses reduced risk to human health;
- Provision of up to 261,471 sqm of employment space;
- Provision of approx. 500 jobs each year during construction and approximately 4000 new jobs on the site with additional new jobs expected in related industries once the site is operational;
- Potential for £215m being contributed into the local economy each year and £2.3m in additional business rates per annum;
- Retention of the existing railway line into the site, development of the intermodal rail hub and delivery of a new rail line;
- Diversion of part of National Cycle Route 67 (Nutbrook Trail) to provide a safer route within the site for cyclists linking the route to the Erewash Canal;
- Delivery of a pedestrian route through the site, linking Merlin Way to Lows Lane;
- Retention of open space, woodland and ponds to enhance those areas for biodiversity.

However, it is considered by DCC that there are an extensive range of issues and concerns that need to be addressed in order for the borough council to be in a position to be satisfied that the planning balance of the application proposals is in favour of the planning application and that it is acceptable in the context of para 11 of the NPPF.

Response to additional information

In response to additional information received, the County Council made no substantive change to the comments raised above.

Derbyshire County Council (Highway Authority)

Initial Response:

The Transport Assessment is underpinned by the Greater Nottinghamshire Gateway Model which is agreed. The Transport Assessment is based on the site forming part of the wider Stanton Regeneration Site. As part of the wider scheme, the Transport Assessment concludes that in terms of the impact of the development across the wider highway network, the application site's impact is not significant relative to that of the scheme as a whole. However the Transport Assessment does not consider the implications of the proposal if the other development does not happen. It is noted that the borough council is promoting the development of the land south of Lows Lane for 1000 houses, plus 1300 houses on land to the west of Kirk Hallam.

The County Council have given consideration to the modelling scenarios, and the reference case years, 2026 and 2031. The Transport Assessment assumes that the development will be fully built out by 2026. The future year scenarios are not unreasonable. It is important to bear in mind however that the modelling includes junctions within the area of interest for both forecast years. Consequently, a number of junctions have effectively been 'scoped out' of the Transport Assessment on the basis that they will be over capacity by 2026. At present, none of the other sites have planning permission so cannot be considered as committed development. As such, the Transport Assessment needs to consider the current application on its own merits.

DCC suggest that highway mitigation measures considered in 2013 in relation to the allocation of the Stanton Regeneration Site though the Core Strategy should be secured. DCC question that if the applicant wants to bring forward the development incrementally and use the same approach for each parcel of land, how is the mitigation identified to be secured? As Highway Authority, they advise, they need to be sure that the package of works to mitigate the impact previously established, along with any others which subsequently became apparent, can be delivered.

DCC state that the Transport Assessment fails to consider a weight limit on Rushy Lane north of its junction with Bostock's Lane. They consider that all the HGV traffic between the site and the M1 (south) will need to use Town Street Sandiacre junction. This junction has not been assessed in the Transport Assessment on the basis of being 'scoped out'. Further consideration should therefore be given to this junction as it is the only access for HGVs between the site and points south.

With regard to the proposed safeguarded land for future highway improvements, the Transport Assessment modelling does not take account of the link road

associated with the future strategic housing site to the west of Kirk Hallam. As such the modelling does not take account of the secondary reassignment effects that could potentially occur as a result of the link road connection being provided. Therefore, in the event of a larger roundabout being required, insufficient land will have been secured to provide the roundabout and appropriate visibility sightlines within the safeguarded land.

With regard to the proposed roundabout access from Lows Lane into the site, insufficient justification has been made for the proposed roundabout rather than a right turn harbourage which is considered adequate. As dominant flows of traffic would be along Lows Lane, traffic, particularly that travelling east to west, would become to expect a right of way and not slow sufficiently. Criteria laid out in the Design Manual for Roads & Bridges for the provision of roundabouts should be demonstrated to be met at the site.

The provision of a private link road within the site need not be a barrier to use by local bus services. This particular development is difficult to serve from the existing bus network and a road network, public or private may need to be available to facilitate such provision. As the road layout is suitable for buses, there is little more which can be determined at this stage. Whatever is ultimately provided would need to provide for suitable bus stop infrastructure and be available for use at the earliest opportunity such that bus services are available from the outset.

There are no objections to the rerouting of National Cycle Route 67. The new alignment should allow for a 3m wide unrestricted shared path with an appropriate bound surface.

Response to additional information

The Highway Authority confirm that they do not dispute the findings of the modelling work undertaken or the conclusions reached by the applicant's consultants on these results. Accordingly conditions are recommended.

Derbyshire County Council (Developer Contributions)

This is a major development from which DCC are hoping to see significant delivery of shared walking and cycle pathways around the employment site and connecting at every point possible beyond the site. The improvements to the National Cycle Route 67 are noted and welcomed. It is felt however that the link to Merlin Way at the north should be upgraded to a cycle route and not just the footpath shown. Detailed comments are provided in respect of cycle path design, including their width and segregation from the highway. It is recommended that an additional link be created to the NW via the end of the canal and footpath 20.

Derbyshire County Council (Archaeology)

Initial Response:

Within the application there is a missing strand of argument in relation to options appraisal and in making a planning balance justification of the proposed losses of archaeology. We are instead presented with a total loss of historic significance without an outweighing argument in justification.

It is recommended therefore that the applicant be asked to consider whether the proposed development's benefits could reasonably be delivered while allowing for greater retention of the site's historic significance, and if not, to provide appropriate evidence to illustrate the options appraisal process undertaken. The applicant should also provide additional information to make the planning balance case and justification for proposed harms to heritage significance against the policies at paras 202 and 203 of the NPPF.

Updated Response (following the receipt of the above from the applicant):

Notes that the planning balance is a matter for the local planning authority to undertake. If, having considered the proposals in accordance with the above paragraphs of the NPPF, and taking into account the advice given by the archaeologist, the borough council is minded to approve the application, conditions are recommended.

EBC (Environmental Health – Contaminated Land)

No objections in principle, but consider additional information is necessary. Note that the Site Investigations reveal that the primary issues relating to contamination with respect to human health are gas generation and the potential presence of asbestos.

Raise several detailed points regarding the methodology, findings and analysis of the site investigations and areas where further detail is required. It is recommended that a more detailed remediation strategy is required for each plot. It is also recommended that further information regarding the gas regime is provided but that this could be provided once the main earthworks had been undertaken. It is recommended that the groundworks be undertaken in accordance with an agreed Materials Management Plan. The EHO notes that a number of different consultants have been responsible for preparing different aspects of the remediation strategy and it is recommended that a co-ordinated approach is taken to the remediation of the site through an appointed Project Manager.

EBC (Environmental Health – Environmental Protection)

Make the following comments:

- Area is predominantly industrial but there are a number of sensitive receptors (mainly dwellings) nearby

- Noise monitoring demonstrates the area is already subject to high levels of noise
- Guidance acknowledges that in high noise areas, WHO noise guidance values aren't always achievable, developments should be designed to achieve the lowest practicable levels. Due to the scale of the development, there is an opportunity to improve the acoustic environment.
- Whilst the noise report considers additional traffic noise and fixed plant noise, it does not address noise and vibration from the rail hub including deliveries and forklift noise etc
- Rail hub has potential to cause noise disturbance to local residents
- Additional road traffic will cause additional noise to sensitive receptors along routes to the M1. The noise assessment notes the estimated increased in noise levels and consider these to be a significant adverse impact in places.
- Comments are made relating to the location of loading and servicing areas close to dwellings (note that such matters are reserved and not for consideration at this stage)
- Details of the noise monitoring undertaken are questioned in detailed respects
- Agree with need for a Construction Environmental Management Plan
- Noted that the ES concludes there will be a negligible impact on air quality
- Recommend the inclusion of several planning conditions

EBC (Planning Policy)

Initial Comments (assessing the proposal against the adopted development plan)

Notes that the Core Strategy is now out of date given that it was adopted in March 2014. Refers to the policy context of the Core Strategy, Local Plan and the adopted Stanton Regeneration Site SPD. In conclusion, advise that the Planning Policy Team support the proposals. The response does highlight several inconsistencies with the adopted Core Strategy policies, particularly Policy 20 of the Core Strategy and the adopted SPD.

Updated Comments (following Council's approval of the proposed Core Strategy Review on 3 March 2022).

Updated response refers to the emerging policies of the Core Strategy Review and Strategic Policies 2 (Employment) and 2.1 (Stanton North) in particular. In conclusion, the Policy Team remain in support of the proposals which are considered to accord with the two Strategic Policies above.

EBC (Tree Officer)

The removal of B category trees in G18ii adjacent to the fishing lake would have a negative impact on amenity value. Removal of B category trees within G12 and G13 adjacent to Twelvehouses before any arrangement for future highway works is agreed would remove any development buffer and have a negative impact on

visual amenity. Requests conditions for tree protection and a landscaping scheme should the development be approved.

EBC (Community Safety Team)

Comment that there needs to be consideration in relation to designing out crime.

Network Rail

Network Rail advise that it is aware of the scheme and has been working with the developer, particularly in respect of the intermodal rail hub aspect of the proposal. Subject to the developer continuing to work with Network Rail, it has no comments to make.

Rail Future

Support the application. Welcome the provision of two rail freight terminals on site for bulk materials and logistics. With regard to bulk materials, understand this will allow the rail hub to despatch and receive bulk materials by rail, offering the potential for highly efficient utilisation of the infrastructure and rolling stock, in turn enhancing the viability of rail haulage and thereby reducing HGV haulage. With regard to logistics, the location makes the site well placed for intermodal traffic. It is hoped future tenants of the buildings would use the logistics sidings, reducing HGV traffic. Note that the proposals would accommodate trains up to 650m long which is sufficient for current practice. There are moves to increase trains to 775m long and it is encouraged that the proposals make provision for this.

HS2 Limited

Only a small section of the application site falls within land safeguarded for Phase 2b of HS2. The applicant has provided a strip of strategic landscaping at the interface between the proposed development and HS2 safeguarded land, which is welcomed. Given this, HS2 Ltd have no objections to the proposal.

National Highways

No objections.

Nottinghamshire County Council (Highway Authority)

It is not anticipated that the larger vehicles wishing to access the site will use the county's road network apart from the A52 area of Nottinghamshire as the Stapleford area is controlled by weight restrictions. Regarding light goods van, cars and other motorised users there could be an impact on the highway network in Stapleford. The Traffic Assessment utilised the East Midlands Gateway Model to test the development, and the Ilkeston Road/Hickings Lane/Coventry Lane double mini roundabout needed further assessment work. This was undertaken and the Traffic Assessment states that the double roundabout internal link is already operating above design capacity in the 2020 baseline scenario. The outputs from the model indicate that the double roundabout will be over capacity

by 2026 without the Stanton development. By 2031 (with the development in place) the ratio of flow to capacity (RFC) value increases. The Traffic Assessment suggests that no mitigation is required at this junction. The modelling files have been assessed and seem reasonable. The development appears to reduce the flows through the double roundabout from 2026 (background) to 2026 (with development). The proposal does have a detrimental impact on the 2031 scenarios, however, there is no useful improvement scheme that can be implemented at the double roundabout due to land constraints and layout. It is recommended that walking, cycling and bus patronage is encouraged and improvements and/or facilities are provided in the Moorbridge Lane/Pasture Land/Trowell Road and Ilkeston Road areas of Stapleford to promote sustainable travel.

Broxtowe Borough Council

No objections. No harm expected to the Green Belt in Broxtowe. Main implications for Broxtowe is the impact on the highway, and the advice of the two County Highway Authorities should be sought.

Nottinghamshire County Council (Planning)

No comments to make.

Natural England

No comments to make.

Derbyshire Wildlife Trust

Note that the site has been the subject of a comprehensive suite of ecological surveys targeting both habitats and species. A Biodiversity Metric 3.0 calculation has been provided.

Phase 1 Extended Habitat Survey: This has been undertaken in accordance with best practice. A number of Habitats of Principal Importance are present including Open Mosaic Habitats on Previously Developed Land, Lowland Calcareous Grassland, Broad-Leafed Deciduous Woodland and potentially others represented by smaller areas.

Birds: The breeding bird survey is considered to provide sufficient information for assessment. 40 bird species are present including four that are on the RSPB Red List for birds of conservation concern. In addition up to 30 pairs of Sand Martin are breeding within the site. This species tends to be quite localised so the loss of the colony requires consideration.

Badger: The survey was undertaken in accordance with best practice. Badger has been identified within the site. Six setts have been identified including one main sett and three outliers that are in use and two assessed as disused.

Bats: Bat surveys have confirmed the presence of bats in three buildings, including a maternity roost for brown long-eared bat. No mitigation details are proposed.

Great Crested Newt: There is a reasonable level of confidence that great crested newt are absent from within the site.

Reptiles: The survey was undertaken outside optimum time. It confirmed presence of grass snake but no common lizard or slow worm. The results may be affected by the timing of the survey and their findings should be taken with caution.

Invertebrates: The surveys missed the spring period, but nonetheless the conclusions reached regarding the overall value of the invertebrate assemblage are probably reasonably accurate.

Dingy Skipper: was not recorded during the invertebrate survey. However only one of the visits falls within the flight period of this species and I do not agree with the assumption made that Dingy Skipper is absent. Relatively good numbers were recorded in 2020 and May 2021. Poor weather may have affected the survey's findings. It should be assumed that Dingy Skipper are present.

Habitats and designations: The development will damage or destroy three Local Wildlife sites. Stanton Ironworks LWS (ER217) will be entirely destroyed by the development. Quarry Hill Lagoons (ER201) will lose approx. 20-25% of its area as will Ilkeston Road Pond and Nutbrook Canal (ER188). In total an estimated 13ha of habitats designated within these LWSs will be lost. There could easily be additional adverse impacts during the construction phase to parts of these sites. An area of 20ha which could potentially qualify as a LWS will also be lost.

In conclusion, DWT advise that the development will result in a net loss of biodiversity including impacts on designated sites (3 local wildlife sites), Habitats of Principal Importance and protected species and species of conservation concern. The biodiversity matrix has quantified a loss of 47% of the current biodiversity interest, quantified as 209 habitat units. DWT note that this is a large loss of biodiversity and the development has not presented a strategy for how this loss will be addressed. DWT note that habitat loss on some contaminated land has not been included in this assessment and that there are references in the Environmental Statement to reports of recent clearance of vegetation, which has also not been assessed. The potential loss of biodiversity could therefore be greater. It is recommended that the applicant be asked to see if the footprint of the development can be reduced and harm to Local Wildlife Sites be reduced. It is also recommended that habitat be retained for bats, badgers, grass snakes and invertebrates. However, it is noted that even with such amendments, the development is still likely to require an off-site compensation scheme. Concerns are expressed about the location of the proposed replacement bat roost and badger sett. The proposed replacement sett would be around 370m away from the existing main sett and enjoy a smaller area foraging ground. Concerns are also expressed about the habitat type and future management arrangements for the proposed off-site biodiversity mitigation. They advise that the off-site scheme

proposed does not accord with best practice, in that it does not replace lost habitats with like-for-like compensation. However, notwithstanding this, no objections are raised and conditions are recommended.

Historic England

No comments to make. Recommend that the council seek advice from its own Heritage and Archaeology advisors.

Place Services (Heritage Consultant)

The findings of the Environmental Statement and Historic Environment Assessment are largely agreed.

Within the site there are several Non Designated Heritage Assets which will be impacted directly resulting in either total loss or a high degree of less than substantial harm. These include the 1790s Nutbrook Canal including the remains of a bridge and surviving Stanton Ironworks structures (including the Training Centre, the Exhibition Centre and a nineteenth century foundry building which appears to be from the earliest phase of the ironworks). The proposal will result in the demolition of the surviving ironworks building, canal bridge and much of the canal structure (some of the westernmost section of the canal will remain). This will result in a total loss of significance, other than the canal which will retain a truncated portion.

In addition, the proposed development will result in indirect impacts (change within their settings) to a number of other built heritage assets including Grade II listed Twelvehouses, Ironworks Main Offices (locally listed), Nos 3 & 4 Lows Lane (former workers dwellings) (locally listed) and Nutbrook Spun Plant building (non-designated heritage asset). The impact on these assets is considered in the ES and is concluded to amount to less than substantial harm in NPPF terms and this is agreed.

There appears to be very little mitigation through design. There is no attempt to retain or preserve any of the built heritage. Paragraph 205 of the NPPF should be considered. If the proposals are permitted it is vital that heritage assets are recorded. This could be achieved by condition. A robust landscaping screening could also mitigate the impact on off-site heritage assets and this should be required by condition. Paragraph 203 of the NPPF should be considered in respect of the loss of the heritage assets.

The harm caused to the significance of the Grade II listed New Stanton Cottages (Twelvehouses) is “less than substantial” arising from a detrimental change to their setting. Para 202 of the NPPF is relevant along with para 199 which affords ‘great weight’ to the conservation of designated heritage assets. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should also be considered as there should be special regard given to the desirability of preserving a listed building or its setting.

Health & Safety Executive

Does not advise, on safety grounds, against the granting of planning permission.

Severn Trent Water

Foul sewage is proposed to connect to the public sewer. STW may need to undertake a modelling study to determine whether capital investments are required. This may take time for this study to be concluded prior to connections being made. No comments on the proposed discharge of surface water to a fishing pond and the Nutbrook. An informative is recommended to the applicant.

Canal & River Trust

Make comments in respect of land stability given the proposed earthworks close to the Erewash Canal and recommend a condition to ensure no land instability is caused. Wish to ensure that decontamination and remediation of the site does not lead to any potential run-off of contaminants into the canal. Detailed comments are made in respect of the Nutbrook canal and an off-site bridge which are not owned by the Trust. Those comments have been relayed to the applicants. Comments are made in respect of the historic importance of the Nutbrook Canal. It is recommended that signage be provided to guide people to the canal towpath, and comments are provided on ecology and biodiversity matters. Informatives are recommended for the applicant.

Derbyshire Constabulary Designing Out Crime Officer

No objections. Agrees that the realigned National Cycle Route 67 will be a safer proposition than at present. Full detail of security measures and gatehouses etc required at Reserved Matters stage.

Stanton by Dale Parish Council

Resolved unanimously to object to the application on the following grounds:

- The submission documents are too numerous and technical to understand
- The timing of the submission around Christmas made it impossible to seek expert help to interpret the submissions
- Outline planning permission should have been sought prior to full permission
- Lack of pre-application discussions with the community and parish council
- Cumulative effect of the development is detrimental and overbearing on the village and will impact significantly on the environmental and heritage aspects of the community.
- It feels our area is a dumping ground for industrial functions in Erewash
- Noise, smell, air and light pollution from industrial activities
- The site will generate 4000 jobs but 75% of these employees are expected to arrive by car, creating more pollution and traffic
- Global climate emergency - this proposal with more traffic will not improve climate

- More sustainable travel should be considered eg cycling
- Poor air quality
- Consultation undertaken by applicants reveals that the majority of respondents were concerned with traffic impact but very little mitigation for this in Stanton by Dale village.
- Parish Council does not consider the detail of the traffic modelling to be adequate
- Insufficient highway mitigation proposed
- Catastrophic impact on nature
- Infilling of Nutbrook canal will have detrimental impact on wildlife. Guidance is to retain biodiversity on site. The Parish Council want preservation over replacement where possible

Risley with Hopwell Parish Council

The parish council recognises the need to develop this site and welcomes the economic benefits to the area, both in terms of the employment opportunities offered and the additional business rate income which, in turn, will be reinvested by the borough council in local communities.

However the parish council is extremely concerned about the effect on the local traffic network. Has been large increase over recent years which is already a major concern and will be exacerbated by the development.

The planning application does not demonstrate any traffic mitigation that will benefit local residents. This is very concerning given the predicted traffic increases. Will increase pollution and congestion. Will lead to increase in standing traffic at Risley crossroads which will have a significant impact on noise pollution and air quality for residents and pupils at nearby schools. Recommend that the J25a option be reconsidered.

Sandiacre Parish Council

Objection. Feel it is important to support the local economy and the creation of jobs but there is a need to address highways issues and the detrimental impact increased traffic and HGV movement would have upon Sandiacre and surrounding communities.

The parish council is not against the use of the site for employment but Councillors are opposed to a lack of mitigation measures for traffic. In order to alleviate these problems it was considered the right time to resurrect the idea of creating a new M1 junction – J25a.

The parish council resolved to petition the Secretary of State for Transport to support a new M1 junction, to object to the planning application on highways issues and the adverse impact increased HGV traffic would have on local people and the environment, recommend that the rail head be well used for movement of goods to reduce impact on local communities and to recommend a planning condition be included that a range of high skilled jobs be created.

Trowell Parish Council

The parish council are pleased to see the former Ironworks site is going to be redeveloped. It would appear to be a good proposal that will result in local employment opportunities during both the construction and operational phases.

Concerns about existing and predicted traffic levels through Trowell. The parish council do not wish to see any increase in HGV traffic through the village.

The parish council welcome the proposal but strongly object to the use of Moorbridge Lane, Pasture Lane, Ilkeston Road and Coventry Lane for HGV access to the site.

Representations

The applicants undertook their own pre-application consultation with the local community including holding Community Liaison Group meetings for interested parties, meetings with Parish Councils and an online consultation event publicised by a leaflet drop.

The application was publicised by means of a notice in the newspaper, neighbour consultations with local residents and businesses and the display of 15 site notices around the site's perimeter.

Councillor W Major (in representations made to DCC in his capacity as Elected Member for Sandiacre Electoral Division) – In principle I believe the development is a good one however I feel more traffic mitigation should take place to make it acceptable. I would like to see, as a minimum, work to the Town Street, Derby Road, Station Road, Longmoor Lane junction including a traffic light management system, a pelican crossing on Longmoor Lane and developer contributions to support traffic calming measures in Stanton by Dale village.

31 representations have been received from the following addresses covering the matters listed below:

1 Quarry Hill; 2 & 22(x2) Main Street; 3 Bowling Close; 12 Hall Farm Court; 22 & 24 (x2) Stanhope Street; Holly Corner, 9, 17 & 36 Dale Road; 6 The Orchard; 1 (x4) & 9 (x2), Twelvehouses; and 1 & 4 Littlewell Lane, Stanton by Dale: Carpenters View; and Meadowside, Croft Close; Dale Abbey: Clayworth Cottage, Little Hallam Hill; and 2 (x2) Comery Close, Ilkeston: 15 Hart Avenue; 11 North Avenue, Sandiacre (from 3 separate people); 6 Balshaw Way, Chilwell.

- I wholeheartedly object and am frankly dumfounded why this application would be considered when the previous application (ERE/0213/0001) was rejected
- Support the investment in the local area
- The application brings no amenities to the area and doesn't seek to improve the area in any way.
- Traffic problems will be worsened by the increased traffic

- Erewash should strive for better along the lines of the previous Saint Gobain application which would bring much needed amenities to the Hallam fields area instead of degrading Ilkeston to a bleak industrial wasteland
- Insufficient infrastructure to support the additional traffic
- No additional bus services proposed
- Sandiacre will become more congested
- Suggest an HGV ban on Derby Road during day time
- The increase in traffic due to 4000 employees will add to congestion
- Loss of wildlife due to infilling of canal
- Noise and vibration caused by increased lorries and traffic generally
- The development should be contingent on a new motorway junction (J25a)
- Increased traffic and congestion through Stanton by Dale village
- Lorries ignore the HGV limit through the village
- Roads will be dangerous for pedestrians, horse riders and cyclists
- Increased air and noise pollution
- Stanton by Dale is a conservation village and in green belt and should be valued as such
- Traffic in village hampered by on-street parking
- Unnecessary jargon in the application submissions
- Developers have disregarded the local residents and haven't engaged with them at all
- Timing of the application submission around Christmas and the volumous submission documents
- No traffic mitigation proposed
- Rail spur doesn't support both north and south
- Loss of biodiversity on site
- Hedgerows removed from the site prior to submission of the application
- Very much in favour of the job opportunities
- Lack of public consultation is appalling and limited time to respond
- Bus services to the site are limited
- No safe roads locally for pedestrians to access the site
- Environmental impact of development
- I have general support for the application as I would rather have an industrial park than a polluted derelict industrial site, but concerns over traffic, pedestrian access and pollution
- The application does not meet many of the requirements of the adopted Stanton Regeneration SPD
- Proximity of development to conservation village of Stanton by Dale
- Council has not considered the cumulative effect of recent industrial development which has been "rubber stamped"
- Local residents will suffer mental and physical health problems due to increased traffic
- Many local authorities these days deal with industrial applications such as this in a far more informed and enlighten (sic) manner, even going so far as to act on the concerns of their residents. EBC it seems are happy to remain in splendid isolation and rooted firmly in the 1950s

- Use of the rail spur is a positive, but no provision for current Quarry Hill industrial estate companies to use it
- Lack of consideration of local inter-project effects within the application documents
- Non-compliance with Core Strategy policies 10 & 11 and Growth Area Documentation
- Ecological assessments were undertaken after substantial site vegetation clearance and earth moving on site
- Draft S106 Heads of Terms are inadequate and poorly apportioned allocation of s106 monies with regard to local highway infrastructure and local community benefit
- Speculative and piecemeal nature of the development. Applicant has not put forward a reasoned case for pure employment development
- No additional public access or recreation proposed
- Harm to setting of listed buildings (Twelvehouses)
- A Chilwell resident has submitted a substantial submission raising issues of cycle provision on and around the site with reference to adopted policies, an appraisal of existing cycle routes, recommendations to refuse the application on the grounds of failing to adequately enhance cycle routes and facilities and not putting the needs of cyclists and other sustainable travel modes at the top of the transport hierarchy
- Object to the site access close to Littlewell Lane due to danger entering property and road safety
- Object to demolition of old training centre and exhibition centre buildings
- Object to demolition of the 9 buildings on site
- Harm to outlook from dwellings
- Inadequate land set aside for future highway improvements
- Concern over level of land for future highway improvements
- Loss of privacy to residents from industrial units
- Concern that account may not have been taken of all underground infrastructure
- Request working hours restrictions during construction phase
- Wish to see the comprehensive redevelopment of the site and not just the more profitable areas
- Public access to biodiversity enhancement areas should be retained
- Cycle ways should be upgraded to bridle ways

Risley Neighbourhood Watch and Risley Community Speed Watch – major concerns regarding additional traffic generation, residential amenity, likely routing of traffic, refer to traffic flow surveys undertaken by the group and concerns that traffic flow is already high, 12% of the vehicles exceeded the speed limit, noise and pollution on local roads, existing congestion at Rushy Lane crossroads, additional traffic will cause gridlock and road safety concerns. Promote a new junction on M1.

Erewash District Peak and Northern Footpath Society – there would appear to be an ideal opportunity to improve the rights of way at minimal public cost, specifically linking footpath 24 to National Cycle Route 67 and converting both footpath 20 & 24 to cycle tracks.

Toton & Chilwell Neighbourhood Forum's Infrastructure Focus Group – detailed submission assessing local transport infrastructure, including public transport, cycling and road vehicles, likely trip generation and the adopted policy framework.

Assessment

The main issues for consideration in the assessment of this application are:

- Principle of Development and Policy Context
- Mix of Employment Uses
- Ground Conditions
- Drainage & Flood Risk
- Sustainable Transport & Highways
- Biodiversity & Ecology
- Protected Species
- Visual Impact
- Neighbouring Amenity Impact
- Heritage
- Planning Obligations

Principle of Development and Policy Context

The site forms part of an allocation made under Policy 20 of the 2014 Core Strategy for the comprehensive redevelopment of the former Stanton Ironworks site for a mixed use, residential-led development of around 2000 homes, 10ha business park, 10ha of general industry, a neighbourhood centre, strategic green infrastructure and transport infrastructure. The allocation was complemented by the Stanton Regeneration Site Supplementary Planning Document which set out principles for an acceptable development and an illustrative concept plan showing one way of achieving a development which achieved policy objectives.

Core Strategy Policy 20 expects the comprehensive remediation and redevelopment of the entire former ironworks site, both north and south of Lows Lane, and the principles of the SPD reflect that.

The application site covers only part of that larger allocation, covering land on the northern side of Lows Lane only, and also excludes an area of land to the north east which has recently been the subject of planning applications for employment uses. It additionally includes a field alongside Ilkeston Road which is not within the allocated site. The proposals do not deliver the mix of development required under Core Strategy Policy 20 or the SPD, and would not deliver a comprehensive redevelopment of the entire former ironworks site. As a consequence, the application proposals conflict with, and represent a departure from, the adopted policy position.

The adopted Core Strategy is now over 5 years old and its strategic policies are out of date. In response, the council is preparing a review of the Core Strategy. Members will be aware that at its meeting of 3 March 2022, Council approved the

Publication Version (Reg 19) of the Core Strategy Review as its strategic planning policy. The Core Strategy Review recognises fundamental changes in the approach to redeveloping the Stanton Regeneration Site as a result of the acquisition of land north of Lows Lane by Verdant Regeneration. This has resulted in a split of the Stanton Regeneration Site into two distinct zones; the land which this application spans (Stanton North) and land south of Lows Lane which is proposed to provide approximately 1,000 new homes and community facilities (South Stanton).

With the relatively advanced stage of the Core Strategy Review, this application should be considered against the context of the emerging policy framework set out by the Publication version rather than existing Core Strategy Policies 4 (Employment) and 20 (Stanton Regeneration Site). Consistent with national guidance, the provisions of a draft Local Plan can begin to be afforded limited weight once it reaches the Publication (Regulation 19) stage of production. The notable alterations in circumstances across the Stanton Regeneration Site mean it is prudent to consider the development proposals against the emerging framework of strategic policies as these represent a more consistent 'fit' with current circumstances, as recoded in the evidence assembled by the council to support the Core Strategy Review.

Strategic Policy SP2 (Employment) of the emerging Core Strategy Review seeks to maintain, strengthen and diversify the local economy of Erewash to meet restructuring, modernisation and inward investment needs. This includes:

b) Providing at least 40 hectares of high quality employment development at Stanton North to meet the identified needs for new and relocating industrial and warehousing/logistics uses (use classes B2 and B8).

Strategic Policy SP2.1 (Stanton North) of the Core Strategy Review will allocate the land north of Lows Lane for employment development. The Policy requires:

- 1) Appropriate site remediation to safeguard human health and the environment;**
- 2) Reconnection of the site to the national rail network via the Stanton Branch Line to widen options for the movement of freight to and from the site;**
- 3) Preservation and enhancement of the existing green infrastructure features on site through integration with the adjacent Nutbrook and Erewash Strategic Green Infrastructure Corridors;**
- 4) Offsetting measures as necessary to achieve appropriate biodiversity compensation; and**
- 5) Safeguarding of land to allow the installation of a new roundabout to replace the existing junction of Sowbrook Lane, Lows Lane and Ilkeston Road, and off-site works as**

appropriate to safeguard the amenities of Stanton-by-Dale, Risley and Sandiacre from increased traffic.

The supporting justification for the policy advises:

“This policy should be read alongside Strategic Policies 4 (Transport) and 5 (Green Infrastructure).

This 80ha site is expected to deliver up to 55ha of employment land, which is more than adequate to meet the assessed needs of the Borough. The rest of the site is needed to contribute towards transport and green infrastructure priorities.

Stanton’s long industrial history has left a legacy of ground contamination across the wider site. Within the extent of the Stanton North allocation, ground conditions have been recently assessed as part of previous efforts to secure permission for site redevelopment. Comprehensive ground surveys have ascertained the type and specific locations of contaminants present on or close to the site’s surface. Prior to the allocation’s development, a comprehensive remediation strategy must show how ground contamination is to be dealt with through a site wide remediation strategy.

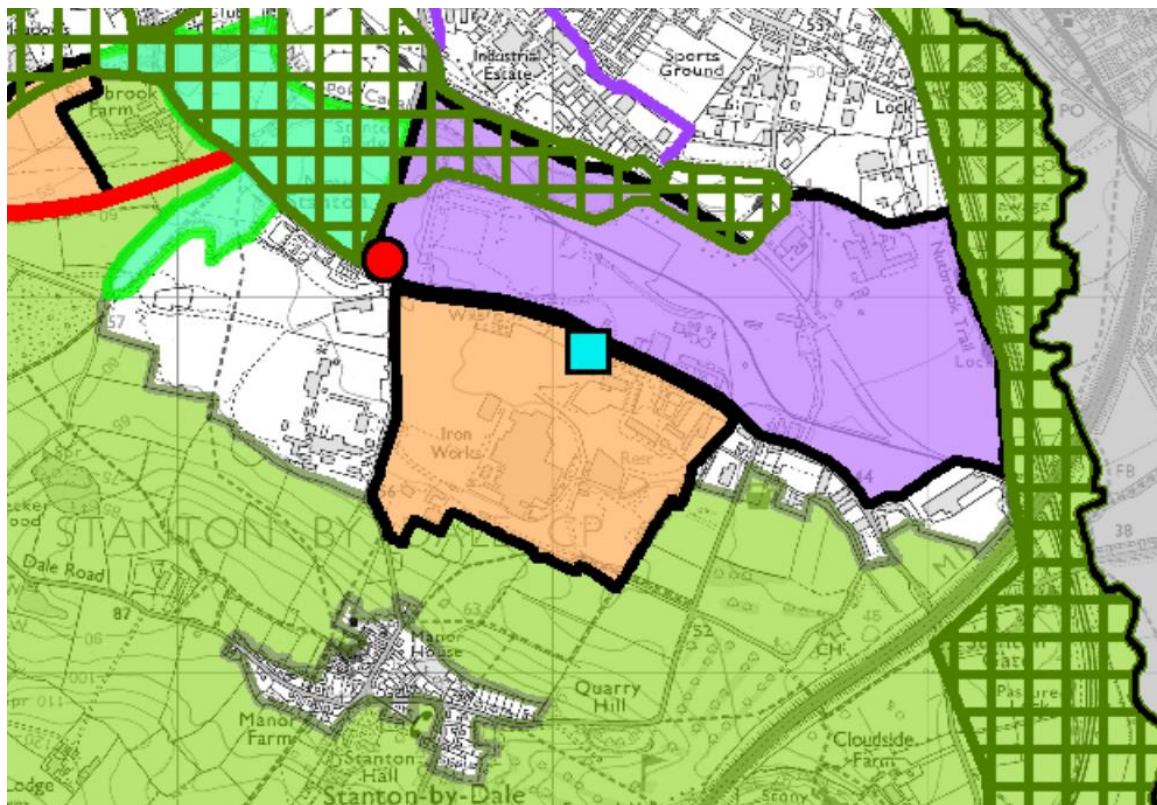
The reconnection of a direct rail spur linking Stanton North to the national rail network will be required. The utilisation of the rail spur by freight services would help to minimise the number of HGV movements to and from the site, reducing pressure on the local road network.

Parts of the site make a direct contribution to the Nutbrook and Erewash Strategic Green Infrastructure Corridors respectively. Those existing flood plain, biodiversity and recreational route assets should be maintained and enhanced by integration into a managed network of green spaces across the site, creating a link between the two Strategic Green Infrastructure Corridors where possible. In particular, an improved link between the Nutbrook Trail and Erewash Valley Trail should be provided. Sustainable drainage infrastructure, where compatible with the remediation strategy, should also be integrated into this network as should on-site biodiversity enhancements.

Notwithstanding the potential to preserve and enhance the biodiversity interest of parts of the site, redevelopment of the redundant ironworks site will result in the loss of habitats and species that have partly reclaimed it, including parts of the designated Ilkeston Road Pond & Nutbrook Canal Local Wildlife Site, and of the Stanton Ironworks Local Wildlife Site. Where that loss cannot be avoided or mitigated on-site, then off-site enhancements will be required to offset that harm to biodiversity.”

The compliance, or otherwise, of the application to the requirements of the policy will be assessed throughout this appraisal. It is evident however, that some fundamental principles of the policy, namely the area of the application site and the employment development proposed, accord with the overarching principles of the site allocation.

The figure below shows the allocation of Stanton North in Strategic Policy 2.1.



The allocation is shown in purple shading. The orange shading below is the proposed South Stanton allocation for 1000 homes. The red circle indicates the location of future replacement highway junction required, the blue square shows the proposed village centre associated with Stanton South. The light green shading to the left is the proposed green belt extension to the west of the Stanton site and the green hatched areas are proposed Strategic Green Infrastructure Corridors.

In summary, the proposals would bring forward the comprehensive redevelopment of Stanton North and bring a long-vacant derelict brownfield site back into use and remediate the site contamination. The proposals are welcomed for these reasons. The site is sustainably located on the southern edge of Ilkeston and close to population areas and sustainable transport options. Whilst the proposals do not accord with the requirements of adopted Core Strategy Policy 20 for the reasons set out above, there are considered to be material planning considerations which warrant a decision contrary to that adopted policy, namely the recent publication of the Core Strategy Review which is now the council's policy position with regard to the future development of this site as set out in Strategic Policies 2 and 2.1. Whilst the details of Strategic Policy 2.1 will be considered below, the application is considered to meet the over-riding objectives of that emerging policy to the extent that the principle of development accords with Strategic Policies 2 and 2.1 and can be supported in principle.

Mix of Employment Uses

The provision of the scale of employment development proposed is considered essential to add fluidity and flexibility to the local economy. With no significant alternative opportunities to provide new employment land in the Borough, the potential of local businesses to adapt and expand has been frustrated to the degree that some local employers have relocated outside the Borough. The sizeable addition of employment space proposed at the application site can help to reverse such trends and will help to promote inward economic investment.

To ensure the proposals help to address localised needs for employment facilities it will be important to ensure diversity in the stock of premises to be delivered through the Reserved Matters applications. The proposed reinstatement of direct rail connectivity does offer potential to deliver a sizeable scale of logistics and distribution-orientated facilities, but some industrial facilities will also be required to support the role manufacturing and industry continues to play in the Borough's economy. The applicant's original proposals would have allowed the entire site to be developed for B8 warehousing and distribution, which due the reasons set out above was not considered appropriate. Negotiations have now secured the applicants agreement to provide a minimum of 10ha of industrial uses. This accords with the evidence of need and reflects the extant policy requirement in Core Strategy Policy 20. This provision can be secured via a condition.

Ground Conditions

The site has a long history of industrial use with many potentially contamination sources, including a large foundry with central melting plant, raw material storage, waste sorting and effluent treatment plant, pipe manufacturing plant, railway sidings, oil and fuel tanks, electricity stations, and a former asbestos tip. The majority of the site has been cleared of these previous industrial uses and the land levelled.

One of the requirements of Strategic Policy 2.1 is for appropriate site remediation to safeguard human health and the environment. As a consequence, and to ensure the delivery of new development can be undertaken in a safe manner, the applicants have undertaken an extensive range of site investigations including intrusive investigations involving 123 trial pits, 96 boreholes, soil sampling, installation of groundwater and gas monitoring wells, and mine shaft investigations. These investigations have identified generally low levels of contamination associated with the made ground across the site, with the main risk to human health being asbestos dust from demolition waste in that made ground, due to the very low levels at which asbestos dust can be a hazard to human health. A known asbestos tip on site will require specific management. Carbon dioxide levels from mine gas are also elevated across the site, and will require appropriate design details to be incorporated into buildings on the site. With the exception of a known former gasometer site which will also require specific management, no evidence of significant hydrocarbon contamination was found. Isolated hot spots of such contamination can be anticipated from historic leaks and spills.

A Remediation Strategy has been prepared by the applicants which establishes how decontamination and remediation works would be undertaken. It proposes to undertake full remediation of the site comprehensively prior to built development taking place. This would entail the excavation of made ground to 2m below proposed development platform levels, removal of obstructions encountered in excavations, surveying of obstructions that extend greater than 2m below proposed development platforms, rolling dynamic compaction of exposed made-ground, screening of spoil and where necessary its treatment for re-use, and re-compaction of 2m of fill to achieve level development platforms. The hard-surfacing of the site with buildings and yard areas would then physically seal residual contaminants in the spoil from contact with people or percolation into groundwater.

The Earthworks Strategy involves the mass movement of significant amounts of spoil around the site to provide level development platforms through a series of cut and fill engineering works. Spoil would generally be moved inwards from the western and eastern flanks of the site where levels are higher, towards the centre of the site where they are lower. It is not anticipated that any significant volume of spoil will need to be exported from site for safe disposal due to contamination. Some clean soil will need to be imported onto site to provide capping of landscaped areas.

Between them, these strategies will involve substantial groundworks involving the excavation, treatment, movement and compaction of many thousands of cubic metres of material. It is estimated that such works will take around 30 weeks to complete. It is inevitable that such works will cause disturbance and have a significant visual impact on the appearance of the site for the duration of the works. The effect of this phase of works has been assessed in the Environmental Statement and potential impacts identified. It is proposed that a Construction Environmental Management Plan (CEMP) will be implemented during this phase to mitigate and minimise the effects. The details of the CEMP can be agreed through the imposition of a planning condition.

The results of the site investigations are comprehensive and detailed and have been scrutinised by the council's Land Contamination Consultant along with the proposals in the Remediation and Earthworks Strategies. The Land Contamination Consultant advise that the principles of remediation set out in the Remediation and Earthworks Strategies are broadly supported and are considered to be viable and in line with current practice. They advised however, that more detail is required to constitute a full remedial strategy.

In response additional clarification was provided by the applicants' consultants confirming that additional site investigation work would be undertaken as work commenced on site, including gas monitoring, and this would feed into updated remedial measures as necessary. However, as those investigations involved some inaccessible areas that could not be assessed until works had commenced, e.g. under ground floor slabs and in mine shafts yet to be exposed, they could not be provided prior to works commencing and would therefore have to be dealt with through the CEMP.

The Environment Agency have assessed the proposals in respect of protecting controlled waters from contamination and have made similar comments to the council's Land Contamination Consultant in respect of requesting additional detail. It is clear however, that the applicants are unable to provide the additional information required until work commences on site and excavations begin, and that the council's Land Contamination Consultant and the Environment Agency are content for the application to be approved, subject to conditions requiring a more detailed Remediation Strategy and CEMP to be submitted for approval prior to the commencement of works, and for the measures set out in those documents to be subject to validation on completion of the works. Though it is likely for the reasons given above that the Remediation Strategy submitted to discharge such a condition will bear more than a passing resemblance to that already submitted, consideration of the Remedial Strategy and the CEMP alongside each other will enable a more comprehensive assessment of the proposed measures to be undertaken.

Given that all the relevant consultees agree on the approach set out above, the Local Planning Authority can be satisfied that the redevelopment of the site can be undertaken in an appropriate manner, resulting in clean and safe development platforms suitable for the development proposed and without causing harm to human health or the natural environment. The proposals accordingly meet the requirements of Strategic Policy 2.1(1).

Drainage & Flood Risk

The majority of the site falls within the lowest risk zone, Flood Zone 1 (less than a 1 in 1000 year flood risk). An area to the north of the site falls within Flood Zone 2 (between 1 in 100 and 1 in 1000 year flood risk) and a smaller area flanking the Nut Brook in Flood Zone 3 (greater than 1 in 100 year flood risk).

The application is accompanied by a Flood Risk Assessment which notes that the majority of the site to be developed is located within Flood Zone 1. The small portion of the development proposed in Flood Zone 2 will have ground levels raised above predicted flood levels. No development is proposed on the rest of the site within Flood Zone 2 or any of the site in Flood Zone 3, those areas being part of the retained habitat area. The Flood Risk Assessment therefore concludes that the development will have a low risk from flooding from Main Rivers.

With regard to surface water, the proposals are to provide a new drainage system for the site, ultimately discharging into the Nut Brook. As such, the Flood Risk Assessment concludes that the development will have a low risk of flooding from overland flows.

In the interests of achieving sustainable drainage solutions, the NPPF establishes a surface water drainage hierarchy. The order of priority for drainage is (1) infiltration into the ground, (2) to a surface water body or watercourse, (3) to a surface water sewer, highway drain or another drainage system and (4) to a combined water sewer. The Flood Risk Assessment has considered drainage proposals against this hierarchy. Due to the underlying geology and the ground contamination, soakaways are not feasible. Infiltration is not therefore possible.

The proposal to direct drainage to the Nut Brook is therefore the most sustainable option for this site.

The proposals are for a maximum run-off rate into the Nut Brook of 349.5 litres per second. This is half the estimated current run-off rate of this brownfield site. To achieve this run-off rate, it is proposed to provide surface water attenuation within each development plot which will discharge into the drains located under the proposed estate roads at a restricted flow rate. This drainage network will convey flows to the proposed site wide detention basin east of Chadwick's Pond, which will provide further attenuation and treatment before discharge into the Nut Brook.

The Environment Agency has considered the proposals and, following some additional clarification, raise no objections to the proposed development in respect of drainage and flood risk subject to the imposition of conditions. The County Council Lead Local Flood Authority also raise no objections to the proposed discharge rate, however they have asked for additional details of pollution mitigation measures and the location of the drainage attenuation facilities. The former can be provided by condition. The latter are demonstrably achievable under the service yards for each development plot. As layout is a reserved matter, further clarification on this is not required at this stage.

In summary therefore, the development would not be at risk from flooding nor cause an increased risk of flooding elsewhere. The proposed means of drainage of the site is the best achievable solution given the ground conditions, and meets the approval of the relevant flood control bodies.

Sustainable Transport & Highways

The site is sustainably located close to existing population areas to the south of Ilkeston and either currently or potentially accessible by a choice of means of sustainable transport.

The site is served by a rail spur from the Midland Mainline and the application proposals include utilising this spur for freight traffic to and from the site. The proposed provision of an intermodal rail hub would facilitate the loading and unloading of freight trains within the site and has the clear potential to significantly reduce reliance on HGV road transportation of goods. Two distinct terminals are proposed comprising a northern and western facility. The northern facility would serve the eastern end of the site closest to the M1, whilst the existing rail spur to the west would be upgraded to accommodate intermodal trains serving a rail hub available to the entire site and beyond. Up to 3 or 4 trains a day could be served, rising to 8 per day subject to Network Rail signal upgrades. Network Rail have confirmed that the operation of the rail hub would not impact detrimentally on the operation of the existing Midland Mainline or its planned electrification.

The applicant's Transport Assessment estimates that the proposed northern rail facility could displace around 80 HGV trips per day. The proposed western facility could displace around 380 HGV trips per day. Approximately 150 HGV trips per

day are expected as a result of the rail hub averaging around 10 per hour. The provision of the proposed rail hub and the incorporation of the rail spur into the proposals are welcomed. The proposals meet the requirements of Strategic Policy 2.1(2).

Due to its sustainable location, the site is accessible by walking. It is generally accepted that a 2km distance is an acceptable distance to walk to work. This would encompass residential areas of south Ilkeston, Hallam Fields, Stanton by Dale, southern Kirk Hallam and northern areas of Sandiacre and Stapleford. Existing public footpaths serve the site including the Erewash Canal towpath and the Nutbrook Trail.

A wider catchment area falls within the area likely to allow cycling to work, generally recognised as a 5km radius. The site is currently served by National Cycle Route 67 "The Nutbrook Trail". The application seeks permission to re-route a section of the cycle route from its current routing along a narrow path flanked by industrial uses and security fencing, to a new purpose built 3m wide off-road cycle route through the site linking the Nutbrook Trail to the Erewash Canal towpath. This will improve the security and attractiveness of the route and is likely to encourage employees to cycle to work on the site. Following negotiations, an additional length of new cycle route has been incorporated into the development linking the Nutbrook Trail to Crompton Road to the north allowing off-road cycle access into the site from areas of south Ilkeston.

Proposals for additional cycle infrastructure have been made by the County Council and by local residents. However, those proposals do not link the site to significant areas of population over and above the connectivity provided by the Nutbrook Trail. Neither are additional cycle routes within the site considered necessary, as adequate connectivity is provided by the internal estate road and there appears little benefit from providing additional cycle routes that terminate at busy roads.

Bus services around the site are relatively infrequent, with the Number 14 service running from Ilkeston to Sandiacre with a stop at Twelvehouses being the closest route. This is an hourly service between approximately 10am and 5pm. The County Council, in their consultation response, has raised the lack of appropriate bus services as being a constraint to sustainable travel to the site and suggests developer contributions be sought to facilitate improvements. However, despite requests for further information, they have been unable to suggest any actual schemes that such a contribution could fund. It is noted that attempts to address a similar request by the County Council in improving bus services for the nearby Elka's Rise housing development has been thwarted by the similar failure of the County Council to provide an appropriate scheme supported by bus operators despite a financial contribution having been secured. The proposed estate road within the development site would be suitable to accommodate buses in the future should the County Council and/or operators progress a scheme for service enhancement. In the current circumstances however, it would not be reasonable to seek a developer contribution where no service enhancements have been identified.

In terms of road traffic generation, the application proposals have been assessed using the SYSTRA East Midlands Gateway Model. The use of this model, along with the scoping of the catchment area and road junctions to be assessed by it, were jointly agreed by the Derbyshire and Nottinghamshire Highway Authorities and the National Highways agency prior to the modelling work being undertaken, and also accords with national guidance. The model, its methodology, and therefore its outcomes should therefore be taken as an appropriate and reliable tool for assessing the road traffic implications of the development. It is noted that there is a fall-back position. Parts of the application site and buildings within it could be re-used without the need for planning permission and each of these uses would generate a level of traffic. Consequently, the traffic modelling has regard to this potential fall-back scenario in reaching its conclusions.

The traffic modelling results show that the following junctions will be negatively impacted by the proposed development:

- Pasture Rd / Ilkeston Rd /Trowell Road – mini roundabout
- Stanton Gate / Lows Lane / Moorbridge Lane – T-junction
- Ilkeston Road / Hickings Lane / Coventry Lane – double mini-roundabout.

The impact of the proposed development on these junctions is assessed as being below a 'severe' impact. However, the applicants are proposing mitigation measures at the Trowell mini roundabout and the Stanton Gate junction such that the development would then result in a 'nil-detriment' in operational terms. These mitigation works involve minor widening and kerb realignment works at the junctions. As confirmed by Nottinghamshire County Council Highway Authority, there is no feasible scheme of improvement works possible at the Hickings Lane double roundabout.

The model did not identify impacts on other junctions in the study area, because they are either already at capacity or would be at capacity by 2031 as a result of general growth in background traffic. The model takes these conditions into account in predicting that traffic will re-route to less congested junctions, hence the predicted pattern of junction impacts outlined above. It is noted that these findings are essentially the same as those gained from using previous versions of the SYSTRA East Midlands Gateway Model (namely the SYSTRA Greater Nottingham Transport Model) in assessing the 2013 Stanton Ironworks planning application and the subsequent 2017 Stanton Regeneration Site SPD.

Notwithstanding the above, Derbyshire County Council Highways Authority have issued a late representation suggesting that the model should have been operated with a different methodology. The applicant has responded that such a request is unreasonable, bearing in mind that Derbyshire County Council were specifically consulted on the appropriate methodology, and actively engaged in specifying and agreeing to it. Bearing in mind the adherence to national modelling standards, the agreement of Nottinghamshire County Council Highways Authority and the National Highways agency, and the consistency of the results with previous modelling, it is difficult to disagree with the applicant in this respect.

Strategic Policy 2.1(5) requires that an area of land be safeguarded for a replacement junction in the form of a new roundabout to be located immediately north east of the junction of Lows Lane, Ilkeston Road and Sowbrook Lane. Whilst the modelling supporting the current application confirms that the current proposals do not require the provision of a roundabout here, evidence from the Stanton Regeneration Site SPD supported the conclusion in that document that a roundabout will be required to meet the cumulative traffic effects of redeveloping the Stanton Regeneration Site in its entirety (both the Stanton North and South Stanton sites in combination). There is accordingly no requirement for Stanton North to deliver the roundabout itself, merely to safeguard the land required for its future provision. The application proposals include an area of land shown to be safeguarded at the required location, and evidence within the Transport Assessment demonstrates that the land would be of adequate site and dimensions to accommodate a roundabout of the size required with appropriate visibility splays.

Whilst Derbyshire County Council Highways Authority note the provision of this land, they consider that the Kirk Hallam Relief Road, as proposed in the emerging Core Strategy Review, could result in traffic being re-routed through this area, in which case the proposed roundabout may not be large enough. However, modelling of the Kirk Hallam Relief Road in supporting evidence for the Stanton Regeneration Site SPD specifically found that this particular road does not re-route traffic across the network, but instead is effective in diverting traffic from Sowbrook Lane that would otherwise drive through Kirk Hallam. Consequently, Derbyshire County Council Highways Authorities concerns here appear to be misplaced.

The safeguarding of this land could be secured through a s106 Agreement, which would meet the requirements of Strategic Policy 2.1(5).

The proposed means of access into the site are for determination at this stage. Whilst Derbyshire County Council Highways Authority have raised concern over the choice of a roundabout off Lows Lane as opposed to a T-Junction, the applicants have demonstrated that the design of the roundabout would accord with relevant standards and guidance and there appears to be evidence previously provided by Derbyshire County Council Highways Authority suggesting that a T-Junction would be either unsafe or otherwise inappropriate.

In summary, the traffic modelling only identifies three junctions that will be impacted by the proposals. The applicants propose mitigation measures to two of those junctions to ensure a nil-detriment. The fall-back scenario, sustainable travel enhancements and safeguarded land for future highway improvements have been considered as part of the modelling process and the conclusions drawn demonstrate that the development would not give rise to an unacceptable impact on highway safety or a severe impact on the road network. The proposed means of access into the site along with the proposed spine road serving it are acceptable. The NPPF states that development should only be refused planning permission on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Neither of those criteria are met in this case.

Biodiversity & Ecology

The NPPF states that when determining planning applications, local planning authorities should refuse permission where significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for. Policy 17 of the Core Strategy and Saved Policy EV10 of the Local Plan also seek to ensure that biodiversity loss as a consequence of development is mitigated by compensation provided elsewhere.

It is clear that the development would have a significant impact on biodiversity on the site. Since the closure of the ironworks large parts of the site have naturally revegetated as open mosaic habitat. Other sections of the site (in particular around Chadwick's and Privates Ponds to the north west) have a longer history of naturalisation and have developed biodiversity value as habitats including broadleaf deciduous woodland and lowland calcareous grassland. The application site includes the entirety of two local wildlife sites; the Stanton Ironworks LWS, and Ilkeston Road Pond and Nutbrook Canal LWS; and part of the Quarry Hill Lagoons LWS.

The development of the site and its remediation from contaminants will necessitate the complete destruction of the Stanton Ironworks LWS and the partial loss of the Ilkeston Road Pond and Nutbrook Canal LWS. Many habitats would be lost, including open water from infilling parts of the canal in the Ilkeston Road Pond and Nutbrook Canal LWS, and calcareous grassland and open mosaic habitat in the Stanton Ironworks LWS. Additional open mosaic habitat and naturally regenerating broadleaf woodland across the site would also be lost. The habitat loss would impact on protected bats and other species. Such impacts cannot be wholly avoided if the site is to be remediated and reused. The council has previously resolved that the site should be redeveloped as part of a mixed-use development under Policy 20 of the Core Strategy, and has more recently resolved that this specific site should be redeveloped to provide 55ha of employment under Strategic Policy 2.1 of the Core Strategy Review. As such, preserving all the current biodiversity interest on site in accordance with the hierarchy established in the NPPF is unrealistic.

In recognition of this impact, the application includes the retention of some 14.3ha of habitat around the ponds in the north west of the site, which includes Rough's Hole and the adjacent Nutbrook Canal to the east of Ilkeston Road. Furthermore, the applicants have proposed a Biodiversity Enhancement Plan for this area, along with another 5.0ha of structural landscaping. The proposals for enhancement include maintenance to enhance the value of the ponds, planting to provide habitat for breeding birds, the management of non-native species, calcareous grassland habitat creation, the provision of a sand martin nesting bank, and the provision of a new pond with associated habitat for invertebrates and reptiles. Elsewhere on the site it is proposed to create mosaic habitat along the route of the current Cycle Path 67, provide 30 bat and 30 bird boxes, and create a new maternity bat roost. A management regime is proposed to ensure the long term management of these areas. However, as the area north of Pirates Pond and around Chadwick's Pond would not have been remediated, public access there would have to be excluded.

The application site is located between strategic Green Infrastructure Corridors to the west (Nut Brook) and the east (Erewash Canal), as identified by Strategic Policy 5 of the emerging Core Strategy Review. The proposals make provision for the enhancement of biodiversity areas and green infrastructure (including alongside National Cycle Route 67) across the site from west to east, ensuring the site relates well to the existing surrounding biodiversity infrastructure.

The retention of 24% of the site for biodiversity and structural landscaping and the enhancement of those areas enables around 50% of the biodiversity value of the site to be retained or restored. This includes a pond to replace the open water habitat of the infilled sections of canal, and open mosaic habitat, calcareous grassland and broadleaf tree planting to replace some of those lost habitats. However, around 50% of the value will be lost, including the open mosaic habitat of the Stanton Ironworks Local Wildlife Site.

In recognition of this, the applicants have been working with the council to identify an appropriate site which could be effectively enhanced to compensate for the loss of biodiversity caused by the development. This work has led to the identification of the 30ha Manner Floods Local Nature Reserve and up to 15ha of adjacent land in Ilkeston as being suitable for biodiversity enhancement. The land is owned by the council and, despite its Local Nature Reserve status, currently has limited biodiversity value. Proposals to undertake significant broadleaf deciduous woodland tree planting across the land, along with its long term management, has been agreed with the applicant. The measures would significantly improve both the biodiversity value and amenity of this area, providing a substantial community woodland for the benefit of Ilkeston. The planting and future maintenance of this 45ha site would cost £261,000, a sum the applicants have agreed to provide via a s106 agreement, including an initial payment to cover the capital works of the planting along with annual maintenance payments for the following 30 years. This off-site mitigation scheme would provide around 210 biodiversity units, which is roughly equivalent to the biodiversity loss estimated from the proposed redevelopment of the Stanton North site.

Derbyshire Wildlife Trust consider that the level of compensation proposed falls short of the level of biodiversity interest lost, and is not equivalent in kind. In particular, they urge retention or replacement of more open mosaic habitat and calcareous grassland, and consequently the provision of less compensatory broadleaf woodland. When taking these comments into account, it is relevant to consider that the open mosaic habitat and calcareous grassland on the Stanton North application site are transitional habitats. Without management they will, and indeed are, succumbing to less biodiverse scrub. It is also relevant to consider that they are isolated habitats associated with previously developed land, with no prospects to be linked into a wider network of open mosaic habitat or calcareous grassland. By contrast, the broadleaf woodland compensation offered is the natural climax habitat for the Derbyshire Coalfield landscape character area, and would link to the wider network of broadleaf woodland, hedgerows and gardens across the Borough and County.

In summary therefore, it is recognised that the proposals would result in the significant loss of biodiversity on site, but also that this is inevitable if the site is to be comprehensively remediated and redeveloped in the manner sought by the council through both the Core Strategy and the emerging Core Strategy Review. In mitigation, the proposals set aside 19.3ha (24% of the site) for biodiversity retention and enhancement, equivalent to around 50% of the current biodiversity value of the site. The creation of a 45ha community woodland with a roughly equivalent biodiversity value and a significantly higher amenity value is offered in compensation for the residual loss of biodiversity on site. On balance this compensation is considered suitable, and it is therefore concluded that the impact on biodiversity is acceptable and that the proposals meet the broad objectives of national and local planning policies, and specifically the requirements of Strategic Policy 2.1 (3) and (4).

Protected Species

In addition to the biodiversity issues considered above some, protected species require additional consideration.

The proposals would result in the loss of bat roosts, including a nurse roost for Brown Long Eared Bat, as a consequence of the demolition of all remaining buildings on site. All bats are protected under the 2017 Conservation of Habitats and Species Regulations, and the Local Planning Authority is therefore required to have regard to three tests set out in that legislation when considering proposals that would lead to their disturbance, including the destruction of their roosts. These tests are that:

- i) There are imperative issues of overriding public interest including those of a social or economic nature*
- ii) there are no satisfactory alternatives*
- iii) the action will not be detrimental to the maintenance of the population of protected species*

The development proposed, including the remediation of a brownfield site and the provision of employment and economic development, is considered to be an issue of overriding public interest relative to the number and type of bats affected. There are no satisfactory alternatives to the destruction of existing bat roosts by the demolition of remaining buildings on the site in order to achieve the above objectives. A replacement bat house, suitable for maternity roosting by Brown Long Eared Bats, is proposed as part of the proposals within an area of biodiversity enhancement close to the Erewash Canal, and this mitigation is considered suitable to prevent harm to the bat population as a whole. The provision of the replacement habitat can be secured by condition.

Badgers and their setts are protected by the 1992 Protection of Badgers Act. However, the destruction of badger setts can be allowed if required to implement a planning consent. The proposals would result in the destruction of a main sett, three outlier setts, and two disused setts, as a result of the intrusive remediation works required. The applicant has proposed a replacement sett located with

access to suitable habitat, which is considered both necessary and suitable, and can be required by condition.

Grass Snake are present on site, and are protected under the 1981 Wildlife and Countryside Act. However, the protection only extends to unlawful trade in Grass Snake, and not to the protection of individuals or their habitat.

The potential presence of Dingy Skipper butterflies has been raised by consultees, even though none were found by the surveys supporting the application. However, though these are a priority species of the Lowland Derbyshire Biodiversity Action Plan, unlike some other butterflies they are not protected by legislation in their own right. Notwithstanding this, the natural habitat for the Dingy Skipper is the limestone upland environments and not the neutral soils of lowland Derbyshire.

The harm to protected species and other species of interest from the development proposals is acknowledged, but is considered unavoidable if the application site is going to be subject to comprehensive remediation and redevelopment. Suitable mitigation in terms of the retained and managed habitat referred to under Biodiversity & Ecology above, and compensation in terms of replacement habitat, has been offered and can be secured by condition. It is therefore concluded that the impact on protected species is acceptable.

Visual Impact

The proposals are of a significant scale covering some 78ha and proposing development which has potential to create a significant impact on visual amenity and the wider community through noise and disturbance.

As mentioned above, whilst the built development proposals are in outline form certain details are submitted for approval at this stage, including the density of built form on development plots (60% of plots to house buildings) and building heights. The Parameter Plan submitted proposes buildings with a maximum haunch height of 21m in Plot 1 (estimated ridge heights of 24m), buildings with a maximum haunch height of 28m in Plot 2 (estimated ridge height of 31m) and buildings with a maximum haunch height of 18m in Plot 3 (estimated ridge height of 21m).

The proposed buildings are therefore capable of being of a substantial scale. For reference, the existing building occupied by Wests Transport to the east of the site has a ridge height of 19m. Buildings of this size have the potential to create a significant visual impact on and around the site. A Landscape and Visual Assessment was undertaken as part of the Environmental Statement supporting the application. This concludes that, once operational, the development would have a “medium significant effect”. The development is likely to be visible from a number of off-site areas including the periphery of the village of Stanton by Dale and from residential areas in Hallam Fields. It is noted that the County Council raise concerns about this impact.

It is accepted that the redevelopment of this site will have a visual impact. It is currently mostly free from built form since the demolition of the previous ironworks and residents have become accustomed to its now mainly open character. It is also accepted that historically the site has been occupied by many largescale industrial buildings and structures which had a significant visual impact on the surrounding area.

The site lies at the bottom of a dale and is flanked to the north and south by the higher topography of south Ilkeston and Stanton by Dale respectively. Views into the site are therefore possible from wide vantage points. The proposed maximum building heights across the three plots are not insignificant. The proposals for Plot 2 across the middle of the site could result in buildings half as high again as the nearby Wests Transport buildings. The applicants advise that the heights proposed are the maximum heights currently sought by logistics and manufacturing companies and that the development would need the flexibility to accommodate buildings of this height to compete with other similar sites. It is noted that the recent storage and distribution units adjacent to the A50 south of Sawley are of equivalent heights. Whilst wanting to remain flexible and competitive in attracting inward investment, the applicants advise that these are the maximum heights sought and in all likelihood not all of the buildings would be of this height. In mitigation, 40% of the development plots would not be occupied by buildings and would consist of low level development such as servicing, landscaping and car parking.

With regard to visual amenity at the human scale, the size of buildings proposed has potential to create an overbearing impact on pedestrians, cyclists and users of surrounding footpaths and roads. The proposed Parameter Plan originally sought permission for development plots set behind 10m deep landscaping strips around the perimeter of the site. The flexibility sought by the applicants could have resulted in buildings of substantial height (up to 31m high on the largest development plot) located just 10m from areas of public realm which was felt to represent an unacceptable and overbearing impact.

It is considered that the ratio between building height and the distance from the public realm ought to not exceed a 1:1 ratio. That is, if a 10m high building were to be built it should be at least 10m away from the public realm, but if a 30m high building were to be built it should be sited 30m away from the public realm. This would maintain a more reasonable streetscene scale and reduce the overbearing nature of tall and largescale buildings on users of the public realm and also ensure an acceptable interface with the Core Strategy Review proposals for future residential development on the South Stanton site.

Negotiations with the applicants led to the submission of an amended Parameter Plan including “maximum development height” zones around the perimeter of the site to achieve the 1:1 ratio objective. This is welcomed and, if subject to a condition, will ensure that the detailed designs and layouts of development plots through Reserved Matters submissions will maintain this overall principle.

Coupled with this restriction on the height of buildings around the perimeter of the development plots, negotiations have sought appropriate screening through the

retention of existing mature trees on the perimeter of the site. Revised plans have been submitted that indicate the intention to retain most of the healthy mature trees along the north side of Lows Lane adjacent Plot 2. These trees are will be particularly important in breaking up the visual mass of buildings on this plot, which are likely to be the largest on site, in views from Lows Lane and from the South Stanton site beyond. Additional new tree planting is proposed in the gaps formed by the existing access road and in front of existing buildings to be demolished.

On Plot 1 at the western end of the site, a severely overgrown hedgerow sits behind the roadside maintained hedgerow along Ilkeston Road. Though this is not suitable for long term retention, it has been agreed that it should be retained during site remediation works and initial construction works, thus screening cross-site views of those works. Trees on the corner of Ilkeston Road and Lows Lane will also be maintained for the time being, until that land is required for the replacement junction proposed in the Core Strategy Review. This will provide important screening of the site from Twelvehouses. In addition, early structural planting behind these trees is proposed, so that a maturing tree screen will be in place when they are eventually removed.

Along the Lows Lane frontage of Plot 1 the existing trees sit behind a 10m wide verge. Most of these are of marginal quality, with the exception of a group adjacent the current access there. The application proposes not to retain these trees, but to provide an early planting scheme on the verge in front of them. The new trees closer to Lows Lane will, in time, provide a more effective screen than the existing trees set back from Lows Lane. However, in the first decade or two of the development this gap between the trees on the corner of Ilkeston Road up to the proposed new access further up Lows Lane will allow new views across the site, including of the most disruptive remediation works. Further such views will be available further along Lows Lane where current industrial buildings will be removed. Though these gaps and the associated views are less than ideal, they are mitigated in part by the mature trees that are to be retained.

Existing trees along the Erewash Canal at the eastern end of Plot 3 will be retained, which will provide appropriate screening and amenity for the Erewash Valley Way along the canal towpath.

In conclusion on matters of visual amenity, it is accepted that the proposals will have a marked visual impact due to the size and scale of the proposed development. Careful management of aspect ratios and existing and proposed screening vegetation will reduce this impact. More distant views from Hallam Fields and Stanton-by-Dale will not be mitigated by these measures, due to their elevated topography. However those views will, by definition, be distant and have historically been of an ironworks. Subject to the provisions described above being enforced through planning conditions, the visual impact of the development is considered acceptable.

Neighbouring Amenity Impact

A development of this scale and nature has potential to cause harm to the amenity of neighbouring occupiers by reason of noise, air and light pollution, from activity on site, transportation and servicing within the site and the generation of traffic on the local highway network including through residential areas and villages.

The site is located in an area which is predominantly industrial/commercial in nature although there are a handful of residential properties adjacent to the site. Further to the north and south, the residential areas of Hallam Fields and Stanton by Dale are in relatively close proximity. A Noise Report has been included with the application. Noise levels and the potential for sleep disturbance have been assessed at several locations following established guidance. The assessments have considered the potential for noise and vibration from traffic noise and fixed plant. The findings of the assessments are that noise levels are considered to have a minor adverse impact. It is acknowledged that detailed assessment of noise generated by individual occupiers of buildings would differ, but at this outline stage, the type, location and likely noise pattern of individual buildings, and the need for any specific mitigation to address specific issues is unknown and would be assessed through Reserved Matters submissions. At this outline stage, the evidence in the Environmental Statement and associated reports is that the development could be undertaken without causing significant detriment to local amenity through noise generation.

The Council's Environmental Protection Officer notes that due to the scale of the development, there will be scope to improve acoustic environments for local residents through the layout and design of the development. This should also ensure that the amenity experienced by existing residents is not detrimentally affected. The Environmental Protection Officer has concerns that noise and vibration from the proposed Rail Hub could cause disturbance. Due to the outline nature of the proposals, details of any mitigation required can be assessed through Reserved Matters submissions for this element of the proposals.

With regard to air quality, the Environmental Statement concludes that the development will have a negligible impact on air quality. The site is not in an identified air quality zone and the findings of the Environmental Statement appear reasonable.

The Environmental Protection Officer supports the recommendation of other consultees and the applicants themselves in requesting a Construction Environmental Management Plan to seek to minimise and mitigate impacts of the remediation and construction works at the site in terms of noise, dust, pollutants, working practices and construction traffic etc. This can be secured through a condition.

Details of the external lighting of development plots is not known at this outline stage and will be assessed through Reserved Matters submissions. A Street Lighting Strategy has been provided to meet the needs of the spine road through the development as this is included as a full element of the application. The

details of the scheme are acceptable and would not lead to an unacceptable light pollution through spillage of light outside the site.

Subject to the imposition of conditions to control the means of construction through a CEMP, and the detailed assessment of individual buildings at Reserved Matters stages, it is considered that the development is capable of being delivered and operated without causing unacceptable harm to local amenity.

With regard to off-site traffic generation, this is acknowledged as a potential source of noise and air pollution, particularly where heavily trafficked routes pass through local villages and centres of population. Strategic Policy 2.2 (5) acknowledges this and requires the development to deliver appropriate mitigation to reduce the impact on amenity in the local villages of Stanton by Dale, Risley and in Sandiacre.

In order to reduce the impact of the additional traffic movements through these villages on amenity, a package of mitigation has been devised and agreed with the applicants. Specifically, the traffic lights at Sandiacre crossroads would be replaced with smart traffic lights responsive to traffic flows with the objective of reducing the requirement for HGVs to brake and accelerate as frequently through the centre of the village, reducing noise, congestion and pollution. Additionally some additional and prominent "No HGV" signs would be provided at the entrances to the existing Traffic Regulation Order weight limit through Stanton by Dale at approaches to the village and at the signal controlled junction at Risley. Whilst the weight limit is already in place, residents and the Parish Council have advised repeatedly that this is not always effective in removing HGV movements through the village particularly as some Satellite Navigation systems appear not to recognise the restriction. Additional and prominent signage could help bolster the effectiveness of the Traffic Regulation Order. Furthermore it is proposed that additional mitigation be provided by pursuing the provision of additional Traffic Regulation Orders to limit traffic speeds; firstly from Risley lights to Stanton by Dale via Rushy Lane from 60mph to 40mph, and secondly through Stanton by Dale village itself from 30mph to 20mph.

The applicants have agreed to fund these mitigation measures up to £50,000 for the upgrade to traffic lights at Sandiacre, and £12,000 to cover the cost of the two TROs required for speed limit reductions. The applicants have undertaken to deliver the new signage themselves. Both the works and the financial contributions would be secured through a s106 Agreement. Derbyshire County Council have made no specific comment on these proposals.

It is expected that these off-site mitigation works will mitigate the impact of additional traffic through local communities as a consequence of the development. As such, the package of proposals would meet the requirements of Strategic Policy 2.1(5).

Heritage

The NPPF advises that in determining applications, the local planning authority should require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting. Local Planning Authorities should then take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF advises that where development proposals would lead to substantial harm to a designated heritage assets, planning permission should be refused except in certain identified circumstances. The NPPF advises that the effect of an application on the significance on a Non-Designated Heritage Asset should be taken into account in determining the application. In weighing up applications that directly or indirectly affect Non-Designated Heritage Assets, a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the Heritage Asset. Local Planning Authorities should not permit the loss of the whole or part of a Heritage Asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Local Planning Authorities should require developers to record and advance understanding of the significance of any Heritage Assets to be lost.

There are no Designated Heritage Assets (such as listed buildings or Conservation Areas) within the site. The Grade II Listed workers cottages known as 'Twelvehouses' are adjacent the site, and their setting is thus the most important heritage asset affected by the proposals. There are additional Non-Designated Heritage Assets on and adjacent the site. The Environmental Statement has assessed the impact of the development on Heritage Assets, and the council's Heritage Consultant largely agrees with the findings and conclusions of that assessment.

Given their designation, the Grade II listed buildings at 'Twelvehouses' require specific scrutiny. The proposals would lead to built development on what is currently an open field diagonally opposite the terraced row. The parameter plan submitted with the outline application indicates that the closest new buildings to 'Twelvehouses' would be approximately 50m away, beyond land that is reserved for a replacement junction for the existing T-junction of Lows Lane, Ilkeston Road and Sowbrook Lane. Those buildings would also be screened by strategic landscaping. Furthermore, it is noted that the character of 'Twelvehouses' is of ironworkers cottages adjacent an historic ironworks. The conclusions of the Environmental Statement and the Heritage Consultant that the setting of these listed buildings would suffer less than substantial harm from the proposals are reasonable. In the planning balance, the substantial benefits of the proposals as a whole are considered to outweigh that harm.

Some Non-Designated Heritage Assets on the site will be directly impacted by the development, resulting in their total loss. These include archaeological remains associated with early ironworking phases comprising the area of the 'Old Works' established in 1845 between the Nutbrook Canal and Lows Lane, and a slag crushing works north of the canal. Others include built heritage assets comprising parts of the 1790s Nutbrook Canal (including the remains of a bridge), and surviving Stanton Ironworks structures including the 20th century Training Centre and Exhibition Centre and a 19th century foundry building. The proposals are to demolish the surviving ironworks buildings, the canal bridge, and two isolated sections of canal measuring nearly 400m long in combination. A continuous stretch of canal around 1,400m long, will remain to the west and north.

The applicants have undertaken a Level 1 Historic Buildings Survey of the former Training and Exhibition Centre buildings and it is evident that the buildings are in poor condition, having experienced vandalism and exposure to the elements for some years. They have little inherent architectural interest, and the deterioration of their interiors is such that their claim to be heritage assets rests largely on the historical associations of their facades.

The loss of the Non-Designated Heritage Assets on site is regrettable. However, is recognised that the site requires comprehensive remediation that includes significant earthworks in order to attract new inward investment to the site. Preserving any of the assets on site would in effect preserve the contamination and instability of those parts of the site, whilst also constraining the remediation works around them, including finished ground levels, to an unreasonable degree.

In line with the NPPF, the applicants have been requested to undertake a Level 3 Historic Building Survey to record the significance of the Non-Designated Heritage Assets lost, and this can be required by condition. The County Archaeologist additionally recommends archaeological investigation of the route of canal and the historic iron workings between the canal and Lows Lane but this is impracticable due to the nature of the risk to human health from the contaminated soils.

In addition, the development will affect the settings of other Non-Designated Heritage Assets, including the locally listed ironworks main office and former ironworkers cottages at Nos. 3 & 4 Lows Lane, and the Nutbrook Spun Plant building. The impact of the proposals on the settings of these Heritage Assets is considered in the Environmental Statement which concludes that the harm caused will be 'less than substantial'. The council's Heritage Consultant agrees with this assessment.

In summary, the less than substantial harm to the setting of the Grade II listed 'Twelvehouses' is outweighed by the benefits of the scheme. Retention of the Non-Designated Heritage Assets on site would not improve viability and would not contribute to the local distinctiveness of what will be a new industrial district. Their significant does not justify their retention and their historic value can be retained through recording. Harm to the setting of adjacent Non-Designated Heritage Assets will be less than substantial. Therefore, it is considered that the

impact of the development on heritage matters is acceptable and accords with the NPPF, Core Strategy Policy 11 and Saved Policies EV6 and EV7.

Planning Obligations

As discussed throughout this report, there are several matters which need to be addressed through the completion of a s106 Agreement to either ensure their delivery, or to mitigate the impact of the development.

In summary, the matters addressed throughout the report which form the Heads of Terms of the s106 Agreement are:

- Safeguarding of land at Ilkeston Road/Lows Lane/Sowbrook Lane junction for future highway improvements including the transfer of the land to an appropriate authority.
- Contribution of £261,000 for the planting and 30-year maintenance of 45ha of land at Manner Floods Nature Reserve and adjacent land as off-site biodiversity mitigation
- Provision of off-site highway works identified in the application at Trowell and Stanton Gate
- Provision of off-site amenity improvements through villages consisting of:
 - Provision of intelligent / smart traffic lights at the Sandiacre cross-roads.
 - Provision of prominent “No HGV” signs in 3 locations:
 - Littlewell Lane – near Stanton Bonna
 - Seven Oaks Road – new Golf Club Road
 - Rushy Lane – near Risley traffic lights
 - A financial contribution to Derbyshire County Council as highway authority to enable them to make best endeavours to implement TROs restricting the speed limit along Rushy Lane from Risley traffic lights to Stanton by Dale to 40mph, and through Stanton By Dale village to 20mph

A draft s106 Agreement has been submitted and is under consideration by officers of this council and also Derbyshire and Nottinghamshire County Councils (as relevant Highway Authorities) who will also need to be co-signatories to the Agreement. Planning permission would not be issued until the s106 Agreement had been satisfactorily completed.

Other matters

The Canal & Rivers Trust seek additional signage to direct users of the site to the canal towpath to encourage its use, but due to the proximity of the towpath to the site and the improved access to the towpath that would be delivered by the

development, it is not considered that additional signage would be necessary. The Trust suggest work to an off-site bridge but this would not be reasonably linked to the development nor within the gift of the applicant to undertake.

The Highway Authority request that the developer contribute to the monitoring costs of Travel Plans. It is considered, however, that the monitoring of Travel Plans should appropriately be undertaken by the occupiers of the units themselves and this can be addressed through the approval of detailed Travel Plans through conditions.

Conclusions

The proposals represent sustainable development of a brownfield site with an industrial history but that has lain vacant and derelict for many years. The proposals represent an opportunity to decontaminate and remediate the site and bring the largest brownfield site in the borough back into productive economic use. The proposals will deliver economic growth and create up to 4,000 new jobs through inward investment and associated economic growth.

The proposals comply with the council's adopted policy for the site; Strategic Policy 2.1 of the Core Strategy Review. Whilst a departure from adopted policy 20, the council's position has moved on since the adoption of the Core Strategy in 2014 and the proposals meet the policy requirements of the emerging Core Strategy Review.

The mix of employment uses proposed, including up to 10ha of industry, will meet the recognised employment needs of the borough.

The work undertaken to date has demonstrated that the site can be decontaminated and remediated in an appropriate manner to ensure the safe delivery of a development-ready site. Details of the scheme can be controlled by conditions.

The development is not likely to cause or be affected by flooding and an appropriate drainage scheme has been developed to meet the needs of the proposals.

The delivery of a multi-modal rail hub and use of the rail spur are welcomed, have long been ambitions of the council for the re-use of this site and will encourage non-road freight haulage benefiting the environment and local communities.

Transport modelling has demonstrated that the development can be undertaken without significant harm to local highway safety or severe impacts on the highway network. Off-site mitigation will be provided to two junctions to reduce the impact of the traffic generation.

Whilst significant losses of biodiversity will occur on site as a consequence of the need for its comprehensive remediation, retained biodiversity on site will be enhanced and positively managed and 45ha of new deciduous woodland planting will take place off-site, providing adequate compensation for the harm caused.

The harm to bats from the destruction of roosts on site meets the tests set out in regulations, and adequate replacement habitat for bats and badgers is proposed.

The development can be undertaken without significant harm to local amenity through noise and other pollution. Off-site amenity mitigation will be provided by way of traffic calming measures in local villages. Whilst the development will undoubtedly have an impact on visual amenity, steps have been taken to reduce the impact at street level through a series of height limitations and landscaping including tree retention.

Whilst the loss of Non-Designated Heritage Assets on site is regrettable, the benefits of the scheme are considered to outweigh the less than substantial harm caused.

A package of measures to secure the appropriate delivery and mitigation of the development have been agreed through a s106 Agreement.

As such, the development is considered acceptable, accords with national and local planning policies and is recommended for approval.

Recommendation

Approve subject to the conditions below and the prior completion of a satisfactory S106 Agreement to deliver the matters covered in the Planning Obligations section of the report.

Conditions & Reasons

In respect of the Full elements of the approval:

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

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

- Site Location Plan – Dwg No: 20-188-SGP-XX-XX-DR-A-111000
- Planning Application Boundary Plan – Dwg No: 20-188-SGP-XX-XX-DR-A-000012-A
- Removal of the Canal Section – Dwg No: 20-188-SGP-XX-XX-DR-A-132003
- Site Sections Dwg No: 20-188-SGP-XX-XX-DR-A-001201
- Demolition Plan Dwg No: 20-188-SGP-ZZ-ZZ-DR-A-000013 Rev B
- Eastern Site Access Junction – Roundabout Option C (Incorporating TRS Access) – Dwg No: 82200919/6115 Rev C

- Western Site Access Junction – Dwg No: 8200919/6109 Rev C
- Minor Amendments to Easternmost Access – Dwg No: 8200919/6121 Rev B
- Cycle Path Diversion Plan - Dwg No: 20-188-SGP-XX-XX-DR-A-111002
- Internal Roads Dimensions & Visibility – Dwg No: 8200919/6117 Rev B
- Street Lighting Plans – MMA 17097/001 Rev R1, 17097 002 Rev R1, 17097 003 Rev R1 and Outdoor Lighting Report
- Tree Retention Plan – 10717-T-03-D
- Tree Retention Plan – 10717-T-04-D

Reason

For the avoidance of doubt as to what is approved.

3. No development, including preparatory works, shall commence until protective fences have been erected around all trees shown to be retained on the approved plans. Such fencing shall conform to best practice as set out in British Standard 5837:2012 and ensure that no vehicles can access, and no storage of materials or equipment can take place within, the root and canopy protection areas. The fences shall be retained in situ during the course of all development permitted by this permission, with the protected areas kept clear of any building materials, plant, debris and trenching, and with existing ground levels maintained; and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason

This pre-commencement condition is required in the interests of safeguarding existing trees and the visual amenities of the area.

4. No development shall take place (including demolition and ground works) until a Protected Species Working Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall include measures to avoid harm to badgers, reptiles and amphibians during remediation, earth moving and construction works. The development shall then be undertaken in accordance with the approved Method Statement.

Reason

To prevent harm to protected species during construction works.

5. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include the following components:
 - a. A preliminary risk assessment which has identified:
 - i. All previous uses
 - ii. Potential contaminants associated with those uses
 - iii. A conceptual model of the site indicating sources, pathways and receptors

- iv. Potentially unacceptable risks arising from contamination at the site
- b. A site investigation scheme, based on (a) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site
- c. The results of the site investigation and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken, to include:
 - A Construction Environmental Management Plan
 - A Materials Management Plan including details of acceptable soil criteria
 - An Asbestos Management Plan
 - A detailed Discovery Strategy for dealing with any unexpected contamination
 - Details of site supervision of the works by a competent person
- d. A verification plan, including a gas monitoring strategy, providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason

This pre-commencement conditions is required to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable contamination or water pollution.

- 6. No development shall commence on each phase of the access roads/junctions until;
 - a. A scheme of further intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, including that posed by recorded mine entries and shallow mine workings; and
 - b. Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public.

7. No works associated with the remediation and decontamination of the site, the approved earthworks, the construction of the access roads and junctions hereby approved, or deliveries to, or removal of materials from the site associated with these works, shall take place except between the following hours:

7:00 to 18:00 Monday to Friday

7:00 to 13:00 Saturday

No work shall be undertaken on Sundays or Public Holidays.

Reason

In accordance with the terms of the application and to protect the amenity of neighbours during the construction period.

8. No demolition of the former Exhibition Centre and former Training Centre on Lows Lane, the 19th century foundry building behind Nos 1 & 2 Lows Lane, or the historic Nutbrook Canal bridge shall take place until a Level 3 Historic Building Recording of those buildings and structures has been undertaken and submitted to the local planning authority.

Reason

To ensure that appropriate historic recording of these non-designated heritage assets is made and retained prior to their demolition.

9. No development within 25m of the application site boundary with the Erewash Canal shall take place until a Method Statement detailing the earth moving and excavation works required for that development has been submitted to and approved in writing by the local planning authority. The Method Statement shall be informed by a slope stability survey of the Erewash Canal cutting slope along the eastern site boundary and shall identify and incorporate any measures to avoid the risk of adversely affecting the stability of the cutting slope or the structural stability of the Erewash Canal (such as stand-off distances from the canal for operating plant and machinery) during ground and remediation works. The development shall then be carried out in strict accordance with the approved Method Statement.

Reason

In the interests of avoiding the risk of creating land instability arising from any adverse impacts from earth works which could adversely affect the stability of the adjacent Erewash Canal cutting slope or the structural stability of the canal in accordance with the advice and guidance of paragraphs 174 and 183 of the NPPF and in the NPPG.

10. Prior to the provision of the re-routed Cycle Route 67 required by condition 31, full details of the proposed biodiversity enhancements to be undertaken along the route of the existing Cycle Route 67 and indicated on Parameter Plan 20-188-SGP-XX-XX-DR-A-001506-Rev P shall be submitted to and approved in writing by the local planning authority. The scheme shall also include means of enclosure of this Biodiversity Enhancement Area and a timescale for the implementation of the works

proposed. The scheme shall then be implemented in accordance with the approved scheme and timescales.

Reason

In accordance with the terms of the application, and to secure the biodiversity enhancement of this part of the site in accordance with the NPPF and Strategic Policy 2.1 of the Emerging Erewash Core Strategy Review.

11. Surface water drainage from areas of hardstanding associated with the roads hereby permitted shall be passed through an oil interceptor or series of oil interceptors prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed during the construction of the roads and shall be retained and maintained throughout the life of the development.

Reason

To reduce the risk of pollution to the water environment.

12. The development shall be delivered in accordance with the Flood Risk Assessment & Drainage Strategy submitted as Chapter 7.1 of the Environmental Assessment.

Reason

To ensure that the development is safe from, and does not contribute towards flooding, and that the drainage of the site is undertaken in accordance with the approved details.

13. Prior to the access roads/junctions being taken into beneficial use, a signed declaration prepared by a suitably competent person, confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the local planning authority. This document shall confirm the methods and findings of the intrusive site investigations required by condition 6 and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public.

14. Following the completion of the works set out in the remediation strategy required by condition 5, a verification report, including a gas monitoring report, shall be submitted to the local planning authority demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation. The verification report shall include

results of sampling and monitoring carried out in accordance with the approved verification plan.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable contamination or water pollution.

In respect of the Outline elements of the approval:

15. Approval of the details of layout, scale parameters, landscaping and appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

16. Application(s) for the approval of reserved matters must be made not later than eight years from the date of this permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

17. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

- Site Location Plan – Dwg No: 20-188-SGP-XX-XX-DR-A-111000
- Planning Application Boundary Plan – Dwg No: 20-188-SGP-XX-XX-DR-A-000012-A
- Eastern Site Access Junction – Roundabout Option C (Incorporating TRS Access) – Dwg No: 82200919/6115 Rev C
- Western Site Access Junction – Dwg No: 8200919/6109 Rev C
- Minor Amendments to Easternmost Access – Dwg No: 8200919/6121 Rev B
- Internal Roads Dimensions & Visibility – Dwg No: 8200919/6117 Rev B
- Tree Retention Plan – 10717-T-03-D
- Tree Retention Plan – 10717-T-04-D

Reason

For the avoidance of doubt as to what is approved.

18. Notwithstanding that landscaping is a Reserved Matter, the Biodiversity Enhancement Areas depicted in figure 1 of the “New Stanton Park – Biodiversity Enhancement Areas – Outline Habitat Management Plan (April 2022)” shall be retained in accordance with that plan, and within 12 months of the completion of ground remediation works on the site, shall be enhanced in accordance with, and thereafter managed in accordance with, that Management Plan.

Reason

To ensure that biodiversity interests on the site are retained, enhanced and managed in accordance with the application and the requirements of the NPPF and Strategic Policy 2.1 of the Emerging Erewash Core Strategy Review.

19. Notwithstanding that landscaping is a Reserved Matter, a scheme of tree planting within the “Proposed Areas of New Woodland / Buffer Tree Planting” identified on Parameter Plan 20-188-SGP-XX-XX-DR-A-001506 Rev P shall be submitted to and approved by the local planning authority. All tree planting included in the approved details shall then be carried out by the end of the first planting season following the completion of the site remediation works. Any trees which within a period of 5 years from their planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason

To ensure that satisfactory tree planting is provided within a reasonable time period in the interests of visual amenity.

20. Notwithstanding that landscaping is a Reserved Matter, a scheme of landscaping for the areas within “Proposed Landscape Buffers” identified on Parameter Plan 20-188-SGP-XX-XX-DR-A-001506 Rev P shall be submitted to and approved by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out by the end of the first planting and seeding seasons following the completion of the estate road. Any trees or plants which within a period of 5 years from the completion of the estate road, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason

This pre-commencement condition is required to ensure that satisfactory landscaping is provided within a reasonable time period in the interests of visual amenity.

21. Prior to the submission of any Reserved Matters application seeking approval of layout, a scheme of intrusive investigations shall be carried out

to establish the risks posed by past coal mining activity to that specific phase of the development, including risks posed by recorded mine entries and shallow mine workings. These works shall be carried out in accordance with authoritative UK guidance. All applications seeking Reserved Matters approval for layout shall then be accompanied by: the findings of the intrusive site investigations, and if mining features are present, a proposed layout plan which identifies the position of all recorded mine entries, the extent of their potential zones of influence, and suitable “no build” zones around these features.

Reason

To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public.

22. Each Reserved Matters application for the construction of buildings shall be accompanied by sufficient drainage details to demonstrate that the cumulative discharge rate into the Nut Brook does not exceed 349.5 litres per second.

Reason

In accordance with the terms of the application and to ensure that the development does not lead to an increased risk of flooding.

23. Each Reserved Matters application for the construction of buildings shall be accompanied by a scheme for the parking and manoeuvring within the site of employees, visitors and goods vehicles to serve that buildings.

Reason

In the interests of highway safety

24. Each Reserved Matters application for the construction of buildings shall be accompanied by a scheme for secure (and under cover) cycle parking to serve the buildings. Occupation of the buildings shall not take place until the approved cycle parking has been provided in accordance with the approved details. Thereafter, the cycle parking shall be maintained and kept available for use.

Reason

To ensure the provision of appropriate cycle infrastructure to encourage the use of sustainable means of transport to the site.

25. Each Reserved Matters application for the construction of buildings shall be accompanied by a Travel Plan, which sets out actions and measures with quantifiable outputs and outcome targets in relation to the occupiers of those buildings. Following occupation of the buildings, the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason

In the interests of encouraging the use of sustainable means of transport.

26. Notwithstanding that landscaping is a Reserved Matter, no built development shall be proposed in subsequent Reserved Matters applications on land identified on the Parameter Plan 20-188-SGP-XX-XX-DR-A-001506 Rev P as being for landscaping, biodiversity enhancements or retained landscape features, with the exception of access roads to serve development plots where necessary.

Reason

In accordance with the terms of the application.

27. Notwithstanding that scale is a Reserved Matter, the “Maximum Development Height” zones depicted on the Parameter Plan 20-188-SGP-XX-XX-DR-A-001506 Rev P shall be adhered to in all subsequent Reserved Matters applications, and the maximum haunch heights of buildings depicted on that plan for Plots 1, 2 & 3 respectively shall not be exceeded in any submission of Reserved Matters applications.

Reason

In accordance with the terms of the application and to reduce the dominance and visual impact of the buildings.

28. No construction work shall commence on any elements of the development approved under Reserved Matters application(s) until the approved groundworks, remediation, decontamination, levelling and access works have been completed for that corresponding phase of the development site in accordance with the requirements of conditions 5, 6, 13 and 14 above.

Reason

To ensure each phase of the development is undertaken on land which has been remediated, decontaminated, levelled and accessed in accordance with the details approved.

29. Prior to the first occupation of any unit on the site, the existing, redundant accesses to Lows Lane shall be permanently closed and reinstated as footway/verge in accordance with a scheme first submitted to, and approved in writing by, the local Planning Authority in consultation with the County Highway Authority.

Reason

In the interests of highway safety

30. Notwithstanding that landscaping is a Reserved Matter, prior to the first occupation of any building on the site, the Biodiversity Enhancement Areas depicted in figure 1 of the “New Stanton Park – Biodiversity Enhancement Areas – Outline Habitat Management Plan (April 2022)” shall be enclosed with fencing in accordance with that shown on that plan,

with the Paladin fencing being coloured green and not exceeding 2m in height, and the Post & Rail fencing not exceeding 1m in height.

Reason

To prevent public access to the area of Biodiversity Enhancement in the interests of public safety and the protection of the enhancement areas.

31. The provision of the relocated Cycle Route 67 shall be undertaken in accordance with the details approved on Cycle Path Diversion Plan - Dwg No: 20-188-SGP-XX-XX-DR-A-111002, surfaced and made available for use prior to first occupation of any building.

Reason

To ensure the enhancement of cycle provision across the site in the interests of enhancing sustainable travel and recreation routes.

32. The provision of the proposed cycle path between Merlin Way and the proposed estate road shown on Parameter Plan 20-188-SGP-XX-XX-DR-A-001506-Rev P, shall be undertaken, surfaced and made available for use prior to first occupation of any building.

Reason

To ensure the enhancement of cycle provision across the site in the interests of enhancing sustainable travel and recreation routes.

33. No more than 70% of the total floorspace hereby approved shall be constructed until the Rail Hub has been constructed and made available for use on the 3.49ha of land identified on the Parameter Plan 20-188-SGP-XX-XX-DR-A-001506 Rev P for this purpose, in accordance with details to be approved through subsequent Reserved Matters applications.

Reason

To ensure the provision of the Rail Hub in a timely manner in the interests of maximising the potential rail freight use and mitigating the road traffic impact of the development.

34. The development shall deliver at least 10ha of industrial development (within use classes E(g)(iii) or B2).

Reason

To ensure the provision of an appropriate mix of uses on site to meet identified employment need within the borough.

Positive & Proactive Statement

The council has worked in a positive and proactive way with the applicants through pre-application discussions, the scoping of required submissions and throughout the assessment of the application. Matters of concern have been raised with the applicants at all stages and addressed satisfactorily through the

provision of additional and amended information and plans and the imposition of appropriate conditions.

Notes to Applicant

1. This planning permission should be read in conjunction with the associated s106 Agreement dated [DATE TO BE INSERTED]
2. The Remediation Strategy required by condition 5 above should include an asbestos soil risk assessment in line with CIRIA C733 (2014) and a gas risk assessment.
3. Anyone who takes, damages or destroys the nest of a wild bird whilst that nest is in use is guilty of an offence under the Wildlife and Countryside Act 1981. Prior to commencing work you should ensure no nesting birds will be affected. Further advice can be obtained from Derbyshire Wildlife Trust and Natural England.

4. Notes from the Highway Authority:

- a. 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. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from ete.devcontrol@derbyshire.gov.uk or tel: 01629 533190. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
- b. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Executive Director - Place at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).
- c. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- d. The application site is affected by Public Right of Way Footpath 24 in the parish of Stanton by Dale, as shown on 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. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. For further information contact etc.PROW@derbyshire.gov.uk

5. Notes from the Environment Agency:

Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to Pollution Prevention Guide 26 for the storage of drums and intermediate bulk containers.

Any facilities, above ground, for the storage of oils, fuels or chemicals should be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses should be located within the bund. The drainage system of the bund should be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations.

We advise that any potentially polluting materials and chemicals are stored in an area with sealed drainage.

Regulated Industry

The Environment Agency wishes to highlight the development site is currently an area heavily populated by waste operations and is subject to a high level of public scrutiny and interest from both the general public and MPs due to the amenity issues surrounding the area. Therefore any proposed operations for waste treatment etc. will need to ensure the appropriate environmental permits are in place, including all relevant emissions management plans (dust, odour, noise, fire prevention etc.)

We would also encourage that any applicants/developers engage with the Environment Agency at the earliest opportunity to discuss the permitting implications for proposed developments that require environmental permits. The applicant is advised to find out more information about the permit application process online and to send a pre-application enquiry form via the gov.uk website: <https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>

This application is a hybrid application with outline permission for potential future uses including a mix of Class E(g) (iii) (Industrial Processes), B2 (General Industrial) and B8 (Storage & Distribution). The exact proposals will be subject to separate reserved matters applications. Where reserved matters applications are submitted which propose developments that would require environmental permits we recommend that the developer considers parallel tracking the planning and permit applications as this can

help identify and resolve any issues at the earliest opportunity. Parallel tracking can also prevent the need for post-permission amendments to the planning application. We would welcome a joint discussion with the applicant and planning authority to discuss this further.

**ITEM 4 APP REF:
ERE/1221/0002**

**HYBRID PLANNING APPLICATION FOR THE
COMPREHENSIVE REDEVELOPMENT OF THE
SITE COMPRISING THE PROVISION OF A
MAXIMUM 261,471 SQM OF EMPLOYMENT (A
MIX OF CLASS EG (III) (INDUSTRIAL
PROCESSES), B2 (GENERAL INDUSTRIAL)
AND B8 (STORAGE & DISTRIBUTION) WITH
ASSOCIATED AND RELATED WORKS AND
PROPOSED ACCESS FROM LOWS LANE.**

**AT PART OF FORMER STANTON
IRONWORKS, LOWS LANE, STANTON BY
DALE, DE7 4QU**

The following matters have arisen since the publication of the main report:

1. Page 2: (final paragraph) "Pirates Pond" should read "Privates Pond"
2. Page 43: the report refers to financial contributions from the developer to fund mitigation measures at the traffic lights at Sandiacre. Derbyshire County Council Highway Authority made representations that the amount initially offered would be insufficient to cover the costs involved. The applicant has subsequently provided a revised calculation based on a quote from a Derbyshire County Council Highway Authority approved contractor which estimates £119,508 as the cost required for these works. Furthermore, the applicant has undertaken to carry out the works themselves through the use of approved contractors. Therefore if costs vary, these will be covered by the applicant.
3. Page 43: Derbyshire County Council Highway Authority have further advised that they would make "best endeavours" to deliver the Traffic Regulation Order for a speed reduction from Risley lights to Stanton by Dale, bearing in mind that such orders are subject to their own process which can include determination by the Secretary of State at an inquiry, the outcome of which cannot be pre-judged. They advise however, that they are uncertain of the benefits of 20mph speed limits, and are currently conducting trials to assess their effectiveness. Consequently they will not commit to the delivery of the suggested Stanton by Dale village Traffic Regulation Order at this stage, and its inclusion in any s106 agreement will be caveated as being subject to the outcome of those trials.
4. Nottinghamshire County Council Highway Authority confirm that they are satisfied with the requirements of the s106 agreement in principle.
5. Council Executive resolved at its meeting on 7 June to close Pewit Golf Course and to develop it as a nature reserve. The decision is subject to call-in, but this land could fulfil the requirement to provide additional land alongside Manner Floods Nature Reserve for the off-site biodiversity enhancement work referred to on page 37 and included in the s106 obligations on page 46.

The s106 obligations included on page 46 of the report already make allowance for the updates in 2-5 above and do not require amendment. There are therefore no proposed changes to the recommendation as a result of these additional matters.

EREWASH BOROUGH COUNCIL

Report of the Director of Resources
to the Planning Committee

24 August 2022

Application Reference: ERE/1221/0002

HYBRID PLANNING APPLICATION FOR THE COMPREHENSIVE REDEVELOPMENT OF THE SITE COMPRISING:

**OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND
STRUCTURES TO PROVIDE; A MAXIMUM OF 261,471 SQM OF
EMPLOYMENT (A MIX OF CLASS E_g(iii) (INDUSTRIAL PROCESSES, B2
(GENERAL INDUSTRIAL) AND B8 (STORAGE & DISTRIBUTION) WITH
ASSOCIATED CAR, CYCLE AND HGV PARKING; SERVICE YARDS;
GATEHOUSE(S) AND SECURITY FACILITIES; ELECTRICAL SUBSTATIONS;
PROVISION OF CYCLE AND WALKING INFRASTRUCTURE AND FOUL AND
SURFACE WATER INFRASTRUCTURE; REMOVAL OF TREES; RETENTION
OF OPEN SPACE FOR BIODIVERSITY ENHANCEMENTS AND
LANDSCAPING; UTILITIES; PROVISION OF LAND FOR SAFEGUARDING
FOR FUTURE HIGHWAY IMPROVEMENTS; RELOCATION AND
CONSOLIDATION OF EXISTING RAILWAY LINE; PROVISION OF
INTERMODAL RAIL HUB, AND OTHER ASSOCIATED WORKS AND
IMPROVEMENTS.**

**FULL APPLICATION FOR PROVISION OF NEW ACCESS POINTS FROM
AND ALTERATIONS TO LOWS LANE AND AN INTERNAL ESTATE ROAD;
DIVERSION OF A SECTION OF NATIONAL CYCLE ROUTE 67; ASSOCIATED
SURFACE WATER INFRASTRUCTURE; INFILLING OF PART OF THE
DISUSED CANAL; REMEDIATION AND DECONTAMINATION WORKS AND
GROUNDWORKS.**

**AT PART OF FORMER STANTON IRONWORKS, NORTH OF LOWS LANE,
STANTON BY DALE**

Introduction

Members will recall that the above application was considered at a meeting of the Planning Committee on 8 June 2022. The committee resolved to grant planning permission subject to 34 conditions (set out in the report attached as Appendix I) and the prior completion of an Agreement under S106 of the Town & Country Planning Act to provide for the following:

- Safeguarding of land at Ilkeston Road/Lows Lane/Sowbrook Lane junction for future highway improvements including the transfer of the land to an appropriate authority.

- Contribution of £261,000 for the planting and 30-year maintenance of 45ha of land at Manner Floods Nature Reserve and adjacent land as off-site biodiversity mitigation
- Provision of off-site highway works identified in the application at Trowell and Stanton Gate
- Provision of off-site amenity improvements through villages consisting of:
 - Provision of intelligent / smart traffic lights at the Sandiacre cross-roads.
 - Provision of prominent “No HGV” signs in 3 locations:
 - Littlewell Lane – near Stanton Bonna
 - Seven Oaks Road – new Golf Club Road
 - Rushy Lane – near Risley traffic lights
 - A financial contribution to Derbyshire County Council as highway authority to enable them to make best endeavours to implement TROs restricting the speed limit along Rushy Lane from Risley traffic lights to Stanton by Dale to 40mph, and through Stanton By Dale village to 20mph

Update

The applicant, Verdant Ltd, have willingly agreed to all the terms of the s106 set out above, and in the two months since the resolution of Planning Committee to grant permission subject to the above matters being secured through a s106 agreement:

Detailed terms to secure;

- Safeguarding of land at Ilkeston Road/Lows Lane/Sowbrook Lane junction for future highway improvements including the transfer of the land to an appropriate authority, and
- Contribution of £261,000 for the planting and 30-year maintenance of 45ha of land at Manner Floods Nature Reserve and adjacent land as off-site biodiversity mitigation

have been agreed with Erewash Borough Council.

Detailed terms to secure;

- Provision of off-site highway works identified in the application at Trowell

have been agreed with Nottinghamshire County Council.

Detailed terms to secure;

- Provision of off-site highway works identified in the application at Stanton Gate
- Provision of off-site amenity improvements through villages consisting of:
 - Provision of intelligent / smart traffic lights at the Sandiacre cross-roads.
 - Provision of prominent “No HGV” signs in 3 locations:
 - Littlewell Lane – near Stanton Bonna
 - Seven Oaks Road – new Golf Club Road
 - Rushy Lane – near Risley traffic lights

have been agreed with Derbyshire County Council.

However, despite the applicant’s and the planning authority’s best endeavours, terms to secure:

- Provision of off-site amenity improvements through villages consisting of:
 - A financial contribution to Derbyshire County Council as highway authority to enable them to make best endeavours to implement TROs restricting the speed limit along Rushy Lane from Risley traffic lights to Stanton by Dale to 40mph, and through Stanton By Dale village to 20mph.

The Highways Authority have primacy on traffic management issues and need to comply with national guidance, in particular Department of Transport Circular 01/2013 and the local 2017 Speed Management Protocol. Unfortunately the outline suggestions put forward in June for Rushy Lane and Stanton-by-Dale, do not fit within that framework and have had to be withdrawn following the consultation process undertaken since June. The County Council are however keen to look at signage and other initiatives which support the thrust of these proposals and are looking at potential side agreements to the main Section 106 to take this forward.

Assessment

Whilst changes to the speed limits may have local support, it is ultimately a matter for the highways authority’s assessment on their feasibility. Derbyshire County Council are willing to work in partnership with the developer and Erewash Borough Council to provide amenity benefits to residents in those locations that would ameliorate any potential or perceived impact of the increased traffic generated by the development proposals.

As it would be unreasonable to withhold planning consent to the applicant on the grounds that such traffic provision is not being made this report is coming back

for Members attention as the bulk of the project and concomitant Section 106 need amending. (The proposed speed restrictions made up a small component of the overall agreement.)

Recommendation

Grant planning permission subject to the conditions listed in the original report attached as Appendix I and the prior completion of a satisfactory S106 Agreement to deliver the matters below:

- Safeguarding of land at Ilkeston Road/Lows Lane/Sowbrook Lane junction for future highway improvements including the transfer of the land to an appropriate authority.
- Contribution of £261,000 for the planting and 30-year maintenance of 45ha of land at Manner Floods Nature Reserve and adjacent land as off-site biodiversity mitigation
- Provision of off-site highway works identified in the application at Trowell and Stanton Gate
- Provision of off-site amenity improvements through villages consisting of:
 - Provision of intelligent / smart traffic lights at the Sandiacre cross-roads.
 - Provision of prominent “No HGV” signs in 3 locations:
 - Littlewell Lane – near Stanton Bonna
 - Seven Oaks Road – new Golf Club Road
 - Rushy Lane – near Risley traffic lights

**ITEM 3 APP REF:
ERE/1221/0002**

HYBRID PLANNING APPLICATION FOR THE COMPREHENSIVE REDEVELOPMENT OF THE SITE COMPRISING THE PROVISION OF A MAXIMUM 261,471 SQM OF EMPLOYMENT (A MIX OF CLASS EG (III) (INDUSTRIAL PROCESSES), B2 (GENERAL INDUSTRIAL) AND B8 (STORAGE & DISTRIBUTION) WITH ASSOCIATED AND RELATED WORKS AND PROPOSED ACCESS FROM LOWS LANE. (SUMMARY ONLY – FOR FULL DESCRIPTION OF DEVELOPMENT PLEASE SEE APPLICATION FORMS OR DESCRIPTION OF DEVELOPMENT IN THE DOCUMENTS SECTION) AT PART OF FORMER STANTON IRONWORKS, LOWS LANE, STANTON BY DALE, DERBYSHIRE, DE7 4QU FOR .

An additional consultation response has been received from a resident of North Avenue in Sandiacre raising the following concerns:

- Potential increase in HGVs in Sandiacre
- Impact on recent road works/water leaks on local traffic conditions
- Need for an additional junction on M1 to serve Stanton

These matters have been addressed previously in the main report to the 8 June Planning Committee and do not specifically address matters for consideration in tonight's agenda which relate to the narrow issue of the amenity mitigation measures in the s106 Agreement. The committee previously resolved to grant planning permission without the provision of a new junction on the M1, and there is nothing in the additional representation which is considered to require reconsideration of that previous decision.

Dated 25 August 2022

- (1) EREWASH BOROUGH COUNCIL
- (2) DERBYSHIRE COUNTY COUNCIL
- (3) NOTTINGHAMSHIRE COUNTY COUNCIL
- and
- (4) VERDANT REGENERATION LIMITED
- and
- (5) OAKNORTH BANK PLC

**Planning obligations under section 106 of the Town and Country
Planning Act 1990 relating to land at New Stanton Park, Lows
Lane, Stanton by Dale, Ilkeston, Derbyshire DE7 4QU**

KEYSTONE LAW

48 Chancery Lane London WC2A 1JF
DX: 193 Chancery Lane
Telephone: 020 3319 3700
Fax: 0845 458 9398
enquiries@keystonelaw.co.uk
www.keystonelaw.co.uk

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ANNEX D Stanton Gate/Lows Lane/Ilkeston Road Junction Plan

ANNEX E Site Access Plans

ANNEX F TP1 Plan

This deed is dated 25 August

2022

Parties

- (1) **EREWASH BOROUGH COUNCIL** of Town Hall, Derby Road, Long Eaton NG10 1HU (the **Council**);
- (2) **DERBYSHIRE COUNTY COUNCIL** of County Hall, Matlock, Derbyshire DE4 3AG (the **DCC County Council**);
- (3) **NOTTINGHAMSHIRE COUNTY COUNCIL** of County Hall, West Bridgford, Nottingham NG2 7QP (the **NCC County Council**);
- (4) **VERDANT REGENERATION LIMITED** a company incorporated in England and Wales with registered number 12257645 and registered office at Cooper Parry, Sky View, Argosy Road, East Midlands Airport, Castle Donnington, Derbyshire, England DE74 2SA (the **Owner**); and
- (5) **OAKNORTH BANK PLC** incorporated and registered in England and Wales with company number 08595042 whose registered office is at 3rd Floor, 57 Broadwick Street, Soho, London W1F 9QS (the **Mortgagee**).

BACKGROUND

- (A) The DCC County Council is the local highway authority for the area where the Property is located.
- (B) The NCC is the local highway authority for the area where the Trowell Roundabout is located
- (C) The Council, the DCC County Council and the NCC County Council are the local planning authorities for the purpose of the TCPA 1990 for the area in which the Property is situated and by whom obligations contained in this Deed are enforceable.
- (D) The Owner is the freehold owner of the Property subject to a mortgage in favour of the Mortgagee but otherwise free from encumbrances.
- (E) The Owner has made the Planning Application and is proposing to carry out the Development.
- (F) The Mortgagee is the registered proprietor of the charge dated 1st December 2021 in the course of registration at Land Registry under Title number DY548565 and has agreed to enter into this deed to give its consent to the terms of this deed.
- (G) The Council having regard to the provisions of the Local Plan and to all other material considerations resolved on [25 August 2022] that Planning



Permission should be granted for the Development subject to the prior completion of this deed.

Agreed terms

1. Interpretation

The following definitions and rules of interpretation apply in this deed:

1.1 Definitions:

Base Rate: the higher of 4% and the base rate from time to time of Barclays Bank plc.

Building: a building pursuant to the Development for use as defined in the Planning Permission

County Councils: means both DCC and NCC County Councils

Commencement of Development: the carrying out in relation to the Development of any material operation as defined by section 56(4) of the TCPA 1990 but disregarding for the purposes of this deed and for no other purpose, the following operations:

- demolition works;
- site clearance;
- ground investigations and trial holes;
- site survey works;
- temporary access construction works;
- archaeological investigation; and
- erection of any fences and hoardings around the Property.

Commence and Commences shall be construed accordingly.

Commencement Date: the date Development Commences.

Default Interest Rate: 3% per annum above the Base Rate.

Development: the development of the Property authorised by the Planning Permission.

Highways Agreement: an agreement made under section 38 and/or section 278 of the HA 1980 with the NCC or the DCC County Councils as the case may be relating to those works set out in Schedule 2, Annex C and Annex D of this Agreement

Highways Works: the works described in Annex C and Annex D which are required to make good a deficiency in infrastructure provision arising from the Development and any



detailed design subsequently approved by the NCC or the DCC county Councils as the case may be, in either case acting reasonably

Local Plan: Refers to the Erewash Core Strategy Adopted 2014

Necessary Highways Consents: any byelaw approvals, and other consents, licences, permissions and orders required from any competent authority, statutory undertaker or person with equivalent powers for the carrying out of the Highways Works.

Occupation: the taking for the first time of a total of at least 24277 square metres of developed space within the Property pursuant to the Planning Permission by an Occupier.

Occupier: any buyer of whole or part of the Site, any tenant of whole or part of the Site or the Owner.

Plan: the plan attached as **ANNEX A**.

Planning Application: Hybrid planning application for the comprehensive redevelopment of the Property comprising:

1. Outline Application for demolition of existing buildings and structures to provide; a maximum 261,471 sqm of employment (a mix of Class Eg (iii) (Industrial Processes), B2 (General Industrial) and B8 (Storage & Distribution) with associated car, cycle and HGV parking; service yards; gatehouse(s) and security facilities; electrical substations; provision of cycle and walking infrastructure and foul and surface water infrastructure; removal of trees; retention of open space for biodiversity enhancements and landscaping; utilities; provision of land for safeguarding for future highway improvements; relocation and consolidation of existing railway line; provision of intermodal rail hub, and other associated works and improvements.
2. Full Application for provision of new access points from and alterations to Lows Lane and an internal estate road; diversion of a section of National Cycle Route 67; associated surface water infrastructure; infilling of part of the disused canal; remediation, and decontamination works and groundworks. Planning permission registered by the Council on 2 December 2021 under reference number ERE/1221/0002 .

Planning Permission: the planning permission to be granted by the Council in respect of the Planning Application in the draft form attached as **ANNEX B**.

Property: the land at New Stanton Park, Lows Lane, Stanton by Dale, Ilkeston, Derbyshire DE7 4QU shown edged red on the Plan and registered at HM Land Registry with absolute title under title number(s) DY548565

Sandiacre Crossroads: the crossroads of the B5010 at Longmoor Lane and Town Street.

Trowell Roundabout: means the roundabout at the junction of Ilkeston Road, Pasture Road and Trowell Road as indicated on plan number 8200919/6115/RevC forming part of ANNEX C.

TCPA 1990: Town and Country Planning Act 1990.

VAT: value added tax chargeable under the Value Added Tax Act 1994 and any similar replacement tax and any similar additional tax.

Working Day: any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in England.

- 1.2 Clause headings shall not affect the interpretation of this deed.
- 1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.4 A reference to a **company** shall include any company, corporation or other body corporate, wherever and however incorporated or established.
- 1.5 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.7 A reference to any party shall include that party's personal representatives, successors and permitted assigns and in the case of the Council the successors to its respective statutory functions.
- 1.8 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.9 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to **writing** or **written** excludes faxes and e-mail.
- 1.11 A reference to **this deed** or to any other deed or document referred to in this deed is a reference to this deed or such other deed or document as varied or novated (in each case, other than in breach of the provisions of this deed) from time to time.
- 1.12 References to clauses and Schedules are to the clauses and Schedules of this deed.



- 1.13 An obligation on a party not to do something includes an obligation not to allow that thing to be done.
- 1.14 Any words following the terms **including, include, in particular, for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.
- 1.15 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

2. Statutory provisions

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972, section 2 of the Local Government Act 2000 and any other enabling powers.
- 2.2 The covenants, restrictions and obligations contained in this deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Owner with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns.
- 2.3 The covenants, restrictions and obligations contained in this deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.

3. Conditionality

With the exception of clause 2, clause 3, clause 7 clause 10, clause 11, clause 13, clause 16, clause 17, clause 19, clause 20, clause 21, clause 22 and clause 24 (which take effect immediately), this deed is conditional on the grant and issue of the Planning Permission.

4. Covenants by the Owner

The Owner covenants with the Council to:

- (a) observe and perform the covenants, restrictions and obligations set out in the Schedules to this agreement.
- (b) give at least 10 Working Days written notice to the Council of the intended Commencement Date.

5. Covenants by the Council

The Council covenants with the Owner to observe and perform the covenants, restrictions and obligations set out in the Schedules to this agreement.



6. Covenants by the County Councils

The County Councils covenant with the Owner to observe and perform the covenants, restrictions and obligations set out in the Schedules to this agreement.

7. Mortgagee's consent

- 7.1 The Mortgagee consents to the completion of this deed and declares that its interest in the Property shall be bound by the terms of this deed as if it had been executed and registered as a land charge prior to the creation of the Mortgagee's interest in the Property provided that the Mortgagee shall incur no liability whatsoever to perform any covenants and obligations in this Deed unless it becomes successor in title or a mortgagee in possession of all or any part of the Property.

8. Release

No person shall be liable for any breach of a covenant, restriction or obligation contained in this deed after parting with all of its interest in the Property, except in respect of any breach subsisting prior to parting with such interest.

9. Determination of deed

The obligations in this deed (with the exception of clause 11) shall cease to have effect if before the Commencement of Development, the Planning Permission:

- (a) expires;
- (b) is varied or revoked other than at the request of the Owner; or
- (c) is quashed following a successful legal challenge.

10. Local land charge

This deed is a local land charge and shall be registered as such by the Council.

11. Council's costs

The Owner shall pay to the Council separately and to the County Councils on or before the date of this deed:

- (a) their reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, negotiation, completion and registration of this deed in the following maximum sums:

to the Council: £1,500.00

to Derbyshire County Council £1,000.00



to Nottinghamshire County Council £2,000.00

12. Interest on late payment

If any sum or amount has not been paid to the Council or the County Councils by the date it is due, the Owner shall pay the Council or the County Councils interest on that amount at the Default Interest Rate (both before and after any judgment). Such interest shall accrue on a daily basis for the period from the due date to and including the date of payment.

13. Ownership

13.1 The Owner warrants that no person other than the Owner and the Mortgagee has any legal or equitable interest in the Property.

13.2 Until the covenants, restrictions and obligations in clause 4 have been complied with, the Owner will give to the Council and the County Councils within 10 Working Days, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property:

- (a) the name and address of the person to whom the disposition was made; and
- (b) the nature and extent of the interest disposed of.

14. Reasonableness

Any approval, consent, direction, authority, agreement or action to be given by the Council and the County Councils under this deed shall not be unreasonably withheld or delayed.

15. Cancellation of entries

15.1 On the written request of the Owner at any time after each or all of the obligations have been performed or otherwise discharged (and subject to the payment of the reasonable and proper costs) the Council or the County Councils will issue a written confirmation of such performance or discharge.

15.2 Following the performance and full satisfaction of all the terms of this agreement or if this deed is determined pursuant to clause 9 (and subject to the payment of the Council's reasonable and proper costs and charges) the Council will on the written request of the Owner cancel all entries made in the local land charges register in respect of this deed.

16. Disputes

Any dispute, controversy or claim arising out of or relating to this deed, including any question regarding its breach, existence, validity or termination or the legal relationships established by this deed, shall be finally resolved by arbitration in accordance with the Arbitration Act 1996. It is agreed that:

- (a) the tribunal shall consist of one arbitrator appointed jointly by the parties;
- (b) in default of the parties' agreement as to the arbitrator, the arbitrator shall be appointed on either party's request by the President for the time being of the Royal Institution of Chartered Surveyors;
- (c) the costs of the arbitration shall be payable by the parties in the proportions determined by the arbitrator (or if the arbitrator makes no direction, then equally); and
- (d) the seat of the arbitration shall be London.

17. No fetter of discretion

Nothing (contained or implied) in this deed shall fetter or restrict the Council's or the County Council's statutory rights, powers, discretions and responsibilities.

18. Waiver

No failure or delay by the Council or the County Councils to exercise any right or remedy provided under this deed or by law shall constitute a waiver of that or any other right or remedy. No single or partial exercise of such right or remedy shall prevent or restrict the further exercise of that or any other right or remedy.

19. Future Permissions

Nothing in this agreement shall prohibit or limit the right to develop any part of the Property in accordance with any planning permission (other than the Planning Permission or modification, variation or amendment thereof) granted after the date of the Planning Permission.

20. Agreements and Declarations

The parties agree that:

- (a) nothing in this deed constitutes a planning permission or an obligation to grant planning permission; and



- (b) nothing in this deed grants planning permission or any other approval, consent or permission required from the Council in the exercise of any other statutory function.

21. Notices

21.1 Any notice or other communication to be given under this deed must be in writing and must be:

- (a) delivered by hand; or
- (b) sent by pre-paid first class post or other next working day delivery service.

21.2 Any notice or other communication to be given under this deed must be sent to the relevant party as follows:

- (a) to the Council at Town Hall, Ilkeston, Derbyshire DE7 5RP and for the attention of the Head of Law and Governance;
- (b) to the DCC County Council at County Hall, Matlock, Derbyshire DE3 4AG marked for the attention of Executive Director;
- (c) to the NCC County Council at County Hall, West Bridgford, Nottingham, NG2 7QP marked for the attention of []
- (d) to the Owner at North Barn, Dodford Hill Farm, Brockhall Road, Dodford, Northamptonshire, NN7 4GS marked for the attention of David Grier;
- (e) to the Mortgagee at 3rd floor 57 Broadwick Street London W1F 9QS marked for the attention of Emma Backhouse;

or as otherwise specified by the relevant party by notice in writing to each other party.

21.3 Any notice or other communication given in accordance with clause 21.1 and clause 21.2 will be deemed to have been received:

- (a) if delivered by hand, on signature of a delivery receipt or at the time the notice or document is left at the address provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day; or
- (b) if sent by pre-paid first class post or other next working day delivery service, at 9.00 am on the second Working Day after posting.

21.4 A notice or other communication given under this deed shall not be validly given if sent by e-mail.



21.5 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

22. Third party rights

A person who is not a party to this deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed.

23. Value added tax

23.1 Each amount stated to be payable by the Council or the Owner to the other under or pursuant to this deed is exclusive of VAT (if any).

23.2 If any VAT is at any time chargeable on any supply made by the Council or the Owner under or pursuant to this deed, the party making the payment shall pay the other an amount equal to that VAT as additional consideration on receipt of a valid VAT invoice.

24. Governing Law

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

The common seal of **EREWASH BOROUGH COUNCIL** was affixed to this document in the presence of:

D. Hyles
.....
Authorised signatory



The common seal of **DERBYSHIRE COUNTY COUNCIL** was affixed to this document in the presence of:

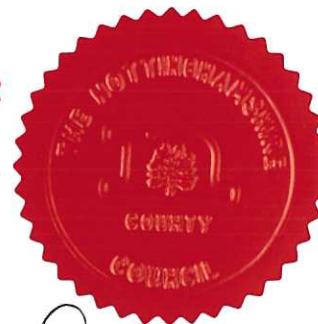
Mary Farrman
.....

Authorised signatory

PP Director of Legal Services

Number in Seal
Book 2022/947

SEAL REGISTER
NO: 49511



The common seal of **NOTTINGHAMSHIRE COUNTY COUNCIL** was affixed to this document in the presence of:

Authorised signatory

EXECUTED as a Deed by **VERDANT REGENERATION LIMITED** acting by a director in the presence of:

Director **DAVID WARD**

Witness DHE

Name DEBBIE HUME

Address 11 SPINNEY ROAD

CHADDESDEN

DERBY DE21 6HW

Occupation PROJECT MANAGER



Executed as a deed by **OAKNORTH BANK**

PLC

FABIEN BONAVIA

acting by [] an authorised
signatory, in the presence of:

Witness



Name

EMMA BANKHOUSE

Address

OAKNORTH BANK PLC

57 BROADWICK ST

PO170 WIF9QJ

Occupation

SOLICITOR

Schedule 1 Biodiversity offsetting

1. The Owners covenant with the Council to pay to the Council a total sum of £261,000 (the Offsite **Biodiversity Contribution**) to be used by the Council to offset biodiversity unit losses from the Property:-

1.1 The full sum will be paid within 90 days of the date of the grant of the Planning Permission and will be used by the Council solely to fund biodiversity enhancement including tree planting as provided for at clause 2

2. The Council covenants with the Owners to use the Offsite Biodiversity Contribution solely for the purpose of biodiversity including the creation and maintenance of woodland at Manor Floods Local Nature Reserve and adjacent land with the payment at 1.1 herein being so utilised within thirty years of its payment to the Council

3. If the Council has not used the payment at 1.1 in accordance with clause 2 of this Schedule within thirty years of its payment to the Council then such part thereof that has not been demonstrably utilised must be returned to the Owner immediately .



Schedule 2 Highways

1. The Owner covenants with the Council that within 35 working days of the grant of Planning Permission that it will execute a TP1 of the land shown on the plan in Annex F for £1 and the Council will accept such transfer. The terms of such TP1 will be agreed between the parties acting reasonably. The Owner will meet the legal costs of the Council in connection with the execution of the TP1 up to a maximum of £500. The Mortgagee will release the land from its charge at completion of the TP1.

2. The Owner covenants with the DCC County Council as follows:-

2.1 To undertake the improvement /upgrade of traffic lights at the Sandiacre crossroads to a scheme to be previously approved by DCC County Council in writing and acting reasonably.

2.2 To install prominent "No HGV" signs (non-illuminated, free standing on new poles) in three locations the exact positioning to be agreed between the parties acting reasonably but for the avoidance of doubt at:-

- Littlewell Lane – near Stanton Bonna
- Seven Oaks Road – near Golf Club Road junction
- Rushy Lane - near Risley traffic lights

Such installation is to be completed prior to Occupation being taken of the first Building on the Property by any Occupier. Once installed the DCC County Council covenants to assume responsibility therefor thereafter

3. The Owner covenants with NCC County Council to provide certain off site highway works identified in the Planning Application being the improvements to the Pasture Road/Ilkeston Road/Trowell Roundabout as shown on the plan in Annex C.

4. The Owner covenants with DCC County Council to provide certain off site highways works identified in the Planning Application being improvements to the Stanton Gate /Lows Lane /Ilkeston Road junction as shown on the plan in Annex D.

5. The Owner covenants with the DCC County Council to undertake works to three access points to the Property as shown on the plans in Annex E being:-

1. the Eastern "Trust Access"
2. the new access roundabout at Lows Lane
3. the Western access at Lows Lane .



The works referred to in 1 and 3 above will be undertaken following the discharge of condition 6 of the Planning Permission and will be completed within six months thereafter. The Owner will notify the DCC County Council in writing of the discharge of condition 6 within five working days of such discharge

6.

- (a) The Owner covenants with the NCC that prior to commencement of the Development it shall enter into with it a relevant Highways Agreement on terms to be agreed between the parties acting reasonably with the Council to secure the design ,construction and completion by the Owner of the Highway Works and their subsequent adoption as publicly maintainable highway.

- (b) obtain all Necessary Highway Consents

7. the Owner covenants with DCC that prior to commencement of the Development it shall:-

- (a) enter into with it an appropriate Highways Agreement on terms to be agreed between the parties acting reasonably with DCC to secure the design ,construction and completion by the Owner of the Highway Works and those works referred to under clauses 2.1, 2.2, 4 and 5 above and their subsequent adoption as publicly maintainable highway.
- (b) obtain all Necessary Highway Consents



ANNEX A Plan



ANNEX B Draft Planning Permission





Resources Directorate, Planning & Regeneration

Town Hall Ilkeston
Derbyshire DE7 5RP
Switchboard: 0115 907 2244

TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF DECISION

Part 1: Application Details

Applicant: **VERDANT REGENERATION LTD**

Application Ref: **ERE/1221/0002**

Proposal: **Hybrid planning application for the comprehensive redevelopment of the site comprising:**

Outline Application for demolition of existing buildings and structures to provide; a maximum 261,471 sqm of employment (a mix of Class Eg (iii) (Industrial Processes), B2 (General Industrial) and B8 (Storage & Distribution) with associated car, cycle and HGV parking; service yards; gatehouse(s) and security facilities; electrical substations; provision of cycle and walking infrastructure and foul and surface water infrastructure; removal of trees; retention of open space for biodiversity enhancements and landscaping; utilities; provision of land for safeguarding for future highway improvements; relocation and consolidation of existing railway line; provision of intermodal rail hub, and other associated works and improvements.

Full Application for provision of new access points from and alterations to Lows Lane and an internal estate road; diversion of a section of National Cycle Route 67; associated surface water infrastructure; infilling of part of the disused canal; remediation, and decontamination works and groundworks.

Site Address: **PART OF FORMER STANTON IRONWORKS, LOWS LANE, STANTON BY DALE, DERBYSHIRE, DE7 4QU**

Part 2: Decision

Erewash Borough Council in pursuance of powers under the above mentioned Act hereby

GRANT PERMISSION

for the development in accordance with the application, subject to compliance with the condition(s) imposed (in Part 3 below), and the subsequent approval of all matters referred to in the conditions:

Part 3: Conditions

In respect of the Full elements of the approval:

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

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans/details:

- Site Location Plan – Dwg No: 20-188-SGP-XX-XX-DR-A-111000
- Planning Application Boundary Plan – Dwg No: 20-188-SGP-XX-XX-DR-A-000012-A
- Removal of the Canal Section – Dwg No: 20-188-SGP-XX-XX-DR-A- 132003
- Site Sections Dwg No: 20-188-SGP-XX-XX-DR-A-001201
- Demolition Plan Dwg No: 20-188-SGP-ZZ-ZZ-DR-A-000013 Rev B
- Eastern Site Access Junction – Roundabout Option C (Incorporating TRS Access) – Dwg No: 82200919/6115 Rev C
- Western Site Access Junction – Dwg No: 8200919/6109 Rev C
- Minor Amendments to Easternmost Access – Dwg No: 8200919/6121 Rev B
- Cycle Path Diversion Plan - Dwg No: 20-188-SGP-XX-XX-DR-A-111002
- Internal Roads Dimensions & Visibility – Dwg No: 8200919/6117 Rev B
- Street Lighting Plans – MMA 17097/001 Rev R1, 17097 002 Rev R1, 17097 003 Rev R1 and Outdoor Lighting Report
- Tree Retention Plan – 10717-T-03-D
- Tree Retention Plan – 10717-T-04-D

Reason

For the avoidance of doubt as to what is approved.

- 3 No development, including preparatory works, shall commence until protective fences have been erected around all trees shown to be retained on the approved plans. Such fencing shall conform to best practice as set out in

British Standard 5837:2012 and ensure that no vehicles can access, and no storage of materials or equipment can take place within, the root and canopy protection areas. The fences shall be retained in situ during the course of all development permitted by this permission, with the protected areas kept clear of any building materials, plant, debris and trenching, and with existing ground levels maintained; and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason

This pre-commencement condition is required in the interests of safeguarding existing trees and the visual amenities of the area.

- 4 No development shall take place (including demolition and ground works) until a Protected Species Working Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall include measures to avoid harm to badgers, reptiles and amphibians during remediation, earth moving and construction works. The development shall then be undertaken in accordance with the approved Method Statement.

Reason

To prevent harm to protected species during construction works.

- 5 No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include the following components:

a. A preliminary risk assessment which has identified:

- i. All previous uses
- ii. Potential contaminants associated with those uses
- iii. A conceptual model of the site indicating sources, pathways and receptors
- iv. Potentially unacceptable risks arising from contamination at the site

b. A site investigation scheme, based on (a) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site

c. The results of the site investigation and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken, to include:

- A Construction Environmental Management Plan
- A Materials Management Plan including details of acceptable soil criteria
- An Asbestos Management Plan
- A detailed Discovery Strategy for dealing with any unexpected contamination
- Details of site supervision of the works by a competent person

d. A verification plan, including a gas monitoring strategy, providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason

This pre-commencement conditions is required to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable contamination or water pollution.

- 6 No development shall commence on each phase of the access roads/junctions until;

a. A scheme of further intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, including that posed by recorded mine entries and shallow mine workings; and

b. Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public.

- 7 No works associated with the remediation and decontamination of the site, the approved earthworks, the construction of the access roads and junctions hereby approved, or deliveries to, or removal of materials from the site associated with these works, shall take place except between the following hours:

7:00 to 18:00 Monday to Friday

7:00 to 13:00 Saturday

No work shall be undertaken on Sundays or Public Holidays.

Reason

In accordance with the terms of the application and to protect the amenity of neighbours during the construction period.

- 8 No demolition of the former Exhibition Centre and former Training Centre on Lows Lane, the 19th century foundry building behind Nos 1 & 2 Lows Lane, or the historic Nutbrook Canal bridge shall take place until a Level 3 Historic Building Recording of those buildings and structures has been undertaken and

submitted to the local planning authority.

Reason

To ensure that appropriate historic recording of these non-designated heritage assets is made and retained prior to their demolition.

- 9 No development within 25m of the application site boundary with the Erewash Canal shall take place until a Method Statement detailing the earth moving and excavation works required for that development has been submitted to and approved in writing by the local planning authority. The Method Statement shall be informed by a slope stability survey of the Erewash Canal cutting slope along the eastern site boundary and shall identify and incorporate any measures to avoid the risk of adversely affecting the stability of the cutting slope or the structural stability of the Erewash Canal (such as stand-off distances from the canal for operating plant and machinery) during ground and remediation works. The development shall then be carried out in strict accordance with the approved Method Statement.

Reason

In the interests of avoiding the risk of creating land instability arising from any adverse impacts from earth works which could adversely affect the stability of the adjacent Erewash Canal cutting slope or the structural stability of the canal in accordance with the advice and guidance of paragraphs 174 and 183 of the NPPF and in the NPPG.

- 10 Prior to the provision of the re-routed Cycle Route 67 required by condition 31, full details of the proposed biodiversity enhancements to be undertaken along the route of the existing Cycle Route 67 and indicated on Parameter Plan 20-188-SGP-XX-XX-DR-A-001506 -Rev P shall be submitted to and approved in writing by the local planning authority. The scheme shall also include means of enclosure of this Biodiversity Enhancement Area and a timescale for the implementation of the works proposed. The scheme shall then be implemented in accordance with the approved scheme and timescales.

Reason

In accordance with the terms of the application, and to secure the biodiversity enhancement of this part of the site in accordance with the NPPF and Strategic Policy 2.1 of the Emerging Erewash Core Strategy Review.

- 11 Surface water drainage from areas of hardstanding associated with the roads hereby permitted shall be passed through an oil interceptor or series of oil interceptors prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed during the construction of the roads and shall be retained and maintained throughout the life of the development.

Reason

To reduce the risk of pollution to the water environment.

- 12 The development shall be delivered in accordance with the Flood Risk

Assessment & Drainage Strategy submitted as Chapter 7.1 of the Environmental Assessment.

Reason

To ensure that the development is safe from, and does not contribute towards flooding, and that the drainage of the site is undertaken in accordance with the approved details.

- 13 Prior to the access roads/junctions being taken into beneficial use, a signed declaration prepared by a suitably competent person, confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the local planning authority. This document shall confirm the methods and findings of the intrusive site investigations required by condition 6 and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public.

- 14 Following the completion of the works set out in the remediation strategy required by condition 5, a verification report, including a gas monitoring report, shall be submitted to the local planning authority demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation. The verification report shall include results of sampling and monitoring carried out in accordance with the approved verification plan.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable contamination or water pollution.

In respect of the Outline elements of the approval:

- 15 Approval of the details of layout, scale parameters, landscaping and appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 16 Application(s) for the approval of reserved matters must be made not later than eight years from the date of this permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 17 The development hereby permitted shall be carried out in accordance with the following approved plans/details:

- Site Location Plan – Dwg No: 20-188-SGP-XX-XX-DR-A-111000
- Planning Application Boundary Plan – Dwg No: 20-188-SGP-XX-XX-DR-A-000012-A
- Eastern Site Access Junction – Roundabout Option C (Incorporating TRS Access) – Dwg No: 82200919/6115 Rev C
- Western Site Access Junction – Dwg No: 8200919/6109 Rev C
- Minor Amendments to Easternmost Access – Dwg No: 8200919/6121 Rev B
- Internal Roads Dimensions & Visibility – Dwg No: 8200919/6117 Rev B
- Tree Retention Plan – 10717-T-03-D
- Tree Retention Plan – 10717-T-04-D

Reason

For the avoidance of doubt as to what is approved.

- 18 Notwithstanding that landscaping is a Reserved Matter, the Biodiversity Enhancement Areas depicted in figure 1 of the “New Stanton Park – Biodiversity Enhancement Areas – Outline Habitat Management Plan (April 2022)” shall be retained in accordance with that plan, and within 12 months of the completion of ground remediation works on the site, shall be enhanced in accordance with, and thereafter managed in accordance with, that Management Plan.

Reason

To ensure that biodiversity interests on the site are retained, enhanced and managed in accordance with the application and the requirements of the NPPF and Strategic Policy 2.1 of the Emerging Erewash Core Strategy Review.

- 19 Notwithstanding that landscaping is a Reserved Matter, a scheme of tree planting within the “Proposed Areas of New Woodland / Buffer Tree Planting” identified on Parameter Plan 20-188-SGP-XX-XX- DR-A-001506 Rev P shall be submitted to and approved by the local planning authority. All tree planting included in the approved details shall then be carried out by the end of the first planting season following the completion of the site remediation works. Any trees which within a period of 5 years from their planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason

To ensure that satisfactory tree planting is provided within a reasonable time period in the interests of visual amenity.

- 20 Notwithstanding that landscaping is a Reserved Matter, a scheme of landscaping for the areas within "Proposed Landscape Buffers" identified on Parameter Plan 20-188-SGP-XX-XX-DR-A-001506 Rev P shall be submitted to and approved by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out by the end of the first planting and seeding seasons following the completion of the estate road. Any trees or plants which within a period of 5 years from the completion of the estate road, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason

This pre-commencement condition is required to ensure that satisfactory landscaping is provided within a reasonable time period in the interests of visual amenity.

- 21 Prior to the submission of any Reserved Matters application seeking approval of layout, a scheme of intrusive investigations shall be carried out to establish the risks posed by past coal mining activity to that specific phase of the development, including risks posed by recorded mine entries and shallow mine workings. These works shall be carried out in accordance with authoritative UK guidance. All applications seeking Reserved Matters approval for layout shall then be accompanied by: the findings of the intrusive site investigations, and if mining features are present, a proposed layout plan which identifies the position of all recorded mine entries, the extent of their potential zones of influence, and suitable "no build" zones around these features.

Reason

To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public.

- 22 Each Reserved Matters application for the construction of buildings shall be accompanied by sufficient drainage details to demonstrate that the cumulative discharge rate into the Nut Brook does not exceed 349.5 litres per second.

Reason

In accordance with the terms of the application and to ensure that the development does not lead to an increased risk of flooding.

- 23 Each Reserved Matters application for the construction of buildings shall be accompanied by a scheme for the parking and manoeuvring within the site of employees, visitors and goods vehicles to serve that buildings.

Reason

In the interests of highway safety

- 24 Each Reserved Matters application for the construction of buildings shall be

accompanied by a scheme for secure (and under cover) cycle parking to serve the buildings. Occupation of the buildings shall not take place until the approved cycle parking has been provided in accordance with the approved details. Thereafter, the cycle parking shall be maintained and kept available for use.

Reason

To ensure the provision of appropriate cycle infrastructure to encourage the use of sustainable means of transport to the site.

- 25 Each Reserved Matters application for the construction of buildings shall be accompanied by a Travel Plan, which sets out actions and measures with quantifiable outputs and outcome targets in relation to the occupiers of those buildings. Following occupation of the buildings, the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason

In the interests of encouraging the use of sustainable means of transport.

- 26 Notwithstanding that landscaping is a Reserved Matter, no built development shall be proposed in subsequent Reserved Matters applications on land identified on the Parameter Plan 20-188-SGP-XX- XX-DR-A-001506 Rev P as being for landscaping, biodiversity enhancements or retained landscape features, with the exception of access roads to serve development plots where necessary.

Reason

In accordance with the terms of the application.

- 27 Notwithstanding that scale is a Reserved Matter, the "Maximum Development Height" zones depicted on the Parameter Plan 20-188-SGP- XX-XX-DR-A-001506 Rev P shall be adhered to in all subsequent Reserved Matters applications, and the maximum haunch heights of buildings depicted on that plan for Plots 1, 2 & 3 respectively shall not be exceeded in any submission of Reserved Matters applications.

Reason

In accordance with the terms of the application and to reduce the dominance and visual impact of the buildings.

- 28 No construction work shall commence on any elements of the development approved under Reserved Matters application(s) until the approved groundworks, remediation, decontamination, levelling and access works have been completed for that corresponding phase of the development site in accordance with the requirements of conditions 5, 6, 13 and 14 above.

Reason

To ensure each phase of the development is undertaken on land which has been remediated, decontaminated, levelled and accessed in accordance with the details approved.

- 29 Prior to the first occupation of any unit on the site, the existing, redundant accesses to Lows Lane shall be permanently closed and reinstated as footway/verge in accordance with a scheme first submitted to, and approved in writing by, the local Planning Authority in consultation with the County Highway Authority.

Reason

In the interests of highway safety

- 30 Notwithstanding that landscaping is a Reserved Matter, prior to the first occupation of any building on the site, the Biodiversity Enhancement Areas depicted in figure 1 of the "New Stanton Park – Biodiversity Enhancement Areas – Outline Habitat Management Plan (April 2022)" shall be enclosed with fencing in accordance with that shown on that plan, with the Paladin fencing being coloured green and not exceeding 2m in height, and the Post & Rail fencing not exceeding 1m in height.

Reason

To prevent public access to the area of Biodiversity Enhancement in the interests of public safety and the protection of the enhancement areas.

- 31 The provision of the relocated Cycle Route 67 shall be undertaken in accordance with the details approved on Cycle Path Diversion Plan - Dwg No: 20-188-SGP-XX-XX-DR-A-111002, surfaced and made available for use prior to first occupation of any building.

Reason

To ensure the enhancement of cycle provision across the site in the interests of enhancing sustainable travel and recreation routes.

- 32 The provision of the proposed cycle path between Merlin Way and the proposed estate road shown on Parameter Plan 20-188-SGP-XX-XX-DR-A-001506-Rev P, shall be undertaken, surfaced and made available for use prior to first occupation of any building.

Reason

To ensure the enhancement of cycle provision across the site in the interests of enhancing sustainable travel and recreation routes.

- 33 No more than 70% of the total floorspace hereby approved shall be constructed until the Rail Hub has been constructed and made available for use on the 3.49ha of land identified on the Parameter Plan 20-188-SGP-XX-XX-DR-A-001506 Rev P for this purpose, in accordance with details to be approved through subsequent Reserved Matters applications.

Reason

To ensure the provision of the Rail Hub in a timely manner in the interests of maximising the potential rail freight use and mitigating the road traffic impact of the development.

- 34 The development shall deliver at least 10ha of industrial development (within use classes E(g)(iii) or B2).

Reason

To ensure the provision of an appropriate mix of uses on site to meet identified employment need within the borough.

Part 4: Positive and proactive statement

The council has worked in a positive and proactive way with the applicants through pre-application discussions, the scoping of required submissions and throughout the assessment of the application. Matters of concern have been raised with the applicants at all stages and addressed satisfactorily through the provision of additional and amended information and plans and the imposition of appropriate conditions.

Part 5: Notes to Applicant

1. This planning permission should be read in conjunction with the associated s106 Agreement dated [DATE TO BE INSERTED]
2. The Remediation Strategy required by condition 5 above should include an asbestos soil risk assessment in line with CIRIA C733 (2014) and a gas risk assessment.
3. Anyone who takes, damages or destroys the nest of a wild bird whilst that nest is in use is guilty of an offence under the Wildlife and Countryside Act 1981. Prior to commencing work you should ensure no nesting birds will be affected. Further advice can be obtained from Derbyshire Wildlife Trust and Natural England.

4. Notes from the Highway Authority:

- a. 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. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from ete.devcontrol@derbyshire.gov.uk or tel: 01629 533190. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
- b. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Executive Director - Place at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section.
- c. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public

highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

- d. The application site is affected by Public Right of Way Footpath 24 in the parish of Stanton by Dale, as shown on 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. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. For further information contact etc.PROW@derbyshire.go.uk

5. Notes from the Environment Agency:

Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to Pollution Prevention Guide 26 for the storage of drums and intermediate bulk containers.

Any facilities, above ground, for the storage of oils, fuels or chemicals should be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses should be located within the bund. The drainage system of the bund should be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations.

We advise that any potentially polluting materials and chemicals are stored in an area with sealed drainage.

Regulated Industry

The Environment Agency wishes to highlight the development site is currently an area heavily populated by waste operations and is subject to a high level of public scrutiny and interest from both the general public and MPs due to the amenity issues surrounding the area. Therefore any proposed operations for waste treatment etc. will need to ensure the appropriate environmental permits are in place, including all relevant emissions management plans (dust, odour, noise, fire prevention etc.)

We would also encourage that any applicants/developers engage with the Environment Agency at the earliest opportunity to discuss the permitting implications for proposed developments that require environmental permits. The applicant is advised to find out more information about the permit application process online and to send a pre-application enquiry form via the

gov.uk website: <https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>

This application is a hybrid application with outline permission for potential future uses including a mix of Class E(g) (iii) (Industrial Processes), B2 (General Industrial) and B8 (Storage & Distribution). The exact proposals will be subject to separate reserved matters applications. Where reserved matters applications are submitted which propose developments that would require environmental permits we recommend that the developer considers parallel tracking the planning and permit applications as this can help identify and resolve any issues at the earliest opportunity. Parallel tracking can also prevent the need for post-permission amendments to the planning application. We would welcome a joint discussion with the applicant and planning authority to discuss this further.

Date:

Signed _____
Steve Birkinshaw
Head of Planning & Regeneration

ATTENTION IS CALLED TO THE NOTES BELOW

Discharge of Conditions fees:

http://www.planningportal.gov.uk/uploads/english_application_fees.pdf

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at
- <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

ANNEX C Pasture Road/Iikeston Road/Trowell Roundabout Plan



NOTES

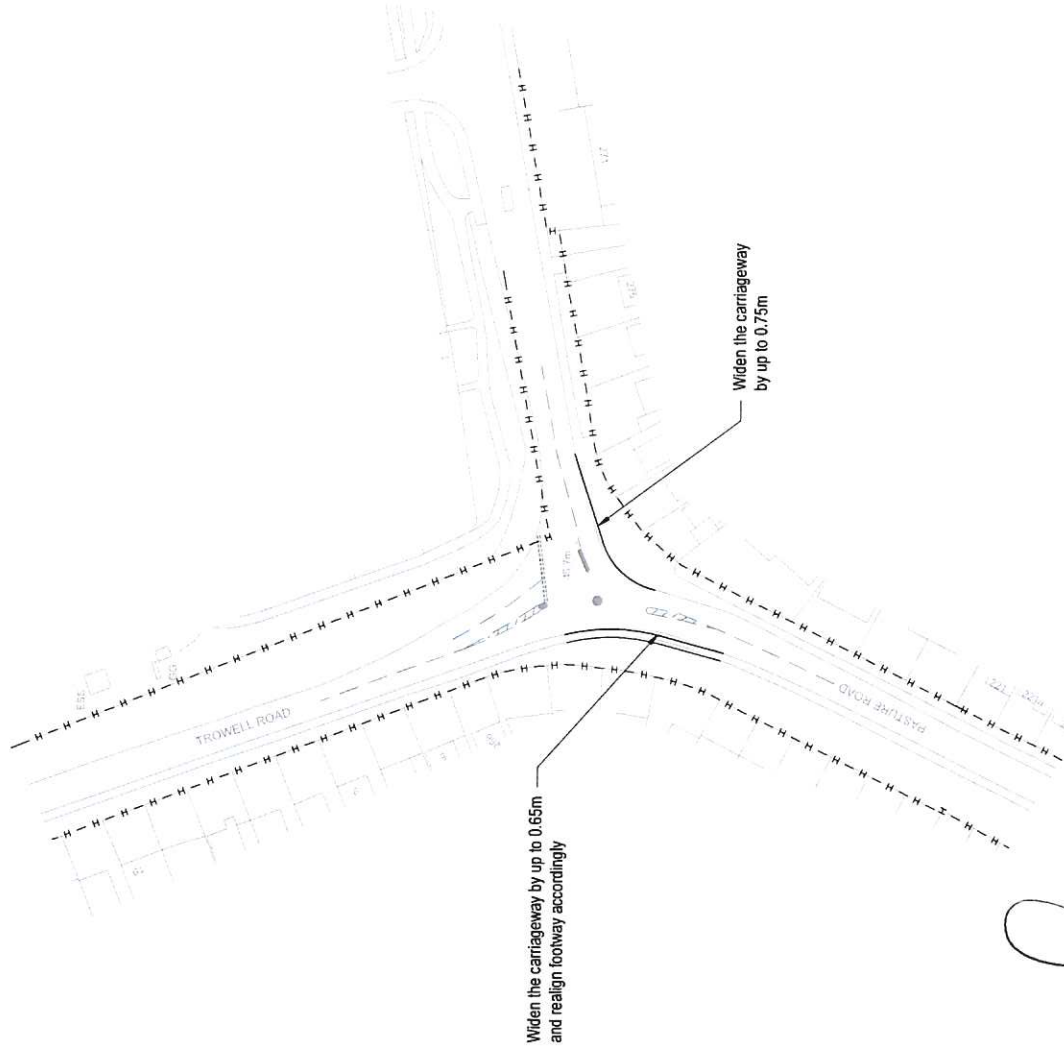
1. This drawing is to be read in conjunction with all relevant documents and specifications.
2. Dimensions are not to be scaled.

KEY

— H — H — Highway boundary interpreted from Nottinghamshire County Council records



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[Handwritten signature]

Rev.	Description	Date	Chkd

Glanville Cornerstone House 62 Foxhall Road, Didcot Oxon, OX11 7AD Tel: (01235) 515559 Fax: (01235) 817799 postbox@glanville.co.uk www.glanville.co.uk	
Client:	Verdant Regeneration
Project:	New Stanton Park, Stanton By Dale, Ilkerton, DE7 4RJ
Title:	Ilkerton Road / Pasture Road / Trowell Road Junction Mitigation
Project Engineer:	T. Hart
Project Director:	T. Fovall
Status:	INFORMATION
Scale:	1:1000 @ A3
Date:	September 2021

Drawing No.	8200919/6119
Rev	

ANNEX D Stanton Gate /Lows Lane /Ilkeston Road Junction Plan



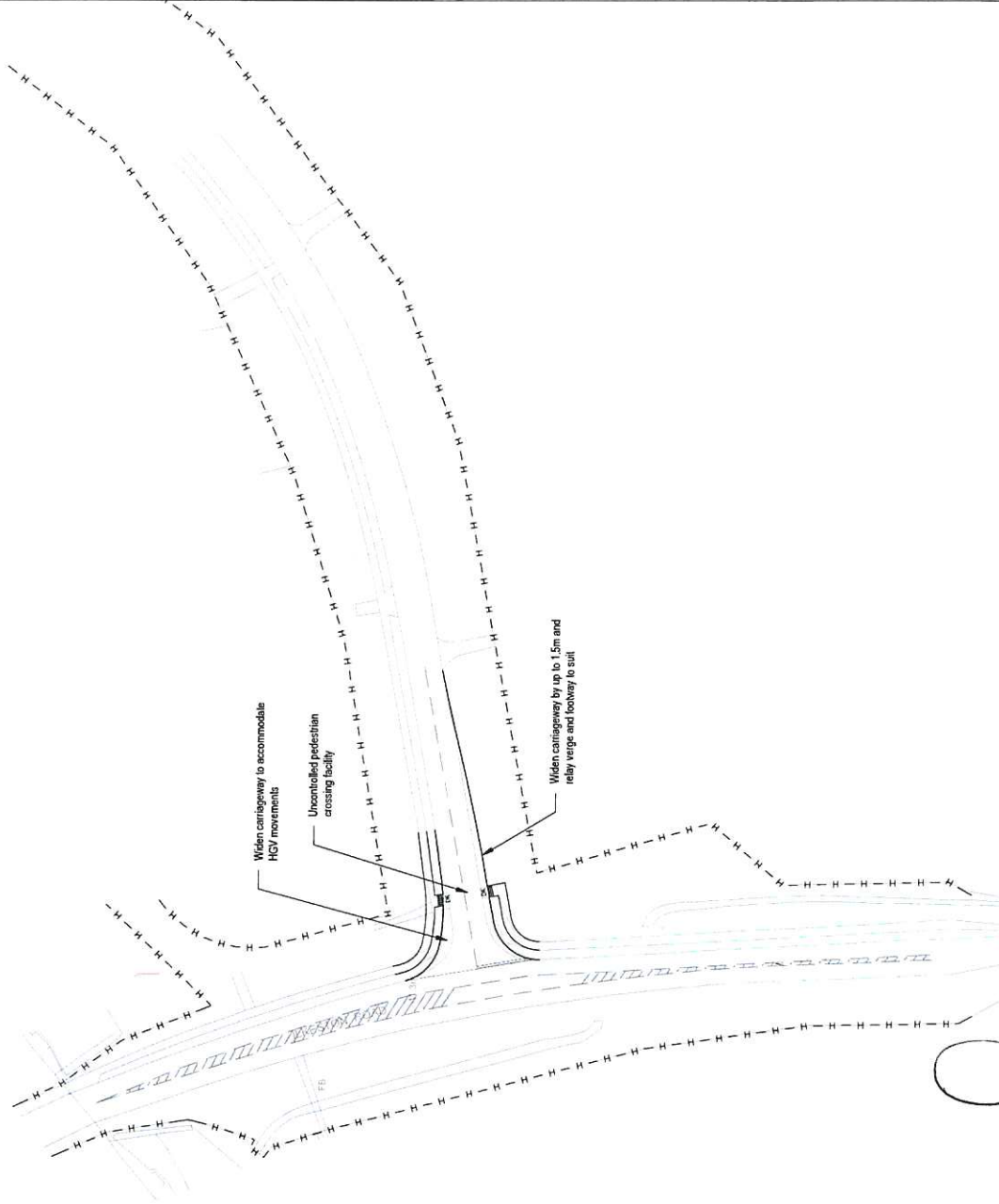
NOTES

1. This drawing is to be read in conjunction with all relevant documents and specifications.
2. Dimensions are not to be scaled.

KEY

— H — H — Highway boundary interpreted from Derbyshire County Council records

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[Handwritten signature]

Rev.	Description	Date	Chd
A	Uncontrolled pedestrian crossing facility added. Additional junction widening shown.	16/11/21	MB



Glanville

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62 Foxhall Road, Didcot
Oxon, OX11 7AD
Tel: (01235) 515550 Fax: (01235) 817789
info@glanville.co.uk www.glanville.co.uk

Client :	Verdant Regeneration			
Project :	New Stanton Park, Stanton By Dale, Ilkeston, DE7 4RJ			
Title :	Ilkeston Road / Stanton Gate Junction Mitigation			
Project Engineer :	T. Hart	Scale :	1:1000 @ A3	
Project Director :	T. Forall	Date :	September 2021	
Status :	INFORMATION			

Drawing No.	8200919/6118	Rev	A
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ANNEX E Site Access Points Plans



NOTES

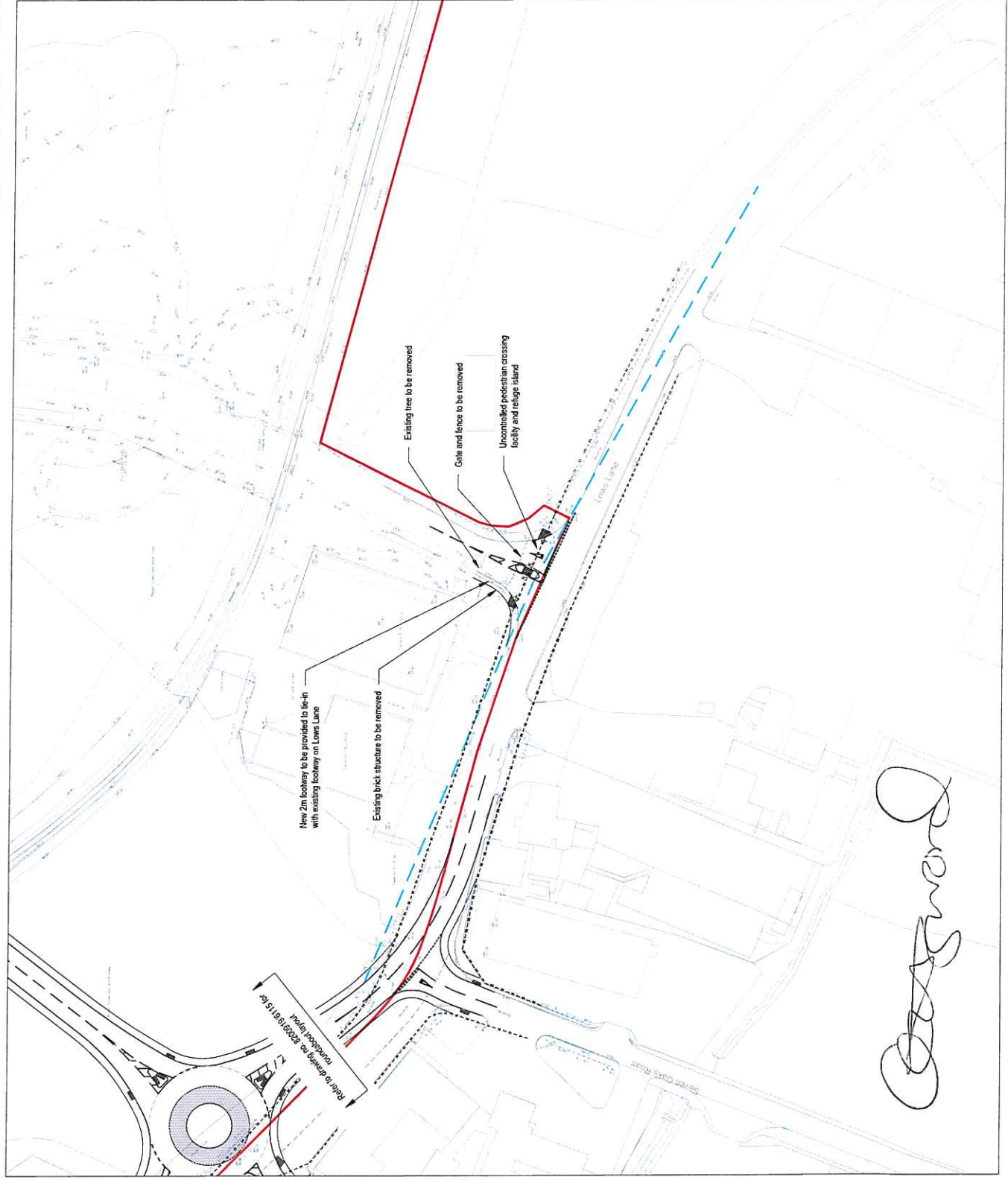
1. This drawing is to be read in conjunction with all relevant documents and specifications.
 2. Dimensions are not to be scaled.
- Source: Carla Jones's drawing number J0039697-20-15 to 22.

KEY

- 2.4m x 120m (40mph) visibility splays
- Highway boundary interpreted from Derbyshire County Council records
- Site boundary



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Rev.	Description	Date	Chkd
B	Uncontrolled pedestrian crossing facility added.	16/11/21	D. Strange
A	Title revised.	11/11/21	T. Hart

Glanville
 Cornerstone House
 62 Foxhall Road, Didcot
 Oxon, OX11 7AD
 Tel: (01235) 515559 Fax: (01235) 817793
 postbox@glanville.co.uk www.glanville.co.uk

Client: **Verdant Regeneration**

Project: **New Stanton Park,
 Stanton By Dale,
 Ilkeshon, DE7 4RJ**

Title: **Minor Amendments to
 Existing Eastemmost Access**

Project Engineer:	T. Hart	Scale:	1:1000 @ A3
Project Director:	T. Foxall	Date:	October 2021
Status:			

Drawing No.	8200919/6121	Rev.	B
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NOTES

1. This drawing is to be read in conjunction with all relevant documents and specifications.

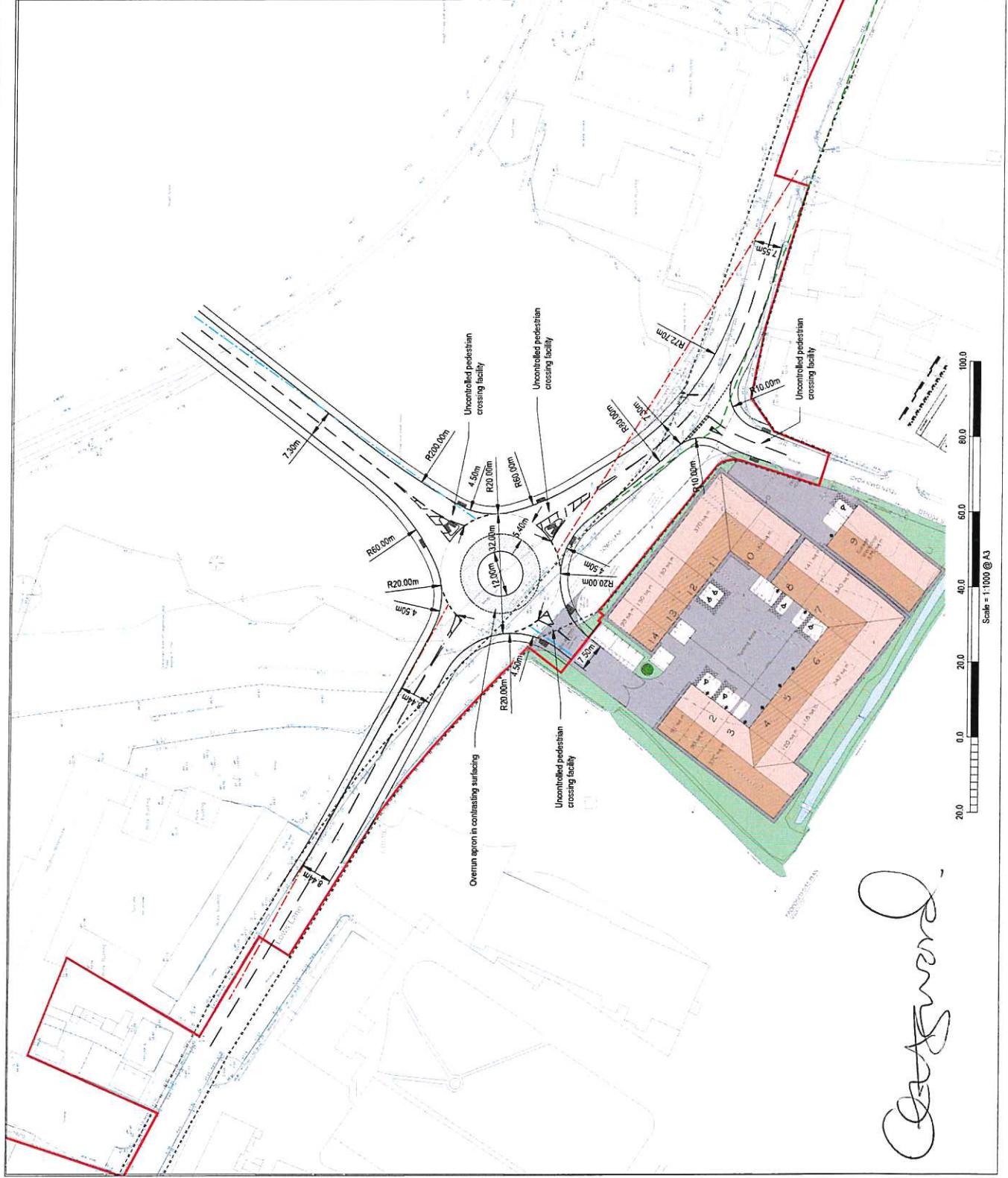
2. Dimensions are not to be scaled.

Source: Carter Jones's drawing number J0039697-20-15 to 23.

KEY

- H — H — Highway boundary integrated from Derbyshire County Council records
- 90.0m stopping sight distance
- 120.0m stopping sight distance
- 4.5m x 120m visibility splay (40mph)
- Application boundary

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Carter Jones

Rev.	Description	Date	Child
C	Overrun apron shown. Uncontrolled pedestrian crossing facilities added.	15/11/21	MB
B	TRIS layout and access updated.	01/10/21	MB
A	Application boundary added.	28/09/21	MB
		T. Hart	



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pcc@glanville.co.uk www.glanville.co.uk

Client: Verdant Regeneration

Project: New Stanton Park,
Stanton By Dale,
Ilkerton, DE7 4RJ

Title: Eastern Site Access Junction
- Roundabout Option C
(Incorporating TRS Access)

Project Engineer: D. Shuge	Scale: 1:1000 @ A3
Project Director: T. Fossil	Date: August 2021
Status:	

Drawing No. 820091916115

Rev. C

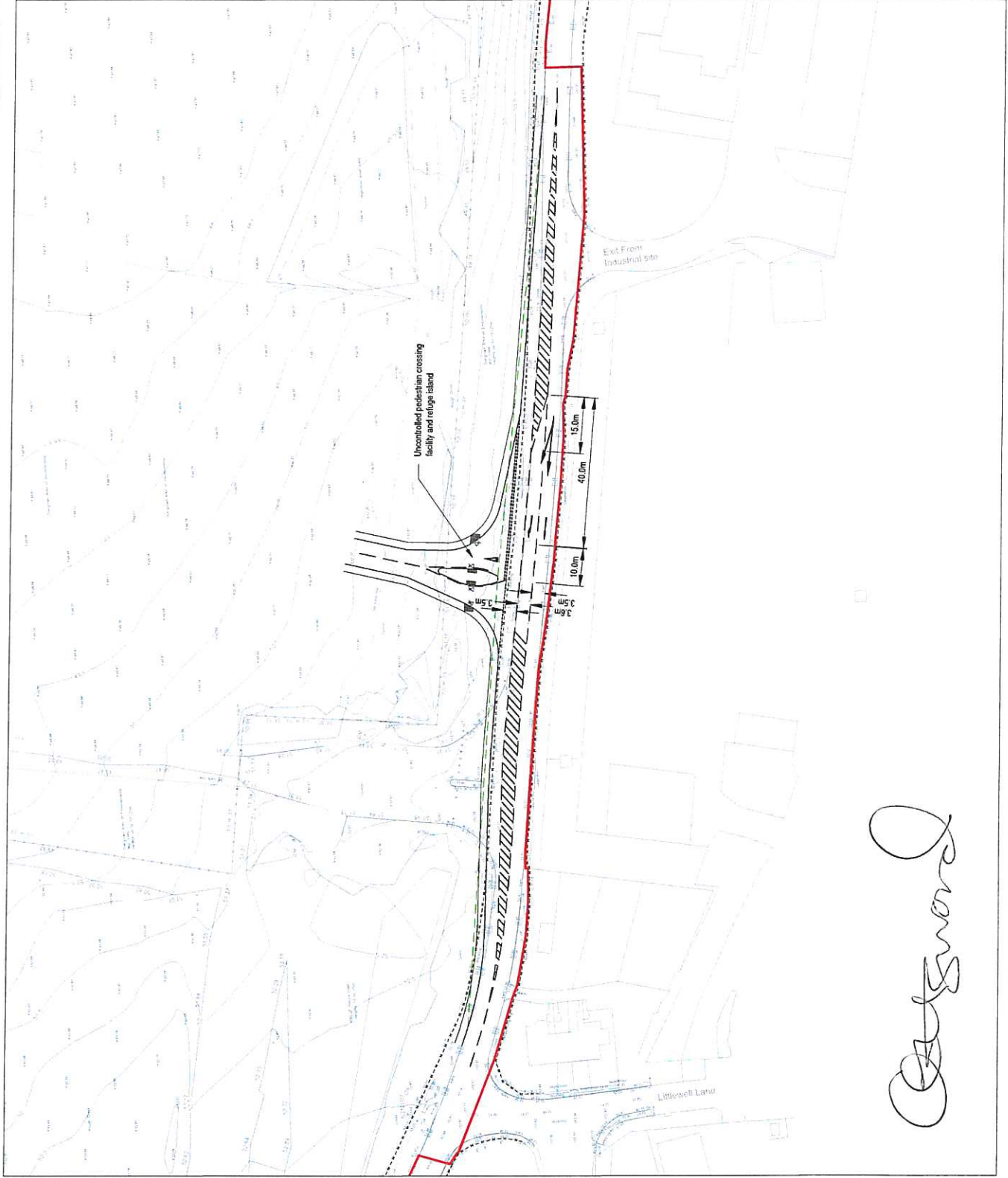
NOTES

1. This drawing is to be read in conjunction with all relevant documents and specifications.
 2. Dimensions are not to be scaled.
- Source: Carta Jones's drawing number 0009697-20-15 to 22.

KEY

- H — H — Highway boundary interpreted from Derbyshire County Council records
- 2.4m x 120.0m visibility splays
- Application boundary

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Redmond

Rev.	Description	Date	Chkd
C	Uncontrolled pedestrian crossing facility added.	15/11/21	T. Hart
B	Application boundary added.	29/08/21	T. Hart
A	Layout revised.	18/08/21	T. Hart



Glanville

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Client:

Verdant Regeneration

Project:

New Stanton Park,
Stanton By Dale,
Ilkeshon, DE7 4RJ

Title:

Western Site Access Junction
- Ghost Island Right Turn Lane

Project Engineer:	T. Hart	Scale:	1:1000 @ A3
Project Director:	T. Foxall	Date:	July 2021
Status:			

Drawing No. 8200919/6109

Rev. C

ANNEX F Transfer Plan

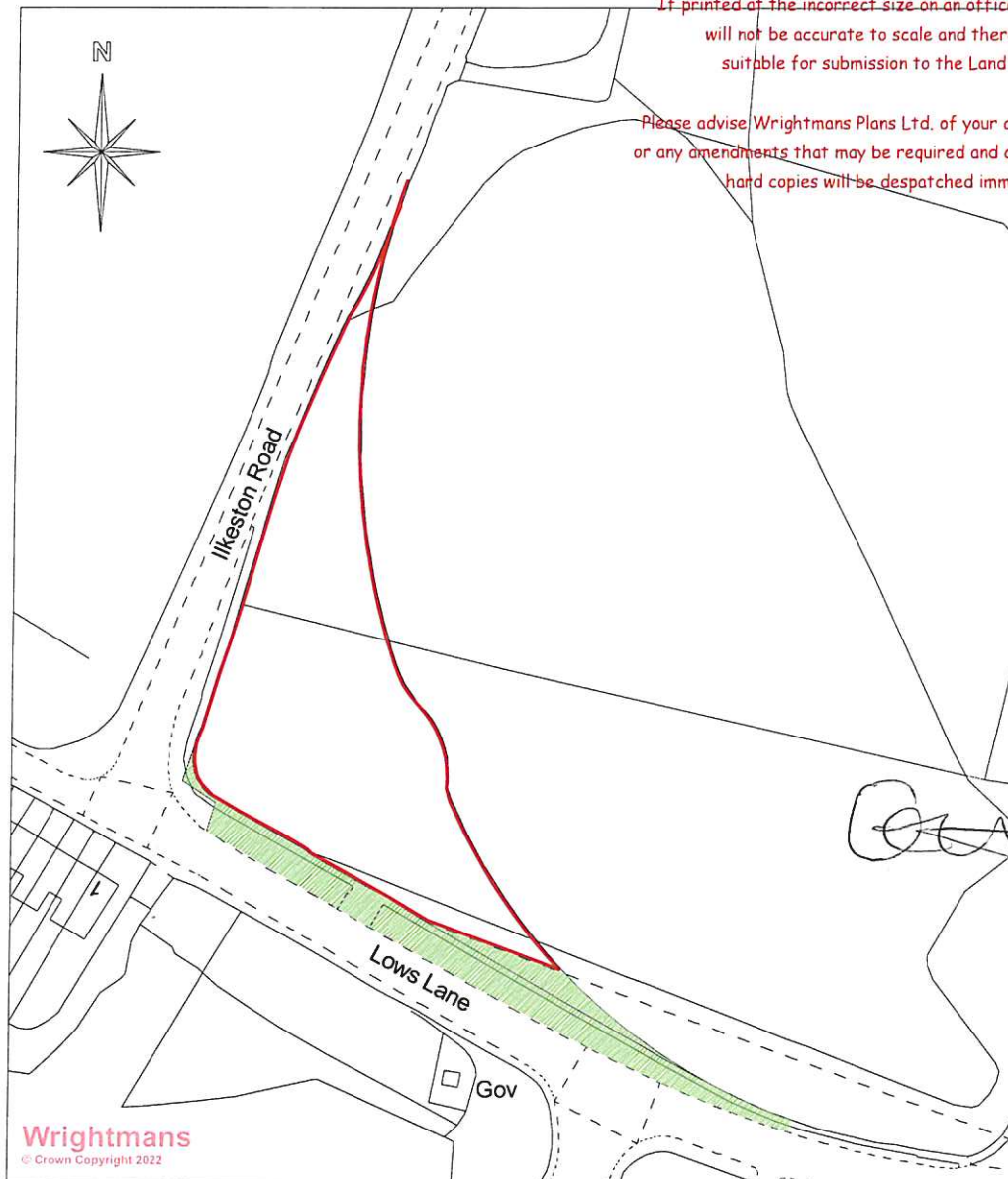


Plan of Title

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Land at the Junction of Low's Lane
and Ilkeston Road
Stanton by Dale, Ilkeston
Derbyshire DE7 4QW

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1:1250

NOTE

The area edged red on the plan indicates land removed from Title DY146013 as referred
to in the Transfer.

The area coloured green on the indicates adopted highways land.

Wrightmans
Land Registry Compliant Plans

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DRAWING TITLE
Plan of Title for Land at the Junction
of Low's Lane and Ilkeston Road
Stanton by Dale, Ilkeston
Derbyshire DE7 4QW

DRAWING NUMBER	REV
WP8290	
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	A4

SCALE IN METRES

0 10 20 30 40 50 60 70 80 90 100

SCALE	DATE	DRAWN BY	APPROVED
1:1250	19/07/2022	E.G.	B.K.