



Derby City Council

Mr Gary Lees
Pegasus Planning Group Limited
4 The Courtyard
Church Street
Lockington
Derby
DE74 2SL

Planning Application Decision

Town and Country Planning Act 1990 (as amended)

Part 1: Application Details

Application No: 19/00417/FUL (please quote in correspondence)

Location: Infinity Park Way, Derby

Proposal: Development of a road junction and connecting link road with associated works.

Part 2: Decision

Permission is **granted** subject to the conditions in Part 5

Part 3: Reason for Decision

The proposal has been considered against the following Local Plan Policies, the National Planning Policy Framework where appropriate and all other material considerations.

In the opinion of the Local Planning Authority, provision of a new road and link to the A50, through this southern part of the City, is established in the development plan. The core principles of the National Planning Policy Framework support the promotion of sustainable economic development and the proposal is a key part of the infrastructure that will support the delivery of the South Derby Growth Zone and Infinity Garden Village. The road is deemed to be acceptable in highway safety terms and provides for the needs of pedestrians and cyclists. It would form a new route that would impact upon route choices across the Derby City highway network and while some areas will see increases in traffic as a result of the proposal, some off-site highway works are included to assist in mitigating impacts arising for some existing routes within the City. The Environmental Statement provides sufficient information necessary to identify and assess the main effects the works are likely to have on the environment. Suitable mitigation is proposed to mitigate effects arising in respect of noise and vibration, air quality, light intrusion, ground conditions, contamination, archaeology and heritage. The alignment of the route conflicts with Green Wedge policy as it would introduce built form to an area protected for its openness. However, the comprehensive green infrastructure proposals that form part of the

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application would assist in improving areas of the existing green wedge and also mitigate adverse impacts identified as arising for visual and landscape receptors. The green infrastructure strategy would deliver net gains in biodiversity and form an integral part of the flood management strategy for the development. Subject to the conditions detailed in the decision notice, the flood alleviation and drainage measures offer betterment and enhancement to the flood risk situation in this part of the City. Any adverse impacts arising for the Green Wedge, existing highway network and landscape and visual receptors are considered to be outweighed by the significant socio-economic benefits arising from the proposal.

Part 4: Relevant Policies

City of Derby Local Plan Review Saved Policies:

GD5	Amenity
E12	Pollution
E13	Contaminated Land
E17	Landscaping Schemes
E21	Archaeology
E30	Safeguarded Areas around Aerodromes
T15	Protection of Footpaths, Cycleways and Routes for Horse riders

Derby City Local Plan Part 1 (Core Strategy) Policies:

CP1A	Presumption in Favour of Sustainable Development
CP1B	Placemaking Principles for Cross Boundary Growth
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP16	Green Infrastructure
CP18	Green Wedges
CP19	Biodiversity
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network
CP24	Transport Infrastructure
AC15	Land South of Wilmore Road, Sinfin (Infinity Park Derby)
AC18	Wragley Way
MH1	Making it Happen

Part 5: Conditions

General Conditions:

1. The development hereby permitted shall begin before the expiration of five years from the date of this permission.
Reason: As required by 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 shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision:

- o Watercourse Diversion Alignments A1 & A2 - IFP-BWB-HDG-XX-M3-D-551 Rev P4
- o Watercourse Diversion Alignments A3 & A4 - IFP-BWB-HDG-XX-M3-D-554 Rev P4
- o A50 Junction 3A Eastbound Slip Roads Long Sections - IFP-BWB-GEN-XX-DR-TR-005 Rev P5
- o A50 Junction 3A General Arrangement - IFP-BWB-GEN-XX-TR-001 Rev P11
- o A50 Junction 3A Westbound Slip Roads Long Sections - IFP-BWB-GEN-XX-DR-TR-006 Rev P5
- o Link Road Alternative Option Horizontal Alignment - IFP-BWB-HGT-AO-DR-C-0650 Rev P2
- o Link Road Alternative Option Long Sections - IFB-BWB-HGT-AO-DR-C-0651 Rev P2
- o Parameters Plan - IFP-BWB-GEN-XX-DR-TR-110 Rev P6
- o Full Scheme Layout - IFP-BWB-GEN-XX-DR-TR-113 Rev P5
- o SDGZ Highway Earthworks Strategy - IFP-BWB-DGT-XX-DR-C-635 Rev P4
- o Proposed Red Line Boundary Extent - Full Scheme - IFP-BWB-EWE-XX-DR-EN-007 Rev P4
- o Southern Flood Storage Area Proposed Levels and Sections - IFP-BWB-DGT-XX-DR-D-0603 Rev P5
- o Diversion General Arrangement Drawing Wider Site - IFP-BWB-HDG-XX-M3-D-550 Rev P4
- o Western Flood Storage Area Preliminary Levels and Sections - IFP-BWB-DGT-XX-DR-C-602 Rev P7

Reason: For the avoidance of doubt.

Pre Commencement Conditions:

3. No development (including demolition, site clearance or vegetation clearance) shall commence until a planning permission is in place for the connecting section of link road and new A50 junction as to be determined by Derbyshire County Council under planning application ref: CD9/0319/110.

Reason: For the avoidance of doubt and to ensure a comprehensive approach is taken to the delivery of the whole link road, as outlined and assessed in the plans, documents and Environmental Statement that support this cross boundary application and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

4. No development (including demolition, site clearance or vegetation clearance) shall commence until a Construction Management Plan (CMP) has been submitted to and agreed in writing by the Local Planning Authority. The CMP, shall in part be based on the recommendations set out in Section 3.4 of the ES. The plan shall have regard to relevant industry standards and guidance and shall make provision for:

- o A waste handling strategy;
- o Reuse / recycling of materials
- o Soil handling strategy (including handling, storage, placement, timing etc);
- o importation of materials;
- o dust management / control plan during the construction period;
- o noise management during the construction period;
- o construction hours of operation;
- o where appropriate, details of the siting and layout of the construction compound(s) and stockpiled material;
- o A Construction Traffic Management Plan including details for the storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic (including measures to ensure that construction vehicles do not use Deep Dale Lane), wheel washing facilities and methods of prevention of debris being carried onto the highway, a wider road cleaning regime and any proposed temporary traffic restrictions;
- o storage of fuel/lubricants and other pollutants during the construction phase;
- o a construction method statement for works in and near watercourses
- o details of an appropriate flood management plan for construction workers, including appropriate escape routes in the event of flood;
- o measures to minimise the movement of sediments during the construction phase in line with CIRIA C741
- o a scheme to treat and remove suspended solids from surface water run-off during construction works;
- o a scheme for the management of surface water during construction (including, where appropriate, the use of collection, balancing and/or settlement systems for surface water flows) including provision for the approved scheme to be operating to the satisfaction of the Local Planning Authority before the commencement of any works which would lead to surface water run-off during the construction phase;
- o a detailed methodology for working in the Sinfin Moor Regionally Important Geological Site (RIGS). The methodology, which shall be based on the recommendations set out in Sections 8.6.16 and 13.5.4 of the Environmental Statement, shall make provision for less invasive construction methods, a watching brief when working in those parts of the site within the RIGS; the undertaking of a transect survey during ground excavations and the recording of the watching brief and transect survey; and
- o a programme of implementation.

The approved plan shall be implemented and adhered to for the duration of the construction period and no construction traffic shall use Deep Dale Lane.

Reason: To ensure that suitable arrangements are provided for the construction works to be undertaken in the interests of preserving the amenities of the area and in the interests of protecting the environment and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of

the adopted City of Derby Local Plan Review as included in this Decision Notice.

5. No construction works shall commence until the detailed design of the Flood Risk Management scheme has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Environment Agency and Lead Local Flood Authority. The detailed design of the flood risk areas should fully address the following:
 - a. Outfall design and measures to prevent blockage.
 - b. Evidence shall be provided that all impounded flood risk management structures greater than 10,000m³ in volume have been designed in accordance with the Reservoirs Act and to have the design signed off, and the construction of the features be supervised by the registered Reservoir Panel Engineer.
 - c. A detailed planting scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is safe, and that flood risk is not increased elsewhere in accordance with paragraphs 160b and 163 of the National Planning Policy Framework and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

6. No development shall commence until details of the method of disposal of surface water, including details of the outfall have been submitted to and agreed in writing by the Local Planning Authority. The surface water drainage scheme shall include Sustainable Drainage features that shall be in accordance with the following:
 - a) The 1 in 30 year rainfall event retained below normal ground level, the 1 in 100 year (plus a suitable allowance for climate change) rainfall event to be retained safely on the development site. Calculations to that end are to be submitted to and agreed in writing by the Local Planning Authority as part of the submission of information for this condition. The route of outflow from a rainfall event that exceeds that amount shall be made known to the Local Planning Authority.
 - b) Excess surface water runoff from the development intended to discharge to a watercourse shall be outlet at a rate with a limiting device in place and the rate and volumetric discharge shall not exceed the present or pre-developed rate.
 - c) Calculation in accordance with the SuDS Manual CIRIA report C753 to demonstrate that adequate water treatment is provided.

Reason: To ensure that the development is safe, and that flood risk is not increased elsewhere and to protect the water environment in accordance with paragraphs 160b and 163 of the National Planning Policy Framework and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

7. No construction work on watercourse diversions shall be undertaken until the detailed design of the feature has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Environment Agency and Lead Local Flood Authority as appropriate. The watercourse diversions shall be undertaken in accordance with the design details that are approved.

Reason: To ensure that the development is safe, and that flood risk is not increased elsewhere and to protect the water environment in accordance with paragraphs 160b and 163 of the National Planning Policy Framework and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

8. No construction works shall commence on any water feature until a Handover Environmental Management Plan (HEMP) has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Environment Agency. The HEMP shall determine:
- a) The maintenance requirements of flood attenuation areas
 - b) The maintenance requirements of the Sustainable Drainage features
 - c) The future ownership and the financial arrangement for maintenance of;
 - i. Flood storage areas
 - ii. SuDS drainage features
 - iii. Associated landscaping and environmental features.

Reason: To ensure that the flood risk management and SuDS drainage features are maintained such that the development remains safe and the flood risk does not increase elsewhere over time and to ensure the water environment remains protected in accordance paragraphs 160b and 163 of the National Planning Policy Framework and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

9. a) No development shall commence until a Written Scheme of Investigation for archaeological work has been submitted to and approved in writing by the Local Planning Authority, in line with the proposals at Chapter 8 of the Environmental Statement Addendum (Pegasus Group EMS.2916 July 2019) and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording.
 2. The programme for post investigation assessment.
 3. Provision to be made for analysis of the site investigation and recording.
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 5. Provision to be made for archive deposition of the analysis and records of the site investigation.
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under part (a) of this condition.
- c) The development shall not be taken into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under part (a) of this condition and the provision to be made for

analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the archaeological capacity of the site is explored and suitably assessed and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

10. No development shall commence, other than site clearance works, until a detailed hard and soft landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall be based on the principles and vision set out in the South Derby Growth Zone: A50 - Southern Derby Integrated Transport Link Road: Green Infrastructure Strategy and shall make provision for the following.

(a) early establishment of green infrastructure in accordance with Section 7.7.18 of the Environmental Statement:

(b) details of access arrangements and recreational routes including linkages through the green infrastructure to adjacent land including Sinfin Moor Local Nature Reserve and National Cycle Route 66:

(c) a detailed timetable for implementation.

The landscaping of the site shall be implemented in accordance with the agreed details and in accordance with the approved timetable.

Reason: To secure an appropriate layout of green infrastructure along with appropriate links to adjacent land and existing recreational and cycle routes in order to deliver the mitigation measures identified in the Environmental Statement and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

11. No development, including preparatory works, shall commence until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

(a) a risk assessment of those construction activities potentially damaging to biodiversity;

(b) identification of biodiversity protection zones (e.g. buffers to trees and hedges or to protected wildlife habitat);

(c) practical measures (both physical measures and sensitive working practices, such as protective fencing, exclusion barriers and warning signs) to avoid or reduce impacts to retained vegetation/habitat during construction (particularly in relation to works within canopy and root protection areas for hedgerows or protected trees);

(d) best practice measures to avoid risk of harm to badgers during construction;

(e) provision for water vole surveys to be undertaken in advance of any works being carried out within 5m of watercourses;

(f) the location and timing of sensitive works to avoid harm to biodiversity features (in relation to breeding birds in particular);

(g) the times during construction when specialist ecologists need to be present on site to oversee works (as required);

- (h) responsible persons and lines of communication;
- (i) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as necessary); and
- (j) a programme of implementation.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless the ECoW otherwise sets out alternative details which are subsequently approved in writing by the Local Planning Authority.

Reason: To ensure suitable measures are in place prior to construction works commencing on site in the interests of protecting habitats and species present on the site and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

12. No development shall commence until precise details of a scheme for the provision of mammal underpasses (suitable for both badger and otter) beneath the link road, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the location of the underpasses; construction details; provision for maintenance if required and a programme of implementation. The underpasses shall be implemented and maintained thereafter in accordance with the agreed details.

Reason: In accordance with the recommendations outlined in section 7.7.21 of the submitted Environmental Statement to reduce incidents of mammal mortality on the road hereby approved, in the interests of protecting species that are protected by law and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

13. No development shall commence until a Landscape and Ecological Management Plan (LEMP), including the early establishment of green infrastructure, long term design objectives, management responsibilities and maintenance regimes for landscaped areas has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP, shall include the following:

- a) a description and evaluation of existing and proposed features / habitat to be retained and created including hedgerows, trees, grassland and waterbodies;
- b) any landscape and ecological trends and constraints on site that might influence management;
- c) the aims and objectives of management, including mitigation and enhancement for species identified on site;
- d) provision for the early establishment of green infrastructure, particularly in associated with wetland features and new woodland planting;
- e) appropriate management options for achieving the aims and objectives;
- f) submissions in respect of new hard/soft landscaping including information relating to materials, species selection, stock size and planting densities with prescriptions for the management and maintenance of these areas.
- g) details of the treatment of site boundaries and/or buffers around water bodies;

- h) a protocol for the management of non-native invasive species including containment, control and removal; subsequent annual checks for their presence; and remedial measures to address their presence where identified;
- i) details of bat roost installation features;
- j) preparation of a work schedule (including an annual work plan capable of being rolled forward over a 20-year period);
- k) details of the body or organisation responsible for implementation of the plan, along with funding mechanism(s) for that body or organisation;
- l) ongoing monitoring and remedial measures, including where monitoring shows that landscape and conservation aims and objectives of the LEMP are not being met; and
- m) a programme of implementation.

The LEMP shall be implemented in accordance with the approved details

Reason: To ensure the protection of wildlife and supporting landscape and habitat objectives, to secure opportunities for enhancing the site's nature conservation value and to ensure that suitable measures are in place prior to the commencement of construction works on site, to avoid potential harm and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

14. During the period of construction works all trees, hedgerows and other vegetation to be retained and located adjacent to working areas, shall be protected in accordance with BS:5837 (Trees in relation to construction) and in accordance with the following requirements:

- a) A final Arboricultural Method Statement and Tree Protection Plan shall be submitted to and agreed in writing by the Local Planning Authority, before construction commences; and
- b) The date of the construction of such protection and its completion shall be notified in writing to and agreed by the Local Planning Authority before any other site works commence.

The agreed protection measures shall be retained in position at all times, with no use of or interference with the land contained in the protection zone, until completion of the construction works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect all retained trees and vegetation during the course of construction works in the interests of protecting retained landscape features, in the interests of visual and environmental amenity and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

15. Approximately three months prior to the commencement of development (including demolition, site clearance or vegetation clearance) and during the peak badger activity season, a walkover badger survey shall be undertaken by a suitably qualified ecologist to ensure that there have been no setts created within the site since the date of the badger survey provided in support of the application. The results of the survey work and the scope and timing of any necessary mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing, with the mitigation

measures implemented and retained in accordance with the approved timetable.

Reason: In accordance with the recommendations outlined in Paragraph 5.4 of the Confidential Badger Report prepared by fpcr dated March 2019, in the interests of protecting species that are protected by law and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

16. Notwithstanding the information submitted in support of the application, further, precise details of the acoustic barrier shall be submitted to and agreed in writing by the Local Planning Authority, prior to its installation. The submitted information shall include its precise location, dimensions and materials. The road hereby approved shall not be open to the public, until the acoustic barrier has been installed in accordance with the agreed details and the barrier shall remain in place in perpetuity.

Reason: In accordance with the recommendations outlined in section 11.5.11 of the Environmental Statement and to mitigate noise impacts arising in the interests of preserving the amenities of the area and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

17. Notwithstanding the information submitted in support of the application, further precise design details of all lighting to be installed as part of the development hereby approved, shall be submitted to and agreed in writing by the Local Planning Authority, prior to its installation. The submitted information shall be supported by a Lighting Impact Assessment and Ecological Survey information where necessary and shall include design details for all luminaires, mounting heights, lighting controls and methods of controlling the luminaire light output.

Reason: To ensure an appropriate lighting design is secured to protect wildlife, nearby residents and the wider landscape from unnecessary light intrusion and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

18. No culverts or bridges crossing an open water feature shall be constructed until the detailed design of any such feature has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Environment Agency, Lead Local Flood Authority and Highway Authority as appropriate. The culvert or bridge crossing shall be constructed in accordance with the details that are agreed.

Reason: To ensure that the development is safe and to ensure that flood risk does not increase elsewhere in accordance with paragraphs 160b and 163 of the National Planning Policy Framework and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

19. The proposed road and A50 junction shall not be taken into use until the following features have been provided in accordance with details that shall be submitted to and agreed in writing by the Local Planning Authority;

I. The proposed off site works at the junction of Wilmore Road / Infinity Park Way, as shown for indicative purposes on drawing (IFP-BWB-GEN-XX-DR-TR-116).

II. The proposed off site works at the junction of Merrill Way / A514 / Boulton Lane, as shown for indicative purposes on drawing (IFP-BWB-GEN-XX-DR-TR-115).

III. The proposed traffic calming scheme on Deep Dale Lane, through the existing residential area, these works will specifically include:

- o A carriageway plateau at the junction of Deep Dale Lane and Wragley Way, the plateau shall be designed to accommodate buses.

- o Scholl safety measures around Ash Croft Primary School, such as surface treatment of area, footway improvements, dropped crossings on desire lines near school pedestrian accesses.

- o A new gateway feature at the terminal signs with associated road markings.

Reason: In order to ensure that the highway impacts arising from the development are suitably mitigated in the interests of highway safety and to ensure the free and safe flow of traffic, cyclists and pedestrians and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

20. The proposed road and A50 junction shall not be taken into use until improvements have been made to Deep Dale Lane, north of the A50, to accommodate the increase in traffic - vehicular, cyclists and pedestrian, which will result from diverted trips to use the new junction and road. The improvements, as identified on drawing no IFP-BWB-GEN-XX-DR-TR-113 Rev P5 entitled 'Full Scheme Layout', shall be laid out and constructed in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the highway impacts arising from the development are suitably mitigated in the interests of highway safety and to ensure the free and safe flow of traffic, cyclists and pedestrians and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

21. The proposed road and A50 junction shall not be taken into use until a scheme of noise mitigation, to protect dwellings proposed as part of the wider Infinity Garden Village, against traffic noise generated by the development, once operational, has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the agreed details.

Reason: To protect the amenities of future occupiers of the planned residential development to the west of the road, in the interests of minimising constraints to that development and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

Management Conditions:

22. The development shall be carried out in accordance with the submitted flood

risk assessment (ref: NTT-2534_FRA version P05, produced by BWB, dated 31/03/2020), technical note (ref: NTT2534, produced by BWB, dated 11/09/2020) and breach assessment summary note (ref: NTT-2534_SN version P01, produced by BWB, dated 17/11/2020) and the following mitigation measures it details:

- a) Finished highway level shall be set no lower than the modelled 1% Annual Exceedance Probability (AEP) event including a 50% allowance for climate change and freeboard of 600mm. (flood risk assessment (ref: NTT-2534_FRA version P05 p34).
- b) The crest heights of the flood bunds associated with each of the flood storage areas will be set no lower than:
 - o 39.7m Above Ordnance Datum (AOD) for the Western Flood Storage Area
 - o 39.13mAOD for the Southern Flood Storage Area.
- c) The soffit levels of all structures proposed in or over a main river shall be set no lower than the modelled 1% AEP event including a 50% allowance for climate change and freeboard of 600mm. (technical note ref: NTT2534 p3).

These mitigation measures shall be fully implemented prior to completion of the highway and subsequently in accordance with the scheme's timing / phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure that the development will be safe from the risk of flooding and will not increase flood risk to others and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

23. In the event that the detailed design of the development alters the designs so far reviewed, to the extent that the flood risk to and from the development is materially altered, an updated Flood Risk Assessment (supported by revised hydraulic modelling) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency.

Reason: To ensure that the development will be safe from the risk of flooding and will not increase flood risk to others and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

24. The road hereby approved, that is to be constructed within Derby City Council's administrative area by Derbyshire County Council, will be undertaken under a S8 Agreement Highways Act 1980 (as amended). The road will be constructed to DMRB standards following the horizontal alignment shown on drawing ref: IFP-BWB-HGT-AO-DR-C-0650 Rev P2.

Reason: For the avoidance of doubt and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

25. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which shall be submitted to and agreed in writing by the Local Planning Authority. Following completion of the measures identified in the

approved remediation scheme a verification report must be prepared and submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with paragraph 170 of the National Planning Policy Framework and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

26. No initial ground and vegetation clearance works or building demolition shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing by the Local Planning Authority. No vegetation or buildings shall be removed between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme.

Reason: In the interests of the protection of nesting birds and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

Signed:



Paul Clarke
Authorised Officer of the Council

Date: 30/04/2021

Part 6: Informative Notes to Applicant

1. The applicants attention is drawn to the presence of 11,000 Volt overhead lines and underground cables which will need diverting in order for this work to be carried out in a safe manner, and Western Power have advised that you should refer to the HSE publications GS6 & HSG47 before and during any construction. They have advised that this is particularly important for Lea Farm and whilst it is easy to disconnect this line they will need to charge for resupplying Lea Farm from elsewhere in order that they can remove all our apparatus from the work zone. The applicant is advised to contact Western Power directly for further advice and information.

In accordance with the comments provided by the Aerodrome Safeguarding Authority for East Midlands Airport, the applicant's attention is drawn to the new procedures for crane and tall equipment notifications;

<https://publicapps.caa.co.uk/docs/33/CAP1096%20E2.1%20September%202020%20FINAL.pdf>

The highway mitigation work associated with this consent involves works within the public highway, which is land over which you have no control. Highways

England therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with Highways England Section 278 Service Delivery Manager David Steventon to discuss these matters at david.steventon@highwaysengland.co.uk

The applicant should be made aware that any works undertaken to Highways England network are carried out under the Network Occupancy Management policy, in accordance with Highways England procedures, which currently requires notification/booking 3 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The contact email for these matters is Area7networkoccupancy@highwaysengland.co.uk

The conditions outlined will require works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which the applicant has no control. In order for these works to proceed, the applicant is required to enter into an agreement under S278 of the Act. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works.

Deepdale Lane within Derby City shall have a minimum carriageway width of 5.5 metres.

Compliance with the Reservoirs Act 1975

The applicant has confirmed that the two structures referred to as the Western Flood Storage Area (WFSA) and Southern Flood Storage Area (SFSA) will be classified as large raised reservoirs (i.e. with capacity to store greater than 25,000m³ above ground level) and will require compliance with the Reservoirs Act 1975. The Environment Agency are the enforcement authority for the Reservoirs Act 1975 and under this Act it is a requirement that the reservoir owner:

- o Appoint a qualified civil engineer ('construction engineer') under Section 6 of the Reservoirs Act to design and supervise the construction work. Details of suitably qualified engineers can be found here <https://www.gov.uk/reservoirs-a-guide-for-owners-and-operators>.
 - o Provide the national reservoir safety team with a notice of their intention under Section 21 of the Reservoirs Act, not less than 28 days before work on-site is due to start.
 - o Appoint a supervising engineer and an inspecting engineer if the reservoirs are considered high risk.
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Notes

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse your application for the proposed development, or non-material amendment to a 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.
- Please note, only the applicant possesses the right of appeal.
- Further information on how to appeal and the deadlines for different types of applications can be found at www.gov.uk/government/organisations/planning-inspectorate
- 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.](#)
- The Secretary of State can allow a longer period for giving notice of appeal, but he 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 him that the Local planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local planning Authority based their decision on a direction given by him.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of the service of the enforcement notice, or within six months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

E-mail: developmentcontrol@derby.gov.uk

Website: www.derby.gov.uk/environment-and-planning/planning/