

LET7251

PUBLIC
Form TCP 3

DERBYSHIRE COUNTY COUNCIL

TO: Ms Katie Eyres
United Utilities
Thirlmere House
Lingley Green Avenue
Warrington
WA5 3LP

County Hall
Matlock
Derbyshire
DE4 3AG

1.1507.1

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Council under the above Act and all related Acts, Orders and Regulations, and with reference to your application Code No **CW1/1123/41** received on the 7 December 2023 for the **Installation of 2 Kiosks and a and section of above ground inlet sewer at Chapel-en-le-Frith Wastewater Treatment Works, Charley Lane, Chapel-en-le-Frith, Chinley, SK23 6DY** in the manner described in the application and shown on the accompanying plan(s) and drawing(s), NOTICE IS HEREBY GIVEN that permission for the proposed development is **GRANTED subject to compliance with the following conditions:**

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

Reason: The condition is imposed in accordance with Section 91 of the Town and County Planning Act 1990.

- 2) The development shall take place in accordance with the details contained in the Application Form dated 17 November 2023, Planning Supporting Statement dated 21 July 2023, Climate Change Statement (undated), Initial Conceptual Site Model dated 9 September 2022, Initial Conceptual Site Model Appendix D dated 9 September 2022, Initial Conceptual Site Model Appendix E dated 9 September 2022, Biodiversity Net Gain Metric (undated), Ecological Assessment Report dated 11 April 2024, Ecological Assessment Report Walkover Survey Results dated 11 April 2024, Environmental Control Plan dated 3 January 2023, Arboricultural Implication Study dated July 2023 and the following plans:

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- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00001 P02 entitled 'Tree Constraints Plan' dated 27 October 2023
- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00002 entitled 'Tree Removal, Retention and Protection Plan'
- Drawing no. 0061939-01-C2V-CHAPE-97-DR-I-00004 P03 entitled 'Site Location Plan'
- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00005 P03 entitled 'Site Layout Plan'
- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00006 P03 entitled 'Ferric Dosing Kiosk Plans and Elevations'
- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00007 P03 entitled 'MCC Kiosk Plan and Elevations'
- Drawing no. 0061939-01-C2V-CHAPE-97-DR-I-00008 P02 entitled 'Above Ground Inlet Sewer Within Party Land'
- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00009 P02 entitled 'Public Right of Way Plan'
- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00003 P04 entitled 'Landscape and Biodiversity Proposals Plan'
- Drawing no. 80061939-01-C2V-CHAPE-99-DR-C-00002 P01 entitled 'Gas Protection Measures Miscellaneous Details'
- Drawing no. 80061939-01-C2V-CHAPE-99-DR-C-00003 entitled 'Kiosk Gas Protection Measures'
- Drawing no. 80061939-01-C2V-CHAPE-97-DR-I-00010 P01.2 entitled 'Above Ground Pipework for Removal'
- Drawing no. 80061939-01-C2V-CHAPE-99-DR-L-00001 C04 entitled 'Landscape Reinstatement Plan'

Reason: To enable the Waste Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the Waste Planning Authority without delay. The approved remediation scheme shall be implemented to the satisfaction of the Waste Planning Authority.

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Reason: In the interests of local amenity.

- 4) The development shall take place in accordance with the Environmental Control Plan dated 3 January 2023.

Reason: In the interests of the environment, amenity and biodiversity.

- 5) The existing pipe above ground between Point A and Point B, as annotated on Drawing '80061939-01-C2V-CHAPE-97-DR-I-00010 P01.2', shall be removed from the site within 26 weeks of being decommissioned.

Reason: In the interests of visual amenity.

- 6) Bird Boxes and Bat Boxes shall be installed at a height of between 3m-6m above ground level and maintained from thereafter in accordance with the Landscape Reinstatement Plan dated 27 January 2025.

Reason: In the interests of ecology.

- 7) Within the first planting season following the first use of the development, hereby approved, all tree planting shall be implemented in full and maintained in accordance with the approved Landscape Reinstatement Plan (Drawing no: 80061939-01-C2V-CHAPE-99-DR-L-00001 C04).

If within a period of five years from the date of initial planting, any trees or shrubs planted in accordance with the approved landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs shall be planted in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity and habitat enhancement.

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The Authority has requested clarification on the application where required, which the applicant has provided.

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Informatives:

Biodiversity Net Gain

BNG Informative – Full Permission BNG Does Not Apply

Statutory Imposition of the Biodiversity Gain Plan Condition

The general effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permissions granted for the development of land in England are deemed to have been granted subject to the condition that **the development may not begin unless:-**

- (a) a Biodiversity Gain Plan has been submitted to the planning authority,**
- (b) the planning authority has approved the plan.**

This condition (“the Biodiversity Gain Condition”) does not apply to every permission that is granted. This is because the Act provides for some exceptions (contained in paragraph 17 of Schedule 7A to the Act) transitional arrangements and exemptions (by reference to regulations, which at the date of this notice are understood to be the Biodiversity Gain Requirements (Exemptions) Regulations 2024) that disapply paragraph 13 in certain cases. Based on the information available this permission does not require the approval of a biodiversity gain plan before development is begun because of the following statutory exemption.

The application for planning permission was made before 12 February 2024.

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Proximity to a Historical Landfill Site

This development is situated within 250m of a historical landfill site.

Because of the potential risk to human health, before development, the applicant should ascertain whether gas protection measures are required. If necessary, a gas impermeable membrane should be incorporated within the structure along with a ventilated sub floor area. Any services entering/leaving the structure should be located above the gas impermeable membrane or alternatively, adequate seals will need to be provided if the membrane is to be breached. The details of the gas impermeable membrane and with particular attention to the joins with any existing structure and seals around any services, plus details of the sub-floor ventilation should be submitted to Approved Building Control for approval prior to the works being carried out.

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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 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; unless
- this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, 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 this notice.
- 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 service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- 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.

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 the owner

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can neither put the land to a reasonably beneficial use in its existing state nor 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 County Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

The following notes are the further advice of the County Council.

- This permission relates to planning control only. Any other statutory consent necessary to enable the proposed development to commence must be obtained from the appropriate authority or regulator.

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