

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

4 February 2019

Report of the Strategic Director – Economy, Transport and Environment

- 4 SUBMISSION OF A SCHEME OF AFTERCARE AND A LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN UNDER AN OBLIGATION PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 RELATING TO PLANNING PERMISSIONS CM2/0213/44 AND CM2/0911/81 LAND AT HARTINGTON TIP, FERNDALE ROAD, STAVELEY, THE FORMER CAMPBELL LANDFILL SITE AND TROUGH BROOK ROAD FORMER OPENCAST COAL SITE, STAVELEY
APPLICANT: TAWNYWOOD LTD
SUBMISSION NO: SM3201**

2.608.6 and 2.9.17

(1) **Purpose of Report** To enable the Committee to consider for approval, in accordance with an agreement of June 2017, a Landscape and Ecological Management Plan (LEMP) which incorporates a scheme of aftercare for the Hartington Tip Reclamation site, former Campbell Landfill Site and Troughbrook Road former Open Cast Coal Site under the planning permissions granted by the Council (Code Nos. CM2/0213/44 and CM2/0911/81).

(2) **Information and Analysis** Planning permissions (Code Nos. CM2/0213/44 and CM2/0911/81) were granted for development at Hartington Reclamation, the former Campbell Landfill Site and Troughbrook Road former Open Cast Coal Site on the completion of a Section 106 legal Agreement in June 2017 (following approval by the Committee in November 2014, Minute Nos. 96/14 and 97/14 refer). The agreement required, amongst other items, the submission by Tawnywood Ltd (Tawnywood Ltd was the applicant for both applications and is the registered owner of three sections of the Hartington Site) for the approval of the Council, of a scheme of aftercare for the Campbell and Troughbrook sites and the submission of a LEMP relating to the three sites.

Consultation and Publicity

There is no statutory requirement for consultations or publicity with the respect to this submission, however, Councillor Bingham (Staveley North and Whittington) has been consulted.

Planning Considerations

A LEMP has been submitted by Tawnywood Ltd which incorporates a scheme of aftercare. The LEMP sets out the proposed scheme of habitat establishment, aftercare maintenance and long-term management for the Hartington Tip Reclamation site and the two receptor sites: Campbell Landfill and Troughbrook Road. It also addresses, where appropriate, post-development and long-term land management and monitoring measures that will be taken to enhance the nature conservation value of the sites. I have consulted with the Council's specialist officers in ecology and landscape architecture and I am satisfied that the measures set out within the LEMP are appropriate. I am also satisfied that the LEMP meets the requirements of the legal agreement and would ensure the proper management of the sites for 15 years. It is therefore recommended for approval.

(3) **Financial Considerations** There are no fees applicable in this instance.

(4) **Legal Considerations** This scheme has been submitted in accordance with the requirement of an obligation pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.

It is not considered that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of a resolution under the Officer's Recommendation below.

(5) **Environmental and Health Considerations** As indicated in the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File Nos. 2.608.6 and 2.9.17
Held by the Director of Legal Services and the Planning Division of the Economy, Transport and Environment Department.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves to **approve** the Landscape and Ecological Management Plan Revision 1 submitted on 30 August 2018 by Tawnywood Ltd.

Mike Ashworth
Strategic Director – Economy, Transport and Environment