

FAO Sarah Atherton
Planning Department
South Derbyshire District Council
Civic Way
Swadlincote
Derbyshire
DE11 0AH

Our Ref: 0545
Your Ref: PP-14787514

Date: 30th March 2026

Submitted via the Planning Portal (Ref: PP-14787514)

Dear Sarah,

Land to the east of Dove Valley Park, Park Avenue, Foston, Derby: Application to Discharge Conditions 4, 5 and 6 of Full Planning Permission Reference DMPA/2025/1570

On behalf of our client, Dove Valley Park Limited ("the Applicant"), please find enclosed an application to discharge conditions 4, 5, and 6 of planning permission reference DMPA/2025/1570 at Land to the east of Dove Valley Park, Park Avenue, Foston, Derby ("the site").

Planning permission was granted on the 13th March 2026 for the following development at the site:

"Erection of 2no buildings in B2/B8 and ancillary E(g) uses, associated infrastructure, service yards, landscaping, and a structural landscape buffer at land to the east of Dove Valley Park and the erection of an innovation centre in sui generis use at Plot 2 within Dove Valley Park."

This application is accompanied by the following information:

- This Covering Letter;
- Completed Application Form;
- Relevant Application Fee of £383 (including VAT and Planning Portal administration fee) paid via the Planning Portal;
- Geotechnical Report prepared by BWB (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4005-S2-P04) and the following supporting documents:
 - Geotechnical Review of Preliminary Investigation (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4001-S1-P01.1)
 - Geotechnical Review of Supplementary Investigation (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4002-S1-P01.1)
 - Enabling Earthworks and Ground Improvement (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4003-S2-P02)

- Controlled Waters Detailed Quantitative Risk Assessment (DQRA) (Document Reference: DVP-BWB-ZZ-XX-TDN-GE-4004-CW_DQRA_S2-P1)
- Geotechnical Construction Record (GCR, validation and verification report) (Document Reference: DVP-BWB-ZZ-XX-RP-G-0001_GCR)
- Ground Gas and Groundwater Monitoring, Post Construction (3 rounds completed at time of drafting this document) (Document Reference: 255659-BWB-XX-XX-T-G-0001_TN)

Background

In September 2025, full planning permission was granted for the erection of four employment buildings and an innovation centre at the site (LPA reference: DMPA/2024/0635). Condition 7 of the aforementioned planning permission required the submission and approval of a Site Investigation Report prior to the commencement of works. This condition was subsequently discharged under application reference DMOT/2025/1195.

Following the approval of planning permission DMPA/2024/0635, a potential end-user was identified and, thus, a new scheme (comprising two as opposed to four units) was proposed to meet the end-user's operational needs (LPA reference: DMPA/2025/1570). Approval was granted for the new scheme on 13th March 2026.

Owing to the two schemes being similar in nature, so too are the conditions attached to the consents. However, as the Applicant intends to build out the latter of the two schemes, the conditions attached to planning permission DMPA/2025/1570 must now be discharged. Therefore, this application seeks to discharge conditions 4, 5 and 6 of DMPA/2025/1570 (Ground Investigation and Remediation Works).

Condition 4 – Ground Investigation Further Works

Condition 4 is worded as follows:

"Before the commencement of the development hereby approved further works outlined in the Ground Investigation undertaken by Lucion Ground Engineers Ltd, report ref 118613 dated September 2025 shall be completed and submitted in writing to the LPA to be agreed.

Reason: In order to ensure the site is made safe for its intended use in the interests of public health in accordance with the requirements of Policy SD4 of the South Derbyshire Local Plan and the National Planning Policy Framework."

The following information has been submitted to discharge Condition 4 of DMPA/2025/1570:

- Geotechnical Report prepared by BWB (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4005-S2-P04) and the following supporting documents:
 - Geotechnical Review of Preliminary Investigation (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4001-S1-P01.1)
 - Geotechnical Review of Supplementary Investigation (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4002-S1-P01.1)
 - Enabling Earthworks and Ground Improvement (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4003-S2-P02)
 - Controlled Waters Detailed Quantitative Risk Assessment (DQRA) (Document Reference: DVP-BWB-ZZ-XX-TDN-GE-4004-CW_DQRA_S2-P1)
 - Geotechnical Construction Record (GCR, validation and verification report) (Document Reference: DVP-BWB-ZZ-XX-RP-G-0001_GCR)

- Ground Gas and Groundwater Monitoring, Post Construction (3 rounds completed at time of drafting this document) (Document Reference: 255659-BWB-XX-XX-T-G-0001_TN)

Condition 5 – Remediation Scheme

Condition 5 is worded as follows:

“Before the commencement of the development hereby approved: Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days’ notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

Reason: In order to ensure the site is remediated and safe for its intended use in the interests of public health in accordance with the requirements of Policy SD4 of the South Derbyshire Local Plan and the National Planning Policy Framework.”

The following information has been submitted to discharge Condition 5 of DMPA/2025/1570:

- Geotechnical Report prepared by BWB (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4005-S2-P04) and the following supporting documents:
 - Geotechnical Review of Preliminary Investigation (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4001-S1-P01.1)
 - Geotechnical Review of Supplementary Investigation (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4002-S1-P01.1)
 - Enabling Earthworks and Ground Improvement (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4003-S2-P02)
 - Controlled Waters Detailed Quantitative Risk Assessment (DQRA) (Document Reference: DVP-BWB-ZZ-XX-TDN-GE-4004-CW_DQRA_S2-P1)
 - Geotechnical Construction Record (GCR, validation and verification report) (Document Reference: DVP-BWB-ZZ-XX-RP-G-0001_GCR)
 - Ground Gas and Groundwater Monitoring, Post Construction (3 rounds completed at time of drafting this document) (Document Reference: 255659-BWB-XX-XX-T-G-0001_TN)

Condition 6 – Remediation Compliance and Validation Report

Condition 6 is worded as follows:

“No buildings hereby approved shall be occupied until:

- a. The approved remediation works required by 5 above have been carried out in full in compliance with the approved methodology and best practice.*

b. If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process to be first agreed in writing by the LPA 2 and satisfy 6a above.

c. Upon completion of the remediation works required by 5 and 6a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

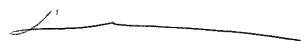
Reason: To protect the health of the public and the environment from hazards arising from previous uses of the site and/or adjacent land which might be brought to light by development of it, recognising that failure to address such matters prior to development commencing could lead to unacceptable impacts even at the initial stages of works on site."

The following information has been submitted to discharge Condition 6 of DMPA/2025/1570:

- Geotechnical Report prepared by BWB (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4005-S2-P04) and the following supporting documents:
 - Geotechnical Review of Preliminary Investigation (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4001-S1-P01.1)
 - Geotechnical Review of Supplementary Investigation (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4002-S1-P01.1)
 - Enabling Earthworks and Ground Improvement (Document Reference: 255659-BWB-ZZ-XX-TDN-GE-4003-S2-P02)
 - Controlled Waters Detailed Quantitative Risk Assessment (DQRA) (Document Reference: DVP-BWB-ZZ-XX-TDN-GE-4004-CW_DQRA_S2-P1)
 - Geotechnical Construction Record (GCR, validation and verification report) (Document Reference: DVP-BWB-ZZ-XX-RP-G-0001_GCR)
 - Ground Gas and Groundwater Monitoring, Post Construction (3 rounds completed at time of drafting this document) (Document Reference: 255659-BWB-XX-XX-T-G-0001_TN)

I trust that the submitted information is acceptable to you, and that this submission will enable the timely validation of the application. Should you have any queries relating to the above, please do not hesitate to contact me on my details below.

Yours Sincerely,



Jasmine Swanborough

Planner

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For and on behalf of Asteer Planning LLP