MANCHESTER CITY COUNCIL

IMPORTANT

Planning Permission and Notices of Consent

Compliance with Conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures required to protect trees.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee of £85 is payable for each request to discharge conditions.
- For advice on any of these matters, please contact the Planning Service, Manchester City Council, PO Box 463, Manchester M60 3NY or email planning@manchester.gov.uk

Town and Country Planning Act 1990

PLANNING PERMISSION

MANCHESTER CITY COUNCIL

Name and Address of Applicant	Name and Address of Agent
	Mr Chris Beebe
Co-operative Group Ltd	Co-operative Group Ltd
New Century House	New Century House
Corporation Street	Property Division
Manchester	P O Box 53
M60 4ES	Manchester
	M60 4ES

Part I – Particulars of Application

Date of Application	Application ref. no.
13 July 2009	090606/FO/2009/N1

Particulars and location of development:

Erection of 14 storey office (Class B1) building (Co-operative Headquarters) with associated basement car parking on two levels providing 151 car parking spaces with associated public realm works including the closure of part of Dantzic Street and associated alterations to the highway including formation of mini roundabout at corner of Angel Street and Dantzic Street

Car Park
Miller Street
Ancoats
Manchester
M4 4DY

Part II – Particulars of Decision

The Manchester City Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 of the following decision

Decision Approved
4.45 Conclusion

The redevelopment of this site with a quality development will bring major environmental and regeneration benefits and retain approximately 3,500 jobs.

The proposals would lead to the transformation of the Northern Gateway into the City Centre, creating an enhanced public realm, and would be a major

catalyst for further regeneration. The existing buildings being used to provide space for other businesses.

It is considered that the scheme would transform an area of North Manchester with the provision of quality commercial floorspace, and would deliver further employment opportunities and improve the range of locally available services.

Whilst the development will impact on the area, the conclusion reached is that there are measures that can and will be introduced to minimise potential adverse impact with regards to matters such as noise, traffic etc. What is important is that the documentation does identify the clear positive elements of the proposal, which will introduce a quality commercial development scheme into North Manchester, which would be the first BREEAM ' Outstanding ' office building in the UK , and would retain a significant number of jobs in an accessible location for pedestrians and those travelling by public transport.

Date of Decision 10 September 2009

for the carrying out of development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Part III – Conditions and Reasons

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) Construction of the building hereby approved by this permission shall not take place unless and until samples and specifications of all materials to be used on all external elevations of that building have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies I3.1 and H2.2; of the Unitary Development Plan for the City of Manchester.

3) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with PolicyT2.6 of the Unitary Development Plan for the City of Manchester.

4) The development hereby approved shall be carried out in accordance with the drawings numbered 0909109 (D) 001, 0909109 (D) 002, 0909109 (D) 003, 0909109 (D) 004, 0909109 (D) 005, 0909109 (D) 006, 0909109 (D) 007, 0909109 (D) 008, 0909109 (D) 100, 0909109 (D) 101, 0909109 (D) 102,

0909109 (D) 103, 0909109 (D) 104, 0909109 (D) 105 , 0909109 (D) 106, 0909109 (D) 107, 0909109 (D) 108, 0909109 (D) 109, 0909109 (D) 110, 0909109 (D) 111, 0909109 (D) 112, 0909109 (D) 113, 0909109 (D) 114, 0909109 (D) 115, 0909109 (D) 116, 0909109 (D) 117, 0909109 (D) 151, 0909109 (D) 152, 0909109 (D) 201, 0909109 (D) 202, 0909109 (D) 203, 0909109 (D) 301, 0909109 (D) 302, 0909109 (D) 303, 0909109 (D) 401, 4707 cv-01, 04707 cv-02 and Environmental Statement, Design and Access Statement, Transport Assessment, Crime Impact Statement, Statement of Community Involvement, Explosive Ordnance Desk Top Study, Land Quality Desk Top Study, Noise Survey, Utilities Survey, Flood Risk Assessment, Arboricultural Survey, Television Reception Survey& Development Effects Investigation, received 13th July 2009 ,and e-mails dated 24th August 2009, and 26th August 2009, unless otherwise agreed in writing with the City Council as Local Planning Authority.

Reason -To ensure that the development is carried out in accordance with the approved plans.

5) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation, unless otherwise agreed in writing with the City Council as Local Planning Authority.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

6) The wheels of contractors vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

7) All contractors' vehicles entering and leaving the site during the construction period shall be sheeted.

Reason - To ensure that the proposed development is not prejudicial or a nuisance to the adjacent premises in the interests of public health and amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

8) The details of an emergency telephone contact number shall be displayed in a publicly accessible location on the site and shall remain so displayed unless otherwise agreed in writing by the City Council as local planning authority.

Reason - In the interests of local amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

9) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the devlopment is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located in order to comply with Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

10) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with the approved drawings.The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with Policies T3.1, T3.6 and T3.7 of the Unitary Development Plan for the City of Manchester.

11) Full detailed designs (including specifications) of all highways works, (including the provision of an alternative access to the north-west of the Miller Street/ Dantzic Street junction), shall be submitted to and approved in writing by the City Council as Local Planning Authority, prior to the development commencing. The development shall be implemented in accordance with the approved details, prior to the development brought into use, unless otherwise agreed with the local planning authority.

Reason - In the interests of highway safety, pursuant to policy T3.1 of the Unitary Development Plan for the City of Manchester.

12) Details of access proposals to the development for mobility impaired persons including route widths, levels and gradients, shall be submitted to and approved in writing by the City Council as local planning authority before development commences. The approved details shall be implemented before the development is first brought into use, unless otherwise agreed with the local planning authority.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of the Unitary Development Plan for the City of Manchester policy DC9.1, and the Disability Discrimination Act 1995. However, in approving the relevant drawings, the City Council as the local planning authority does not hereby give any warranty that the provisions of the Disability Discrimination Act 1995 have been complied with.

13) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details

of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To ensure that adequate provision is made for the storage and disposal of waste and to aid sustainable development, in accordance with the Guide to Development in Manchester , SPD, and Planning Guidance.

14) Prior to the occupation of the development, the hours for servicing are to be submitted and agreed in writing by the City Council as Local Planning Authority. Servicing of the building shall thereafter not take place outside the approved hours.
Reason

To safeguard the amenities of the occupiers of nearby residential accommodation when the development is complete, pursuant to H2.2 of the Unitary Development Plan for the City of Manchester.

15) Details of any roller shutters or security grilles to be installed within the development , shall be submitted to and agreed in writing by the City Council as Local Planning Authority before they are in place. Roller shutters and grilles shall of an open grille construction, with the housing for the mechanism recessed behind the plane of the wall where the mechanism is to be located and be colour-coated.

Reason -In the interests of visual amenity, pursuant to policy DC14 and policy E3.3 of the Unitary Development Plan for the City of Manchester.

16) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'outstanding'. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before the building hereby approved is first occupied , unless otherwise agreed in writing with the City Council as Local Planning Authority.

Reason - In order to minimise the environmental impact of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, policies ER13 and DP3 of Regional Planning Guidance for the North West (RPG13) and the principles contained within The Guide to Development in Manchester 2 SPD and Planning Policy Statement 1.

17) Within six months of any part of the development first being occupied, a repaving strategy for the public footpaths and redundant vehicular crossings around the site shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be carried out in accordance with a phasing programme to be approved by the Local Planning Authority, unless otherwise agreed in writing with the City Council as Local Planning Authority.

Reason - In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes, pursuant to Manchester Unitary Development Plan policy H2.2.

18) Prior to the commencement of development, details of all external lighting, including lighting on the buildings, within the site, and lighting units within the

public realm works, for each building or phase of development shall be submitted to, and approved in writing by, the City Council as local planning authority, The development shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the City Council as Local Planning Authority.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of government guidance in Planning Policy Statement 1 and Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

19) No trees shall be felled, or have any works undertaken on them, during the bird nesting season (March to August inclusive), unless otherwise agreed with the City Council as Local Planning Authority.

Reason - To ensure the protection of wildlife habitats in the locality , pursuant to policy E2.4 of the Unitary Development Plan for the City of Manchester.

20) Prior to commencement of development, full details of a scheme for the management, destruction and /or disposal of Japanese Knotweed and Giant Hogweed, to be carried out by the developer, shall be submitted to and approved in writing by the City Council as Local Planning Authority. This plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority for approval in order to ensure that the agreed scheme is still applicable.

Reason - To prevent the spread of Japanese Knotweed and Giant Hogweed which has been found on part of the site in accordance with the Wildlife and Countryside Act 1981.

21) Prior to commencement of development, full details of a scheme detailing surface water regulation arrangements, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, pursuant to policy E1.3 of the Unitary Development Plan for the City of Manchester.

22) Prior to the occupation of the building , a hard and soft landscaping treatment scheme together with long term maintenance arrangements shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or

defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise agree in writing by the City Council as local planning authority.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policy H2.2; of the Unitary Development Plan for the City of Manchester.

23) No development should be undertaken until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation approved by the City Council as Local Planning Authority.

Reason - To investigate the archaeological interest of the site and record and preserve any remains of archaeological interest, pursuant to Policy DC20.1 of the Unitary Development Plan for the City of Manchester and guidance in PPG16.

24) The applicant will provide proposals for the presentation and interpretation of archaeological remains commemorating the history and archaeology of the site , the scheme to be submitted to and agreed in writing by the City Council as local planning authority. The approved details shall be implemented and retained in situ.

Reason -To commemorate the industrial heritage of the site and provide an educational and community amenity pursuant to Policy DC20.1 of the Unitary Development Plan for the City of Manchester and guidance in PPG16.

25) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a

Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to H2.2 of the Unitary Development Plan for the City of Manchester.

26) Details of a Travel Plan with the objective of reducing car borne journeys; and including particulars of its implementation and monitoring of effectiveness and how measures to improve effectiveness shall be implemented shall be submitted to and approved in writing by the City Council as local planning authority prior to occupation of each phase of dwellings or commerical premises; For so long as the use is in operation the local planning authority shall be provided with such information as specified in the Travel Plan and all measures that are identified that can improve the effectiveness of the Travel Plan shall be adopted and implemented within a timescale agreed in writing by the local planning authority.

Reason - In accordance with the provisions contained within Planning Policy Guidance 13.

27) The applicant shall, with regard to television reception in the area containing the application site, provide the City Council as local planning authority with studies that:

a) Identify, before the development commences, the potential impact area in which television reception is likely to be adversely affected by the development. The study shall be carried out either by the Office of Communications (Ofcom), or by a body approved by Ofcom and shall include an assessment of when in the construction process an impact on television reception might occur.

b) Measure the existing television signal reception within the potential impact area identified in (a) above before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Office of Communications, and shall include an assessment of the survey results obtained.

c) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above within one month of the practical completion of the development or in accordance with the phasing programme required by condition 3 of this planning permission or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the City Council as

local planning authority in response to identified television signal reception problems within the potential impact area. If the development is found to have a detrimental impact upon existing television signal reception, the study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in (b) above. The measures identified must be carried out either before the building is first occupied or in accordance with the phasing programme required by condition 3 of this planning permission or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications, pursuant to Manchester Unitary Development Plan policy H2.2.

28) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment/property.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

29) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with Policy H2.2 of the Unitary Development Plan for the City of Manchester.

30) All trees, shrubs and hedges within the site and/or trees whose root structure may extend within the site, which are to be retained shall be fenced off before any building or other operation approved by this permission is carried out within the vicinity in accordance with British Standard 5837 (1991). Thereafter, no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence during the construction period.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area, pursuant to policy E2.6 of the Unitary Development Plan for the City of Manchester.

31) The permission hereby granted relates to the prinicple of developing the land for 45, 803 sq.m. of Class B1 (offices).

Reason - For the avoidance of doubt .

32) No development hereby permitted shall commence until fully detailed cross section plans of the existing and proposed external ground levels of that phase have been submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be implemented in accordance with the approved details, unless otherwise agreed with the local planning authority.

Reason - To ensure that a satisfactory development is carried out, in accordance with policy H2.2; of the Unitary Development Plan for the City of Manchester.

33) Prior to any works commencing, including any demolition works, site vegetation clearance or earth moving on the site, a programme of surveys relating to protected species shall be submitted to, and approved in writing by, the City Council as Local Planning Authority. The programme thereafter, approved annually (as necessary), shall identify the protected species to be surveyed in the following twelve months, shall set out the objectives of the surveys, and shall set out the methodologies to be used and the procedures for reporting to the Local Planning Authority the survey results. The results of all surveys shall be utilised as baseline information in relation to specific mitigation works. Detailed mitigation measures shall be proposed for the development to address any impacts identified by the survey results and which will either affect reptiles, bats or Black Redstarts , and include compensatory measures where necessary for the possible loss of terrestrial habitat, foraging areas and breeding sites. Mitigations measures shall be submitted to and approved in writing by the City Council as Local Planning Authority, which measures shall be implemented in accordance with the particulars so approved.

Reason - The site includes habitat which has the potential to contain Black Redstarts. The implementation of ongoing protection surveys would ensure that there would be adequate protection measures in place during a phased construction, pursuant to policies E2.3 and E2.4 of the Unitary Development Plan for Manchester (adopted 1995).

34) Before the development hereby approved commences, the measures identified in the Unexploded Ordnance mitigation strategy shall be carried out, and a report prepared outlining what measures, if any, are required to remediate the land which shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the presence of or the potential for any Unexploded Ordnance is detected and appropriate remedial action is taken in the interests of public safety, pursuant to H2.2 of the Unitary Development Plan for the City of Manchester.

35) Prior to commencement of works on site, a construction method statement (including details of any vibro compaction works), and a strategy for the management of construction traffic,(including information regarding site approach routes, hours of deliveries and directional signage) shall be submitted to and approved in writing by the City Council as local planning authority.The

approved works shall be implemented prior to the commencement of the development, and shall be retained in situ thereafter during the construction period.

Reason - To safeguard the amenities of nearby residents, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

36) Notwithstanding the submitted plans, and prior to development commencing on site, full elevational details of the development hereby approved shall first be agreed in writing by the City Council as Local Planning Authority. The development shall be implemented in accordance with the approved details, unless otherwise agreed with the local planning authority.

Reason - To ensure that a satisfactory development is carried out, in accordance with policy H2.2 and E3.3 of the Unitary Development Plan for the City of Manchester.

Signed**.....**

Peter Babb, Head of Planning

on behalf of the Council
Town Hall,
Manchester M60 3NY

NOTES

1. Leaflets attached:

2. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation**.**

3. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

4. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

5. If either the local planning authority of the First 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 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 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

6. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to

conditions by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix A – Standing Advice Regarding Coalfield Area

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com