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 Alistair Burns Manchester City Council Town Hall Extension Manchester M60 3NY	Walker Simpson Architects 33 Piccadilly Manchester M1 1LQ

Part I – Particulars of Application

Date of Application	Application ref. no.
4 September 2008	087601/VO/2008/N2

Particulars and location of development:

CITY COUNCIL DEVELOPMENT Erection of a part 2, part 3 and part 4 storey 900 place secondary school and 120 place sixth form, including a sports hall, community library and associated open space, sports pitches, landscaping, car parking and bus drop off facility and boundary treatment, following demolition of existing building

Land Opposite St Bridgids RC Primary School
Grey Mare Lane
Beswick
Manchester
M11 3AZ

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

Approve on the basis that the proposed development accords with policies H2.2, E1.5, E1.6, E3.5, T2.6, T3.7 of the Unitary Development Plan for the City of Manchester adopted 1995 and policies DP1, DP2 of Regional Spatial Strategy for the North West (2008) and guidance contained within the Guide to Development in Manchester Supplementary Planning Document (approved April 2007) and there are no material reasons to indicate otherwise.

Date of Decision 4 December 2008

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) The development that is hereby approved shall be carried out in accordance with those samples of materials submitted comprising:

- Brick - Ibstock Multi Grey Rustic
- Brick - Ibstock Stuart Buff
- Kinsgpan - (KS1000EB) cladding colour Spectrum Silver
- Kawneer Aluminum window frames colour RAL 7012, RAL1018.
- La linia PCC Paver colours Light Grey and Indian Granite.
- Yellow Balau hardwood decking.
- Breedon Golden Amber Resin bound gravel.

Any additional materials to be used on the development should be submitted to and approved in writing by the City Council as local planning authority prior to development commencing. 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 policy H2.2; of the Unitary Development Plan for the City of Manchester.

3) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as local planning authority:

Drawing numbers:

Location Plan (NTS) WSA.0241.P1.01
Existing Site Plan (1.500) WSA.0241.P1.02
Proposed Plan (1.500) WSA.0241.P2.01; date stamped as received by the local planning authority 04/09/2008.

Landscape sections PL926.D.204
Hardworks GA PL926.D.203.A
Landscape Masterplan PL926.L.01.E
Cycle Provision PL926.D.302
Refuse collection PL926.D.303
Circulation and access PL926.M.108; date stamped as received by the local planning authority 04/09/2008.

Boundary Treatment PL926.L.105.C
Softworks GA PL926.D.202.C
Outdoor Performance Area PL926.M.109.B
Outdoor Performance Space PL926.M210.A; date stamped as received by the local planning authority 03/12/2008.

Proposed Elevations SE NE WSA.0241.P4.01A
Proposed Elevations SW NW WSA.0241.P4.02A
Proposed Elevations SE NW WSA.0241.P4.03A
Proposed Elevation Sports Hall WSA.0241.P4.04A; date stamped as received by the local planning authority 11/11/2008

Proposed Elevation Internal WSA.0241.P4.05; date stamped as received by the local planning authority 04/09/2008

Proposed Contextual Elevations WSA.0241.P4.06 A; date stamped as received by the local planning authority 26/09/2008

Proposed Section 1-1 2-2 WSA.0241.P5.01
Proposed Section 3-3 4-4 WSA.0241.P5.02
Proposed Section 5-5 6-6 WSA.0241.P5.03
Proposed Section 7-7 8-8 WSA.0241.P5.04; date stamped as received by the local planning authority 04/09/2008

Proposed Ground floor WSA.0241.A2.01A; date stamped as received by the local planning authority 14/11/2008

Proposed First Floor Plan WSA.0241.A2.02A
Proposed Second floor plan WSA.0241.A2.03B
Proposed Third Floor Plan WSA.0241.A2.04A
Proposed Roof Plan WSA.0241.A2.05A; date stamped as received by the local planning authority 03/12/2008

Manchester Site Analysis (NTS) WSA.0241.P6.01
Historical Images (NTS) WSA.0241.P6.02
Sun Path & Shadow Study (NTS) WSA.0241.P6.03; date stamped as received by the local planning authority 04/09/2008

Existing Drainage Layout NEM_CJP_DR_G_93_AZ_NS_4805D
Proposed Stage D Drainage Layout- NEM_CJP_DR_G_00_AZ_NS_4803J; date stamped as received by the local planning authority 03/11/2008.

Off site light spill from illuminated all weather pitch SK04P1; date stamped as received by the local planning authority 22/09/2008

External Lighting P904-403; date stamped as received by the local planning authority 01/12/2008

Documents titled:

- Design and Access Statement by Walker Simpson Architects including Appendices A, B,C and date stamped as received by the local planning authority 04/09/2008
- New East Manchester Academy Flood Risk Assessment prepared by Cundall NEM_CJP_RP__012-Rev D as received by email on 29/10/2008
- Ecological Assessment prepared by TEP (doc ref - 1335.02.005A) and date stamped as received by the local planning authority 04/09/2008
- Bat Activity Survey 2007 prepared by TEP (report ref: 1335.02.006) date stamped as received by the local planning authority 04/09/2008
- Arboricultural Implication Assessment prepared by TEP (report ref: 1335.02.2008) date stamped as received by the local planning authority 03/12/2008
- Noise Assessment report prepared by SRL (report number C/06/6W/40540/R05/CB date stamped as received by the local planning authority 04/09/2008
- New East Manchester Academy Fire Strategy as prepared by Safe Consulting Ltd and date stamped as received by the local planning authority 04/09/2008
- Sustainability Statement for East Manchester Academy prepared by White Young Green and Fume Study date stamped as received by the local planning authority 04/09/2008
- BREEAM for Schools Assessment prepared by Ramboll Whitbybird and date stamped as received by the local planning authority 04/09/2008
- New East Manchester Academy Gound Investigation and Remediation Summary prepared by Cundall and date stamped as received by the local planning authority 04/09/2008
- Addendum A Outline Planning Transport Assessment prepared by Capita Symonds and stamped as received by the local planning authority 04/09/2008
- Addendum B Transport Assessment prepared by SKM and date stamped as received by the local planning authority 04/09/2008

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies H2.2 of the Unitary Development Plan for the City of Manchester.

4) 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 Policies H2.2 of the Unitary Development Plan for the City of Manchester.

5) No development shall commence until details of the measures to be incorporated into the development (or phase there of) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as LPA. 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 LPA has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

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 hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref , Landscape sections PL926.D.204; Hardworks GA PL926.D.203.A; Landscape Masterplan PL926.L.01.E; date stamped as recieved by the local planning authority 04/09/2008 and Softworks GA PL926.D.202.C; Outdoor Performance Area PL926.M.109.B; Outdoor Performance Space PL926.M210.A; date stamped as received by the local planning authority 03/12/2008; shall be implemented prior to first occupation of the hereby approved buildings. 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 agreed 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 and E3.5; of the Unitary Development Plan for the City of Manchester.

7) Prior to the commencement of development an Arboricultural Method statement shall be submitted to and agreed in writing by the City Council as local planning authority. The statement shall include details of 'special mitigation construction and procedures' for when development activities are required within Construction Exclusion Zones', unless otherwise agreed in writing.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site, which are of important amenity value to the area and in order to protect the character of the area, in accordance with Policies E2.4 and E2.6 of the Unitary Development Plan for the City of Manchester.

8) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'very good'. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied. Unless otherwise agreed in writing by 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, and the principles contained within The Guide to Development in Manchester 2 SPD and national Planning Policy Statement 1.

9) Before first occupation of the development the building, together with any externally mounted ancillary equipment shall be acoustically insulated in accordance with the approved scheme as set out in the document titled: ' Noise Assessment report prepared by SRL (report number C/06/6W/40540/R05/CB

date stamped as received by the local planning authority 04/09/2008), to secure a reduction in the level of noise emanating from the equipment and shall be acoustically treated to achieve a noise level of 5dB below the existing background noise level in each octave band at the nearest residential properties unless otherwise agreed in writing by the City Council as local planning authority.

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

10) 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

11) The details of an emergency telephone contact number for the hereby approved development shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with Policy H2.2 of the Unitary Development Plan for the City of Manchester.

12) No activity shall take place on the external sports facilities outside the hours of the following hours, unless otherwise agreed in writing by the City Council as local planning authority:
Monday - Saturday 09:00 - 21:00
Sundays and Bank Holidays 10:00 - 20:00

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

13) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment the Desk Study) 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 Desk Study 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 Scheme) 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 Scheme shall be carried out, before 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 Site Investigation Report 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, an Expert has prepared a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy Site Investigation Report) which shall be 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 Site Investigation Report, which shall take precedence over any Remediation Strategy Site Investigation Report or earlier Revised Remediation Strategy Investigation Report.

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 policy E1.3; of the Unitary Development Plan for the City of Manchester.

14) The development hereby permitted shall be carried out in accordance with the approved New East Manchester Academy Flood Risk Assessment prepared by Cundall NEM_CJP_RP__012-Rev D as received by email on 29/10/2008 and with the following mitigation measures:
- Limiting surface water run-off generated by the 100 year plus climate change critical storm so that it will not the run off from the undeveloped site and not increase the risk of flooding off-site;
- Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- A detailed surface water drainage system in accordance with the proposals set out in the approved drawing no: NEM_CJP_DR_G_00_AZ_NS_4803J; date stamped as received by the local planning authority 03/11/2008

Reason - To prevent flooding pursuant to policy DC21.1 of the Unitary Development Plan for the City of Manchester and national Planning Policy Statement 25.

15) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site, which are of important amenity value to the area and in order to protect the character of the area, in accordance with Policies E2.4 and E2.6 of the Unitary Development Plan for the City of Manchester.

16) No tree felling or pruning works or vegetation clearance should take place during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent.

Reason - In order to protect wildlife from works that may impact on their habitats, pursuant to policy E2.4 of the Unitary Development Plan for the City of Manchester.

17) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site, which are of important amenity value to the area and in order to protect the character of the area, in accordance with Policies E2.4 and E2.6 of the Unitary Development Plan for the City of Manchester.

18) Prior to commencement of development, full details of a scheme for the management, destruction and /or disposal of Japanese knotweed or any other invasive weed species, 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 and approved in writing by the City Council as the Local Planning Authority in order to ensure that the agreed scheme is still applicable.

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

19) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with the submitted details within drawing PL926.D.302 'Cycle Provision' date stamped as received by the local planning authority 04/09/2008 unless otherwise agreed in writing by the City Council as local planning authority. 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.

20) The development hereby approved shall, before first occupation, implement the submitted scheme contained in the document 'Sustainability Statement for East Manchester Academy prepared by White Young Green and Fume Study date stamped as received by the local planning authority 04/09/2008' for the extraction of any fumes, vapours and odours from the premises unless otherwise agreed 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.

21) The development hereby approved shall, before first occupation, implement the submitted scheme contained within the document titled 'Design and access Statement - Appendix D' prepared by Walker Simpson Architects for the storage (including segregated waste recycling) and disposal of refuse, unless otherwise agreed 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 - In the interests of amenity and public health, pursuant to policy H2.2 of the adopted UDP

22) No deliveries, servicing and collections, including waste collections shall not take place outside of the following hours:

Monday - Saturday 07.30 - 20.00
No deliveries/waste collections on Sunday and Bank Holidays

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester.

23) The development hereby approved shall include a building lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn, or as may be otherwise agreed in writing by the City Council as local planning authority. Full details of such a scheme shall be submitted to and approved in writing by the local planning authority before the development commences. The approved scheme shall be implemented in full before the development is first occupied unless otherwise agreed in writing by the local planning authority and shall remain in operation for so long as the development is occupied.

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.

24) Details of a Travel Plan Strategy, implementation and monitoring of effectiveness shall be submitted to and approved in writing by the City Council as local planning authority. The strategy shall outline procedures and policies that the developer and occupants of the site will adopt to secure the objectives of the overall site's Travel Plan Strategy. Additionally, the strategy shall outline the monitoring procedures and review mechanisms that are to be put in place to ensure that the strategy and its implementation remains effective. The results of the monitoring and review processes shall be submitted in writing to the local planning authority and any measures that are identified that can improve the effectiveness of the Travel Plan Strategy shall be adopted and implemented.

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

25) Notwithstanding the hereby approved plans; prior to development commencing on site, full details of the vehicular access road for servicing of the site and the site to the immediate south-east, including full details of any necessary relocation of the plant room and sub station shall be agreed in writing with the City Council as local planning authority and shall thereafter be retained in accordance with the details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In the interest of pedestrian and highway safety pursuant to policy E3.5 of the Unitary Development Plan for the City of Manchester.

26) No demolition or refurbishment works to any building identified on the Ecological Constraints Plan within the submitted Ecological Assessment prepared by TEP (doc ref - 1335.02.005A) as requiring a bat roost survey, shall be undertaken unless and until a detailed daytime internal inspection of each building is undertaken by a licensed bat consultant. Should the survey reveal the presence of any bats, a scheme for the protection of their habitat shall be submitted to and agreed in writing by the City Council as local planning authority before the development commences, and implemented in full in accordance with the approved details and to a timetable agreed in writing by the local planning authority. All demolition works shall follow the Building Demolition Strategy outlined in the submitted 'Bat Survey 2007' report (TEP report ref

1335.02.006) unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with Policies E2.2, E2.3 and E2.4 of the adopted Manchester Unitary Development Plan.

27) No part of the development hereby permitted (such works to include the demolition of built structures) shall commence until details of a permanent bat roost, as part of the approved development have been submitted to and agreed in writing with the City Council as the Local Planning Authority. The permanent bat roost scheme should then be installed in accordance with the agreed design, unless otherwise agreed in writing with the Local Planning Authority.

Reason - To provide a replacement roost for bats a European Protected Species (Habitats Regulations 1994) and to comply with policies E2.3 and E2.4 of the Unitary Development Plan for the City of Manchester and Planning Policy Statement 9.

Part IV – Informatives

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.
The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

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