

Construction of access road and associated services to serve existing vacant site and erection of four lighting columns

**Report Item No
A6**

**Land At Smithy Road Ashby De La Zouch Leicestershire LE65
1JG**

**Application Reference
15/00278/FULM**

Applicant:

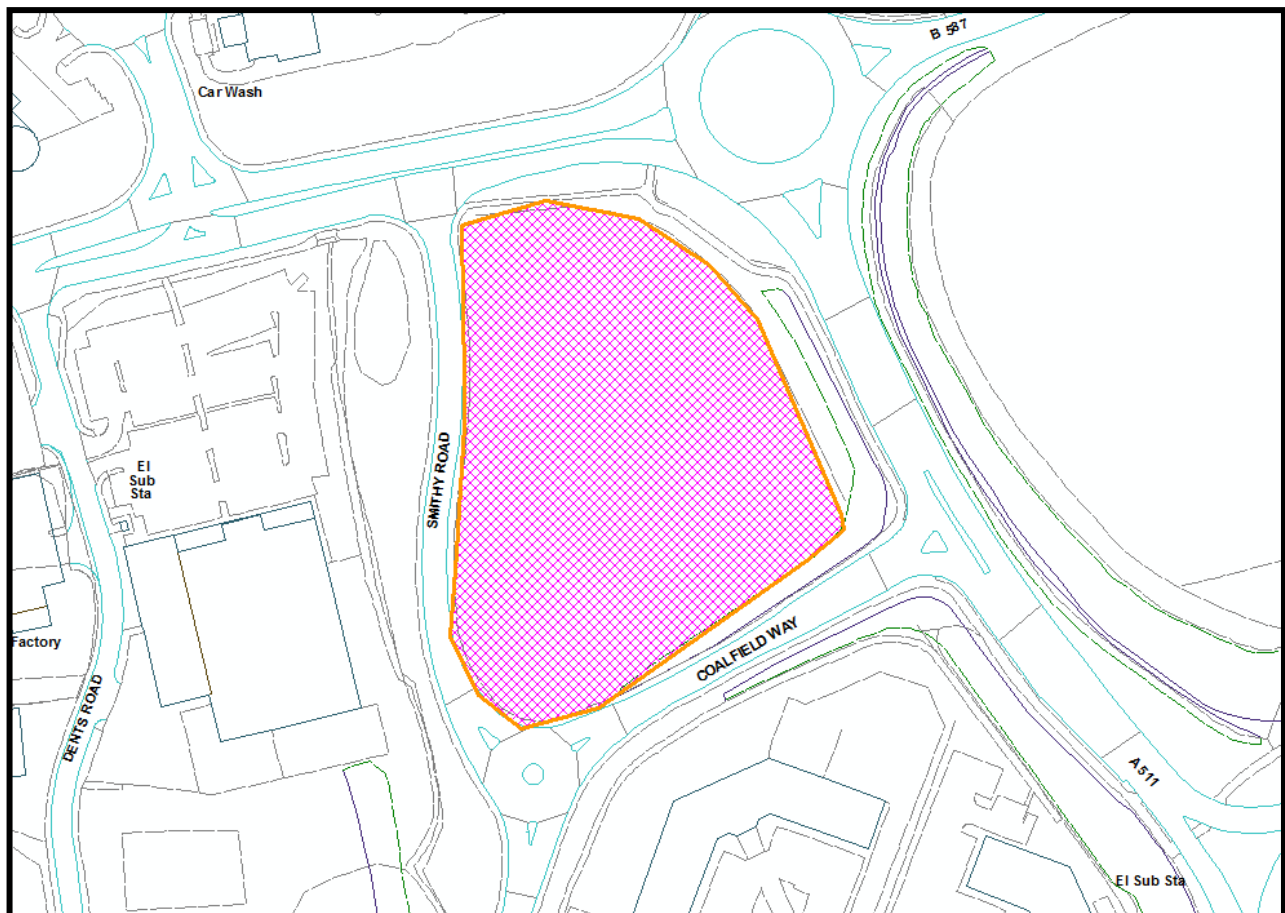
**Date Registered
2 April 2015**

**Case Officer:
Jenny Davies**

**Target Decision Date
2 July 2015**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

The application has been called to Planning Committee by Councillor Allman on the grounds of the wider public interest of the proposal. Planning permission is sought for the construction of an access road and associated services to serve an existing vacant site and the erection of four lighting columns on land at Smithy Road, Ashby de la Zouch. The site is known as the 'Ashby Gateway' site, is located on the eastern edge of the town and is bounded by the A511, Nottingham Road, Smithy Road and Coalfield Way. The access road would be located on the site's western/south western sides and would enter the site from Smithy Road. Land levels would decrease by approximately up to 0.5 metres and increase by approximately up to 0.8 metres. The four lighting columns would each be six metres tall.

Consultations

Ashby de la Zouch Town Council objects to the proposal and two letters of objection (both from Ashby Civic Society) have been received. No other objections have been received from statutory consultees.

Planning Policy

The application site lies within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also material to the determination of the application is the need to consider whether the proposals would, overall, constitute sustainable development in the context of the National Planning Policy Framework (NPPF).

Conclusion

It is considered that significant harm to the future development of the site is unlikely to occur and therefore a reason for refusal under Policy E6 of the Local Plan could not be justified in this case. The proposal would not significantly detract from the character of the streetscene and locality and is unlikely to result in severe highway safety impacts. It is considered that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. The proposal is unlikely to result in significant detriment to the residential amenities of occupiers of these dwellings and would not adversely affect protected species. Conditions can be imposed in relation to coal mining risk and contaminated land. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Permission is sought for the construction of an access road and associated services to serve an existing vacant site and the erection of four lighting columns on land at Smithy Road, Ashby de la Zouch. The site is known as the 'Ashby Gateway' site, is located on the eastern edge of the town and is bounded by the A511, Nottingham Road, Smithy Road and Coalfield Way. The site is currently vacant and overgrown and has been the subject of several planning applications for its potential redevelopment:

- erection of a discount food retail store (Class A1), Public House/Restaurant (Class A3/A4) and 60 no. Bed hotel (Class C1) with associated parking, access, landscaping and drainage (outline) (13/00033/OUTM) withdrawn October 2014;
- erection of discount food retail store (Class A1), Public House/Restaurant (Class A3/A4) and 60 no. bed hotel with associated parking, access, landscaping and infrastructure (09/00734/FULM) - appeal dismissed May 2011;
- erection of retail units (4,645 square metres) and garden centre (929 square metres) - (outline - means of access) (03/01464/FULM) refused May 2005 and appeal dismissed July 2006;
- erection of a business park (93/0284) approved 1994.

The access road would be located on the site's western/south western sides and would enter the site from Smithy Road, approximately 90 metres north from the southern end of Smithy Road, extending into the site for 28 metres before turning 90 degrees to run southwards for 78 metres. Three smaller accesses would lead off the main access road with the maximum length of these accesses being 15 metres long. Land levels are fairly level on this part of the site but do increase gradually from Smithy Road and to the north and east and the site is at a lower land level than Coalfield Way. Land levels would decrease by approximately up to 0.5 metres and increase by approximately up to 0.8 metres to accommodate the access road. The four lighting columns would be located on either side of the access road and would each be six metres tall, with two options proposed for their design and type of lighting. A surface water sewer and service ducts would be incorporated within the access road and three foul drainage connections made to the site.

The three smaller accesses are shown to serve three parts of the site (identified on the plans as 'Plot A', 'Plot B' and 'Proposed M&B Site'). No further information has been provided regarding the site layout and the use of the proposed plots. The agent has advised that the purpose of constructing the road is to make the site more attractive to end users, as it has been undeveloped for many years.

The site lies within the Coal Authority Development High Risk Area and within the catchment area for the River Mease Special Area of Conservation. A tributary of the River Mease lies 20 metres from the site on the western side of Smithy Road.

2. Publicity

11 No neighbours have been notified.

Site Notice displayed 17 April 2015

Press Notice published 22 April 2015

3. Consultations

Ashby De La Zouch Town Council consulted 16 April 2015

County Highways Authority consulted 16 April 2015

Head of Environmental Protection consulted 16 April 2015

LCC Ecology consulted 16 April 2015

Coal Authority consulted 16 April 2015

4. Summary of Representations Received

Statutory Consultees

Ashby de la Zouch Town Council objects on the following grounds:

- applications for this site have previously turned down on appeal;
- it is not possible to comment effectively on this application without seeing a comprehensive plan for the entire site layout, which would place the access arrangements in context;
- assessments about highways issues cannot be made without knowledge of the overall scheme;
- the Town Council's objections have not been adequately addressed by the agent's response.

The County Ecologist has no objections.

The Environmental Protection team requests the imposition of conditions and has no other environmental observations.

The Coal Authority has no objection subject to a condition.

The County Highway Authority has no objection subject to conditions.

No comments have been received from Packington Parish Council by the date of this report.

Third Party Representations

Two letters of representation have been received (from Ashby Civic Society) which objects on the following grounds:

- no technical concerns but the road design may restrict the comprehensive development of the site contrary to Local Plan Policy E6;
- no references to how the site will be developed and no masterplan;
- unsafe to approve the application without considering the impact on future development of the site which has been undeveloped for many years and the subject of an appeal;
- application should be refused until a comprehensive plan for the site is submitted and approved;
- the applicant's response gives no reassurance to the issues we have raised;
- the sub-division of the plot will add restrictions to the site restraining a suitable development scheme.

All responses from statutory consultees and third parties are available for Members to view on

the planning file.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraphs 57, 61 and 64 (Requiring good design)

Paragraphs 109, 118, 119, 120 and 125 (Conserving and enhancing the natural environment)

Paragraph 203 (Planning conditions and obligations)

North West Leicestershire Local Plan:

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The application site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 - Overall Strategy

Policy S2 - Limits to Development

Policy E2 - Landscaped Amenity Open Space

Policy E3 - Residential Amenities

Policy E4 - Design

Policy E6 - Comprehensive Development

Policy E7 - Landscaping

Policy F1 - National Forest - General Policy

Policy F2 - Tree Planting

Policy F3 - Landscaping & Planting

Policy T3 - Highway Standards

Policy T8 - Parking

Policy J5 - High Quality Employment Site at Flagstaff Interchange, Ashby

Other Guidance

National Planning Practice Guidance - March 2014

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations')

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

River Mease Water Quality Management Plan - August 2011

6Cs Design Guide (Leicestershire County Council)

6. Assessment

The main issues for consideration in the determination of this application relate to the principle and sustainability of the development, its design and visual impact and impact on highway safety and the River Mease Special Area of Conservation/SSSI.

Principle and Sustainability

The site is located within the Limits to Development as defined in the adopted North West Leicestershire Local Plan and is subject to Policy J5 which relates to its development for a high quality employment use. It is difficult to consider the sustainability of the proposal as no uses for the site are proposed and this matter would be considered should applications be received for the wider development of the site.

As noted earlier in the report the site has been subject to previous applications for its redevelopment which have not been successful, having been refused and dismissed on appeal or withdrawn. The plans show the potential subdivision of this part of the site into three plots ('Plots A and B' and 'Proposed M&B Site') but no information has been provided regarding the wider site layout or proposed uses. The agent has advised that the purpose of constructing the road is to make the site more attractive to end users, as it has been undeveloped for many years.

The Town Council and Ashby Civic Society have raised concerns regarding the lack of information regarding how the site would be developed and the potential for the road to restrict the comprehensive development of the site. Whilst it is acknowledged that it would be helpful for further information to be provided regarding the potential future development of the site, the Authority cannot insist on this information being provided. A judgment therefore has to be made as to whether the access road would prevent the comprehensive development of the site under Policy E6 of the Local Plan. In this case the access road would not significantly extend into the site and whilst one parcel of land is partly isolated from the rest of the site (Plot B), the vast majority of the site would not be subdivided and indeed 'Plot B' is not completely cut off from the rest of the site. The position of the three smaller access roads would not prevent additional accesses being proposed in their place, alternative or additional access roads from being proposed nor for a different subdivision of the rest of the site from that indicated on the plans. Furthermore future applications for the development of the site would be considered on their own merits. Whilst it would be best practice for the site to be developed in a comprehensive manner, given the circumstances set out above it is considered that significant harm to the future development of the site is unlikely to occur and therefore a reason for refusal under Policy E6 of the Local Plan could not be justified in this case.

Design and Visual Impact

Whilst the access road would introduce an engineered element into an undeveloped and vegetated site, it would occupy a relatively small part of the whole site and would be well related to existing roads that bound the site. The site itself is well related to existing development with commercial development to the north, south and west and the A511 (with McDonalds and a Premier Inn) beyond). Two options are proposed for the lighting columns would be similar in scale and design to streetlights. There would be some changes in land levels but there are some levels changes within the site and to the surrounding land and therefore it is considered that the road is unlikely to be significantly prominent within the streetscene. The site is well vegetated, mainly with grass and shrubs on this part of the site along with some young trees, none of which are considered likely to be worthy of a Tree Preservation Order. It is likely that some of the shrubs and some young trees would need to be removed but the majority would be retained and most of the site would remain vegetated. As such it is considered that the proposal

would not significantly detract from the character of the streetscene and locality.

Highway Safety:

The Town Council has advised that it cannot consider highway safety issues without further information relating to the proposed development of the site. The County Highway Authority advises that in its view the residual cumulative impacts of the proposal can be mitigated and are not considered severe and therefore does not object. If applications for development of the wider site are received, then the highway safety impacts of such proposals and the suitability of access to the site would be considered as part of such applications. On this basis it is considered that the proposal is unlikely to result in severe highway safety impacts.

River Mease Special Area of Conservation/SSSI:

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. A tributary of the River Mease lies 20 metres to the west of the site on the opposite side of Smithy Road. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

The proposed changes to the approved scheme would not result in any increase in foul drainage from the site and as such a contribution under the DCS would not be required. There would be an increase in surface water discharge from the existing situation and this is shown on the plans to discharge to mains sewer. However in the SAC catchment surface water is expected to go to a sustainable drainage system rather than the mains, in order to assist with reducing the amount of waste water discharged to Severn Trent Water's treatment works and therefore further reduce the level of phosphate going into the river. A condition could be imposed to deal with this matter. Given the proximity of the tributary, a condition could also be imposed requiring submission of a method statement for construction.

Therefore, it is considered that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Other Matters

The nearest dwellings are located over 100 metres from the site and therefore use of the access drive and light from either type of lighting column are unlikely to result in significant detriment to the residential amenities of occupiers of these dwellings.

The site is located within the Coal Authority's Development High Risk Area and it is understood was previously in use for open cast coal mining and has subsequently been restored. A Coal Mining Risk Assessment and Phase 1 Desktop Study has been submitted which recommends that investigative works should be undertaken to further assess contamination and ground stability. The Coal Authority and the Council's Environmental Protection team have no objections subject to conditions to secure these investigations and any remediation/verification.

The site is an unused and overgrown piece of land covered with grasses and some shrubs and young trees. A stream runs to the west of the site on the opposite side of Smithy Road. All of these are habitats that can be home to European and nationally protected species. The road would result in the loss of relatively small part of the site and the majority of the grassed area, along with the shrubs and trees would be retained. The stream lies 20 metres away and is separated from the site by the footway and road. The County Ecologist has no objections. On this basis it is considered that the proposal would not adversely affect protected species.

Whilst the overall site area is approximately 1.3 hectares, the area that would be taken up by the road is less than one hectare and therefore a Flood Risk Assessment has not been submitted.

Conclusion

It is considered that significant harm to the future development of the site is unlikely to occur and therefore a reason for refusal under Policy E6 of the Local Plan could not be justified in this case. The proposal would not significantly detract from the character of the streetscene and locality and is unlikely to result in severe highway safety impacts. It is considered that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. The proposal is unlikely to result in significant detriment to the residential amenities of occupiers of these dwellings and would not adversely affect protected species. Conditions can be imposed in relation to coal mining risk and contaminated land. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION - PERMIT, subject to the following conditions:

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

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:

- Drawing No. 14098 (08)01 Rev A (Existing Location Plan) received by the Authority on 2 April 2015;
- Drawing No. ADC1112/100 Rev B (Infrastructure Works General Arrangement) received by the Authority on 2 April 2015;
- Drawing No. ADC1112/110 Rev B (Infrastructure Works Setting Out) received by the Authority on 2 April 2015;
- Drawing No. ADC1112/111 Rev B (Infrastructure Works Long Sections) received by the Authority on 2 April 2015;
- Drawing No. ADC1112/120 Rev B (Infrastructure Works Construction Layout) received by the Authority on 2 April 2015;
- Drawing No. ADC1112/121 Rev A (Infrastructure Works Typical Cross Sections) received by the Authority on 2 April 2015;
- Drawing No. ADC1112/130 Rev B (Infrastructure Works Drainage Layout) received by the Authority on 2 April 2015;

- Drawing No. ADC1112/140 Rev C (Infrastructure Works Utility Services Layout) received by the Authority on 2 April 2015;
- Drawing No. CPW-EX-100-01 Rev P1 (Electrical Services Proposed Lighting Access Road) OR Drawing No. CPW-EX-100-02 Rev P1 (Electrical Services Proposed Lighting (LED) Access Road) received by the Authority on 2 April 2015.

Reason - to determine the scope of this permission.

- 3 All external materials used in the development hereby approved shall be in accordance with the following details:
- (i) the access road and footways - the details shown on Drawing No. ADC1112/120 Rev B (Infrastructure Works Construction Layout);
 - (ii) the lighting columns - the details shown on Drawing No. CPW-EX-100-01 Rev P1 (Electrical Services Proposed Lighting Access Road) OR Drawing No. CPW-EX-100-02 Rev P1 (Electrical Services Proposed Lighting (LED) Access Road);

unless details of alternative materials are first submitted to and agreed in writing by the Local Planning Authority.

Reason- to ensure a satisfactory standard of external appearance.

- 4 Notwithstanding the submitted plans, before first use of the access drive hereby approved, the surface water shall be disposed from the site to soakaway(s) or other sustainable drainage system, unless evidence to demonstrate that these means of drainage are not suitable for the site and alternative details of surface water discharge to mains sewer have both been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details, which shall thereafter be so retained.

Reason- To prevent an adverse impact on the River Mease Special Area of Conservation.

- 5 No development shall commence on site until a detailed method statement for construction works on the site has been submitted to and agreed in writing by the Local Planning Authority. The method statement should set out methodologies to remove any risk of fuel, petrol, oil, soils, building materials, bankside material and waste water entering the stream (on the western side of Smithy Road) during construction, including how and where materials, fuel and plant will be stored and contained, containment of waste water on the construction site, use of site spill kits and briefing to construction staff. All construction works relating to the development hereby approved shall be carried out in accordance with the agreed method statement.

Reason: to prevent an adverse impact on the River Mease Special Area of Conservation.

- 6 No development shall commence on site until a Risk Based Land Contamination Assessment and a scheme of intrusive site investigations relating to coal mining legacy issues have been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes and to establish the situation relating to coal mining legacy issues. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
- o BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
 - o BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile

Organic Compounds (VOCs)

- o BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The scheme of intrusive site investigations relating to coal mining legacy issues shall then be undertaken and a report of the finding of these investigations shall then be submitted to and agreed in writing by the Local Planning Authority.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment or should any need for remedial works relating to coal mining legacy issues be identified, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- o Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The development shall be carried out in accordance with the agreed Remedial Scheme and Verification Plan.

If, during the course of development, previously unidentified contamination or evidence of coal mining legacy is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination/coal mining legacy (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF; To ensure that the land is, or can be made, safe and stable for the proposed development due to the risk from its coal mining history.

7 Before first use of the access drive hereby approved, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;

- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF; To ensure that the land is, or can be made, safe and stable for the proposed development due to the risk from its coal mining history.

- 8 Before first use of the access drive hereby approved, visibility splays of 2.4 metres by 43 metres shall be provided at the junction of the access with Smithy Road in both directions, in accordance with the standards contained in the current County Council design guide, and the access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary, and the surfacing and splays shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason - To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety; To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

- 9 Before first occupation of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

Reason - To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 10 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 15 metres behind the highway boundary and shall be hung so as not to open outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 11 The gradient of the proposed new access drive shall not exceed 1:12 for the first 15 metres behind the highway boundary.

Reason - To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in

line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2 The applicant's attention is drawn to the following advisory notes of the County Highways Authority:

- The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning Team or the Highways Manager. For further information you are advised to visit the County Council website (www.leics.gov.uk/6CSDG), email roadadoptions@leics.gov.uk or contact 0116 305 0001.
- On the basis of the submitted plans, it would appear that the road layout will not be suitable for adoption in its current format. To enable further consideration, details of the types of uses and floor areas of uses, and ideally details of car and HGV trips will be required. Initially, the Applicant is encouraged to submit such details and design details of a layout that will be suitable for adoption.
- If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
- C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.

3 The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk

4 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