

Variation of conditions 3, 6 and 11 of planning permission APP/G2435/A/11/2163658 to increase the number of caravans from three to eight, all of which can be static mobile homes, and to amend the site layout to site the eight caravans and provide a drive way and parking and turning area and an alternative landscaping scheme and retain the existing access

Report Item No
A1

Land Adjacent To 81 Shortheath Road Moira Swadlincote
Derby DE12 6AP

Application Reference
15/00717/VCI

Applicant:
Mr Morris Jones

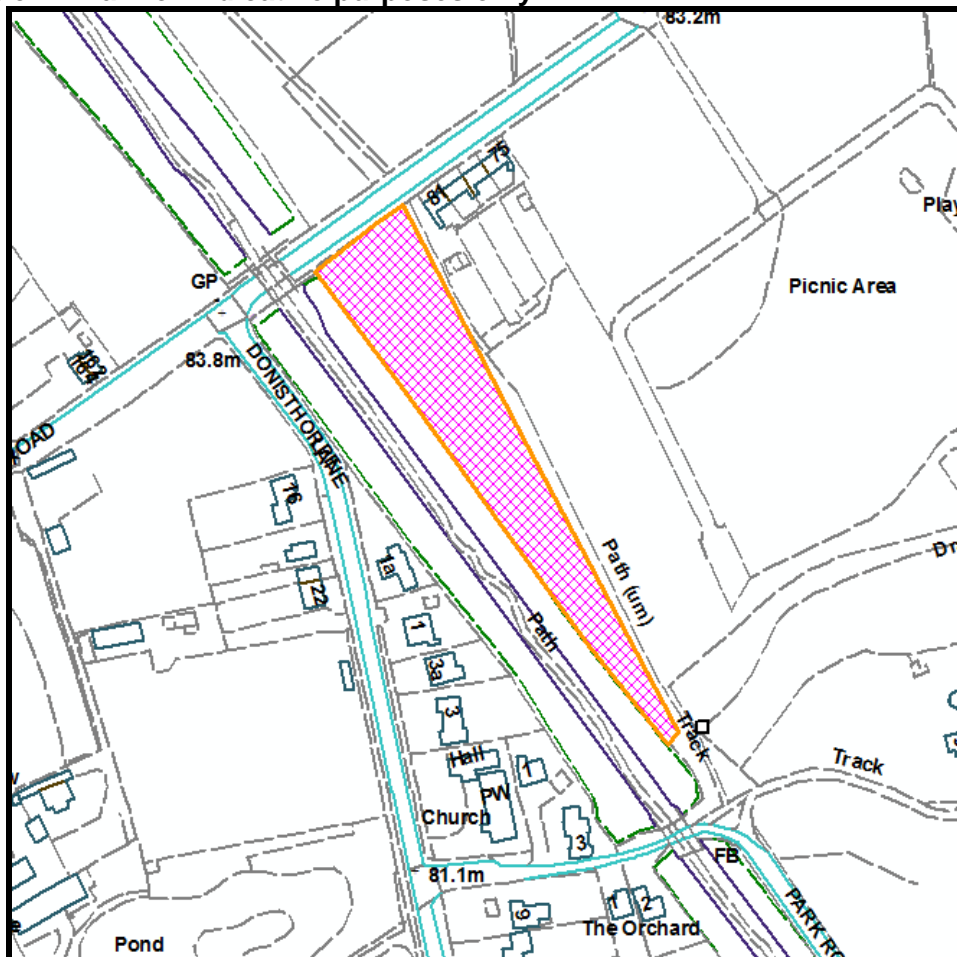
Date Registered
15 July 2015

Case Officer:
Jenny Davies

Target Decision Date
9 September 2015

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

The application has been called to Planning Committee by Councillor Bridges on the grounds of public interest.

Proposal

The site benefits from planning permission for the siting of three caravans and an amenity block which was granted on appeal. This application seeks to vary conditions 3, 6 and 11 of the appeal decision to increase the number of caravans from three to eight, all of which can be static mobile homes, to amend the site layout to site the eight caravans and provide a drive way and parking and turning area and revised landscaping areas and the retention of the access drive.

Consultations

Members will see from the main report that 10 letters of objection have been received from members of the public. Ashby Woulds Town Council and Overseal Parish Council object to the application. No other objections have been received from statutory consultees.

Planning Policy

The application site is outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The Planning Policy for Travellers Sites sets out national guidance on such proposals.

Conclusion

It is considered that the applicant and his family have not ceased their nomadic lifestyle and therefore fall within the revised definition of gypsies and travellers. A reason for refusal on the basis of the proposal being contrary to Policy S3 could not be justified. Whilst the proposal would conflict with Saved Policy E4 of the adopted Local Plan, for the reasons outlined below and given the material considerations in favour of the development outlined in the section of the report relating to principle of the development, it is considered that a reason for refusal against Policy E4 of the Local Plan could not be justified. The less than substantial harm to heritage assets is in this case considered on balance to be outweighed by the demonstrated need for gypsy/traveller pitches in the District, a substantial unmet need for permanent sites in the District and the Council not being in a position to provide such sites for some time. It is considered that the proposal would not significantly harm the setting of non-designated heritage assets and a reason for refusal on highway safety grounds could not be justified. The proposal would not adversely impact on the residential amenities of occupiers of nearby dwellings, protected species, species-rich grassland, the adjacent public footpath, archaeological remains or trees. It can be ascertained that the proposal will not, either alone or in combination with other plans or projects, have a 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 proposed obligation would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations. 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 signing of a legal agreement and subject to conditions.

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:

Planning permission was granted on appeal in July 2012 (11/00018/FUL) for the change of use to a residential caravan site for two traveller families on land adjacent to 81 Shortheath Road, Moira.

This application seeks to vary conditions 3, 6 and 11 on the appeal decision, which restrict the number of caravans that can be stationed on the site to three and relate to the approved site layout plan and landscaping scheme. The variation relates to an increase in the number of caravans from three to eight, all of which can be static mobile homes, to amend the site layout to site the eight caravans and provide a drive way and parking and turning area and revised landscaping areas, and the retention of the access drive.

The approved layout shows the three caravans located adjacent to the embankment on the south western side of the site, with the mobile home located towards the front and the single storey amenity block and two touring caravans behind.

The proposed layout shows eight caravan pitches on the site, with four located on the south western side and four on the north eastern side. As noted above, each pitch could accommodate a static mobile home. Two parking spaces are located within each pitch and a turning area is located towards the rear of the site, with the whole of the area around the caravans surfaced in gravel. The developed area would also extend 101.5 metres into the site, compared with 65.4 metres on the approved scheme. Some additional hardsurfacing of the site has already taken place which goes beyond the extent approved under the appeal decision and appears to reflect the amount proposed under this current application. At the time of the officer site visits three caravans were on the site, although were not positioned in accordance with the approved site layout. The size of the landscaped areas to the front of the site would change and the width of the access drive has increased from 5.2 metres to seven metres. A close boarded fence has also been erected on the front boundary on the south western side of the access drive, which is not part of the approved landscaping scheme.

It is understood that the eight caravans would be occupied by the applicant and his wife, their six children (five of whom are adult age) and the applicant's sister and applicant's uncle. Previously the three caravans were to be occupied by the applicant, his wife and their children.

Moira Furnace, a Grade 2 listed building and an Ancient Monument, is located over 300 metres to the east. Engine House Cottage, on Park Road, is also Grade 2 listed and is located over 90 metres from the south eastern boundary of the site.

An application to vary condition 6 on the appeal decision to allow an amendment to the site layout to erect four sheds for toilet facilities and storage (14/01054/VCI) is currently undetermined. An outline application for the erection of two dwellings on the front part of the site (90/0140) was refused in May 1990 on the grounds of visual impact, highway safety and setting a precedent and was dismissed on appeal in June 1991 on the grounds of visual impact. There are no other planning history records for the site.

2. Publicity

156 no neighbours have been notified. (Date last notified 04 December 2015)

Site Notice displayed 24 July 2015

Press Notice published 16 December 2015

3. Consultations

Ashby Woulds Town Council
County Highway Authority
Severn Trent Water Limited
Head of Environmental Protection
NWLDC Tree Officer
LCC ecology
NWLDC Conservation Officer
Development Plans
LCC/Footpaths
NWLDC Footpaths Officer
NWLDC Planning Enforcement
Derbyshire County Council - Highways
South Derbyshire District Council
Matt Bagley – Gypsy & Traveller Liaison
County Archaeologist
National Forest Company

4. Summary of Representations Received

Statutory Consultees

Ashby Woulds Town Council objects on the following grounds:

- highway grounds (increase of traffic, site very close to junction, comings and goings);
- applicant is in breach of existing planning permission as it is not being complied with;
- the Town Council has always understood this site to be a small personal family unit and it is increasingly progressing towards being a business.

Overseal Parish Council objects on the grounds that the expansion of this site was predicted when the original permission was granted for three caravans and it is disappointing that these concerns were not recognised. The increase would result in many more vehicles using the site and there are already sufficient approved travellers' sites in the area. The application should be refused.

South Derbyshire District Council advises that the development raises concerns regarding the impact on existing services within the village of Overseal such as the need of accessibility to doctors' surgeries and dentists or by the need for school places which will be generated by the presence of an additional five units. There appears to be no contribution to remedy this issue. Furthermore the site would appear to fall within the River Mease catchment area and it would appear that the intensified use of the site could result in an increase in drainage capacity which could impact on the River Mease SAC.

The County Highway Authority has no objections subject to conditions.

The Conservation Officer has no objections.

The County Archaeologist advises no archaeological action is required.

The County Ecologist has no objections.

The Council's Environmental Protection team advises that a caravan site licence would be required and recommends conditions.

Severn Trent Water has no objection subject to a condition.

The County Traveller Sites and Liaison Officer advises that the site would be occupied by the applicant, his wife and their six children, along with the applicant's uncle and background information to the application is provided. It is also advised that based on the Leicestershire, Leicester and Rutland Gypsy and Traveller Needs Assessment Refresh Report (May 2013) that a minimum of 27 additional pitches are required in the District from 2012-2017.

No comments have been received from the National Forest, the Council's Tree Officer, the County and District Footpaths Officers and Derbyshire County Council by the date of this report. Any comments received will be reported on the Update Sheet.

Third Party Representations

10 letters of representation have been received which object on the following grounds:

- significant increase in traffic generation using a small access road represents a significant hazard;
- entrance to the site is directly opposite the entrance to the Moira Miners Welfare site which is used by cars to enter the grounds for football matches, car boot sales and similar events;
- existing traffic, visibility and on-street parking problems in the area associated with car boot sales;
- site entrance close to a major road junction;
- visibility from site entrance restricted by railway bridge;
- previous application for one dwelling refused due to amount of traffic on Shortheath Road and proximity to junction with Donisthorpe Lane which was not taken into account as part of previous appeal;
- proposal is not in keeping with the Moira Furnace which is a scheduled monument and visitor attraction with a significant industrial heritage;
- adjacent to an entry path to the Furnace which is part of a local heritage trail;
- site is in the heart of the National Forest;
- strong emphasis on development of the National Forest to encourage wildlife and outdoor pursuits;
- inappropriate development in this location;
- detrimental economic and environmental impact on the area;
- drainage facilities may not be adequate for additional residents;
- risk of pollution of watercourses;
- no more travellers wanted in the area;
- safety concerns;
- issues with travellers in the local area which have involved the police;
- previous application was misleading;
- work already carried out at the site has been to supply eight separate pitches which was premeditated and shows that intention was always to create a larger site;
- static caravans already on the site and works have taken place which are contrary to the existing permission;
- the requirements of the original permission must be adhered to;
- impact on property prices;
- applicant only requires one caravan to live in and remainder of site must be being rented out without any commercial/business rates;
- no permissions in place to rent out site;
- increase in scrap metal/street collections associated with the site;
- existing caravans not always occupied;
- concerns regarding rights of tax payers to the management of the local area;
- it is known that travellers are residing on the site;

- were not aware that Moira and the National Forest are areas where travelling families would make a permanent place to reside;
- reduction of problem of travelling families using land illegally is not a realistic expectation as an illegal encampment has occurred elsewhere in the village;
- impact on reputation of the area;
- if the Council has to find land for travellers then surely land should be found where residents and development would not be negatively affected.

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)

Paragraph 32 and 34 (Promoting sustainable transport)

Paragraphs 57, 60, 61 and 64 (Requiring good design)

Paragraphs 69 and 75 (Promoting healthy communities)

Paragraphs 99 and 100 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 109, 112, 118, 119, 120, 121 and 123 (Conserving and enhancing the natural environment)

Paragraphs 129, 131, 132, 134 and 135 (Conserving and enhancing the historic environment)

Paragraphs 203 and 204 (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.

Policy S1 - Overall Strategy

Policy S3 - Limits to Development

Policy E2 - Landscaped Amenity Open Space

Policy E3 - Residential Amenities

Policy E4 - Design

Policy E7 - Landscaping

Policy E8 - Crime

Policy E17 - Historic Byways

Policy F1 - National Forest - General Policy

Policy F2 - Tree Planting

Policy F3 - Landscaping & Planting

Policy T3 - Highway Standards

Policy T8 - Parking

Policy T15 - Moira-Measham Trail

Consultation Draft North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

S1 - Presumption in Favour of Sustainable Development
S3 - Settlement Hierarchy
S4 - Countryside
S5 - Design of New Development
H7 - Provision for Gypsies and Travellers and Travelling Showpeople
Ec15 - Tourism and Cultural Development
IF1 - Development and Infrastructure
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
En1 - Nature Conservation
En2 - River Mease Special Area of Conservation
En3 - The National Forest
En6 - Land and Air Quality
He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
Cc2 - Sustainable Design and Construction
Cc3 - Water - Flood Risk
Cc4 - Water - Sustainable Drainage Systems

Other Guidance

National Planning Practice Guidance - March 2014
Planning Policy for Traveller Sites - August 2015
Leicestershire, Leicester & Rutland Gypsies' & Travellers' Accommodation Needs Assessment - 2006-2016 (2007) and Refresh Assessment - 2012-2031 (2013)
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
The River Mease Developer Contributions Scheme (DCS) - November 2012
The Community Infrastructure Levy Regulations 2010
Manual For Streets - 2007 and 2010
6Cs Design Guide (Leicestershire County Council)
Housing Act 2004
European Convention of Human Rights/Human Rights Act 1998

6. Assessment

The main issues for consideration in the determination of this application relate to the principle and sustainability of the extension of the site and increase in number of caravans, design and visual impact and impact on the historic environment, highway safety, residential amenities, protected species, the ecological status of the site and the River Mease Special Area of Conservation.

Principle of Development

The site will be occupied by the applicant and his wife, their six children (five of whom are of adult age) and spouses if married, and the applicant's sister and uncle. The Planning Policy for Traveller Sites (PPTS) was updated in August 2015 and included a change in the definition of

gypsies and travellers so that only those who lead a nomadic lifestyle fall within this definition. The agent advises that the applicant and his family still travel for work and that this can be for differing periods of time, depending on where and how much work is available and therefore have not ceased their nomadic habit of life and intend to continue to travel. The applicant and his family are self-employed and largely fit windows and undertake gardening, which are forms of work that are not confined to the site or local area. Therefore on the basis of the information provided, it is considered that the applicant and his family still lead a nomadic lifestyle and therefore fall within the revised definition of gypsies and travellers.

The application site is located outside the limits to development where permission for new development would not normally be granted unless it is for certain uses as set out under Policy S3 of the adopted North West Leicestershire Local Plan. The proposal does not fall within one of the categories set out under Policy S3. The PPTS does not expressly exclude gypsy/traveller sites from being located in the countryside although it does state that '*...authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.*'

The previous application for three caravans was in part refused on the grounds that it did not fall within any of uses considered to be acceptable in locations outside limits to development as set out in Policy S3. However subsequently a report was taken to Planning Committee in December 2011 recommending that this reason for refusal be withdrawn and not defended at appeal, on the basis that such a reason for refusal was '*...unlikely to be considered favourably by a Planning Inspector, in particular due to the shortfall of gypsy and traveller pitches within the District and is likely to result in costs being awarded against the Authority if this reason for refusal is advanced at appeal.*' This recommendation was unanimously agreed by Planning Committee. The appeal decision notes that '*The appeal site is located outside the defined Limits to Development for Moira where Saved Policy S3 of the North West Leicestershire Local Plan permits development for a limited number of purposes, none of which relate to the current proposal. However the local planning authority acknowledges that such a 'blanket' restriction is inappropriate in the consideration of the appeal proposal.*' On this basis it is considered that limited weight should be given to the provisions of Policy S3 in this case and a reason for refusal on the basis of the proposal being contrary to Policy S3 could not be justified.

At the time of the previous application, the Regional Spatial Strategy (RSS) and the Gypsy and Traveller Accommodation Needs Assessment 2007 (GTAA) set out the requirements for pitch provision in the District. However the RSS has since been revoked, and as the PPTS requires the use of a robust evidence base to establish accommodation needs, an update of the GTAA (the GTAA Refresh) was published in 2013, which assessed the need for pitches up to 2031, taking into account any unmet need identified in the 2007 GTAA. Therefore the GTAA Refresh forms an appropriate document to base an assessment of gypsy/traveller needs within the District.

The GTAA Refresh identifies a need for 27 pitches plus 20 transit pitches in the period 2012-2017 and for 11 pitches from 2017- 2022, with a need for a further 30 pitches from 2022-2031. These requirements take into account all existing gypsy/traveller sites in the District apart from six pitches granted a temporary permission at Newton Road, Swepstone. An application to retain seven pitches on a site at Netherfield Lane, Hemington is also still under consideration.

Taking into account the six temporary pitches referred to above, there is still a requirement for 21 pitches in the District to 2017 and for a further 41 pitches to 2031. If these six are not included due to their temporary nature then currently the pitch requirement to 2017 remains at 27. This results in a substantial unmet need for permanent sites in the District. The Council is

also unable to demonstrate a five year supply of gypsy/traveller sites as set out in the PPTS.

There is one public site within the District at Hemington but this is currently not taking any new families due to contamination issues. The County Council's Gypsy Traveller and Liaison Officer advises that the other four public sites in the county (Meynells Gorse, Greengate Lane, Redhill and Aston Firs) are all full with waiting lists.

South Derbyshire District Council advises that its public site at Lullington Crossroads is full with a waiting list and its site at Foston (now leased) is also full. Furthermore SDDC has provided six of the 14 pitches they are required to provide under their GTAA by 2019.

Potential space on private sites within this District and elsewhere cannot be taken into account as they are outside local authority control and there may be a number of reasons as to why Mr & Mrs Smith and their family cannot reside on such sites.

There are no known alternative sites that the Council can identify at present. Policy H7 of the Consultation Draft Local Plan sets out the criteria for consideration of gypsy/traveller sites but does not allocate sites and in view of the very early stage to which the Consultation Draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage. It is also the Council's intention to allocate sites through the production of a Gypsy and Traveller Site Allocations Development Plan Document (DPD). Therefore it is reasonable to assume that if permitted the site could contribute to meeting the unmet need for sites within the District sooner than via the Local Plan process as it is likely to be some time before sites are identified by the Council.

The applicant's extended family currently move between different sites across England and Wales. Both the applicant's agent and the County Council's Travellers Sites & Liaison Officer state that providing a settled base would give stability that is required in order to access health and education provision and that the family are fully aware of the difficulties experienced from lack of education which results in poor literacy skills. The proposal would satisfy a personal need providing a settled base from which the applicant's younger children can access education services and the whole family can access healthcare, and this need cannot be met elsewhere within the District or adjacent part of Derbyshire.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The village of Moira has few public services and facilities, some of which are located within Moira itself and some within Norris Hill. Whilst some of these services/facilities are within 800-1km walking distance, the site is located where occupiers of the site are likely to have to travel by car for most services and therefore the proposal does not sit particularly well in respect of this aim of the NPPF. However given that the site benefits from permission for three caravans and permissions have been granted for new dwellings on sites in the locality, it is considered that the site is in a reasonably sustainable location for the provision for a further five caravans and a reason for refusal on the grounds of sustainability could not be justified.

It is acknowledged that the site is outside the limits to development and as such the proposal is contrary to Policy S3 of the adopted Local Plan. However, given the limited weight that can be attached to Policy S3, the clear need for additional gypsy pitches within the District, the lack of alternative sites, that the proposal would not be premature, the personal need and that the site is considered to be in a sustainable location for gypsy/traveller accommodation, there are material considerations which outweigh the objection under Policy S3. Therefore it is considered that the proposal is acceptable in principle.

Design and Visual Impact

The application for the three caravans was in part refused on the grounds of the introduction of built development, caravans and areas of hardstanding onto the site being visually prominent within the locality, resulting in significant detriment to the semi-rural character and visual amenities of the area and being contrary to Policy E4 of the adopted Local Plan. However the appeal Inspector felt that whilst there would be some conflict with Policy E4, as the caravans would be out of character with the immediate surroundings, the overall adverse impact on the streetscene would be limited and the proposal could be accommodated without significant damage to the visual qualities of the area.

An assessment of the impact on the character and visual amenities of this semi-rural area needs to take into account that the front 65 metres of the site already benefits from an extant permission including hardsurfacing and the positioning of three caravans and an amenity block, which also changes the contribution the site makes to the character of the area when compared to its previous form as a grassed field. The southern end of the site is outside the developed part of the site and hedgerows and trees are retained on its boundaries.

The scale and prominence of development across the site would increase due to the change in the position, size and number of caravans. Views into the site from Shortheath Road are largely screened by the front hedgerow, gates and fencing, although there are some views over the top of the front boundary fence. It is noted that the fencing does not form part of the approved landscaping and consideration would need to be given to its retention as part of a new landscaping scheme. The site is also well screened from the public footpath by a fence and mature hedgerow further to the south. The approved landscaping scheme shows this fence to be re-positioned 1.5 metres further into the site once a new hedgerow has matured so screening would remain along this route. It would therefore be possible to retain a significant measure of screening in the immediate vicinity (as noted by the Inspector in the appeal decision) which is already in place as outlined above. This screening, as the Inspector also noted, could be reinforced by additional planting within the site so as to add depth and density within a reasonable period of time, which could still be achieved through submission of a revised landscaping scheme. Due to this screening and the site being generally level, the extended site would not be particularly prominent in immediate views and although its prominence would increase during the winter months, completely open views would not be available. This is consistent with the advice in the PPTS which seeks to ensure that gypsy sites are not so enclosed by boundary treatments that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community. There needs to be a balance between the occupiers being visually part of the community whilst the site is screened to reduce its impact to an acceptable level, bearing in mind that caravans are always likely to be visible to some extent. The extended site would also be seen alongside the approved boundary fence and hardstanding, existing adjacent dwellings and associated development, with the embankment and vegetation towards the southern end of the site providing a mature backdrop.

Additional hardstanding and caravans would be incongruous with some elements of the character of the area. However caravans now also form part of the character of the area and having regard to the screening in place and the limited prominence of the site, it is considered that the proposal would not significantly harm the character and visual amenities of the immediate area.

The site's contribution to the wider area is more limited as surrounding vegetation obscures longer views to and from the nearby open space, woodland, Moira Furnace and Park Road.

The 1991 appeal found that the site would be visually prominent in views from the Heritage Trail. Although there will be some views of the site from the Heritage Trail, as noted by the appeal Inspector, *... 'significant parts are cloaked by tall trees and relatively dense screening extending up, and bordering, the embankment.'* It is recognised that the bridge provides an open aspect towards the front of the site but this area is covered by the extant permission, and views from the bridge of the remainder of the site are well screened by dense vegetation. As such it is considered that the proposal would not significantly harm the character and visual amenities of the Heritage Trail, or nearby woodland and open space.

The PPTS states that when assessing the suitability of sites in semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. In this case given its small scale of eight caravans and the screening available, it is considered that the proposal would not dominate the village of Moira nor place undue pressure on the local infrastructure or services.

For the reasons outlined above and given the material considerations in favour of the development outlined in the section of the report relating to principle of the development, it is considered that a reason for refusal against Policy E4 of the Local Plan could not be justified.

Historic Environment

Section 66 of the (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess. Paragraph 131 of the NPPF requires, amongst other things, new development to make a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework stipulates that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Moira Furnace lies 330 metres to the east of the site and Engine House Cottage lies over 90 metres to the south east, and are designated heritage assets as defined in the NPPF as they are Grade 2 listed buildings, with the Furnace also being a scheduled monument. The Furnace was a coke-fuelled, steam-engine blown blast furnace for the smelting of iron from local iron ore, with an attached foundry for the manufacture of cast-iron goods and was constructed in 1804 by the Earl of Moira. It is considered to be an important industrial monument as it is well-preserved and dates from a formative period of the Industrial Revolution (Cranstone, D., ed. (1985) *The Moira Furnace: A Napoleonic Blast Furnace in Leicestershire*). The blast furnace, bridgehouse and loading ramp remain and the building is one of the few remaining blast furnaces from the early 19th century. Engine House Cottage was previously a post-medieval blowing engine house that was used in association with the Furnace as it originally housed the beam pumping engine for the local colliery. Some original features have been retained, including a spring beam and a bob wall. The building is unique in its design and has a historical association with an important local building and the industrial heritage of the area. Therefore both buildings form an important part of the history of this locality and are considered to be heritage assets of some significance which have value for this and future generations.

The site is not visible within the settings of both listed buildings due to distance and screening by vegetation. The site may form part of the historic/functional setting to the buildings due to its position within a landscape associated with their industrial heritage. However there is no evidence to suggest that the site had a direct connection with the listed buildings and its role within the industrial development of the area is not known, although maps dating back to the

late 19th century all appear to show the site as a field. Therefore it is considered that further development would not impact on the historic/functional setting of the buildings and would therefore not be harmful to the significance of the listed buildings.

Paragraph 134 of the NPPF requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal. The less than substantial harm to the heritage assets is in this case considered on balance to be outweighed by the demonstrated need for gypsy/traveller pitches in the District, a substantial unmet need for permanent sites in the District and the Council not being in a position to provide such sites for some time.

Nos. 75-81 Shortheath Road are not listed buildings but are considered to be non-designated heritage assets as defined in the NPPF by virtue of their visual importance and contribution to the streetscene and locality and their historical importance to Moira. The detailed reasoning for this is set out in the Committee Report for the 2011 application (11/00018/FUL). Whilst there may be views of the site from the upper windows of these properties, such views are likely to be oblique from a limited number of windows and distance and landscaping would also provide some mitigation. Having regard to caravans now forming part of the character of the area, the significant screening in place and the limited prominence of the site, it is considered that the proposal would not significantly harm the setting of these non-designated heritage assets.

Highway Safety

The application for the development of the front of the site was in part refused on highway safety grounds relating to the proposed access to the site being inadequate in terms of visibility and turning space onto Shortheath Road resulting in the use of a site with a substandard access and inadequate visibility and turning space onto Shortheath Road. Impact on highway safety was discussed extensively at the appeal hearing and considered in detail in the appeal decision, where the Inspector concluded that *'Overall, my conclusion on the first issue is that whilst the visibility from the proposed access, in a north-easterly direction, would be on the limits of acceptability, and that visibility could be further restricted from time to time by parked vehicles, the resultant implications for highway safety would not, on balance, provide a convincing basis to dismiss the appeal. As such, subject to conditions requiring the provision and retention of visibility splays, agreement on the design of the access and the provision of turning facilities, there would be no conflict with Saved Policy T3 of the North West Leicestershire Local Plan. In reaching this conclusion I have taken account of a previous appeal decision, in 1991, for the erection of two dwellings on part of the site. However, highways guidance has been updated since that date, and whilst traffic levels on Shortheath Road are likely to have increased, I am satisfied that an acceptable means of access can be provided to serve the development'*.

The access is in largely the same position as shown on the approved layout plan but has increased in width from 5.2 metres to seven metres, thereby improving the means of access to the site in particular given that vehicles towing caravans and/or transporting static mobile homes would need to access the site. Concerns have been raised by local residents in respect of highway safety matters, in particular proximity of the site access to the Moira Miners Welfare entrance used for events such as football matches and car boot sales and existing traffic, on-street parking and visibility problems associated with such events. The Highway Authority has been asked to comment further on this matter and this will be reported on the Update Sheet.

The Inspector found that visibility splays of 2.4 metres by 78 metres in a north-easterly direction and 2.4 metres by 57 metres in a south-westerly direction were acceptable in respect of the smaller scheme for the site. The County Highway Authority has not raised any objections or requested any improvements to the access or size of visibility splays and advises that in its view the residual cumulative impacts of the development can be mitigated and are not considered

severe in accordance with paragraph 32 of the NPPF, subject to conditions. On this basis it is considered that a reason for refusal on highway safety grounds could not be justified.

Residential Amenities

The Environmental Services Protection team has made no comments in respect of noise and disturbance. The adjacent embankment will provide a buffer between the site and properties on Donisthorpe Lane. Nos. 75-81 Shortheath Road are separated from the site by their drive and a public footpath.

There is nothing to suggest that movements between the caravans and outside space would be significantly greater than those associated with housing developments in particular as the amenity block is no longer shown on the site layout. It is not unusual to find buildings/structures providing residential accommodation close to each other. The large parking area has been removed from the scheme and turning space would be provided centrally within the site, similar to the layout of a housing development.

It is acknowledged that gypsies and travellers often run businesses from their place of residence. The application is solely for residential caravans and no evidence has been put forward that a business would be operated from the site. A condition could be imposed preventing commercial activities from taking place on the site as per the appeal decision. Similar conditions to those on the appeal decision could also be imposed relating to external lighting and generators. The Authority also has enforcement powers to deal with any unauthorised use of the site or planning breaches should they occur in the future. Given these circumstances and the small scale of the proposal, noise and disturbance from comings and goings to and from the site, in particular from vehicles, is unlikely to result in significant detriment to the amenities of occupiers of nearby dwellings.

The nearest caravans would be sited 14 metres from No. 81 and six metres from No. 81's rear garden. Given these distances, that caravans would be single storey and that No. 81's hedgerow screens its side windows and conservatory, it is considered that the proposal will not result in significant loss of privacy or loss of light to nor create an oppressive/overbearing environment to No. 81.

There is also considered to be sufficient space around the caravans and on the site to ensure a satisfactory level of amenity to occupiers.

Protected Species

The developed part of the site would be over 100 metres from the nearest pond, which is the distance set out in the Local Validation Criteria relating to potential impact from minor development on great crested newts. A ditch runs alongside the site's south western boundary, which flows into a stream at the site's south western end, some 110 metres from the part of the site that would be developed. The application does not propose the removal of any existing trees or hedgerows and the majority of grassland on the site has been removed. There are no buildings on the site at the present time. The trees/vegetation located on the adjacent embankment are outside the application site. The County Ecologist has no objection to the proposal and advised in respect of the last application that whilst bats will almost definitely forage around the site, in particular as there is a bat roost in nearby woodland, no trees or built structure will be impacted by this application. External lighting may impact on bat foraging and can be addressed by condition. On this basis it is considered that the proposal would not adversely affect any protected species.

Ecological Status of the Site

The previous application was in part refused on the grounds of impact on a species-rich grassland that meets the Local Wildlife Site (LWS) criteria and is a priority habitat for conservation within the local Biodiversity Action Plan and the UK Biodiversity Action Plan. However the appeal decision found that the site was not protected by Policy E26 of the adopted Local Plan and also that significant damage had already occurred to the site by removal of the grassland and therefore its ecological value would be lost legitimately. A larger area of the site has now been hardsurfaced (although this is unauthorised), limited areas of grassland have re-grown and the County Ecologist has no objections on the basis that the site's ecological value has been destroyed. As such species rich grassland would not be harmed by the proposal.

Impact on River Mease Special Area of Conservation (SAC)/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC) and the ditch that flows through the site appears to flow into a tributary of the river. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. 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 application proposes that foul drainage would be dealt with via the mains sewer system. Natural England and the Environment Agency have both issued Standing Advice relating to the River Mease SAC under which they do not need to be consulted if the proposal connects to the mains sewer and the applicant is agreeable to payment of the DCS contribution. The applicant has been made aware of the need for a legal agreement and the Council's solicitors have been instructed in respect of this matter.

The flows from the additional caravans need to be taken into account against the existing headroom at Donisthorpe Treatment Works. At March 2015 capacity was available for 75 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2015 (57) plus any other schemes that have been approved or have a resolution to permit since March 2015 (25). Taking these into account there is currently no capacity available at the treatment works.

Severn Trent Water has previously advised that it will not object to proposals where there is no capacity available but that a phasing condition should be imposed. A condition can be imposed requiring surface water to discharge to soakaway or other suitable sustainable drainage system to reduce discharge into the mains sewer including details of means to prevent pollution of the adjacent ditch and nearby tributary.

Therefore it can be ascertained that the proposal will not, either alone or in combination with other plans or projects, have a 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

No development is proposed to take place on public footpath P39 which runs alongside the site's north eastern boundary but does not cross the site itself. The County Planning Archaeologist advises that he has checked the site against the Leicestershire and Rutland Historic Environment Record (HER) and does not feel that any archaeological work is required as part of the scheme. No trees are shown to be removed nor are there any trees on the site that are worthy of protection by a Tree Preservation Order. An amended plan has been requested to reposition some of the caravans and parking spaces outside the three metre wide ditch that runs within the site alongside its south western boundary and if not submitted this can be dealt with condition.

There is concern from residents in relation to safety and policing in particular due to previous problems with travellers in the area. Concerns have also been raised in respect of the proposal having a negative impact on the regeneration of the Moira area and on the National Forest and area's economy.

These matters may be capable of being a material consideration. However in order for them to attract any significant weight, these concerns should be based on some form of evidence rather than conjecture or speculation. In particular, case law suggests that public fears/concerns may be taken into account if they relate to a matter which is in itself a material consideration (such as public safety), if they are objectively justified (e.g. *West Midlands Probation Committee v Secretary of State for the Environment*, concerning a proposed bail hostel), or if those fears (founded or otherwise) would have "knock-on" land use consequences (e.g. *R v Broadland District Council ex parte Dove*).

In this instance, many concerns appear to be based on conjecture or speculation, with some based on previous experiences with unauthorised encampments. However there does not appear to be any meaningful evidence that these fears are objectively justified in relation to the applicant's current use of the site or have material land use consequences. Furthermore the appeal decision states that *'Although it was suggested that an assessment should be made of the potential impacts of the project on tourism, there is nothing to show that a small gypsy site here would undermine the regeneration achievements of the area.* The proposal would still form a small site and as noted above would be largely well screened from view from the adjacent public footpath, heritage trail and road. As such, limited weight should be attached to these issues.

The Authority has investigated alleged planning breaches on the site and at the current time there are no ongoing investigations as the enforcement files advise that it would not be expedient to take enforcement action at the current time. The previous application for three caravans was considered at face value and there was no evidence at the time of the application or appeal that a larger development would subsequently be proposed. An investigation into the provision of additional water supply pipes found they did not constitute development and no action was taken.

Article 3 of the European Convention on Human Rights would not be engaged in this case as any suffering the applicant and his family would experience if they could not establish a permanent home on this site would not be degrading treatment directly attributable to the state, unlike torture. Article 8 has to be balanced with the needs of the wider community as well as the interests of gypsies and travellers. If the proposal is refused case law has established that it could be considered that the Authority had interfered with the rights of the applicant and his family under Article 8 but these actions were justified because of the planning reasons given to refuse the application.

In response to the concerns raised in the letters of objection that are not covered above, impact on property values, the payment of rates and frequency of scrap metal collections are not planning matters and cannot be taken into account in the determination of the application.

Conclusion

It is considered that the applicant and his family have not ceased their nomadic lifestyle and therefore fall within the revised definition of gypsies and travellers. A reason for refusal on the basis of the proposal being contrary to Policy S3 could not be justified. Whilst the proposal would conflict with Saved Policy E4 of the adopted Local Plan, for the reasons outlined above and given the material considerations in favour of the development outlined in the section of the report relating to principle of the development, it is considered that a reason for refusal against Policy E4 of the Local Plan could not be justified. The less than substantial harm to heritage assets is in this case considered on balance to be outweighed by the demonstrated need for gypsy/traveller pitches in the District, a substantial unmet need for permanent sites in the District and the Council not being in a position to provide such sites for some time. It is considered that the proposal would not significantly harm the setting of non-designated heritage assets and a reason for refusal on highway safety grounds could not be justified. The proposal would not adversely impact on the residential amenities of occupiers of nearby dwellings, protected species, species-rich grassland, the adjacent public footpath, archaeological remains or trees. It can be ascertained that the proposal will not, either alone or in combination with other plans or projects, have a 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 proposed obligation would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations. 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 signing of a legal agreement and 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 development shall be carried out strictly in accordance with the following schedule of plans unless otherwise required by a condition of this permission:
 - Location Plan (1:1250) received by the Local Planning Authority on 15 July 2015;
 - Site Layout Plan including key (1:500) received by the Local Planning Authority on 15 July 2015.

Reason- To determine the scope of this permission.

- 3 Notwithstanding the submitted layout plan, no further laying of hardsurfacing or stationing of caravans shall take place until an amended site layout plan has been submitted which shows amended positions for the location of the four caravans adjacent to the site's south western boundary and their respective parking spaces so that they are sited at least three metres from the site's south western boundary. The development

shall be carried out in accordance with the agreed plan and shall thereafter be so retained.

Reason: to ensure a satisfactory layout for the site so that the caravans and parking spaces do not encroach within the field ditch/drain to reduce flooding risk.

- 4 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites.

Reason - the site is only considered appropriate for use by gypsies and travellers and other use may not be appropriate.

- 5 No more than eight caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which all eight caravans can be a static mobile home), shall be stationed on the site at any time and the caravans shall only be sited as shown on the plan approved under condition 3.

Reason - for the avoidance of doubt and in the interests of visual amenity.

- 6 No commercial activities shall take place on the site, including the storage of materials.

Reason - for the avoidance of doubt, as the application is for residential accommodation only, and in the interests of visual amenity.

- 7 No vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason - for the avoidance of doubt and in the interests of visual amenity.

- 8 Notwithstanding the submitted plans, before first occupation of any of the caravans or pitches hereby approved 2 metre by 2 metre pedestrian visibility splays shall be provided at the highway boundary on both sides of the access drive, with nothing erected or allowed to grow within the splays exceeding 0.6 metres above the adjoining ground level, with the splays being thereafter so retained.

Reason: In the interests of pedestrian safety.

- 9 Before first occupation of any of the caravans or pitches hereby approved visibility splays at the junction of the access with Shortheath Road shall be provided in accordance the details shown on the Site Layout Plan, with nothing erected or allowed to grow within the splays exceeding 0.9 metres above the adjoining carriageway level, with the splays and the access drive shown on the Site Layout Plan being thereafter so retained.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 10 Before first occupation of any of the caravans or pitches hereby approved, the parking spaces for that caravan/pitch and the turning space for the site shall be provided in accordance with the details shown on the Site Layout Plan, and the access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the Highway boundary, and shall thereafter be so retained.

Reason: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users; to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area; To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

- 11 No external lighting shall be installed on the site unless details of the position, height and type of lights and a lighting assessment including information in relation to light spill have been submitted to and agreed in writing by the Local Planning Authority. The external lighting shall be installed and operated in accordance with the approved scheme.

Reason - in the interests of visual and residential amenities and to prevent adverse impacts on habitats that have the potential to be used for foraging by bats.

- 12 No electricity/power generators shall be used on the site.

Reason: in the interests of residential amenities.

- 13 No further laying of hardsurfacing or stationing of caravans shall take place until details of soft/hard landscaping (including all hard surfaces) and boundary treatments, including details of any existing trees, vegetation and boundary treatments to be retained, have been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping scheme shall be provided in the first planting and seeding season following the first occupation of any of the caravans hereby approved and the approved hard landscaping and boundary treatment schemes shall be provided prior to the first occupation of any of the caravans hereby approved and shall thereafter be so retained, unless alternative timescales are first agreed in writing by the Local Planning Authority.

Reason- to ensure satisfactory landscaping is provided within a reasonable period and in the interests of visual amenity.

- 14 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason- to provide a reasonable period for the replacement of any trees.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the site other than in accordance with the scheme required by condition 13 above.

Reason: in the interests of visual amenities.

- 16 No further laying of hardsurfacing or stationing of caravans shall take place until a Risk Based Land Contamination Assessment has been submitted to and agreed in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. 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); and
- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, no development shall commence on site until a Remedial Scheme and a Verification Plan have been 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; and
- o BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings

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.
- o BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- o CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014

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

If, during the course of development, previously unidentified contamination 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 (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.

- 17 Prior to occupation of any of the caravans 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:
- o Contain a full description of the works undertaken in accordance with the agreed Remedial Schemes and Verification Plan;
 - o Contain results of any additional monitoring or testing carried out between the

- submission of the Remedial Schemes and the completion of remediation works;
- o 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;
- o Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- o Demonstrate the effectiveness of the approved Remedial Schemes; and
- o Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Schemes 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.

- 18 No further laying of hardsurfacing or stationing of caravans shall take place until such time as drainage plans for the disposal of foul drainage have first been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be provided before any of the caravans hereby approved are first occupied and shall thereafter be so retained.

Reason: To ensure that the development provides a satisfactory means of drainage to reduce the risk of creating, or exacerbating any existing, flooding problem and to minimise the risk of pollution.

- 19 No further laying of hardsurfacing or stationing of caravans shall take place until a scheme for the discharge of surface water from the caravans and site layout to a soakaway or another sustainable drainage system, including measures to prevent pollution of the field ditch/drain, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be provided before the caravans are stationed on the site and shall thereafter be so retained in perpetuity.

Reason: to prevent an adverse impact on the River Mease Special Area of Conservation; to ensure a sustainable drainage system is provided on the site.

- 20 No more than three of the caravans hereby approved shall be occupied until Severn Trent Water has stated in writing to the Local Planning Authority that there is sufficient headroom capacity available at Donisthorpe Waste Water Treatment Works to take the foul drainage discharge from the additional five caravans hereby approved.

Reason- to ensure sufficient capacity is available at the treatment works and to prevent an adverse impact on the River Mease Special Area of Conservation/SSSI.

- 21 No further laying of hardsurfacing or stationing of caravans shall take place until precise details of the existing and finished ground levels and the proposed floor levels of the caravans in relation to an existing datum point have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason- to ensure the development takes the form envisaged by the Local Planning Authority.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the

determination process which led to improvements to the scheme. 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 This decision is subject to a Section 106 Agreement regarding a contribution under the River Mease DCS.
- 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

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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