

Gasrec
c/o Miss Elanor Wright
Oxalis Planning Ltd
Unit 7 Wheatcroft Business Park
Landmere Lane
Edwalton
Nottinghamshire
NG12 4DG
United Kingdom

Application reference 19/01404/FULM

Registered 22 July 2019
Decision Date: 18 October 2019

PLANNING PERMISSION

Town and Country Planning Act 1990

Erection of natural gas refuelling station together with ancillary buildings within associated access, service and yard areas and landscaping within Zone B of the East Midlands Gateway Development at East Midlands Gateway Development Ashby Road Castle Donington

In pursuance of its powers under the Town and Country Planning Act 1990 North West Leicestershire District Council hereby grants planning permission for the above development in accordance with the application and plans submitted subject to and as may be modified by the following conditions:

- 1 The development shall be begun before the expiration of five 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 drawing numbers: -
 - 3899-02 A100 Revision P2 (Site Location Plan), received by the Local Authority on the 22nd July 2019;
 - 3899 C126 Revision P6 (Natural Gas Refuelling Station - Option 6 Layout), received by the Local Authority on the 22nd July 2019;
 - 3899 C127 Revision P6 (Natural Gas Refuelling Station - Option 6 Layout), received by the Local Authority on the 22nd July 2019;
 - 3899 C128 Revision P5 (Natural Gas Refuelling Station - Phase 1), received by the Local Authority on the 22nd July 2019;
 - 3899 C129 Revision P3 (Natural Gas Refuelling Station - Phase 2), received by the Local Authority on the 22nd July 2019;
 - 3899 C132 Revision P2 (External Materials), received by the Local Authority on the 15th October 2019;

- EMG-BWB-HML-GRC-DR-C-0100 S4 Revision P1 (Ghost Island Junction General Arrangements), received by the Local Authority on the 22nd July 2019;
- EMG-BWB-HML-GRC-DR-C-0110 S4 Revision P1 (Ghost Island Junction Vehicle Tracking), received by the Local Authority on the 22nd July 2019;
- EMG-BWB-HDG-GRC-DR-C-0500 S4 Revision P3 (Proposed Drainage Strategy), received by the Local Authority on the 22nd July 2019;
- EMG-BWB-HGT-GRC-DR-C-0600 S4 Revision P1 (Proposed Finished Levels), received by the Local Authority on the 22nd July 2019;
- EMG-BWB-HGT-GRC-DR-C-0601 S4 Revision P1 (Proposed Cut/Fill Strategy), received by the Local Authority on the 22nd July 2019;
- 8928-L-01 Revision A (Landscape Proposals), received by the Local Authority on the 10th September 2019;
- CPW-190501-E-EXT-00-01 Revision P3 (Proposed External Lighting Layout Phases 1 and 2), received by the Local Authority on the 22nd July 2019;
- CPW-190501-E-EXT-00-02 Revision P3 (Proposed External Lighting Layout Phase 3), received by the Local Authority on the 22nd July 2019;

unless otherwise required by another condition of this permission.

Reason - for the avoidance of doubt and to determine the scope of the permission.

- 3 Within 90 days of the permanent natural gas refuelling station (that shown on drawing numbers 3899 C126 Revision P6 and 3899 C127 Revision P6 received by the Local Authority on the 22nd July 2019) being brought into use the temporary skid station and its associated infrastructure (as shown on drawing numbers 3899 C128 Revision P5 and 3899 C129 P3 received by the Local Authority on the 22nd July 2019) shall be removed from the site. The above applies unless an alternative timeframe for the removal of the temporary skid station and its associated infrastructure is first submitted to and approved in writing by the Local Planning Authority.

Reason - the retention of the temporary skid station and its associated infrastructure is not acceptable on a permanent basis and to ensure the development takes the form envisaged by the Local Planning Authority in the interests of the visual amenities of the landscape and wider area in accordance with Policy D1 of the adopted Local Plan and Paragraphs 124 and 127 of the NPPF (2019).

- 4 No development shall commence in respect of the construction of the natural gas refuelling station, hereby permitted, until a Construction Environmental Management Plan (CEMP) for the development has first been submitted to and approved in writing by the Local Planning Authority. The CEMP must be produced in accordance with the principles set out in the Construction Management Plan (Document 6.10) covering the East Midlands Gateway Rail Freight Interchange and Highways Order 2016, which was approved under the DCO granted by the Secretary of State for Transport on the 12th January 2016. The CEMP must include: -
- (a) Details of the methods to control noise arising from construction activities including-
 - (i) Proposals for the monitoring of construction noise;
 - (ii) Proposals for the introduction of mitigation measures or alternative working practices where the measurements exceed acceptable limits; and
 - (iii) Proposals for hours of construction and deliveries to and from the site.
 - (b) Details of a dust management plan setting out the methods to be used to control dust and other emissions including smoke from the site;
 - (c) Details of all temporary fencing, temporary buildings, compound areas and parking areas including arrangements for their removal following completion of construction;
 - (d) Details of areas to be used for the storage of plant and construction materials;

- (e) Details of construction waste management including controlled wastes in accordance with the Site Waste Management Framework Plan (Document 6.11) covering the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, which was approved under the DCO granted by the Secretary of State for Transport on the 12th January 2016;
- (f) Details of the facilities to be provided for the storage of fuel, oil and other chemicals, including measures to prevent pollution;
- (g) When a phase of the authorised development directly affects a watercourse or flood plain a construction working method statement for such elements to cover all works in, over under or within 8 metres of the top of the bank or either watercourse or their floodplains;
- (h) Details of lighting arrangements for construction purposes;
- (i) Measures to ensure that construction vehicles do not deposit mud and any other deleterious material on the public highway;
- (j) A scheme for the routing of construction heavy goods vehicles accessing the site;
- (k) Details of temporary mitigation measures to protect biodiversity interests within the site during the construction phases;
- (l) Advisory signage at public access points advising of possible hazards including the potential for sudden noise;
- (m) Details of any temporary surface water management system;
- (n) Details of temporary stopping up of public rights of way and streets;
- (o) A traffic management plan; and
- (p) Details of existing and proposed landscaping which need to be protected during construction.

The construction of the natural gas refuelling station, hereby permitted, shall than be carried out in accordance with the approved CEMP unless any subsequent variation to the CEMP is first submitted to and approved in writing by the Local Planning Authority.

Reason - in the interests of the preservation of neighbouring residential amenities, in accordance with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF (2019), and in order to accord with Requirement 11 of the DCO.

5 Construction works associated with the provision of the natural gas refuelling station and associated development, hereby permitted, must not take place other than between 07:30 and 19:00 hours on weekdays and 08:30 and 13:00 hours on Saturdays, excluding public holidays. The above applies unless alternative hours are first submitted to and agreed in writing by the Local Planning Authority. Outside the above periods the following works will be permitted:

- (a) Pre-planned construction works to highway or rail infrastructure requiring possessions where first notified to the Local Planning Authority and local residents;
- (b) Emergency works; and
- (c) Works which do not cause noise that is audible at the boundary of the Order Limits.

(2) Regardless of the above no piling operations are to take place after 18:00 hours unless otherwise agreed in writing by the Local Planning Authority.

(3) Any emergency works carried out under sub-paragraph (b) of the above must be notified to the Local Planning Authority within 72 hours of their commencement.

Reason - in the interests of the preservation of neighbouring residential amenities, in accordance with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF (2019), and in order to accord with Requirement 20 of the DCO.

6 For normal daytime construction works, associated with the construction of the natural gas refuelling station and associated development, hereby permitted, carried out on weekdays, between 07:30 and 19:00 and on Saturdays between 08:00 and 13:00, the noise level measured at a noise sensitive receptor must not exceed Leq 12 hour 65 dB(A) wherever practicable. Where this is not practicable prior approval under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(a) must be obtained. The sensitivity receptor used must be as defined in Document 5.2 (Environmental Statement) Chapter 9, Table 9.24 Figure B1 covering the East Midlands Gateway Rail Freight Interchange and Highways Order 2016, which was approved under the DCO granted by the Secretary of State for Transport on the 12th January 2016.

(2) An assessment of construction and demolition noise must be undertaken in accordance with British Standard 5228:2009 - "Code of Practice for Noise and vibration control on construction and open sites" (Part 1 - Noise) at a noise sensitive receptor. Noise levels must be measured weekly during the stages of construction including ground works, piling and road construction stages unless complaints are received in which case the procedures in condition 18 must be followed.

(3) Subject to health and safety requirements, broadband reversing alarms must be employed on mobile plant.

Reason - in the interests of the preservation of neighbouring residential amenities, in accordance with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF (2019), and in order to accord with Requirement 21 of the DCO.

7 The colour finish to the vertical storage tanks, hereby permitted, shall be in strict accordance with the details shown on drawing numbers 3899 C127 Revision P6, 3899 C128 Revision P5 and 3899 C129 Revision P3, all received by the Local Authority on the 22nd July 2019, with it being ensured that the construction materials of the vertical storage tanks are non-reflective. The above applies unless an alternative colour finish to the vertical storage tanks is first submitted to and approved in writing by the Local Planning Authority. The vertical storage tanks, hereby permitted, shall then be finished in accordance with any alternative colour scheme subsequently approved.

Reason - to ensure the development takes the form envisaged by the Local Planning Authority in the interests of the visual amenities of the landscape and wider area as well as aviation safety, in accordance with Policies D1 and Ec5 of the adopted Local Plan and Paragraphs 12 and 127 of the NPPF (2019), and in order to accord with Requirements 6 and 7 of the DCO.

8 Prior to the provision of the canopies (including their associated supports) details of the external materials and colour finish to be used in the construction of the canopies and their associated supports shall first be submitted to and approved in writing by the Local Authority, it should be ensured that the construction materials are non-reflective. The canopies shall then be provided in strict accordance with the approved details.

Reason - to ensure the development takes the form envisaged by the Local Planning Authority in the interests of the visual amenities of the landscape and wider area as well as aviation safety, in accordance with Policies D1 and Ec5 of the adopted Local Plan and Paragraphs 124 and 127 of the NPPF (2019), and in order to accord with Requirements 6 and 7 of the DCO.

- 9 Within the first planting and seeding season following the first use of the natural gas refuelling station (that provided by phase 1 as shown on drawing number 3899 C128 Revision P5 received by the Local Authority on the 22nd July 2019), hereby permitted, the soft landscaping scheme shown on drawing number 8928-L-01 Revision A, received by the Local Authority on the 10th September 2019, shall be provided in full. The above applies unless an alternative soft landscaping scheme and/or timetable for its implementation is first submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall then be implemented in accordance with any details and/or timetable for provision subsequently approved.

Reason - to ensure a satisfactory soft landscaping scheme is provided within a reasonable period and in the interests of visual amenity, in accordance with Policies D1 and En1 of the adopted Local Plan, and in order to accord with Requirement 8 of the DCO.

- 10 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 10 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is first submitted to and agreed in writing with the Local Planning Authority.

Reason - to provide a reasonable period for the replacement of any trees and hedges, in accordance with Policies D1 and En3 of the adopted Local Plan, and in order to accord with Requirement 9 of the DCO.

- 11 Before first use of the natural gas refuelling station (that provided by phase 1 as shown on drawing number 3899 C128 Revision P5 received by the Local Authority on the 22nd July 2019), hereby permitted, the hard landscaping scheme shown on drawing number 3899 C132 Revision P2, received by the Local Authority on the 15th October 2019, shall be provided in full. The above applies unless an alternative scheme of hard landscaping and/or timetable for provision are first submitted to and approved in writing by the Local Planning Authority. The hard landscaping shall then be provided in strict accordance with any alternative scheme/timetable for implementation subsequently approved.

Reason - to ensure a satisfactory hard landscaping scheme is provided within a reasonable period and in the interests of visual amenity, in accordance with Policies D1 and En1 of the adopted Local Plan, and in order to accord with Requirements 6 and 7 of the DCO.

- 12 Before first use of the natural gas refuelling station (that provided by phase 1 as shown on drawing number 3899 C128 Revision P5 received by the Local Authority on the 22nd July 2019), hereby permitted, the boundary treatment scheme shown on drawing number 3899 C132 Revision P2, received by the Local Authority on the 15th October 2019, shall be provided in full. The above applies unless an alternative scheme of boundary treatments and/or timetable for provision are first submitted to and approved in writing by the Local Planning Authority. The boundary treatment scheme shall then be provided in strict accordance with any alternative scheme/timetable for implementation subsequently approved.

Reason - to preserve the amenities of the locality in the interests of highway safety and the visual amenities of the wider landscape, in accordance with Policies D1 and IF4 of the adopted Local Plan, and in order to accord with Requirements 6 and 7 of the DCO.

- 13 The proposed finished ground levels of the natural gas refuelling station and associated development, hereby permitted, shall be provided in strict accordance with those specified on drawing number EMG-BWB-HGT-GRC-DR-C-0600 S4 Revision P1, received by the Local Authority on the 22nd July 2019. The above applies unless alternative finished ground levels are first submitted to and approved in writing by the Local Planning Authority. Any alternative scheme agreed shall then be provided in accordance with the approved details.

Reason - to ensure the development takes the form envisaged by the Local Planning Authority in the interests of the visual amenities of the landscape, in accordance with Policy D1 of the adopted Local Plan and Paragraphs 124 and 127 of the NPPF (2019), and in order to accord with Requirement 12 of the DCO.

14 Before first use of the natural gas refuelling station (that provided by phase 1 as shown on drawing number 3899 C128 Revision P5 received by the Local Authority on the 22nd July 2019), hereby permitted, the following shall be provided: -

- The vehicular access as shown on drawing number EMG-BWB-HML-GRC-DR-C-0100 S4 Revision P1, received by the Local Authority on the 22nd July 2019;
- The turning facilities for each phase of the development as shown on drawing numbers 3899 C126 Revision P6, 3899 C128 Revision P5 and 3899 C129 Revision P5, received by the Local Authority on the 22nd July 2019;
- The surfacing of the access drive in accordance with the scheme agreed under condition 11 of this consent;
- Drainage within the site such that surface water does not drain into the private highway;

Once provided the above shall thereafter be so maintained and be available for use at all times.

Reasons - in the interests of general highway safety; to enable vehicles to enter and leave the site in a forward direction; to reduce the possibility of deleterious material being deposited in the highway (loose stones, etc.); to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users, in accordance with Policy IF4 of the adopted Local Plan and Paragraphs 108 and 109 of the NPPF (2019).

15 The gradient of the access drive shall not exceed 1:12 for the first 5 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, in accordance with Policy IF4 of the adopted Local Plan and Paragraphs 108 and 109 of the NPPF (2019).

16 No external lighting, with the exception of the proposed external lighting for each phase as shown on drawing numbers CPW-190501-E-EXT-00-01 Revision P3 (phase 1 and 2) and CPW-190501-E-EXT-00-02 Revision P3 (phase 3) received by the Local Authority on the 22nd July 2019, shall be installed unless details of the position and type of lighting (including illumination levels) is first submitted to and approved in writing by the Local Planning Authority. Any lighting agreed via this condition shall then be installed in accordance with the approved details and subsequently maintained. Any lighting to be installed shall be capped at the horizontal so as to minimise polar throw.

Reason - to avoid a proliferation of lighting on the site in the interests of visual amenities, as well as to adequately protect the amenities of residents within the neighbouring settlements and to ensure there would be no adverse effect upon flight safety, in accordance with Policies D1, D2 and Ec5 of the adopted Local Plan and Paragraphs 124, 127 and 180 of the NPPF (2019), and in order to accord with Requirement 14 of the DCO.

17 No mechanical plant, with the exception of any shown on the approved plans, shall be installed until the precise details of such plant have first been submitted to and approved in writing by the Local Planning Authority. Once agreed the approved plant shall then be provided in accordance with the approved details, with any approved plant being installed and operated in accordance with the manufacturers' instructions at all time.

Reason - in the interests of the preservation of the amenities of any users of the facility as well as neighbouring residential amenities, in accordance with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF (2019), and in order to accord with Requirement 22 of the DCO.

- 18 In the event that justified complaints for noise nuisance associated with the construction and operation of the natural gas refuelling station, hereby permitted, are received by the Local Planning Authority the undertaker/operator must, unless otherwise agreed in writing by the Local Planning Authority, at its own expense, employ a consultant approved by the Local Planning Authority in writing to carry out an assessment of noise from the approved development.

The assessment must be carried out to an appropriate methodology, which will first be submitted to and agreed in writing by the Local Planning Authority, and the results of the assessment must be submitted to the Local Planning Authority within 28 days of the assessment along with suggested remedial measures if considered necessary. The assessment must include a comparison of measured data with the maximum noise levels specified in the scheme approved under condition 18 and also include all data which was collected for the purposes of the assessment and certificates of the measuring instrument's calibration. Any remedial measures considered necessary to comply with the maximum noise levels must be implemented in accordance with a programme which will first be submitted to and agreed in writing by the Local Planning Authority.

Reason - in the interest of the preservation of the amenities of any users of the facility as well as neighbouring residential amenities, in accordance with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF (2019), and in order to accord with Requirement 23 of the DCO.

- 19 Once the site is operational there shall be no external storage of any goods, materials, equipment, plant, skips or other items outside of the secure compound area, as identified on drawing numbers 3899 C126 Revision P6 and 3899 C127 Revision P6 received on the 22nd July 2019, unless an area(s) for such storage is first submitted to and agreed in writing by the Local Planning Authority.

Reason - in the interests of the visual amenities of the landscape in accordance with Policy D1 of the adopted Local Plan and Paragraphs 124 and 127 of the NPPF (2019).

- 20 Prior to the first use of the natural gas refuelling station (that provided by phase 1 as shown on drawing number 3899 C128 Revision P5 received by the Local Authority on the 22nd July 2019), hereby permitted, the surface water drainage proposals associated with the development shall be carried out in strict accordance with the following details:

- EMG-BWB-HDG-GRC-DR-C-0500 S4 Revision P3, received by the Local Authority on the 22nd July 2019;

The above applies unless an alternative surface water drainage solution, and/or timetable for its provision, is first submitted to and approved in writing by the Local Planning Authority. Any surface water drainage solution, or timetable for its provision, subsequently approved shall then be implemented in accordance with the approved details and/or timetable.

Reason - to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and in order to accord with Requirement 17 of the DCO.

- 21 Prior to the first use of the natural gas refuelling station (that provided by phase 1 as shown on drawing number 3899 C128 Revision P5 received by the Local Authority on the 22nd July 2019) a surface water drainage maintenance strategy shall first be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage solution to be provided in accordance with condition 20 shall subsequently be monitored, maintained and managed in accordance with the approved surface water drainage maintenance strategy.

Reason - to prevent flooding by ensuring the satisfactory monitoring, maintenance and management of the surface water drainage solution in accordance with Requirement 17 of the DCO.

- 22 The development, hereby permitted, must be carried out in accordance with the following so as to ensure the safety of the adjacent airport operator:

(a) The management strategy for safeguarding East Midlands Airport which is contained in Document 6.12 of the DCO covering the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, which was approved under the DCO granted by the Secretary of State for Transport on the 12th January 2016;

(b) Any Bird Management Plan which is submitted to and approved by the airport operator associated with the development of the natural gas refuelling station on the application site, hereby permitted.

(c) The prior approval of the Local Planning Authority, in consultation with East Midlands Airport, must be obtained in writing by the undertaker for the installation and operation of any radio communication or radio survey equipment (including any such temporary equipment) within the application site, such approval should not be unreasonably withheld or delayed.

(d) The prior approval of the Local Planning Authority, in consultation with East Midlands Airport, must be obtained in writing by the undertaker for the installation of any solar photovoltaic panels or apparatus within the application site, such approval should not be unreasonably withheld or delayed. Any request for such approval must be accompanied by a full solar glare assessment and detailed risk assessment.

Reason - to ensure there would be no adverse effect upon flight safety as a result of the development, in accordance with Policy Ec5 of the adopted Local Plan, and to accord with Schedule 16 of the DCO.

- 23 To appoint a representative for the development, hereby permitted, to participate in and update the Community Liaison Group which is operational for the East Midlands Gateway Development, as required by Paragraphs 6 and 7 of Schedule 1 of the Development Consent Obligation dated 19 June 2015 (DCOb) secured pursuant to the Development Consent Order (DCO) granted by the Secretary of State for Transport on 12 January 2016 and titled The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 SI 2016 No. 17, for the lifetime of the Community Liaison Group unless otherwise agreed in writing with the Local Planning Authority.

Reason - in the interests of the preservation of the amenities of neighbouring residents in accordance with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF (2019).

INFORMATIVES :-

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination phase 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 (Paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 As of the 17th January 2018 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £116.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 The applicant's attention is drawn to the advice notes within the consultation response of East Midlands Airport Safeguarding of the 29th August 2019 (ref: 2019/79) which is available for viewing at the following link: <https://plans.nwleics.gov.uk/public-access/applicationDetails.do?activeTab=documents&keyVal=PV1TPVLRJ3Y00>.
- 4 In line with conditions 7 and 8 of this permission the applicant is advised that the external materials to be used in the development are non-reflective so as to ensure that glint and glare do not become an issue for the neighbouring airport operator. It is advised that you liaise with East Midlands Airport Safeguarding (EMAS) specifying the precise external materials to be used so that they can ensure that there are no safeguarding issues.
- 5 The applicant is advised to try and ensure that robust dust suppression methods are provided on the site during the construction of the natural gas refuelling station so as ensure that dust clouds are kept to minimum thereby preventing an ocular hazard at East Midlands Airport and preventing dust ingestion by aircraft engines.
- 6 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.
- 7 The applicant's attention is drawn to the advice notes within the consultation response of Leicestershire County Council Lead Local Flood Authority (LLFA) of the 26th August 2019 (ref: 2019/1404/07/F) which is available for viewing at the following link: <https://plans.nwleics.gov.uk/public-access/applicationDetails.do?activeTab=documents&keyVal=PV1TPVLRJ3Y00>.

Your attention is drawn to the enclosed notes.

Signed: 


Interim Planning & Development Team Manager
Proper Officer of the Council

NOTE TO APPLICANT

□ **THIS IS A PLANNING PERMISSION ONLY.** Separate approvals or consents may be required for the following:-

- **Building Regulations.** Approval is required for new buildings, extensions, some internal alterations and certain changes of use. Work must not commence until Building Regulation Approval has first been obtained. If in doubt contact the District Council offices.
- **Listed Buildings.** It is an offence to alter or demolish any part of a Listed Building without first having obtained Listed Building Consent. This includes fixtures, walls and structures within the curtilage. If in doubt contact the District Council offices.
- **Demolition of Buildings in Conservation Areas.** It is an offence to demolish a building or part of a building (with some minor exceptions within a Conservation Area) or to demolish any part of a wall which is over 1m in height which abuts a highway or which is over 2m in height in any other case.
- **Formation of Vehicular Access and Works within Highways.** Consent is required from the Local Highway Authority before any works may be carried out within the limits to the public highway, including verges. In the Coalville area, please apply to the Manager of Technical and Contracting Support, Council Offices, Coalville. Elsewhere in the district, to the County Council Western Divisional Surveyor, Kilwardby Street, Ashby de la Zouch.
- **Stopping up or Diversion of Footpaths.** It is an offence to stop up or divert a statutory public footpath. Maps showing all statutory paths are available for inspection at the District Council Offices. (Central Support). Applications to stop up or divert a footpath may be made to either the District Council or County Council.

• **APPEALS TO THE FIRST SECRETARY OF STATE.**

- If you want to appeal against your local planning authority's decision to grant permission subject to conditions then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- **The First Secretary of State** can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- **The First Secretary of State** need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- **In practice**, the First Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

□ **PURCHASE NOTICES.** If either the local planning authority or the First Secretary of State refuses permission to develop land or grants subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- **In these circumstances**, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

• **SCREEN WALLS AND FENCES: SAFETY AND STABILITY.** The developer should ensure that any screen wall or fence proposed in the application, or required by planning condition, is designed and constructed to ensure structural stability, particularly in high winds. Felt damp-proof courses should not be used in free standing walls.

• **SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS AND BUILDINGS TO WHICH THE PUBLIC ARE ADMITTED: ACCESS AND PROVISION FOR DISABLED PERSONS.** The Local Planning Authority is required to bring your attention the requirement of the Chronically Sick and Disabled Act 1970 (Sections 4, 6, 7, 8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice, BS5810 : 1979, "Access for the Disabled to Buildings" available from the British Standards Institution, 2 Park Street, London, W1A 2BS. (Tel: 020 7629 9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Handicapped to Educational Buildings".

The buildings to which these requirements apply are:-

- a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick and Disabled Persons Act 1970 applies.
- b) Office, Shops and Railway Premises as defined in the Offices, Shops and Railway Premises Act 1963 or premises deemed to fall within that Act.
- c) Factories as defined by Section 175 of the Factories Act 1961.
- d) Educational buildings as defined by Section 29B of the Disabled Persons Act 1981.

□ **LIMITATIONS ON STORAGE BUILDINGS : LEICESTERSHIRE ACT 1985 - SECTION 53.** You are advised that if more than 7,000 cubic metres of space in any building is used for storage purposes, the requirements of Section 53 of the Leicestershire Act 1985 come into effect. This enables the District Council to require the subdivision of buildings or (as is more likely) to require fire detection/precaution/extinguishment measures to be incorporated. You are advised to seek advice from Building Control before proceeding with any such use.

