



Regeneration – Planning and Building Control

Enviroarm Ltd
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PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2010 (AS AMENDED)

Grants Planning Permission Subject to Conditions

Part 1 – Particulars of Application

Applicant: Bliss Sand and Gravel Company Ltd

Agent: Enviroarm Ltd

Application Number: 11/0943/FL

Date of Application: 17/08/2011

Site Address: 30A Branton Hill Lane, Aldridge, Walsall, WS9 0NS

Proposal: New access road to quarry off Chester Road and relocated recycling centre, including associated buildings.

Part 2 – Particulars of Decision

Walsall Council, as Local Planning Authority, hereby **Grants Planning Permission Subject to Conditions** for the development described in Part 1 above and in accordance with the application and plans submitted.

CONDITIONS

1. The development must be begun not later than 3 years after the date of this decision.

Reason; Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.

2. Prior to the commencement of the development a revised plan shall be submitted for approval in writing by the Local Planning Authority showing the proposed passing point lay-bys along the haul road increased in length to 20 metres.

Reason: To allow sufficient space to enable quarry vehicles to fully enter and exit the lay-by whilst allowing vehicles to pass satisfactorily.

3a. Prior to the commencement of the development, full engineering details of the proposed ghost right turn lane on Chester Road and the new bellmouth priority quarry access road junction shall be submitted to the Local Planning Authority for approval in writing. The ghost right turn lane shall include;

- the provision of 3.25 running lanes and a 3.5m turning lane,
- the hatching along Chester Road extended to the existing hatching north and south of the site access to provide a consistent approach along this section of Chester Road,
- the provision of a traffic islands on both sides of the turning lane to offer protection to oncoming traffic and to minimise over taking.

3b. No works shall commence until all technical details have been approved.

3c. The access road shall not be brought into use until or unless the works approved pursuant to this condition have been implemented in full.

Reason: To ensure the satisfactory completion and operation of the development and in the interests of highway safety.

4. Upon the proposed haul road coming into use, all vehicular access to the quarry from Branton Hill Lane shall cease with immediate and permanent effect and within 6 months of the haul road coming into use a lockable barrier shall be erected in accordance with a scheme to be submitted for the written approval of the planning authority.

Reason: In accordance with the Unilateral Undertaking dated 2nd December 2008 under Planning Permission 06/0169/OL/E4 and BCCS policy MIN2.

5. Prior to the commencement of any works, full details including design, materials and location of the proposed kissing gates to be installed along the Definitive public footpath affected by the development and, in particular at the point where the public footpath crosses the proposed haul road, including a cross section through the footpath crossing point, shall be submitted to the Local Planning Authority for approval in writing. The proposals shall be implemented in accordance with the agreed details prior to the development coming into operation and thereafter retained and maintained in accordance with the agreed details unless the Local Planning Authority agrees in writing to any variation.

Reason: To ensure the continued safe and satisfactory access for pedestrians along the public footpath network affected by the development.

6. Prior to the commencement of any works, full details of the proposed signage, required at the point where the public right of way crosses the proposed haul road to warn pedestrians of crossing HGV's and likewise to warn HGV drivers of crossing pedestrians, shall be submitted to the Local Planning Authority for approval in writing. The approved details shall be fully implemented to the satisfaction of the Local Planning Authority prior to the development coming into operation. The signs shall thereafter be retained and

maintained in good condition and be visible at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safe and satisfactory operation of the development and in the interests of highway safety along the public footpath network affected by the development.

7. Prior to the commencement of any works full details including design, location and drainage of the proposed wheel washing facility, shall be submitted to the Local Planning for approval in writing. The facility shall be installed and be fully operational prior to the development first coming into use and shall thereafter be retained in good operational condition and maintained to ensure optimum performance. All heavy goods vehicles and other vehicles that may have accessed the quarry or landfill site shall pass through the approved wheel-wash before entering onto the highway, unless a prior written dispensation is secured from the local planning authority, in circumstances where site and weather conditions may justify alternative consideration.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interest of highway safety and preserve the residential amenities of nearby occupiers.

8. Upon the development first coming into use, the measures contained in the submitted Travel Plan Statement to encourage sustainable travel modes for staff shall be implemented and thereafter monitored and reviewed in accordance with the approved Statement.

Reason: To encourage sustainable travel modes.

9. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, including on-site work, and off-site work such as the analysis, publication, and archiving of the results, in accordance with the brief written by the council's archaeological adviser (dated 28th November 2011), and the written scheme of investigation which has been submitted by the applicant (dated 28th November 2011) and approved in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

10. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the Flood Risk Assessment (Ref: FRA/BLQFRA2.00/2011, Enviroarm) before the development is completed.

The scheme shall also include

- (i) Soakaway tests performed in accordance with the industry guidance
- (ii) Provision of a surface water drainage strategy demonstrating adequate storage and routing for the 1 in 100 year plus climate change storm event
- (iii) Details of how the scheme shall be maintained and managed after completion

Reason: To prevent increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of these.

11. Prior to the commencement of the development, a working method statement to cover the box culvert over the nearby watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: The construction phase of any proposed development affecting the channel of a watercourse poses significant flood risk.

Note – Works to the culvert will require Land Drainage Consent under the terms of the Land Drainage Act 1991.

12. Dust control measures as stated within the application documentation (Particulate risk assessment for new access off Chester Road by Enviroarm Limited) shall be instigated during the construction and maintained thereafter. This shall include watering of haul roads during dry conditions through use of water bowsers with a provision for the application of wetting agents. Vehicles utilising the access (other than light duty vehicles) shall have either high level exhausts or upwards facing exhausts and all vehicles carrying materials likely to give off dust and particulate matter to or from the quarry shall be sheeted unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the residential amenities of nearby occupiers.

13. A road-sweeper shall be used on the quarry access road to prevent the accumulations of dusty and potentially dusty materials in accordance with a scheme which shall first be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and amenities of nearby occupiers.

14. A dust monitoring system shall be agreed in writing with the Local Planning Authority, in consultation with the Environment Agency prior to the development permitted herein coming into use. This monitoring system shall thereafter be implemented and maintained unless otherwise agreed by the Local Planning Authority. Results from this shall be forwarded to the local planning authority at six monthly intervals throughout the period of the operation of the quarry.

Reason: In the interests of the amenities of nearby occupiers.

15. Noise from daytime operations and activities as determined at occupied residential premises shall not give rise to (free-field) noise levels exceeding the Background Noise Level, L_{A90} , by more than 10 dB(A), subject to an overriding maximum limit of 55 dB $L_{Aeq, 1}$ hour.

Reason: In the interests of the amenities of nearby occupiers.

16. The haul road(s) shall be maintained with an even surface free from potholes and debris or extraneous material at all times.

Reason: In the interests of the amenities of nearby occupiers and to avoid mud being tracked on to the public highway.

17a. Prior to the commencement of the development details of landscaping shall be submitted for approval including tree and shrub planting.

17b. The approved landscaping scheme shall be fully implemented within 12 months of the completion of the development.

17c. All planting shall be maintained for a period of 3 years from the full completion of the construction of the quarry access road (and associated drainage). Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to safeguard the visual amenity of the area.

18. Prior to the commencement of the development full details of all field boundaries and/or proposed fencing shall be submitted to the Local Planning Authority for approval. The development shall be completed in accordance with the agreed details and maintained thereafter.

Reason: In order to safeguard the visual amenity of the area.

19. Prior to the commencement of the development a programmed of works for recording the Triassic sandstones shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be in accordance with the agreed works.

Reason: To ensure adequate recording of geological features.

20. The quarry access road shall not be used outside the hours of 07.30 – 17.30 Mondays to Fridays and 07.30 – 12.30 on Saturdays unless prior written agreement has been obtained from the local planning authority.

Reason: In the interests of the residential amenities of nearby occupiers.

21. Prior to the cessation of operations at the site a scheme for restoration of the access route and associated works shall be submitted to the local planning authority for approval and implemented in accordance with the agreed details within a timescale to be agreed.

Reason: In the interests of the residential amenities of nearby occupiers and to preserve the character of the Green Belt.

22. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.30 to 17.30 weekdays and 07.30 to 12.30 Saturdays. No

plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

Reason: In the interests of the residential amenities of nearby occupiers.

23. This development shall not be carried out other than in conformity with the following plans and documents: -

- Application Boundary (1100802A) received 15/8/12
- Application Boundary (1100802B) received 15/8/12
- Land Ownership (11008-01) received 15/8/11
- Conceptual Master Plan (11008-03) received 15/8/11
- CLEUD Layout Plan (11008-04) received 15/8/11
- Restoration Plan (11008-06) received 17/8/11
- Cross Sections of Cutting (11008-07) received 17/8/11
- Non Technical Summary (July 2011) (ARM/SCM/BrantonPA/1.00/2012) received 31/1/12
- Design & Access Statement Volume 1 (ARM/SCM/BrantonPA/2.00/2012) received 31/1/12
- Environmental Statement Volume 2 (ARM/SCM/Branton/3.00/2012) received 31/1/12
- Landscape & Visual Assessment for New Access off Chester Road (BR893.docx) received 1/8/11
- Landscape & Visual Assessment for Quarry (BH360) received 1/8/11
- Landscape & Visual Assessment Additional Information received 1/8/11
- Ecology & Nature Conservation Assessment prepared by Ecotech (June 2011) received 1/8/11
- Noise Assessment prepared by ANV Acoustic Consultants (May 2011) received 1/8/11
- Particulate Risk Assessment for New Access off Chester Road prepared by Enviroarm Ltd received 1/8/11
- Transport Statement prepared by Mayer Brown (July 2011) received 1/8/11
- Travel Plan prepared by Mayer Brown (July 2011) received 1/8/11
- Access Design Kerbing & Edging (W/EAL/Branton.2/7/1100/01 Rev A) received 1/8/11
- Pavements & Footways (NW/EAL/Branton.2/7-1100/02 Rev A) received 1/8/11
- General Arrangement (NW/EAL/Branton.2/100/01 Rev A) received 1/8/11
- Kerb Types (MBB/01 Rev A) received 1/8/11
- Typical Carriageway Construction Detail (MB/C/01) received 1/8/11
- Carriageway Tie-In Details (MB/C/04) received 1/8/11
- Carriageway Construction in widths less than 1.0m (MB/C/13) received 1/8/11
- Reinstatement of Drain and Duct Trenches in Existing Footway and Carriageway (MB/C/14) received 1/8/11
- Road Gully Detail (MB/F/01) received 1/8/11
- Typical Pipe Bedding Details (MB/F/02) received 1/8/11
- Hydrogeological Investigation Report (June 2011) received 1/8/11
- Archaeological Report (AR/BLQNR1.00/2011) received 1/8/11

- Project Design for a Programme of Archaeological Work (NGR: SP070997 - November 2011) prepared by Benchmark Archaeology
- Revised Flood Risk Assessment (FRA/BLQFRA2.00/2011) received 13/11/11
- EA Indicative Flood Map Extreme Flood Limits Zone 2 (11008-FRA1) received 13/11/11
- Detailed Flood Map with Extreme Flood Limits and Survey (11008-FRA2) received 13/11/11
- Soils Report (AR/BLGSR1.00/2011) received 1/8/11

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

24. Notwithstanding the details shown on the submitted Conceptual Master Plan (11008-03) received 15/8/11 this approval does not grant permission for the extension of the quarry as referred to under application BC64995P.

Reason: To define the permission.

25. Prior to the commencement of the development full details showing the access road as a bound surface for the section of the road where there is a horizontal alignment change (adjacent to the pylon) and for 100m from the Chester Road access shall be submitted to and agreed in writing by the local planning authority. The access road shall be implemented in accordance with the agreed details and maintained thereafter.

Reason: To secure the satisfactory development of the site and prevent debris from being dragged from the site onto Chester Road.

26. Prior to the commencement of the development cross sections showing the existing levels and constructions depths of the access road and any potential diversion of the existing 750mm surface water sewer that crosses the site and any other public sewers crossing the site shall be submitted to and agreed in writing by the local planning authority. The development shall be implemented in accordance with the agreed details and maintained thereafter.

Reason: To ensure protection of existing sewers crossing the site.

POSITIVE AND PROACTIVE STATEMENT

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. In accordance with paragraphs 186 and 187 of The National Planning Policy Framework we encourage pre application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long as they safeguard the natural and built environment, highway safety and the amenity of citizens. In this instance the council has been able to support the proposed development and has worked with the applicant as detailed in the planning report.

Date of Decision: 23 October 2013



David Elsworthy – Head of Planning and Building Control

Your attention is drawn to the notes for applicant

Note to applicant regarding Environmental Management

1. If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

If the operator wishes more specific advice they will need to contact the Environment Management Team at the Environment Agency Fradley offices or look at available guidance on the web site www.environment-agency.gov.uk/subjects/waste

2. The Duty of Care regulations for dealing with waste materials are applicable for any off-site movement of wastes. The developer and waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.
3. It is recommended that the construction makes full use of the advice and guidance given in the Environment Agency's Pollution Prevention Guideline PPG6 – Working at Construction and Demolition Sites <http://publications.environment-agency.gov.uk/pdf/PMHO0410BSGN-e-e.pdf>
4. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed, constructed and maintained in order that it can contain a capacity of not less than 110% of the total volume of all tanks or drums contained therein. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. There shall be no gravity or automatic discharge arrangement for bund contents. Contaminated bund contents shall not be discharged to any watercourse, land or soakaway. The installation must, where relevant, comply with the Control of Pollution (Oil Storage)(England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 as amended 1997. Site occupiers intending to purchase or install pollutant secondary containment (bunding) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity.
5. In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you

will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at <http://www.netregs-swmp.co.uk>

Note to applicant regarding sound level measuring

Sound level measuring instrumentation shall conform to either: 'Type 1' of either British Standard BS 5969: 1981 'Specification for sound level meters', and/or BS EN 60651: 1994 'Specification for sound level meters', and/or BS 6698: 1986 'Specification for integrating-averaging sound level meters', and/or BS EN 60804: 1994/2001 'Specification for integrating-averaging sound level meters' and/or 'Class 1' of BS EN 61672: 2003 'Electroacoustics - Sound Level Meters - Part 1: Specifications' (or any superseding standards as applicable). Instrumentation shall have been verified either in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' or BS EN 61672: 2003 'Electroacoustics - Sound Level Meters - Part 3: Periodic Tests' within a preceding 2 year period of measurements being conducted, or else verified with a multifunction acoustics calibrator that has been UKAS certified within a preceding 2 year period.

Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in British Standard BS 4142: 1997 – Method for rating industrial noise affecting mixed residential and industrial areas.

Submitted noise measurement data should include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of performance verification checks, recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum.

Note to applicant about public rights of way

The developer must follow all statutory procedures for diversion or closure of public rights of way which cross the site prior to commencement of any development.

OTHER NOTES FOR APPLICANT

1. Please read this decision notice carefully. If the conditions require you to submit further details, you must ensure that these details have been approved before you commence work. You may need to pay a fee to the Council to consider these details.
2. This decision is given only under the Town and Country Planning Act 1990, and the Town and Country Planning (General Development Procedure) Order 1995.
3. This permission does not grant approval under the Building Regulations 2000 for which a separate application may be required. You are advised to contact the Building Control Section on telephone number 01922 652600 should you require further advice.
4. This permission does not grant approval or in any way override the requirement to comply with any restrictive covenant(s) that may be on the land. You should be

aware that there is a risk involved in proceeding with development without clarifying whether there are any relevant covenants relating to the property.

5. Your attention is drawn to the Party Wall Act 1996. If you intend to carry out building work which involves:
- work on an existing wall shared with another property
 - building on the boundary with a neighbouring property
 - excavating near a neighbouring building

You should find out whether that work falls within the scope of the Act. If it does, you must serve the statutory notice on all those defined by the Act as adjoining owners. You may wish to seek professional advice. However, two guidance booklets have been published entitled "The Party Wall etc. Act 1996: Explanatory Booklet" and "A Short Guide to the Party Wall etc. Act 1996", both are available from Communities and Local Government Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB. Tel: 0300 123 1124, Fax: 0300 123 1125.

This booklet has been produced by the Department to explain in simple terms how the Party Wall etc Act 1996 ("the Act") may affect someone who either wishes to carry out work covered by the Act (the "Building Owner"), or receives notification under the Act of proposed adjacent work (the "Adjoining Owner").

This booklet has been simplified and updated to provide some answers to regularly asked questions. For example: what a party wall award can cover, what to do if a building becomes unsafe or there is excessive noise from the work being carried and the role of the surveyor.

The Party Wall Act 1996 Guidance can be found online <https://www.gov.uk/party-wall-etc-act-1996-guidance>

6. Appeals for England and Wales are dealt with by the Planning Inspectorate.

If you are aggrieved by the decision of the Council to refuse permission or approval for the proposed development, or grant permission or approval subject to conditions, you may appeal to the First Secretary of State.

Applicants only have 12 weeks from the (except where an enforcement notice has been served within the past 2 years) to submit either a Householder or minor commercial appeal (commercial planning permission [or other type of consent] for development of an existing building [or part of a building] currently within planning use class A1, A2, A3, A4, A5, excluding a change of use, or a change to a number of units in a building, or development that's not wholly at ground floor level, or development that would increase the gross internal area of the building. EXCLUDES an appeal against failing to issue a decision or against planning approval subject to conditions) therefore all other appeals have 6 months from the decision to submit an appeal to the Planning Inspectorate.

The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless

there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Council, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements, to the provisions of the development order, and to any decision of a Council was based on a direction given by him.

You can submit your appeal on-line through the Planning Portal using the Planning Casework Service. This is an on-line service that gives people in England and Wales wider and easier access to the planning system. It allows people to track the progress of cases.

For more information about the Planning Casework Service, visit **www.planningportal.gov.uk/pcs**.

You must appeal on a form provided by the Planning Inspectorate. Forms are available online using the web site address above or alternatively you can make an appeal by post.

Appeal forms can be obtained from the Planning Inspectorate - contact their Customer Services Team on 0303 444 5000.

Your appeal and all required supporting documents should be sent to:

The Planning Inspectorate,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol,
BS1 6PN

Please Note: You must also send a copy of the appeal form direct to us, with copies of any documents or plans you are sending to the Planning Inspectorate that we do not already have.

FURTHER APPEAL ADVICE

You can find further comprehensive advice on the appeal procedures on the Planning Portal **www.planningportal.gov.uk/planning/appeals/**

7. If permission to develop land is refused or granted subject to conditions, whether by the Council or by the Secretary of State, and you claim that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, you may serve on the Council a purchase notice requiring the Council to purchase your land in accordance with the provisions of Part IX of the Town and Country Planning Act 1990. A notice may only be served on the Council by the owner of land concerned.
8. In certain circumstances, a claim may be made against the Council for compensation, where permission is refused or granted subject to the conditions by the Secretary of State on appeal or on a reference of the application to him. The

circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

9. Development must comply with Section 46 of the West Midlands County Council Act 1980 (namely it shall provide adequate means of access for the fire brigade to the building or, to the building as extended, as the case may be. It must be ensured that existing means of access for the fire brigade to a neighbouring building are not rendered inadequate).
10. If this decision grants permission for new development, subdivision or a conversion that will give rise to new addressable properties, you must apply to obtain your new postal address(es) using the application form that you can obtain from the Street Naming and Numbering Team, Traffic Management, Engineering and Transportation Services, Civic Centre, Darwall Street, Walsall WS1 1DG or online at **www.walsall.gov.uk/street_naming_and_numbering**
11. Adoption of private sewers and lateral drains by Severn Trent Water on 1st October 2011. The Government has approved legislation The Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011 that from the 1 October 2011, transfers the ownership of all privately owned shared drains Severn Trent.

If you are looking to build an extension or new build you will need to check if the above will affect you, in the first instance you will need to contact Severn Trent water Limited on 01902 793871 or check the website for more information on **www.stwater.co.uk**.

If your proposal is affected by an adopted sewer (Public Sewer) a Building Notice form of application cannot be used. In these instances a FULL PLAN application must be submitted

Therefore, prior to considering submitting a Building Notice, it is essential that you contact Severn Trent water Limited on 01902 793871 for advice.

If you would like further information or clarification of the reasons for this decision contact the planning case officer Alison Ives on 01922 652604 or email **planningservices@walsall.gov.uk**.

Alternative language or format

If you would like this information in another language or format contact the Planning helpline on 01922 652677 or Textphone 0845 111 2910