



Economy and Environment, Development Management

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West Midlands
B16 8PE

PLANNING DECISION NOTICE

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended)
The Town and Country Planning Act 1990 (as amended)

Grants Planning Permission Subject to Conditions

Part 1 – Particulars of Application

Applicant: BH EnergyGap LLP
Agent: Mark Walton
Application Number: 15/1157
Site Address: LAND OFF FRYERS ROAD, BLOXWICH, WALSALL
Proposal: Application to vary details of permission 13/0725/WA for the development of a resource recovery and renewable energy production facility together with an additional site entrance from Fryers Road, associated infrastructure, parking and landscaping. Application accompanied by an Environmental Statement. Amendments relate to: site layout and access, increased stack heights and changes to building shape and elevations.

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. This development must be begun not later than 3 years after the date of permission 13/0725/WA that is 6th September 2016.

Reason; Pursuant to the requirements of Section 92 of the Town and Country Planning Act, 1990.

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

- Site Location Plan (2012-057/101) received 24/07/15
- Proposed Site Plan (2012-057/120) received 24/07/15
- Approved Site Plan with Proposed Amended Overlay (2012-057/040) received 24/07/15
- Proposed Site Plan with HGV Swept Paths (2012-057/890) received 27/07/15
- Proposed Floor Plans (2012-057/220) received 24/07/15
- Proposed Elevations Sheet 1 of 4 (2012-057/225) received 24/07/15
- Proposed Elevations Sheet 2 of 4 (2012-057/226) received 24/07/15
- Proposed Elevations Sheet 3 of 4 (2012-057/227) received 24/07/15
- Proposed Elevations Sheet 4 of 4 (2012-057/228) received 24/07/15
- Proposed Sections Sheet 1 of 2 (2012-057/223) received 24/07/15
- Proposed Sections Sheet 2 of 2 (2012-057/224) received 24/07/15
- Landscape Proposals (9015-018/101 Rev B) received 24/07/15
- Proposed Finished Levels (2012-057/820) received 24/07/15
- Approved Elevations with Proposed Amended Overlay (1 of 4)(2012-057/041) received 24/07/15
- Approved Elevations with Proposed Amended Overlay (2 of 4)(2012-057/042) received 24/07/15
- Approved Elevations with Proposed Amended Overlay (3 of 4)(2012-057/043) received 24/07/15
- Approved Elevations with Proposed Amended Overlay (4 of 4)(2012-057/044) received 24/07/15
- Proposed Roof Plan (2012-057/222) received 24/07/15
- Abridged Design & Access Statement prepared by DLA Design (July 2015) received 24/07/15
- Tree Condition Survey prepared by Ruskins (0713-1343 Rev 1)
- Environmental Statement prepared by WYG (AP05677) dated July 2015 received 24/07/15
- Non-Technical Summary prepared by WYG (AP05677) dated July 2015 received 23/07/15.
- Planning Statement prepared by WYG (AP04195) dated July 2015 received 24/07/15.
- 5 Year Landscape Maintenance Plan prepared by DLA Landscape & Urban Design (9015-018-LMP) dated 26 June 2015 received 24/07/15.
- Air Quality Assessment prepared by WYG (A091353) dated June 2015 received 27/07/15
- Transport Addendum prepared by Waterman dated May 2015 (15614) received 27/07/15
- Flood Risk Assessment prepared by Curtis Consulting dated May 2013 (ED1020) received 27/07/15
- Preliminary Geo-Environmental Assessment prepared by Curtis Consulting dated 14.11.2012 received 27/07/15

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3(i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken.(see Note for Applicant CL1)

(ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

iii) Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

iv) The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.

v) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

Reason: To ensure safe development of the site and to protect human health and the environment and to ensure that the site is remediated to a satisfactory standard in order to preserve the water quality and prevent pollution of the waterway.

4. The development shall be carried out in accordance with the approved landscaping scheme shown on drawing 9015-018/101 Rev B and maintained in accordance with the 5 year Landscape Maintenance Plan (9015-018) prepared by DLA Landscape & Urban Design.

Reason: To ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and ecological value of the waterway corridor in accordance with policies ENV1 Nature Conservation, ENV3 Design Quality and ENV4 Canals of the adopted Black Country Joint Core Strategy.

5a.(i) Prior to the commencement of the development details of the proposed lighting for the enabling works phase of development including details of foundations, luminance in candelas, hours of operation etc. shall be submitted to and approved in writing by the Local Planning Authority.

5a.(ii) Prior to the commencement of any built development details of the proposed lighting for the construction works phase of development including details of foundations, luminance in candelas, hours of operation etc. shall be submitted to and approved in writing by the Local Planning Authority.

5a.(iii) Prior to the development first coming into use, details of the proposed operational site lighting for the development including details of foundations, luminance in candelas, hours of operation etc. shall be submitted to and approved in writing by the Local Planning Authority.

5b. The agreed scheme shall be fully implemented in accordance with the agreed details and retained thereafter.

Reason: The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protects the integrity of the waterway infrastructure in accordance with policies ENV1 Nature Conservation, ENV3 Design Quality and ENV4 Canals of the adopted Black Country Joint Core Strategy.

6a. Prior to the development first coming into use, full engineering details of the following highway infrastructure works shall be submitted for technical approval in writing by the Local Planning Authority, in conjunction with the Highway Authority;-

- i. the new industrial bellmouth access point off Fryers Road and any associated carriageway marking schemes as specified on the approved plans
- ii. the reduction in size and remodelling of the existing access point on Fryers Road to form a staff car park access only
- iii. the improved pedestrian crossing facility and associated section of footway at the staff access point.

6b. The highway infrastructure works detailed and agreed above, shall be fully implemented, completed and brought into use to the satisfaction of the Highway Authority.

Reason: In accordance with UDP Policies T1, T6 T8 and T11 and in the interests of the free flow of traffic on the local highway network, highway safety and the satisfactory operation of the development.

7a. Prior to the development first coming into use, full details of a cycle shelter for the use of staff and visitors, which shall be secure, covered and illuminated and located in an appropriate convenient location near the main building entrance, shall be submitted to and approved in writing by the Local Planning Authority and the facility

7b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with UDP policy T13 and Black Country Core Strategy TRAN4.

8. A 2.4m x 43m visibility splay shall be provided at both access points within which no structure or planting exceeding 600mm in height above carriageway levels shall be permitted at any time.

Reason: To ensure adequate inter-visibility at the access points in the interests of highway safety.

9a. (i) Prior to the commencement of development details shall be submitted to the Local Planning Authority setting out where the location of parking for site operatives and visitors associated with the enabling works phase of development has been provided within the application site.

9a. (ii) Prior to the commencement of development details shall be submitted to the Local Planning Authority setting out where the location of parking for site operatives and visitors associated with the main construction works phase of development has been provided within the application site.

9b. The approved details shall be fully implemented prior to the commencement of the development and thereafter retained, maintained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interest of highway safety.

10a. Prior to the commencement of any development, details of wheel-cleaning apparatus shall be submitted to and approved in writing by the Local Planning Authority.

10b. The approved details shall be fully implemented prior to the commencement of the development and thereafter retained, maintained and kept available during construction of the development.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interest of highway safety.

11a. Prior to the commencement of built development acoustic mitigation measures around the Air Conditioning Condensers shall be agreed in writing with the Local Planning Authority.

11b. The agreed measures shall be fully implemented prior to the first use of the development and retained thereafter.

Reason: To ensure that noise mitigation measures do not cause harm to nearby residents' amenity.

12a. Prior to the commencement of development a detailed surface water drainage scheme for the site, an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- i) Full details of attenuation of surface water on site to the 1 in 100 year flood event standard plus an allowance of 20% for climate change as proposed in the Flood Risk elements of the Environmental Statement.
- ii) At the detailed design phase, details must also be provided to confirm that surface water will not leave the proposed site in the 100 year 20% climate change allowance event except at or below the agreed flow rate in part a (i) of this condition. Drainage calculations must be included (e.g. MicroDrainage or similar package calculations), including the necessary attenuation volume, pipeline schedules, network information and results summaries to demonstrate that the discharge rate as proposed in the Flood Risk elements of the Environmental Statement will be achieved across all storm events.
- iii) If the system surcharges, the location of any surcharging should be identified as should any resultant overland flood flow routes. Any excess surface water must be routed away from any proposed or existing properties. If above ground flooding is to occur, detail must be provided of where this will go and prove that the development or adjacent property will not be flooded as a result.
- iv) Full details of how the entire surface water scheme shall be maintained and managed after completion.

12b. The agreed measures shall be fully implemented prior to the first use of the site and retained thereafter.

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

13a. Prior to the commencement of development details of proposed surface water drainage management to the canal shall be submitted to and approved in writing to by the Local Planning Authority to demonstrate the following:

- i) The flow rate into the canal to be limited to 27.1 litres per second with a velocity of 0.3 metres per second measured at 90 degrees to the direction of the waterway.
- ii) The installation of Class 1 oil interceptors.
- iii) The installation of pollution cut off valves which can be operated in the event of a pollution incident on the site. The cut off valves to be installed with adequate signage within the development to provide for emergency use to prevent contaminated effluent reaching the canal.
- iv) A long term maintenance regime for the oil separators and other pollution control devices together with 24 hours emergency contact details with the site owner and or operator or contractor to ensure any problems observed can be addressed quickly.

13b. The above agreed measures shall be fully implemented prior to the first use of the development and retained thereafter.

Reason: In order to safeguard the quality of the canal and to provide measures to prevent contaminated effluent reaching the canal.

14a. Prior to the commencement of built development a noise management plan relating to the use of audible vehicle and mechanised plant reversing alarms shall be agreed in writing with the local planning authority.

14b. The agreed measures shall be fully implemented prior to the first use of the development and retained thereafter.

Reason: To ensure satisfactory management of the service yard and reduce the need for the use of audible vehicle and mechanised plant reversing alarms.

15a. Prior to the occupation of the development, the access roads, turning areas and parking facilities shown on the approved plan shall be properly consolidated, hard surfaced and drained so that surface water from the development does not discharge onto the public highway or into any highway drain and the parking bays clearly demarcated on the ground.

15b. These areas shall be thereafter be retained and kept available for those uses at all times.

Reason: In accordance with UDP Policy GP2, T7 and T13 and in the interest of highway safety, and ensure the free flow of traffic using the adjoining highway.

16a(i) The applicant shall confirm in writing the date of the development coming into operation and the approved output levels for the chimney.

(ii) Within 3 months of the development first coming into operation the a monitoring report shall be submitted to the Local Planning Authority demonstrating the output of the chimney in relation to the permitted process and controls has not been exceeded.

iii) Within every subsequent 3 months thereafter further monitoring reports shall be submitted to the Local Planning Authority demonstrating the output of the chimney in relation to the permitted process and controls has not been exceeded.

16b. The plant operations shall cease in the event that

i) A report is not provided within two weeks of a 3 month period expiring, or

ii) Approved output levels are exceeded from the chimney for a period of 24 hours at any one time.

16c. In the event of part b) of the condition being triggered, the operation of the site shall not be re-commenced unless it is demonstrated that output levels are acceptable.

Reason: In order to ensure that the emission output is adequately monitored and controlled.

17a. Prior to the commencement of the use a HGV traffic route plan and management strategy for operators and suppliers to the development shall be submitted to and agreed in writing by the Local Planning Authority. The route plan and management strategy shall:

i) Avoid weight restricted roads.

ii) Include alternative routes in the event of an accident on the strategic highway network.

iii) Management and monitoring mechanisms.

17b. The agreed details shall be fully implemented and retained thereafter.

Reason: In the interests of pedestrian and highway safety and to ensure that the routing of HGV vehicles only takes place on the strategic highway network.

18a. Prior to first use of the development and notwithstanding the details approved under condition 4 of this permission, a 5 year management plan shall be submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and provide full details of:

- How existing ecological habitats will be managed.

18b. The landscape scheme shall be managed in accordance with the approved management plan.

Reason: To ensure that the ecological and landscape quality of the proposals is appropriately managed.

19. Prior to the development being brought into use, details shall be submitted to and agreed in writing by the local planning authority that demonstrate that noise emissions shall not give rise to an assessment exceeding 'marginal significance' as determined using the British Standard BS 4142: 1997 Method for Rating industrial noise affecting mixed residential and industrial areas.

Reason: To safeguard amenities of residents who may be affected by noise from the operations of a 24hour facility.

20. No construction, demolition 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 otherwise only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 on 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 Holidays and Public holidays for this purpose may be taken to include: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday, and August Bank Holiday Monday.]

Reason: To safeguard amenities of residents during construction and remediation work.

21. Waste and material deliveries shall only take place between 07.30 to 19.00 Monday to Friday and 07.30 to 13.00 on Saturdays. There shall be no waste and material deliveries on Sundays.

Reason: To safeguard amenities of residents.

22. Noise emissions from fixed plant and machinery shall not give rise to a cumulative Noise Rating exceeding NR 35 1m from the window of residential premises as determined at a height above ground level of not less than 1.5 m between the hours 23.00 and 07.00.

Reason: To safeguard amenities of residents.

23. Doors serving the waste processing and energy generation buildings shall remain closed except when used for access and egress purposes.

Reason: To safeguard amenities of residents and to prevent unnecessary noise pollution to the area.

24a. Prior to their installation, details and acoustic specification of any louvers shall be submitted to and agreed in writing by the Local Planning Authority.

24b. The louvers shall be installed in accordance with the agreed details.

Reason: To safeguard to the amenities of the nearby residents.

25. The development shall be carried out in accordance with the approved materials within the abridged Design & Access Statement prepared by DLA Design July 2015 (Section 6.7) to comprise the following or equivalent:

a) ROOF CLADDING

- Trapezoidal steel insulated roof cladding colour-Merlin grey (RAL180 40 05)
- Polycarbonate roof light 1000mm wide panels.

b) WALL CLADDING

- Composite wall panels – colour – Diamond (RAL 9023)
- Composite wall panels- colour – Silver (RAL 9006)
- Composite wall panels- colour – Steel Blue (RAL 5011)
- Composite wall panels- colour – Black (RAL 9005)
- Composite panels- colour – Pearl – (RAL9010)
- All cappings and flashings to match colour to main associated panels and colour

c) WINDOWS AND CURTAIN WALLING

- Polyester powder coated aluminium windows – colour Grey Aluminium (RAL 9007)
- All glazing to be sealed double glazed units with solar shading by specialists

d) DOORS FIRE ESCAPE AND ACCOMODATION DOORS

- Polyester powder coated metal doors and framed – colour Grey Aluminium (RAL 9007)

e) UNLOADING DOORS

- All unloading doors to be Crawford
- Megadoors (or other approved unloading doors) shall be mechanically operated sectional metal overhead doors with glazed visibility panels. All reveals will be formed with rigid board insulation with polyester powder coated steel flashings and trims to match the main cladding panels. All doors will be finished with polyester powder coated steel. Colour-Anthracite (RAL 7016) with an internal finish of Grey White (RAL 9002)
- Bollards will be incorporated as protection to the openings - colour Black/Yellow Chevrons

f) TANKS AND SILOS

- All tanks and silos to be stainless steel, carbon steel or plastic according to the fluid they contain. Insulated tanks will have aluminium metal cladding. Carbon steel tanks and plastic tanks (if any) will be painted colour – Diamond (RAL 9023)
- All balustrades and handrails to be galvanised steel.

g) CHIMNEYS

- Tubular steel chimneys, structural shell of carbon steel, colour Diamond (RAL 9023).

Internal liner to be appropriate material to suit flue gas characteristics (i.e. carbon or corten steel with stainless steel caps) Chimney to be fully insulated

h) GATEHOUSE

- Metal horizontal wall cladding to match the main building. The main colour will be Steel Blue (RAL 5011)
- All constructed on a structural steel frame. All cappings and trims to match main colour. The gatehouse windows and personnel doors to be polyester powder coated aluminium with steel doors - colour Grey Aluminium (RAL 9007)
- All balustrades, handrails and metal finishes will be galvanised steel.

Reason: To ensure satisfactory development of the application site.

26. The proposed boundary treatments shall carried out in accordance with details submitted to a colour of RAL 6005 - Moss Green

Reason: To ensure satisfactory development of the application site and appropriate boundary treatment.

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.

Your attention is drawn to the notes for applicant

Date of Decision: 13-Nov-2015



David Elsworthy - Head of Planning and Building Control

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 (Development Management Procedure) (England) Order 2015 (as amended) and The Town and Country Planning Act 1990 (as amended).

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 at:
<https://www.gov.uk/party-wall-etc-act-1996-guidance>

6. Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant your application subject to conditions permission for the proposed development, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision 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 www.planningportal.gov.uk/pcs
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the 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.

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.

The Council does not accept any liability for loss or damage of any nature relating to the foul or storm water drainage of the site.

12. Please refer to the attached Coal Authority advice note.

13. Notes for Applicant - Highways
S278 Works

No work on the public highway should commence until any engineering detail of improvements to the public highway have been approved by the Highway Authority, and an agreement under S278 of the Highways Act 1980 entered into. Any agreement for street lighting should be agreed in writing with Walsall Metropolitan Borough Council's Street lighting partner Amey.

Mud on Highway

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

Drainage

No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

General Comment

According to highway records, the existing palisade fencing along most of the Fryers Road frontage of the site does not appear to reflect the applicant's actual ownership boundary and appears to significantly encroach onto and encloses land considered to be public highway. The original site boundary can still be evidenced in places on site by the presence of the original concrete fencing posts situated 2 to 3 metres behind the present palisade fence. This will need to be resolved by either relocating the fence back onto its original alignment or by pursuing the appropriate legal mechanism for

securing the stopping up of the highway rights.

14. Note for applicant – Pollution Control

For the purpose of Condition 16, the terms 'operations' and 'plant operations' excludes initial commissioning, calibration of plant machinery and deliveries to the development.

CL1: Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 "Investigation of potentially contaminated sites - Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2: When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 "Model Procedures for the Management of Land Contamination", The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report - SC050021/SR3 "Updated technical background to the CLEA model" and Science Report - SC050021/SR2 "Human health toxicological assessment of contaminants in soil" or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3: Validation reports will need to contain details of the "as installed" remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported "clean cover" materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

15. Note for applicant - Storage of Fuels

Storage of Fuels It is noted that fuel tanks are to be located outside the main building. Any facilities for the storage of fuels shall be provided with secondary containment that is impermeable to both the fuel and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall

have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

16. Note for applicant - Environment Agency

It is recommended that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- 3) Refer to the Environment website at www.environment-agency.gov.uk for more information.

17. Note for applicant - Canal and River Trust

- A) The applicant/developer is advised to contact the Works Engineering Team in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust".
- B) The Canal & River Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.
- C) The proposed development indicates that surface water may be discharged to the canal. The applicant/developer is advised that Canal & River Trust' consent is required for such a discharge. Please contact the Canal & River Trust Utilities Team on 01926 626108 for further advice.

18. Note for applicant - Coal Authority

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:
<http://coal.decc.gov.uk/en/coal/cms/services/permits/permits.aspx>

If you would like further information or clarification of the reasons for this decision contact the Planning Helpline on 01922 652677 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