



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021

APPLICATION NO. 2021/1631

To DPP
1 Park Row
Leeds
LS1 5HN

DESCRIPTION Erection of a new secondary school with associated sports block, sports pitches, hard and soft landscaping, access, parking and drainage

LOCATION Land off Keresforth Close, Barnsley, S70 6RS

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 15/12/2021 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved unless required by any other conditions in this permission. The list of approved plans are set out below;

FS0954-CPM-01-00-DR-A-2000_GAPLANL00_P02
FS0954-CPM-01-01-DR-A-2001_GAPLANL01_P02
FS0954-CPM-01-02-DR-A-2002_GAPLANL02
FS0954-CPM-01-R1-DR-A-2003_ROOFPLAN_P03
FS0954-CPM-01-XX-DR-A-2120_GASECTIONS_P02
FS0954-CPM-01-ZZ-DR-A-2020_GAELEVATIONS_P02
FS0954-CPM-02-00-DR-A-2000_GAPLANL00_P02
FS0954-CPM-02-R1-DR-A-2001_ROOFPLAN_P02
FS0954-CPM-02-XX-DR-A-2120_GASECTIONS_P02
FS0954-CPM-02-ZZ-DR-A-2020_GAELEVATIONS_P02
FS0954-ALA-00-XX-DR-L-0021-Site Location Plan
FS0954-ALA-XX-ZZ-DR-L-0001-Illustrative Masterplan 1 of 2 Rev P03
FS0954-ALA-XX-ZZ-DR-L-0002-Illustrative Masterplan 2 of 2 Rev P03
FS0954-ALA-XX--ZZ-DR-L-0003-General Arrangement 1 of 2 Rev P04
FS0954-ALA-XX--ZZ-DR-L-0004-General Arrangement 2 of 2 Rev P03

FS0954-ALA-XX--ZZ-DR-L-0005-Fencing General Arrangement 1 of 2 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0006-Fencing General Arrangement 2 of 2 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0009-Site Sections Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0011-Levels Strategy 2 of 2 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0012-Detailed Landscape GA 1 of 6 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0013-Detailed Landscape GA 2 of 6 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0014-Detailed Landscape GA 3 of 6 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0015-Detailed Landscape GA 4 of 6 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0016-Detailed Landscape GA 5 of 6 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0017-Detailed Landscape GA 6 of 6 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0023-Levels Strategy 1 of 2 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0025-P02 -Tree Retention and Removal Plan 1 of 2
 FS0954-ALA-XX--ZZ-DR-L-0026-P02 - Tree Retention and Removal Plan 2 of 2
 FS0954-ALA-XX--ZZ-DR-L-0030- Planting Plan & Schedule 1 of 2 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0031- Planting Plan & Schedule 2 of 2 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0032-Levels of intervention Rev P03

Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 3 The materials used in the development hereby approved shall be in accordance with the details set out on the Materials Sample Boards (Ref: Proposed Materials Choice-Landscape Treatment-P01-September 2022, Proposed Facade Treatments-Teaching Block-P02-October 2022 & Proposed Facades Treatments-Sports Building- P02-October 2022). The development shall be carried out in accordance with the approved details and retained as such thereafter.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 4 Plant noise levels shall be limited to a rating level (L_{Ar}, Tr dB) that is 5 dB below background noise levels at the façade of the nearest Noise Sensitive Receptors (NSRs). Individual plant items may need to be designed to a lower limit such that the cumulative noise level of all plant items operating simultaneously achieves the stated criteria. Should the plant contain acoustically distinguishable features such as intermittency, tones or impulsiveness, appropriate penalties (as defined in BS 4142: 2014) shall be applied to determine the maximum acceptable sound pressure level at the façade of the NSRs.
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.
- 5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

- 6 The site is located within a Coal Authority coal mining referral area due to the probable presence of shallow coal mine workings and a mine entry. As detailed in the Waterman geo-environmental assessment ref WIE17125, dated Nov2020, the land could therefore be at risk from mining legacy risks such as ground instability and fugitive gas migration. Prior to the commencement of development (excluding demolition), and as advised by a suitably qualified engineer, intrusive site investigations must therefore be undertaken to further evaluate ground conditions. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication C758D "Abandoned Mine Workings Manual" where applicable.
A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner"
Reason: Land stability NPPF sections 183 a,b,c. 184 and 174 e & f.
- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policies D1 'Design' and BIO1 'Biodiversity and Geodiversity'.
- 8 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policy D1 'Design'.
- 9 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with Local Plan Policies D1 'Design' and BIO1 'Biodiversity and Geodiversity'.
- 10 The proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Local Plan Policy CC2 'Sustainable Design and Construction'.

- 11 No development shall commence on the artificial grass pitch until details of the design, layout and specification of the artificial grass pitch, including details of sports lighting and lux levels, which accord with Football Association design guidance have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The artificial grass pitch shall not be constructed other than substantially in accordance with the approved details before it is brought into use.
Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.
- 12 No development shall commence on the multi-use games area until details of the design and layout of multi-use games area which accord with Sport England design guidance have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The multi-use games area shall not be constructed other than substantially in accordance with the approved details before it is brought into use.
Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.
- 13 Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.
Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy **
- 14 Prior to commencement, a Biodiversity Enhancement Management Plan (BEMP) which would include the following shall be submitted to, and approved in writing by the Local Planning Authority:
- a plan of the areas to be maintained, enhanced and/or created;
 - a schedule of actions to create or enhance and maintain each habitat at the required quality for a period of 30 years;
 - a schedule of ecological monitoring for the 30 year period identifying when key indicators of habitat maturity should be achieved. Monitoring would be required within years 2, 5, 10, 20 and 30; and
 - schedule of actions to be undertaken in case signs of failing are identified.
 - the schedules must include details of technique(s) to be used, equipment to be used, roles and relevant expertise of personnel and organisations involved and timing of actions including submission of monitoring report to the Council.
 - measures to be adopted on site to enhance opportunities for wildlife, such as bat and bird boxes and access for hedgehogs, as set out in Table 5 and Table 18 of the Updated Ecological Report by Surrey Wildlife Trust Ecology Services
 - A sympathetic lighting scheme as set out within paragraphs 7.3.6 and 7.3.7 of the Updated Ecological Report. The scheme should be supported by a lux levels drawing which indicates that lighting levels at features identified as being used by bats (e.g. hedgerows, tree lines, etc.) are appropriate for continued foraging and commuting use

Thereafter the approved scheme shall be carried out in accordance with the approved details and timescales.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1.

- 15 Prior to commencement, a Construction Environmental Management Plan (CEMP: Biodiversity) detailing precautionary measures to be adopted on site during construction works to protect retained habitats and to avoid harm/disturbance to protected and priority species such as nesting birds, amphibians, reptiles, foraging and commuting bats and hedgehogs shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved measures.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1.
- 16 Upon commencement of development, full details of improvement works to the Public Right of Way running across the site shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained as such thereafter.
Reason: In the interest of public/pedestrian safety and in accordance with Local Plan Policy 'New Development and Sustainable Travel'.
- 17 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.
- 18 On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety, and in accordance with Local Plan Policy T4.
- 19 Within six weeks of first occupation, a detailed school travel plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be based on the Framework Travel Plan dated November 2021 and include details of specific measures / initiatives, targets, timescales and budgets to encourage sustainable travel to and allow for regular monitoring and reporting to be undertaken. The plan shall be fully implemented in accordance with the approved details thereafter.
Reason: In the interests of highway safety, in accordance with Local Plan policy T4.
- 20 The development hereby approved shall not be occupied until full detailed construction, engineering, drainage and street lighting details of the street proposed for highway adoption are to be submitted to and approved in writing by the LPA. The works shall, thereafter be constructed in full prior to first occupation, in accordance with the approved details, and timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety, in accordance with Local Plan policy T4 - New Development and Transport Safety.

- 21 No construction shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- Working times
 - The parking of vehicles of site operatives and visitors
 - Routing of and means of access for construction traffic
 - Contractors method for controlling construction traffic, adherence to routes and temporary signage.
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding
 - Measures to control mud and dust being transferred to the public highway
- Reason: In the interests of highway safety, in accordance with Local Plan policy T4.**
- 22 No construction works shall commence until a phasing plan and arrangements have been submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and timescales.
- Reason: In the interest of highway safety, in accordance with Local Plan policy T4.**
- 23 The development hereby approved shall not be occupied until details have been submitted to, approved in writing by the Local Planning Authority and implemented, arrangements which secure the following offsite highway improvement works relating to the introduction of signalised pedestrian facilities across the Keresforth Close arm of the A6133 / Keresforth Close / Assembly Way junction:
- Installation of traffic signal equipment
 - All associated civil engineering works
 - UTC amendments
 - Controller configurations/upgrades
 - Any other measures necessary to introduce signalised pedestrian facilities.
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 24 The development hereby approved shall not be occupied until details have been submitted to, approved in writing by the Local Planning Authority and implemented, arrangements which secure the following offsite highway improvement works relating to the introduction of MOVA to the Keresforth Close/A6133/Assembly Way junction (including associated assessment to determine if right turn filter is required):
- Installation of traffic signal equipment
 - All associated civil engineering works
 - UTC amendments
 - Controller configurations/upgrades
 - Modelling
 - Any other measures necessary to bring the junction to full MOVA control linked to the adjacent junction
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan Policy T4 New Development and Transport Safety.**

- 25 The development hereby approved shall not be occupied until details have been submitted to, approved in writing by the Local Planning Authority and implemented, arrangements which secure the following offsite highway improvement works relating to the introduction of MOVA to the Keresforth Hill Road / A6133 junction:
- Installation of traffic signal equipment
 - All associated civil engineering works
 - UTC amendments
 - Controller configurations/upgrades
 - Any other measures necessary to introduce signalised pedestrian facilities.
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 26 The development hereby approved shall not be occupied until details have been submitted to, approved in writing by the Local Planning Authority and implemented, arrangements which secure the following offsite highway improvement works relating to the upgrade of pedestrian facilities at the Keresforth Hill Road / A6133 junction to nearside:
- Installation of traffic signal equipment
 - All associated civil engineering works
 - UTC amendments
 - Controller configurations/upgrades
 - Any other measures necessary to upgrade pedestrian facilities to nearside technology
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 27 The Trinity Academy St Edwards Traffic Management Plan hereby approved shall be implemented in accordance with the measures, monitoring and review regime contained therein.
- Reason: In the interests of highway safety, in accordance with Local Plan policy T4.**
- 28 Prior to occupation of the building, full details of the lighting across the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.
- Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with Local Plan Policy GD1 'General Development'.**

Informative(s)

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

- 1 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

- 2 The granting of planning permission does not affect the status of species such as owls and bats, which have protection under other legislation. These may be present and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from www.naturalengland.org.uk
- 3 Public Rights of Way may be affected during the construction stage of this development, and you should contact the Public Rights of Way team to discuss the possible need for a temporary closure or diversion.
Contact details are as follows:
Post: Public Rights of Way, Barnsley MBC, PO Box 601, Barnsley, S70 9FA.
Telephone: (01226) 787650 Email: publicrightsofway@barnsley.gov.uk
- 4 The development hereby approved includes the carrying out of work on or abutting the adopted highway. You are advised that before undertaking this work you must enter into a highway agreement with the Council under S278 of the Highways Act, 1980, specifying the extent of works, the works, and the terms and conditions under which these are carried out. Fees are payable for the drafting of the agreement, approval of the highway details and inspection of the works. For more information or to apply, please contact Highways Development Control at email HighwaysDC@barnsley.gov.uk or call to 01226 773555.
- 5 The development hereby approved is subject to Independent Road Safety Audits to be carried out in accordance with the requirements of the Local Highway Authority and Design Manual for Roads & Bridges GG119 Road Safety Audits. All relevant technical information is to be made available to the Road Safety Audit team.
- 6 Road Licences - You are advised that the development hereby permitted requires you to dig up a road, pavement, or grass verge to install or replace service apparatus (gas pipes, electricity cables, sewers), or to place any equipment, materials in, on, above or abutting a highway requires you to have a licence. Further details are available on the BMBC website at: <https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/> or by contacting Streetworks@barnsley.gov.uk
- 7 Street lighting design and installation is undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with the authorities Street Lighting Team, Tel 01226 770770. Email. Streetlightingdesign@barnsley.gov.uk as soon as possible.

- 8 Traffic Signal Design and installation is undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant shall make contact with the authorities Traffic Signal Team on 01226 787643. Email trafficsignals@barnsley.gov.uk as soon as possible.
- 9 A Traffic Regulation Order (TRO) is necessary. You must submit a plan to a scale of 1:1250 of the indicative scheme, along with timescales for the commencement and completion of the development hereby approved. Please be aware that the process is statutory and involves public advertisement of the proposals and the resolution of objections. The outcome of the process cannot be guaranteed. Time based fees are payable for the administrative process, including legal costs, and are separate from the costs of lining, signing and resurfacing required by the TRO. You should expect a minimum of six months to elapse between the LHA's Traffic team confirming that it has all the information necessary to enable it to proceed and the TRO is advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed. For more information and arrangements contact Traffic by emailing Traffic@barnsley.gov.uk
- 10 Fees associated with the required condition survey together with any necessary remedial works and any relevant legal agreements are to be borne by the developer. The applicant should make contact with Highways Development Control, Tel. 01226 772033/772170. Email. HighwaysDC@barnsley.gov.uk for further information prior to commencement.
- 11 Any highways structures will require technical approval in accordance with the approval procedure based on DMRB CG300 - Technical Approval of Highways Structures. The developer will be responsible for preparing and submitting the AIP, with the technical approving body being the Highway Authority. The approval procedure is to be followed for the construction or alteration of any highway structure whether to be adopted or not.
- 12 The Barnsley Permit Scheme applies to all streets in Barnsley and is designed to minimise any delay, disruption and inconvenience to road users caused by roadworks. Anyone carrying out works in a street must apply for a permit. Agreement under the Barnsley Permit Scheme's provisions must be granted before any works can take place. There is a fee involved for the coordination, noticing and agreement of the works. Details relating to the scheme, fees and payment methods are available via www.barnsley.gov.uk/services/roads-travel-and-parking/roadworks-and-road-maintenance/yorkshire-common-permit-scheme/ or by contacting the Streetworks team via Streetworks@barnsley.gov.uk
- 13 The contractor shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the public highway is an offence under provisions of the Highways Act 1980.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed

Dated 26/10/2022

A handwritten signature in dark ink, appearing to read 'JM Jenkinson', written in a cursive style.

Joe Jenkinson
Head of Planning and Building Control

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

NOTES:

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The 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 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 the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he 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 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.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.