

DATED 29 June 2015

**HARWORTH ESTATES INVESTMENTS LIMITED (1)**

-and-

**HOUGHTON MAIN WASTE LIMITED (2)**

TO

**BARNSLEY METROPOLITAN BOROUGH COUNCIL**

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**PLANNING OBLIGATION BY UNILATERAL UNDERTAKING**

under Section 106 of the Town and Country Planning Act 1990 (as amended)  
relating to land off Houghton Main Colliery Roundabout, Park Spring Road, Barnsley S71 5EX

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**WALKER MORRIS LLP**  
Kings Court  
12 King Street  
LEEDS  
LS1 2HL  
Tel: 0113 2832500  
Fax: 0113 2459412  
Ref: CAS/PEE.190-9

THIS DEED is made the 29<sup>th</sup> day of June 2015

BY

- (1) **HARWORTH ESTATES INVESTMENTS LIMITED** (Company No. 7532134) whose registered office is situate at AMP Technology Centre, Advanced Manufacturing Park, Brunel Way, Catcliffe, Rotherham S60 5WG ("**Owner**") of the first part; and
- (2) **HOUGHTON MAIN WASTE LIMITED** (Company No. 07705498) whose registered office is situate c/o Harworth Estates Property Group Limited of AMP Technology Centre, Advanced Manufacturing Park, Brunel Way, Catcliffe, Rotherham S60 5WG ("**Developer**") of the second part

TO

**BARNSELY METROPOLITAN BOROUGH COUNCIL** of Town Hall, Barnsley, South Yorkshire, S70 2TA ("**Council**")

## 1 DEFINITIONS AND INTERPRETATION

1.1 In this Deed the following expressions shall have the following meanings: -

### DEFINITIONS

#### GENERAL DEFINITIONS

- "1990 Act" means the Town and Country Planning Act 1990 as amended;
- "Application" means the application reference number 2015/0137 and registered by the Council on 17 February 2015 for erection of a renewable energy park comprising of a timber resource recovery centre and associated infrastructure;
- "Dearne Valley Green Heart Nature Improvement Area" means the area shown shaded blue on Plan 2;
- "Commencement of Development" means the date upon which the Development shall commence by the carrying out on the Land pursuant to the Planning Permission of a material operation as specified in Section 56(4) of the 1990 Act Save That the term "*material*

*operation*" shall not include operations in connection with any work of or associated with demolition site clearance remediation works environmental investigation site and soil surveys erection of contractors work compound erection of site office erection of fencing to site boundary and reference to "**Commence Development**" shall be construed accordingly;

**"Development"**

means the development of the Land in accordance with the Planning Permission;

**"Head of Planning and Building Control "**

means the Head of Planning and Building Control of the Council for the time being or such other officer of the Council nominated by him or her for the purposes of this Deed;

**"Index"**

means the 12 month percentage change in the All Items Retail Price Index published by the Office for National Statistics contained in the Monthly Digest of Statistics (or contained in any official publication substituted therefore) or such other index as may from time to time be published in substitution therefore;

**"Index Linked"**

means such increase to the Nature Improvement Area Contribution on an annual basis or pro rata per diem from the date of this Deed to the date of payment based upon the specified Index last published before the date of the decision to approve the grant of Planning Permission or any publication substituted for it;

**"Interest Rate"**

means interest at 3 per cent above the base lending rate of the Bank of England from time to time and in every case compounded on the first day of June and December in each year;

**"Land"**

means all that land off Houghton Main Colliery Roundabout, Park Spring Road, Barnsley S71 5EX shown for identification purposes only edged red on Plan 1;

<b>"Nature Improvement Area Contribution"</b>	means the sum of £50,000.00 (fifty thousand pounds) Index Linked to be paid by the Owner to the Council as its total contribution towards the provision of and / or improvements to bio-diversity within the Dearne Valley Green Heart Nature Improvement Area the need for which directly arises from the Development;
<b>"Plan 1"</b>	means the plan attached to this Deed and marked "Plan 1";
<b>"Plan 2"</b>	means the plan attached to this Deed and marked "Plan 2";
<b>"Planning Permission"</b>	means a planning permission to be granted by the Council pursuant to the Application substantially in the form of the draft is annexed in the Second Schedule;
<b>"Statutory Undertaker"</b>	means any company corporation board or authority at the date of this Deed authorised by statute to carry on an undertaking for the supply of telephone and television communications electricity gas water or drainage and any authorised successor to any such undertaking.

1.2 Where the context so requires: -

1. The singular includes the plural and vice versa and words importing the masculine gender only include the feminine gender and extend to include a corporation sole or aggregate;
2. References to any party in this Deed shall include the successors in title and assigns of that party and in the case of the Council shall include any successor local planning authority exercising planning powers under the 1990 Act;
3. Where a party includes more than one person any obligations of that party shall be joint and several;
4. Any covenant by the Owner not to do any act or thing shall be deemed to include a covenant not to cause permit or suffer the doing of that act or thing;
5. A reference to an Act of Parliament refers to the Act as it applies at the date of this Deed and any later amendment or re-enactment of it and any regulations or statutory instrument made under it;

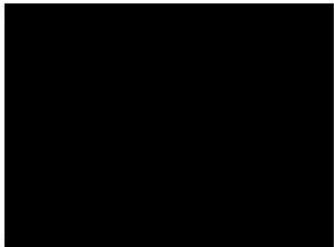


"Plan 2"

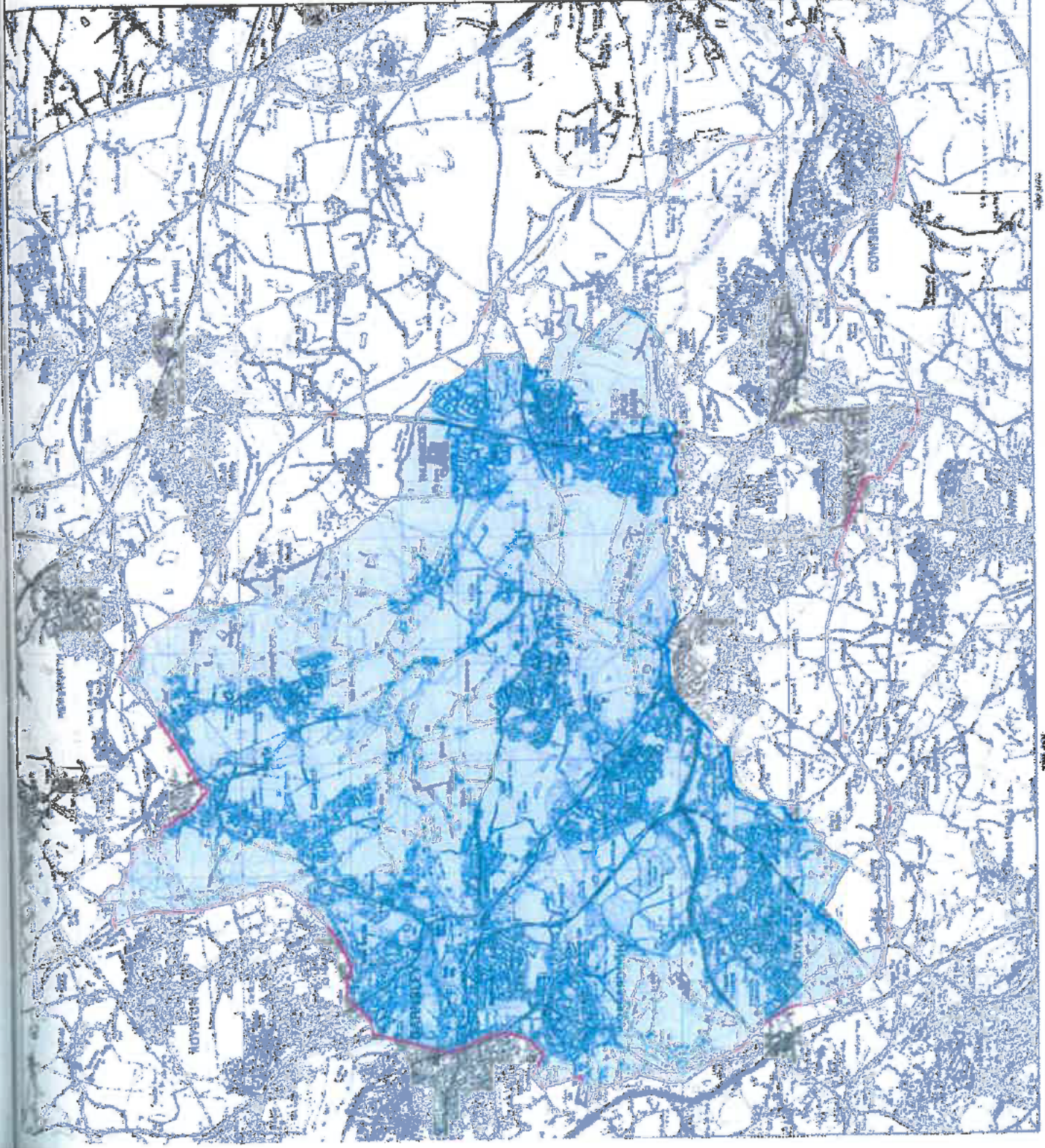
Dearne Valley Green Heart

Nature Improvement Area

- Nature Improvement Area Boundary
- Barnsley Borough Boundary



South Yorkshire  
Environment and  
Infrastructure  
Planning and  
Development  
Barnsley Borough Council



6. References to clauses paragraphs and schedules are references to clauses paragraphs and schedules to this Deed and are for reference only and shall not affect the construction of this Deed; and
7. Clause headings are for reference only and shall not affect the construction of this Deed.

## **2 RECITALS**

- 2.1 By virtue of the 1990 Act the Council is the local planning authority for the purposes of this Deed for the area in which the Land is situated and is the Authority by whom the planning obligations hereby created are enforceable.
- 2.2 The Owner is the registered proprietor with absolute title of the Land registered at HM Land Registry under Title Numbers SYK164058, SYK554101 and SYK373943 (which titles also include land that is not the subject of the Application).
- 2.3 The Developer has an interest in the Land by way of an agreement to purchase and rights thereover contained in an option for transfer dated 15 August 2011 and made between the Owner and the Developer.
- 2.4 The Application was submitted to the Council on behalf of the Developer and Peel Environmental Management (UK) Limited for planning permission for the Development.
- 2.5 The Council would not grant Planning Permission for the Development unless the planning obligations contained herein were entered into by the Owner.
- 2.6 The Owner by entering into this Deed does so to create planning obligations in respect of the Land and each part of it in favour of the Council pursuant to Section 106 of the 1990 Act and to be bound by and observe and perform the covenants agreements conditions and stipulations hereinafter contained.

## **3 OPERATIVE PROVISIONS**

- 3.1 This Deed is a planning obligation made in pursuance of Section 106 of the 1990 Act as substituted by Section 12 of the Planning and Compensation Act 1991 and to the extent that the covenants in this Deed are not made under Section 106 of the 1990 Act they are made under Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 and all other powers so enabling.

3.2 The planning obligations comprised in this Deed shall not become effective until the following conditions are satisfied: -

1. the Planning Permission has been granted; and
2. (except where stated otherwise in this Deed) the Commencement of Development.

3.3 Subject to clause 3.2 the Owner hereby covenants with the Council that the Land shall be permanently from the date hereof bound by and subject to the restrictions and provisions regulating the Development and use thereof specified in the First Schedule and the Developer acknowledges that its interest in the Land will be bound by the planning obligations in the First Schedule.

3.4 It is agreed and declared as follows: -

3.4.1 No party shall be bound by the terms of this Deed or be liable for the breach of any covenants restrictions or obligations contained in this Deed: -

- (a) occurring after he or it has parted with his or its interest in the Land or the part in respect of which such breach occurs (but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest);
- (b) if it is a Statutory Undertaker which has an interest in any part of the Land for the purposes of its undertaking.

3.4.2 Where any notice or confirmation is to be served on the Council under the terms of this Deed such notice or confirmation shall be sent to Head of Planning and Building Control at Barnsley Metropolitan Borough Council, Westgate Plaza One, PO Box 600, Barnsley, S70 9EZ, quoting the Application reference number 2015/0137.

3.4.3 If the Planning Permission shall expire before the Commencement of Development or shall at any time be modified (without the consent of the Owner) or revoked this Deed shall terminate and cease to have effect.

3.4.4 Nothing in this Deed shall be construed as restricting the exercise by the Council of any power or discretion exercisable by it under the 1990 Act or under any other Act of Parliament nor prejudicing or affecting the Council's rights powers duties and obligations in any capacity as a local or public authority.

3.4.5 The obligations hereby created shall be registered as a Local Land Charge.

- 3.4.6 No person who is not a party to this Deed (save for the avoidance of doubt the Council) may enforce any terms hereof pursuant to the Contracts (Right of Third Parties) Act 1999 provided that this clause shall not affect any right of action of any person to whom this Deed has been lawfully assigned or becomes vested in law.
- 3.4.7 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted after the date of this Deed.
- 3.4.8 The Owner shall pay to the Council its reasonable legal fees incurred in the preparation negotiation and completion of this Deed.
- 3.4.9 The parties shall act reasonably and in good faith in the performance of their obligations in this Deed.
- 3.4.10 If the Council does not receive payment of any money due under this Deed on the due date the Owner will pay interest on the money concerned to the Council at the Interest Rate from the due date until the date of actual receipt by the Council provided that this sub-clause shall not prejudice any other right or remedy of the Council for the recovery of any money due.

**FIRST SCHEDULE**  
("the Owner's Covenants")

The Owner hereby covenants with the Council: -

1. **NOTICE OF COMMENCEMENT OF DEVELOPMENT**
  - 1.1 To give to the Council 14 days' prior written notice of Commencement of Development.
2. **NATURE IMPROVEMENT AREA CONTRIBUTION**
  - 2.1 Not to Commence Development until the Nature Improvement Area Contribution as Index Linked has been paid to the Council.

**SECOND SCHEDULE**  
**("Draft Decision Notice")**



# BARNLSLEY

Metropolitan Borough Council

## GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2015/0137

To Enzygo Ltd  
The Granary  
Woodend Lane  
Cromhall  
Gloucestershire  
GL12 8AA

**DESCRIPTION** Erection of a Renewable Energy Park comprising of a Timber Resource Recovery Centre and associated infrastructure.

**LOCATION** Land off Houghton Main Colliery Roundabout, Park Spring Road, Little Houghton, Barnsley, S71 5EX

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 17 February 2015 and described above.

**THIS DECISION IS SUBJECT TO THE TERMS OF THE AGREEMENT/UNILATERAL UNDERTAKING MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).**

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 following plans and specifications as approved unless required by any other conditions in this permission:-

PL 001 Site Analysis 1302\_PL001  
PL 002 Site Location Plan 1302\_PL002  
PL 003 Proposed Site Layout 1302\_PL003  
PL 004 Proposed Roof Plan 1302\_PL004  
PL 005 Proposed Site Elevations 1302\_PL005  
PL 006 Proposed TRRC Process Building Elevations 1 1302\_PL006

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

Signed   
Head of Planning and Building Control

Dated 15 June 2015

Development Service  
PO Box 634, Barnsley, S70 9FE

Telephone: 01226 - 772000  
Fax: 01226 - 772591

PL 007 Proposed TRRC Process Building Elevations 2 1302\_PL007  
PL 008 Proposed TRRC Process Building Elevations 3 1302\_PL008  
PL 009 Proposed AD Process Building Elevations 1302\_PL009  
PL 010 Proposed ACC Elevations 1 1302\_PL010  
PL 011 Proposed ACC Elevations 2 1302\_PL011  
PL 012 Proposed AD Weighbridge Kiosk Elevations 1302\_PL012  
PL 013 Site Sections 1302\_PL013

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 The development hereby approved shall be carried out strictly in accordance with the recommendations of the following reports in the Environmental Statement and Planning Application as approved unless required by any other conditions in this permission:-  
- Flood Risk Assessment;  
- Surface Water Drainage Scheme  
- ES Chapter 10: Noise and Vibration plus appendices;  
- Phase 1 Environment and Mining Report;  
Reason: In order to define the permission for the avoidance of doubt.
- 4 The approved Timber Resource Recovery Centre (TRRC) plant shall only be used for the reception, handling, recycling, treatment and transfer of waste up to a maximum of 150,000 tonnes per annum.  
Reason: To enable the Local Planning Authority to exercise control over any development within the site which could be detrimental to the amenities of the area and in the interests of road safety in accordance with Core Strategy Policy CSP 40.
- 5 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.  
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 6 No development shall take place until full sample details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 7 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:  
a) Creation of the site access;  
b) Provision of /any necessary alterations to street lighting;  
c) Provision of/any necessary alterations to highway drainage;  
d) Measures to control parking at the access to the site;  
e) Any necessary signing/lining  
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 interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 8 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: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.~~

- 9 No development shall take place, including any works of demolition, 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:
- The parking of vehicles of site operatives and visitors
  - Means of access for construction traffic
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
  - Measures to control the emission of dust and dirt during construction
  - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.
- 10 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. 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: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 11 Prior to the occupation of the development a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.
- Reason: In the interest of promoting use of public transport, in accordance with Core Strategy Policy CSP 25.
- 12 Prior to the commencement development, full foul and surface water drainage details shall be submitted to and approved in writing by the Local Planning Authority. This will include a scheme to reduce surface water run-off by at least 30% and a programme of works for implementation. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.
- Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.
- 13 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the buildings.
- Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 14 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 to be replaced.

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 Core Strategy Policy CSP 29.

- 15 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 Core Strategy Policy CSP 29.
- 16 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents shall be submitted to and approved in writing by the Local Planning Authority:
- Tree protection plan (TPP)
  - Arboricultural implication assessment (AIA)
  - Tree protective barrier details
- No development or other operations shall take place except in complete accordance with the approved methodologies.  
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 17 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 0800 to 1300 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 Core Strategy Policy CSP 40.
- 18 The level of noise emitted from the site shall not exceed the existing background noise levels (LA90 +0db) as measured at the monitoring locations M01 to M07 detailed in the noise report supporting the application. Once the plant is fully commissioned and operational the applicant shall submit to a report demonstrating that the facility is operational within the limits defined within this condition. In the event that the noise level from the development is above the stated levels then the applicant shall submit a mitigation scheme for the written approval of the Local Planning Authority in order to identify measures to reduce the noise of the development to within acceptable levels. The approved scheme shall then be implemented. In the event that the noise level from the development cannot be brought to within acceptable levels, as defined above, the development shall not continue to operate.  
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 19 Deliveries with the transfer of waste to and from the site shall only take place between the hours of 07:00 to 19:00 Monday to Friday and at no time on Saturdays, Sundays or Bank Holidays. Prior to the occupation of the development, a plan for the management of vehicles transporting waste to and from the site (including a routing plan and cap on HGV movements during peak hours) shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented on commencement of the use and at all times thereafter.
- Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

- 20 Delivery movements associated with the transfer of waste to and from the site shall not exceed 60 per day (30 in and 30 out).

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

Development Service

PO Box 634, Barnsley, S70 9FE

Telephone: 01226 792800

Fax: 01226 - 772599

Strategy Policy CSP 40.

- 21 There shall be no outdoor storage of waste.  
Reason: In the interest of visual and residential amenity in accordance with Core Strategy Policy CSP 40.
- 22 All waste transported to and from the site shall be transported to the site in vehicles that are fully enclosed.  
Reason: In the interest of visual and residential amenity in accordance with Core Strategy Policy CSP 40.
- 23 Prior to commencement of development full details of the mitigation measures identified in the Phase 2 Habitat Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 24 Prior to the commencement development a scheme showing the final lighting details shall be submitted to and approved in writing by the Local Planning Authority. The scheme will indicate that all lights will be correctly adjusted so that they only illuminate the surface intended, main beam angles of all lights should be below 70 degrees, any up lighting shall install shields or baffles above the lamp and no lighting should be installed which spreads light above the horizontal. The development shall then be carried out in accordance with the approved details.  
Reason: In order to reduce the amount of light pollution and to protect neighbouring amenities in the interests of road safety in accordance with Core Strategy Policy CSP 40.

#### Informative(s)

*Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.*

- |   |  |
|---|--|
| 1 | <p>The operation of the facility described will require an Environmental Permit issued by the Environment Agency. That permit will contain conditions that require site operations to be compliant with the emissions limits set in the Industrial Emissions Directive. The permit will also require the operator to apply Best Available Techniques in carrying out activities at the site; those techniques include noise management, odour management, energy efficiency and resource efficiency</p> <p>The Air Quality Assessment supporting the application has been carried out following a methodology appropriate to that required in support of an application for an Environmental Permit. Whilst such an application would require additional detailed information, and validation, the conclusions drawn within the Air Quality Assessment are broadly in keeping with the level of emissions that we would expect from the type of facility proposed.</p> <p>The applicant is advised to contact the Environment Management team on 03708 506 506 or refer to guidance on our website <a href="http://www.environment-agency.gov.uk/subjects/waste">http://www.environment-agency.gov.uk/subjects/waste</a></p> |
| 2 | <p>The developer must apply the waste hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Duty of Care should be applied to all waste activities on site.</p> <p>If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from the Environment Agency. The Environment Agency are unable to specify what exactly would be required if anything, due to the limited amount of</p>  |

Development Service  
PO Box 634, Barnsley, S70 9FE

Telephone: 01226 - 772600  
Fax: 01226 - 772599

information provided.

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 permitted facility.

The applicant should read Technical Guidance Note 7.01 as the site has a high risk of fire due to the wastes stored on site, the quantity and the higher possible risks if the waste is not stored correctly. Further discussions will be made with the applicant when the permit application discussions begin.

The applicant is advised to contact the Environment Management team on 01709 312 712 or refer to guidance on their website <http://www.environment-agency.gov.uk/subjects/waste>

- 3 This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership, or control, of the applicant.

## **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**

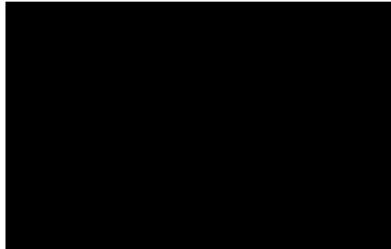
If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render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


IN WITNESS whereof the parties hereto have executed this Deed the day and year first before written

**EXECUTED** as a **DEED** (but not )  
delivered until the date hereof) by )  
**HARWORTH ESTATES** )  
**INVESTMENTS LIMITED** )  
acting by a director in the presence of: - )

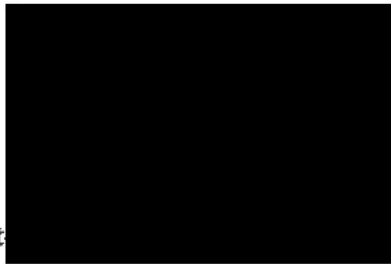


Director

Signature of witness.. 

Name (in Full)   
Address.....  
.....  
.....

**EXECUTED** as a **DEED** (but not )  
delivered until the date hereof) by )  
**HOUGHTON MAIN WASTE LIMITED** )  
acting by a director in the presence of: - )



Director

Signature of witness  .....

Name   
Address.....  
.....  
.....