



GOVERNMENT OFFICE  
FOR THE SOUTH WEST

Mr G Webber  
Planning Services  
Bath and North East Somerset Council  
Trimbridge House  
Trim Street  
BATH  
BA1 2DP

Planning & Housing Delivery Team  
2 Rivergate  
Temple Quay  
Bristol  
BS1 6EH  
tel: 0117 900 1871  
fax: 0117 900 1906

e-mail:  
[David.Jones@gosw.gsi.gov.uk](mailto:David.Jones@gosw.gsi.gov.uk)

Website: [www.gosw.gov.uk](http://www.gosw.gov.uk)

Our Ref: SW/THM/5227/8  
Your Ref: 07/01034 & 07/01044

Date: 6 August 2008

Dear Mr Webber

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77**  
**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)**  
**ORDER 1995**  
**TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES**  
**2000**  
**APPLICATIONS BY BATH TECHNOLOGY CENTRE LTD FOR**  
**(A) THE CONSTRUCTION OF SCHOOL BUILDING TO HOUSE DYSON SCHOOL**  
**OF DESIGN INNOVATION**  
**(B) LISTED BUILDING CONSENT FOR THE DEMOLITION OF ANCILLARY**  
**BUILDINGS AND PARTIAL DEMOLITION OF PRINCIPAL BUILDINGS AND**  
**WORKS OF ALTERATION**  
**– SOUTH QUAYS, LOWER BRISTOL ROAD, RIVERSIDE BUSINESS PARK,**  
**WESTMORELAND, BATH**

1. I am directed by the Secretary of State to refer to the above named planning application.
2. The Secretary of State's policy on call-ins is set out in Richard Caborn's statement of 16 June 1999 in reply to a Parliamentary Question tabled by Mr Bill Michie MP. Her policy is to be very selective about calling in planning applications. She will, in general only take this step if planning issues of more than local importance are involved. Having regard to this policy, the Secretary of State is of the opinion that the applications are ones that she ought to decide herself because she considers that the proposals may conflict with national policies on important matters. The Secretary of State accordingly directs, under her powers in section 77 of the 1990 Act, that the applications shall be referred to her instead of being dealt with by the Council.
3. To consider all the relevant aspects of the proposed development, the Secretary of State has decided to hold a local inquiry. For the purposes of the 2000 Rules this letter is the "relevant notice" that an inquiry is to be held and the date of this letter is the "starting date". All the arrangements for holding the inquiry will be made by the Planning Inspectorate in Bristol. They will write to you within the next few days to



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let you know the name and telephone number of the case officer who will handle these matters. Meanwhile, the original applications, together with any plans and other documents accompanying them which have not already been supplied to this Office (including any related certificates and correspondence) should now be sent to the following address -

The Planning Inspectorate  
4/03 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
BRISTOL BS1 6PN

4. On the information so far available to the Secretary of State, the following are matters which she particularly wishes to be informed about for the purposes of her consideration of the applications: -

(a) the extent to which the proposed development accords with the relevant policies and provisions of the current RSS (RPG 10), the draft RSS, and the adopted Bath and North East Somerset Local Plan.

(b) the extent to which the proposed development complies with Government policies in PPS25 on Development and Flood Risk, with particular regard to:-

i) Whether the application takes proper account of the flood risk and the consequences of flooding to the development and whether the development will increase flood risk elsewhere, in line with paragraphs 5,6 and 8 of PPS25;

ii) Whether the proposal is accompanied by a Flood Risk Assessment that assesses the risks of flooding to and from the development, in accordance with paragraphs 8, 10 and 12 and Annex E of PPS25;

iii) Whether the Sequential Test and the Exception Test set out in paragraphs 16 to 20 and Annex D of PPS25 has been applied and whether the sequential approach set out in paragraphs 6, 8, 14, Annex D and paragraph G6 of Annex G of PPS25 has been followed;

iv) Whether the development is safe for its intended use and occupants and its vulnerability to flooding is appropriate for its location, in accordance with paragraph 8, Annex D and Annex G of PPS25;

(c) the extent to which the proposed development complies with Government policies in PPG15 on Planning and the Historic Environment, with particular regard to:-

(i) The desirability of preserving a listed building and its setting or any features of special architecture or historic interest which it possesses;

(ii) the effect of the proposed development on the Bath World Heritage Site;



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- (d) whether any planning permission granted for the proposed development should be subject to any conditions and, if so, the form that these should take, having regard to the advice in DOE Circular 11/95, and in particular the tests in paragraph 14 of the Annex;
- (e) whether any planning permission granted should be accompanied by any planning obligations under section 106 of the 1990 Act and, if so, whether any proposed terms of such obligations are acceptable; and
- (f) Any other matters that the Inspector considers relevant.

5. This is to be taken as the Secretary of State's statement under rule 6(12) of the 2000 Rules.

6. In accordance with rule 6(1) and (2), the local planning authority shall ensure that two copies of a statement of case are received by the Secretary of State, and one copy has been received by any statutory party as defined in rule 2 ***within six weeks of the starting date (unless the Planning Inspectorate notifies you otherwise)***. Your attention is drawn to rule 6(11). The Secretary of State will comply with rule 6(4).

7. The statement of case should contain the full particulars of the case which you propose to put forward at the inquiry and a list of any documents to which you intend to refer or put in as evidence. If you are proposing to give evidence, or call another person to give evidence, at the inquiry by reading a written statement (i.e. proof of evidence), your attention is drawn to rule 13.

8. Your attention is drawn to rules 4 and 6(2), in particular to the requirement upon your Council to inform forthwith the Secretary of State of the names and addresses of any statutory parties.

9. Your attention is also drawn to the provisions in rule 14 of the 2000 Rules that the local planning authority and the applicant shall together prepare an agreed statement of common ground and ensure that a copy is received by the Secretary of State and by any statutory party not less than 4 weeks before the inquiry opens.

10. In pursuance of Article 14 of the 1995 Order, the Secretary of State hereby directs the Council not to grant planning permission, without specific authorisation, for any development which is the same kind as that which is the subject of the applications referred to above on any land which forms part of, or includes, the site to which the applications relates until the Secretary of State has issued her decision on this applications.

Yours sincerely



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*Tom King*

**TOM KING**

Authorised by the Secretary of State to sign in that behalf