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Council Offices
Vicarage Lane
Hailsham
East Sussex
BN27 2AX

DESCRIPTION AND LOCATION OF DEVELOPMENT

**ERECTION OF NEW SUBSTATION TO INCLUDE NEW 400kV GSP SUBSTATION OPERATED BY NATIONAL GRID, NEW 132kV SUBSTATION OPERATED BY UK POWER NETWORKS, SINGLE-STOREY SUBSTATION AMENITIES BUILDING TO HOUSE WELFARE FACILITIES AND SWITCHING ROOM, AUXILIARY ROOMS, WIDENING OF EXISTING BELLMOUTH TO PROVIDE PERMANENT ACCESS, INTERNAL ACCESS ROAD, ELECTRIC FENCE, PARKING AND ASSOCIATED LANDSCAPING.
LAND TO THE WEST OF CROCKSTEAD FARM, EASTBOURNE ROAD, HALLAND BN8 6PT**

With reference to the proposals set out in the application numbered as above and shown on the plans submitted therewith, Wealden District Council, in pursuance of powers under the Town and Country Planning Act 1990 (as amended), hereby **GRANTS PLANNING PERMISSION** for the said proposals, subject to the conditions stated below imposed for the reasons stated thereunder:-

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted.
STD4A

REASON: To meet the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding approved plans and documents, no development shall commence until details have been submitted to and approved in writing by the Local Planning Authority, to demonstrate that an agreement (deed of easement or reliable evidence of sufficient land rights being held to secure the effective surface water drainage of the site) is in place with the relevant landowner to ensure that surface water drainage outfall from the site can be established across third-party land and maintained for the lifetime of the development.

REASON: To ensure surface water drainage system can connect to the outfall indicated in the application documents, having regard to SPO9, SPO13 and WCS14 to the adopted Wealden Core Strategy Local Plan 2013, Saved Policy CS2 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 167 of the National Planning Policy Framework 2021. Details are sought prior to commencement of development to ensure that the surface water drainage, shown on submitted plans as having an outfall beyond the application site area, can be secured with for the lifetime of the development.

3. No development shall commence until a detailed surface water drainage system has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The drainage system shall incorporate the following:

- a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 2 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
- b. The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
- c. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- d. The detailed design of the surface water drainage features (underground tank) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed tank. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

REASON: In order to secure a satisfactory standard of development, having regard to SPO9, SPO13 and WCS14 to the adopted Wealden Core Strategy Local Plan 2013, Saved Policy CS2 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 167 of the National Planning Policy Framework 2021. Details are sought prior to commencement of development to ensure that detailed surface water drainage is designed for the lifetime of the development and so it can be incorporated into the construction.

4. A maintenance and management plan for the entire drainage system shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority, before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
 - a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

The drainage management plan shall remain in place for the lifetime of the development.

REASON: To ensure the satisfactory maintenance of un-adopted drainage systems in accordance with SPO9, SPO13 and WCS14 to the adopted Wealden Core Strategy Local Plan 2013, Saved Policy CS2 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 167 of the National Planning Policy Framework 2021. Details are sought prior to commencement of development to ensure that maintenance is incorporated into the detailed drainage designs.

5. No development shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority, in consultation with the County Council Archaeologist. The development shall be undertaken in accordance with the approved written scheme for the programme of archaeological works.

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of paragraphs 199 - 205 of the National Planning Policy Framework 2021. Details are required prior to commencement of development to enable any further evidence from any archaeological evaluation excavations to be assessed and suitable mitigation designed so that construction on site does not damage below ground archaeology.

6. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post – investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and submitted to and approved in writing by the Local Planning Authority in consultation with the County Archaeologist. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation.

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of paragraphs 199 – 203 of the National Planning Policy Framework 2021.

7. No development shall commence until a wildlife management has been submitted to an approved in writing by the local planning authority. The management plan shall include detailed proposals for the protection of bats, birds, reptiles, great crested newts, hazel dormice and badgers, water voles and otters and measures, including translocation if required, for the mitigation of any harm to them likely to be caused by the development. The works and other measures forming part of that plan shall be carried out in accordance with it.

REASON: To ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to SPO1, SPO2, WCS12 and WCS14 to the adopted Wealden Core Strategy Local Plan 2013, coupled with the requirements of paragraphs 174 and 180 of the National Planning Policy Framework 2021. Details are required prior to commencement of development so that measures take into account results of additional pre-construction ecology works recommended by the ecology reports submitted with the application.

8. No development shall commence for the development hereby approved until a scheme for the enhancement of the site for biodiversity purposes have been submitted to and approved in writing by the Local Planning Authority, in accordance with:

- Paragraph 4.2 of Water Vole and Otter Report date stamped 19 March 2021.
- Paragraph 4.2 of Reptile Report date stamped 19 March 2021.
- Paragraph 4.3 of Hazel Dormouse Report date stamped 19 March 2021.
- Paragraph 4.2 of Great Crested Newt Survey Report date stamped 19 March 2021.
- Paragraphs 4.2 and 4.3 of Breeding Bird Report date stamped 19 March 2021.
- Paragraph 4.3.2 of Badger Survey Report date stamped 19 March 2021.
- Paragraphs 5.3.1 - 5.3.4 of Bat Survey Report date stamped 19 March 2021.

Details shall include timescales for implementation and future management. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.

REASON: To ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to SPO1, SPO2, WCS12 and WCS14 to the adopted Wealden Core Strategy

Local Plan 2013, coupled with the requirements of paragraphs 174 and 180 of the National Planning Policy Framework 2021. Details are required prior to commencement of development so that measures take into account results of additional pre-construction ecology works recommended by the ecology reports submitted with the application.

9. Notwithstanding the details in the Stage 1 and 2 Arboricultural Impact Assessment Report date stamped 19 March 2021, before development commences a full Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority which shall include numbering and detailing of trees, confirming root protection areas, routing of service trenches, overhead services and carriageway positions and any details of no dig techniques along with associated use of geotextiles and an indication of the methodology for necessary ground treatments to deal with compacted areas of soil. The works shall be implemented in accordance with the approved details. TP05(M)

REASON: To preserve trees and hedges to be retained at the site in the interests of visual amenity and the character of the area, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 130, 174 and 180 of the National Planning Policy Framework 2021. Details are sought prior to commencement of development so that a detailed arboricultural method statement is compiled once construction details have been provided, having regard to paragraph 5.1.3 of the Stage 1 and 2 Arboricultural Report.

10. Notwithstanding the details of the Construction Management Plan submitted with the planning application, no development shall take place, including any ground works or works of demolition, until a revised detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. Thereafter the approved CTMP shall be implemented and adhered to in full throughout the entire construction period. The CTMP shall provide details as appropriate but not be restricted to the following matters:

- The anticipated number, frequency and types of vehicles used during construction including relating to excavation works, which need to avoid peak network times;
- A pre-construction condition survey of the surrounding highway network for the construction deliveries to the site;
- The method of access and egress and routing of vehicles during construction, including details for the abnormal loads;
- The parking of vehicles by site operatives and visitors and for delivery vehicles;
- A workers Travel Plan to include measures such as a minibus;
- The loading and unloading of plant, materials and waste;
- The storage of plant and materials used in construction of the development;
- The erection and maintenance of security hoarding;
- Details for members of public to contact which need displaying on hoarding/close to access point;
- The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- Details of public engagement both prior to and during construction works;
- Details of temporary signage;
- Details of contingency provision should the A22 road need to be closed at any time during construction.

REASON: In the interests of highway safety and the amenities of the area, having regard to Saved Policies TR3 and EN27 of the adopted Wealden Local Plan (1998), SPO12 and SPO13 of the adopted Wealden Core Strategy Local Plan (2013), and paragraphs 110 and 112 of the National Planning Policy Framework 2021. Details are required prior to

commencement of development to ensure that a construction traffic management plan is agreed in advance of works starting in order to provide appropriate controls are known and in place for this phase.

11. Notwithstanding the Outline Construction Environment Management Plan date stamped 19 March 2021, no development shall take place until a revised/detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide details as appropriate but not be restricted to the following matters:
- (i) Works to construct temporary hardening and surfacing of the site during construction;
 - (ii) The siting and design of the construction compound(s) including any structures/buildings, fencing, vehicle parking and storage, and of any concrete batching plant to be used in the construction of the development;
 - (iii) The deposition, grading and finishing (in relation to local landform and habitat) of soil and other natural materials not removed from the site during the construction works;
 - (iv) Pollution prevention measures to be adopted during the construction phase to ensure that suitable bunding is used around fuel tanks and that excavation/construction works do not harm local sewerage, groundwater supplies, surface water quality or the quality of subsoil;
 - (v) Construction mitigation and post-construction reinstatement measures;
 - (vi) Measures to control noise, dust and mud arising from the construction phase of the development, complying with guidance found in BS 5228 `Noise Vibration and Control on Construction and Open Sites` (or any subsequent equivalent guidance);
 - (vii) Measures to clean and maintain site entrances, and the adjacent public highway;
 - (viii) Temporary site illumination;
 - (ix) Arrangements for the disposal of waste and surplus materials;
 - (x) Wheel washing facilities;
 - (xi) Emergency procedures and pollution response plans;
 - (xii) A site environmental management plan with measures to be taken during the construction period to protect wildlife and habitats; and
 - (xiii) The timing and phasing of the above elements.
 - (xiv) Hours of construction.

Details in the CEMP shall take into account other details subject to pre-commencement approval required by this planning permission, and the CEMP shall be implemented in accordance with the approved details, for the duration of the construction works, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of protecting existing ecological and hydrological features in and surrounding the site, and in the interests of highway safety and residential amenity having regard to saved Policies EN1, EN27 and TR3 of the adopted Wealden Local Plan

(1998), SPO1, WCS12 and WCS14 of the adopted Wealden Core Strategy Local Plan 2013 and paragraphs 8, 110 - 112, 130, 174 and 185 of the National Planning Policy Framework 2021. Details are required prior to commencement of development to ensure that a construction management plan is agreed in advance of works starting in order to provide appropriate controls for this phase.

12. Prior to commencement of the development, details of measures to reduce the size of the access onto the C26 Eastbourne Road, post-construction in the form of removable furniture shall be submitted to and approved by the Planning Authority in consultation with the Highway Authority. The approved details shall be implemented within 3 months of the completion of the development or first use of the substation whichever is sooner.

REASON: Details are sought prior to commencement of development so that measures to reduce the width of the access post-construction are taken into account in detailed construction design, and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway upon completion of the development, having regard to Saved Policies EN27 and TR3 of the adopted Wealden Local Plan (1998), SPO12 and SPO13 of the adopted Wealden Core Strategy Local Plan (2013), and paragraphs 110 – 112 and 130 of the National Planning Policy Framework 2021.

13. The re-constructed means of access from the C26 Eastbourne Road shall be in the position shown on drawing numbered PDD-33800 -LAY-307 Revision 2 date stamped 19 March 2021. Prior to the construction of the access, details of the layout and specification of the access construction, including details of levels and surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to Saved Policy TR3 of the adopted Wealden Local Plan (1998), SPO12 and SPO13 of the adopted Wealden Core Strategy Local Plan (2013), and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

14. Notwithstanding the details of drawings numbered PDD-33800 -LAY-312 (sheet 1 of 2) and PDD-33800 -LAY-312 (sheet 2 of 2), date stamped 20 September 2021, before preparation of any groundworks and foundations on site for the development hereby approved, full details of earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation (including tree and hedgerow protection measures) and surrounding landform, and including details / elevations of embankment(s)/retaining walls to the northern perimeter of the site. The development shall be carried out in accordance with the approved details. LA07(M)

REASON: To ensure a satisfactory landform on the interests of visual amenity within the locality in accordance with SPO1, SPO13 and WCS14 to the adopted Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 130, 174 and 180 of the National Planning Policy Framework 2021.

15. Notwithstanding the details on drawing number PDD-33800-ELE-304 rev 2 date stamped 19 March 2021, before works above ground to erect electricity substation equipment within the UKPN compound, drawings confirming the height of the 132kV cable sealing ends, disconnectors and busbars between the north and south ends, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: For the avoidance of doubt and the interest of securing appropriate finish to the development, having regard to Saved Policy EN27 of the adopted Wealden Local Plan (1998), SPO13 of the adopted Wealden Core Strategy (2013), and the NPPF 2021.

16. Before any substation electricity equipment is erected above ground, details of hard and soft landscaping within the site shall be submitted to and approved in writing by the local planning authority. The details shall include details of hard surface finishes, existing trees and hedgerows to be retained (and measures for their protection) and the soft landscaping details shall include planting plans, written specifications, schedules of plants (noting species, which should be indigenous), planting sizes and proposed density.

All planting and seeding and/or turfing comprising the approved details landscaping shall be carried out in the first planting season following either substantial completion of the development or the development first being brought into use, whichever is the sooner.

Any trees, shrubs or plants which within a period of five years of the completion of the development die, 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 interest of visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO13 and WCS14 to the adopted Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of paragraphs 130 and 174 of the National Planning Policy Framework 2021.

17. No part of the development shall be brought into use until visibility splays of 2.4 metres by 80 metres to the south-west and 2.4m by 215m to the north-east have been provided at the proposed site vehicular access onto Eastbourne Road [C26] in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 800mm.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to Saved Policy TR3 of the adopted Wealden Local Plan (1998), SPO12 and SPO13 of the adopted Wealden Core Strategy Local Plan (2013), and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

18. A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use and the landscape management shall be carried out in accordance with the approved plan over the period specified. LA09(M)

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO1, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of paragraphs 130 and 174 of the National Planning Policy Framework 2021.

19. The development, post-construction, shall not be brought into use until vehicle parking and turning areas have been provided in accordance with details which have first been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to Saved Policies TR3 and TR16 of the

adopted Wealden Local Plan (1998), SPO12 and SPO13 of the adopted Wealden Core Strategy Local Plan (2013), and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

20. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter. EL02

REASON: To preserve the rural and residential amenities of the locality having regard to SPO1, SPO13, WCS12 and WCS14 to the adopted Wealden Core Strategy Local Plan 2013, Saved Policies EN1, EN8 and EN29 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 174, 180 and 185 of the National Planning Policy Framework 2021.

21. This planning decision relates solely to the information contained within the application form, the following plans and documents:

Ref.	Date Stamped.	STN4
PDD-33800 -LAY-300 Rev.11	19 March 2021	
PDD-33800 -LAY-302 Rev.8	15 April 2021	
PDD-33800 -ELE-304 (sheet 1 of 2) Rev.2	19 March 2021	
PDD-33800 -ELE-304 (sheet 2 of 2) Rev.2	19 March 2021	
PDD-33800 -LAY-305 Rev.1	19 March 2021	
PDD-33800 -LAY-305 (sheet 1 of 3) Rev.2	15 April 2021	
PDD-33800 -LAY-305 (sheet 2 of 3) Rev.2	15 April 2021	
PDD-33800 -LAY-305 (sheet 3 of 3) Rev.2	15 April 2021	
PDD-33800 -LAY-306 Rev.2	19 March 2021	
PDD-33800 -ELE-311 Rev.0	19 March 2021	
PDD-33800 -LAY-312 (sheet 1 of 2)	20 September 2021	
PDD-33800 -LAY-312 (sheet 2 of 2)	20 September 2021	
PDD-33800 -LAY-307 Rev. 2	19 March 2021	
P622537_05_02 Rev. A	19 March 2021	
19-984.TC01	20 August 2021	
Planning, Design and Access Statement	15 April 2021	
Ground Investigation Report	15 April 2021	
Revision of Ground Gas Risk Assessment	20 August 2021	
Historic Environment Desk-Based Assessment	19 March 2021	
Transport Statement	15 April 2021	
Outline Construction Environmental Management Plan	19 March 2021	
EMF Assessment for proposed 400kv substation	19 March 2021	
Operational Noise Assessment for the Proposed	19 March 2021	
Landscape & Visual Appraisal	19 March 2021	
Landscape & Visual Appraisal Addendum	26 August 2021	
Flood Risk Assessment & Drainage Strategy	19 March 2021	
Stage 1 and 2 Arboricultural Impact Assessment Report	19 March 2021	
Preliminary Ecological Appraisal	15 April 2021	
Water Vole and Otter Report	19 March 2021	
Reptile Survey Report	19 March 2021	
Hazel Dormouse Report	19 March 2021	
Great Crested Newt Survey Report	19 March 2021	
Breeding Bird Report	19 March 2021	
Phase 2 botany and NVC Report	19 March 2021	
Bat Survey Report	19 March 2021	
Badger Activity and Bait Marking Survey Report	19 March 2021	
Aquatic Walkover Report	19 March 2021	

REASON: For the avoidance of doubt.

The Local Planning Authority's reasons for its decision to grant planning permission are set out in the officer's report which can be viewed on the Council's website at www.planning.wealden.gov.uk

NOTE: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

NOTE 1: The Local Highway This Authority's requirements associated with this development proposal will need to be secured through a 171/278 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

NOTE 2: Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense. The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980 to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence this process.

NOTE TO APPLICANT: The applicant is advised that the erection of temporary directional signage should be agreed with East Sussex Highways (01345 6080193) prior to any signage being installed.

NOTE TO APPLICANT: The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.

NOTE: Your attention is drawn to the requirements of the Building Act 1984 for the deposit of Plans under the Building Regulations and associated legislation.
ACCESS FOR FIRE BRIGADE: Your attention is hereby drawn to the provisions of Section 35 of the East Sussex Act 1981.

DISCHARGE OF CONDITIONS: It is advised that under The Town and Country Planning Act 1990, the Council has up to 8 weeks from the date of an application to discharge any condition(s) and advise the applicant of the Council's decision. This information should be submitted using the '[Approval of Details Reserved by Condition' Form](#) which can be downloaded from the Council's website. Please note there is also a fee payable for this type of application.

IMPORTANT: See Notes overleaf
DATE OF ISSUE: 12 November 2021

A handwritten signature in black ink, appearing to read 'Stacey Robins', with a stylized, cursive script.

Stacey Robins
Head of Planning & Environmental Services

Application No. WD/2021/0733/MAJ

NOTES

Appeals to the Secretary of State

- If the Applicant is aggrieved by the decision of the Local Planning Authority (LPA) to refuse permission for the proposed development or to grant it subject to conditions, then an appeal may be lodged with The Planning Inspectorate (PINS) under Section 78 of the Town and Country Planning Act 1990.
- Appeals must be made on a form which is obtainable from:
The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN
Tel. No. 0303 444 5000
www.gov.uk/appeal-planning-inspectorate

Appeal Timescales

- Householder planning application or minor commercial application:

12 weeks from the date on the decision notice

However, if an enforcement notice has been served for the same or very similar development the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 12 weeks).

NB – if the LPA have failed to determine the householder planning application, or for an appeal against the grant of permission subject to conditions, please follow the time limits under “Planning application” below.

- Planning application:

6 months from the date on the decision notice, or

6 months from the expiry of the period which the LPA had to determine the application.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If a longer period has been agreed with the LPA, the time limit runs from that date.

Further information

- The Planning Inspectorate has discretionary power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice to appeal.
- The Planning Inspectorate is not required to entertain an appeal if it appears 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.
- The Planning Inspectorate does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction issued by the Secretary of State.

Purchase Notices

- If either the LPA or Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the land has become incapable of reasonably beneficial use in its existing state nor rendered 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 District Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.