

TOWN AND COUNTRY PLANNING ACT 1990

Full planning permission

APPLICATION NO: PA/2023/502

Address/Agent:

Michael Jones
Fairhurst Group LLP
1 Argrove Court
Barrack Road
NEWCASTLE UPON TYNE
ND4 6DB

Applicant: Mr Richard Cram, Able UK Ltd

North Lincolnshire Council hereby gives notice that the application received on 23/03/2023 for:

Full planning permission for enabling works on land east of Rosper Road, Killingholme comprising: regrading of land with general fill and raising site levels with imported fill; installation of ground drainage as required; installation of boundary fencing; widening of Marsh Lane (vertical alignment to be retained) and construction of new footpath - hedge to be replaced north of road widening; upgrades at junction of Marsh Lane with Rosper Road, including extending a drainage culvert; diversion of a section of Station Road and construction of new road; new ditch culvert under Marsh Lane; five new entrances to proposed sites to be created; demolition of buildings; construction of new 33kV substation; new drainage ditch/diversion and new ditch crossings; bridge crossings of existing over ground pipelines; diversion to existing Exolum underground pipeline; and construction of new rail sidings on land at Marsh Lane, South Killingholme

and the environmental assessment which accompanied it, have been considered and that permission for this development in accordance with the plans and written particulars submitted has been granted subject to the following conditions and reasons:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved documents and plans:

- Environmental Statement dated March 2023
- Site Location Plan - AHP/022-00001 Rev B
- Proposed Layout - AHP-022-00003 Rev C

**North
Lincolnshire
Council**

- Indicative Proposed Levels - AHP-022-00004 Rev B
- Diversion of Existing Buried Pipeline - AHP-022-00005 Rev B
- Proposed Crossings of Overground Pipeline - AHP-022-00006 Rev B
- Proposed Widening of Marsh Lane - AHP-022-00007 Rev A
- Proposed 33kV Substation - AHP-022-00008 Rev A
- Rail Siding Layout Proposal - AHP-022-00009 Rev A
- Building K1A Layout to be Demolished - AHP00010 Rev A
- Building K1B Layout to be Demolished - AHP00011 Rev A
- Station House and Offices to be Demolished - AHP-022-00012 Rev A.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

Prior to any development above damp proof course (DPC), details shall be submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials to be used in the construction of the substation building and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale, and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;

- groundwaters and surface waters;
- ecological systems;

(iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance April 2021.

Part 2: Submission of remediation scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of approved remediation scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure the site is safe for future users and construction workers in accordance with policy DS7 of the North Lincolnshire Local Plan.

5.

No part of the approved development shall commence until a construction environmental management plan (CEMP), for that part, has been submitted to and

approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details. The CEMP shall include the following, and all recommendations made in report reference: MJ/DW/138434/508 as a minimum:

Noise and vibration:

- (i) the works, and the method by which they are to be carried out;
- (ii) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits;
- (iii) additional noise measures to be employed to minimise noise and disturbance to residential properties on Marsh Lane during 'Phase 2' of the enabling works within Area P; and
- (iv) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light:

- (i) specified locations for contractors' compounds and materials storage areas;
- (ii) areas where lighting will be required for health and safety purposes;
- (iii) the location of potential temporary floodlights;
- (iv) the identification of sensitive receptors likely to be impacted upon by light nuisance;
- (v) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust:

- (i) site dust monitoring, recording and complaint investigation procedures;
- (ii) the identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (iii) the provision of water to the site;
- (iv) dust mitigation techniques at all stages of development;
- (v) the prevention of dust trackout;
- (vi) communication with residents and other receptors;
- (vii) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;

(viii) a 'no burning of waste' policy.

Water environment:

- (i) detailed methodologies and monitoring requirements of the mitigation measures set out in Chapter 11 of the submitted Environmental Statement to protect against pollution of the water environment during construction.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan and prevent pollution of the water environment in accordance with policies DS11 and DS15 of the North Lincolnshire Local Plan.

6.

Prior to any demolition works taking place, an asbestos survey shall be undertaken, and submitted to and approved in writing by the local planning authority. This survey shall identify the location, type and amount of asbestos-containing material, and a proposal for managing and disposing of any asbestos identified. Once agreed the proposals for managing and disposing of asbestos shall be implemented during demolition works.

Reason

To ensure the site is safe for future users and construction workers.

7.

Construction, demolition and site clearance operations shall be limited to the following days and hours:

- Between 1 October each year and 31 March the following year:
 - 8am to 6pm Monday to Friday
 - 8am to 1pm on Saturdays
- Between 1 April and 30 September during the calendar year:
 - 7am to 7pm Monday to Friday
 - 7am to 3pm on Saturdays.

There shall be no construction, demolition or site clearance operations on Sundays or public holidays, nor any installation of construction plant or machinery on site outside these hours without prior written approval from the local planning authority.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning

authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on the current national guidance) will not exceed the run-off from the existing site.

It shall also include details of timings for the implementation of the drainage scheme and how the resulting completed scheme is to be maintained and managed for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

9.

The drainage scheme shall be implemented in accordance with the approved submitted details and timings required by condition 8 above, and shall thereafter be retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

10.

No land raising shall take place on site until such time as the Killingholme Marsh pumping station and associated drainage works are completed and fully operational.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

11.

No land raising shall commence until full details of the fill material to be used on site have been submitted to and approved by the local planning authority. Only clean previously unused (virgin) aggregate or aggregate which has met the recovery standards outlined in the WRAP Quality Protocol, or the Definition of Waste:

Development Industry Code of Practice, shall be deposited on site unless an appropriate environmental permit for the deposit of waste material is in place.

Reason

To protect the environment and ensure the development complies with policy CS18 of the North Lincolnshire Core Strategy.

12.

Prior to any works associated with the widening of Marsh Lane or the improvement of the Marsh Lane/Rosper Road junction taking place, temporary diversion routes shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority. This shall include the temporary diversion of Public Footpath 100. The temporary diversion routes shall be retained until such time as Marsh Lane is re-opened to the public.

Reason

To ensure that access is maintained for local residents, businesses and walkers during construction works.

13.

Prior to the commencement of works in Area P as defined on Drawing No. AHP-022-00003 Revision C (Site Layout), all works along Marsh Lane and at the junction with Rosper Road shall have been completed in accordance with details that have been submitted to and agreed in writing by the local planning authority. These details shall include the layout of the works, method of construction and drainage.

Reason

In the interests of highway safety in accordance with policy T2 of the North Lincolnshire Local Plan.

14.

No development shall take place until details of pre- and post-construction carriageway condition surveys for Rosper Road have been submitted to and approved in writing by the local planning authority. These details shall include the proposed survey methodology and the process for agreeing and completing any necessary remedial works. Once agreed, the surveys and any necessary remedial works shall be completed in accordance with the approved details.

Reason

In the interests of highway safety in accordance with policy T2 of the North Lincolnshire Local Plan.

15.

The development hereby permitted shall take place in accordance with the submitted Construction Site Traffic Management Plan, dated March 2023. The plan shall be reviewed and amended as necessary throughout the construction period. Any changes to the approved plan shall be submitted to and agreed in writing by the local planning authority.

Reason

In the interests of highway safety in accordance with policy T2 of the North Lincolnshire Local Plan.

16.

No works shall commence until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and these facilities shall be retained for the duration of the works.

Reason

In the interests of highway safety in accordance with policy T2 of the North Lincolnshire Local Plan.

17.

Development of the rail siding shall not commence until a construction methodology has been submitted to and, following consultation with Network Rail, approved in writing by the local planning authority. The development shall be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the local planning authority.

Reason

To ensure that the proposed development does not impact on the safety, operational needs or integrity of the adjacent railway.

18.

No development shall take place until the applicant or their successors in title has commissioned and secured the implementation of the approved Written Scheme of Investigation (WSI) for a programme of archaeological mitigation (Document No: ACW1502/1/1/ rev 1 dated 25 August 2023), and until they have submitted the appointed archaeological contractor's detailed project designs and updates specified in the WSI to the local planning authority for their written approval prior to implementation. The project designs will include details of the following:

- (i) measures to ensure the preservation by record of archaeological and palaeoenvironmental remains
- (ii) methodologies for the recording and recovery of archaeological and palaeoenvironmental remains, including artefacts and ecofacts
- (iii) methodologies for the recording of the historic agricultural building
- (iv) post-fieldwork processes for preparation of assessment reports, updated project designs and analyses
- (v) report contents and arrangements for dissemination, and publication proposals
- (vi) archive preparation and deposition with recognised repositories, including the digital archive with the ADS
- (vii) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the mitigation WSI

- (viii) arrangements to notify the North Lincolnshire Historic Environment Officer of the commencement of archaeological works at least 10 working days before commencement and a schedule of visits to monitor such works
- (ix) a list of all staff involved in the implementation of the WSI, including sub-contractors and specialists, their responsibilities, and qualifications.

Reason

To preserve by record any archaeological remains identified within the site in accordance with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and saved policy HE9 of the North Lincolnshire Local Plan.

19.

The applicant shall notify the HER and local planning authority in writing of the intention to commence each stage of the archaeological site works referred to in the mitigation WSI at least 10 days before commencement. Thereafter, the archaeological programmes shall be carried out in accordance with the details and timings in the approved project designs. The development shall not become operational until the post-excavation assessment has been completed and any further analysis commissioned, including provision for the publication and dissemination of results and archive deposition.

Reason

To preserve by record any archaeological remains within the development site in accordance with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and saved policy HE9 of the North Lincolnshire Local Plan.

20.

A copy of any analysis, reporting, publication, or archiving required as part of the approved mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record and the archive at the North Lincolnshire Museum within 18 months of the commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

Reason

To preserve by record any archaeological remains within the development site in accordance with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and saved policy HE9 of the North Lincolnshire Local Plan.

21.

Habitat management measures shall be carried out at Halton Marshes Wet Grassland strictly in accordance with the following submitted documents when the stated trigger points apply or limits of acceptable change are not met:

- The Terrestrial Environmental Management and Monitoring Plan approved in accordance with Schedule 11 Requirement 19(3) of the Able Marine Energy Park Development Consent Order

- Cutts ND, 2022. Halton Marshes Wet Grassland: Site Improvement Plan. Cutts & Hemingway Estuarine Ecology and Management Ltd. (CHEEM), UK. Report to Able UK Ltd; Document No. CHEEM027-D-22. Version dated 01 June 2022.

The following target from Document ref: DS.ALP-ALP.AH.D18-022 shall not apply:

- Soil moisture content greater than 100% of dry weight on average in each month from July to March.

Within 6 months of the completion of the development hereby approved the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the above documents.

Reason

To protect features of the Humber Estuary SPA and Ramsar site in accordance with policies CS17 of the North Lincolnshire Core Strategy, SHBE-1 of the Housing and Employment Land Allocations DPD, and LC1 and LC2 of the North Lincolnshire Local Plan.

22.

Works in the following areas shall only be carried out between the months of March and September inclusive within any calendar year, unless a waterbird and construction method statement has been agreed in writing with the local planning authority:

- (A) In Area P within 150 metres of the 'Existing ditch to be infilled' on submitted drawing number AHP-022-00003 revision C
- (B) Within 150 metres of the southern edge of the carriageway of Marsh Lane.

The submitted waterbird and construction method statement must include the following:

- (i) details of measures that shall be put in place to avoid impacts upon waterbirds from noise or visual disturbance
- (ii) a programme of construction noise and visual disturbance monitoring and bird disturbance studies to be carried out with results to be submitted to the local planning authority weekly for the duration of site works
- (iii) details of thresholds for disturbance and/or displacement of waterbirds that shall trigger amendment of working methods in response to monitoring results
- (iv) details of the means by which amended sensitive working methods shall be agreed with the local planning authority
- (v) details of measures to control construction-phase light pollution.

Reason

To protect features of the Humber Estuary SPA and Ramsar site in accordance with policies CS17 of the North Lincolnshire Core Strategy, SHBE-1 of the Housing and

Employment Land Allocations DPD, and LC1 and LC2 of the North Lincolnshire Local Plan.

23.

All works carried out between October and February inclusive in the following areas shall be carried out strictly in accordance with the agreed waterbird and construction method statement unless otherwise agreed in writing by the local planning authority:

- (A) In Area P within 150 metres of the “Existing ditch to be infilled” on submitted drawing number AHP-022-00003 revision C;
- (B) Within 150 metres of the southern edge of the carriageway of Marsh Lane.

Prior to the completion of the approved development, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the waterbird and construction method statement.

Reason

To protect features of the Humber Estuary SPA and Ramsar site in accordance with policies CS17 of the North Lincolnshire Core Strategy, SHBE-1 of the Housing and Employment Land Allocations DPD and LC1 and LC2 of the North Lincolnshire Local plan

24.

No development shall take place until a Species Protection Plan (SPP) has been submitted to and approved in writing by the local planning authority. The SPP shall include details of measures to avoid harm to badgers, bats, hedgehogs, water voles and nesting birds during vegetation clearance and construction works. Development shall be carried out only in accordance with the SPP so approved.

Reason

To conserve protected and priority species in accordance with saved policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

25.

No development affecting a protected species shall commence until the local planning authority has been provided with either:

- (a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead; or
- (b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

To conserve great crested newts in accordance with saved policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

26.

Prior to the commencement of development, the applicant or their successor in title shall submit a biodiversity metric assessment, baseline habitat map, post-

development habitat map and biodiversity net gain plan to the local planning authority, in accordance with the submitted application, for approval in writing. The documents shall include:

- (a) the full Statutory Biodiversity Metric spreadsheet (not extracts or a pdf version), to include the start page, tree helper and sheets A1-A3, B1-B3, C1-C3, D1-D3, E1-E3 and F1-F3 where required to describe and assess the baseline and post-development elements of the project;
- (b) condition assessments of baseline and proposed habitats, noting which criteria are (or are projected to be) passed and which are not;
- (c) assessors' notes on any assumptions made in the metric;
- (d) Explanation of any metric errors or cells where extra attention is required;
- (e) baseline and proposed habitat maps;
- (f) a biodiversity net gain plan with management and monitoring prescriptions for at least 30 years;
- (g) details of biodiversity units to be delivered on site;
- (h) details of biodiversity units to be delivered off site at Halton Marshes Wet Grassland, taking into account biodiversity units required for planning permission PA/2021/1525 or other developments.

The approved biodiversity net gain plan will be implemented in accordance with the approved details.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

27.

No development shall take place until proposals for on- and off-site landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity and to comply with policy LC20 of the North Lincolnshire Local Plan.

28.

All the approved landscaping shall be carried out within 12 months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To enhance the appearance of the development in the interests of amenity and to comply with policy LC20 of the North Lincolnshire Local Plan.

29.

Prior to development commencing, a detailed programme of construction shall be submitted to and, following consultation with National Highways, agreed in writing by the local planning authority.

Reason

So that future construction can be accommodated and coordinated on the Strategic Road Network within the area.

30.

Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority to the proposed piling methodology. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed piling does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and policy CS18 of the North Lincolnshire Core Strategy.

Dated: 11 September 2024

Signed:



Rebecca Leggott
Development Management Lead

Informatives

1.

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

2.

There are known to be a number of pipelines in the immediate area which have the potential to be impacted by the proposed development. The applicant's attention is directed to the consultation response from Phillips 66 Ltd which provides further details in respect of existing infrastructure in the vicinity of the application site and of the relevant legislation protecting this infrastructure. The applicant is advised to make contact with these bodies to ensure all relevant legislation is complied with during construction of the approved development.

3.

The site lies with the Internal Drainage Board area of jurisdiction. The development site is bounded by watercourses (Internal Drainage Board maintained and riparian). An easement adjacent to the watercourse may need to be provided for future maintenance. Please refer to North Lincolnshire Council's 'Guide to Watercourses and Riparian Ownership' detailing riparian rights and responsibilities. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

4.

Alterations and/or connections into the above watercourse network must be consented the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

5.

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

6.

The widening work to Marsh Lane and junction improvements at Rosper Road/Marsh Lane will need to be undertaken via a S278 agreement with North Lincolnshire Council. This will need to have been agreed, signed and sealed prior to work starting on these elements.

WARNING

THIS DOCUMENT DOES NOT CONSTITUTE ANY APPROVAL
UNDER THE BUILDING REGULATIONS

WARNING

This is a PLANNING PERMISSION ONLY. It does NOT convey any approval or consent required under any enactment, byelaw, order or regulation other than those referred to in the heading of this notice. It is IMPORTANT that you should read the notes concerning APPEALS below.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

Please note however:

If your application was for **householder development** (dwelling house extensions, alterations, garages, swimming pools, walls, fences, vehicular access, porches, satellite dishes etc) or for a minor commercial application then you must do so **within 12 weeks** of the date of this notice.

- Appeals can be made online at <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- 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 they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#)

Purchase Notices

- If either the local planning authority or the Secretary of State 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 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 V1 of the Town and Country Planning Act 1990.