

**APPLICATION NUMBER: WSCC/052/20  
REGULATION 3**

**TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
REGULATIONS 2017**

To: WSP  
Aldermay House  
10-15 Queen Street  
London  
EC4N 1TX

In pursuance of their powers under the above mentioned Act and Orders, West Sussex County Council hereby notify you that they **PERMIT** the following development:

**Construction of a single carriageway with shared cycleway / footway, roundabouts, road markings, traffic signals, bus stops, provision of hard and soft landscaping, construction of a substation building, installation of a noise barrier, and other associated works at Land to the north of Eastergate and north-west of Barnham, PO22 0DF**

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions) submitted to this Council on 28 October 2020 and subject to the conditions specified hereunder:

**GENERAL CONDITIONS**

**Commencement**

1. The development hereby permitted shall 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*

**Approved Plans**

2. The development shall not take place other than in accordance with the approved plans:
  - Site Boundary Plan (Ref. A29-CAP-HPN-00-DR-C-0174 Rev P05);
  - Site Plan Sheet 1 of 5 (Ref. A29-CAP-HPN-00-DR-C-0132 Rev P07);
  - Site Plan Sheet 2 of 5 (Ref. A29-CAP-HPN-00-DR-C-0133 Rev P08);
  - Site Plan Sheet 3 of 5 (Ref. A29-CAP-HPN-00-DR-C-0134 Rev P07);
  - Site Plan Sheet 4 of 5 (Ref. A29-CAP-HPN-00-DR-C-0135 Rev P08);
  - Site Plan Sheet 5 of 5 (Ref. A29-CAP-HPN-00-DR-C-0136 Rev P07);
  - Proposed SSE Substation Layout and Cross Sections (Ref. A29-CAP-HPN-00-DR-C-0235 Rev P02);

Date ..... **30 June 2021** ..... Signed: **Michael Elkington**, Head of Planning Services

**IT IS IMPORTANT THAT YOU READ THE NOTES IN APPENDIX A**

**CONTINUATION SHEET**

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- Plan and Profile Sheet 1 of 4 (Ref. A29-CAP-HPN-00-DR-C-0175 Rev P05);
- Plan and Profile Sheet 2 of 4 (Ref. A29-CAP-HPN-00-DR-C-0176 Rev P04);
- Plan and Profile Sheet 3 of 4 (Ref. A29-CAP-HPN-00-DR-C-0177 Rev P04);
- Plan and Profile Sheet 4 of 4 (Ref. A29-CAP-HPN-00-DR-C-0178 Rev P05);
- Pond 4 Access Track Plan and Profile (Ref. A29-CAP-HPN-00-DR-C-0243 Rev P02);
- Cross Sections Sheet 1 of 3 (Ref. A29-CAP-HPN-00-DR-C-0180 Rev P08);
- Cross Sections Sheet 2 of 3 (Ref. A29-CAP-HPN-00-DR-C-0181 Rev P08);
- Cross Sections Sheet 3 of 3 (Ref. A29-CAP-HPN-00-DR-C-0182 Rev P09);
- Fontwell Avenue Roundabout Cross Section Sheet 1 of 2 (Ref. A29-CAP-HPN-00-DR-C-0236 Rev P03);
- Barnham Road Roundabout Cross Section Sheet 2 of 2 (Ref. A29-CAP-HPN-00-DR-C-0237 Rev P03);
- Site Clearance Layout Sheet 1 of 5 (Ref. A29-CAP-HPN-00-DR-C-246 Rev P01);
- Site Clearance Layout Sheet 2 of 5 (Ref. A29-CAP-HPN-00-DR-C-0247 Rev P01);
- Site Clearance Layout Sheet 3 of 5 (Ref. A29-CAP-HPN-00-DR-C-0248 Rev P01);
- Site Clearance Layout Sheet 4 of 5 (Ref. A29-CAP-HPN-00-DR-C-0249 Rev P01);
- Site Clearance Layout Sheet 5 of 5 (Ref. A29-CAP-HPN-00-DR-C-0250 Rev P01);
- Infiltration Pond 2 (Ref. A29-CAP-HPN-00-DR-D-0240 Rev P02);
- Attenuation Pond 3 (Ref. A29-CAP-HPN-00-DR-D-0241 Rev P02);
- Attenuation Pond 4 (Ref. A29-CAP-HPN-00-DR-D-0242 Rev P02);
- Drainage Strategy Layout (Ref. A29-CAP-HPN-00-DR-C-0047 Rev P11);
- Drainage Strategy (Ref. A29-CAP-HDG-00-AN-D-0052-S3-P05);
- SuDS Management Train (Ref. A29-CAP-HDG-00-AN-D-0058 Rev S3-P04);
- Bus Stop Locations (Ref. A29-CAP-HPN-00-DR-C-0252 Rev P01);
- Proposed Elevations Acoustic Barrier Sheet 1 of 2 (Ref. A29-CAP-HPN-00-DR-C-0183 Rev P06);
- Proposed Elevations Acoustic Barrier Sheet 2 of 2 (Ref. A29-CAP-HPN-00-DR-C-0184 Rev P06);
- Fencing Layout Sheet 1 of 5 (Ref. A29-CAP-HPN-00-DR-C-0258 Rev P01);
- Fencing Layout Sheet 2 of 5 (Ref. A29-CAP-HPN-00-DR-C-0259 Rev P01);
- Fencing Layout Sheet 3 of 5 (Ref. A29-CAP-HPN-00-DR-C-0260 Rev P01);
- Fencing Layout Sheet 4 of 5 (Ref. A29-CAP-HPN-00-DR-C-0261 Rev P01);
- Fencing Layout Sheet 5 of 5 (Ref. A29-CAP-HPN-00-DR-C-0262 Rev P01);
- Steel Single Field Gate (Ref. H17 Rev B – May 04);
- Attachment of Wire Mesh to Fencing (Ref. H46 Rev A – May 01);
- Accommodation Works Wooden Post and 3 Rail Fences (Ref. H15 Rev D – May 04);
- Motorway and Accommodation Works Timber Post and 4 (or 5) Rail Fences (Ref. H3 Rev D – May 04);

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- Outline Construction Compound Plan (Ref. A29-CAP-HPN-00-DR-C-0245 Rev P01);
- Proposed Landscape (Ref. A29-CAP-HPN-00-DR-C-0239 Rev P03);
- Landscape Planting and Seeding Layout Plant Schedules (Ref. A29-CAP-HPN-00-DR-L-0251 Rev P02); and

supporting information contained within the Planning Statement (Revised Planning Statement 70079718 V03 dated May 2021), save as varied by the conditions hereafter.

*Reason: To secure a satisfactory development in accordance with the details considered in approving it.*

**PRE-COMMENCEMENT CONDITIONS**

**Construction Environmental Management Plan (CEMP)**

3. No development shall be carried out until an updated Construction Environmental Management Plan – CEMP (in general accordance with the submitted Outline Construction Environmental Management Plan - Ref. 70079718 V04 dated April 2021) has been submitted to and approved in writing by the County Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period.

The CEMP shall address the environmental management of the construction works and describe how construction activities will be managed in accordance with relevant standards and best practice to safeguard the environment and mitigate the effects of construction works. It shall incorporate all Environmental Action/Mitigation and Construction Monitoring measures as set out in Table 5-2 of the Outline Construction Environmental Management Plan (Ref. 70079718 V04 dated April 2021), all identified Secondary Mitigation measures for the CEMP as set out in Table 15-1 of Chapter 15 of the Environmental Statement, and all Species Specific Mitigation as set out in the Outline Ecological Management Plan (Ref. 7006779 dated April 2021).

Further, it shall include, but not be limited to, the following:

- An indicative programme for carrying out of the works;
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for any foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- The provision of temporary contractors' compounds, including details of their location, use, layout, and any temporary buildings required;
- Hours of working, including permitted times for deliveries;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding;

Date ..... **30 June 2021** ..... Signed: **Michael Elkington**, Head of Planning Services

**CONTINUATION SHEET**

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- Measures to control the emission of dust and dirt during construction;
- A scheme for managing waste resulting from demolition and construction works i.e. no burning permitted;
- Provision for all works to be carried out under the supervision of an Environmental Clerk of works, Ecological Clerk of Works, Project Arboriculturalist and provide for the appointment of a Public Liaison Officer and specify their respective roles and responsibilities;
- PROW management to include full details of any temporary crossing arrangements and provision reinstatement in consultation with the WSCC PROW team;
- Construction Phase Drainage Strategy;
- Geotechnical Investigations and remediation strategy; and
- Precautionary Method of works (PMoW for Bats/birds/reptiles/invertebrates – protected and notable species.

*Reason: To ensure any impact of construction works are, as far as possible, minimised and mitigated in accordance with the submitted Environmental Impact Assessment, in the interests of the amenities and environment of the locality and to avoid the potential for pollution of land/water.*

**Construction Traffic Management Plan (CTMP)**

4. No development shall be carried out until a Construction Traffic Management Plan (CTMP), has been submitted to and approved in writing by the County Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall include, but not be limited to, the following:
- The anticipated number, frequency and types of vehicles used during construction;
  - The method of access and routing of vehicles during construction;
  - The parking of vehicles by site operatives and visitors;
  - A construction worker travel plan;
  - The storage loading and unloading of plant, materials, and waste;
  - The erection and maintenance of any hoarding/fencing;
  - The provision of on-site facilities, offices etc.;
  - The provision 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, temporary traffic management, commitment to repair any parts of the highway deemed damaged by contractors vehicles as a consequence of the construction process and street-cleaning facilities); and
  - Details of public engagement both prior to and during construction works.

*Reason: In the interests of highway safety and the amenities of the area.*

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**Ecological Enhancement Measures**

5. No development shall be carried out until an a scheme setting out ecological enhancement measures (including, a badger crossing, bird boxes, bat boxes, and habitat features for small mammals, amphibians and invertebrates) as specified within the Outline Ecological Management Plan (Ref. 7006779 dated April 2021) has been submitted to and approved in writing by the County Planning Authority. Thereafter the scheme shall be implemented in full, in accordance with a timetable to be submitted as part of the scheme.

*Reason: To ensure the delivery of ecological mitigation and enhancements and maximise biodiversity gain.*

**Landscaping Scheme**

6. No development shall be carried out until an updated scheme of landscaping in general accordance with the submitted Proposed Landscape Plan (Ref. A29-CAP-HPN-00-DR-C-0239 Rev P03), Landscape Planting and Seeding Layout Plant Schedules (Ref. A29-CAP-HPN-00-DR-L-0251 Rev P02) and Illustrative Section Plans (Ref. Sheets 1 to 7, A29-WSPLA-CS-001 to 007) has been submitted to and approved by the County Planning Authority.

The updated landscaping scheme shall specify the types, size and species of all trees and shrubs to be planted; soil preparation, measures for biosecurity; details of fencing/enclosure of the planting to ensure its establishment, and phasing/timetable that demonstrate planting will be implemented at the earliest possible opportunity following commencement of the development.

Thereafter the approved scheme of landscaping shall be implemented in full in accordance with the approved timetable. Any trees or shrubs which, within a period of ten years from the date of planting, 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: To safeguard and enhance the amenities and character of the area, to provide ecological, environmental and biodiversity benefits and maximise the quality of open space within the development and to enhance its setting within the immediate locality.*

**Drainage Scheme**

7. No development shall be carried out until a detailed drainage scheme (in general accordance with the approved drainage strategy (Drainage Strategy Layout (Ref. A29-CAP-HPN-00-DR-C-0047 Rev P11); Drainage Strategy (Ref. A29-CAP-HDG-00-AN-D-0052-S3-P05); and SuDS Management Train (Ref. A29-CAP-HDG-00-AN-D-0058 Rev S3-P04)) has been submitted to and approved in writing by the County Planning Authority. In addition to that set out within the approved drainage strategy, it shall include details of all necessary improvements to existing drainage in Barnham Road required to accommodate additional flows arising from the development hereby permitted, and a timetable for their implementation. Thereafter the approved drainage scheme shall be implemented and maintained in full.

*Reason: To ensure that the proposed development is satisfactorily drained and ensure that impacts through flooding are not caused.*

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**CONTROL OVER DEVELOPMENT CONDITIONS**

**Archaeology**

8. All development and groundworks hereby permitted shall be carried out and completed in accordance with the submitted Outline Archaeological Mitigation Strategy for Planning Submission and Written Scheme of Investigation for an Archaeological Trial Trench Evaluation (Draft for Planning Submission) (Appendices 13.3 and 13.4 of the submitted Environmental Statement) save for any variation submitted to and approved in advance in writing by the County Planning Authority.

*Reason: To safeguard the identification, recording, analysis, reporting, archiving and understanding of heritage assets.*

**Tree Protection**

9. All retained trees, hedges and vegetation as identified in the Arboricultural Report (Ref. 70060779 Version 2 – dated October 2020) shall be retained and protected in accordance with the accompanying Tree Protection Plans (Ref. Appendix G, Sheets 1 -10, A29-WSP-AR-TPP-001 to 010, Rev B) and approved Site Clearance Plans (Ref. Sheets 1 of 5, A29-CAP-HPN-00-DR-C-246 to 250, Rev P01).

All works proximate to retained trees will be carried out accordance with the accompanying Arboricultural Method Statement (Ref. Appendix C, 70060779 Version 2 – dated October 2020), save as for any modification agreed in writing by the County Planning Authority.

Prior to any works being undertaken within a 'Restricted Working Zone' as identified in the approved Site Clearance Plans, a task specific Arboricultural Method Statement specific to the area/s affected shall be submitted to, and approved in writing by, the County Planning Authority. Thereafter all works will be carried out in full accordance with task specific Arboricultural Method Statements.

*Reason: To protect existing trees and shrubs in the interests of the visual amenity, landscape and biodiversity of the locality.*

**Previously Unidentified Contamination**

10. If during development contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority, in consultation with the Environment Agency. Thereafter the approved remediation strategy shall be implemented in full.

*Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources.*



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**Acoustic Barrier**

11. Prior to the installation of the acoustic barrier as detailed in the approved plans (Proposed Elevations Acoustic Barrier Sheets 1 and 2 - A29-CAP-HPN-00-DR-C-0183 and 0184 Rev P06) final details of its materials, finish and specifications shall be submitted to and approved in writing by the County Planning Authority. Any submitted specifications shall ensure a barrier of no less than modelled noise attenuation properties. The approved acoustic barrier shall be implemented in full, in advance of the first public use of the road, and thereafter maintained in perpetuity.

*Reason: To minimise the visual impact of the development and to provide noise mitigation to protect the amenity of residents.*

**Noise Verification Assessment**

12. Within two months of the first public use of the road, a Noise Verification Assessment to demonstrate that the modelled noise levels or better have been achieved at those properties identified as most likely to be affected by noise in the submitted Environmental Statement, shall be submitted to the County Planning Authority. If the assessment indicates that noise levels are above those modelled, within two months, a scheme of rectification shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the rectification scheme shall be implemented and maintained in full in accordance with a timetable to be set out in the scheme.

*Reason: To protect the amenity of residents.*

**Lighting**

13. Prior to the installation of any lighting, an updated lighting and management scheme (in general accordance with the proposals set in Lighting Assessment Report 70060779 dated April 2021 and Outline Lighting Management Scheme 70079718 dated April 2021) shall be submitted to and approved in writing by the County Planning Authority. The Scheme shall be designed in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light (ILP, 2020-or any revision thereto) and shall ensure, where practicable, that all lighting is set back to avoid potential conflict with users of the shared cycleway/footway. Thereafter the approved lighting and management scheme shall be implemented, operated and maintained in full.

*Reason: To ensure lighting is fit for purpose and would not conflict with users the cycleway/footway. To minimise any lighting impacts in the interests of ecology, environment and character of the locality and to protect the amenities nearby residential receptors.*

**Fencing**

14. Prior to the installation of any permanent fencing (excluding the proposed acoustic barrier), final details of its location, materials, finish and specifications shall be submitted to and approved in writing by the County Planning Authority. Thereafter the approved details shall be implemented in full and the fencing maintained in perpetuity.

*Reason: To minimise the visual impact of the development in the locality.*

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**Infiltration of Surface Water**

15. No drainage systems for the infiltration of surface water to the ground shall be installed until a detailed further assessment of the risks to controlled waters has been submitted to and approved in writing by the County Planning Authority, in consultation with the Environment Agency. Thereafter the development shall be carried out in full accordance with the approved details.

*Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.*

**PRIOR TO USE CONDITIONS**

**Drainage Verification Report**

16. Prior to the first public use of the road, a verification report to confirm that flood risk is being managed in accordance with the approved drainage scheme as required by Condition 7, shall be submitted to the County Planning Authority. If the verification report indicates that the drainage system is not operating as intended, within three months, a scheme of rectification shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the rectification scheme shall be implemented in full in accordance with a timetable to be set out in the scheme.

*Reason: To ensure that the proposed development is satisfactorily drained and ensure that impacts through flooding are not caused.*

**Landscape and Ecological Management Plan (LEMP)**

17. Prior to the first public use of the road, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the County Planning Authority. Thereafter the approved LEMP shall be implemented and adhered to in full.

The LEMP shall provide details of the management and maintenance of all retained and created habitats within the application site to maximise their biodiversity benefit.

Building upon all management, maintenance and ecological enhancement measures as specified in the Outline Ecological Management Plan (Ref. 7006779 dated April 2021) and Landscape management and Maintenance Plan (Ref. 70079718 dated April 2021), the LEMP shall include but not be limited to, the following:

- a) A description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence its management;
- c) The aims and objectives of management;
- d) Prescriptions for management actions to achieve the aims/objectives;
- e) Details of initial aftercare and long-term maintenance which shall be for a period of no less than ten years;



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- f) Details of management of lighting (i.e. dimming regime);
- g) Details of ongoing monitoring and remedial measures: how (where monitoring results show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme;
- h) A work schedule, including a ten year project register, an annual work plan, and the means by which the plan will be rolled forward annually;
- i) details of facilitation pruning; and
- j) a management and maintenance plan for all planting and ecological mitigation/enhancement.

*Reason: To secure the long-term management of habitat and species, and ensure that the scheme delivers the ecological enhancements which make it acceptable and in accordance with paragraph 175 of the NPPF (2019).*

**Interim Reinstatement (Land South of Barnham Road)**

18. Prior to the first public use of the road, a scheme detailing interim reinstatement and maintenance proposals for all land south of Barnham Road marked as 'Temporary Used Land' (Ref. Site Clearance Layout Sheets 4 and 5 (Ref. A29-CAP-HPN-00-DR-C-249 and 250 Rev P01) shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the proposed scheme shall be implemented in full for a period to be specified within the scheme.

*Reason: To minimise the visual impact of the development in the locality and ensure land is maintained in a fit state until such time as further development comes forward.*

**Bus Shelters**

19. Prior to the first public use of the road, a scheme detailing provision for bus shelters, including their materials, finishes and specifications, shall be submitted to and approved in writing by the County Planning Authority. Thereafter the approved details shall be implemented in full within a timetable to be set out within the scheme and maintained in perpetuity.

*Reason: To encourage sustainable modes of transport.*

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**INFORMATIVES**

a) In accordance with paragraph 38 of the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive and creative way, and has worked proactively with the applicant by:

- Providing pre-application advice;
- Seeking amendments early on in the application process to see if a sustainable solution can be agreed;
- Discussing issues of concern as early as possible, including those raised by consultees and third parties;
- Giving them the opportunity to provide further information/changes to overcome material impacts; and
- Working with consultees.

As a result, the County Planning Authority has been able to recommend the grant of planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

- b) The granting of any planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact Arun District Council Environmental Health Department on (01903) 737555.
- c) The applicant's attention is drawn to the comments of the Environment Agency (EA) dated 19 November 2020 and 26 May 2021, in particular with regard to; the need for a Floor Risk Activity Permit; Fisheries and Biodiversity; and requirements for any deep infiltration system.
- d) The applicants attention is drawn to the comments of WSCC Public Rights of Way Officers dated 11 November 2020 and 18 May 2021 regarding the need for further consents for any structures proposed on the Public Footpath and any proposed diversion of the footpath (either on a temporary or permanent basis).
- e) *Temporary Works Required During Construction* - The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
- f) *Road Safety Audits* - The design has been the subject of a Safety Audit to identify any highway safety risks, with recommendations considered and integrated into the scheme where necessary. If approved, any final detailed design would be subject to further Safety Auditing – both prior and after construction - to ensure it is fit for purpose.

Date ..... **30 June 2021** ..... Signed: **Michael Elkington**, Head of Planning Services

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- g) *Temporary Developer Signage* - The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- h) *Traffic Regulation Order* - The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with TROs forming part of the scheme. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.
- i) With regard to Conditions 6 and 17, the applicant's attention is drawn to the comments of the WSCC Landscape Architect dated 4 June 2021, County Arboriculturist dated 2 June 2021, and Arun District Council dated 4 June 2021, which set out recommendations for detailed planting specifications, maintenance & aftercare requirements, and further opportunities/issues to be reviewed to ensure proposed landscaping will maximise the green character of the route, maximise biodiversity gain, increase screening, and minimise any urbanising effects.

This information is only intended as a summary of the reasons for the grant of planning permission. For further details on the decision, please see the report by contacting County Planning at West Sussex County Council or visiting the website at [www.westsussex.gov.uk/planning](http://www.westsussex.gov.uk/planning).

## **APPENDIX A: TOWN AND COUNTRY PLANNING ACT 1990**

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES.

THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT IS RECOMMENDED THAT YOU CONSULT A SOLICITOR IF YOU ARE IN ANY DOUBT.

### **1 Appeals to the Secretary of State**

- (a) 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.
- (b) 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 online at [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk) or by writing to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.
- (c) The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (d) The Secretary of State need not consider an appeal if it seems 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.
- (e) In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

### **2 Purchase Notices**

- (a) 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.
- (b) In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

- 3 Further correspondence about this application should quote the reference number at the top right hand corner of the form.