

Town and Country Planning Acts

NOTICE OF DECISION

Application Number: DM/1070/18/FUL

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address: EP SHB Limited C/o Agent	Agent's Name and Address: Mr C Turnbull DWD 6 New Bridge Street London EC4V 6AB
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Proposal: Construction of an energy from waste facility of up to 49.9MWe gross capacity including emissions stack(s), associated infrastructure including parking areas, hard and soft landscaping, the creation of a new access to South Marsh Road, weighbridge facility, and drainage infrastructure, on land at South Humber Bank Power Station

Application Site: Land Rear Of Power Station Hobson Way Stallingborough North East Lincolnshire

The following decision has been made upon your application received on 10th December 2018.

Granted subject to: -

- 1 Condition
The development hereby permitted shall commence within five years of the date of this permission.

Reason

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

- 2 Condition
The development shall be carried out in accordance with the following plans:

- Site Location Plan (2522-026 rev R2)
- Development Areas Plan (2522-031 rev R1)
- Access Plan (rev SK001 revision submitted 15.2.19)

The details submitted under each subsequent condition of this permission, and the development as built, shall not have greater dimensions than those shown in Table 4.1 of the submitted Environmental Statement.

Reason

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

3 Condition

References to "the main development area" in this and subsequently numbered conditions of this planning permission shall mean the area edged in green in the Development Areas Plan (2522-031 rev R1).

References to "the permitted preliminary works" in subsequently numbered conditions of this planning permission shall mean works comprising

- (i) biodiversity management, mitigation and enhancement works, providing these are in accordance with Condition 8 or any details approved thereunder;
- (ii) provision of wheel cleaning facilities required pursuant to Condition 10;
- (iii) piling works providing they have been first approved pursuant to Condition 11;
- (iv) installation and diversion of utility services within the Site;
- (v) surveys;
- (vi) removal of existing structures, and site clearance works within the main development area; and
- (vii) temporary contractors' facilities.

References to "coming into operation" in subsequently numbered conditions of this planning permission shall mean the date on which the development first receives commercial deliveries of fuel (RDF).

References to "approved in writing by the Local Planning Authority" in subsequently numbered conditions of this planning permission shall constitute an approval given in a written format by a duly authorised officer.

Reason

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

4 Condition

Development shall not commence, save for the permitted preliminary works, until details of the final position of any buildings, finished floor levels, elevations and floor plans (which shall be in general accordance with "Section through bunker showing Proposed Finished Floor Level (2522-023 rev R1)" and "Floor Plans including Roof Plan (2522-043 rev R1)" and Elevations Plan reference (2522-032 rev R1)), have been submitted to and approved in writing by the Local Planning Authority. The only building with more than three occupied storeys shall be the administration block as shown in the "Development Areas Plan (2522-031 rev R1)". The development shall then proceed in accordance with the approved details.

Reason

For the avoidance of doubt, in the interests of proper planning, in the interests of health and safety and to ensure the development is in keeping with the visual amenity and character of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 5 Condition
Development shall not commence, save for the permitted preliminary works, until details of all external materials to be used in construction of the buildings (which shall be in general accordance with those illustrated in the "Elevations Plan reference (2522-032 rev R1)") have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 6 Condition
The existing tree planting associated with the South Humber Bank Power Station and lying within the site and outside the main development area shall be retained (as described in paragraph 11.7.2 of the submitted Environmental Statement) throughout the construction and operation of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 7 Condition
The development must not commence, save for the permitted preliminary works, until the details and position of boundary treatments, circulation areas, hardstandings and all other hard landscaping have been submitted and approved in writing by the Local Planning Authority.

The details submitted for the boundary treatment shall, further, be in general accordance with the submitted "Proposed Fence Section" (2522-036 rev R1) and in accordance with paragraph 10.7.3 of the submitted Environmental Statement.

Prior to the development coming into operation:

- (a) A lighting scheme, which shall be in accordance with paragraphs 4.4.15 and 4.4.16 of the submitted Environmental Statement;
- (b) A scheme of landscaping showing hard and soft landscaping materials details, and the details of the number, species, sizes and planting positions of any amenity planting and landscaping;
- (c) A phasing plan for the planting of the landscaping scheme; and
- (d) A future maintenance plan for the landscaping

must be submitted to and approved in writing by the Local Planning Authority.

The measures (b) to (d) shall be in accordance with part 11.7 of the submitted Environmental Statement.

All landscaping measures must thereafter be implemented as approved within a period of 12 months beginning with the coming into operation of the development, or within such longer period as may be first approved in writing by the Local Planning Authority. The lighting, boundaries, circulation and hard surfaces shall be installed as approved.

Reason

For the avoidance of doubt, in the interests of ecology and to ensure the development preserves the visual amenity and character of the area in accordance with Policies 5, 22, 41 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

8 Condition

The ecological management and mitigation measures shown in paragraphs 10.7.3, 10.7.6-10.7.18 and 10.7.23 of the submitted Environmental Statement (as amended by the ES addendum paragraph 10.7.10 submitted March 2019) shall be implemented in full including in respect of timings.

At least twelve months prior to the anticipated date of the development coming into operation an Ecological Mitigation and Enhancement Plan (which shall accord with Figure 4.2 and paragraphs 10.7.20-10.7.22 and 10.7.24 of the submitted Environmental Statement) must be submitted to the Local Planning Authority. This must include written details from an ecologist to confirm that the ecological management and mitigation measures referred to in the previous paragraph of this condition have been implemented and are effective. Once this plan has been approved by the Local Planning Authority, it must be implemented in full by the end of the second planting season thereafter and any monitoring activities in the plan shall be carried out as approved.

Reason

To ensure that appropriate measures described in the Environmental Statement are delivered, and ensure no unacceptable impact upon protected species, in accordance with Policy 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

9 Condition

Development shall not commence, save for the permitted preliminary works, until a scheme for the disposal of surface and foul water drainage including a future maintenance plan has been submitted to and approved in writing by the Local Planning Authority. Once approved, the drainage shall be implemented as approved prior to the development coming into operation and shall be maintained in line with the details approved thereafter.

No infiltration of surface water drainage into the ground is permitted unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure appropriate provisions for the disposal of surface water and foul drainage and to reduce the risk and impact of flooding, to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 10 Condition
- No development shall commence, or any phase thereof, until a Construction Management Plan in general accordance with the Outline CEMP (Volume III Appendix 5A of the submitted ES), has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall (if submitted for a phase) be specific to and appropriate for that phase, and shall contain details on the following matters:
- o Visitor and contractor parking areas;
 - o Materials management plan;
 - o Materials storage area;
 - o Wheel cleaning facilities;
 - o Noise, vibration and dust mitigation measures;
 - o Lighting details;
 - o Construction traffic management plan (which shall be in accordance with the outline document included as Annex 26 of Appendix 9A of the submitted Environmental Statement);
 - o Construction worker travel plan (which shall be in accordance with the outline document included as Annex 25 of Appendix 9A of the submitted Environmental Statement);
 - o Waste management in accordance with section 16.5 of the submitted Environmental Statement;
 - o Pollution control.

The development, or the relevant phase, shall then proceed in full accordance with the approved plan.

Reason

In the interests of highway safety and to protect the amenities of neighbouring land users in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 11 Condition
- Development shall not commence until detailed specifications of the type of piling to be used to support the building/structures shall be submitted to and approved in writing by the Local Planning Authority. Included shall be a scheme to mitigate the effects of the piling with regard to noise to ecological receptors (which shall be in accordance with paragraph 10.7.2 of the submitted Environmental Statement) and a scheme to mitigate the effects of the piling with regard to groundwater resources (which shall be in accordance with the results of the site investigation carried out, and the remediation strategy submitted, pursuant to condition 13 of this planning permission). The piling shall be carried out in accordance with the approved details, unless any variation is first approved in writing by the Local Planning Authority.

Reason

To protect local amenity and ecology in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 12 Condition

Unless otherwise approved in writing by the Local Planning Authority, and save for the permitted preliminary works or development required to be carried out as part of the scheme of remediation approved under condition 13, development must not commence until condition 13 has 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 condition 15 has been complied with in relation to that contamination.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

13 Condition

Development must not commence, save for the permitted preliminary works, until a scheme for an investigation of the nature and extent of any contamination on the site, whether or not it originates on the site, has been submitted to and approved in writing by the Local Planning Authority. The investigation must be based on the assessment included in Appendix 12A of the submitted Environmental Statement, and must be undertaken by competent persons.

The development must not commence, save for the permitted preliminary works, until a written report of the findings of the investigation has been prepared and submitted to and approved in writing by the Local Planning Authority. The report must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments (if applicable);
- (iii) an appraisal of the need for remediation 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 (if applicable) historical environment;
- (iv) if there is a need, then an appraisal of the remedial options available and a description of the proposed remediation scheme. 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.

All activities under this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

14 Condition

Development must not commence, save for the permitted preliminary works, until the remediation scheme approved under condition 13 of this planning permission has been carried out in accordance with its terms, unless otherwise agreed in writing by the Local Planning Authority.

Following completion of the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation scheme must be submitted to and approved in writing of the Local Planning Authority prior to the development coming into operation.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

15 Condition

At any time during construction or operation, in the event that contamination is found that was not previously identified it must be notified in writing immediately to the Local Planning Authority. A risk assessment of the contamination must be undertaken by competent persons and a written report of the findings must be produced, along with a site investigation in accordance with the requirements of condition 12 and 13. Where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13 and submitted to and approved in writing by the Local Planning Authority as soon as practicable. Following completion of measures identified in the remediation scheme approved under this condition, a verification report must be prepared in accordance with the requirements of condition 14 and submitted to and approved in writing by the Local Planning Authority as soon as practicable.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

16 Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment, Appendix 14A of the submitted Environmental Statement, dated December 2018 by AECOM, unless otherwise approved in writing by the Local Planning Authority in consultation with the Environment Agency. In particular:

- o critical equipment assets shall be elevated to no lower than 4.55m above Ordnance Datum (AOD) or, alternatively, adequately protected through flood resistance and resilience measures
- o a place of safe refuge shall be provided at a level no lower than 4.55m AOD

The above mitigation measures shall be fully implemented prior to occupation of the development and subsequently remain in place.

Reason

To reduce the risk of flooding to the proposed development and future occupants and to ensure that any disruption caused by flooding is kept to a minimum in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

17 Condition

The development shall not be occupied until a Flood Warning and Evacuation Plan, which includes signing up to the Floodline Warnings Direct service, has been submitted to and approved in writing by the Local Planning Authority. The flood warning and evacuation plan shall be fully implemented prior to occupation of the development and subsequently remain in place.

Reason

To reduce the risk of flooding to future occupants in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

18 Condition

Prior to the development coming into operation, a Delivery and Servicing Plan for all operational HGVs entering and leaving the site must be submitted to and approved in writing by the Local Planning Authority. This must be in accordance with the Operational Delivery and Servicing Plan within Annex 24 (version dated March 2019) of Appendix 9A of the Environmental Statement.

The development shall operate in accordance with the approved Delivery and Servicing Plan throughout its lifetime, unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety and amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

19 Condition

Prior to the development coming into operation, an Operational Travel Plan (OTP) shall be submitted to and approved in writing by the Local Planning

Authority. The OTP should be produced in accordance with NELC guidance and in liaison with the Business Travel Plan Officer.

The OTP submitted shall be in accordance with the Framework Operational Travel Plan within Annex 6 of Appendix 9A of the submitted Environmental Statement.

Once approved, the OTP shall be implemented in full and operated in line with its terms and timings throughout the lifetime of the development.

Reason

In the interests of sustainable development in accordance with Policies 5 and 36 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

20 Condition

Prior to the development coming into operation details of the visibility splays at the proposed site entrance must be submitted to and approved in writing by the Local Planning Authority. Visibility splays shall thereafter be implemented in accordance with the details agreed and nothing shall at any time be erected or allowed to grow over 1.05 metres in height above the carriageway level of the adjoining highway within the visibility splays. The location of the visibility splays shall be located in line with the "Access Plan (SK001)" revision submitted 15.2.19 and "Swept Path Analysis plan (SK002)" submitted 15.2.19.

Reason

In the interests of road safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

21 Condition

Development shall not commence, save for the permitted preliminary works, until detailed plans have been submitted to and approved in writing by the Local Planning Authority, showing:-

- (a) The proposed layout and construction details of the proposed new entrance to the site including the junction and connection with the adopted highway (which shall be in accordance with: either "Access Plan (SK001)" revision submitted 15.2.19 and the submitted Proposed Culvert for Site Access plan (2522-035 rev R1)); or any details in respect of this new entrance that have been approved under S278 Highways Act 1980 by the Local Highways Authority;
- (b) The highway drainage system; and
- (c) Location, type and number of permanent vehicle and two-wheeler and cycle parking spaces.

The details shall be implemented in full as approved prior to the development coming into operation.

Reason

In the interests of highway amenity in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

22 Condition

No development must take place, save for the permitted preliminary works, until a survey of the condition of the adopted section of the local access road South Marsh Road (east of Hobson Way) has been carried out and details submitted to and approved by the local planning authority. The survey must comprise SCANNER, deflectograph equipment, and supporting road core data with cores taken every 100m. The details must comprise a report detailing the survey methodology and the findings as to the theoretical capacity of the structure of the road based on a million standard axle calculation.

Additionally, within six months of the development coming into operation a report must be submitted to and approved in writing by the local planning authority setting out the results of traffic surveys along South Marsh Road (east of Hobson Way) conducted since the coming into operation of the development. The report shall include information on HGV tonnage and volumes and a comparison against the theoretical capacity of the structure of the road contained in the details approved under the first paragraph of this condition.

If the findings show the actual traffic using the road exceeds the theoretical capacity, and the exceedance is attributable to the development authorised by this planning permission, the applicant shall within three months of an approval under the second paragraph of this condition submit details of a scheme of improvement for South Marsh Road (east of Hobson Way) and a programme for implementation to the local highways authority for their consideration and agreement under Section 278 Highways Act 1980.

Reason

To ensure that the local access road South Marsh Road is structurally suitable for the traffic added by the development, in line with Policies 5 and 6 of the North East Lincolnshire Council Local Plan 2013-2032 (adopted 2018).

23 Condition

Development shall not commence, save for the permitted preliminary works, until the following information has been submitted to the Local Planning Authority, who shall immediately notify UK DVOF & Powerlines at the Defence Geographic Centre:

- a. Precise location of development.
- b. Date of commencement of construction.
- c. The proposed date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. Details of aviation warning lighting to be fitted to the structure(s), which must include fitting the emissions stack(s) with a minimum intensity 25 candela omni directional flashing red light or equivalent infra-red light fitted at the highest practicable point of the structure.

The aviation warning lighting approved pursuant to part (f) must thereafter be implemented in full before the construction of the emissions stack(s) is complete or within an agreed time frame to be approved in writing with the Local Planning Authority.

At the earliest opportunity prior to the known final date of completion of the construction, the actual date of construction completion shall be submitted to the Local Planning Authority. There shall be no deviation from, or exceedance of the details provided to the Local Planning Authority, unless first approved in writing by the Local Planning Authority.

Reason

In the interests of air safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

24 Condition

The hereby approved power facility shall use refuse derived fuel only (RDF), with the exception of the limited use of fuel oil during start up periods only. RDF comprises of processed waste from municipal, household, commercial and industrial sources.

Reason

To ensure the proposal is consistent with the submitted details and supporting Environmental Statement to accord with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

25 Condition

With the exception of the fuel oil tank, at no time shall any fuel stock for the energy recovery facility be stored outside of the main building.

Reason

In the interest of environmental protection in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

26 Condition

Within two years of the development ceasing commercial operations a Decommissioning Plan, including a Decommissioning Environmental Management Plan, must be submitted to and approved in writing by the Local Planning Authority. Once approved, the decommissioning shall only be carried out in accordance with the approved details.

Reason

For the avoidance of doubt and in the interests of ecology, highway safety and the environment in accordance with Policies 5 and 41 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

Informatives:-

1 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or local amenity, have significant impact on ecology and is acceptable under all other planning considerations including highway safety. It will support the economic development of the area. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policies 1, 5, 6, 8, 9, 22, 31, 33, 34, 36, 38, 39, 41, 42 and 47.

2 Added Value Statement

In accordance with paragraphs 38 and 41 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by providing detailed pre-application advice on the proposed development, and by addressing highway and ecological matters.

3 Informative

Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 325959).

4 Informative

The applicant is reminded that the development is subject to a Section 106 Legal Agreement.

5 Informative

Please note that in relation to abnormal loads a minimum of 10 working days between the application and the date of the first movements in order to assess the application and put in place any special traffic management that may be required. Please email AbnormalLoads@nelincs.gov.uk a completed Form of Notice to Police and to Highways and Bridge Authorities (Schedule 2 Part 1) providing details of the time, day, load profile and description of load a minimum of 10 days prior to their arrival. Network Rail (London North Eastern) office (assetprotectionlneem@networkrail.co.uk) should also be contacted in advance to confirm that any proposed abnormal load route is viable and to agree a strategy to protect Network Rail asset(s) from any potential damage caused by abnormal loads. It is advised to contact the Business Travel Plan Officer before commencing the Operational Travel Plan for additional advice, assistance and support. Please contact the Travel Plan Officer at North East Lincolnshire for more information.

6 Informative

The Local Planning Authority should be given two weeks' written notice of the start of the remediation scheme approved under condition 13.

7 Informative

Informative advice has been provided by the following consultees, copies of their representations can be found on the council's website.

- National Grid
- Network Rail
- Natural England
- Environment Agency
- Humberside Fire and Rescue
- Cadent Gas

Please note that the granting of planning permission does not override any other private, legal or environmental permitting, consents or licensing regimes the applicant must abide by.

This Notice is issued on behalf of North East Lincolnshire Planning Authority.

Signed:

Damien Jaines-White

Official Capacity: Director of Economy and Growth - Place

Date: 12th April 2019

INFORMATION ON APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by this decision 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, or for Listed Building Consent, under Sections 20 and 21 for Listed Buildings & Conservation Areas Act 1990.

If you want to appeal this application, please carefully read the information below and choose which option applies to your application:

If this is a decision to refuse planning permission for a **householder** application and you want to appeal against the decision, then you must do so within 12 weeks of the date of this notice;

If this is a decision to refuse planning permission for a **minor commercial application (e.g. shop fronts)** and you want to appeal against the decision, you must do so within 12 weeks of the date of this notice;

If this is a decision to refuse express consent for the display of an **advertisement** and you want to appeal against the decision, you must do so within 8 weeks of the date of receipt of this notice;

For all other **Full** and **Listed Building Consent** applications - If you wish to appeal against the decision, you must do so within 6 months of the date of this notice.

Appeals on Planning Applications involving Enforcement Notices

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, if you want to appeal against the decision on your application, 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 you want to appeal against the decision on your application, 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.

All Appeals must be made using a form which you can obtain from:

Planning Inspectorate,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol,
BS1 6PN

(Tel: 0303 444 5000) or to submit electronically at <https://www.gov.uk/planning-inspectorate>.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally 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 the Secretary of State 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. 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 him/her.

The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online at <https://www.gov.uk/planning-inspectorate>. The Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party, please ensure you have their permission to do so. More detailed information about data protection and privacy is available on the Planning Inspectorate web site.

NB. Any approval in this notice of decision refers only to that required under the Town and Country Planning Acts and does not include any consent under any other enactment, bylaw, order, building or other regulation.

IF YOUR APPLICATIONS HAS BEEN REFUSED:

If you decide to resubmit, your application will not be subject to a fee under the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 2002 provided the new application:-

- a) Is submitted as a valid application within one year of the date of the decision
- b) Is development of the same character and description as submitted previously.
- c) Relates to the same site area or part of the same site and does not include additional land
- d) Is submitted by the same applicant
- e) The applicant may only benefit from the fee exemption once for any site

Prior to any resubmission, it is strongly recommended that you discuss the revised scheme with the development management team so that any issues can be identified quickly and solutions to any barriers to achieving a planning permission discussed with you.