



# The Planning Inspectorate

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Paul Carey and Gerran McCrea  
Medworth CHP Limited  
C/O Devonport EfW CHP Facility  
Creek Road  
Plymouth  
PL5 1FL

Your Ref: Application 06  
Our Ref: EN010110\_s53  
Date: 09 June 2021

**By email:**

[medworth@mrvuk.co.uk](mailto:medworth@mrvuk.co.uk)

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Dear Paul Carey and Gerran McCrea,

**Application under Section 53 (s53) of the Planning Act 2008 (PA2008) by Medworth CHP Limited (the Applicant)**

The s53 authorisation request application submitted by the Applicant on 09 February 2021 has been considered by the Planning Inspectorate (the Inspectorate) on behalf of the Secretary of State.

The Inspectorate has given careful consideration to the Applicant's authorisation requests and subsequent correspondence with Welle Streame Limited (the landowner), the Applicant and Persons with Interest in the land. As set out in the statement of reasons below, the Inspectorate has determined that the criteria under s53(1) of the PA2008 have not been met and the S53 application for access to Parcel 06 is therefore **refused**.

Statement of Reasons

In considering whether the Applicant has been unreasonably refused access to the land, the Inspectorate has considered the Applicant's correspondence log provided in the application [APL-001] dated 09 February 2021, the additional response in relation to the Inspectorate's request for further information [APL-003] dated 27 April 2021 and correspondence with the Landowner [LD01-001] dated 26 February 2021 in relation to Land Parcel 6.

The Landowner has identified within their correspondence that the land is currently occupied by a tenant (who is not named by the Applicant), who as of 26 February 2021, had not been directly contacted by the Applicant, however noting that they are aware of the s53 application and have raised concerns as detailed below. Correspondence from the Applicant [APL-002] identifies that a letter notifying of the s53 applications were delivered to the personal address of the Welle Streame Limited owner (Gaultree Farmhouse) and the Company Accountants (12 / 13 the Crescent) but no evidence was provided of notification of the tenant within this correspondence, nor the initial application [APL-001] or response to the Inspectorate's request for further information [APL-003]. The Inspectorate considers that the Applicant has not provided evidence that it has formally notified all persons with interest (in this

instance the tenant of the land) and on this basis authorisation under s53 should not be granted for Application 6.

This decision is without prejudice to any subsequent s55 acceptance decision or any subsequent request under s53 that satisfies the requirements of s53.

#### Documentation

The Inspectorate has also written today to the landowner to notify them of the determination.

Please note that copies of this authorisation notice letter will be made available on our website:

<https://infrastructure.planninginspectorate.gov.uk/>

If you have any queries, please do not hesitate to contact us.

Yours sincerely

*David Price*

**Head of Operations  
on behalf of the Secretary of State**

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