

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order
2015
Grant of Planning Permission

TO: Balance Power Projects Limited, Ryan Macindoe
c/o Andrew Barton, AXIS
Camellia House
Wilmslow
SK9 5BB

PARTICULARS OF THE APPLICATION

Reference: 2023/1294/01/DET
Proposal: Erection of Battery Storage System, associated development and infrastructure (including landscaping and access), as amended by plans and supporting information
Location: Land To The South Of Former Glassworks Northumberland Road, Lemington, Newcastle Upon Tyne, NE15 8SX
Applicant: Ryan Macindoe, Balance Power Projects Limited
Received: 21 August 2023

PARTICULARS OF THE DECISION:

Date of Decision: 12-06-2025

Planning permission granted for development in accordance with the information contained in the application **subject to the following conditions:**

1. The development to which this permission relates shall begin not later than the expiration of three years beginning with the date of this decision.
Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development to which this permission relates shall be carried out in accordance with the approved plan(s) referenced: PROPOSED ELEVATIONS AA - DD REV J 101 PROPOSED PLAN REV J 101 UTILITIES PLAN REV J 005 ACCESS PLAN REV J 005 DEVELOPMENT SPOT HEIGHT PLAN REV J 3354-01-L-001 LANDSCAPE PLAN REV L DNO ROOM 132kV PLAN & ELEVATION REV A WELFARE AND CONTROL ROOM 2 PLAN & ELEVATION REV A PRIVATE SUBSTATION 2 PLAN & ELEVATION REV A STORAGE ROOM 2 REV A CCTV PLAN & ELEVATION REV A BATTERY CONTAINER PLAN & ELEVATION REV A TRANSFORMER PLAN & ELEVATION REV A BATTERY INVERTER TRANSFORMER PLAN & ELEVATION REV A ACOUSTIC FENCE_GREEN_4M COMPONENT ELEVATIONS REV 0 ACOUSTIC GATE_GREEN_4M COMPONENT ELEVATIONS REV 0 KRS.0310.064.D.006.A Rev A Attenuation Tank KRS.0310.064.D.007.A Rev Typical drainage details KRS.0310.064.D.005.A filter drain KRS.0310.064.D.001.C Proposed drainage KRS.0310.064.D.002.C Proposed surface water profiles 1 of 2 KRS.0310.064.D.003.C Proposed surface water profiles 2 of 2.

Reason: For the avoidance of doubt and in the interests of proper planning, and in order to achieve a satisfactory form of development in accordance with the National Planning Policy Framework and DM20 of the Development and Allocations Plan and Policies CS1 of the Core Strategy and Urban Core Plan.

3. No development shall commence until;a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Policy DM24 of the Development and Allocations Plan, and paragraphs 196 and 197 of the National Planning Policy Framework.
4. Prior to the development first being brought into use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Policy DM24 of the Development and Allocations Plan, and paragraphs 196 and 197 of the National Planning Policy Framework.
5. No groundwork or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.
Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with the National Planning Policy Framework and Policy DM17 of the Development and Allocations Plan and Policy CS15 of the Core Strategy and Urban Core Plan. The works are required to be submitted and approved in advance of works commencing onsite to ensure the protection of archaeological potential on the site.
6. The development shall not be brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 5 has been submitted to and approved in writing by the Local Planning Authority.
Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with the National Planning Policy Framework and Policy DM17 of the Development and Allocations Plan and Policy CS15 of the Core Strategy and Urban Core Plan.
7. The proposed development shall not be brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Development and Allocations Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with the National Planning Policy Framework, Core Strategy Policies CS15 and UC14 and Policy DM17 of the Development and Allocations Plan.

8. No development shall commence until a programme of archaeological building recording has been completed in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place.

Reason: To provide an archive record of the historic building or structure, in accordance with the National Planning Policy Framework and Policy CS15 of the Core Strategy and Urban Core Plan and Policies DM17 and DM18 of the Development and Allocations Plan. The works are required to be submitted and approved in advance of works commencing on site to ensure the protection of archaeological potential on the site.

9. Development shall not commence until an Investigation and Risk Assessment to assess 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 details of the Investigation and Risk Assessment shall include measures to provide for: 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 ground waters and surface waters; o ecological systems; o archaeological sites and ancient monuments; and iii an appraisal of remedial options, and proposal of the preferred option(s). The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and Policy DM24 of the Development and Allocations Plan and Policy CS14 of the Core Strategy and Urban Core Plan . The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment.

10. Development shall not commence until 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 has been submitted to and approved in writing by the Local Planning Authority. The Remediation Scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The Remediation 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. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and Policy DM24 of the Development and Allocations Plan and Policy CS14 of the Core Strategy and Urban Core Plan . The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

11. The Approved Remediation Scheme shall be implemented in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation

Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and Policy DM24 of the Development and Allocations Plan and Policy CS14 of the Core Strategy and Urban Core Plan.

12. 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. A Risk Assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements of condition 10. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with condition 11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and Policy DM24 of the Development and Allocations Plan and Policy CS14 of the Core Strategy and Urban Core Plan.

13. Development shall not commence until details of fencing and other measures (including special construction techniques) to protect trees or other landscape features to be retained (including any trees outside of the application site that may be impacted by the development) have been submitted to and approved in writing by the Local Planning Authority and erected on site in accordance with the approved details. The fencing and other measures shall be retained intact for the duration of construction works and there shall be no access, storage, ground disturbance or contamination within the tree protection area. Where access is required into the tree protection area this shall be in accordance with a method statement provided as part of the approved details.

Reason: To ensure the protection of existing landscape features, in line with advice contained in the current versions of BS 5837 Trees in relation to construction and BS8545:2014, in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies DM27, DM28 and DM29 of the Development and Allocations Plan and Policies CS15 and CS18 of the Core Strategy and Urban Core Plan. The details are required to be submitted and approved in advance of works commencing on site to ensure the landscape features on the site are protected against damage at the commencement of development on site.

14. The approved landscape works detailed on 3354-01-L-001 LANDSCAPE PLAN REV L shall be completed no later than the end of the first planting season following the development first being brought into use or in accordance with a programme agreed in writing with the Local Planning Authority. The approved landscape works shall be planted and maintained in accordance with the current versions of British Standard BS8545:2014 and BS4428 in for the lifetime of the development and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass that fails to establish shall be re-established.

Reason: In the interests of the visual amenity of the locality and in order to meet biodiversity net gain requirements, in accordance with the National Planning Policy Framework and Policies DM20, DM27, DM28 and DM29 of the Development and Allocations Plan and Policies CS15 and CS18 of the Core Strategy and Urban Core Plan.

15. Development shall not commence until landscaping maintenance details have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a schedule of

maintenance of existing and proposed trees, shrubs and other landscape features for the lifetime of the development.

Reason: In the interests of the visual amenity of the locality and in order to meet biodiversity net gain requirements, in accordance with the National Planning Policy Framework and Policies DM20, DM27, DM28 and DM29 of the Development and Allocations Plan and Policies CS15 and CS18 of the Core Strategy and Urban Core Plan. The details are required to be submitted and approved in advance of works commencing on site to ensure the developments landscaping is incorporated into the design of the development in the interests of visual amenity of the area.

16. Development shall not commence until details of the proposed planting details, implementation, and maintenance for the landscaping of the fence along the eastern boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The approved landscape works shall be completed no later than the end of the first planting season following first use of the development or in accordance with a programme agreed in writing with the Local Planning Authority. The approved landscape works shall be planted and maintained in accordance with the current versions of British Standards BS8545:2014 and BS4428 for the duration of the development and any planting which dies or has become diseased shall be replaced in the first available planting season with others of similar size and species.

Reason: In the interests of the visual amenity of the locality and in order to meet biodiversity net gain requirements, in accordance with the National Planning Policy Framework and Policies DM20, DM27, DM28 and DM29 of the Development and Allocations Plan and Policies CS15 and CS18 of the Core Strategy and Urban Core Plan. The details are required to be submitted and approved in advance of works commencing on site to ensure the developments landscaping is incorporated into the design of the development in the interests of visual amenity of the area.

17. Unless in accordance with the approved plans, no trees, hedges, or shrubs shall be removed, pruned or damaged without the prior written permission of the Local Planning Authority during construction works.

Reason: To retain existing landscape features in the interests of the visual amenity of the area, in accordance with the National Planning Policy Framework and Policies DM27, DM28 and DM29 of the Development and Allocations Plan and Policies CS15 and CS18 of the Core Strategy and Urban Core Plan.

18. Development shall not commence until a Woodland Management Plan for the relevant areas of the site has been submitted to and approved in writing by the Local Planning Authority. The approved Woodland Management Plan shall be implemented according to the agreed programme and thereafter maintained in accordance with the approved Woodland Management Plan for the duration of the development.

Reason: To ensure the protection and enhancement of existing landscape features within the approved landscaping scheme in the interests of the visual amenity of the area, in accordance with the National Planning Policy Framework and Policies DM20, DM27, DM28 and DM29 of the Development and Allocations Plan and Policy CS18 of the Core Strategy and Urban Core Plan. The details are required to be submitted and approved in advance of works commencing on site to ensure the landscape features on the site are protected against damage at the commencement of development on site and their long term management.

19. The development shall not be brought into use until the proposed means of vehicular access and turning areas have been constructed in accordance with the approved plans as detailed on 005 ACCESS PLAN REV J.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy DM14 of the Development and Allocations Plan and Policy CS13 of the Core Strategy and Urban Core Plan.

20. Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, provide for: i. details of temporary traffic management measures, temporary access, routes and vehicles; ii. wheel washing facilities; iii. the parking of vehicles of site operatives and visitors; iv. the loading and unloading of plant and materials; v. storage of plant and materials used in constructing the development; vi. measures to control vibration; vii. measures to control the emission of dust and dirt; viii. a scheme for the recycling and disposing of waste as a result of construction works; ix. hours of operation comprising 0800 hours to 1800 hours Monday to Friday and 0800 to 1300 hours on a Saturdays only with no works on a Sunday or Bank Holiday, unless otherwise agreed in writing by the local planning authority; x. the erection and maintenance of security hoardings, including decorative displays and facilities for public viewing; xi. communication plan for liaising with the public; and xii. management of surface water during construction and also to how the drainage will be protected (for example through phasing or temporary measures).
- Reason: To prevent nuisance in the interests of residential amenity and highway safety, and to ensure protection of the surface water drainage, in accordance with the National Planning Policy Framework and Policies DM14, DM23, DM24 and DM26 of the Development and Allocations Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan. The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect residential amenity.
21. Development shall not commence until details of implementation, management and maintenance of the sustainable urban drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable for implementation and a management and maintenance plan, which shall specify arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime. The approved sustainable urban drainage scheme shall be implemented before the development is brought into use. Thereafter, the sustainable urban drainage scheme shall be managed and maintained in accordance with the agreed management and maintenance plan.
- Reason: To ensure a sustainable form of land drainage is implemented, in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan and Policy DM26 of the Development and Allocations Plan. The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect the site from flooding.
22. The development shall be operated in accordance with the findings of the findings within the noise impact assessment undertaken by In Acoustic, project number: 22-541, version 4, dated 09/05/24. This includes the barrier detailed in section 3.2 in the noise impact assessment and the document “22-541 Specification for Acoustic Screen”, dated 9th May 2024.
- Reason: To prevent nuisance from noise in the interests of protecting neighbouring residential amenity, in accordance with policies DM20, DM23 and DM24 of the Development and Allocations Plan.
23. Prior to the development first being brought into use, details of the materials for the proposed acoustic fence, to meet the acoustic performance specified in the noise impact assessment undertaken by In Acoustic, project number: 22-541, version 4, dated 09/05/24, (barrier detailed in section 3.2 in the noise impact assessment), and the document “22-541 Specification for Acoustic Screen”, dated 9th May 2024.
- Reason: In the interests of visual amenity and to prevent nuisance from noise in the interests of protecting neighbouring residential amenity, in accordance with policies DM20, DM23 and DM24 of the Development and Allocations Plan.
24. Development shall not commence until details of a remediation strategy for the treatment of and a programme for the management of Japanese Knotweed on the site (in accordance with the recommendations within the Ecological Impact Assessment) have been submitted to and approved in

writing by the Local Planning Authority . The approved details shall then be carried out in accordance with the approved programme.

Reason: To ensure the protection and enhancement of existing landscape and biodiversity features, and in the interests of the visual amenity of the area, in accordance with the National Planning Policy Framework and Policy DM29 of the Development and Allocations Plan and Policy CS18 of the Core Strategy and Urban Core Plan. The details are required to be submitted and approved in advance of works commencing on site to ensure the landscape and nature conservation value on the site are protected against damage at the commencement of development on site and their long term management.

25. Development shall not commence until a details of a sensitive lighting scheme designed for the site to minimise light spill on sensitive habitats (in accordance with the Ecological Impact Assessment recommendations), including a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented in accordance with the agreed programme and thereafter retained in accordance with the approved scheme. Reason: In order to avoid undue disturbance to a protected wildlife species and its habitat in accordance with its protected status under the Wildlife and Countryside Act 1981, Conservation (Natural Habitats, &c) Regulations 1994, Countryside Rights of Way Act 2000 and in accordance with the National Planning Policy Framework and Policy DM29 of the Development and Allocations Plan and Policy CS18 of the Core Strategy and Urban Core Plan. The details are required to be submitted and approved in advance of works commencing on site to ensure the landscape and nature conservation value on the site are protected against damage at the commencement of development on site and their long term management.
26. Development shall not commence until a method statement for the protection and/or mitigation of damage to populations of badgers; (a protected species under Wildlife and Countryside Act 1981) and its associated habitat together with the timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority (in accordance with Ecological Impact Assessment recommendations). The scheme shall include both measures to be used during construction works and following completion of the development. The approved scheme shall be implemented in accordance with the agreed programme. Reason: In order to ensure the preservation of a protected wildlife species and its habitat in accordance with its protected status under the Wildlife and Countryside Act 1981, in accordance with the National Planning Policy Framework and Policy DM29 of the Development and Allocations Plan and Policy CS18 of the Core Strategy and Urban Core Plan. The details are required to be submitted and approved in advance of works commencing on site to ensure the landscape and nature conservation value on the site are protected against damage at the commencement of development on site and their long term management.
27. Development shall not commence until details of management and maintenance of on-site biodiversity enhancement measures for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed programme. Reason: In order to ensure that a biodiversity net gain is delivered, in accordance with the National Planning Policy Framework and Policy DM29 of the Development and Allocations Plan and Policy CS18 of the Core Strategy and Urban Core Plan.

Informative(s):

1. Your attention is drawn to the Agreement under Section 106 of the Town and Country Planning Act 1990 affecting this site.
2. Groundwater - Advice to Applicant Applicants should consider the impact to groundwater from the escape of firewater/foam and any metal leachate that it may contain. Where possible the applicant should ensure that there are multiple 'layers of protection' to prevent the source-pathway-receptor pollution route occurring. In

particular, proposals should avoid being situated near to rivers and sensitive drinking water sources.

3. Producer Responsibility Regulations - Advice to Applicant An important factor that can be overlooked by parties involved in new battery storage projects or investing in existing projects is that battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates additional lifecycle liabilities which must be understood and factored into project costs. The regime also creates opportunities for battery recyclers and related businesses. Operators' of battery storage facilities should be aware of the Producer Responsibility Regulations. Under the Regulations, industrial battery producers are obliged to:

- take back waste industrial batteries from end users or waste disposal authorities free of charge and provide certain information for end users;
- ensure all batteries taken back are delivered and accepted by an approved
- keep a record of the amount of tonnes of batteries placed on the market and taken back;
- register as a producer with the Secretary of State;
- report to the Secretary of State on the weight of batteries placed on the market and collected in each compliance period (each 12 months starting from 1 January).

4. Waste duty of care - Advice to Applicant Batteries have the potential to cause harm to the environment if the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place. The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only. Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport. We would encourage a review of the facility with consideration towards the overall pollution prevention systems and storage/containment of liquids including potential fire water/foam. Examples include:

- secondary containment that is impermeable to all potentially polluting liquids with measures to protect groundwater and any drainage system to surface water and/or local networks
- a minimum volume of secondary containment at least equivalent to the capacity of any tank plus 10% or, if there is more than one tank in the secondary containment, at least equivalent to the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest
- all fill points, vents, gauges and sight gauge located within the secondary containment
- associated above ground pipework protected from accidental damage
- below ground pipework having no mechanical joints, except at inspection hatches and have either leak detection equipment installed or regular leak checks

Where relevant It is recommended that the applicant implements the following features within their site design:

- Use of low-carbon concrete to significantly reduce the carbon footprint of your project and use of natural resources;
- Solar panels on externals of buildings to off-set energy use on site;
- The use of natural light and LED directional lighting, to reduce energy use;
- Low solvent paints to prevent polluting emissions to air;
- Ground-source heating to heat/cool buildings and reduce parasitic load on the main plant and
- Encourage the use of Electric Vehicles or similar alternatives by employees and contractors during the construction and operational phases of the site, to reduce climate change.

GRDETZ

All correspondence to:
Development Management
Civic Centre
Newcastle upon Tyne
NE1 8QH



2023/1294/01/DET

Assistant Director Planning

Notice to Applicant

Appeals to the Secretary of State

- If you are aggrieved by the decision of the 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, then you must do so within 6 months of the date of this notice, (unless it is a household or minor commercial development in which case you must do so within 12 weeks) using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or on-line at www.gov.uk/appeal-planning-decision
- 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 a service of the enforcement notice, or within six months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
- 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 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 on them, 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.
- 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 reasonably beneficial use in its existing state nor can he 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 City Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Further Notes for applicant

1. This consent is granted subject to conditions and it is the responsibility of the owner and the person responsible for the implementation of the development to ensure compliance with the planning conditions throughout the development and beyond. The approved development should be implemented in strict accordance with all of the planning conditions, and in particular any which require details to be approved prior to the commencement of development being authorised. Failure to do so may result in any commencement of development being unauthorised, which could be liable to enforcement action.
2. If you wish to change, or not comply with, any of the planning conditions attached to the permission, then you will need to submit a new application for planning permission under section 73 of the Town and Country Planning Act 1990. This does not affect your statutory right of appeal against any of the planning conditions. This includes if you wish to not comply with a condition attached to a permission which details the approved plans, so as to make a minor material change to the approved plans. A minor material change is defined as one whose scale and nature results in a development that is not substantially different from that which had been approved.
3. Any non-material change to the approved plans that form part of this permission would require the submission of an application for a non-material change under section 96A of the Town and Country Planning Act 1990. Whether changes to a proposed development are considered non-material is a matter for Planning Authority

discretion.

4. This certificate is issued under the Town and Country Planning Acts and Orders and does not constitute a permission, approval or consent for any other purpose. Applications must therefore be made for any other permissions, approvals or consents may be necessary in connection with the proposed development or anything incidental thereto, or the use to be made of the premises which form the subject of such development. For example consents may be required under building regulations, or approval of the City Council as ground landlord where appropriate, as well as approvals where works affect public sewers, gas mains, electricity lines, adopted highways, rights of way, property covenants and works affecting protected habitats or species.
5. Anyone proposing to carry out works to party walls, boundary walls and excavations near neighbouring buildings should also be aware of the requirements of the Party Wall etc Act 1996, guidance on which is available at: <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>.
6. If your development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining then you are advised to check the Coal Authority standing advice on the matter. You can check if your property is affected and the standing advice at www.coal.gov.uk/services/planning.