



# UNION4 PLANNING

## PLANNING STATEMENT

LAND TO THE SOUTH OF STOWMARKET BUSINESS PARK, NEEDHAM ROAD, STOWMARKET, SUFFOLK, IP6 8RS

Section 73 applications proposing variations to Planning Permission Refs: DC/18/05096 and DC/18/05102 relating the operating hours of the existing Flexible Generation Facilities

**PRECISE ENERGY LTD AND  
VALENCE POWER LTD**

**March 2022**



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## Document Control

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## **1.0 Introduction**

- 1.1 This Planning Statement has been prepared by Union4 Planning on behalf of Precise Energy Ltd and Valence Power Ltd ('the Applicants') and relates to the existing Flexible Generation Facilities on land to the south of Stowmarket Business Park, Needham Road, Stowmarket, Suffolk, IP6 8RS. Precise Energy Ltd own and operate the Flexible Generation Facility at 'Site A', whilst Valence Power Ltd own and operate the Flexible Generation Facility at 'Site B'.
- 1.2 The Applicants are applying for variations to the existing planning permissions (Planning Ref: DC/18/05096 and Planning Ref: DC/18/05102) to allow for changes to the permitted operating hours of the Flexible Generation Facilities. The applications are being made to Mid-Suffolk District Council under section 73 of the Town and Country Planning Act 1990 (as amended). The applications are being submitted concurrently to facilitate an assessment of the cumulative effects of the proposed variations.
- 1.3 In addition to this Planning Statement, the Section 73 applications include the following documents:
- Covering Letter;
  - Application Form and Certificates;
  - Air Quality Assessment – Technical Addendum;
  - Noise Impact Assessment.

### **Structure of this Planning Statement**

- 1.4 This Planning Statement is structured as follows:
- Section 2 provides an overview of the application site's location and description, including details of relevant planning history.
  - Section 3 describes the variations to the existing planning permissions.
  - Section 4 sets out the policy context pertaining to the proposals.
  - Section 5 outlines the key planning and environmental considerations.
  - Section 6 provides a summary and conclusions.

### **The Applicants**

- 1.5 The Applicants are Precise Energy Ltd and Valence Power Ltd, specialist UK companies providing back-up power and balancing services to the National Grid. The Applicants contract with the National Grid to ensure that there is always sufficient power provided to meet the UK's electricity needs.

- 1.6 In essence, the Applicants act as Service Providers and deliver a contracted level of power when instructed by the National Grid.
- 1.7 The Applicants install facilities which are designed within all the relevant parameters to reliably provide the flexible generation service. The Flexible Generation Facilities are proven technology and efficient, standard pieces of equipment that can be started remotely by the National Grid, and which are both clean and reliable in operation.
- 1.8 Suitable sites are identified based on proximity to existing grid infrastructure and in locations which are not subject to sensitive environmental, landscape or ecological designations.
- 1.9 Sustainability is at the heart of the Applicants' operations. The existing facilities operated by the two Applicants provide flexible, stand-by installations which help to support the UK's increasing reliance on renewable energy by utilising it to cost-effectively plug intermittency gaps. The use of renewable energy also helps to advance the de-carbonisation of the UK's energy sector. To this end, the installations operated by Precise Energy Ltd and Valence Power Ltd support the increased use of green energy.

#### **Background to the Applications**

- 1.10 Two planning applications were submitted in June 2016 for the proposed development of Flexible Generation Facilities on two adjoining sites ('Site A' and 'Site B'), which are located on land to the south of Stowmarket Business Park. Planning permissions were granted for both sites on 31 October 2016 (Planning Refs: 2779/16 and 2762/16).
- 1.11 Both planning permissions included a series of planning conditions, including a series of pre-commencement conditions. The relevant conditions were discharged in 2017 prior to the development of the Flexible Generation Facilities.
- 1.12 In May 2017, two applications were made for minor material amendments to the existing planning permissions, which incorporated minor changes to the site layout and specification of equipment to be used on the site (Planning Refs: 1854/17 and 1855/17). The minor material amendments were approved by Mid-Suffolk District Council on 19 July 2017 and the facilities subsequently became operational.
- 1.13 In November 2018, two applications were made for variations to the existing planning permissions, which involved an increase in the annual hours of operation from 200 hours per year to a maximum of 500 hours per year, together with permission to allow the facilities to operate outside the permitted hours of operation for a maximum of 5 occasions per year for a maximum duration of 30 minutes per occasion. These variations were approved on 9 January 2019 (Planning Refs: DC/18/05096 and DC/18/05102).

## 2.0 Site Location and Description

- 2.1 The Application Sites comprise existing Flexible Generation Facilities, which provide back-up energy supply to the National Grid. For ease of reference, the two sites are referred to as 'Site A' and 'Site B'.
- 2.2 The sites are located adjacent to Stowmarket Business Park, which is situated on the south-eastern edge of Stowmarket. More specifically, the sites are immediately to the south of the buildings currently occupied by Buildbase Stowmarket and Treadfirst.
- 2.3 The sites are situated just outside the town boundary, as indicated in the Stowmarket Area Action Plan. Both sites are accessed from Needham Road via a shared access road which extends through the eastern part of the business park.
- 2.4 The surrounding site context comprises a combination of industrial and commercial uses extending along the B113 Road and agricultural land to the west and south. The nearest residential property is approximately 230m to the north, whilst the residential area of Shelley Close is located approximately 670m to the northwest of the sites.

**Figure 1: Aerial View of Site Location and Context**



Source: Bing Maps (February 2022); annotated by Union4 Planning

- 2.5 The cumulative area of the Application Sites is 0.599 hectares, and this includes the access road which equates to an area of 0.122 hectares.
- 2.6 The Environment Agency's online mapping indicates that the Application Sites are not located within an area at risk of flooding. The online mapping provided by Natural England indicates that the sites are not subject to any statutory ecological designations. However, Combs Wood SSSI is located to the west of the sites.



### 3.0 Proposed Development

- 3.1 The applications are being submitted under section 73 of the Town and Country Planning Act 1990 (as amended). The summary descriptions of the two applications are as follows:

*"Section 73 Application for proposed variations to Planning Permission Ref: DC/18/05096 relating to the permitted operating hours at the existing Flexible Generation Facility on land to the south of Stowmarket Business Park, Needham Road, Stowmarket."*

*"Section 73 Application for proposed variations to Planning Permission Ref: DC/18/05102 relating to the permitted operating hours at the existing Flexible Generation Facility on land to the south of Stowmarket Business Park, Needham Road, Stowmarket."*

- 3.2 The Section 73 applications are seeking a variation in the permitted hours of operation which are set out in Condition No. 2 of the 2019 Decision Notices. Condition No. 2 on the respective Decision Notices states as follows:

*"The hereby permitted development/use shall operate for no more than 2 hours during any 24 hour period and no more than 500 hours per annum. The development shall not be operated outside the hours of 07:00 and 22:30 with the exception of on five occurrences throughout a given calendar year. These occurrences shall not exceed 30 minutes in duration."*

- 3.3 We are proposing to vary Condition No. 2 to refer to **an earlier start time of 06:00 hours and to allow the Flexible Generation Facilities to operate for up to 4 hours during any 24-hour period.** To this end, we are proposing that Condition No. 2 be amended as follows:

*"The hereby permitted development/use shall operate for no more than **4 hours** during any 24 hour period and no more than 500 hours per annum. The development shall not be operated outside the hours of **06:00** and 22:30 with the exception of on five occurrences throughout a given calendar year. These occurrences shall not exceed 30 minutes in duration."*

- 3.4 It is important to note that the hours of operation will continue to be restricted to a maximum of 500 hours per year. The earlier start time of 06:00 hours and the extension of the maximum operational event from 2 hours to 4 hours in a 24-hour period are changes that have been made by the National Grid to give them greater flexibility for accessing stand-by power during periods of peak demand. These changes are a consequence of National Grid being able to manage and balance the system with the current and predicted further growth in intermittent renewables coming on to the grid.



## 4.0 Planning Policy Context

4.1 This section considers the planning policies and legislative framework which together provide the context by which a planning application would be considered. It identifies the national, regional and local policies which are contained within statements of Government policy and the Development Plan for the area, or which may otherwise be material to the consideration of the Section 73 applications.

4.2 The planning policy context relevant to the Site can be summarised as follows:

- National Planning Policy Framework (July 2021);
- National Planning Practice Guidance (March 2014);
- Energy Security Strategy (November 2012);
- Mid-Suffolk Core Strategy Development Plan Document (September 2008) and Core Strategy Focused Review (December 2012);
- Stowmarket Area Action Plan (February 2013).

### National Planning Policy Framework (July 2021)

4.3 The National Planning Policy Framework (NPPF) was adopted in February 2019 and was updated on 20 July 2021. The NPPF sets out the Government's planning policies for England and how these are to be applied by Local Authorities.

4.4 The NPPF sets out the economic, environmental and social planning objectives for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

4.5 Paragraph 8 sets out the three overarching objectives to sustainable development as follows:

- a) an **economic** objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a **social** objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an **environmental** objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve

biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.6 The new NPPF sets out a "*presumption in favour of sustainable development*", with Paragraph 11 stating as follows:

*"For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."**

4.7 Section 6 of the NPPF refers to the economy and Paragraph 81 emphasises the role of Planning Authorities in helping local businesses to invest, expand and adapt:

*"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."*

4.8 Section 14 of the NPPF refers to climate change and Paragraph 152 states as follows:

*"The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."*

4.9 Further to this, Paragraph 155 states as follows:

*"To help increase the use and supply of renewable and low carbon energy and heat, plans should:*

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);*
- b) consider identifying suitable areas for renewable and low carbon energy sources, and **supporting infrastructure**, where this would help secure their development; and*
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers."*

**[Our Emphasis]**

4.10 The reference to "*supporting infrastructure*" in Paragraph 155 of the NPPF is particularly pertinent to the proposed variation of the existing planning permissions. Flexible Generation Facilities support the growth of renewables and the move towards de-carbonising the energy sector.

4.11 Section 15 of the NPPF refers to the environment with Paragraph 185 stating as follows:

*"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason;*  
*and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."*

4.12 The Glossary to the NPPF defines renewable and low carbon energy, including energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon

technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

#### **National Planning Practice Guidance (March 2014)**

- 4.13 The National Planning Practice Guidance (NPPG) came into force on 6 March 2014 and elements of the NPPG have since been updated in accordance with the new NPPF. The NPPG sets out the guidance that will sit alongside the policies in the NPPF.
- 4.14 The NPPG outlines that increasing the amount of energy from renewable and low carbon technologies will help to ensure that the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses.
- 4.15 It also states that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.
- 4.16 In this regard, a secure energy supply is recognised as being important to the UK's energy sector and the growth in the use of renewable and low carbon sources needs the support required by flexible generation services.

#### **Energy Security Strategy (November 2012)**

- 4.17 The Energy Security Strategy was published by the Department of Energy & Climate Change in November 2012. The document sets the direction for energy security policy. It provides a clear assessment of the UK's position, the risks the country faces, and the actions that are being taken.
- 4.18 The Energy Security Strategy sets out that the Government is primarily concerned about ensuring that consumers have access to the energy services they need (physical security) at prices that avoid excessive volatility (price security). The Strategy states that energy security must be delivered alongside the achievement of our legally binding targets on carbon emissions and renewable energy.
- 4.19 It is noted that whilst the Government cannot control world energy market prices and, as such, they are seeking to ensure that energy services are as affordable as possible, both for consumers and businesses, and in the long term to reduce dependence on imported fossil fuels.
- 4.20 The Strategy outlines that there are risks to security of supply over the medium-term, with approximately 20% of the capacity available in 2011 set to be closed by 2021. It outlines the importance of diversity in the supply of energy and places an emphasis on ensuring that there is resilience in the market. Paragraph 1.10 of the Strategy refers to how the country's energy requirements are likely to change between now and 2050, and states as follows:

*"Electricity use is likely to increase by at least 30 per cent and potentially by 100 per cent as much of our heating and transportation becomes electrified. We may see more seasonal demand (caused by electrification of heating) and different peaks in demand (from electric*

*vehicles). These changes to demand patterns, alongside an increased use of renewables and nuclear (less flexible supply), will increase the challenges of balancing the system and also present opportunities to embed demand side response (DSR) and distributed capacity (e.g. night charging of electric vehicles)."*

- 4.21 The Energy Security Strategy outlines the importance of robust regulation to protect energy security by ensuring that: appropriate standards are maintained; markets can react sufficiently quickly to meet consumer demand; the investment we need is delivered; and measures are in place in the case of company failure.

**Mid-Suffolk Core Strategy (Adopted in September 2008 with Focused Review in December 2012)**

- 4.22 The Development Plan applicable to the sites includes the Core Strategy Development Plan Document (September 2008) and Core Strategy Focused Review (December 2012).
- 4.23 The Core Strategy Development Plan Document was adopted in September 2008. A Focused Review of the Core Strategy (CSFR) has been adopted in December 2012, which updates the Core Strategy adopted in September 2008.
- 4.24 The Core Strategy comprises a number of Strategic Objectives, including the following:

*"Core Strategy Objectives SO 1*

*To protect, manage, enhance and restore the landscape, biodiversity and geodiversity of the District.*

*Core Strategy Objectives SO 2*

*To seek to improve water quality and reduce pollution to the wider environment.*

*Core Strategy Objectives SO 3*

*To provide for sustainable development and respond to the implications of climate change reducing Mid-Suffolk's carbon footprint.*

*Core Strategy Objectives SO 4*

*To protect, manage, enhance and restore the historic heritage / environment and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."*

- 4.25 Policy CS2 of the Core Strategy refers to development in the countryside and countryside villages and states as follows:

*"In the countryside development will be restricted to defined categories in accordance with other Core Strategy policies. These will include:*

- *agriculture and forestry;*
- *the preservation of Listed Buildings;*
- *rural exception housing to include: -*
  - *agricultural workers dwellings*
  - *possible conversion of rural buildings*
  - *replacement dwellings*
  - *affordable housing on exception sites*
  - *sites for Gypsies and Travellers and travelling showpeople*
- *the extension of dwellings*
- *the reuse and adaptation of buildings for appropriate purposes, as defined elsewhere in this document new-build employment generating proposals where there is a strategic, environmental or operational justification*
- *recreation and tourism*
- *community services and facilities meeting a proven local need*
- *development by statutory undertakers or public utility providers*
- *flood protection*
- *renewable energy projects*
- *mineral extraction*
- *waste management facilities."*

4.26 Policy CS3 seeks to reduce contributions to climate change and states that the Council will promote and encourage the appropriate development of standalone Renewable Energy schemes.

4.27 Policy CS5 refers to Mid-Suffolk's environment and states as follows:

*"All development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area.*

*To protect, manage and enhance Mid Suffolk's biodiversity and geodiversity based on a network of:*

- *Designated Sites (international, national, regional and local)*

- *Biodiversity Action Plan Species and Habitats, geodiversity interests within the wider environment*
- *Wildlife Corridors and Ecological Networks*

*and where appropriate increase opportunities for access and appreciation of biodiversity and geodiversity conservation for all sections of the community.*

*Emphasis will be given to the creation new habitats particularly along the Gipping, Upper Waveney and Deben river valley's in connection with flood management schemes and to contribute towards green tourism opportunities.*

*Landscape: The Council will protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encourage development that is consistent with conserving its overall character.*

*Design: Development will be of a high quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district. It should create visual interest within the street scene and where appropriate encourage active uses at ground floor level, creating uses of public space which encourage people to walk and cycle.*

*Historic Environment: The Council will introduce policies in the other DPDs of the Local Development Framework to protect, conserve and where possible enhance the natural and built historic environment including the residual archaeological remains. These policies will seek to integrate conservation policies with other planning policies affecting the historic environment."*

### **Stowmarket Area Action Plan (February 2013)**

4.28 The Stowmarket Area Action Plan (SAAP) was adopted in February 2013. The SAAP is a formal planning policy document and sets out relevant planning policies to guide future development in Stowmarket and its immediate surrounding villages.

4.29 Policy 4.1 of the SAAP sets out that there will be a presumption in favour of sustainable development:

*"When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

*Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted.”*

4.30 The application sites are situated outside the town boundary for Stowmarket and just inside the Special Landscape Area.

4.31 Policy 6.3 of the SAAP refers to Combs Wood and states as follows:

*"The Stowmarket Area Action Plan will help to maintain the important character of Combs Wood and its setting by designating it as Visually Important Open Space and by creating alternative "community" woodlands on land adjoining the existing settlement boundary to the South of the town. Agreements will be sought with affected landowners to bring about the proposed land use and funding made available for land acquisition (if required) and tree planting from the Infrastructure Delivery Programme."*



## 5.0 Planning and Environmental Considerations

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

5.2 This section assesses the planning considerations that we consider relevant to the determination of the two Section 73 applications and, in the light of the technical work undertaken and submitted in support of the applications, the extent to which they comply with planning policy requirements.

5.3 The key considerations for the proposed development may be summarised as follows:

- Need and Sustainability;
- Air Quality;
- Noise.

5.4 Each of the aforementioned matters are considered under the relevant headings below.

### **Need and Sustainability**

5.5 The existing installations provide a supply of flexible generation energy to the National Grid. The need for this type of facility and the service it offers to the National Grid provides the rationale for the proposed amendment to the operating hours.

5.6 The need for a balance of electricity supply has come into sharp focus in recent years. The low margin between electricity supply and demand creates an on-going concern in relation to the likelihood of blackouts, thereby creating a significant need for short-term energy sources that can deal with the demand. A consequence of the reduced capacity margin is that there is an increase in the demand for flexible generation services, in order to ensure the country has a consistent and sufficient supply of power.

5.7 The existing facilities will continue to provide a flexible or back-up energy supply, which is essential for the National Grid to maintain its target of a 20% supply margin and ensure that fluctuations in energy demand are met. It is essential to the maintenance of energy security in the UK and is a recognised means of ensuring that the risk of blackout and interruption of supply are minimised.

5.8 The existing facilities are part of a sustainable energy supply system that will continue to support the increase in renewable energy by optimising the efficiency of the local distribution network. In this regard, the local distribution network may utilise renewable energy installations as a primary source of energy and rely on the Flexible Generation Facilities when demand necessitates their use.

5.9 Sustainable development requires action on economy, environment and social issues, as set out in Paragraph 8 of the new NPPF. In this case, the proposed operating hours are part of an essential

sustainable energy strategy and will help maintain power for homes, businesses and services that are fundamental to the economy and social infrastructure.

- 5.10 The proposed extension in operating hours would involve an earlier start time of 06:00 hours and facilitating the extension of the maximum operational event duration from 2 hours to 4 hours in a 24-hour period. These amendments are being sought to meet the needs of National Grid, thereby providing a back-up supply in the unlikely scenario of a blackout during the early morning period. The proposal would provide the Applicants with increased flexibility to respond to the needs of National Grid, whilst also ensuring a security of supply.
- 5.11 The need for a reliable back-up supply of energy was once again highlighted in the *Summer Outlook 2021 and Winter Review 2020/21 Report*. The report outlines that the winter of 2020–2021 was favourable for adequacy in general as overall temperatures were close to average and supply margins were sufficient to ensure adequacy during cold spells. Cold weather in early January caused tight supply margins in Western Europe. Timely signals to the electricity market to procure additional generation (such as Electricity Market Notices in Great Britain) and international electricity exchanges (such as the high levels of import in Great Britain and France) were sufficient to ensure adequacy during peak hours in this period. However, the overall impact of the COVID-19 pandemic on adequacy was limited in the winter of 2020–2021, as planned outage schedule disruptions were manageable whereas demand was marginally depressed.

### **Air Quality**

- 5.12 The proposed increase in annual operating hours to facilitate a start time of 06:00 hours and the increase in the maximum operating event duration to 4 hours will not give rise to any increase in the total hours of operation, which will continue to be a maximum of 500 hours per year. Notwithstanding this, the Section 73 applications are accompanied by a Technical Addendum to the previously submitted Air Quality Assessment for the sites, which has been prepared by PJD Consultants Ltd. The new assessment considers the proposal for an earlier start time of 06:00 hours and a maximum operational duration of 4 hours during a 24-hour period.
- 5.13 An increase in maximum duration of any single operational event for the installations would not affect the conclusions of the previous Air Quality Assessment with regard to the assessment of human health impacts. This is because the maximum potential 1-hour mean NO<sub>2</sub> concentration at each receptor was identified as part of the previous assessment and this will not change as a result of the proposed variation. In addition, because no increase in the annual operating hours of the facilities (up to 500 hours per year) is proposed, there will be no change in long-term impacts at receptor locations (for NO<sub>2</sub> or NO<sub>x</sub>) from those predicted in the previous Air Quality Assessment for the site.

- 5.14 The proposed increase in the maximum operating event duration (up to 4 hours) would only have an increased impact on 24-hour mean pollutant concentrations because of the potential increase in operating hours across a 24-hour period compared to the approved operational events (up to 2 hours). There is no air quality standard (AQS) for 24-hour mean NO<sub>2</sub> concentrations for the protection of human health, but there is a 24-hour mean Critical Level for NO<sub>x</sub> for the protection of vegetation. Therefore, further dispersion modelling has been undertaken to determine the impact on 24-hour mean NO<sub>x</sub> concentrations at ecological receptors considered in the Air Quality Assessment. Only 24-hour mean NO<sub>x</sub> concentrations were considered because, as noted above, no increase in annual operating hours is proposed. As such, there would be no change in impact for annual mean NO<sub>x</sub> (or NO<sub>2</sub>) concentrations (or nitrogen or acid deposition, which is also based on annual mean concentrations), which were reported in the previous Air Quality Assessment.
- 5.15 The results of the additional emissions modelling presented in the Technical Addendum shows that if the Flexible Generation Facilities are permitted to operate for up to 4 hours per day, the impact predicted at sensitive ecological receptor locations would not be significant. This is on the basis of the low probability of the maximum predicted 24-hour mean process contributions actually occurring and the predicted environmental concentrations all being well below the Critical Level for 24-hour mean NO<sub>x</sub> concentrations.
- 5.16 In summary, it is submitted that the proposed start time of 06:00 hours and the increase in the maximum operating event duration to 4 hours in a 24-hour period will not give rise to any adverse air quality impacts.

### **Noise**

- 5.17 The proposed change to the operating hours also requires the noise impacts of the Flexible Generation Facilities to be considered. Moreover, the proposal to allow for the use of the facilities to commence at 06:00 hours and a maximum operational event duration of 4 hours during a 24-hour period must be considered in relation to the local noise environment and nearby residential amenity.
- 5.18 The Section 73 applications are supported by a new Noise Impact Assessment prepared by Enfonc, which considers the noise impacts arising from the proposed variation in operating hours.
- 5.19 The nearest noise sensitive area is identified as existing residential dwellings along Shelley Close (approximately 670m to the northwest) and Stowmarket Road (approximately 240m to the north and 385m to the east).
- 5.20 The Noise Impact Assessment has considered a worst-case impact of the existing Flexible Generation Facilities for both the permitted operational hours and the proposed extension to the operational hours. It demonstrates that there is no impact or a low impact from the operation of the Flexible Generation Facilities on the aforementioned noise sensitive receptors. Furthermore,

no noise complaints have been received from the existing operation which would support the likelihood that this assessment overestimates the actual impact being experienced.

- 5.21 It was found that the impact for the proposed earlier operational period (06:00-07:00 hours) is almost identical (within 1dB) of the existing permitted operational period (07:00-22:30 hours). As such, there is no material difference between the existing impact and the impact for the additional operational period. Notwithstanding this, mitigation of the impact can be provided if necessary by the addition of an acoustic barrier along a section of the northern boundary of the site.
- 5.22 In summary, it is submitted that the proposed start time of 06:00 hours and the increase in the maximum operating event duration to 4 hours in a 24-hour period will not give rise to new or adverse noise impacts on nearby residential receptors.

## 6.0 Summary and Conclusions

- 6.1 This Planning Statement has been prepared by Union4 Planning on behalf of Precise Energy Ltd and Valence Power Ltd in support of two Section 73 applications to Mid-Suffolk District Council. The applications are proposing variations to the existing planning permissions (Planning Ref: DC/18/05096 and Planning Ref: DC/18/05102) to allow for changes to the permitted operating hours.
- 6.2 We are proposing to vary Condition No. 2 to refer to an earlier start time of 06:00 hours and to allow the Flexible Generation Facilities to operate for up to 4 hours during any 24-hour period. To this end, we are proposing that Condition No. 2 be amended as follows:
- "The hereby permitted development/use shall operate for no more than **4 hours** during any 24 hour period and no more than 500 hours per annum. The development shall not be operated outside the hours of **06:00** and 22:30 with the exception of on five occurrences throughout a given calendar year. These occurrences shall not exceed 30 minutes in duration."*
- 6.3 It is important to note that the hours of operation will continue to be restricted to a maximum of 500 hours per year. The earlier start time of 06:00 hours and the extension of the maximum operational event from 2 hours to 4 hours in a 24-hour period are changes that have been made by the National Grid to give them greater flexibility for accessing stand-by power during periods of peak demand. These changes are a consequence of National Grid being able to manage and balance the system with the current and predicted further growth in intermittent renewables coming on to the grid.
- 6.4 The proposed variation of the operating hours will not give rise to new or adverse air quality or noise impacts on nearby receptors.
- 6.5 To conclude, we consider that the proposed variation of the existing planning permissions is consistent with national and local policies to provide and maintain sustainable supplies of energy at the local level, and that the proposals are in accordance with the principles of sustainable development. We would, therefore, respectfully submit that the Section 73 applications for the proposed variations to the Flexible Generation Facilities should be approved.

**Appendix A**

**Copy of Decision Notice for Planning Ref: DC/18/05096**

Philip Isbell - Acting Chief Planning Officer  
Growth & Sustainable Planning

Mid Suffolk District Council  
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



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**PLANNING PERMISSION**  
**TOWN AND COUNTRY PLANNING ACT 1990**

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**Correspondence Address:**

Union4 Planning  
118 Pall Mall  
London  
SW1Y 5ED

**Applicant:**

Precise Energy Ltd  
23 Hanover Square  
London  
W1S 1JB

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**Date Application Received:** 19-Nov-18

**Application Reference:** DC/18/05096

**Date Registered:** 22-Nov-18

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**Proposal & Location of Development:**

Application under Section 73 of the Town and Country Planning Act. Variation to condition 3 (hours of use) of permission 1854/17.

Land To The South Of Stowmarket Business Park, Needham Road , Stowmarket, Suffolk IP6 8RS

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

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**Section B:**

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ON GOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING  
Any trees, hedges, shrubs or turf identified within the approved landscaping details on Drawing No A103240\_PP\_001; received 20.6.17; which die, are removed, seriously damaged or seriously diseased, within a period of 5 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

2. ON GOING REQUIREMENT OF DEVELOPMENT/USE: RESTRICTION ON OPERATION TIMES

The hereby permitted development/use shall operate for no more than 2 hours during any 24 hour period and no more than 500 hours per annum. The development shall not be operated outside the hours of 07:00 and 22:30 with the exception of no more than five occurrences in a given calendar year which shall no longer than 30 minutes in duration.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

3. SCHEME FOR DECOMMISSIONING

The hereby approved development shall be decommissioned and removed from the site after 20 years from the date of its first operation, or when it is no longer needed for energy generation purposes, whichever is the sooner, and in any event not more than 25 years from the date of the original permission (1854/17) which, for the avoidance of doubt, was granted on 19th July 2017. The decommissioning and reinstatement of the site shall be in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The scheme for decommissioning and reinstatement shall be implemented as approved in accordance with the agreed timescale.

Reason - In order to secure the appropriate decommissioning and reinstatement of the land.

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DETAILS OF ILLUMINATION

Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall

a) Clearly demonstrate that areas to be lit have reasonably minimised light pollution, through the use of minimum levels of lighting and features such as full cut off cowls or LED.

b) Clearly demonstrate that the boundary vegetation to be retained, as well as that to be planted, will not be lit in such a way as to disturb or prevent bats using their territory or having access to their breeding sites and resting places or foraging areas, through the use of minimum levels of lighting and features such as full cut off cowls or LED.

The lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

**SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

NPPF - National Planning Policy Framework

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS03 - Reduce Contributions to Climate Change

CS05 - Mid Suffolk's Environment

GP01 - Design and layout of development

CL08 - Protecting wildlife habitats

CL02 - Development within special landscape areas



RT12 - Footpaths and Bridleways  
H16 - Protecting existing residential amenity

**NOTES:**

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: [infrastructure@baberghmidsuffolk.gov.uk](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/18/05096

**Signed: Philip Isbell**

**Dated: 9th January 2019**

**Acting Chief Planning Officer  
Growth & Sustainable Planning**

## **Important Notes to be read in conjunction with your Decision Notice**

### **Please read carefully**

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

**Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development.** Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

### **Discharging your obligations under a condition:**

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

### **Building Control:**

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

## Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990  
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements\*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

\*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

**Appendix B**

**Copy of Decision Notice for Planning Ref: DC/18/05102**

Philip Isbell - Acting Chief Planning Officer  
Growth & Sustainable Planning

Mid Suffolk District Council  
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



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**PLANNING PERMISSION**  
**TOWN AND COUNTRY PLANNING ACT 1990**

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**Correspondence Address:**

Union4 Planning  
118 Pall Mall  
London  
SW1Y 5ED

**Applicant:**

Valence Power Ltd  
C/o Agent

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**Date Application Received:** 19-Nov-18

**Application Reference:** DC/18/05102

**Date Registered:** 22-Nov-18

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**Proposal & Location of Development:**

Application under Section 73 of the Town and Country Planning Act. Variation to condition 3 of planning permission 1855/17.

Land To The South Of Stowmarket Business Park, Needham Road , Stowmarket,

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Site Location Plan SK13 - Received 19/11/2018

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**Section B:**

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ON GOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING  
Any trees, hedges, shrubs or turf identified within the approved landscaping details shown on drawing number A103240\_PP-001; received 20/06/17 which die, are removed, seriously damaged or seriously diseased, within a period of 5 years of being planted or in the case of existing planting within a period of 5 years from the grant of the original permission (1855/17) which, for the avoidance of doubt was 19th July 2017, shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

2. ON GOING REQUIREMENT OF DEVELOPMENT/USE: RESTRICTION ON OPERATION TIMES

The hereby permitted development/use shall operate for no more than 2 hours during any 24 hour period and no more than 500 hours per annum. The development shall not be operated outside the hours of 07:00 and 22:30 with the exception of on five occurrences throughout a given calendar year. These occurrences shall not exceed 30 minutes in duration.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

3. SCHEME FOR DECOMMISSIONING

The hereby approved development shall be decommissioned and removed from the site after 20 years from the date of its first operation, or when it is no longer needed for energy generation purposes, whichever is the sooner, and in any event not more than 25 years from the date of the original permission (1855/17), which, for the avoidance of doubt was granted 19th July 2017. The decommissioning and reinstatement of the site shall be in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The scheme for decommissioning and reinstatement shall be implemented as approved in accordance with the agreed timescale.

Reason - In order to secure the appropriate decommissioning and reinstatement of the land.

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DETAILS OF ILLUMINATION

Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall

a) Clearly demonstrate that areas to be lit have reasonably minimised light pollution, through the use of minimum levels of lighting and features such as full cut off cowls or LED.

b) Clearly demonstrate that the boundary vegetation to be retained, as well as that to be planted, will not be lit in such a way as to disturb or prevent bats using their territory or having access to their breeding sites and resting places or foraging areas, through the use of minimum levels of lighting and features such as full cut off cowls or LED.

The lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

**SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

NPPF - National Planning Policy Framework

SAAP - Stowmarket Area Action Plan

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS03 - Reduce Contributions to Climate Change

CS05 - Mid Suffolk's Environment

GP01 - Design and layout of development

CL02 - Development within special landscape areas  
RT12 - Footpaths and Bridleways  
CL08 - Protecting wildlife habitats  
HB01 - Protection of historic buildings  
H16 - Protecting existing residential amenity

**NOTES:**

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

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[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: [infrastructure@baberghmidsuffolk.gov.uk](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/18/05102

**Signed: Philip Isbell**

**Dated: 9th January 2019**

**Acting Chief Planning Officer  
Growth & Sustainable Planning**

## **Important Notes to be read in conjunction with your Decision Notice**

### **Please read carefully**

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### **Building Control:**

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.



## Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990  
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements\*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

\*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.