

Application No: WSCC/055/09/NH
COUNTY MATTER

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT
PROCEDURE) ORDER 1995

To Biffa Waste Services Ltd
c/o Andrew Wooddisse
Scott Wilson
Scott House
Alencon Link
Basingstoke
Hampshire, RG21 7PP

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

Construction and operation of a mechanical and biological treatment facility, including offices and visitor centre and ancillary plant and infrastructure. Land Neighbouring Brookhurst Wood Landfill Site, Langhurstwood Road, Horsham, W. Sussex, RH12 4QD

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions if any) submitted to this Council on 31 July 2009 (and in accordance with the relevant correspondence a copy of which is attached *) and subject to the conditions specified hereunder:-

Timescale

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Date 1/4/10 Signed [Signature]
Divisional Manager County Development

***N.B.** The reasons for imposing the above conditions are as specified after the conditions.
The words in brackets do not apply unless a copy of the relevant correspondence is attached.
Your copy of the application, determined as above, is returned herewith for your records.

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES AT APPENDIX A OF THIS FORM

Continuation Sheet**Approved Plans**

2. The proposed development shall not take place other than in accordance with the approved plans, Drawing No. PA02 'Application Site Boundary' (dated APR 09), Drawing No. PA04 'Proposed Site Layout Plan' REV A (dated 04.06.09), Drawing No. PA05 'Mechanical Separation Building (Elevations)' REV A (dated 04.06.09), Drawing No. PA06 'AD Farm Elevations' REV A (dated 04.06.09), Drawing No. PA07 'Office and Visitor Centre Elevations' (dated APR 09), Drawing No. PA12 'Site Cross Section' REV A (dated 05.06.09), Drawing No. PA13 'Weighbridge Office Elevations' (dated APR 09), and supporting information, save as varied by the conditions hereafter or any variation thereto that may be agreed in writing by the County Planning Authority.

Reason: To secure a satisfactory development.

Availability of Approved Documents

3. A copy of the decision notice with the approved plans and any subsequently approved documents shall be kept at the site office at all times and the terms and contents of them shall be made known to the supervising staff on site. These documents shall be made available to the County Planning Authority upon request.

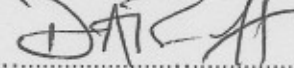
Reason: To ensure that the site operatives are conversant with the terms of the planning permission.

PRIOR TO THE COMMENCEMENT OF DEVELOPMENT**Bird Management Plan**

4. Prior to the commencement of the development hereby permitted a Bird Hazard Management Plan shall be submitted to and approved in writing by the County Planning Authority. The submitted plan shall include details of the management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'. The Bird Hazard Management Plan shall be implemented as approved upon completion of the roofs and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the County Planning Authority.

Reason: It is necessary to manage the roofs in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport.

Date 1.4.10

Signed
Divisional Manager County Development.....

Continuation Sheet

Surface Water Drainage Scheme

5. Prior to the commencement of the development hereby permitted a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding and to improve and protect water quality.

Site Waste Management Plan

6. Prior to the commencement of the development hereby permitted a Site Waste Management Plan in accordance with the requirements of Sections 5-6 and 8-9 of The Site Waste Management Plans Regulations (2008) shall be submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented as approved.


Reason: To ensure that all waste materials generated during construction works will be handled efficiently and waste managed appropriately.

Protection of European Protected Species and Habitats

7. No development or preparatory works shall be undertaken until a European Protected Species Licence has been secured through Natural England that satisfies the requirements of the County Planning Authority. Mitigation will be undertaken to safeguard both European and UK legally protected species through a habitat creation scheme, to include monitoring, long-term management and agreement to undertake remedial measures should such a scheme be seen to be failing. Mitigation shall be implemented in accordance with the approved details (with reference to the findings of report B0196100) and timing of the works, unless otherwise approved in writing by the County Planning Authority.

Reason: To ensure the adequate protection of European protected species in accordance with paragraph 99 of ODPM Circular 06/2005 and to safeguard legally protected species, other notable species and notable habitats.

Date 1.4.10

Signed 
Divisional Manager County Development

Continuation Sheet**Ecological Enhancement Measures**

8. Prior to the commencement of the development hereby permitted landscaping details including appropriate ecological enhancements in combination with the use of sustainable drainage designs shall be submitted to and approved in writing by the County Planning Authority. These details shall include clearly defined plans indicating where habitats will be lost and created; ecological enhancement measures to be submitted shall address:
- Maintenance of the ecological connectivity through this site and with the habitats to the exterior of the site; and
 - Incorporation of wetland enhancements (potentially through SuDS) within the landscaping plans. This should be seen as an opportunity to improve the working site, both for staff and visitors.

Thereafter, the scheme shall be completed in accordance with the approved details.

Reason: In this scale of development ecological enhancements should be an intrinsic part of the plans so as to avoid a net loss of biodiversity and to actively pursue opportunities to achieve a net gain of biodiversity across the region.

Landscaping Scheme

9. No development shall take place until there has been submitted to and approved in writing by the County Planning Authority a landscaping scheme, which shall include retention, protection and enhancement of the existing trees/bushes/hedges being retained and protected in accordance with BS5837:2005 and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. All trees and hedgerows on the land shall be indicated, with details of those to be removed or retained. The existing trees, bushes and hedgerows within the site shall be retained and shall not be felled, lopped or removed without the prior written consent of the County Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased as a result of operations permitted by this permission shall be replaced with trees or bushes of such size and species as may be specified by the County Planning Authority, in the planting season immediately following any such occurrences. The approved landscaping scheme shall be carried out as approved and adhered to at all times throughout the life of the development.

Reason: To maintain the long term health of retained vegetation in the interests of the amenity and environment of the development and to safeguard the visual amenity of the wider area.

Date 1.4.10

Signed DAR
Divisional Manager County Development

Continuation Sheet

Landscape Management Plan

10. Prior to the commencement of the development hereby permitted a landscape management plan, including all soft and hard landscape works, long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the County Planning Authority. The approved landscape management shall be carried out as approved and adhered to at all times throughout the life of the development.

Reason: In the interests of the visual amenity of the wider area.

11. Lighting

Prior to the commencement of the development hereby permitted a scheme setting out all external floodlighting and other illumination (to include an assessment of the effects of all internal lighting on local amenity with respect to the potential for light pollution) proposed at the site shall be submitted to the County Planning Authority for approval. Details shall include: height of the floodlighting posts, intensity of the lights (specified in the Lux levels), spread of light including approximate light spillage to the rear of floodlighting posts (in metres), details of measures proposed to minimise the impact of the floodlighting or disturbance through glare (such as shrouding), and the times when such lights will be illuminated (with reference to the permitted operating times). The site shall not be artificially illuminated except during the permitted hours of working and no lighting fitment shall be installed or at any time operated on the site from which the source of light is directly visible from the public highway, the Horsham to Dorking railway or residential properties having views toward the site. The scheme shall be implemented as agreed in writing by the County Planning Authority.

Reason: To protect the local amenities from floodlighting and other illumination as well as in the interest of the continued safe operation of passing trains.

12. Dust Suppression Scheme

Prior to the commencement of the development hereby permitted a scheme to minimise the emission of dust shall be submitted to and approved in writing by the County Planning Authority. Such scheme shall include (the water spraying of access and haul roads to suppress dirt in periods of prolonged dry weather), and shall be implemented in full and the suppression equipment thereafter maintained in accordance with the manufacturers instructions for the duration of the permission, unless with the prior written approval of the County Planning Authority to a variation.

Reason: To protect the amenities of locality.

Date 1.4.10

Signed 
Divisional Manager County Development

Continuation Sheet

Bio-Filter Maintenance Scheme

13. Prior to the commencement of the development hereby permitted details of a maintenance programme for the bio-filters shall be submitted to and approved in writing by the County Planning Authority. The maintenance programme as agreed by the County Planning Authority shall be complied with at all times.

Reason: In the interests of the amenity of residents.

Design and Materials

14. Prior to the commencement of development hereby permitted details of all external materials and finishes of all new windows and doors and the colours and finishes of all buildings, fixed plant and related structures shall be submitted in advance for written approval by the County Planning Authority and implemented and maintained as approved for the life of the development. Once approved the windows and doors shall not be altered or replaced without the prior written approval of the County Planning Authority.

Reason: In the interests of the amenities of the locality and to achieve and maintain a development of high visual quality.

Security Fencing, Entrance Gates and Perimeter Surfaces

15. Prior to the commencement of the development hereby permitted details of all materials and finishes to be used for the proposed 2.4m high ZAUN 8mm duo security fencing around the site boundary, entrance gates and any other perimeter surfaces shall be submitted to and approved in writing by the County Planning Authority. The development shall be carried out in strict accordance with the approved details and shall not be altered or replaced without the prior written approval of the County Planning Authority.


Reason: In the interest of visual amenity.

Road surfacing

16. Prior to the commencement of the development hereby permitted a scheme setting out all materials and finishes of new roads, parking areas and associated hard landscaping shall be submitted for comment and approval by the County Planning Authority. The scheme shall be implemented as agreed in writing by the County Planning Authority and the finishes applied maintained throughout the course of the development.

Reason: In the interests of the amenities of the locality and to endeavour to achieve a development of high visual quality.

Date 1.4.10

Signed 
Divisional Manager County Development.....

Continuation Sheet

General Sustainability Measures

17. The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the County Planning Authority. These details shall demonstrate how the development would be efficient in the use of overall design, energy, water and materials. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials.

CONTROLLING CONSTRUCTION**18. Hours of Construction Works and Deliveries**

Construction works and deliveries of construction materials, plant or machinery for the development hereby permitted shall take between the hours of:

07.30 and 18.00 on Mondays to Fridays inclusive;

07.30 and 13.00 on Saturdays; and

not at any time on Sundays, Bank or Public Holidays, unless otherwise agreed in advance and in writing by the County Planning Authority.

Reason: In the interests of residential amenity.

Wheel Cleaning

19. Efficient means for cleaning the wheels of all vehicles leaving the site shall be installed prior to the commencement of construction and continued throughout construction and the subsequent operation of the site. Best practicable means shall be taken at all times to ensure that all vehicles leaving the site are in a condition such as not to emit dust, deposit mud or other debris on the highway. The wheel cleaning scheme shall be extended to include measures for sweeping/cleaning the highway and access road should these become hazardous.

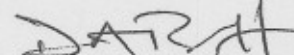
Reason: In the interests of highway safety.

PRIOR TO OCCUPATION/USE**Highway Safety**

20. The Mechanical and Biological Treatment facility, hereby approved, shall not be brought into use until the site access road junction with Langhurstwood Road has been widened and improved in accordance with plans and engineering construction drawings to be submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of road safety.

Date 1.4.10

Signed 
Divisional Manager County Development

Continuation Sheet

Highway Safety

21. The Mechanical and Biological Treatment facility, hereby approved, shall not be brought into use until the Langhurstwood Road/A264 junction has been widened on its eastern radii in accordance with plans and engineering drawings to be submitted to and approved in writing by the County Planning Authority.

Reason: To preclude heavy goods vehicles from over running the inside of the curve, in the interests of road safety and highway maintenance.

Car Parking Provision

22. The Mechanical and Biological Treatment facility, hereby approved, shall not be brought into use until the forty seven staff and visitor car parking spaces have been provided, surfaced, signed and marked out in accordance with a plan to be submitted to and approved in writing by the County Planning Authority. These car parking spaces shall thereafter be retained at all times for their designated use.

Reason: To discourage on street parking in the interests of highway safety.

Cycle Parking

23. The Mechanical and Biological Treatment facility, hereby approved, shall not be brought into use until the proposed covered, secure cycle parking spaces have been provided within the site in accordance with a plan to be submitted to and approved in writing by the County Planning Authority. These cycle parking spaces shall thereafter be retained at all times for their designated use.

Reason: To encourage the use of sustainable forms of transport.

Noise Levels at Graylands Lodge

24. The Mechanical and Biological Treatment facility, hereby approved, shall not be brought into use until a scheme detailing the provision of noise attenuation measures capable of achieving an acceptable level of noise at Graylands Lodge has been submitted and approved in writing by the County Planning Authority and shall thereafter be maintained at all times throughout the course of the development.

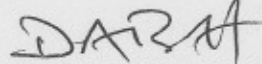
Reason: In the interest of the amenity of the occupants at Graylands Lodge.

Liaison Group

24. The Mechanical and Biological Treatment facility, hereby approved, shall not be brought into use until a scheme for the establishment of a local liaison group has been submitted by the applicant to the County Planning Authority for written approval. The submitted scheme shall include the objectives of the committee, its membership, the frequency and location of meetings and arrangements for the publication of minutes. The local liaison group shall meet thereafter in accordance with the approved scheme.

Reason: In the interests of the local amenities of the area.

Date 1-4-10

Signed
Divisional Manager County Development.....

Continuation Sheet

CONTINUING OPERATIONAL CONDITIONS**White Noise Alarms**

25. Vehicles associated with the import and export of waste/waste derived products as well as all plant and machinery that are used on site and those under the applicant's control delivering waste to the site that are required to emit reversing warning noise, shall use white noise alarms as apposed to single tone 'bleeping' alarms.

Reason: To protect the amenities of local residents.

26. **Hours of Operation - Mechanical Separation Building**

Unless otherwise agreed in advance and in writing by the County Planning Authority the Mechanical Separation Building will normally operate between the hours of 07.00 and 23.00 Monday to Saturday only.

Reason: To protect the amenities of local residents.

28. **Hours of Waste Delivery**

Unless otherwise agreed in advance and in writing by the County Planning Authority, no deliveries of waste materials shall take place except between the hours of:

07.00 and 16.30 on **Monday to Fridays** inclusive;

07.00 and 12.00 on **Saturdays**;

07.00 and 15.00 on **the first Saturday following a Public Holiday**;

07.00 and 10.00 on **Public Holidays**; and

no deliveries of waste materials shall enter the site on **Sundays**.

Reason: In the interests of the amenity of the locality and of local residents.

29. **Hours of Materials Export**

Unless otherwise agreed in advance and in writing by the County Planning Authority, no export of materials shall take place except between the hours of:

07.00 and 18.00 on **Monday to Fridays** inclusive;

07.00 and 18.00 on **Saturdays**;

07.00 and 10.00 on **Public Holidays**; and

no materials shall be exported from the site on **Sundays**.

Reason: In the interests of the amenity of the locality and of local residents.

Date 1.4.10

Signed
Divisional Manager County Development... 

Internal Waste Movements

30. Unless otherwise agreed in advance and in writing by the County Planning Authority internal movements of vehicles carrying waste materials within the development site shall only take place between the hours of 07.00 to 18.00 seven days a week.

Reason: In the interests of the amenity of the locality and of local residents.

HGV Numbers

31. Unless otherwise agreed in advance and in writing by the County Planning Authority:
- no more than 196 HGVs shall enter the site between the hours 07.00-16.30 and no more than 196 HGVs shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on **Mondays to Fridays** inclusive;
- no more than 89 HGVs shall enter the site between the hours 07.00-12.00 and no more than 89 shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on **Saturdays**;
- no more than 143 HGVs shall enter the site between the hours 07.00-15.00 and no more than 143 shall exit the site between the hours 07.00-18.00 (of which no more than 8 HGVs shall exit the site between 16.30-18.00) on **the first Saturday following a Public Holiday**; and
- no more than 54 HGVs shall enter the site and no more than 54 HGVs shall exit the site between the hours of 07.00 and 10.00 on **Public Holidays**.

Reason: In the interests of road safety and local amenity.

HGV Records

32. A record of daily vehicle numbers, including arrival and departure times, shall be maintained and kept at the site office at all times and made available to staff of the County Planning Authority upon request.

Reason: In the interests of road safety and residential amenity

Removal of Temporary Construction Features

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, following the completion of the construction, engineering or building works all temporary contractors buildings, plant, materials and temporary access, parking, loading and unloading areas required for the implementation of the development hereby approved, shall be removed and land restored to it's former condition or a condition to be submitted to and agreed in writing in advance by the County Planning Authority, within six months of the building operations being completed.

Reason: To enable the County Planning Authority to control the development in detail in the interests of amenity.

Date 1-4-10 Signed DAR
Divisional Manager County Development.....

Continuation Sheet

Travel Plan

34. Upon occupation of the Mechanical and Biological Treatment facility, hereby approved, the site Travel Plan shall be implemented in accordance with the modal shift targets, sustainable travel measures and monitoring procedures identified in the Travel Plan.

Reason: To accord with sustainable transport policies.

Permitted Waste Materials

35. Save for any direction issued by the Waste Licensing Authority (Environment Agency) unless otherwise agreed in advance and in writing by the County Planning Authority, the development hereby permitted shall only be used for the importation, processing and storage of non-hazardous, non-inert waste materials

Reason: Waste materials outside these categories raise environmental and amenity issues, which would require consideration afresh.

Waste Processing or Storage

36. No waste processing or storage of waste materials and/or waste derived products, or vehicles containing any waste materials and/or waste derived products shall take place outside the confines of the buildings hereby approved for this purpose.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect

Control of Odorous Emissions

37. Unless otherwise agreed in advance and in writing, other than for the receiving of waste materials and/or the despatch of waste derived products and for other vehicle movements associated with the sites operations, the delivery doors to the MPMC MBT Facility shall remain closed at all times.

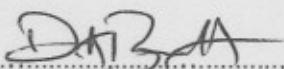
Reason: To protect residential amenity

Vehicular Operations

38. All vehicles delivering and/or removing from the site wastes and/or waste derived products shall have their loads enclosed within the vehicle or container or covered/sheeted so as to prevent spillage or loss of materials on the public highway. The condition shall be adhered to regardless of the vehicle being full or empty.

Reason: In the interests of highway safety and of the amenities of the locality.

Date 1-6-10

Signed
Divisional Manager County Development.....

Continuation Sheet**Vehicular/Mechanical Noise**

39. All vehicles, plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise does not, at any time, increase the background noise levels as measured according to British Standard 4142:1997 at any adjoining or nearby residential property.

Reason: To protect residential amenity.

Control of Lorries, Heavy Goods Vehicles, and Equipment

40. The site shall not be used as an operating base for any lorries or Heavy Goods Vehicles, or the repair and/or maintenance of any lorries or Heavy Goods Vehicles and equipment which are not under the direct control of the operator and not normally used for the delivery, handling or sorting of permitted wastes to or within the site.

Reason: In the interests of amenity and highway safety.

Quantities of Waste

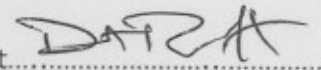
41. A record of the quantities (in tonnes) of waste material delivered to the site and waste derived products despatched from the site shall be maintained and kept at the site office at all times and made available to the County Planning Authority upon request. Unless agreed otherwise in advance and in writing with the County Planning Authority, the total quantity of waste received at the site between 1st January and 31st December of any year shall not exceed more than 327,000 tonnes.

Reason: To ensure the approved capacity of the development to deal with waste is not exceeded with adverse impacts upon amenity and highway safety.

INFORMATIVES

- A. Biffa Waste Services Ltd are advised that they will be required to enter into a highway works agreement to be made under Section 278 of the Highways Act 1980 for the execution of the site access road/Langhurstwood Road junction improvements and the Langhurstwood Road/A264 junction improvement works. The applicant is requested to contact the agreements officer, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ (Tel no: 01243 777251) in order that the necessary documentation may be prepared for inclusion in the legal agreement.
- B. This permission shall be read in conjunction with a routing agreement made under Section 106 of the Town and Country Planning Act 1990.
- C. WSCC Architectural advice (received 2 October 2009) is attached for the applicant's attention.

Date 1.4.10

Signed 
Divisional Manager County Development

- D. The Environment Agency consultation response letter (dated 8 September 2009) containing guidance with respect to the potential need for obtaining both or either protected species licences or a licence for fish capture or movement prior to works commencing as well as general groundwater protection advice to be considered during construction works and the requirements of any Site Waste Management Plan is attached for the applicant's attention.
- E. The reasons for granting planning permission are that the proposal accords with National Policy Guidance and complies with Development Plan Policies requiring that the proposed development:
- meets an identified need;
 - is acceptable in terms of highway capacity and road safety;
 - has an acceptable impact on ecology, biodiversity and the water environment;
 - is satisfactory in terms of design and appearance; and
 - has an acceptable impact on local amenity.
- F. In determining the application the following planning policies were considered:

The South East Plan 2009

W5: Targets for the Diversion from landfill

W6: Recycling and Composting

W17: Location of Waste Management Facilities

Horsham District Core Strategy (2007)

Policy CP1: Protection of the District's protected landscapes, habitats and species;

Policy CP2: Environmental Quality;

Policy CP11: Employment Sites and Premises; and

Policy CP14: Protection or enhancement of new or improved community facilities.

Horsham District General Development Control Policies (2007)

Policy DC2: Landscape Character;

Policy DC5: Biodiversity and Geology;

Policy DC6: Woodland and Trees;

Policy DC7: Flooding;

Policy DC9: Renewable Energy and Climate Change; and

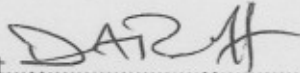
Policy DC9: Development Principles;

Horsham District Specific Allocations of Land (2007)

Policy AL 14 'Warnham and Wealden Brickworks'

Date 1.4.10

Signed

Divisional Manager County Development 

Continuation Sheet

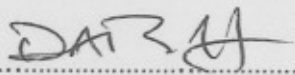
West Sussex Waste Local Plan: Revised Deposit Draft (2004)

N1: Need for Facilities

A1A: Existing Waste Management Sites

Planning Policy Statement 10: Planning for Sustainable Waste Management**Waste Strategy for England 2007****West Sussex Minerals and Waste Core Strategy Development Plan Document
(DPD): Preferred Option (2007)****West Sussex Strategic Waste Site Allocations Development Plan Document
(DPD): Preferred Option (2007)****West Sussex Minerals and Waste Development Framework Background Paper
5: Strategic Waste Sites**

Date 1.4.10

Signed
Divisional Manager County Development..... 

1 Appeals to the Secretary of State

- (a) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Office of the Deputy Prime Minister under section 78 of the Town and Country Planning Act 1990.
- (b) If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Tollgate House, Houlton Street, Bristol BS2 9DJ.
- (c) 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.
- (d) The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- (e) In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2

- (a) If either the local planning authority or the Office of the Deputy Prime Minister refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- (b) In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3

In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and County Planning Act 1990.

4

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