

From: [Michael Campbell](#)
To: [Rampion2](#)
Cc: [REDACTED]
Subject: DM/23/0769 - Battery Energy Storage System planning permission on land adjacent to Bolney Substation - Ancleggan Limited (RAM2-AFP658)
Date: 30 October 2024 10:17:47
Attachments: [ufm14_Permission - Full_BNG.pdf](#)

Dear Case Team

For your information, please find attached a copy of the decision notice dated 18 October 2024 in respect of the grant of planning permission for Ancleggan Limited's Battery Energy Storage System project on land adjacent to Bolney substation.

With kind regards

Yours sincerely

Michael



One Planet Developments Limited (Company number 12261202) and One Planet Development Management Limited (Company number 13371828) are both companies incorporated in England. Their registered offices are at Biddlesgate Farm, Wimborne, Dorset BH21 5RS.

Mr J Wallwork
c/o Mr Nicholas Leaney
Aardvark EM Limited
Higher Ford
Wiveliscombe
Taunton
TA4 2RL

CONTACT: [REDACTED]
PHONE: [REDACTED]
REF: DM/23/0769
DATE: 18th October 2024
[REDACTED]@midsussex.gov.uk

Dear Sir/Madam


Land Adjacent To Bolney Substation Bob Lane Twineham West Sussex
Construction and operation of a battery energy storage system together with all associated equipment, ancillary infrastructure and landscaping. (Amended plans submitted 7/7 and additional submissions including FRA, response to ecology and PROW and fire strategy (15/8)) Amended location and site plan, fire strategy and AIA received 9/2/24).

I advise that your application DM/23/0769 was **Granted Permission** on **18th October 2024**.

I enclose a copy of the Decision Notice in relation to the above application. If you are acting as an Agent please ensure that a copy is given to the applicant. **Please read the notes accompanying this decision notice carefully.**

Please also be advised that this permission does not constitute an approval under Building Regulations. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted.

Yours faithfully



Ann Biggs
Assistant Director Planning and Sustainable Economy

Mr J Wallwork
Mr Nicholas Leaney
Aardvark EM Limited
Higher Ford
Wiveliscombe
Taunton
TA4 2RL

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

PERMISSION

REFERENCE: DM/23/0769

DESCRIPTION: CONSTRUCTION AND OPERATION OF A BATTERY ENERGY STORAGE SYSTEM TOGETHER WITH ALL ASSOCIATED EQUIPMENT, ANCILLARY INFRASTRUCTURE AND LANDSCAPING. (AMENDED PLANS SUBMITTED 7/7 AND ADDITIONAL SUBMISSIONS INCLUDING FRA, RESPONSE TO ECOLOGY AND PROW AND FIRE STRATEGY (15/8)) AMENDED LOCATION AND SITE PLAN, FIRE STRATEGY AND AIA RECEIVED 9/2/24).

LOCATION: LAND ADJACENT TO BOLNEY SUBSTATION , BOB LANE, TWINEHAM, WEST SUSSEX

DECISION DATE: 18 OCT 2024

CASE OFFICER: [REDACTED]@MIDSUSSEX.GOV.UK

The Council hereby notify you that they **GRANT** planning permission for the above development to be carried out in accordance with the submitted application and plans and subject to compliance with the following conditions:-

Conditions

1. The development hereby permitted shall be begun before the expiration of 7 years from the date of this permission.

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

2. Pre-development

No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The soft landscaping scheme shall also adhere to the approved arboricultural impact assessment and method statement which includes the tree protection measures set out within it.

The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

The development shall proceed in accordance with the approved plans.

Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: In the interests of visual amenity in compliance with Policies DP12, DP26 and DP37 of the Mid Sussex District Plan.

3. No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding/bunds (where appropriate); surfacing materials; external appearance (to include materials, finishes and colours) of the battery storage containers, transformers and power control systems, means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: In the interests of visual amenity in compliance with Policies DP12 and DP26 of the Mid Sussex District Plan.

4. No development above ground level shall take place until a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all hard and soft landscape areas together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be carried out in accordance with the approved details and timetable.

Reason: Reason: In the interests of visual amenity in compliance with Policies DP12, DP26 and DP37 of the Mid Sussex District Plan.

5. A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the District Plan.

6. The development hereby permitted shall not commence unless and until details of the proposed surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The development shall not be brought into operational use until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the District Plan.

7. No development shall take place, including any works of demolition, until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works, including site contact details in case of complaints;

- measures to control noise and vibration affecting nearby residents;
- artificial illumination;
- pollution incident control; and
- dust control measures.

Reason: In the interests of highway safety and the amenities of the area, to protect the amenity of local residents from noise and dust emissions during construction and to comply with Policies DP21, DP26 and DP29 of the Mid Sussex District Plan.

8. No development shall take place unless and until the site access from Bolney Chapel Road has been constructed in accordance with a plan to be submitted and approved by the Local Planning Authority including the cutting back of vegetation adjacent to the site access. Once provided the visibility splays shall thereafter be maintained and kept clear of all obstructions exceeding 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan.

9. Prior to the commencement of any development above ground/slab level, full details of the required fire hydrants, stored water supply and safety sprinkler system (including their locations and specifications and to be in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of safety and amenity and in accordance with The Fire and Rescue Service Act 2004.

10. No development shall take place unless and until a pre-commencement condition survey of the surfaces of the public rights of way has been submitted to and approved by the local planning authority in consultation with the West Sussex County Council Rights of Way team. The survey shall include full details of reinstatement and/or repair proposals, a process for their agreement with West Sussex County Council as to whether they are necessary or not and a timetable for implementation.

Reason: To preserve the public rights of way network and to accord with Policy DP22 of the Mid Sussex District Plan.

11. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136, or a 'Further Licence') and with the proposals detailed on plan "Land Adjacent to Bolney Substation: Impact plan for great crested newt District Licensing (Version 2)", dated 11th March 2024.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006 and to comply with Policy DP38 of the District Plan.

12. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136, or a 'Further Licence') and with the proposals detailed on plan "Land Adjacent to Bolney Substation: Impact plan for great crested newt District Licensing (Version 2)", dated 11th March 2024.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006 and to comply with Policy DP38 of the District Plan.

13. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR136, or a 'Further Licence') and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006 and to comply with Policy DP38 of the District Plan.

14. Construction phase

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Net Gain Defra Metric 3.1, the Ecological Impact Assessment (Windrush Ecology, January 2023) and the Landscape and Ecological Management Plan (Sightline Landscape, February 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan.

15. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

16. Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:

- Monday to Friday: 08:00 - 18:00 hrs
- Saturday: 09:00 - 13:00 hrs
- Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

17. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the NPPF.

18. No part of the development shall be brought into operational use (through the importing or exporting of electricity) until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose for the duration of the operational lifetime of the development.

Reason: To provide car-parking space for the use and to accord with Policy DP21 of the District Plan.

19. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the District Plan.

20. A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (Windrush Ecology, January 2023) and the Landscape and Ecological Management Plan (Sightline Landscape, February 2023), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the District Plan.

21. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority.

The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

The development hereby approved shall not be brought into operational use until all external lighting has been installed in accordance with the specifications and locations set out in the approved scheme and shall thereafter be maintained in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the District Plan.

22. Prior to the development hereby permitted being brought into operational use (through the importing or exporting of electricity), the applicant will at their own expense install the required fire hydrants to BS 750 standards, stored water supply and safety sprinkler systems in the approved locations (as approved by condition 9).

The fire hydrants, stored water supply and safety sprinkler system shall thereafter be maintained as part of the development by the applicant for its operational lifetime.

Reason: In the interests of safety and amenity and in accordance with The Fire & Rescue Service Act 2004.

23. No part of the development shall be brought into operational use until both the operational access and the emergency access have been constructed in accordance with the approved plans. Once provided, these access points to the battery storage compound shall thereafter be permanently retained until such time as the application site no longer functions for the purposes of the importing and exporting of electricity.

Reason: In the interests of safety and amenity and to accord with Policy D21 of the District Plan.

24. The rating level of sound emitted from any fixed plant or machinery associated with the development shall not exceed background sound levels by more than 1 dB(A) between the hours of 07.00-23.00 (taken as a 1 hour LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level by more than 1dB(A) between 23.00-07.00 hours (taken as a 15 minute LA90 at the nearest sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments and shall assess the plant or machinery operating at its typical operational duty.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

Reason: To protect the amenity of local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan

25. The operational use of the development hereby permitted shall be conducted in full accordance with the Fire Strategy (ABL - O-LO-R16-033424 received 9th February 2024).

Reason: In the interests of health and safety.

26. The Local Planning Authority shall be notified in writing, within 10 working days, of the date of the site being brought into operational use (first commercial import or export of electricity from the site).

This permission expires 40 years from the date of the site being brought into operational use (first commercial import/export of electricity). 6 months after this date, the site shall be reinstated to its former condition in accordance with a Decommissioning Scheme that shall have first been submitted to and approved in writing by the Local Planning Authority prior to the expiration of this permission. The Decommissioning Scheme shall include the removal of the battery storage energy units and containers, the power control systems, transformers, customer switchgear, the impermeable surfacing underneath them, the access road around the battery units, the car parking, the substation compound and all the equipment within it, the storage containers, the welfare container, the cctv and associated equipment, all fencing, the fire hydrants and the water tank and all other associated infrastructure.

If electricity ceases to be imported and exported to the grid for a continuous period of 6 months, a scheme shall be submitted to the LPA for its written approval within 3 months from the end of the 6-month period for the removal of the battery facility and associated equipment and the restoration of that part of the site to its former condition. The approved scheme shall be fully implemented within twelve months of the written approval being given.

Reason: In the interests of the environment and as the proposed development has a limited life span and to protect the character and visual appearance of the site in the longer term and in accordance with Policy DP12 of the Mid Sussex District Plan.

27. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans Referred to in Consideration of this Applications'.

Reason: For the avoidance of doubt and in the interest of proper planning.

Biodiversity Net Gain

1. This permission is considered to be one which **will not require the approval of a biodiversity gain plan before development is began** because it is considered that one or more of the statutory exemptions or transitional arrangements is considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. The Section 59 of the 1980 Highways Act - Extra-ordinary Traffic
The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.
2. Temporary Developer Signage
The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
3. Works within the Highway - Implementation Team
The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
4. No burning of demolition/construction waste materials shall take place on site.
5. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from conditions (Fee of £145 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
6. Your attention is drawn to the Environment Agency comments and the need to consider other guidance and legislation on environmental matters.
7. It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.
8. It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.
9. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR136, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.
10. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of

Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

11. Your attention is drawn to the comments of the Sussex Ornithological Society. You should make provisions to adhere to these comments in terms of the impact on Nightingales, both through when works are carried out in the affected areas and in terms of the creation of habitat.

You should also make contact with the Society to discuss their requirements in respect of Barn Owls.

12. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
13. You are advised to produce a Risk Management Plan and an Emergency Response Plan and share these with West Sussex Fire and Rescue Service before the site becomes operational. These plans should also be periodically reviewed in a timescale to be agreed with West Sussex Fire and Rescue Service. You should also make provisions for officers from West Sussex Fire and Rescue Service to visit the site prior to it becoming operational to discuss emergency response procedures.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Sections	PL-02	04	07.07.2023
Location Plan	SP01	10	09.02.2024
Site Plan	PL-01	22	09.02.2024
Other	SD-01	02	20.03.2023
Other	SD-02	02	20.03.2023
Other	SD-03	02	20.03.2023
Other	SD-04	03	20.03.2023
Other	SD-05	02	20.03.2023
Other	SD-06	02	20.03.2023
Other	SD-07	03	20.03.2023
Other	SD-08	03	20.03.2023
Other	SD-09	02	20.03.2023
Other	SD-10	02	20.03.2023
Other	SD-11	02	20.03.2023
Other	SD-12	01	20.03.2023
Other	SD-13	03	20.03.2023
Other	SD-14	02	20.03.2023
Landscaping	517_PP-01		20.03.2023

Topographical Survey
Topographical Survey

6197-1
6197-1

Sheet 1
Sheet 2

20.03.2023
20.03.2023



Ann Biggs
Assistant Director Planning and Sustainable Economy

PEFULZ

APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

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 Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice;

However, if

- (i) 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, and 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; or
- (ii) an enforcement notice is subsequently 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 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.uk](#).

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Sussex District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition that apply in this instance

The application for planning permission was made before 12th February 2024.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

The effect of Paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Purchase Notices

If either the Local Planning Authority or Secretary of States 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.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.