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Jake Berry MP

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26 JUL 2017

Dear Caroline,

Application for works to facilitate the IFA2 electrical interconnector and associated infrastructure on land at Daedalus Airfield and Monks Hill Beach, Near Gosport, Hampshire. Application Number PA/16/0557/OA

Thank you for your email of 25 May 2017 to my officials in the Planning Casework Unit asking the Secretary of State to consider the use of revocation/modification powers under s.100 of the Town and Country Planning Act 1990 in relation to the above application.

The Government is clear that localism and decentralisation are at the heart of their planning agenda and the Secretary of State only gets involved in a small number of applications, normally where issues of more than local importance arise. Local planning authorities have the statutory responsibility for considering proposals for development. Authorities have to determine planning applications in accordance with the local development plan for the area unless material considerations indicate otherwise; and they must take into account any representations received. Once planning permission has been granted, local planning authorities also have powers under the Town and Country Planning Act 1990, to revoke, modify or order discontinuance.

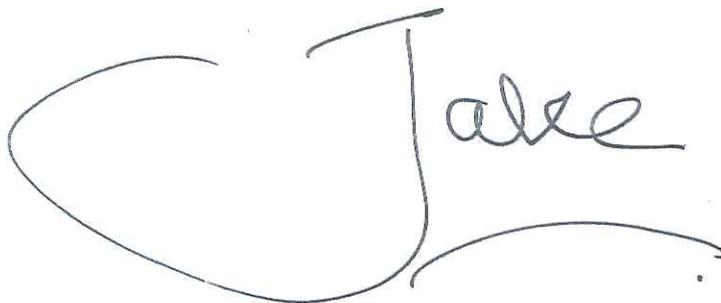
Although the Secretary of State also has the power to revoke planning permissions, the powers have been used very rarely. A Ministerial statement (made in 2006) confirmed that such an intervention can only be justified in exceptional circumstances; and that the power will generally be used only if the original decision is judged to be 'grossly wrong', so that damage is likely to be done to the wider public interest. Should the Secretary of State revoke a planning permission, the considerable cost of paying compensation would generally fall wholly upon the local authority.

The Secretary of State has carefully considered this case against his policy on revocation and modification of planning applications, as set out in the Written Ministerial Statement dated 16 March 2006 by the then Planning Minister. The Secretary of State has also carefully considered all the representations and available evidence and has concluded that it is not expedient for him to revoke the permission. I understand that you may be disappointed with the decision.

A separate note is attached, for your information, setting out the circumstances and the manner in which the validity of the Secretary of State's decision may be challenged in the High Court.

I note the concerns raised by yourself and your constituents regarding the actions of Fareham Borough Council while the Secretary of State was considering call-in of this application. An agreement was reached between council officers and my officials that the council would not issue planning permission without prior notification of its intention to do so. Based on this agreement, the Secretary of State did not issue an Article 31 holding direction. Despite that agreement, and while the application was still under consideration by Secretary of State, the council issued the decision notice on 10 April 2017 without prior notification to the department.

I have expressed my disappointment to the council regarding its actions in this case. I have also sought assurances that this will not occur again in the future, should similar circumstances arise.

A handwritten signature in black ink that reads "Jake". The signature is written in a cursive style with a large, sweeping initial "J" and a horizontal line underneath the name.

JAKE BERRY MP