



TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 AND 192  
(as amended by section 10 of the Planning and Compensation Act 1991)  
Town and Country Planning (Development Management Procedure) (England)  
Order 2010 (DMPO)

ARTICLE 24

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

**PLANNING DECISION NOTICE – APPROVAL  
For Planning Application No. S6/2011/2770/LUP**

**Applicant Name and Address**

Arqiva Ltd  
Wireless House  
Warwick Technology Park  
WARWICK  
CV34 6DD

The Welwyn Hatfield Council hereby certify that on 14/12/2011 the operations/development described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:-

1. The existing lawful use of the site is of electronic communications, which is 'sui generis' as it does not fall within any defined class specified in an order under Section 55 (2) (f) of the Town and Country Planning Act 1990, namely the Town and Country Planning (Uses Classes) Order 1987. From the information submitted the proposed use as a data centre is also an electronic communication use in the same 'sui generis' category and so no material change of use will occur.

**First Schedule: Proposed use of part or all of the existing equipment buildings for a data centre that will be connected near continuously to a live electronic communications network for the purpose of storing, processing, updating, transmitting and receiving data by electronic means**

**Second Schedule: Arqiva Transmitting Station Great North Road Hatfield AL9 6NE**

Tracy Harvey  
Head of Planning

**Date: 08/02/2012**

**APPROVED PLAN NUMBERS: 140237-00-010-ML001 Rev 1.A (Site Location Plan)  
received and dated 14 December 2011**

NOTES:

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended)
2. It certifies that the operation/development specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the operation/development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation/development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation/development is only conclusively presumed where there has been no material change, before the use is instituted or the operation/development began, in any of the matters relevant to determining such lawfulness.