

Retaining walls

Hastings Borough Council Act 1988

Section 5 - Retaining Walls

This local act allows the council to control the construction of retaining walls in certain circumstances. It is only applicable to work within the Borough of Hastings, and it is administered by the building control team.

In this context 'retaining wall' means a wall which serves or is intended to serve as a support for earth or other material on one side only so that the top level of that earth or material is at any point not less than 1.5 metres above the level of the ground adjoining the other side, and does not form part of a permanent building or the revetment of a trench.

The following retaining walls are exempt from control:

- Any length of retaining wall to which Section 167 of the Highways Act 1980 (retaining walls near streets) applies or for the maintenance of which the Highway Authority are responsible.
- A retaining wall erected on land belonging to any transport undertakers within the meaning given in Section 331 of the said Act 1980, so long as that land is used by those undertakers primarily for the purpose of their railway, dock, canal or inland navigation undertaking.
- A retaining wall on operational land. In this context 'operational land' shall be construed in accordance with Section 222 of the Town and Country Planning Act 1971 and as though a telecommunications operator were a statutory undertaker.

The requirement

No retaining wall shall be erected otherwise than in accordance with plans, sections and specifications approved by Hastings Borough Council.

How to comply

We have an application form that you may use to seek approval from us, please ask us for a copy.

You should await formal approval from us before commencing construction.

We do not need to inspect the work, but you must ensure that the retaining wall is built in accordance with the plans, sections and specifications approved by the council.

Hastings Borough Council makes no charge for this service.

You may also need planning permission for a retaining wall, and if the wall forms part of a building, the building regulations may apply.

Large format and audio versions of this leaflet are available on request.

Please call 01424 451091.

Please note

This is one of a series of notes intended to give broad guidance suitable in most circumstances; we cannot guarantee that they will be appropriate in every instance.

If you need further advice please ask us, or have a look at The Building Regulations and Approved Documents (various), which can be viewed and printed from the Planning Portal website at www.planningportal.gov.uk.