

function (including agricultural and nature conservation interests), character and appearance of the countryside in this location.

Planning Policy

5. I am required to decide the appeal having regard to the relevant provisions of the development plan and to make my determination in accordance with it unless material considerations indicate otherwise. The development plan for the area comprises the West Sussex Structure Plan (1993) and the Arun District Local Plan (1993). For the sake of convenience, I have referred to these plans in my decision as the Structure Plan and the Local Plan.
6. Policies G3, G6 and C1 of the Structure Plan, and EVT6 of the Local Plan, generally seek to protect the countryside and to restrict development outside built up areas which does not essentially need a countryside location. However, the Structure Plan allows for limited exceptions to that general policy, including golf courses. Policy C13 says that golf courses will normally be permitted in the countryside subject to other relevant policies, particularly C2 to C7 and T14 which relate to areas of special protection and access, and are referred to with other criteria of Policy C13 below. There is no specific policy for golf courses in the Local Plan.
7. Draft reviews of both the Structure Plan and the Local Plan are more up to date, but do not yet form part of the development plan.² The draft Plans have reached a relatively advanced stage of preparation and I have accordingly given the policies relevant to this case, weight in my determination of the appeal. I have referred to these Plans in my decision as the draft Structure Plan and the draft Local Plan.
8. In general, the draft Plans do not materially change the above policies for protecting the countryside from unnecessary development. Both draft Plans provide for golf courses to be permitted in the countryside subject to similar criteria and other relevant policies as referred to above (Policy C13 of the draft Structure Plan and Policy DEV4 of the draft Local Plan).

Reasons

The effect of the proposal on nature conservation

9. Policy G1 of the Structure Plan generally seeks to ensure that development does not destroy, sterilise or prejudice the use or enjoyment of important wildlife resources. Policy C3 says that only in compelling circumstances will development be permitted where it would be harmful to a Site of Special Scientific Interest (SSSI), a Special Protection Area (SPA) or a Ramsar site, or to other sites identified as being of nature conservation importance. Policy C14 seeks to protect wildlife habitats and species, particularly in areas subject to the previously mentioned designations. Policies EVT4 and EVT7 of the Local Plan also seek to protect nature conservation interests, SSSIs and nature reserves from any form of harmful development.
10. Pagham Harbour is designated as a SSSI, SPA and a Ramsar site and is of recognised international and national importance for birds, especially wintering wildfowl and waders, and for its habitat for breeding birds, plants and invertebrates. The western boundary of

² West Sussex Structure Plan 1998 (not formally adopted) and Arun District Local Plan Second Review Deposit Draft June 2000

Slipe Field immediately adjoins the high water line of Pagham Harbour and is separated from it by a bund, and a hedgerow which is at a slightly higher level than the adjoining salt-marsh and tidal mudflats. Public rights of way run through the nature reserve, one of which roughly follows the high water line just west of the reserve's boundary with Slipe Field.

11. The appeal proposal would introduce a new use to part of Slipe Field which has the potential to cause harm to the nearby nature reserve. The potential harm would mainly appear to arise from the activities of people playing golf, although it is clear from the representations received from local residents that Slipe Field is already a popular place for informal recreation, including walking and the exercising of dogs. I saw this to be the case on my site visit and I understand that the public has generally unrestricted access across Slipe Field despite it being in private ownership.
12. There was some disagreement at the Inquiry as to how many players would be on the course at any one time, but it seems that the proposal, when in use, would almost certainly add to the present number of people in the vicinity of the nature reserve. However, any harm from that increased activity would be mitigated by several factors. The proposed golf course would be located on the eastern part of Slipe Field, furthest from the nature reserve. The course would be closed from the beginning of November to the end of February. There would therefore be very little activity on the site, other than for maintenance purposes, during the winter months, and this could reasonably be controlled by an appropriate condition. Only limited earth works are proposed to create the greens, and the Appellant is agreeable to a condition which would restrict such works to a period when they would have least affect on wildlife interests. The management of the course would ensure that fertiliser is restricted only to the small greens.
13. Furthermore, a Unilateral Undertaking was submitted to the Inquiry which would ensure that the remaining area of Slipe Field would be handed over to the County Council on a 99 year lease to be managed as part of the adjoining nature reserve.³ The terms of the lease and a management plan have been agreed in principle with the County Council. In accordance with the recommendations of the warden of the nature reserve, the remaining part of Slipe Field would be ploughed on a three year rotational regime to create a graduation of wildlife habitat from bare ground to pioneer herb/grassland. I understand that such a habitat would replicate the earlier conditions prevalent when Slipe Field was of greater ornithological interest for seed eating birds, wintering wildfowl, raptors and small mammals. The effect of the Undertaking would be to remove the existing unrestricted public access to Slipe Field and it would provide a more effective buffer between the existing holiday village and the proposed golf course, and the existing nature reserve.
14. The Appellant proposes to provide a permissive footpath on the southern and western boundaries of Slipe Field which would tend to concentrate walkers on the boundary of the nature reserve. However, the permissive footpath would provide a more useable alternative to the existing vaguely defined right of way through the reserve which, as I saw at my site visit, is difficult to use at times of high tide. People walking along the proposed permissive footpath would be separated from the nature reserve by the existing earth bund and hedgerow and, after a few years, also from Slipe Field by proposed landscaping. It therefore seems to me that the use of the permissive footpath would be potentially less

³ Appeal Document A4

harmful to wildlife than people walking through the reserve on the right of way, or at least no more harmful than the present unrestricted use of Slipe Field.

15. Having regard to the above, I am satisfied that the proposal would not be harmful to Pagham Harbour in terms of its function as a nature reserve of international, national and local importance. I also note that this is supported by the absence of any objections to the proposal from relevant consultees, including English Nature, who consider that the overall proposal would increase the nature conservation value of the area, and the Environment Agency. Prior to the Inquiry, the Council also withdrew part of its second reason for refusal, which said that the proposal would be harmful to nature conservation, and did not produce any evidence on nature conservation issues.
16. In the absence of any demonstrable harm to the Pagham Harbour reserve or nature conservation interests, I do not consider that the proposal conflicts with the provisions of Policies G1, C3, C14 of the Structure Plan and Policies EVT4 and EVT7 of the Local Plan. Since there is no evidence of harm, I do not consider it is necessary to show compelling circumstances to justify the proposal under Policy C3.
17. Policy C14 of the Structure Plan also sets out a number of practical measures to improve wildlife habitats and local nature reserves. Policy G5(4) seeks, where appropriate, the creation of new wildlife habitats and arrangements for their maintenance. Policy C13(3) says that proposals for golf courses are most likely to be favoured where, inter-alia, there would be a material improvement to wildlife habitats.
18. The evidence indicates that since the cessation of the cultivation of Slipe Field in 1992, its value as a wildlife habitat has diminished, particularly after the pioneer grassland has given way to a dense species-poor grassland sward that attracts little wildlife interest. The evidence is supported by comments from English Nature and the Pagham Harbour Reserve Warden, and demonstrates that the present habitats provided by the grassland and hedgerows of Slipe Field are common at the local and national level and are of limited botanical interest.
19. The Appellant proposes several measures for ecological enhancement. Landscaping is proposed, both on the course and Slipe Field, which would improve the habitat for wildlife and would help provide and consolidate a buffer between activity on the golf course and the nature reserve. A drainage ditch on the eastern boundary would be improved to stimulate wetland plants. Such measures, in addition to those proposed in the Unilateral Undertaking, accord with the objectives of Policies G5(4) and C14 and favour the proposal under Policy C13(3) of the Structure Plan. The Undertaking also complies with the objectives of Policy EVT4 of the Local Plan which encourages appropriate land management agreement in the interests of nature conservation.
20. I have also taken into account the provisions of the Policies C3 and C6 of the draft Structure and Policies GEN1, GEN30, GEN31 and Areas 13, 14 and 15 of the draft Local Plan, which are relevant to nature conservation interests and are similar in their objectives to the policies referred to above. For the reasons given above, I do not consider that the appeal proposal materially conflicts with the relevant policies of the emerging plans. I particularly note that the above considerations indicate that the proposal is acceptable as a golf course in the countryside under the second criterion and last paragraph of Policy DEV4 of the draft Local Plan in relation to wildlife and nature conservation interests.

The effect of the proposal on agricultural land

21. Policy C7 of the Structure Plan attaches major importance to the need to safeguard agricultural production and resists the unnecessary loss of agricultural land for development. Policy C4 says that only in compelling circumstances will development be permitted on the best and most versatile agricultural land, defined as Grades 1, 2 or 3a of MAFF's Agricultural Land Classification.⁴ Policy C13(2) says that proposals for golf courses are most likely to be considered favourably where the course would be on lower grade agricultural land, or if on higher grade land, where it is demonstrated that no suitable alternative site on lower grade exists, and construction works would not reduce the potential of land for return to agricultural production. Policy EVT6(i) of the Local Plan says that the use of BMV land will not normally be permitted
22. Some 75% of Slipe Field comprises land of Grade 2 agricultural quality with the remainder being of Grade 3a. The majority of the proposed golf course would be located on Grade 2 land with a small, poorly drained, area at the southern end of the course comprising Grade 3a.
23. The compelling circumstances required to justify the loss of BMV land are not defined in Policy C4 of the Structure Plan. However, the explanatory text to the equivalent Policy C4 of the draft Structure Plan indicates that such circumstances would be that it is essential that the development should take place, and that there is no alternative location where it would be less harmful.⁵ In essence, the Council contends that there is no essential need for the proposed golf course to be located on the appeal site and it could be located elsewhere. The Appellant basically argues that there is a need for the proposal, which would benefit tourism in the area, and that its linkage with the existing holiday village precludes any alternative location.
24. Whilst I have no doubt that the proposed golf course would add to the attractiveness of the Appellant's holiday park, no compelling evidence was produced to demonstrate that the proposal is essential to tourism in the area. No alternative site for the proposal appears to have been considered by the Appellant. However, I accept that an alternative site on lower grade agricultural land is not available since the golf course is being proposed as a facility only for use by holiday makers staying at the adjoining holiday village. Although I do not consider these circumstances to be sufficiently compelling on their own to justify the loss of BMV land, there are other circumstances in this case which I have weighed against such a loss.
25. I understand that Slipe Field was separated from a larger holding when it was sold to the Appellant in the late 1980s. The land does not immediately adjoin another agricultural holding and has not been in agricultural production since 1992. There is no evidence to indicate that the land would return to agricultural production if the appeal proposal does not proceed. The productive potential of the majority of the Grade 2 land at Slipe Field for agriculture would be unaffected by the appeal proposal. Furthermore, a low level of capital investment is proposed for the golf course which would not involve any major earth moving, drainage or land forming, or the construction of access roads, car parks or permanent buildings. These factors indicate that the proposal would not reduce the

⁴ Grade 1, 2 & 3a agricultural land is referred to in my Decision as 'BMV' (best and most versatile) land

⁵ paragraph 7.17 draft Structure Plan

potential of the appeal site being returned to agricultural production, if required in the future, which favours the proposal under Policy C13(2) of the Structure Plan.

26. I also note that whilst national planning policy continues to safeguard BMV greenfield land, decisions whether to utilise such land for development should be carefully weighed in the light of competent advice.⁶ In this case, such advice from MAFF is that golf courses with a low level of investment ought to have little impact on the long-term agricultural potential of the land.⁷
27. The above circumstances are, in my view, sufficiently compelling to justify the loss of BMV land in this case, and I therefore consider that the proposal does not conflict with the fundamental objectives of Policies C7 and C4 of the Structure Plan and EVT6 of the Local Plan. I have also taken into account the provisions of Policy C4 of the draft Structure and Policy Area 12 of the draft Local Plan, which are relevant to agricultural land and are similar in their objectives to the policies referred to above. For the reasons given above, I do not consider that the appeal proposal materially conflicts with the relevant policies of the emerging plans. I also note that the above considerations indicate that the proposal is acceptable as a golf course in the countryside under the third criterion of Policy DEV4 of the draft Local Plan in that it would not result in the irreversible loss of BMV land.

The effect of the proposal on the appearance of the area

28. Slipe Field, and the Appellant's holiday village, are within a strategic gap between Selsey and Pagham as defined in the Structure and Local Plans. Policy C5 of the Structure Plan and Policy EVT5 of the Local Plan say that only in compelling circumstances will development be permitted within the strategic gap.
29. I have no doubt that the proposal would improve the attractiveness of the Appellant's holiday village, and would therefore benefit local tourism in accordance with other policies of the development plan. As mentioned above, no alternative site would be likely to meet the Appellant's needs for the proposed golf course. However, I do not consider that those factors amount to compelling circumstances to justify the proposal in the strategic gap, particularly since there is no evidence to demonstrate any essential need for the proposed development in the public interest. I am not convinced from the evidence that there are any other sufficiently compelling circumstances for the golf course to be located in the strategic gap in the context of the test imposed in Policies C5 of the Structure Plan and EVT 5 of the Local Plan.
30. However, whilst the general provisions of Policies C5 of the draft Structure Plan and Policy Area 10 of the draft Local Plan are fundamentally the same for development in the strategic gap as the above policies, they provide for a criteria based approach for assessing proposals. Since such an approach is more objective than the test of "compelling circumstances" imposed by the above policies of the development plan, I have also considered the proposal on that basis.
31. Both policies of the draft Plans expect proposals in the strategic gap to be the subject of the most rigorous examination because of their possible impact. Proposals will only be permitted under the draft Structure Plan if firstly it is demonstrated that the development is

⁶ paragraph 2.18 PPG 7 (as amended by a Parliamentary Answer 21/3/01)

⁷ *Golf Courses and Best and Most Versatile Agricultural Land* (Appeal Plan A iv Appendix CPM9)

necessary to meet the requirements of, or is consistent with, other policies of the development plan. Secondly the proposal should also not compromise individually or cumulatively the objectives and fundamental integrity of the strategic gap. The draft Local Plan adds a criterion which includes that the development should be necessary to meet the operational needs of agriculture or forestry, for roads or to meet the demand for quiet informal recreation. Both draft plans seek long term enhancement of the landscape, amenity and conservation value within the gap, including the improvement of public access.

32. I do not consider the proposal is necessary to meet any requirement of the development plan, but my above considerations indicate that it is not inconsistent with policies for nature conservation and agricultural land. Subject to my remaining considerations on the relevant policies, the proposal does not fail to comply with the first criterion of Policy C5 of the draft Structure plan.
33. The objectives of defining land as a strategic gap are stated in Policy C5 of both the adopted and draft Structure Plans as preventing coalescence and retaining the separate identity and amenity of settlements and protecting the undeveloped coastline. Clearly, the appeal proposal has the potential to harm those objectives by introducing activity into an area of undeveloped countryside, which the text of the Structure Plan seeks to avoid. That activity would involve the presence of up to some 30 or 40 people playing, or waiting to play golf. Small flags on the course, the proposed kiosk, and a change in the appearance of the site from a natural field to a more man-made landscape are features associated with that activity.
34. However the activity of the proposed use of the site as a golf course would be relatively low-key and quiet in character, and would cease entirely during the winter. Although a more formal type of activity, it would be little different in terms of its impact from the present use of Slipe Field and rights of way in the area for informal recreation. I do not therefore consider that the proposal would, as the Council and others fear, be a form of urban activity which the Structure Plan seeks to avoid in the strategic gap.
35. Furthermore, the physical features associated with the activity such as the flags and kiosk would also be small in scale, and removed during the winter, and no other features are proposed such as permanent buildings, car parks and such like. The proposed earth works would change the present landscape of part of Slipe Field, but since they would be small in scale they would have little impact on the purpose of the area as a strategic gap.
36. The proposed use would be closely related to the Appellant's existing holiday village which, although outside the defined built-up boundary, is physically part of the settlement of Pagham. I do not therefore consider that the identity and amenity of Pagham as a settlement would be seriously undermined by the proposed use of the site as a golf course. It seems to me that the scale and nature of the proposed development would have no significant impact on the objective of preventing coalescence between Pagham and Selsey.
37. I have taken into account the strong and justified representations of the Parish Council, and some local residents, concerning the importance of ensuring that the objectives of the strategic gap are not undermined by incremental incursions. However, in the particular circumstances of this case, I am satisfied that the appeal proposal would not create any form of precedent for other proposals.

38. Having regard to the above, I consider that the proposal satisfies the second criterion of Policy C5 of the draft Structure Plan in that it would not compromise, individually or cumulatively, the objectives and fundamental integrity of the strategic gap.
39. For the reasons given above, because the proposal is not necessary or essential, it does not comply with the additional criterion imposed by Policy Area 10 of the draft local Plan. However, the proposed development would bring benefits to nature conservation matters as indicated above and proposes a significant amount of landscaping on and around the site. The proposal would help provide public access to the countryside by means of the permissive footpaths, and the Unilateral Undertaking would also ensure that the present uncontrolled activity on the greater part of Slipe Field would cease. The proposal therefore represents an opportunity to conserve and improve the landscape and amenity of the strategic gap and would enhance its value as open countryside in accordance with one of the remaining criteria of Policy C5 of the draft Structure Plan and Policy Area 10 of the draft Local Plan of the Structure Plan.
40. The text of the Structure Plan says that the limitation of visual impact, or the fact that a proposal might be well-landscaped, will not make a proposal consistent with policy C5 if it fails to pass the "compelling circumstances" test. Even so I consider, on balance, that although the proposal fails to accord with Policies C5 of the Structure Plan and EVT5 of the Local Plan in this respect, the above considerations indicate that no unacceptable harm would result to the strategic gap. I also note that, in responding to consultations on the planning application, the County Council did not lodge any objection to the proposal in the context of strategic gap policy.
41. Other policies of the development plan are relevant to the visual impact of the proposal and Policy C14 of the Structure Plan seeks to protect, conserve and enhance the quality and distinctive character of the landscape. Policy G5(4) seeks to create high quality landscape settings. The acceptability of golf courses within the countryside under Policy C13 is dependent on any buildings, parking areas and access roads being designed and sited so as to avoid harmful intrusion into the landscape. Proposals are most likely to be considered favourably under Policy C13(3) where there would be a material improvement to the landscape or amenity generally. Policies EVT3A, EVT6 and EVT7 of the Local Plan also seek to prevent proposals which would be visually damaging or obtrusive within the landscape or which would adversely affect the public's enjoyment of the landscape or its features.
42. Although attractive and undeveloped, the landscape in the vicinity of the appeal site is not subject to any special protection or designation. No permanent buildings or other features are proposed on the appeal site. The small kiosk would be in a relatively inconspicuous location and well-screened by proposed landscaping. It would also be removed during the winter months. The existing recreational use of Slipe Field would be replaced by another, albeit more formal, recreational use, but with less overall visual impact since it would be confined to a smaller area.
43. A significant amount of new landscaping, and some livestock fencing, is proposed on the site and Slipe Field, including the improvement of existing hedgerows. It seems to me that these proposals would improve the landscape and amenity of the strategic gap, particularly since they would help screen the holiday village, parts of which can be seen from the west. I do not consider that the public's enjoyment of a sense of openness in the area would be

unduly affected since they would still be able to use the existing rights of way. Furthermore the permissive footpath on the western boundary would enable glimpses of the openness of Pagham Harbour to be seen through the hedgerow and the width of footpath proposed by landscaping would not in my view create the oppressive corridor alleged by the Council. The type of fencing proposed would be in keeping with the rural character of the area.

44. Having regard to the above, I do not consider that the proposal would be unduly intrusive or would cause unacceptable harm to the existing rural character and appearance of the area. Therefore, in this respect, the proposal accords with the relevant provisions of Policy C13 of the Structure Plan and Policies EVT3A, EVT6 and EVT7 of the Local Plan
45. I have also taken into account the provisions of Policies C6 and C13 of the draft Structure Plan which are relevant to landscape issues, and are similar in their objectives to the policies referred to above. For the same reasons as above, I do not consider that the appeal proposal materially conflicts with the relevant policies of the emerging plans. I also note that the above considerations indicate that the proposal is acceptable as a golf course in the countryside under the first criterion of Policy DEV4 of the draft Local Plan in relation to the landscape quality of the area.

Conclusion on the main issue

46. For the above reasons, I conclude on the main issue that the proposal would not cause unacceptable harm to the function (including agricultural and nature conservation interests), character and appearance of the countryside in this location.

Other Matters

47. The remaining relevant criteria of Policy C13 of the Structure Plan, and the fourth criterion of Policy DEV4 of the draft Local Plan, require there to be no unacceptable disruption to public rights of way, and for access requirements to be acceptable under Policy T14. I am satisfied that existing rights of way would not be adversely affected by the proposal. I also note that there are no highway objections since the proposal would only serve the existing holiday village and no additional traffic would be generated. I therefore consider that the proposal accords with Policy T14 and the remaining relevant criteria of Policy C13 and the equivalent policies of the emerging plans which supports my conclusion in paragraph 32 above.
48. In the absence of any substantial evidence on the appeal proposal and tourism, my decision has not turned on the matter. Even so I note that the policies normally only favour small-scale development in the countryside associated with quiet informal recreation, or where they provide substantial economic or social benefits to the District. However, Policy R1 of the Structure Plan also implies that golf courses are an acceptable form of larger scale recreational development in the countryside, subject to compliance with Policy C13.
49. The Parish Council and many local residents have criticised the proposal for bringing no benefits to the local community. Whilst understanding that point of view, it seems to me to overlook the proposed enhancements to nature conservation interests and improvements to the landscape and amenity in the strategic gap. Furthermore, the proposal would not adversely affect local residents' right to gain public access to the nature reserve or the countryside. The proposed permissive footpaths would also enable the public to continue using parts of Slipe Field whilst balancing such access with nature conservation interests.

50. During the Inquiry my attention was drawn to an appeal decision in relation to a proposal by the Appellant for a par 3 golf course to form part of Allhallows Leisure Park in Kent.⁸ That appeal had been allowed, but whilst the proposal bears similarities to the present appeal, I have given it little weight in my decision since the site is in a different part of the country and I do not know all the relevant circumstances.
51. The Council has suggested a number of conditions which they consider should be imposed if I allow the appeal, and they were discussed at the Inquiry.⁹ In view of the considerations leading to my conclusions, I consider it reasonable and necessary that conditions should restrict the use of the golf course to those staying at the holiday village and for the course to only be open for the same period as the village. In the interests of consistency, I consider the occupancy condition should be similarly worded to the condition imposed in the appeal decision referred to in the previous paragraph. Since my consideration of the proposal has been influenced by the removal of the kiosk during the winter, a condition is needed to ensure that happens.
52. The proposed landscaping is an important element of the overall proposal including its acceptability in the strategic gap and general countryside and appropriate conditions for the implementation and maintenance of landscaping details are necessary. Similarly, for the reasons set out above, the management plan for Slipe Field is an essential element of the proposal and a condition is necessary to ensure that its details are agreed by the District Council. In view of the importance of the implementation of the management plan as part of the overall ecological improvements, I consider it is reasonable and necessary to ensure that development does not proceed until the land, shown on Plan 1A has been conveyed to the County Council as proposed by the Appellant.¹⁰
53. In accordance with the views of the Environment Agency, a condition is necessary to avoid disturbance to wildlife by preventing construction works taking place between 1 November and the end of February. It is also necessary for a condition to ensure that access is given to observe and record any archaeological finds on the site.
54. I have considered the Appellant's Unilateral Undertaking and, for the reasons set out in my consideration of the main issue, am satisfied that it complies with the tests set out in Circular 1/97 (*Planning Obligations*). In particular, the provisions of the Undertaking are relevant to the proposed development and necessary to help achieve the objectives of the development plan to protect and enhance ecological interests in the area and help safeguard the strategic gap.

Conclusions

55. The above considerations indicate that, subject to conditions and the Appellant's Unilateral Undertaking, the appeal proposal accords with Policies C3, C4, C5 and C7 and other relevant policies of the Structure Plan. It was accepted at the Inquiry in answer to my questions that Policies C2 and C6 are not relevant to the appeal proposal. There is no other conflict with the relevant provisions of Policy C13 of the Structure Plan, and I therefore conclude that the proposed golf course is an acceptable form of development in the countryside under Policies G3, G6 and C1 of the Structure Plan and EVT6 of the Local

⁸ Appeal Document A10

⁹ Appeal Document C2

¹⁰ Appeal Plan B iv

Plan. For the same reasons, I am satisfied that the proposal accords with the relevant policies, particularly Policy C13, of the draft Structure Plan and of the draft Local Plan, particularly Policy DEV4.

56. The proposed development would be in accordance with the development plan and the material considerations raised do not indicate that my decision in this case should be otherwise than in accordance with the plan. I have taken into account all the other matters raised, but in my view they are outweighed by the considerations that have led to my decision. I therefore conclude that the appeal should be allowed.

Formal Decision

57. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for a nine hole par 3 golf course and temporary kiosk for use by holiday makers staying at the park at Church Farm Holiday Village in accordance with the terms of the application Ref. P/58/00 dated 15 June 2000, and the plans submitted therewith (as amended by drawing numbers W318 1.6D and W318 1.7A), subject to the following conditions:

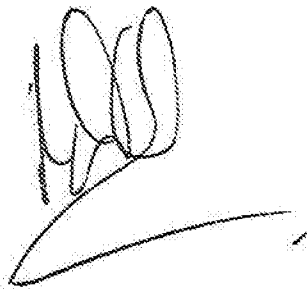
- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- 2) The golf course hereby permitted shall only be for the use of the occupiers of Church Farm Holiday Village and for no other persons and shall only be used between 1 March and 31 October (inclusive) in any one calendar year.
- 3) In every year, the kiosk hereby permitted shall be removed from the site from 1 November to the end of February in the next year.
- 4) No construction works for the development hereby permitted shall take place from 1 November to the end of February.
- 5) The use of the site hereby permitted shall not commence until a lease of 99 years has been granted to West Sussex County Council of the land shown hatched in green on Plan 1A submitted to the Inquiry.
- 6) The use of the site hereby permitted shall not commence until a management plan, including maintenance arrangements for grassland and wildflower habitats as well as greens, tees and fairways, shall be submitted to and approved in writing by the local planning authority. The management plan shall be carried out in accordance with the approved details.
- 7) No development shall take place unless and until there has been submitted to and approved by the local planning authority, a scheme of landscaping for the whole of Slipe Field. The scheme shall include an indication of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the use hereby permitted; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season.

with others of similar size and species, unless the local planning authority gives written consent to any variation.

- 9) A minimum of 14 day's notice of the commencement date of development shall be given in writing to the local planning authority and to the Archaeological Officer of West Sussex County Council. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him or her to observe the excavations and record items of interest and finds.

Information

58. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.
59. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
60. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
61. Attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970, as amended.



Inspector

Document	A3	Appendices CFJ1-CFJ10 to the evidence of Mr Gale-Hasleham.
Document	A4	Unilateral Undertaking relating to land at the Slipe Field.
Document	A5	Letter dated 10 October 2000 from Eversheds to WSCC and their reply dated 16 October 2001.
Document	A6	Three letters dated 16 October 2001 from Barclays to Bourne Leisure Limited.
Document	A7	Draft lease between Bourne Leisure Group Limited and WSCC.
Document	A8	Extract from the Encyclopedia of Planning Law (paras 2.1-2.21 PPG7).
Document	A9	Extract from House of Commons Hansard Written Answers for 21 March 2001-Countryside Planning.
Document	A10	Appeal Decision APP/A2280/A/00/1055933.

Submitted by the Council

Document	C1	Appendices A-H to the evidence of Mr Bareham.
Document	C2	Suggested conditions should planning permission be granted.
Document	C3	Extract from the Structure Plan (Policy T14).
Document	C4	Copy of the Appellant's statement of case for the Inquiry.

PLANS

- Plan A Application plans and documents:
- Location plan
 - Master Plan W318 1.6B [superseded]
 - Landscape and Ecological Statement August 1998 updated May 2000
 - Ecological & Agricultural Land Quality Assessment Technical Appendix 1
 - Report on Improvements to Land Drainage Ditch
- Plan B Appeal plans:
- Amended Master Plan W318 1.6D [in substitution for Document Aii above]
 - Sections W318 1.7A
 - Proposed Landscaping and Masterplan for an earlier proposal on the appeal site
 - Plan 1A showing land proposed to be leased to WSCC



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2015
Application for Planning Permission
DECISION NOTICE

Application Ref: P/84/16/PL

1 To Addressee

Nathaniel Lichfield & Partner
 14 Regent's Wharf
 All Saints Street
 London
 N1 9RL

2 Site Address

Church Farm Holiday Village
 Church Lane

 PO21 4NR

3 Description of Development

Installation of 22 no. caravan bases for 22 no. static caravans with associated car parking, pedestrian footpaths, internal access road, landscaping & infrastructure above & below ground.

In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to compliance with the following conditions and Section 106 Agreement.

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Site Location Plan dwg. 3440-101 Rev C;
 Proposed Site plan dwg. 3440-210 Rev F;
 Proposed Site Sections dwg. 3440-230 Rev A;
 Golf Course Base Development dwg. W2045 SK01 Rev D;
 Golf Course Base Development dwg. W2045 1001 Rev B; and
 Golf Course Base Development dwg. W2045 1002 Rev B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The development shall not commence until full details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. This shall include details of its routing, design and subsequent management/maintenance regime.
- No caravan shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details and the details so approved shall be retained in good working order in perpetuity.
- Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because foul drainage goes to the heart of the planning permission.
- 4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.
- The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.
- Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.
- No caravan shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
- Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.
- 5 No development shall take place, including any works of demolition, until a Site Safety 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 to health & safety signage and site protection fencing.
- Reason: In the interests of the safety of people in and around the construction site in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 6 The approved details of the landscaping as set out on Drawing W2045-1002 Rev B "Golf Course Base Development" & W487-1002 "Landscape Proposals" shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 7 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7. This is required to be a pre-commencement condition because archaeology goes to the heart of the planning permission.

- 8 No development shall take place unless and until a Golf Course Management Plan to include the mitigation measures set out within paragraph 29 of the submitted Shadow Habitat Regulations Assessment by Baker Consultants Ltd (July 2016) has been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England and the RSPB. The management plan shall thereafter be implemented prior to the commencement of development in accordance with the approved details and retained in perpetuity.

Reason: In the interests of the mitigation of impacts on Dark Bellied Brent Geese who forage on land outside of the Special Protection Area and in accordance with policy GEN29 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because of the need to comply with the Habitat Regulations.

- 9 No caravan shall be occupied unless and until details indicating the placement of 6 nesting opportunities for birds (species such as swallows, swifts & house martins) and roosting structures suitable for bats, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and thereafter retained in perpetuity to the satisfaction of the Local Planning Authority.

Reason: To safeguard the ecology of the area, and in the interests of birds & bats in accordance with policies GEN7 and GEN29 of the Arun District Local Plan and the National Planning Policy Framework.

- 10 The development permitted by this planning permission shall only be carried out in accordance with the approved Planning Statement (NLP ref. 13771/NT/AY, dated August 2016) and the following mitigation measure detailed within the Flood Risk Section (8.48):
1. Finished floor levels are set no lower than 4.4m above Ordnance Datum (AOD) for the caravans shown to be within Flood Zone 3.
- The above mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing/ phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- Reason: Some of the proposed caravan bases are located within tidal Flood Zone 3 and there is a high probability of flooding from the sea in accordance with the National Planning Policy Framework.
- 11 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Evacuation Plan 2016 (dated November 2016) which shall then be made permanently available to guests and members of staff working at the site.
- Reason: To ensure safe egress from the site in the event of a flood in accordance with the National Planning Policy Framework.
- 12 The development must be carried out in accordance with the submitted lighting scheme details namely the light bollard positions indicated on Drawing 3440-210 Rev F and the KLOU Lighting Bollard specification. There shall be no deviation to these approved details without approval in writing from the Local Planning Authority.
- Reason: In accordance with Arun District Local Plan policies GEN29 and GEN33 and the National Planning Policy Framework.
- 13 The Caravans/mobile homes shall be occupied only for holiday use purposes only.
- Reason: The site lies outside the built up area boundary where development is not normally permitted and in accordance with Arun District Local Plan policy GEN3.
- 14 The Caravans/mobile homes shall not be occupied as a sole person's sole or main place of residence.
- Reason: The site lies outside the built up area boundary where development is not normally permitted and in accordance with Arun District Local Plan policy GEN3.

- 15 The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans/mobile homes on the site of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The site lies outside the built up area boundary where development is not normally permitted and in accordance with Arun District Local Plan Policy GEN3.

- 16 Should it prove necessary to clear bird nesting habitat during the bird nesting season, then within 24 hours of such works, a pre-works check for nesting birds should be undertaken by a CIEEM ecologist. If any active nests are found then all site clearance/demolition activities should cease and an appropriate buffer zone around the nest should be established. This buffer zone should be left intact until it has been confirmed that the young have fledged and the nest is no longer in use.

Reason: To safeguard the ecology of the area, and in the interests of birds in accordance with policies GEN7 and GEN29 of the Arun District Local Plan and the National Planning Policy Framework.

- 17 The development must be carried out in accordance with the recommendations (as set out within paragraphs 5.2.1 to 5.2.4) of the submitted Ecological Appraisal by Baker Consultants dated 04 August 2016. The mitigation measures shall be retained and thereafter maintained in perpetuity.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

INFORMATIVE: Statement pursuant to 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.

INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between February and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern

House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £14,025 for the purposes of delivering mitigatory actions at Pagham Harbour Special Protection Area.

INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or West Sussex County Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.

INFORMATIVE: The applicant is advised that the proposed use of the site will require an amendment to the existing caravan site license.

INFORMATIVE: This planning permission does not authorise any changes which may or may not be required to the adjacent golf course.

Case Officer: Mr S Davis

Date of Decision:

14 December 2016


Karl Roberts
Director Planning & Economic Regeneration

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

Appendix 3: Refusal Notice, Ref. P/76/92 & Appeal Decision APP/C3810/A/93/219759

ARUN DISTRICT COUNCIL:P/76/92

TOWN AND COUNTRY PLANNING ACT 1990

P/76/92

Variation of Condition No.5 of P/32/63A dated 12/11/64
to allow occupation of recreational caravans from 1st March
in any year to 14th January in the following year.

Church Farm Holiday Village
Pagham
Bognor Regis
West Sussex

In pursuance of their powers under this Act and related Orders and Regulations
the Council Refuse to approve the development as described in the application
and plan for the reasons stated.

TO: Charles F Jones & Son
Eldon House
92-94 Watergate Street
Chester
CH1 2NF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

2nd December 1992

ARUN DISTRICT COUNCIL:P/76/92

P/76/92 Variation of Condition No.5 of P/32/63A dated 12/11/64
to allow occupation of recreational caravans from 1st March
in any year to 14th January in the following year.

Church Farm Holiday Village
Pagham
Bognor Regis
West Sussex

REASON 1 : The proposal is unacceptable as the application site, by reason of
its being low lying and located behind tidal/sea defences, is at risk of serious
flooding during the proposed extended period of occupation.



Department of the Environment

South East Regional Office

Charles House 375 Kensington High Street London W14 8QH



COMPASS	
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D/DASE	<i>[Signature]</i>
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Charles F Jones and Son
Consultant Surveyors and Valuers
Eldon House
92-94 Watergate Street
Chester CH1 2NP

Your reference
RDGH/4337

Our reference
APP/C3810/A/93/219759

Date **5 OCT 1993**

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEAL BY BOURNE LEISURE LTD
APPLICATION NO P/76/92**

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector Mr A Langton CEng DipTP MICE MRTPI MIHT who held a local inquiry into your clients' appeal against the decision of Arun District Council to refuse planning permission for the continuation of use of a site for recreational caravans without complying with Condition No 5 attached to planning permission reference P/32/63A dated 12/11/64, to allow occupation of the caravans from 1st March in any year to 14th January in the following year at Church Farm Holiday Village, Pagham, nr Bognor Regis, West Sussex.

2. The Inspector, whose conclusions are reproduced in the annex to this letter, recommended that the appeal be dismissed. A copy of his report is enclosed.

3. The Secretary of State has given careful consideration to the Inspector's report and the arguments put forward for and against the proposals. He notes the concern expressed by local people about the effect on residential amenity if some of the caravans on the site were occupied for an extended period. He observes, however, the appellants' estimate that only around 10% of the caravans would be likely to be occupied at any one time, and he does not consider that additional activity at this level would have a substantial impact on residential amenity.

4. The Secretary of State notes that no expert evidence was submitted about the effect of the proposal on wildlife, and on overwintering birds in particular. He has had regard to the fact that the site lies outside Pagham Harbour and to the anticipated level of occupancy during winter months in comparison with the population of Pagham. He has considered the proposal in the light of the advice given in paragraph 28 of Circular 27/87 regarding EC Directive 79/409, but agrees with the Inspector that the increased activity in the area of the harbour would be slight. He therefore takes the view that any damage or



disturbance to the birds or their habitats would not be significant for the survival and reproduction of the species listed in Annex 1 to the EC Directive and agrees with the Inspector that there is no over-riding objection to the proposal on nature conservation grounds.

5. On the question of possible flood risk, the Secretary of State notes that the site has not been subject to tidal flooding for many years. However, he has had regard to the technical evidence that there is a significant risk, especially during winter storms, and that this is expressed as an 89% probability during the next 10 years. In such event earthbunds, for which responsibility is unclear, would be overtopped, and there would be breaching of the NRA bund, which he observes has already needed to be repaired following high tides. He has had regard also to the advice in Circular 30/92 that the issue of flooding will become increasingly important due to expected sea level rises and changes in weather patterns arising from predicted global climate changes. He agrees with the Inspector that the proposal represents an extension of the existing site by virtue of the intensification of use for an additional 2½ months in the year. He notes the appellants' willingness to provide flood warning signs, but, in line with paragraph 23 of Circular 30/92, considers that this would not justify the granting of permission in this case. He further shares the Inspector's view that the intensification in the degree of exposure to flooding for some 200 hundred people of all ages is contrary to the aims of policy G9 in the approved West Sussex Replacement Structure Plan. He can see no reason to make an exception to this policy in the present case since he considers that the existing condition is necessary in the interests of public safety. Accordingly, he agrees with the Inspector's overall conclusion that the risk to life from increasing exposure to tidal flooding outweighs other considerations and justifies refusing planning permission for the proposal.

6. Therefore, the Secretary of State agrees with the Inspector's conclusions, accepts his recommendation and hereby dismisses your clients' appeal.

Yours faithfully



MISS A GERRY
Authorised by the Secretary of State
to sign in that behalf

CONCLUSIONS

Bearing in mind the above and my own observations I conclude:¹

Introduction

54. I shall consider first objections relating to residential amenity, raised by interested persons, then the impact on birdlife, which led to the appeal's recovery for determination by the Secretary of State, and finally the question of flood risk which is the Council's sole objection.

Residential Amenity

55. I understand local preferences to see the site's open season remain as it is (49 - 53). However, the extended period would be closely in line with advice in PPG 21 annex B, reflecting the changing nature of holidays and recreation (19). The Council are satisfied that a holiday occupancy condition, in line with PPG 21 annex C (18), would ensure that the change did not lead to the loss of holiday facilities to permanent occupation, and there is also no evidence that this is intended (17, 18 & 53).

56. The site has about 950 static holiday caravans. It is attractively and spaciouly laid out, and most of it does not directly border people's homes (8 - 13). I see no reason to question the appellants' estimate that no more than, say, 10 % of the caravans would be occupied at the same time during the winter (19). There would also be less outside activity then, whatever the site's evolving character during the summer (51, 53). Overall I see no substantial objection relating to residential amenity

Birdlife

57. The site lies adjacent to but outside Pagham Harbour, a site of designated national and international importance for nature conservation which includes wetland habitat for overwintering waterfowl (11). The material part of the development plan is policy G1(3) in the West Sussex Replacement Structure Plan (1993) (the 'Structure Plan'), which includes a general aim to protect wildlife resources (15).

58. The Council have no objection to the appeal proposal relating to wildlife, and there is no outstanding objection from any specialist consultee although there are from individuals (20, 49, 51, 53). Occupation of the caravans during winter months would not of itself materially impinge on nature conservation, but the RSPB initially objected that increased use of footpaths around the harbour would cause harmful disturbance to birds. English Nature, the County Council and the Sussex Wildlife Trust expressed similar concerns which stopped short of objections (20, 21).

59. The County Council recommended publicity to encourage respect for the wildlife. This is agreed by the (District) Council and by the appellants who undertake to erect suitable notices. They have done so elsewhere in similar circumstances, successfully so in their estimation. This course of action appears to have been accepted by the RSPB, albeit with some reluctance, following discussions with the County (20 - 23).

¹ The numbers in italics refer to the relevant paragraph numbers in the remainder of the report - Inspector

60. I sought and obtained basic information from the Council regarding the Harbour's birdlife (11), but in the absence of a relevant ground of refusal neither party called expert evidence. It is difficult to come to a firm conclusion without such information as the level of use of the paths now and the extent to which resulting disturbance is close to being critical.

61. This will not be determinative if my conclusions below regarding flood risk are accepted, but I am conscious that the Secretary of State will wish to be satisfied that the matter has been properly addressed, particularly in the light of paragraphs 28, 32 and 34 of Circular 27/87.

62. As I accept above, roughly 95 caravans might be occupied simultaneously during the winter. Of those people only a proportion may choose to walk around the harbour, but possibly exercising a dog (51); fewer would do so in harsh weather when the RSPB say flocks would be most vulnerable to disturbance (20). In comparison, the nearby resident population of Pagham is about 6,000, and the locality is within easy reach of Bognor Regis (10, 51). Proportionately, it is likely that increased activity would be slight.

63. As the parties suggest, suitable notices within the site would make visitors aware of the sensitivity of overwintering flocks to disturbance (22, 23). Subject to that, there is no reason why people staying at the site would behave more or less responsibly than others with regard to birdlife (51). On balance, I consider that nature conservation interests do not require planning permission to be withheld in this case.

Flood Risk

64. The site is low lying, behind coastal sea defences (12, 13). The material part of the development plan is Structure Plan policy G9, which states that in areas of risk from flooding or coastal erosion new development or the significant intensification of existing development will normally be resisted (15).

65. There is substantial evidence that the site has not been subject to tidal flooding for 40 years or more, and no positive evidence of such flooding at Pagham since 1910 (27, 50). However, technical evidence by both parties points to a significant risk (24 - 26, 37). This would be brought about by adverse weather and atmospheric conditions broadly coinciding with a high astronomical tide to produce a surge tide. These circumstances generally occur during winter storms (24).

66. The site would then be at risk in 2 ways: overtopping of the wide but lower earth bunds C and D, which have crests between about 3.1 m and 3.6 m AOD, or breaching of the narrow but higher shingle bund B, which has a crest about 3.8 m AOD (12, 13, 26, 28, 37 - 39). The former would lead to rapid inundation of much of the site initially to a depth of about 1.1 m, followed by a slower rise which would depend upon the final height of the surge (26). As acknowledged by the appellants, such a flood would be life threatening (26). Their technical evidence forecasts this likelihood, on average, every 5 years. That is an 89 % probability at some time during the next 10 years (24, 26).

67. This forecast makes no allowance for earth crustal movement nor the possible effects of global warming (24, 26). The Intergovernmental Panel on Climate Change (IPCC) has produced a range of estimates, and the Ministry of Agriculture Fisheries and Food recommend a cumulative allowance of 6 mm a year in this locality (24, 37). These factors increase the probability of the bunds being overtopped; indeed by 2040 they could be at risk from the highest astronomical tides alone (24).

68. More catastrophic would be a breach of bund B, which would lead to sudden deep inundation (28). The NRA forecast that this is at risk from a surge tide with an average return period of 1,000 years, taking into account the 6 mm allowance (37), that is say there is a 1 % probability over the next 10 years, 5 % over the next 50. The appellants' forecast is similar, and considerably more pessimistic if the IPCC 'best estimate' is assumed, which points to risk with an average return of between roughly 50 and 100 years (24).

69. The lack of flooding in past years is material but does not overcome clear technical forecasts of significant risk. The highest local astronomical tides now, some 3.0 m AOD (24), leave little margin below the crests of bunds C and D to deal with surges. High tides now, combined with on-shore winds, cause flumes of sea water to pass over bund B, necessitating emergency repairs, again suggesting that there may be little margin to withstand more extreme conditions (38, 39, 52).

70. Circular 30/92, paragraph 1, advises that the issue of flooding in relation to planning decisions will become increasingly important given expected sea-level rises, possible increases in storm severity and changes in weather patterns arising from predicted global climate changes.

71. I see little relevance in the evidence that maximum tides occur also outside the proposed period of occupation (29, 30). The risk, for the present, is from a combination of high tide and winter storm. On the evidence, there is some risk of this at the beginning and end of the existing permitted season (48). It seems to me that this is a matter for the appellants and site licensing authority. It does not alter the fact that allowing the appeal would enable visitors to stay overnight during an additional 2½ winter months (4, 5).

72. There is no scheme for works to upgrade the defences. The parties are unclear who is responsible for bunds C and D (13, 43); the NRA would be likely to resist 'hard' engineering on bund B because of perceived adverse effects on the SSSI (42). It would be wrong, in my view, to allow the appeal by relying on the uncertain hope of these matters being resolved.

73. Nor would it be right, again in my view, to justify planning permission by relying on a warning scheme. This would be prone to human error, and could add to the burden for emergency services following a flood alert. To my mind Circular 30/92, paragraph 23, advises against this course of action, and should not be construed in the grammatically precise manner suggested by the appellants (35, 46). The extension of time would be akin to a physical extension of the site; either would increase the exposure of people to the risk of flooding. I believe that this is implicit in the final part of the paragraph, which advises against changes of use from holiday to permanent accommodation on sites at risk from flooding.

75. Even only some 95 caravans occupied would probably amount to over 200 people. These would be likely to include children, the infirm and the elderly, who would all be particularly vulnerable (41). In my view, the period sought, 2½ winter months each year, would amount to a significant intensification in the degree of exposure to flooding, and would thereby be contrary to the aims of policy G9 (35, 45, 46).

76. I see little similarity with the decision by Chichester District Council last year, which was limited to a lengthening of previously permitted weekend occupation. The appeal decision in Caernarfon, also last year, hinged in part on consistency with other decisions in that planning authority's district; this does not arise in the present case, which I have assessed on its own merits (33, 44).

Overall Conclusions

77. In the event that my conclusions regarding flooding are not accepted, I recommend that planning permission be in the terms set out in paragraph 4 of my report, subject to a condition requiring signs regarding birdlife and also the conditions referenced in paragraph 14 of my report. These would redefine the occupancy period to that applied for, require flood warning signs and limit occupancy to holiday use.

78. I consider, however, that even with flood warning signs the risk to life from increased exposure to tidal flooding outweighs other considerations and warrants withholding permission for the proposal as it stands. Even though originally imposed for another reason (6), I believe that the planning condition subject to this appeal is now reasonable, relevant and necessary to protect public safety (5).

Bristol

London

Cardiff

Manchester

Edinburgh

Newcastle

Leeds

Thames Valley

