TOWN AND COUNTRY PLANNING ACT 1990

ARUN DISTRICT COUNCIL

DECISION NOTICE

Application Ref: SS/6/06/

1 **To Addressee**

Tom Smith
Terence O'Rourke Ltd
Everdene House
Deansleigh Road
Bournemouth Dorset
BH7 7DU

2 **Site Address**

South Stoke Bridge
South Stoke
Nr Arundel

3 **Description of Development**

Replacement bridge, proposing an alternative bridge design to replacement bridge approved under application SS/2/06

4 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 plan and subject to compliance with the conditions specified.

CONDITION 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).

CONDITION 2 All agreed actions and measures detailed in the submitted Environmental Report and Supporting Statements shall be carried out and adhered to.

Reason: To prevent ecological damage to the river and its associated habitats and species, during the proposed works in accordance with policy DEV1 of West Sussex Structure Plan and policies GEN7and GEN30 of Arun District Local Plan.

CONDITION 3 Upon completion of the works hereby approved the damaged area must be replanted with reedbed of native local provenance. Additional mitigation should be provided by planting additional reedbed around the edge of the scour. Sufficient reedbed must be left during the construction to provide habitat for dependant species.

Reason: To ensure protection of species and their habitat in accordance with policy DEV1 of West Sussex Structure Plan and policies GEN7 and GEN30 of Arun District Local Plan.

CONDITION 4 Upon completion of the works hereby approved the damaged area must be replanted with hedge plants of native local provenance. Sufficient hedgerow must be left during the construction to provide habitat for dependent species.

Reason: To ensure the protection of species and their habitat in accordance with policy DEV1 of West Sussex Structure Plan and policies GEN7 and DEV30 of Arun District Local Plan.

CONDITION 5 No development shall take place on the site until the applicant has secured the implementation of a programme of archaelogical work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordace with policies CH7 of the West Sussex Structure Plan and AREA 17 of the Arun District Local Plan.

CONDITION 6 The replacement bridge hereby permitted shall not be painted other than in such colours as agreed with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

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 March 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: With regard to bats, no suitable tree clearance work can be permitted until an emergence survey has been carried out by a suitably qualified ecologist. This includes preparatory clearance work. English Nature should be consulted on the completed survey before work commences.

INFORMATIVE: Any works whatsoever in, over, or under the channel of the River Arun or on its banks within 8 metres from the top of the channel, would require the prior written

consent of the Environment Agency under Section 109 of the Water Resources Act 1991 and/or Byelaws for which the Agency will need to be consulted through its own internal process.

INFORMATIVE: English Nature is content that the best practice regarding Japanese Knotweed is strict adherence to an Environmental Management Plan.

INFORMATIVE: English Nature is happy with the the mitigation offered for water voles .

INFORMATIVE: English Nature is content with the mitigation in respect of fisheries as long as this has been formally approved by the Environment Agency.

Case Officer: Ms E E Hearsey

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

8th September 2006



Stephen Cantwell
Planning Control Manager

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

NOTES RELATING TO PLANNING APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990

APPEALS TO THE SECRETARY OF STATE

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

If you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

PURCHASE NOTICES

If either the local planning authority or the First Secretary of State refused 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 in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.