



DECISION NOTICE

Application Ref: Y/72/08/

1 To Addressee

Langmead Farms Ltd
Ham Farm
Main Road
Bosham
Chichester
PO18 8EH

2 Site Address

Bilsham Farm
Bilsham Road
Yapton

3 Description of Development

Construction of a farm reservoir for the storage of winter water, utilised on irrigable crops through summer months (This application is accompanied by an Environmental Statement)

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 No works shall take place until an archaeological investigation of the site has been carried out in accordance with a specification of a programme of archaeological work to be submitted to and agreed by the Local Planning Authority in writing.

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

- CONDITION 3** Prior to the commencement of development of the scheme for the provision and management of a buffer zone alongside the reservoir shall be carried out. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: Development that encraches on watercourses and wetlands has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses and wetlands is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

- CONDITION 4** No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme providing detailed information regarding types of trees and hedgerow species, including heights. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the excavation of the reservoir 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 policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- CONDITION 5** INFORMATIVE:

The landscaping scheme should be prepared in accordance with the Barry Kemp Conservation Limited Herpetofauna Survey of Land dated July 2008 and the recommended landscape enhancements.

INFORMATIVE:

The buffer zone needs to be 8 metres wide measured from bank top for the whole extent of the site. Bank top is defined as the point at which the bank meets normal land levels/the edge of the wetland as designated on a site plan. This zone should be without structures, hard standing, footpaths, fences or overhanging development or formal landscaping. The buffer zone needs to be designed and managed to develop this natural provenance/left to colonise and regenerate naturally/left as a natural area for wildlife.

INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character) and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: DEV1, LOC1, LOC2, CH1, CH7, NE8, ERA1, ERA2, ERA4, ERA5

LOCAL PLAN: GEN3, GEN7, GEN11, GEN16, GEN23, GEN24, GEN25, GEN27, GEN29, GEN30, AREA12, AREA17

NATIONAL POLICIES: PPS1, PPS7, PPS9, PPS16, PPS23

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

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

Case Officer: Mrs S Leeson

Date of Decision: **2nd February 2009**

Date Decision Issued: **2nd February 2009**



Zachary Ellwood
Interim Head of Development Control

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.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).