

Ms Oriole Wagstaff
Royal Society for the Protection of Birds
(RSPB)
c/o Ms Natacha Bricks-Yonow
South Downs National Park Authority
South Downs Centre
North Street
GU29 9DH

Our Ref: SDNP/24/02058/FUL
Contact Officer: Vicki Colwell
Tel. No.: 01730 819280

13th March 2025

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

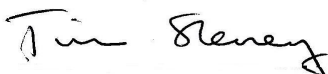
Town and Country Planning (Development Management Procedure) (England) Order 2015

Applicant: Ms Oriole Wagstaff, Royal Society for the Protection of Birds (RSPB)
Proposal: Ecological enhancements of RSPB Pulborough Brooks through the installation of 4 hydrological control structures, replacing or complementing existing ones.
Location: Rspb, Wiggonholt, Pulborough, West Sussex, RH20 2EL

Please find enclosed the Decision Notice in relation to the above application. If you are acting as an Agent please ensure that a copy is given to the applicant. **Before proceeding, please read the following important information which affects this Notice.**

Failure to comply with any conditions may invalidate the permission and may result in enforcement action. Some conditions may require further details or samples to be submitted for approval. Other conditions may contain timescales or stages against which compliance should be obtained and before works are commenced. Most categories of permission also require a fee for each request for discharge of condition/s, further details of which are set out in the attached information sheet.

Yours faithfully



TIM SLANEY

Director of Planning
South Downs National Park Authority

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Town and Country Planning (Development Management Procedure) (England) Order 2015

Application No: SDNP/24/02058/FUL

Applicant: Ms Oriole Wagstaff, Royal Society for the Protection of Birds (RSPB)
Proposal: Ecological enhancements of RSPB Pulborough Brooks through the installation of 4 hydrological control structures, replacing or complementing existing ones.
Location: Rspb, Wiggonholt, Pulborough, West Sussex, RH20 2EL

GRANT OF PLANNING PERMISSION

In pursuance of its powers under the above mentioned Act, the South Downs National Park Authority as the Local Planning Authority hereby **GRANTS** Planning Permission for the above development in accordance with the plans and particulars submitted with your application received on 20th May 2024.

This permission is subject to the following conditions:-

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

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

2. The development hereby permitted shall be carried out in accordance with the plans and documents listed below under the heading "Plans and Documents Referred to in Consideration of this Application" unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of the development hereby permitted, detailed plans shall be provided showing the final appearance and installation methods for the hydrological control structures hereby approved. The development shall be carried out in accordance with the approved details.

Reason: To ensure a development of a high quality that avoids adverse impacts on the designated area.

4. Prior to the commencement of the development hereby permitted, including any site clearance and groundworks, a Construction and Environmental Management Plan (CEMP) that includes the precautionary mitigation measures contained in the Environmental Statement dated August 2024 (updated January 2025) and the Little Whirlpool Ramshorn Snail Mitigation Statement (February 2025) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved CEMP.

Reason: In order that the Local Planning Authority can properly control the impact of works on the site and surrounding area.

5. Prior to the commencement of the development hereby permitted, including any site clearance and groundworks, surveys for notable flora, including Great Water Parsnip (*sium latifolium*) near the ditches subject to the engineering works approved shall be carried out and the results and any mitigation recommendations submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved survey.

Reason: To ensure that no features within the Site of Special Scientific Interest are adversely affected by the development permitted.

6. Prior to the commencement of the development hereby permitted, including any site clearance or ground works, water vole surveys covering 50m of ditch in both directions of the areas where structures are to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations of the approved surveys.

Reason: To ensure that protected species are not harmed during the construction of the permitted development

9. Prior to the hydrological control structures hereby approved being installed on site, an ecological and hydrological monitoring and management plan shall be submitted to and approved in writing by the Local Planning Authority. The monitoring and management plan shall include regular monitoring of qualifying site features and species following the works to be implemented and that management strategies are adaptive to their findings in order to adjust water levels and flow to optimise habitat conditions and project objectives. The development shall be operated in accordance with the approved details.

If during monitoring any adverse impacts are noted, details of remediation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that no features within the Site of Special Scientific Interest are adversely affected by the development permitted.

This permission is subject to the following conditions relating to Biodiversity Net Gain:-

7. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Strategy received 03 February 2025 (produced by RSPB England).

Reason: To ensure the development delivers a Biodiversity Net Gain (BNG) in accordance with Schedule 7A of the Town and Country Planning Act, SD9 of the South Downs Local Plan (2014-33) and the SDNPA Biodiversity Technical Advice Note.

8. No development shall commence until evidence that the off-site Biodiversity Net Gain (BNG) credits have been purchased from a registered Habitat Bank has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers a Biodiversity Net Gain in accordance with Schedule 7A of the Town and Country Planning Act and SD9 of the South Downs Local Plan (2014-33).

INFORMATIVE NOTES

These are advice notes to the applicant and are not part of the planning conditions:

Crime and Disorder Implications

It is considered that the proposal does not raise any crime and disorder implications.

Human Rights Implications

This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Equality Act 2010

Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

Proactive working

In reaching this decision the local planning authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

Biodiversity Gain Plan - Deemed Condition

Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun [and before each phase of development where development is phased] because none of the statutory exemptions or transitional arrangements are considered to apply.

The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition") that development may not begin unless:

- (i) A Biodiversity Gain Plan has been submitted to the planning authority, and
- (ii) The planning authority has approved the plan.

The planning authority is the South Downs National Park Authority.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found in the legislation.

Biodiversity Gain Plan - Required Content

The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify the following matters:

- i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
- ii) The pre-development biodiversity value of the onsite habitat,
- iii) The post-development biodiversity value of the onsite habitat,
- iv) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
- v) Any biodiversity credits purchased for the development.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

Letter from Environment Agency

The applicant's attention is drawn to the letter from the Environment Agency dated 14 June 2024.

Letter from the Lead Local Flood Authority

The applicant's attention is drawn to the letter from West Sussex County Council Lead Local Flood Authority dated 03 December 2024.

Letter from Natural England

In respect of condition 4, the applicant's attention is drawn to the letter from Natural England dated 11 March 2025 regarding construction routes and other mitigation requirements.

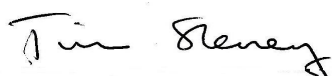
The Environmental Statement has been prepared in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the application has been assessed in relation to the Environmental Statement, which forms the basis of this decision.

Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type/Reference/Version	Date Received	Status
Reports - Environmental Statement: Main Text - August 2024 (updated January 2025)	24.01.2025	Approved
Reports - Environmental Statement Impact of Hydrological Works on Designated Ditch Plants	16.10.2024	Approved
Reports - Environmental Statement Technical Appendix Part A	16.10.2024	Approved
Reports - Environmental Statement Technical Appendix Part B Ecological Impact Assessment	16.10.2024	Approved
Reports - Environmental Statement Technical Appendix Part C Flood Risk Assessment	16.10.2024	Approved
Reports - Environmental Statement Technical Appendix Part D Habitat Regulations Assessment	16.10.2024	Approved
Reports - Planning Statement	17.05.2024	Approved
Reports - Landscape and Visual Impact Assessment	17.05.2024	Approved
Reports - Noise and Lighting Impact Assessment	17.05.2024	Approved
Reports - Little Whirlpool Ramshorn Snail Mitigation Strategy	24.02.2025	Approved
Reports - Updated Biodiversity Net Gain Strategy	03.02.2025	Approved
Plans - LOCATION MAP	20.05.2024	Approved
Plans - 1 - GREEN SHEET MEADOW BLOCK PLAN	20.05.2024	Approved
Plans - 2 - WEST CLAPHAM BLOCK PLAN	20.05.2024	Approved
Plans - 3 - FLAT BROOK BLOCK PLAN	20.05.2024	Approved
Plans - 4 - LONG SHANK BLOCK PLAN	20.05.2024	Approved
Plans - 5 - SOUTH ELBOW/NORTH CLAPHAM BLOCK PLAN	20.05.2024	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.



TIM SLANEY

Director of Planning

South Downs National Park Authority

13th March 2025

NOTES TO APPLICANTS / AGENTS

Fees for discharge of planning conditions

Fees apply for the submission for any consent, agreement or approval that are required by a planning condition. The fee chargeable is currently £145 per request or £43 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. **The fee is payable for each submission made regardless of the number of conditions it is seeking to discharge.**

A fee is payable for conditions related to planning permissions and reserved matter applications only. A fee is not required for conditions attached to listed building consents and conservation area consents.

The requirement to make this charge is set out in [Fees for planning applications - GOV.UK](https://www.gov.uk/government/publications/planning-fees) (www.gov.uk)

You may wish to use the standard form to accompany your submission, or set out your requests in writing, clearly identifying the relevant planning application and condition(s) which you seek to discharge or seek approval for. Forms & guidance notes are available on the National Planning Portal website, <https://www.planningportal.co.uk/applications>

Non Material Amendments

There is an application form for the submission of Non Material Amendments to approved plans. Forms & guidance notes are available on the National Planning Portal website, <https://www.planningportal.co.uk/applications>

The fee chargeable is currently £293 per request, or £43 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house.

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

If you want to appeal against your local planning authority's decision then you must do so within **6 months** of the date of this notice.

Appeals must be made on a form obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN, Telephone Number: 0303 444 5000,

Email: enquiries@planninginspectorate.gov.uk or from the Planning Inspectorate website: <https://www.gov.uk/appeal-planning-decision>

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.

As from 6 April 2010 if an enforcement notice has been served in the previous 2 years you will have only 28 days in which to lodge the appeal following the refusal. Equally, if an enforcement notice is served after the refusal it will truncate the period for lodging the appeal against the refusal of planning permission to 28 days after the enforcement notice has been served.

Purchase Notices

If either the local planning authority or the Secretary of State refuses 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 Council (District Council, London Borough Council or Common Council of the City of London) 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 and Country Planning Act 1990.