

**This is a legal document and should be kept safely with the deeds of the property**



**EXMOOR**  
**NATIONAL PARK**

Exmoor National Park Authority  
Exmoor House, Dulverton  
Somerset TA22 9HL  
Tel: 01398 323665  
[www.exmoor-nationalpark.gov.uk](http://www.exmoor-nationalpark.gov.uk)  
[plan@exmoor-nationalpark.gov.uk](mailto:plan@exmoor-nationalpark.gov.uk)

**Town and Country Planning Act, 1990  
As Amended**

***This permission does not purport to convey any approval or consent which may be required by any byelaw, order or regulation or any enactment other than the Town and Country Planning Act, 1990.***

Certificate to: Mr. P Turnbull, 6/15/21/104  
Westcountry Rivers Trust  
Rain Charm House  
Kyl Cober Parc  
Stoke Climsland  
Callington  
PL17 8PH

THE EXMOOR NATIONAL PARK AUTHORITY, being the LOCAL PLANNING AUTHORITY, HAVE GRANTED CONDITIONAL PERMISSION pursuant to the provisions of the Town and Country Planning Act, 1990, (as amended) to the application of Mr. P Turnbull, Westcountry Rivers Trust Rain Charm House, Kyl Cober Parc, Stoke Climsland, Callington, PL17 8PH  
Date received: 10-Jun-2021

Parish	Exton
Ordnance Survey Reference	Easting: 292315.1748 Northing: 133768.7166
Position and Nature of Proposal	Proposed installation of a fish pass, smolt/kelt screen and smolt/kelt chute, together with the enlargement and reinforcement of a downstream pool, reinforcement of a section of riverbank and raising of part of weir crest. Bridgetown Weir, Easting: 292324, Northing: 133767

**Planning Permission is GRANTED subject to the following conditions for the reasons given: -**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act

1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out strictly in accordance with the plans stamped by the Local Planning Authority as "FILE No. 1", "FILE No. 2" "FILE No. 3", "FILE No. 4", "FILE No. 5", "FILE No. 6", "FILE No. 7", "FILE No. 8", "FILE No. 9" and "FILE No. 10", all of which were date stamped by the Local Planning Authority on 16th June 2021, unless otherwise required by condition(s) below.

Reason: To ensure a satisfactory standard of development in the interests of amenity.

3. No development hereby approved shall take place until the applicant, or their agents or successors in title, 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 Local Planning Authority. The work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

Reason: To record the historic features and fabric of the existing structure.

4. The development hereby approved shall be carried out in accordance with Paragraph 3.2.1 of the Summary and Supporting Information document (Phillip Turnbull, Westcountry Rivers Trust - dated 19th May 2021) and Paragraph 5.0 of the Preliminary Ecological Appraisal Report (Colmer Ecology Ltd - dated 22nd December 2020).

Reason: To ensure the protection of wildlife and the prevention of pollution to the watercourse.

5. Within the first planting season following the removal of any trees, shrubs or scrub required to enable the construction of the development hereby approved, replacement tree, shrub and scrub planting shall be planted on a ratio of 3:1 (3 specimens planted for every 1 removed) and shall comprise mixed broadleaved deciduous species of local provenance. The replacement planting shall be maintained to ensure establishment, including watering, weeding and the replacement of any planting which fail within a period up to 5 years from the completion of the development.

Reason: To replace trees, shrubs and scrub that are removed during the approved works, in the interests of biodiversity and conserving the landscape.

6. Within six months of the fish pass and smolt chute hereby approved being installed, the construction access ramp shown on the approved Location Plan shall be removed and the land returned to its previous levels and surface finish.

Reason: To ensure the removal of temporary construction infrastructure in the interests of protecting the National Park landscape.

### **Notes to Applicant:**

- Positive and Proactive Statement

This Authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Exmoor National Park Authority has endeavoured to work positively and proactively with the agent/applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome.

- Monitoring of Development

The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or work which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. The National Park Authority endeavours to monitor on site the compliance with conditions and building works. This has benefits for applicants and developers as well as the National Park. To assist with this monitoring of development the applicant/developer is requested to give at least fourteen days notice of the commencement of development to ensure that effective monitoring can be undertaken. The Planning Section can be contacted at Exmoor National Park Authority, Exmoor House, Dulverton, Somerset, TA22 9HL or by telephone on 01398 323665 or by email [plan@exmoor-nationalpark.gov.uk](mailto:plan@exmoor-nationalpark.gov.uk).

- Conditions and Informatives and the Submission of Further Details

Please check all the conditions and informatives attached to this Decision Notice. If there are any conditions which require submission of details and/or samples prior to work commencing on site it is vital that these are submitted and agreed in writing by the Local Planning Authority before work starts. Given the High Court's interpretation of the Planning Acts and their lawful

implementation it is unlikely that the Local Planning Authority will be able to agree to a sample/details after the commencement of works if that sample/details should have been approved prior to commencement. If a sample/detail is not agreed as required prior to commencement and works have started then it is likely that this matter may only be able to be rectified by the submission of another application. To avoid delay, inconvenience and the need to submit a further application, please ensure that all appropriate details/samples are submitted and agreed at the specified time.

Please also note that due to other decisions of the High Court it is now not normally possible for the Local Planning Authority to agree to minor amendments to approved applications on an informal basis.

The Department of Communities and Local Government have introduced a process whereby it is now possible to apply for a non-material amendment to a permission. This can deal with changes to plans which do not fundamentally alter the form of permission but are a variation to the approval. The appropriate form is available by request at Exmoor House or by downloading from the National Park Authority web site. Applications can be made via the Planning Portal.

Please ensure that works comply with the approved plans so as to avoid the possibility that works are unauthorised and liable for enforcement action.

- Advisory Note - Public Rights of Way

Public rights of way should be open (easy and safe to use) at all times. Please note the following:

- Care should be taken to avoid obstructing or interfering with the public rights of way or creating a hazard for users. If it is impossible to avoid interference or potential danger, the appropriate legal steps (e.g. path closure application) should be taken in advance of any works. If this is likely to be necessary, please contact ENPA (who act on behalf of the Highway Authority) or seek legal advice as soon as possible.
- Any disturbance to the surface of rights of way should be avoided but if any such disturbance does occur due to the owner/occupier or their agents' use of the way, the surface should be reinstated.
- Where planning permission is granted, this does not authorise any person to stop up or divert any public right of way. Separate legal steps are needed for this.
- The driving of a vehicle is only permitted on a public bridleway/footpath where the driver has lawful authority to do so.
- Parking on the public right of way may be deemed to constitute an obstruction.
- Changes to the surface/drainage of a public right of way require prior

authorisation from the Highway Authority (in this case ENPA as its agent).  
- New furniture (e.g. gates) being needed along a public right of way require prior authorisation from the Highway Authority (in this case ENPA as its agent).

Where an increase in vehicular traffic or other alteration in the private use of a public right of way this route is expected as a result of the development, there will be other considerations such as the impact on the maintenance requirements of the right of way.

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Dated 19-Jan-2022

A handwritten signature in black ink, appearing to read 'D. Kinsella', written in a cursive style.

Dean Kinsella

Head of Planning and Sustainable Development

## NOTES

### 1) 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 using a form which you can get from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk/>.

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

- 2) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve a purchase notice requiring that 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.
- 3) In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act, 1990.
- 4) Having regard to the statutory powers of the Highway Authority, you should consult the Highways Service Manager, West Somerset Area, SCC, Mart Road Ind Estate, Mart Road, Minehead, Somerset, (Tel 0845 3459155), or Area Engineer, Devon County Council, Civic Centre, Barnstaple, EX31 1ED, if any work connected with the development hereby permitted takes place within or immediately adjacent to a public highway e.g. footpath and margin crossings, piping of ditches, construction of waiting bays.
- 5) This permission does not authorise you to stop-up or divert a public right of way in order to enable the development permitted to be carried out. Separate legal steps are necessary for this and further information can be obtained from the Exmoor National Park Officer, Exmoor House, Dulverton, TA22 9HL.