

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

SOUTH DOWNS NATIONAL PARK AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

OPERATIONAL DEVELOPMENT

ENFORCEMENT NOTICE

Issued By: South Downs National Park Authority

To: [REDACTED] HSBC Private Bank (UK) Ltd,
[REDACTED] 78 St James's Street
[REDACTED] London
[REDACTED] SW1A 1JB
[REDACTED]
[REDACTED]
[REDACTED]

1. THIS IS A FORMAL NOTICE which is issued by the South Downs National Park Authority ("the Authority"), because it appears that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the land described below. The Authority considers that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at Burton Park Farm Cottage, Burton Park Road, West Sussex, comprising all that land shown edged red on the attached plan (referred to as 'the Land')

3. THE BREACH OF PLANNING CONTROL ALLEGED

- a) Without the benefit of planning permission the carrying out of operational works involving the importation of, and deposit of, soils and other waste materials, comprising a mix of hardcore, plastics, metal and tarmac, to raise the levels of the Land, involving the formation of a bund, within the red line boundary of the Land.
- b) Without the benefit of planning permission the carrying out of operational works involving the creation of a new access into the Land from Burton Park Road, a Class C road, by removing hedgerow and laying of hardcore.

4. THE REASON FOR ISSUING THE NOTICE

The Authority considers that the operational work has been undertaken within the last 4 years, without the benefit of planning permission and is unacceptable for the following reasons:

1. The unauthorised development is harmful to the visual quality and distinctive characteristics of this protected landscape and Grade II historic parkland garden, and fails to conserve and enhance the natural beauty and landscape character of this part of the South Downs National Park and would lead to significant harm to the heritage asset, Burton Park. This waste development is not of high quality and its scale, form, and design does not take account of the need to integrate with local landscape character, the characteristics of the site in terms of topography, and natural and man-made features. Additionally, it has not been shown that the operational works require a countryside location and is not in keeping with the locality. This unauthorised development is contrary to paragraphs 109, 115, and 116 of the National Planning Policy Framework, National Park purposes, Policy W11, W12 and W13 of the West Sussex Waste Local Plan 2014, Policy RE4 of the Chichester District Local Plan 1999 and the South Downs National Park Preferred Options Local Plan Policy SD5, SD7 and SD37.
2. The location of the unauthorised development within Black Pond Copse (and along the margins of Black Pond), a Site of Nature Conservation Importance (SNCI) where the presence of protected species is likely, is considered detrimental to water quality and established trees, fails to protect local biodiversity and is not in keeping with the nature conservation importance of the area, contrary to paragraphs 113, 115 and 118 of the National Planning Policy Framework, Policies W9, W14, W16 and W17 of the West Sussex Waste Local Plan 2014, Policy RE7 and RE8 of the Chichester District Local Plan 1999, and Policy SD12 and SD16 of the South Downs National Park Preferred Options Local Plan.
3. It has not been demonstrated that the waste disposal operations cannot be managed elsewhere through recovery operations and that there is a need to dispose of waste, consistent with the principle of net self-sufficiency and the objective of 'zero waste to landfill' in West Sussex by 2031 contrary to Policies W1 and W9 of the West Sussex Waste Local Plan 2014.
4. The creation of a new access onto Burton Park Road, a C-Class road, and the removal of a hedgerow has resulted in a loss to the rural character and streetscene of this part of Burton Park Road.

5. WHAT YOU ARE REQUIRED TO DO

1. To remove all waste soils and other waste materials from the Land as shown marked in red at "Area A" and in green at "Area B" on the attached plan and restore the Land to its previous levels before the breach took place by undertaking all of the following works:
 - a. Remove from the Land the soils and other waste materials comprising the U-shaped bund identified in red at "Area A" on the attached plan to a licenced disposal site, so that the former undisturbed ground levels of the Land are fully revealed to expose either the vegetated or topsoil layer, or in their absence the undisturbed layer of subsoils, so that there are no waste materials or imported

soils on the Land. All works within 100mm of the topsoil layer within the crown spread of trees and along the margins of Black Pond Copse SNCI shall be undertaken with hand tools only to ensure that the machinery does not damage any tree roots and important habitat. The method for removal of soils and other waste materials shall be undertaken in accordance with the requirements of the Ecological Recommendations appended to this Notice (Appendix A).

- b. Cultivate all those parts of the Land identified in red at "Area A" on the attached plan, disturbed through the removal of soils and deposited waste so that there are no stones, bricks, blocks or concrete exceeding 75mm in any dimension at the surface. To grade the surface to a fine tilth so that the whole of these areas are finished to an even layer to allow for natural regeneration of the area.
2. Remove new access to Burton Park Road by reinstating hedgerow by planting of native hedgerow species in area shown in green at "Area B" on the attached plan, and removal of hardcore laid down in the new entrance.
3. For the duration of requirements 1 a) and b) and 2 noted above, ensure that safe access and egress of vehicles onto Burton Park Farm is provided and any mud and debris tracked onto the road is cleared from the highway.

6. TIME FOR COMPLIANCE

- 1a 270 days after the enforcement notice taking effect.
- 1b 330 days after the enforcement notice taking effect
2. Within the next immediate planting season following completion of 1a and 1b.
3. For the duration of 1a, 1b and 2

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect **2 September 2016** unless an appeal is made against it beforehand.

8. TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999

The Authority considers that the development is not EIA development. If the development subject of this Notice were to be granted planning permission, an environmental statement would not be required.

Date: 29 July 2016

Signed: Tim Slaney, Director of Planning, South Downs National Park Authority

On behalf of: South Downs National Park Authority
Nominated Officer: Natalie Chillcott
Telephone Number: 01730 819289

ANNEX 1 YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the notice. The enclosed information sheet published by the Planning Inspectorate, gives details of how to make an appeal.

Link to: <http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>

Annex 5 gives details of documents produced by the planning Inspectorate on how to make an appeal.

ANNEX 2 WHAT HAPPENS IF YOU DO NOT APPEAL

Unless an appeal is made, as described below, the notice will take effect on **2 September 2016** on which date you must ensure that the required steps, for which you may be held responsible, are taken within the time period(s) for compliance as specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Authority.

ANNEX 3 GUIDANCE NOTES

The following sections of the Town and Country Planning Act 1990 are relevant to Enforcement Notices:

- S171A – Expressions used in connection with enforcement
- S171B – Time limits
- S172 – Issue of an Enforcement Notice
- 172A – Assurance as regards prosecution for person served with a notice
- S173 – Contents and effect of Notice
- S173A – Variation and Withdrawal of Notice
- S174 – Appeal against Enforcement Notice
- S175 – Appeals – supplementary provisions
- S176 – General provisions relating to the determination of appeals
- S177 – Grant/modification of planning permission on appeals against Enforcement Notices.

Lodging an Appeal

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of **£390** to the South Downs National Park Authority. Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Annex 4 LIST OF ALL RELEVANT POLICIES

South Downs National Park Authority: Purposes and Duty

Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

Duty: To seek to foster the social and economic well-being of the local communities within the National Park in pursuit of our purposes.

Paragraph 109 of the National Planning Policy Framework

The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 113 of the National Planning Policy Framework

Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

Paragraph 115 of the National Planning Policy Framework

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

Paragraph 116 of the National Planning Policy Framework

Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Paragraph 118 of the National Planning Policy Framework

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites; and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

West Sussex Waste Local Plan Policies 2014

Policy W1 Need for Waste Management policies.

- a) Proposals on unallocated sites for the storing, sorting, bulking and onward movement of waste will be permitted provided that they are needed to meet the shortfall in transfer capacity of 140,000 tonnes per annum. Proposals on unallocated sites to deliver capacity over and above this shortfall will be permitted where it can be demonstrated that there is a market need, consistent with the principle of net self-sufficiency.
- b) Proposals on unallocated sites for facilities for the recycling and composting of non-inert waste will be permitted provided that they are needed to meet the shortfall in capacity of 270,000 tonnes per annum. Proposals on unallocated sites to deliver capacity over and above this shortfall will be permitted where it can be demonstrated that there is a market need, consistent with the principle of net self-sufficiency.
- c) Proposals on unallocated sites for the recycling of inert waste will be permitted where it can be demonstrated that there is a market need, consistent with the principle of net self-sufficiency.
- d) Proposals on unallocated sites for built facilities for the recovery of non-inert waste will be permitted provided that they are needed to meet the shortfall in capacity of 270,000 tonnes per annum. Proposals on unallocated sites to deliver capacity over and above this shortfall will only be permitted where it can be demonstrated that it would reduce disposal to land of waste arising in West Sussex.
- e) Proposals for non-inert waste landfilling operations on unallocated sites will not be permitted unless they are needed to meet the shortfall in management capacity of 605,000 tonnes over the plan period. Proposals on unallocated sites to deliver capacity over and above this shortfall, will not be permitted unless there is a demonstrable need to dispose of non-inert waste arising within West Sussex, consistent with the principle of net self-sufficiency and the objective of 'zero waste to landfill'* in West Sussex by 2031.
- f) Proposals for inert waste landfilling operations will not be permitted unless it can be demonstrated that the waste cannot be managed through recovery operations and that

there is a need to dispose of waste, consistent with the principle of net self-sufficiency and the objective of 'zero waste to landfill'* in West Sussex by 2031.

Policy W9 Disposal of Waste to Land

- a) Proposals for the disposal of non-inert waste at unallocated sites will not be permitted unless it can be demonstrated that the waste cannot be managed at permitted sites or at the extension to the Brookhurst Wood landfill site allocated in Policy W10.
- b) Proposals for the disposal of non-inert and inert waste to land (including the continuation in duration of, or the physical extension of, existing operations) will not be permitted unless it can be demonstrated that:
 - i. the waste to be disposed of cannot practicably be reused, recycled or recovered;
 - ii. there would be no unacceptable impact on natural resources, particularly on groundwater quality, and other environmental constraints;
 - iii. they would accord with Policy W13 (Protected Landscapes);
 - iv. any important mineral reserves would not be sterilised;
 - v. appropriate measures are included to recover energy from landfill gas; and
 - vi. restoration of the site to a high quality standard would take place in accordance with Policy W20.
- c) Any proposals for new landfill sites (including for landraise) must accord with parts (a) and (b) and will not be permitted unless it can be demonstrated that:
 - i. they are only required for the disposal of waste following recycling and recovery; and
 - ii. there are no opportunities to extend the operation of existing sites within West Sussex.

Policy W11 Character.

Proposals for waste development will be permitted provided that they would not have an unacceptable impact on:

- a) the character, distinctiveness, and sense of place of the different areas of the County and that they reflect and, where possible, reinforce the character of the main natural character areas (including the retention of important features or characteristics); and
- b) the separate identity of settlements and distinctive character of towns and villages (including specific areas or neighbourhoods) and development would not lead to their actual or perceived coalescence.

Policy W12 High Quality Developments.

Proposals for waste development will be permitted provided that they are of high quality and, where appropriate, the scale, form, and design (including landscaping) take into account the need to:

- a) integrate with and, where possible, enhance adjoining land-uses and minimise potential conflicts between land-uses and activities;
- b) have regard to the local context including:
 - i. the varied traditions and character of the different parts of West Sussex;
 - ii. the characteristics of the site in terms of topography, and natural and man-made features;
 - iii. the topography, landscape, townscape, streetscape and skyline of the surrounding area;
 - iv. views into and out of the site; and
 - v. the use of materials and building styles;
- c) includes measures to maximise water efficiency;
- d) include measures to minimise greenhouse gas emissions, to minimise the use of non-renewable energy, and to maximise the use of lower-carbon energy generation (including heat recovery and the recovery of energy from gas); and
- e) include measures to ensure resilience and enable adaptation to a changing climate.

Policy W13 Protected landscapes

- a) Proposals for waste development within protected landscapes (the South Downs National Park, the Chichester Harbour Area of Outstanding Natural Beauty (AONB), and the High Weald AONB) will not be permitted unless:
 - i. the site is allocated for that purpose in an adopted plan; or

- ii. the proposal is for a small-scale facility to meet local needs that can be accommodated without undermining the objectives of the designation; or
 - iii. the proposal is for major* waste development that accords with part (c) of this Policy.
- b) Proposals for waste development located outside protected landscapes will be permitted provided that they do not undermine the objectives of the designation.
- c) Proposals for major* waste development within protected landscapes will not be permitted unless:
- i. there is an overriding need for the development within the designated area; and
 - ii. the need cannot be met in some other way or met outside the designated area; and
 - iii. any adverse impacts on the environment, landscape, and recreational opportunities can be satisfactorily mitigated.

Policy W14 Biodiversity and Geodiversity

Proposals for waste development will be permitted provided that:

- a) areas or sites of international biodiversity importance are protected unless there are no appropriate alternative solutions and there are overriding reasons which outweigh the need to safeguard the value of sites or features, and provided that favourable conservation status is maintained;
- b) there are no adverse impacts on areas or sites of national biodiversity or geological conservation importance unless the benefits of the development clearly outweigh the impact on the objectives of the designation and on the wider network of such designated areas or sites;
- c) there are no adverse impacts on areas, sites or features of regional or local biodiversity or geological conservation importance unless the benefits of the development clearly outweigh the impact on the objectives of the designation;
- d) where development would result in the loss of or adversely affect an important area, site or feature, the harm is minimised, mitigated, or compensated for, including, where practicable, the provision of a new resource elsewhere which is of at least equivalent value;
- e) where appropriate, the creation, enhancement, and management of habitats, ecological networks, and ecosystem services is secured consistent with wider environmental objectives including Biodiversity Opportunity Areas and the South Downs Way Ahead Nature Improvement Area; and
- f) where necessary, the investigation, evaluation, and recording of important sites and features is undertaken and, where appropriate, representative features are preserved.

Policy W16 Air, Soil and Water.

Proposals for waste development will be permitted provided that:

- a) there are no unacceptable impacts on the intrinsic quality of, and where appropriate the quantity of, air, soil, and water resources (including ground, surface, transitional, and coastal waters);
- b) there are no unacceptable impacts on the management and protection of such resources, including any adverse impacts on Air Quality Management Areas and Source Protection Zones;
- c) the quality of rivers and other watercourses is protected and, where possible, enhanced (including within built-up areas); and
- d) they are not located in areas subject to land instability, unless problems can be satisfactorily resolved.

Chichester District Local Plan—adopted 1999 (saved policies)

Policy RE4: Areas of Outstanding Natural Beauty – Chichester Harbour and Sussex Downs Protection of Landscape Character

Area of outstanding natural beauty will be considered and enhanced. Any development which would be harmful to their visual quality or distinctive character will not be permitted except in compelling circumstances:

Need for development essential for agriculture or forestry or for quiet informal recreation, for roads, the extraction of minerals or the deposit of waste may exceptionally be regarded as

compelling provided that the proposal cannot be located or designed so as to meet these needs without giving rise to such harm;

Applications for roads, mineral working or waste disposal will be subject to the most rigorous examination because of the possible impact on such development on natural beauty. Major development for any purpose are likely to be inconsistent with the designation of areas of outstanding natural beauty and any applications will need to be accompanied by environmental assessments; They will be permitted only if there is an overriding national interest and no acceptable alternative location is available;

Any development permitted will be required to be in sympathy with the landscape and designed and sited so as to enhance visual quality and minimise noise disturbance; Particular attention will be given to the setting and to the off-site impact of any traffic generated and any consequential highway improvements on the character, appearance and amenity of villages or the countryside;

Development outside but near to a designated area of outstanding natural beauty will not be permitted if it would be unduly prominent in or detract from views into or out of the area of outstanding natural beauty (particularly from roads, rights of way or other public places), or would otherwise threaten public enjoyment of the area of outstanding natural beauty.

Policy RE7: Nature Conservation – Designated Sites

The district planning authority will refuse permission for development which would be likely to damage, destroy or adversely affect wetlands of international importance (RAMSAR sites), declared or potential Special Protection Areas, candidate Special Areas for Conservation, Sites of Special Scientific Interest, and Nature Reserves.

Where particularly sensitive ecological sites are threatened the district planning authority will take active steps to protect them and may seek Article 4 Directions.

Policy RE8 – Nature Conservation – Non-Designated Areas

The district planning authority will seek to protect from development other areas, corridors or other features important to nature conservation or of geological significance, including ancient woodlands and sites of nature conservation importance, and will refuse permission for development likely to damage, destroy or adversely affect these areas. In appropriate circumstances the district planning authority will seek modifications to proposals, apply appropriate conditions or require legal agreements to secure such protection.

South Downs National Park Preferred Options Local Plan 2015

Strategic Policy SD5: Landscape Character

1. Development proposals which conserve and enhance the landscape character of the South Downs National Park and comply with other relevant policies, in particular, Policy SD6 (Design) will be permitted. It should be clearly demonstrated that development proposals are informed by:
 - the South Downs Integrated Landscape Character Assessment (SDILCA) (2011);
 - community-led/local landscape character assessments; and
 - appropriate site based investigations.
2. And are, as appropriate, in accordance with the following requirements:
 - a) The design, layout and scale of proposals should conserve and enhance existing landscape character features including topography, vegetation, scale and pattern, natural drainage, existing trees and hedgerows, whilst safeguarding the experiential and amenity qualities of the landscape. Where appropriate, the creation of green corridors which extend into settlements will be supported.
 - b) The use of locally appropriate design and layout, which limits the need for screening planting, in accordance with Policy SD6 (Design). Any appropriate planting should be consistent with local character, enhance biodiversity and be in accordance with Policy SD14 (Green Infrastructure). New planting should be native species unless there are appropriate and justified reasons to select non-native species.
 - c) Natural and historic features which contribute to the distinctive character and pattern of the landscape and its evolution are conserved and enhanced, including reference to the South Downs and Pan Sussex Historic Landscape Character Assessments and other appropriate research material.

- d) Where proposals are within designed landscapes (including historic parkscapes and those on the Historic England Register of Historic Parks and Gardens) they should be based on a demonstrable understanding of the design principles of the landscape and should be complementary to it.
 - e) The open and undeveloped nature of existing gaps between settlements will be conserved and, where appropriate, enhanced.
3. The restoration of landscapes where either natural or cultural heritage features have been lost or degraded will be sought.
 4. Development proposals that would have an unacceptable adverse impact on the character of the immediate and wider landscape or the special qualities of the National Park will be refused.

Strategic Policy SD7: Safeguarding Views

1. Development proposals that conserve and enhance views and comply with other relevant policies will be permitted where they take into account the following view types and patterns which are identified in the Viewshed Study:
 - a) landmark views to and from viewpoints and tourism and recreational destinations;
 - b) views from publicly accessible areas which are within, to and from settlements which contribute to the viewers enjoyment of the National Park;
 - c) views from public rights of way, open access land and other publicly accessible areas; and
 - d) views which include specific features relevant to the National Park and its special qualities, such as cultural heritage and
2. Sequential views and cumulative features and impacts within views have been appropriately assessed and appropriately mitigated for, where necessary.
3. Development proposals that would have an unacceptable adverse impact on this special quality of the National Park will be refused.

Policy SD12: Biodiversity and Geodiversity

1. Development proposals that conserve and enhance biodiversity and geodiversity and comply with other relevant policies and European and National Legislation will be permitted, provided that they are in accordance with the requirements and hierarchy of designation set out below.
2. Development proposals should give particular regard to ecological networks and areas with high potential for priority habitat restoration or creation and should:
 - a) retain, protect and enhance features of biodiversity and geological interest and ensure appropriate management of those features; and
 - b) ensure that any adverse impacts (either alone or in-combination) are avoided, or, if unavoidable, minimised through mitigation with any residual impacts being compensated for (having regard to the hierarchy of designation).
3. The following hierarchy of designation will apply:
 - i. *International Sites*: Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites, or candidate/formally proposed versions of these designations.

If a development proposal is considered likely to have a significant effect on one or more international sites, an Appropriate Assessment (AA) will be required (the need for AA should be assessed at the Habitat Regulations Assessment (HRA) Screening stage).

Development proposals that will result in any adverse effect on the integrity of any international site which cannot be either avoided or adequately mitigated will be refused unless it can be demonstrated that there are:

- a) no alternatives to the proposal;
- b) imperative reasons of over-riding public interest why the proposal should nonetheless proceed; and
- c) adequate compensatory provision secured.

- ii. *National Sites*: Sites of Special Scientific Interest (SSSI), National Nature Reserves and Marine Conservation Zone.

Development Proposals considered likely to have an adverse effect on national sites will be required to assess the impact by means of an Ecological Impact Assessment.

Development Proposals that will result in any adverse effect on the integrity of any national site which cannot be either avoided or adequately mitigated will be refused, unless exceptional circumstances are clearly demonstrated.

- iii. *Irreplaceable Habitats (including ancient woodland and the loss of aged or veteran trees found outside ancient woodland):*

Planning permission will be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

- iv. *Local Sites: Sites of Nature Conservation Importance (SNCIs) / Sites of Importance for Nature Conservation (SINCs), Local Nature Reserves, Local Geological Sites and ancient woodland not identified within (ii) above.*

Development proposals considered likely to have an adverse effect upon local sites will be required to assess the impact by means of an Ecological Impact Assessment.

Development proposals will not be permitted unless they are necessary for biodiversity or geodiversity management work or can demonstrate no adverse impact to the biodiversity or geodiversity interest.

- v. *Outside of designated sites (including habitats listed in the Biodiversity 2020 priority species and habitats list):*

Development proposals will, where appropriate, be required to contribute to the protection, management and enhancement of biodiversity and geodiversity.

4. Development proposals should retain, protect and enhance the species interest of the site (including commuting routes through the site where appropriate, and taking due account of any use by migratory species) and ensure appropriate management.
5. Development proposals will be encouraged to make a positive contribution to biodiversity, through the restoration/enhancement of existing habitats, the creation of wildlife habitats, where appropriate, and the creation of linkages between sites to create local and regional ecological networks. The Authority will encourage the enhancement of significant features of nature conservation value on development sites.
6. Development proposals should seek to eradicate (if feasible) or control any invasive non-native species present on site, especially those which are significantly damaging to biodiversity and/or geological features.
7. Development proposals that have an adverse impact on biodiversity or geodiversity, which cannot be adequately avoided, mitigated or compensated for, or which harm the special qualities will be refused.

Policy SD16: Rivers and Watercourses

1. Development proposals that affect rivers, river corridors, estuaries and other watercourses will only be permitted provided they comply with other relevant policies and conserve and enhance their:
 - a) water quality and biodiversity;
 - b) cultural heritage and public access for recreational opportunities as appropriate;
 - c) character, appearance, and setting;
 - d) ability to function within the immediate vicinity and both upstream and downstream of the site of the proposal; and
 - e) incorporate measures to prevent pollution risks to rivers, river corridors, estuaries and other watercourses which harm their ecological and/or chemical status, caused by the harmful discharge of foul water, surface water, and other processes which are part of proposals.

2. Development proposals that would have an unacceptable adverse impact on rivers and watercourses will be refused.

Policy SD37: Trees, Woodland and Hedgerows

1. Development proposals that affect trees hedgerows and woodland should clearly demonstrate that:
 - a) Development proposals have been informed by a full site survey, including an arboricultural survey, and
 - b) Appropriate protection measures are in place throughout the development process.
2. An appropriate buffer zone, where applicable of semi-natural habitat, should be established between any development and an area of woodland. A minimum buffer of 15 metres will normally be required between the development and ancient woodland or veteran trees.
3. Development proposals should provide adequate protection zones and buffers around trees, woodland and hedgerows to prevent damage to root systems and taking account of future growth.
4. The felling of protected trees, groups of trees or woodland will only be permitted in exceptional circumstances and in accordance with the relevant legislation, policy and good practice recommendations. Where protected trees are subject to felling, a replacement of an appropriate number, species, size and in an appropriate location will normally be required.
5. Where the loss of non-protected trees, woodland or hedgerows is proposed as part of development proposals, appropriate replacement or compensation will be required.

ANNEX 5

GUIDANCE NOTES ON HOW TO MAKE AN APPEAL

Printed copies attached

1. Planning Inspectorate – Making your appeal - How to Complete Your Enforcement Appeal Form - England (May 2016)
2. Planning Inspectorate – Procedural Guidance – Enforcement Appeals - England (March 2016)

These documents can also be found at:

<https://www.gov.uk/appeal-enforcement-notice>

ANNEX 6

THOSE PERSONS SERVED WITH THIS NOTICE

- 1) 
- 2) HSBC Private Bank (UK) Ltd
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