

Town and Country Planning Act 1990
Planning and Compensation Act 1991

PLANNING PERMISSION

Applicant:

Mr Mike Sherno
The Top
Lower Maescoed
Herefordshire
HR2 0HD

Agent:

Biologic Designs
Archenhills
Hope House Lane
Stanford Bishop
Bringsty
Herefordshire
WR6 5TZ

Date of Application: 27 May 2011

Application No: DMS/111192/N

Grid Ref: 334198:230481

Proposed development:

SITE: The Top, Lower Maescoed, Herefordshire, HR2 0HD

DESCRIPTION: The creation of a constructed wetland (a Wetland Ecosystem Treatment or WET System) to purify the sewage from 'The Top'.

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that PLANNING PERMISSION has been GRANTED for the development described above in accordance with the application and plans submitted to the authority 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: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out strictly in accordance with the approved plans (plans Site Location, System Location, Detail Overview and Section Plan, Working Method Statement in the 'System Overview' and Design & Access Statement, all date-stamped 9 August 2010), except where otherwise stipulated by conditions attached to this permission.

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

Informatives:

- 1 The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LG. Tel: 01905 763355

The attention of the applicant is also drawn to the provision of the Conservation (Natural

Habitats &c) Regulations 1994 (as amended). European protected animal species and their breeding sites or resting places are protected under Regulation 39. It is an offence for anyone to deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs. It is an offence to damage or destroy a breeding or resting place of such an animal.

- 2 The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:


S1 - Sustainable Development
S2 - Development Requirements
S7 - Natural and Historic Heritage
DR1 - Design
LA2 - Landscape Character
NC1 - Biodiversity and Development
NC8 - Habitat Creation, Restoration and Enhancement
CF2 - Foul Drainage

In reaching this decision the local planning authority was mindful of the particular circumstances of the case, namely the extent to which the development complied with policy and the way in which local issues of amenity, non-mains sewerage requirements, landscape, biodiversity, and habitat creation/ enhancement were addressed, and concluded that planning permission should be granted..

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford. HR1 2BB (tel: 01432 261563).

Planning Services
PO Box 230,
Hereford,
HR1 2ZB

Date: 15 August 2011


PP TEAM LEADER

YOUR ATTENTION IS DRAWN TO THE FOLLOWING NOTES

Notes

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. In particular consent may be required under the Building Regulations.

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, 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, 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 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 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.