

From: Haydn Morris
Sent: 08 November 2022 15:19
To: Weaver, Steve
Cc:
Subject: Tournerbury Woods

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"Dear Steve

Aware that I have provided you with two lengthy emails recently, I appreciate I am providing yet more for you to digest, but this submission is in response to recent objector comment – for the purpose of fairness and accuracy, and is not a continuation of the two important emails recently sent.

The attachment, prepared by my client is an update to Appendix 4 submitted with my letter of 17th August 2022, necessitated by the further environmental commentary by opponents of the proposal.

I need not remind you that the lack of environmental harm has been accepted by the Council as stated in your previous officer report. This has been backed up and amplified through this application by the continued support of Natural England and Hampshire County Council Ecologist.

Natural England's most recent visit to the site, in October this year, concluded the SSSI to be in fine health resulting from the positive management of the landowner, funded by the use of Tournerbury Woods, which is the subject of this application. We can make the latest condition report available to you as soon as it is available formally.

The attachment identifies requests by objectors for the removal of information from the application website; information which we have provided in support of our application. The reason offered being that it should not be made available to Councillors in their decision making. I assume you will treat such a request with the contempt it deserves. Even though the applicant believes most strongly that much of the evidence provided by objectors is factually incorrect, misleading, the result of misunderstanding or hearsay, or an application of a "Nelsonian eye", such a request would not be made in respect of any third-party material. It is for officers to present an accurate and factually correct report of all material considerations to Councillors, including all representations made, and a full reasoning of the planning balance applied and the evidence used in that balance. Evidence should not be withheld because it is not helpful to any party's point of view. It is for Councillors to decide whether or not the factual report of officers and the consequential planning balance is to be supported, or with sound reasoning, why the planning balance should be modified.

In this vein, the attachment challenges comments made by [redacted text] in his representation of 8th September, which illustrate a misunderstanding of the situation, planning policy and designations. I wish to point out that the fact a site is designated (as SSSI or any other) or covered by a planning policy does not preclude its consideration for development. Simply stating policy cannot be a determinant in a planning permission. Policy is a material consideration but it must be applied in terms of the proposal and facts as they appear on the ground.

When we last spoke you indicated that some further objection material had been received by the Council, and this was being assessed; this included the further paper from [redacted text] to whom the attachment responds. You suggested the additional representations did not raise any new planning issues, but it was necessary for you to consider these in the normal manner. The attachment is part of that process. I note a further representation has been received in respect of the existing access, but I am sure you will agree this likewise raises no new planning consideration.

The latest representations have been published on the application website, together with information we have submitted to address factual inaccuracies and inappropriate assumptions in previous objection representations. It was my hope objectors would finally accept the facts of the situation as set out in our many communications with you, and desist from repeatedly trying to give weight to matters that have been resolved, and from seeking to suggest matters to committee members that are no longer material to the core decision to be made; that of the effect of the proposal on the private amenity of two dwellings. As it is, objectors continue with their approach of resubmitting comment with the sole intention of portraying an inaccurate material as fact, on the pretext that if you say it enough times, people (in this case the Planning Committee) will believe it.

The facts of the matter speak for themselves. There is no environmental or ecological harm arising from this proposal, despite what objectors might suggest. Natural England is the Government's adviser for the natural environment with a remit to help protect and restore the natural world. It has considered all elements of this proposal, including the comments of all third parties, finding no harm, but positive enhancement, likely to be sustained for the longer term with the development sought. We assume the Council is content to take on board that very strong advice, as it has done so previously.

We have had the opportunity to consider the latest representations since they were published and concur these continue the tit-for-tat strategy adopted by the opponents. No new information is provided and there is no need for us to respond in any detail. We have already responded repeatedly to the misinformation contained therein and ask that you check these latest comments against our previous responses.

I note the letter from Messrs Thrings dated 9th September. It suggests we (the applicant team) has *"tried valiantly to divert the Council's attention from these issues....."* but that is exactly what the letter and its predecessors seek to do, albeit I suggest irresolute rather than valiant.

I need not remind you that in the long processing of this and previous applications we reached a point, confirmed by your previous officer report, and in our most recent email exchanges, that the only matter of planning concern and potential reason for refusal is that of potential impacts on private amenity and the 'farmyard.' All other potential matters having been agreed and addressed satisfactorily.

The Council has indicated the proposal is an appropriate development for the site, the only issue between us being the finding of an appropriate solution to the amenity matter. We have provided extensive mitigation covering both noise and visitor management. Noise has subsequently been addressed to the satisfaction of the EHO, leaving only the issue of venue guests passing the dwellings and through the yard. In the absence of an alternative route being available (the history of which you know well) it is reasonable for the applicant to offer a reduced scale of use and thereby reduce the level of any potential adverse impact. Much has been said about this potential impact but we have yet to see an accurate measure or consideration of this impact when taken in context. I note in the email from [redacted text], that she accepts the simplistic interpretation that impact will be lessened with a reduction in events. Taking this again simply, the significant reduction in events the

applicant is offering from that first proposed (in accord with the right of way) represents very substantial mitigation and lessening of impact. The simplistic approach is inappropriate as it assumes the only impact is from use of the access, whereas the effectiveness of any impact is dependent upon the context within which it is applied. We have seen no evidence from the Council or any third party to suggest the proposed level of mitigation is inappropriate in context. Any judgement made is purely subjective

The limited harm identified can be mitigated in the manner we have proposed, comprising a significant reduction in activity at the site, additional limitations imposed on those activities and the introduction of an enforceable management agreement. These reductions can be controlled and enforced appropriately through the precise definition of the development approved and attached conditions (NPPF paragraph 55 applies).

Best regards

Haydn

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From the **1st April 2022** I will be further reducing my working hours as I bring forward my retirement plans. I will continue to advise my existing clients and complete active projects working 9 a.m. to 5 p.m. Monday through Wednesday each week. Thereafter I will be taking on new projects by special arrangement only and am happy to recommend alternative consultants. Should matters arise when I am not in the office, please send an email or leave a voice message and I will respond as soon as I return to the office.

HMPC Limited

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