

TOURNERBURY WOODS WEDDING AND EVENTS VENUE
DESIGN AND ACCESS STATEMENT

December 2021 v2

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DESIGN AND ACCESS STATEMENT

To accompany a revised application for retrospective planning permission comprising:

“Change of Use of land and woodland (retrospective) as a wedding and events venue, including retention of permanent ancillary buildings and structures, the erection of removable structures (including marquees and temporary facilities), and the use of the land as a campsite in association with events.”

This application is made following on-going discussions with the local planning authority in an attempt to address remaining concerns as defined in LPA Refusal Decision Notice 18/00943 dated 25th June 2021

Prepared by Tournerbury Woods Planning Submission Team

20th December 2021

INTRODUCTION:

This submission is a stand-alone application to be determined on individual merit, for the continued use of a small area of land at Tournerbury Woods for wedding and event activities. The application seeks both regularisation of the continued use of land and the retention of ancillary structures erected thereon.

The application is the latest in a short succession of applications at the site and seeks to consolidate all previous work, both in terms of application preparation and determination, into one approval. The application builds upon decisions previously reached in respect of many aspects of the development, but also addresses matters which have yet to be agreed; those matters having been distilled to a single joint issue of:

- perceived loss of private residential amenity caused by the continued use of the existing, long established, access route to Tournerbury Woods, and
- perceived potential conflict to users of the route due to reduced width in places.

Both issues are highlighted because of the route's passage through the land holding known as 'Tournerbury Farm'.

Previous submissions comprising a retrospective planning application and a Certificate of Lawful Use and Existing Development (CLUED), references APP/18/00943 and APP/19/01262 respectively, were rejected by the planning authority and are at appeal. Also, at appeal is an enforcement notice served by the Council on the Applicants. The appeals are co-joined for consideration at Inquiry during 2022.

A positive determination of this application will allow consideration to be given to the withdrawal of the appeals, there being no further planning necessity to progress them.

The two previous applications (APP/18/00943 and APP/19/01262) are material to this application and will be referenced for brevity's sake throughout this application as the Previous Applications ('the PA's').

In planning terms, the PA's were found to be compliant with National and local planning policy (see officers report to application 18/00943). The only material change in planning circumstance since that time has been the introduction of an updated National Planning Policy Framework (July 2021) but it did not introduce any change that warrants any change in policy interpretation in so far as it affects this proposal.

The Environment Act (November 2021) has come into force since the PA's were considered. This legislation sets out the UK's post-Brexit environmental rules, most noticeably requiring all new developments to generally provide a 10% bio-diversity net gain, which is already being sought by most authorities. With the question of existing lawful use at the site subject to appeal it is a moot point whether or not the proposal is subject to that requirement. However, the requirement has been well publicised (and practiced) for some time, including during the period the PA's were considered and certainly was part of the on-going discussions between the Applicant and Natural England (NE) regarding the site and the impacts of the development. Against this background the scope and impact of the proposal is deemed acceptable, and the agreed measures of mitigation and enhancement to be introduced more than adequately meet the requirements of the new legislation.

BACKGROUND:

This application relates to a small part of the Tournerbury Woods Estate ("TWE") which in total comprises 300 acres of woodland and inter-tidal area on the south eastern side of Hayling Island.

Within TWE is an existing residence 'Woods Cottage', which is used as a holiday let. The cottage has been used as guest accommodation during weddings and events at TWE (and previously for some events as stated in the PAs). The accommodation role alone can continue without need to change its planning status. Woods Cottage was included in the PA's but is excluded from this latest submission for clarity.

This application concerns the regularisation of use of a small area (not the whole of the TWE), for the purpose of holding events and weddings - a rural diversification hospitality business.

The former use of TWE (in formal planning terms) was agriculture, including woodland, to which hospitality was added incrementally as part of an agricultural diversification process. Consequently, this is not a 'new development' on a virgin greenfield site. The application area of TWE has been used predominantly for hospitality purposes since at least 1998, although there is evidence, as demonstrated through the CLUED, of such use taking place in previous years.

This is a rural diversified business that has grown organically over a long period of time. Read in conjunction with evidence submitted for applications APP/18/00943 and APP/19/01262, this proposal addresses why this is so. It also describes the need for and the benefits, economically and socially, of the business continuing, and why it is important to the sustaining of the ecological and heritage importance of TWE and the surrounding environment.

The PA's addressed in some considerable detail the material planning considerations applicable to the site, its use and the structures erected there on; matters arising both from a planning examination of the site and applicable constraints, and matters raised by third parties. As mentioned above the majority of issues were addressed satisfactorily, with only the matter of perceived loss of residential amenity and suggested access conflict remaining unresolved within the only reason for refusal cited.

This application addresses the remaining issue. While there is a strong argument (as set out in the PA's and appeal papers) that there is no reason to cease or reduce the level of usage of the access road for weddings and events which passes through Tournerbury Farm, the Applicants have agreed through on-going discussion with the local planning authority, to impose voluntary restrictions on site use for weddings and events and thereby reduce the potential for disturbance significantly.

The PA's have given rise to local comment and in consideration of this application it is anticipated similar representation will be made. It is wholly pertinent to both fully analyse and to comprehensively address any objections received with reference to similar objection raised previously, how those concerns were addressed through technical assessment and decision making, and what new evidence is now provided to justify objection being sustained and previous conclusions being disregarded. Planning weight should be apportioned accordingly.

PROPOSAL:

The Tournurbury Woods Estate is applying for full planning permission for the change of use of an area of its land for wedding and event use and the retention of ancillary structures and other operational development. Use of the land and structures is to be limited annually to a maximum number of occasions and to be subject to a site management regime.

Much of the claimed loss of amenity to neighbouring properties arises from the use of the lawful access to the venue. Through discussion with the local planning authority and consideration of measures to reduce impacts, the Applicants have produced a “Visitor Management Strategy” (VMS) which will be used to manage visitors at times of events. This will include management measures to be imposed in people arriving and leaving the venue, provisions for the build-up and break-down of events and include the management code measures already agreed with Natural England to manage environmental impacts appropriately. The VMS has been considered in respect of the Shadow AA.

The VMS is provided in draft form with the application at this stage, being effectively the ‘Heads of Terms’ of an agreement applicable to the site and use, but presented for consideration and discussion with the planning authority following its publication as part of the planning application for public consultation. It is intended the strategy, as revised appropriately, and accommodating any other planning matters deemed by the planning authority to be appropriate (unsuitable for control through conditions) will be used as a wider management agreement limiting use of the site. It is intended the VMS will be subject to a condition attached to any planning permission.

The VMS reflects discussions held to date with the planning authority and Natural England. Use of the land and structures outside of the agreed schedule and code will be exceptional and undertaken only with the prior written approval of the planning authority.

The estate was formally last in use as a woodland, agricultural and residential/holiday letting site. Planning permission is being sought to change the use of a part of the estate to become a full-time, regulated wedding and event venue. This area will be referred to in this document as the Tournurbury Venue Area – (TVA). The proposal includes change of land use, retention of a marquee, retention and change of use of a deck, and a gazebo. It also includes occasional use of a temporary jetty on the foreshore ancillary to uses permitted by any planning permission granted.

This is an already busy site involving lawful forestry/agriculture/woodland and foreshore management and holiday lettings including occasional camping associated with the holiday lets. There is also use of the land for events under permitted development rights and as subject to the retrospective elements of this proposal. Approval of this application would regularize a hub of activity at this site, provide benefits to the local economy and local suppliers, as well as increasing high spending visitor numbers to Hayling Island and the wider Borough. It will enable visitors to experience the Chichester Harbour AONB for leisure and recreation in a managed and ecologically sustainable way.

In applying for formal change of use for TWE, the overriding principle is that the change of use will not result in any harm to the woodland, the wider estate or the local surrounding environment, nor propose any additional operational development. Instead through regulation and management it will have a positive impact on its’ sustainability as a woodland/seashore estate.

For clarification the operational development included in the application comprises:

- a) A marquee measuring 12m x33m plus entrance pagoda.*

The marquee features a peaked roof which reaches to a maximum height of 8.5m. The marquee incorporates an active sound attenuation system which has been enhanced during the life of the previous applications. The system contains sound within a defined area minimizing export to the surrounding environment.

b) A raised deck area of 11.5m x22m.

The raised deck has a log cabin on it of 4m x 3m – which is a replacement, (2010) of an artists' shack previously sited at Woods Cottage and damaged by storms. The raised deck area is covered by a stretched tent awning which reaches a maximum height of 6.5m from ground level.

c) A 'Victorian style' gazebo,

An open-air structure of *3m diameter and 4.5m height* used for official marriage ceremonies

Use of the land in the manner proposed will occasionally include the use of *temporary structures* according to the nature of the event. Generally, these will not require formal planning permission but for the most part they are likely to comprise:

- *Luxury trailer loos* hired from third party suppliers *as required*, sited next to the marquee.
- *Temporary jetty* on the foreshore erected on occasion and at request, to receive the arrival of the bride and groom by boat from the Harbour.
- Additional pop-up gazebo's used by caterers and third-party suppliers (usually weather dictated).
- "Bouncy castles or inflatables" hired for guest entertainment.



Fig 1: Tournerbury wedding deck



Fig 2: Tournerbury marquee



Fig 3: Tournerbury wedding gazebo



Fig 4: Tournerbury wedding & event venue

The area subject to the application includes the use of lawns and areas adjoining the structures,

extending to a very small area of the foreshore primarily for the purpose of taking photographs of the wedding party. Areas of particular environmental sensitivity are excluded from the application area.

Following discussions with the planning authority in response to seeking the protection of private amenity at Tournerbury Farm, and notwithstanding the lawful unencumbered use of the access 365 days per year, it is proposed that use of land and structures will be limited to provide mitigation for potential noise and disturbance, and reduce the potential for conflict on the access route.

The application proposes use of the site for no more than 65 weddings / events per year, leaving 300 days per year without such events. Within those 65 'event' days, guest numbers will also be limited. not exceeding the following limitations:

- Up to 10 weddings / events at no more than the marquee dining capacity (250 persons)
- Up to 10 weddings / events at no more 200 guests
- Up to 30 weddings / events at no more than 150 guests
- Up to 15 weddings / events at no more than 90 guests.

(Small shooting events, within season and as existing, will continue in addition to the above – this does not form part of the application but is noted for the purpose of context and to avoid any opportunity for confusion).

Access to the site will continue from Tournerbury Lane (adopted highway) utilizing the existing Right of Way (RoW) which travels past access to the parking area for the Tournerbury Golf Centre and through Tournerbury Farm.

The event site is large, but guests almost exclusively keep to the lawn areas around the marquee and log cabin/raised deck and Victorian style gazebo. The foreshore is very occasionally used for limited photography (principally Bride and Groom), as the uneven surface is not compatible with more frequent or intensive use (addressed in submitted management code).

An area is specifically designated for camping being clearly demarcated and is strictly adhered to. This area has been carefully chosen to ensure camping is not visible from Chichester Harbour, and any potential for wider impact through use is severely limited and screened by existing trees, woodland and boundaries. Camping associated with any activity is limited to 1 night, to avoid the need to travel on the night of an event. Guests are catered for at each wedding / event avoiding the need to travel to and from the venue multiple times during the course of a wedding / event.

The management of each individual wedding or event is discussed and planned well in advance of the date. Most weddings are booked 12-36 months ahead and there are multiple planning meetings with guests and suppliers in advance. Staff already communicate clearly what can and cannot happen on site during events and this will be reinforced through application of the VMS. This is made clear to potential customers from the time of booking. Strict adherence is subject to a significant damage deposit required for each booking and the Tournerbury hire contract enforces this. Hire contracts allow customers to access TVA from 8am on the event day and to conclude before midnight. Live music (bands) must finish their performances by

10pm. DJ or playlist music is permitted until 11pm. The premises license (granted in August 2017 – see details below) also places restrictions on the duration and times of music playing/performance and the sale of alcohol. Fireworks are strictly not permitted at Tournurbury under the Hire contract terms.

The majority of wedding events take place on Fridays, Saturdays and Sundays from April through to late October, with occasional mid-week bookings. This is also true for private family parties. The majority of corporate events take place on weekdays, unless they are family fun days when Sundays are normally requested.

We do not accept nor propose bookings to host stag or hen do's, raves or similar open access events and are willing to accept conditions to this effect.

There is ample parking space on site. The parking area is level and access is provided via a wide hard-core access road with passing places, originating at the boundary with Tournurbury Farm. The accessing of events generally involves most vehicles travelling in a single direction to arrive or leave resulting in limited conflict or the need to pass. Visibility sight lines along the route and at all times are very good.

Tidying and clearing the site takes place immediately following each event by local third-party service providers, this includes waste receptors provided for the use by guests during events. All food and catering waste is removed and disposed of by the suppliers. There are no other waste facilities on site other than domestic bins which are emptied by the Applicants in accordance with local authority requirements. Litter and general on-site detritus is cleared on a rolling basis during and after each event by TWE staff and all structures are cleaned, now also in strict accordance with Covid-safe protocols, by a local contract cleaning company.

Tournurbury currently has a number of discrete security cameras installed but this is being supplemented by a full overt and visible CCTV system that is being installed across the site to allow further 24-hour monitoring and recording.

The TWE now employs 2 full-time Directors, 1 full time Venue Manager, 2 Evening Managers 1-2 full time Grounds Staff and up to 10 seasonal and part-time staff. These are additional to any staff or suppliers employed directly by the wedding or event party.

The PA's were scrutinised and discussed in depth with Environmental Health, Historic England, Natural England (NE) and the Hampshire County Ecologist in response to designations and known local concerns. Control measures have been agreed (incorporated into the VMS) to ensure that a grant of permission for the application will not prejudice the sustainability of heritage and environmental interests at the site. The bodies have been advised of the submission of this application.

Potential noise generation was a matter that raised many initial representations resulting in the detailed scrutiny of existing and proposed activities by the Council's Environmental Health Team. Many noise incidents claimed by objectors to previous applications were proven to be unrelated to the site and its activities, with multiple other local sound sources being identified as the source of perceived noise from Tournurbury. Mitigation measures introduced by the Applicant (including the sound attenuation system) were found to be most effective in containing noise at the site. This application mirrors in all aspects the PA's with the significant exception of a reduced level of proposed activity. Conclusions reached with regard to noise and other environmental impact can therefore be carried forward effectively to this proposal in the absence of any material change of context.

Potential traffic problems and the suitability of the access were similarly raised as unacceptable by objectors. Those comments and the proposals were scrutinised by the Hampshire Highways Team, who visited and used the access from the adopted highway and through Tournerbury Farm to the Venue. No objection to use of the access for the proposed use was raised. Nevertheless, new supporting traffic evidence is submitted as part of this application, to reflect the levels of traffic movement now likely to be generated by the imposed limits on site activity.

This application is supported by photographic evidence of the suitability of the private Right of Way through Tournerbury Farm to more than adequately and safely accommodate the traffic, including coaches and supplier vehicles, likely to be attending events.

Information submitted in support of previous applications and remaining relevant to this proposal is resubmitted for consideration together with documents and reports suitably updated to reflect the changes to the proposal introduced through imposed limitations. These include:

Maps and Plans

- Elevations Marquee
- Marquee technical renders
- Marquee floor plan
- Elevations Deck
- Deck area floor plan
- Boundary map
- Topographical survey
- Location plan with access to adopted highway
- Topographical survey with parking annotated

Flood Risk

- Flood Risk Assessment (I J Murray Associates Ltd)

Trees

- Tree survey – Tree protection plan (Gifford Tree Service)
- Arboricultural Implications Assessment (Gifford Tree Service)

Ecology

The planning authority will be well aware Ecology matters are a major consideration in this application. It will also be aware that considerable effort has been taken by the Applicants, in discussion and agreement with Natural England, to provide a proposal which is environmentally acceptable and compliant.

Although this is a replacement application which was fully HRA and AA compliant, it is necessary for further assessments to be undertaken by the planning authority to ensure the situation is fully up to date and takes account of the changes in this application comprising removal of Woods Cottage, and the introduction of limits on size and frequency of events and

a VMS. A shadow AA is submitted with this application responding to the changes, finding overall the proposal continues to be acceptable.

- Updated Ecological Impact Assessment (Hampshire Ecological Services Ltd) October 2021
- Agent Email from Haydn Morris re HRA and EIA June 2020
- Bat survey report (Hampshire Ecological Services Ltd) Dec 2020
- Letter from Haydn Morris covering agreement with NE, Bat Survey, Shadow HRA, EIA and RoW Nov 2020

Documents which do not form part of this application formally, but which provide context and cross-reference for continuing support on ecological and environmental grounds (showing no negative change) comprise:

- Phase 1 Habitat Survey (John Wenman Ecological Consultancy)
- Ecological Impact Assessment (Hampshire Ecological Services Ltd) June 2020
- HRA Report Rev 6 (Shadow HRA) (Hampshire Ecological Services Ltd) April 2020
- Shadow Appropriate Assessment – including Visitor Management Strategy (Holbury Consultancy Service) Nov 2020
- HRA and AA (Havant Borough Council) March 2021

Noise

- Acoustics Report (Auracle Acoustics) Oct 2013
- Direct Acoustics report June 2019
- Interim Noise Report for HBC EHO July 2019
- South Central Festival photo of distance
- Known area of potential sound source
- Report on the allegations of noise disturbance emanating from the wedding venue Sept 2019
- Noise complaint aerial view July 2019

SAM

- Scheduled Ancient Monument Impact Report

Drainage, sewerage and utilities

- Drainage, sewerage and utilities assessment

Transport

- Intermodal Transportation - Transport Statement Nov 2021
- Intermodal Transportation - Highway review of RoW through Tournerbury Farm Nov 2021
- Analysis of objections in regard to Transport – This will be submitted if required dependent on any objections raised.

HISTORY:

The Tournerbury Woods Estate is situated on the Eastern seaboard of Hayling Island. The estate consists of 300 acres (121.4ha). Approximately 250 acres (101ha) are intertidal mudflats. The remaining 50 acres (20ha) are woodland, agricultural and residential areas, parts of which have been used for a variety of events, including the hosting of weddings, over a substantial period of time.

This includes the following areas:

- Woods Cottage
- Tournerbury Wood – also known as The Bury. This small area (approx. 9 acres/3.6ha) is semi ancient natural woodland and a Scheduled Ancient Monument.
- Tournerbury Plantation.
- The field (non SSSI, historically a corn field) – circa 5 acres (2ha).
- Lawn and areas around the marquee, log cabin and deck and Victorian style gazebo

Only a limited part of the Estate forms part of this application as defined on the site plan. All environmentally and historically sensitive areas are excluded.

Tournerbury has had a varied history. From the 1800's to approx. 1930, Tournerbury Woods was in commercial use producing bricks for many local construction projects. During this time parts of the site were used as a bottle dump and tip. Tournerbury has been a site of industry and commercial activity for over 200 years.

Tournerbury Woods has remained under the custodianship of the Applicants' family since the early 1930's. Tournerbury has been the site of field sports events since at least 1904.

Woods cottage was for many years in private residential use. A wildlife painter rented the cottage from the early 1950's and painted whilst there. His son also made wood and pottery products on site until 1990 when the family moved away from Hayling Island. Woods Cottage was used subsequently as a holiday home, It was at that time that parties and events began taking place within Tournerbury Woods, initially ad hoc events, the Applicants slowly and organically built a wedding and event venue business over time, generating income to be used in the conservation of the site, woodland, monument and foreshore.

The activities became formalized over time as demonstrated by the following timeline of significant events:

- 1990 - First organized party held in Tournerbury – school leaver celebration.
- 1998 - Woods Cottage refurbished as a holiday cottage. Camping made available 365 days of the year.
- 2000 - First corporate hospitality event for Heyman Woodworth Ltd, a London based recruitment consultancy.
- 2002 - Applicant's wedding held at Tournerbury.
- 2003 - First commercial wedding held on site.
- 2006 - Marquee purchased and erected in response to growing demand.
- 2007 - "Club Monkey Puzzle" launched – corporate hospitality offered through Applicant's associated company Monkey Puzzle Ribs Ltd. Provided pre-paid package to use Woods Cottage and site for client entertaining, business meetings and corporate hospitality events including boating and other sporting activities.
- 2008 – Woods Cottage further refurbished and renovated. Holiday lettings and camping use increased alongside increased number of small-scale corporate events.
- 2010 - A new larger marquee was purchased. The cabin was erected as a replacement for the artists shack.
- 2011 - Decking adjoining the cabin was installed, (subsequently extended in 2017).
- 2013 - The current marquee was purchased and erected in July 2013.
- 2015 - The Victorian-style gazebo was erected in May 2015.

The Applicants have never sought to conceal any activity at the site, which has been widely advertised and known and used by many local people. There has been a transparency regarding the nature and frequency of commercial activities in Tournerbury Woods shared with neighbours and the community and importantly, the various environmental consultees with whom the Applicants have worked, for over two decades, including NE, The Forestry Commission and English Heritage.

Alongside commercial events TWE continues its annual woodland management and agricultural operations, including habitat management as detailed in our SMS agreement with NE, and the regular repair and management of the access and tracks throughout the woodland. Government Agency Exemptions exist for the bringing to site of materials and operation of large and heavy plant/machinery required for management purposes.

Since the 1930s TWE has continued field sports events which originated at the turn of the 20th Century. Undertaken within the woodland it necessitates daily care and management of the birds and habitat.

Estate management activities involve the use of agricultural machinery and transport and travel in and out of the Estate on a regular and repeated basis.

All traffic associated with use of TWE, whether for events, daily management, agricultural or forestry activity, utilises the existing access road (the Right of Way), which has been in existence, on the ground, since at least the 1870's & before Tournerbury Farm existed or had

buildings present and which was formalised in the sale of Tournerbury Farm to A G Phillips & Son Ltd. in 1987.

ECONOMIC BENEFIT:

The weddings, events and general activities at Tournerbury provide a substantial and direct benefit to the local economy.

Prior to the Covid Pandemic, in the 2019 season, some 7,500+ people visited the Tournerbury Woods Estate as guests, the majority, if not all, without giving rise to any local concerns. All in turn, spent money within the Borough when they visited Tournerbury demonstrating it to be a significant local economic multiplier.

According to a survey completed by the *Nationwide Building Society* (19 June 2017 “*How much does it cost to be a wedding guest?*”) visitors to weddings typically spend money with local shops, hotels, B&B’s, caravan and campsites, restaurants, pubs, petrol stations, convenience stores, health and beauty businesses, hairdressers & florists to name a few.

According to the Nationwide survey guests spend on average around £129 each within the local economy when they attend a wedding. Using this assumption, it is reasonable to suggest in 2019, weddings and events at Tournerbury could have contributed circa £1million, to the local economy, in guest spend alone. This is likely to be a considerable underestimate as Tournerbury predominantly operates at the higher end of the wedding market, with appropriately high customer demographics and spending patterns.

The average spend by Tournerbury wedding couples on local suppliers (who are promoted by the Estate) is circa £12,000 per wedding. So, on 65 weddings a year, as now applied for, it is reasonable to assume a further minimum £780,000 spent in the Borough with local wedding / event suppliers on top of the above circa £1million guest spend.

The combined effect of guest-spend and couples-spend is a significant contributor to the Borough’s hospitality and tourism regeneration aspirations, and is a vital local multiplier business, supporting jobs and other local businesses across Havant Borough’s hospitality sector.

The economic benefits that Tournerbury provides to the local economy does not simply involve the spending by wedding and event guests, but provides numerous business opportunities for local event suppliers such as florists, beauticians, hairdressers, vehicle hire, taxi companies, catering suppliers, photographers and local hospitality businesses such as hotels, bed and breakfasts, pubs restaurants etc.

In addition, the Applicants are very aware that Tournerbury weddings and events encourage repeat visits to Hayling Island for holidays / short breaks by those who would otherwise not have visited the Borough. Visitors come from across the UK and given the nature of many weddings held, also attract families and friends from around the world. Wedding bookings are also received from couples based as far away as Australia, the USA and Canada.

Over time the reputation of the estate and its events has secured national and local press coverage (Sunday Times, Daily Express, Open Air magazine) bringing the area to a widening audience of potential visitors. Allowed to continue in operation in a managed and sensitive way, the events offer scope for further positive PR for Hayling Island and the Borough’s regeneration in the future.

SOCIAL BENEFITS & FUNDRAISING:

The proposal provides for significant social benefits to the local community and visitors bringing people together in a beautiful environment. It is in the Applicants' interest to keep the site as attractive as possible; ecologically, environmentally, economically and socially.

Tournerbury does what we have all witnessed to be so precious over the last year or so during the pandemic: the bringing together of families, friends and communities; providing safe but attractive open space and fresh air; benefits that are difficult to put a price on, but nonetheless are now recognized as very real and valuable.

Tournerbury is proud to host annually a number of local charity fund raising events and is used by local organisations for functions and meetings. These activities are undertaken as part of Tournerbury's social corporate responsibility, where the venue is made available on a not for charge basis.

Tournerbury is a real asset to the Borough of Havant.

LICENSING MATTERS:

On the 27th January 2016, Hampshire County Council granted Tournerbury a Premises License for Tournerbury to be used as a Civil Ceremony wedding venue and on 24 August 2017, Havant Borough Council granted Tournerbury a Premises License for the sale of alcohol and performance of music. The use was therefore known and publicised by the authorities well in advance of the seeking of planning permission as demand and therefore use was expected to be limited (within PD limits). It is reasonable for the Applicants in those circumstances to assume that potential impacts of activity would have been considered in association with the licenses being granted, and in terms of the performance license, were addressed in the determination of permitted activities and timescales, currently limited to:

- The performance of live music and playing of recorded music, with the supply of alcohol. Premises opening hours are 08.00 – 01.00, with activity times limited:
- Performance of live music – all week 11.00 – 00.00
- Playing of recorded music (indoors and outdoors) – all week 11.00 – 00.00
- Supply of alcohol for consumption of ON and OFF the premises – all week 11.00 – 23.45

These parameters are taken forward through the management code, although the new self-imposed limitations further restrict licensed limits.

ENVIRONMENTAL LONG-TERM SUSTAINABILITY AND IMPACT ON ENVIRONMENTAL DESIGNATIONS:

In growing the wedding and event business organically at Tournerbury the over-riding aim has been to ensure that the activities enable and support the preservation and sustainability of Tournerbury Woods.

In order to care for the Woods and the site, in the way mutually agreed with our ecological and environmental and heritage partners, NE and Historic England, it is undisputed that funds are needed.

There are three pillars to the good, long-term and sustainable conservatorship of land in modern Britain. These are known as the 'three C's'. They are Conservation, Community & Cash. It is

only by utilising a limited part of the TWE as a wedding and event venue that cash can be sustainably generated, which pays for conservation of the habitat and environment and allows the community to benefit through creation of jobs and opportunities for local businesses whilst sustainably sharing the TWE with many more people than would otherwise be able to access it on an ecologically tenable basis. This long-term sustainable approach has been forefront in the minds of the Applicants, whilst working with statutory environmental partners for over two decades.

As stated above, the income generated by the business provides the funds and financial foundations to conserve and sustain the environment and heritage assets. All work undertaken complements the environment and at no time has any harm been introduced to local habitat.

The Applicant has developed close working relationships over time with a number of statutory bodies all with the aim of ensuring the protection and upkeep of Tournembury. The antithesis of this sustainable conservation approach is most clearly demonstrated by the example of comparable Natural England condition assessments of Old Park Wood (on the eastern side of Chichester Harbour SSSI and very similar in ecological terms to Tournembury) but which has no on-site economic activity, when viewed against Tournembury itself. Old Park Wood has an “Unfavourable” ecological status, whilst Tournembury continues to sustain “Favourable” condition status from Natural England.

A Site Management Statement was prepared and agreed with NE following detailed discussions to direct and govern strong and sound environmental practices at site. This was taken forward but not completed through the previous application (APP18/00943) and now forms part of the submitted Visitor Management Strategy.

The site lies within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and in a location subject to a number of national and international environmental designations, comprising:

- Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- Part of the site lies within the Chichester and Langstone Harbours Special Protection Area (SPA) and RAMSAR site
- Part of the site lies within Chichester Harbour Site of Special Scientific Interest (SSSI)
- Part of the site lies adjacent to Solent Maritime Special Area for Conservation (SAC)
- Part of the site is a scheduled Ancient Monument

The application has considered fully these designations in preparing the proposals and in assessing their impact over a significant time period.

The site is mapped as “other land primarily in non-agricultural use”¹ but is not identified in the Havant Local Plan for any specific purpose (only the above constraints are identified)

A strong, positive and constructive relationship with Natural England built over many years, including regular visits and advice from NE have taken place since 1997 for the purposes of assessment and general management discussions, resulting in consistently positive “Condition Site Assessments” with Tournembury Woods classified as “*Favourable Status – No Condition Threats Identified.*” This status, unlike the general down-grading of the adjacent Chichester

¹ Chichester Harbour Conservancy Management Plan 2019-2024 Map E – Agricultural Land Classification, MAGIC map application and Dudley Stamp Historic Land Map (presumably due to the brickworks and residential/garden areas).

Harbour by Natural England, has allowed TWE to continue with its activities uninterrupted since 1998.

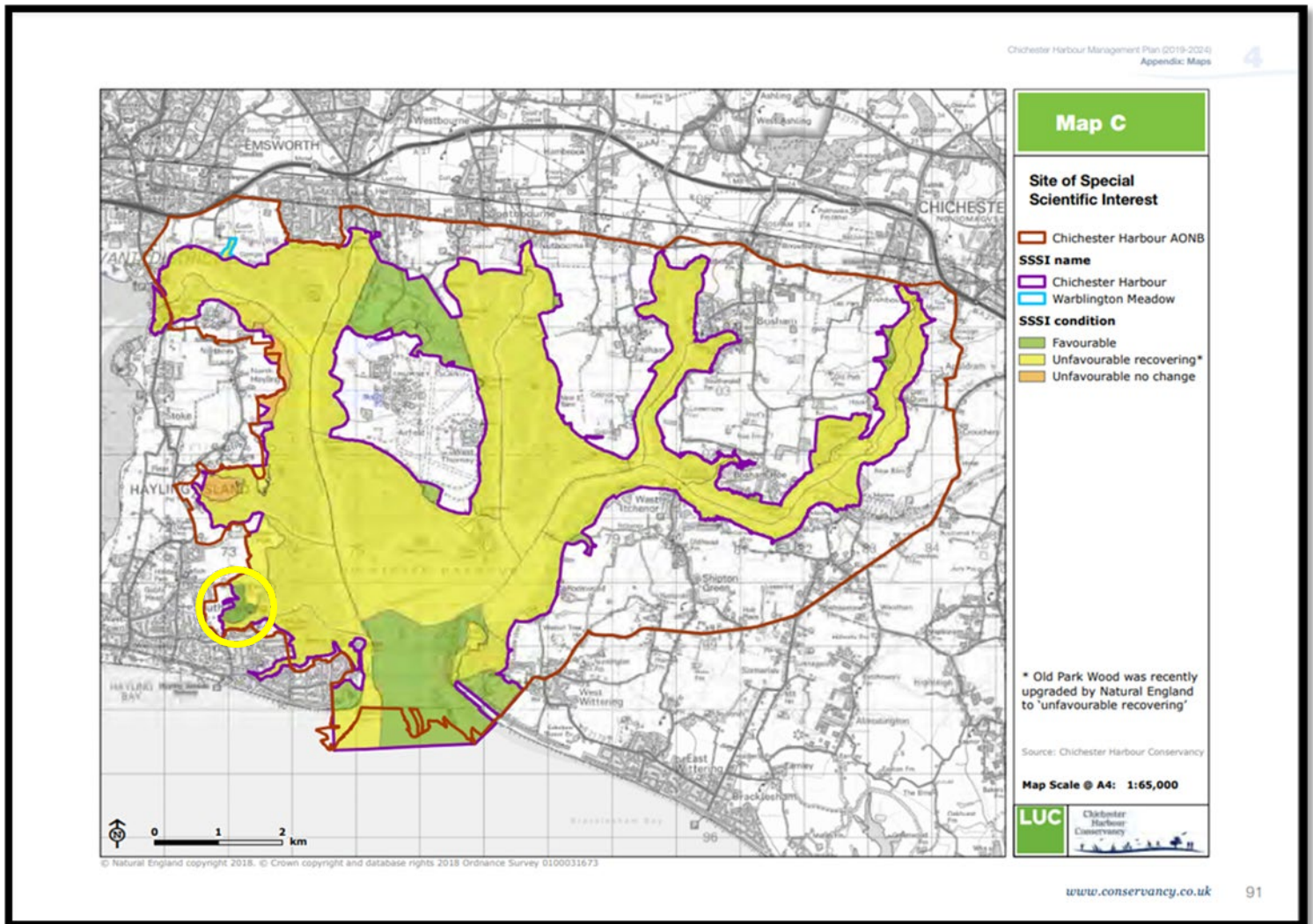


Fig 5: Chichester Harbour Conservancy Management Plan 2019-2024 – Map C – Condition status of Site of Special Scientific Interest (SSSI) – **The Tournerbury Woods Estate is one of the only Favourable Condition areas** (dark green area in yellow circle).

This is further amplified by Natural England's 2021 research report "*Chichester Harbour Condition Review*" which shows the Chichester Harbour SSSI to be in a perilous state of ecological decline and unfavourable management status. One of the only stand out units of Favourable Ecological status is the Tournerbury Woods Estate where the wedding and event venue is located –

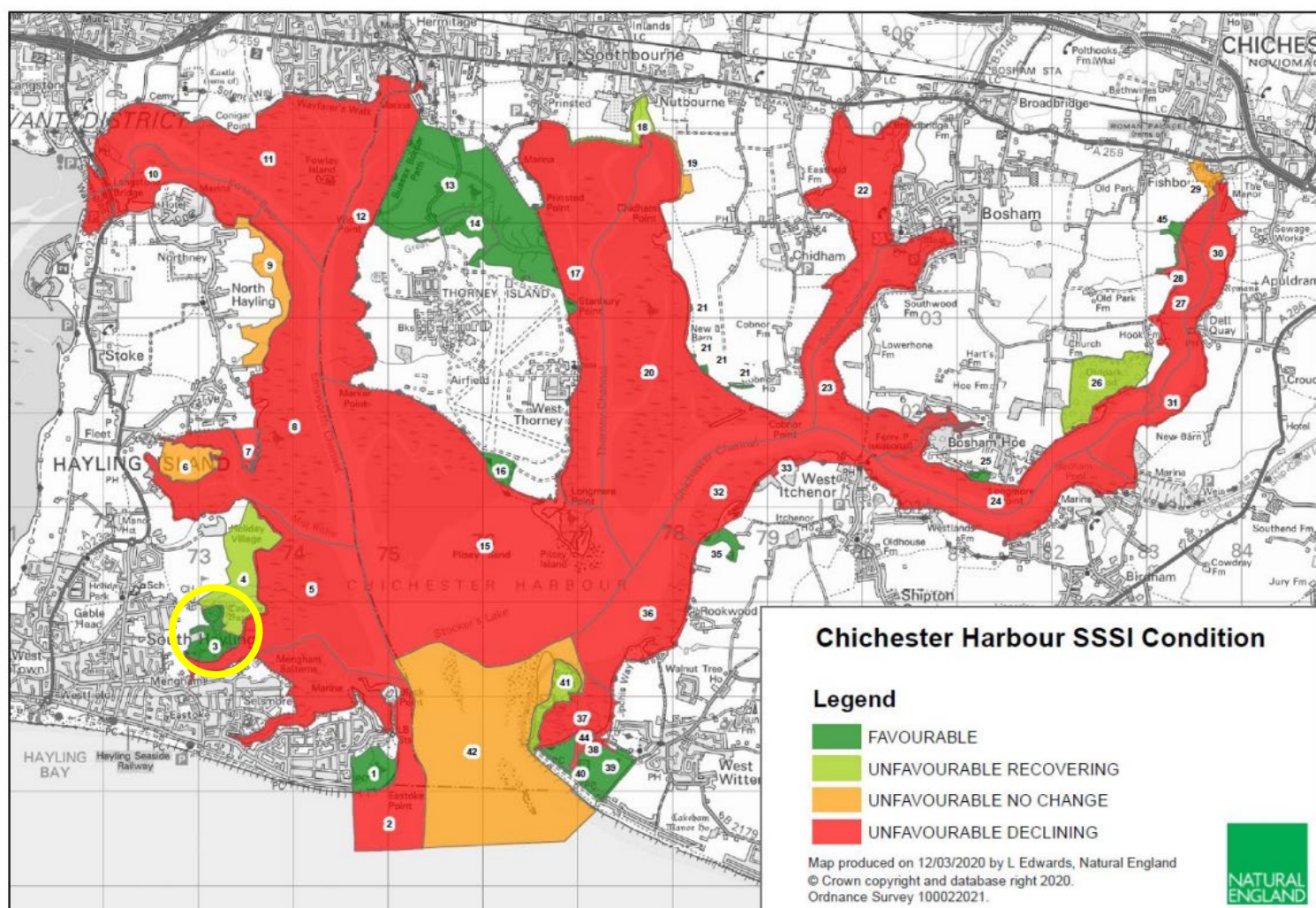


Fig 6: Status of Chichester Harbour SSSI units from NE research report, 23rd February 2021. The Tournerbury Woods Estate including the Wedding and Event venue is circled yellow (unit 3).

It should not be lost on the Council that at the PA's Planning Committee meeting on 24/06/2021, Dr. Richard Austin, The AONB Manager, in making a forceful objection deputation on behalf of the Chichester Harbour Conservancy, referenced both their own AONB Management Plan and the Natural England report (both referenced and shown above), but comprehensively failed to tell Planning Committee Members of the positive ecological and environmental success of the Tournerbury Woods Estate.

Since submitting the PA's and in response to environmental concerns raised, the Applicant has worked extensively with Natural England and the Council's Ecologist to assess the true level of risk from continued activity and to agree control and mitigation measures which will further ensure no harmful impacts to the site and its surroundings from weddings and events held there. These measures are reflected in the existing Visitor Management Strategy, agreed with NE through their Discretionary Advice Service process (DAS) and which is now 'rolled-forward' to comprise a fundamental element of the new management code submitted for consideration and approval.

The Local Planning Authority has undertaken a Habitats Regulations Assessment (HRA) and Appropriate Assessment of the previous proposals in consultation with Natural England. The Appropriate Assessment was able to conclude that the avoidance and mitigation packages proposed are sufficient to remove the significant effect on the SPA's which would otherwise

have been likely to occur. The findings concluded:

“Havant Borough Council is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question” and that “the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.” Moreover, it states: *“Natural England welcome all of the measures taken to ensure there will be no adverse impacts on designated sites.”* This position was welcomed by the Chichester Harbour Conservancy during December 2020 in its consultation response to the PA’s.

A Shadow Appropriate Assessment undertaken for TWE to assist the HRA is now updated for this application, concluding no change in findings.

The PA’s were accompanied by a detailed, overall Ecological Impact Assessment Report, updated in December 2020, which had been informed and guided by site surveys pre-dating the application, and also by further surveys of the heronry (the condition of which was raised previously in a number of the objector representations) and bat emergence and activity surveys.

The assessment concluded habitats and plant species observed on the site itself, are common species of no particular nature conservation value from a botanical perspective. With no habitat removal required to accommodate the ongoing uses applied for at the site, impacts upon these plants and habitats are not likely to arise.

The woodland of The Bury, through which the access track runs, is noted as being of more significance in botanical terms but is excluded from the application site. Use of the access does not require any works that might impact The Bury as a direct consequence of the application.

With regards fauna the assessment concluded that protected species are either not present on the site, or the habitat supporting them within the Estate as a whole is not affected by the proposals. The only interest is in the non-breeding day roost for low numbers of pipistrelle bats at Woods Cottage, also not part of this application, and will not be impacted by the proposed development. Bat foraging (by a variety of common bat species) was found on and around the edges of the site during surveys, unaffected by activity subject to this application. Nevertheless, lighting controls are proposed to limit the impact on bats and bat boxes are proposed to be provided in the woodland areas to enhance bat presence.

Specific assessment was made of the heronry and little egret nests present within the woodland to the north of the site. Tournerbury Woods is not specifically notified for its Heronry.

The Heronry has been the subject of monitoring by the British Trust for Ornithology (BTO) since 1966, with data publicly available. Recent Census counts indicate a reduction in the number of Grey Heron nests (-50%), but the number of little egret nests is stable. The significant decline in nesting Heron reflects the general national downturn recorded by the BTO and is not specific to this site, as is claimed by opponents to the PA’s. The explanation is thought to relate Nationally to colder winters and spring gales, and locally to the heronry being a small colony, subject to natural fluctuations in population size.

A neighbouring landowner also operates a builder’s mixed waste burning facility immediately adjacent to the Heronry, which is particularly active in its airborne polluting effects and noise of deliveries of waste being delivered for burning during heron nesting season.

Any specific decline at Tournerbury according to Hampshire Ecology Services’ assessment is not considered to be the result of the emergence of the wedding venue over time. In contrast

the body has identified Little Egrets moving their nests closer to the access road (as close as 20 meters) and using these throughout the breeding season, between April and June, when the access and events area is busy. This evidence is a clear contradiction to those objections, listing bird disturbance as a reason to oppose the PA's.

Notwithstanding these conclusions, as part of the measures agreed with NE and taken forward in the management code, during the heron nesting season guest access will be confined to the access track and activity area only. Signage will be erected to discourage persons leaving the defined areas and to not stop vehicles on the access road.

The site's value with regard to other bird species is relatively low, with only the more common woodland birds being recorded. Nevertheless, bird boxes are to be provided. The Ecological Assessment Report previously submitted was reviewed by both NE and the Council's Ecologist. It was concluded that with the additional measures proposed there is unlikely to be increased disturbance to the heronry during the nesting months of January to June. The Council's Ecologist also advised sufficient detail had been provided on the site's general ecology to conclude any ecological impacts are not likely to be significant. The reports have been updated for this application to reflect the current situation.

The application site fronts onto Chichester Harbour. However, the heavily wooded nature of the TWE site means it is well screened from adjoining land holdings, and views of the marquee, deck and gazebo are not apparent from the north and west. To the south west there are partial, glimpsed views of the structures to the rear of Woods Cottage for those with a keen and interested eye. This is more apparent during winter views but during the main wedding/events season trees are in full leaf and therefore screening is good.

The Council's Landscape Team raised no objections relating to the previous application in terms of short, or long, range views. The Applicant is keen to provide additional screening and landscape to enhance the venue, but it is not considered essential for this application.

Concerns were raised in respect of the PA's and the effect on dark skies. This is not raised as a concern by the planning authority as the application is not within an area so designated. Moreover, the application site is a relatively open area immediately adjoining a largely built up area, the after-dark illumination of which dominates the night sky over and around the site; it is also adjacent to a golf course with floodlit driving range, a boatyard and a sailing club, both with overnight floodlit security lighting which adds to the overall amount of artificial illumination in the general area. Illumination associated with events at the site is either for security (in place since 2002) or within ancillary structures; external lighting being limited to decorative lighting festoons and those that are required for safe visitor movement – switched off at the conclusion of each event.

FLOOD RISK:

The site is subject to flood risk and an appropriate Assessment is submitted setting out flood risk management. The proposal does not involve permanent development that poses a risk to human life during flood events. Uses are limited and transitory and ample advance warning of possible flood events (normally outside of the main event season) is normally available. The Applicants are able to monitor predicted tidal conditions and manage site occupancy in advance of any events. The venue has staff present at every event to oversee evacuation procedures should an unexpected flood event occur. Camping is accommodated in areas outside of defined Flood Zones 2 and 3.

IMPACT ON ARCHAEOLOGY:

A Scheduled Ancient Monument (SAM) impact report submitted for APP/18/00943 is resubmitted with this proposal in the absence of any material change of circumstance affecting the heritage asset. Considering the significance of the asset in all of its nuanced forms against the development previously (unchanged in this application) the Conservation Officer and County Archaeologist agreed the development would not impact on the SAM or the setting of the SAM, nor cause any harm. The SAM is predominantly at some distance from the marquee, deck and lawns of the TVA and no development is proposed in or near it. The access does however pass over the western side of the designation but has done so since at least 1879 (over a hundred and forty years) and that situation does not change with the proposal.

MEASURES IN PLACE TO CONTAIN NOISE LEVELS:

The Applicants are cognisant of the potential for noise disturbance to be generated by activities at Tournerbury. The use, by its very nature, frequently involves music and activity extending into the late evening when many residents can reasonably expect a level of quiet and lack of disturbance. The Applicant was also aware the site and its activities were cited as the source of noise complaints, even when this was not the case. In order to provide neighbours with a reasonable level of amenity and to reduce the opportunity for complaint, in 2013 a specific noise assessment report was commissioned to establish ambient noise levels and thereafter proactively design noise mitigation to contain sound generated within the site and limit spill into the neighbouring community, and in this case, environmental areas.

The primary source of noise nuisance associated with venues of this type is the music, often loud, sustained over a number of hours and at repetitive frequencies that generate disturbance quickly. However, this also has advantages in that the noise source is very focused, offering opportunities of containment. In many venues' containment is reliant on the acoustic attenuation qualities of the building or structure within which the music is generated; in a marquee this can be very limited. The assessment recommendation was to invest substantially in a "*Direct Acoustics Solutions 'Zone Array'*" using technology to create a sound ceiling and internal acoustic walling within a defined area of the marquee. These measures work most effectively, trapping acoustic energy at source and little sound escapes the marquee when generated through this array. The system ensures that noise levels within the enclosure should not exceed the maximum 96 dBA LAeq recommended on the dance floor. Beyond the enclosure levels are much lower and the enclosure was further enhanced during 2019 to provide even better acoustic mitigation within the marquee. These mitigation measures combined with the distance of the activity from most sensitive receptors results in limited disturbance, a situation confirmed by the Council's Environmental Health department.

Despite the lengths taken by the Applicants to protect the community from noise disturbance, and as confirmed by discussions with the authority's Environmental Health section, the TWE continues to be wrongly identified as the source of unacceptable noise levels even when no events are taking place. The public's perception of event venues, and there are a number on the Island, from experience is that they are noisy, to be enjoyed when present but complained about when not. The Applicants maintain accurate records of all events and are able to demonstrate when activity is taking place and to correlate against complaints, proving frequently the noise source for the complaint is distant from TWE. We ask that any representations claiming noise and disturbance from the site and its activities is therefore given appropriate weight, particularly when not supported by evidence.

Appropriate weight must be defined by a consideration of the mitigation measures and management in place and the likelihood for noise nuisance to be generated. Tournerbury

premises licence allows for music to be performed / played any day of the week between 11am and 00.00. While these limitations are strictly not exceeded the Tournerbury hire contract stipulates the playing of live music (which is not so easily attenuated) must finish at 10:00pm with only DJ's and tablet playlists running through the sound ceiling from 10:00pm to 11:00pm. In addition, an informal arrangement exists whereby local residents can contact the Applicants by telephone or text throughout any event to raise concerns, which enables any perceived matters arising to be dealt with quickly and efficiently.

It is accepted not all potential noise disturbance will arise from within the marquee. The dissemination of noise from social activities within the wider grounds and structures, which might include raised voices or vehicle noise, is mitigated largely by distance and intervening features. Further mitigation can be provided through enhanced management by on-site venue staff who are present at every event, through the proposed management code.

The Applicant checks regularly with Havant Borough Council Environmental Health Officers as to the effectiveness of the mitigation and whether or not there have been any sound complaints directly attributed to TWE activity. By way of example, at the end of April 2018 (prior to the submission of the PA's), there had been no recent complaints demonstrating to the Applicant and Council the mitigation measures were effective. Despite there being no formal noise complaints with the Council recorded from TWE, this did not stop noise nuisance being used in representations against the development.

Following the busiest summer ever at Tournerbury (two years' worth of weddings combined into one season - combined 2020 wedding season with 2021 bookings due to the pandemic), on checking with HBC EHO (on 16/11/2021), no substantiated noise complaints have been raised against Tournerbury.

Acoustic reports submitted with the PA's are resubmitted with this application.

ACCESS ROUTE & TRAFFIC:

Access to the TVA involves the continued use of a private Right of Way access which runs from the eastern limit of the adopted highway of Tournerbury Lane. This access, which is variable in its width and alignment, runs eastwards for approximately 250m, passing Tournerbury Golf Centre and then running through the 'farmyard' of Tournerbury Farm, comprising two dwellings and a variety of agricultural-style buildings.

Beyond the farmyard the access track turns south, passing on a short, narrowed section, between two water bodies associated with the golf centre, before then continuing through the Bury and on to the TVA. On entering the event site, the track encounters a number of side-tracks joining from the south-west, and passing areas, and on the approach to the marquee the land to the south of the track provides car parking (120 spaces) to serve the wedding/events venue use. There is ample turning space for all vehicles.

The Transport Statement assessing the proposal and submitted in support of the proposal, using evidence collected from actual events, concludes that when considering the capacity of Tournerbury Lane, including its junction with Church Road, the impact of the development of the site is not significant in highway terms and would not be regarded as unacceptable in the terms set out under the National Planning Policy Framework.

A further report also submitted considers the suitability of the private Right of Way to serve the proposal. Reviewing the capacity to accommodate two-way traffic, it identifies a limited number of pinch points where drivers facing opposing traffic would need to wait to allow vehicles to

pass, but there is clear line of sight at all points. This is assessed against typical flow characteristics of arrivals and departures based on the surveys undertaken during 2019, and concludes in capacity terms, the nature of the Right of Way is more than sufficient to accommodate the traffic flows attracted by site activity. Any inconvenience caused to TWE visitors, farm operations or farm residents is likely to be very minor and mitigated by clear sight lines, and good visibility.



Fig 7: Photograph of North / South section of Right of Way facing north towards Tournbury farm. Photograph taken from the Tournbury Woods Estate gate, looking north.

Reviews of the reports by the Highways Authority reach a similar conclusion; “... *because the traffic associated with this route is not likely to be generated during peak travel times and is tidal in character the local highway network can accommodate it.*” No objection was therefore raised to the PA’s by the Highways Statutory Consultees and in the absence of any material change, a similar response is expected with this proposal.

The Applicant is aware, as is the Council, of objections raised by A G Phillips and Son Ltd to the use of the access road and its passage through Tournerbury Farm. This is a matter of common law and is not a matter for this application. The concerns raised by the neighbour have been assessed by the Council in respect of the PA’s and the only matter of relevance is that of the level of perceived potential loss of private amenity and vehicular conflict on the route as contained in the reason for refusal (APP/18/00943), and as addressed through this submission.

The planning authority will be aware the Applicants acknowledge the perceived potential for nuisance to be generated by traffic passing lawfully through Tournerbury Farm, and this is reason for the self-imposed limitations now proposed. The particular circumstances of Tournerbury ‘Farm’ and the operations carried out thereon, must be weighed in the planning balance when the Council considers the reasonable level of private amenity which might be expected by residents of the two farm properties.

In the knowledge of concerns for residential amenity and with the agreement of A G Phillips and Son Ltd (the adjoining landowner), the Applicants obtained planning permission for an alternative means of access to the TVA, which has since been implemented, but not completed or brought into use due to the lack of agreement for use with the adjoining landowner. Whilst the alternative access maybe preferable to all, a lack of its availability means the existing use must continue to be used. The current access is deemed appropriate by all Consultee decision makers as suitable for the use and that cannot be in question. What the Applicants now propose, is to impose restrictions on their activity to limit the potential for residential disturbance while the existing access route continues to be used. These limitations are set out in both the description of development and in the proposed management code, enabling any approved activity to be effectively enforced.

The lack of agreement to provide the alternative access does not preclude this application being determined. Similarly, granting permission for this application would not preclude such agreement being reached in the future; but refusing this application would risk the inappropriate ransom position being pushed on the Applicants by the adjoining landowner to continue, which is not a purpose of the planning system.

PERCEIVED AMENITY ISSUES:

With regard to the potential loss of amenity given as the reason for refusal to APP18/00943 the Officer report limits consideration to the amenities of occupiers of nearby properties comprising:

- The occupiers and workers at Tournerbury Farm; and,
- The residential properties which face Tournerbury Woods across My Lords Pond.

More distant properties are not considered to be adversely affected.

The perceived impact on Tournerbury Farm:

The Council acknowledges the lawful use by the Applicant of the retained access route through Tournerbury Farm and is aware this arrangement was accepted by A G Phillips and Son Ltd when it acquired the farm. The Officer report raised concerns regarding the potential for noise and disturbance associated with visitors and traffic generated leaving the venue late at night.

This new application addresses those concerns by limiting the numbers of events and guests proposed. This contrasts markedly with the number of operational days permitted at The Tee Caddy Café, a further Licenced Premise immediately adjacent to the two dwellings in Tournerbury Farm subject to residential amenity concerns in this application and those preceding it.

While the application site and Tournerbury Farm are technically within countryside as defined through the Local Plan, this is very much an urban-rural fringe location comprising a mix of activities and developments which the general public does not normally associate with the concept of open countryside; ambient noise levels are for the most part higher than that in true countryside at distance from residential areas.

Residential amenity is affected by such considerations and the weight offered to the protection of amenity must be appropriate. Interpreting the findings of the officer report, it appears that when undertaking such a balance the officer suggested the character of the locality is such that it would be subject to less ambient noise than adjacent residential areas and therefore the potential for disturbance should be mitigated; consequently the level of usage proposed through the PA's was too great. While the venue by its very nature and characteristics is not an urban use, nor could it be relocated to an alternative location, the Applicants accept the urban-rural fringe nature of the site (albeit far from a rural idyll) does suggest some limitation of activity might be appropriate. What is deemed appropriate must be subject to an appropriate balance of all factors affecting the subject properties and farmyard, including the commercial non-farming nature of the latter, and other adjacent uses such as the golf centre and its alcohol and performance licences.

Turning to matters of access conflict, the Officer's report, in addition to concerns for passing traffic on the narrow section of the route, raises health and safety concerns in particular relating to visitors accessing the TVA through a "*working farm*". Both the Applicants and operators of the land holding known as Tournerbury Farm have duties of care to the public and both are aware the Right of Way exists. It is not beyond either party therefore to co-ordinate activity, especially as 'farming operations' in Tournerbury Farm are de minimus, with most of the landholding being used for golf, a small number of horses, a licenced premise & light industrial storage and small business use.

Notwithstanding the fact that even with very limited farming activity, the Right of Way must always be kept clear and available at all times, and it is reasonable for the neighbour to go about his business without undue interference. Fortunately, the very small number of cattle live on the salt marsh from Spring to mid-Winter each year, meaning they are absent during the wedding and event season. Suitable demarcation and signage will limit the likelihood of conflict with other activities.

Concerns in the officer report relating to "*inherent safety issues*" with parts of the access route are not substantiated by expert evidence as indicated above. Nevertheless, and despite there being no evidence of incident during operation of the events for which permission is now sought, the Applicants are content to put in place additional safety features around this short section of the track; signage being the most appropriate form.

The perceived impact on residential properties based opposite Tournerbury Woods across My Lords Pond:

The previous application APP18/00943 generated some concern regarding the amenity of residents living opposite Tournerbury Woods to the south and across the harbour inlet known as *My Lords Pond*. Representations made at the time were investigated in detail by the Environmental Health team and the Applicants voluntarily strengthened mitigation measures in the marquee. Recording and assessment undertaken by the Council combined with the Applicants positive action, concluded that activity at TWE was unlikely to have any marked impact on residential receptors to the south, particularly regarding noise generated within the marquee. External social noise within the venue was not recorded at unusually high levels and could be managed appropriately on site.

OVERALL COMMUNITY SUPPORT FOR THE VENUE:

We mention above the significant economic, environmental and social contribution made by TWE to the local community and in response to the PA's, 130 representations were submitted to the planning authority, the majority (71) in favour and or supporting the proposal. The more limited number opposing the venture (it is normal for objections to outnumber support in most planning applications) have made multiple submissions, and many offer perceptions or subjective views often unsubstantiated with evidence. The Applicants are nevertheless aware of the concerns of the local community and have taken up all adverse comments with appropriate bodies, including Environmental Health, NE and Historic England.

The findings of those discussions confirm that much of the concern, while laudable, is not substantiated in practice or by evidence; where there is potential for harm to arise, it is mitigated or compensated more than adequately through the measures and enhancements proposed.

THE FALLBACK POSITION:

It is a material consideration of many planning applications to consider the situation of the site and its activities, should planning permission not be granted. That is to say, what continuation or intensification of activity or development could take place on the land under existing permissions or through permitted development, a situation known as "the fallback". The Applicants believe the proposal, with its mitigation and management proposals provides for an appropriate level of use that will continue to generate significant benefit and limited, if any, harm. That use, through an appropriately conditioned planning permission will be capable of enforcement and long-term control; consideration of a fall-back situation in this case should not be necessary. However, it is a situation that may have to be revisited through appeal, if this modified proposal is refused.

The fallback in this case can take two forms: firstly, the lawful use of the land, without restriction, by the development subject to the PA's, a matter which will be pursued through appeal if this application is withdrawn: secondly, continued and intensified use of the land for its last lawful use, agriculture and forestry and holiday lettings. Such uses to be viable and sustainable, would necessitate significant vehicular movement over the access road (larger and more frequent vehicle movements than those associated with the TVA) and the introduction of new large agricultural buildings and structures. In addition, there is still an opportunity for substantial events to be held annually under permitted development rights (whether this is 28 days per year

or indeed 56 days per year if the Government keeps its extension to these rights which were implemented during the pandemic) as utilised by other landowners in the locality.

HMPC Ltd

For Tournerbury Woods Estate

20th December 2021