

Tournerbury Woods : APP/21/01310

Thank you for advising me of this latest application.

Please receive this as my OBJECTION to the application as made.

I have heard music from the venue when going to bed. At that point one's reaction is to try to sleep rather than get up and seek out the evidence. However there are more serious issues involved.

The grounds for the objection are set out below, and are based on the application as set out in the Design and Access Statement (DAS).

1. There is an ongoing appeal in progress following your refusal of previous applications. Notwithstanding that, the use for which this application is made has continued knowing there to be no legal permission for it. It is in the light of that that I read the DAS statement.
2. The whole of the DAS seems to be based upon a voluntary set of standards (purportedly agreed with interested parties and HBC). Given the history of activities without permission up to and including 1. above, there is no evidential basis for believing that any voluntary "mitigation" will be adhered to.
3. Indeed, the very fact that the term "mitigation" is referred to suggests recognition that there **are** real planning issues which, if not resolved, would lead to a continued refusal of permission.
4. Given that there is no suggestion of a planning consent with **enforceable conditions**, I have no choice but to object. In particular, it is perfectly possible to limit uses to a number of days as shown by the 28-day rule used in the 2015 Permitted Development Order (see also 6 below). I am aware that Planners do not like such conditions because of the difficulty of tracking actual usage, and that this can lead to vigilantes taking it upon themselves to monitor activities, which in itself is not good for community. In spite of these difficulties there is no alternative. **Without formal conditions there is no legal reference point for enforcement preventing the extension of activities.**
5. Clearly one of the most significant issues is the effect of the level of usage on wildlife and the environment. I am not qualified to comment on the detailed assertions made, but I do conclude that there is no evidence that the additional activities have improved what would otherwise have been the case in the absence of a considerable period of illegal use. A lack of legally binding conditions must at the very least **increase the risk** of future damage to the environment and wildlife, this at a time when there is an increasing awareness of the problem, one for which planners have a responsibility not to exacerbate.
6. The DAS at p.20 refers to the "fallback" position in the event of a planning refusal: "In addition, there is still an opportunity for substantial events to be held annually under permitted development rights (whether this is 28 days a year...) as utilised by other landowners in the locality".
This, though, does not allow permanent structures.
7. The Permitted Development Order is specific in not extending the benefit of permitted development to certain development on land which is either an SSSI or part of an ANOB, both which apply to Tournerbury. It is clear that the planning process is expected to give greater scrutiny to planning applications on such land.

8. I understand, though, that this does not mean that permission cannot properly be given to development in these areas. It does mean that in considering this application the status quo – the present illegal use - should not be the starting point. What would planners' recommendation be if this was a new "clean" application untrammelled by prior unauthorised usage?
9. It also means, I maintain, that should permission be given, whatever the starting point, it must be given responsibly, which in this case means **with the necessary safeguards**. It must be in the interests of all parties, if HBC is minded to agree this application, to set out explicit conditions as terms of the consent. In particular:
 - a. The number of events - 65 as applied for;
 - b. The definition of events – to exclude bird shoots and lettings of the cottage (unless part of an event), but to include all other events whatever the name given to them;
 - c. Prescribe the term of an event (so as to prevent a week or weekend festival being classified as a single event but not to require, for example, a wedding with a stay-over period before and after totalling up to 24 hours as being more than one event).
 - d. Prescribe the hours of particular activities within an event (eg. any playing of music, serving of alcohol etc), specifically noting that such conditions apply regardless of any wider limits set by specific licences;
 - e. Declare that the full permission only applies when activities involved as part of an event but requiring specific licences are in fact licensed.