

Houghton, Michelle

From: Haydn Morris iMac [REDACTED]
Sent: 05 June 2020 22:29
To: Weaver, Steve
Cc: [REDACTED]
Subject: Tournerbury Woods Estate Planning application and CLUED
Attachments: Tournerbury Woods HRA report-Rev6-14 04 20.pdf; Tournerbury Wedding Venue-Ecological Impact Assessment-Rev4-03 06 20.pdf

Dear Steve

Further to my email of 11th May, please find attached a completed HRA and EclA. These documents respond to your request for additional information arising from the comments of third parties in respect of environmental interests. Both documents confirm clearly the existing operational development is undertaken in the knowledge of the site's sensitivities and without harm to environmental interests. They demonstrate compliance with accepted practice.

I appreciate fully this information has been long-awaited, but the two submitted reports follow extensive research into the background of designations affecting the site and their validity. This examination together with detailed assessments of the environmental interests of the site now extends to some 60,000 words in multiple volumes. This provides a sound evidence base on which the attached reports have been prepared and upon which up to date studies have been undertaken. For the purpose of the planning application and CLUED we believe the submitted reports address the issues of concern to the local planning authority and respond to the comments of consultees and third parties. Consequently, we do not believe it is necessary to submit the ecology research volumes as part of the formal planning submission as this will result in unnecessary and undue complication, particularly as much of the concern raised relates to matters beyond the control of the applicant.

As advised in my previous email, our planning application is retrospective and relates to existing operational development (use and structures) which has been present at site for some considerable amount of time. Our CLEUD submission refers to the same development providing evidence to prove it has existed for sufficient time to be immune from planning enforcement: the development as it exists has become established. The additional information now provided supports both submissions. It responds specifically to the development (as proposed in the description of development), which has existed at the site for some time, providing up to date evidence of existing environmental conditions and activity, in and around the site.

We acknowledge that in common with accepted practice, third parties and consultees have suggested a need for the "proposed development" to be assessed for environmental impact. This requires the likely effects of the proposed developments to be assessed against the existing "baseline environmental position," to determine if any unacceptable harm will arise from the proposed development, if such harm can be mitigated, or the benefits of the sustainable development proposed will outweigh the harm generated. You will be aware for retrospective proposals, particularly where established use is claimed, such assessment is not possible, as best practice can only review the need for planning permission, accounting for the environmental situation that co-exists. There can be no assessment of likely impacts, because any impact has, by definition, already occurred. There is no new development proposed to be assessed, but the existing situation can be evaluated, as we have done. Undoubtedly there will be suggestions increased harm might arise from a continuation of the use in its current form, or through any proposed intensification. The former is assessed through the submitted information, the latter is a matter for future consideration should it arise; it is not subject to this submission. The studies do however explain the current situation's sensitivity to change, which the planning authority might wish to consider managing in the future. 'One example may be bats, for which we are undertaking studies. If bats, or indeed other species, are present and using the site, they do so having adapted their use in response to current site activity. Clearly, they have accommodated any impacts which may have arisen since the site was acquired by the applicant in 1990 and the operational development introduced thereafter. A balance has been reached and the latest studies (or further studies in the future associated with any new development proposals) will provide a sound baseline to enable future impacts to be assessed appropriately. There is no assessment of impact to be made at this time as no new development is

proposed. A future change of use, activity or intensity could potentially result in a change of present behaviour, for better or worse, but that is a judgement not yet required.

We have no objection to you sharing our up to date survey material with third parties for information. However, it must be made clear to those consulted, the situation is not one of proposed development. The information submitted represents the current situation at the site and its environs. It demonstrates that there is a balance between activity and environmental interest, and there is no reason to suggest the latter will be diminished through a continuation of current practice. Moreover, with knowledge of site sensitivities, the management plan proposed can be more specifically focussed to minimise any potential for disturbance, which we suggest should result in maintaining and possibly improving environmental interests. Through planning determination, any additional environmental study or qualification required by condition must meet the six tests and be reasonably related in all respects to the existing operational development and should not be applied in anticipation of future changes.

There are no records available of the environmental situation that existed prior to the development taking place. It would be both inappropriate and inaccurate of us or any other body, to apply assumptions for the purpose of attempting to compare the environmental situation which may have existed prior to the development, with that now existing. It would be equally inappropriate for those opposed to the continued use of the site to suggest it has been harmful to environmental interests in the absence of any evidence.

The survey and assessment we have undertaken provides a very clear picture of the ecology cohabiting with the development at the present time. It does not seek to demonstrate a situation existing in the past. This information will allow the council to determine if it needs to apply any condition to an approval to manage future impacts. We will be very happy to discuss with you the form and scope of any such condition.

With regards the access, I will write to separately on this matter within the next few days.

Best Regards

Haydn