

Appendix F – Enforcement Notice Alleged Harms

This Appendix reviews the harms as alleged in the Enforcement Notice and their significance in planning terms.

Enforcement Notice Alleged Harms

- 1.0 The Council allege four types of harm they believe the bunds cause, which justify their removal, these relate to harm to the Green Belt, to visual amenity of the area and for users of the footpath, and potential (unspecified) harm to Windmill Hill Wood SINC which it is not shown could be mitigated. The Council also believe harm is caused to Development Plan objectives regarding sustainable waste and management, which seek to ensure that waste is managed and deposited appropriately, and that the amount of waste generated is minimised. There is no ground a) appeal, but for completeness I have addressed each of these alleged harms briefly below.

Green Belt

- 1.1 The Notice states that:

“The purpose of the green belt in this location is to check the unrestricted sprawl of the large built-up areas, assist in safeguarding the countryside from encroachment and assist in urban regeneration by encouraging the recycling of derelict and other urban land. The use conflicts with those purposes and also fails to conserve the openness of the green belt. It is therefore inappropriate development in the green belt.”

- 1.2 The retention of the bunds would not lead to any unrestricted urban sprawl, or result in “encroachment” in the countryside that would otherwise result in the recycling of derelict and other urban land. Therefore these harms as alleged in the Notice do not exist. Furthermore, the bunds have no impact (and certainly a *de minimis* impact) on the openness of the Green Belt in that they enclose field boundaries which back onto wooded or significantly vegetated areas, and their vegetated appearance will be viewed against this vegetated backdrop. Therefore this harm to openness as alleged in the Notice does not exist.
- 1.3 By reducing trespass with motorised vehicles the security bunds will give the area a more open and countryside feel as it is used effectively as arable farmland. Through the retention of the bunds the openness of this sector of Green Belt will be improved as perceived from public viewpoints such as the footpath.

Visual Amenity

- 1.4 I have set out in the section above in relation to Green Belt why the vegetated bunds would be recessive within the landscape and have very limited visual impact. I have also set out the landscape and amenity improvements that will result from the retention of the bunds in the my main Proof. In respect of the visual impact of the bunds, when viewed in the wider context of the reduced trespass on the land, I consider they will result in an overall improvement in the visual amenity of the area. Therefore, the harm as alleged in the Notice does not exist.

Windmill Hill Wood SINC

- 1.5 The Notice alleges that *“The nature of the use is such that it may significantly affect the nature conservation interest of the SINC.”* and that *“It has not been shown that such harm could be mitigated. For these reasons the land is an unsuitable location for the use...”*.
- 1.6 I cannot see how the presence of the bunds might impact upon the nature conservation interest of the SINC in any way, and it appears to me the Council is also very unclear as to what

these potential adverse impacts might be. In this context it is perhaps not surprising that it has not been shown that such harm could be mitigated.

- 1.7 In actuality, I consider the presence of the security bunds is highly likely to have a very significant positive impact on the nature conservation interest of the SINC, in reducing or removing the trespass on the land by motorised vehicles within the SINC and the resultant damage they cause. Overall, in my view, requiring removal of the bunds is likely to result in significant harm to the nature conservation interest of the SINC.

Sustainable Waste Management Objectives

- 1.8 The Notice alleges that *“The use undermines Development Plan objectives regarding sustainable waste and management, which seek to ensure that waste is managed and deposited appropriately, and that the amount of waste generated is minimised.”*
- 1.9 Assuming that the Inspector considers that the bunds are constructed from waste, they then provide a significant benefit in respect of facilitating the sustainable management of waste. The management of waste as close as possible to the place it arises is a long-established principle in its sustainable management, and the use of this material to construct security bunds at the site, for a beneficial use which results in amenity and environmental benefits would be an ideal way to manage it. Furthermore, the removal of the material and its disposal in a different location would result in amenity and environmental harms which are addressed in more detail in my main Proof, as well as **increasing** the amount of waste generated (the exact opposite of what the Notice says it is seeking to try to achieve in remedying this supposed harm).
- 1.10 Overall, in my view, the retention of the bunds does not result in any harm to sustainable waste management objectives and is an entirely appropriate way to manage the material if it was waste.