

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017**

REGULATION 37 NOTICE

ISSUED BY:

1. **THIS IS A FORMAL NOTICE** is issued by the Council UNDER Regulation 37 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in connection with the Councils Enforcement Notice dated 14 November 2018 in respect of the land and premises at Gundrys Farm, School Lane, Three Legged Cross, Wimborne, Dorset, shown edged red on the attached plan, in connection with the alleged breaches of planning control:

Within the land edged red on the attached plan:

- i) The material change of use of land shaded Red and labelled A on the attached plan, for the permanent use as a camping and caravan site, caravan and motorhome storage and operational development, the erection of structures and equipment to facilitate such a use, on land known only to have previously been used for agriculture and Schedule 1 caravanning rallies;
- ii) The material change of use of the land shaded Blue and labelled B1 on the attached plan; from the use of land between the period from Easter to the end of September each year, as a caravanning and camping site for up to 24 caravan and tents (24 in total making no distinction between caravans and tents) subject to a Lawful Development Certificate reference 3/96/9024, to a mixed use of the paddock labelled B1 for camping and caravanning use outside of the lawful and permitted seasonal use; and thereafter when not in an active use for the stationing and storage of caravans within the paddock labelled B1.
- iii) The material change of use of the land shaded Blue and labelled B2 on the attached plan; from the use of land as a campsite for up to 30 caravans, tents and motorhomes (30 in total making no distinction between caravans, tents and motorhomes) between Easter and 30 September each year, subject to a Lawful Development Certificate reference 3/10/0137, to a mixed use of the paddock for camping and caravanning outside of the lawful and permitted seasonal use; and thereafter when not in an active use for the stationing and storage of caravans within the paddock labelled B2.
- iv) The material change of use of land and buildings within the area shaded Green and labelled C on the attached plan, from the lawful use as a dwelling house and garden, including the siting of a single static caravan for incidental uses connected to the occupation of the dwelling house, to a mixed use comprising: the residential occupation of the single static caravan for warden/manager's accommodation; the siting and occupation of additional caravans and motorhomes for seasonal staff accommodation; new built operational development consisting of a WC block (marked in the approximate position by a black cross within the area shaded green on the attached plan); the conversion of part of the ground floor of the dwelling house accessed from the south west side elevation to provide toilet and shower facilities, all in connection with the wider use of the land edged red on the attached plan as a caravan and camping use.
- v) - In respect of the material change of use of land shaded Orange and labelled D, the use of a caravan storage for up to 25 caravans, to a mixed use comprising of the storage of

caravans; the siting and occupation of additional caravans and motorhomes for seasonal staff accommodation contrary to the Lawful Development Certificate.

2. It is the Council's opinion that the development to which the Enforcement Notice relates is "Schedule 2 development" within the meaning of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 being tourism and leisure development covering more than 1 hectare and potentially accommodating over 200 units comprising of caravans, motorhomes and tents which is considered likely to have significant effects on the environment for the following reasons:
- the development's size and likely capacity to be able to accommodate over 200 plus caravans, tents and/or camper vans on former agricultural land, in accumulation with what is deemed to be lawfully established on the site (a total of 54 units comprising of caravans, tents and/or camper vans, making no distinction between them, on land measuring approximately 1.9 hectares);
 - together with the necessary infrastructure to facilitate such a large camping and caravanning use;
 - together with the amount of significant traffic movements associated with such a use, noise and general nuisances caused by the coming and going of users of such a facility, and;
 - its proximity to Holt and West Moors Heath SSSI which is also an Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site (wetlands and waterfowl) protected by international legislation, which will add visitor pressures to these areas, and risk of predation of wildlife at this site by cats, disturbance to ground nesting birds by dogs
3. Accordingly, subject to any direction by the Secretary of state to the contrary, any appeal under Section 174 of the Town & Country Planning Act against the Enforcement Notice must be accompanied by two (2) copies of an Environmental Statement. Please read the notes below for information about appeals, directions and Environmental Statements.

DATED: 14 November 2018

Signed :



Head of Planning

On behalf of:

East Dorset District Council
Civic Offices,
Bridge Street,
Christchurch,
Dorset, BH23 1AZ

ANNEX

APPEALS/NOTES

If you wish to appeal against the Enforcement Notice, you must follow the instructions provided with the Planning Enforcement Notice. Please remember that the Secretary of State consider your arguments against the Enforcement Notice if you fail to observe the time limit for appeal specified in that Notice.

Should you decide to appeal under section 174(1) of the Town & Country Planning Act 1990 (Appeal against enforcement notice) you are required to submit to the Secretary of State with the notice, 2 copies of an Environmental Statement relating to that EIA development.

Please note that the Council has provided the Secretary of State with a copy of this Regulation 37 Notice and a list of the other persons to whom a copy of the Notice has been served or has an interest in it.

DIRECTIONS

A copy of the Council's screening opinion has been attached to this Notice at **Appendix A**.

In accordance with Regulation 38, and as a person on whom the notice has been served, you may, within 3 weeks beginning with the date this notice is served on you, apply to the Secretary of State for a screening direction and the following shall apply—

38 (a) an application for a screening direction under this regulation must be accompanied by—

- (i) a copy of the regulation 37 notice;
- (ii) a copy of the enforcement notice which accompanied it; and
- (iii) the information required under regulation 6(2), such information to be prepared, where relevant, in accordance with regulation 6(4);

(b) at the same time as applying to the Secretary of State, the applicant must send to the authority by whom the regulation 37 notice was served a copy of the application under this regulation and of any information or representations provided or made in accordance with paragraph (a)(iii);

(c) if the Secretary of State considers that the information provided in accordance with sub-paragraph (a) is insufficient to make a direction, the Secretary of State must notify the applicant and the authority of the matters in respect of which additional information is required; and the information so requested must be provided by the applicant within such reasonable period as may be specified in the notice;

(d) the Secretary of State must make a screening direction within—

- (i) 3 weeks beginning with the date of receipt of a request made pursuant to this regulation; or

(ii) where the Secretary of State gives notice under paragraph (c), such longer period not exceeding 90 days beginning with the date on which the person making the request for a screening direction submits the information required under paragraph (c) as may be reasonably required;

(e) the Secretary of State must send a copy of the direction to the applicant; and

(f) without prejudice to paragraph (e), where the Secretary of State directs that the matters which are alleged to constitute the breach of planning control do not comprise or include EIA development, the Secretary of State must send a copy of the direction to every person to whom a copy of the regulation 37 notice was sent.

ENVIRONMENTAL STATEMENTS

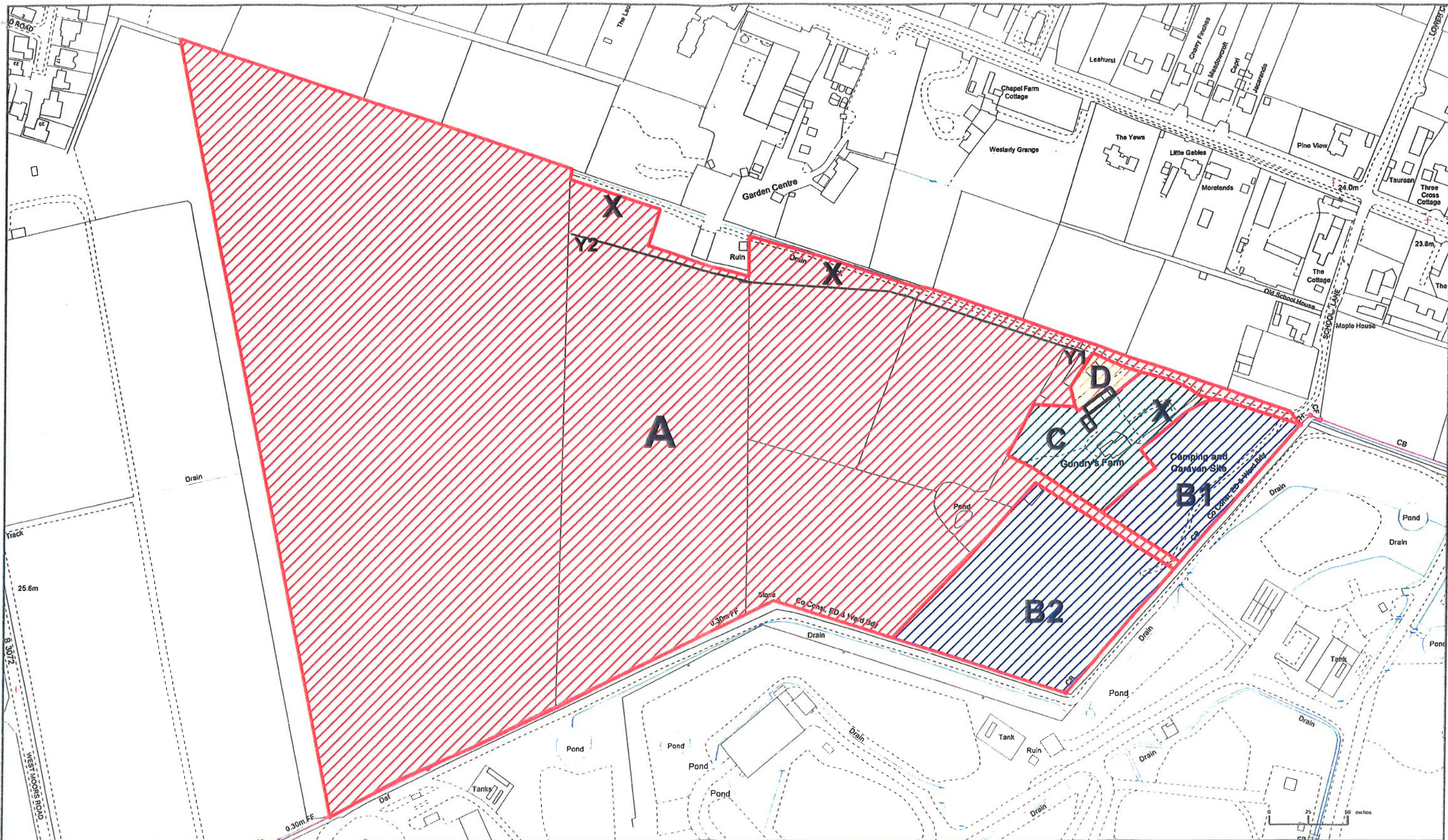
An Environmental Statement is a document or series of documents prepared for the purposes of enabling the Secretary of State to assess the likely impacts on the environment of the development to which this Notices relates.

For Guidance on how to prepare Environmental Statements, and other in respect to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, please use the following link:

<https://www.gov.uk/guidance/environmental-impact-assessment>

IMPORTANT

Please remember that an application for a direction in the connection with this Regulation 37 Notice does not affect the time limit for an appeal specified in the Enforcement Notice. An appeal against the Notice must be received by the Secretary of State before the date specified in the Enforcement Notice as the date on which it takes effect.



ENF/17/0094

Gundrys Farm, School Lane, Three Legged Cross

REGULATION 37 NOTICE PLAN



Scale: 1:2250 @ A3

Date: 12 November 2018

Creator: Development Management

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Appendix 1

East Dorset District Council: Screening for EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Screening request received: 13/11/18 by Head of Planning

Screening opinion to be issued by: East Dorset District Council

Site location: Land and premises at Gundrys Farm, School Lane, Three Legged Cross, Wimborne, Dorset

Applicant: N/A - This is an enforcement related case

LPA Enforcement Case Reference: ENF/17/0094

Summary of alleged breach of planning control

Within the land edged red on the attached plan:

- i) The material change of use of land shaded Red and labelled A on the attached plan, for the permanent use as a camping and caravan site, caravan and motorhome storage and operational development, the erection of structures and equipment to facilitate such a use, on land known only to have previously been used for agriculture and Schedule 1 caravanning rallies;
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caravans and motorhomes for seasonal staff accommodation; new built operational development consisting of a WC block (marked in the approximate position by a black cross within the area shaded green on the attached plan); the conversion of part of the ground floor of the dwelling house accessed from the south west side elevation to provide toilet and shower facilities, all in connection with the wider use of the land edged red on the attached plan as a caravan and camping use.

v) - In respect of the material change of use of land shaded Orange and labelled D, the use of a caravan storage for up to 25 caravans, to a mixed use comprising of the storage of caravans; the siting and occupation of additional caravans and motorhomes for seasonal staff accommodation contrary to the Lawful Development Certificate.

1. Is the proposed development Schedule 1 or 2?

The development site is just under 8 hectares and falls under Schedule 2 and is in close proximity to a sensitive area.

2. Is the proposed development in a sensitive area (as defined by the EIA Regulations and described in National Planning Policy Guidance paragraph 032)?

The more environmentally sensitive the location, the more likely it is that the effects on the environment will be significant and will require an Environmental Impact Assessment. Certain designated sites are defined in regulation 2(1) as sensitive areas and the thresholds and criteria in the second column of the table in Schedule 2 are not applied. All developments in, or partly in, such areas should be screened. These are:

- Sites of Special Scientific Interest and European sites;
- National Parks, the Broads and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and scheduled monuments.

An Environmental Impact Assessment is more likely to be required if the project affects the features for which the sensitive area was designated. However, it does not follow that every Schedule 2 development in (or affecting) these areas will automatically require an Environmental Impact Assessment. It will be necessary to judge whether the likely effects on the environment of that particular development will be significant in that particular location. Local planning authorities are advised to consult the consultation bodies in cases where there is a doubt about the significance of a development's likely effects on a sensitive area.

In practice, the likely environmental effects of Schedule 2 development will often be such as to require an Environmental Impact Assessment if development is to be located in or close to sensitive sites. It may also be necessary to undertake an appropriate assessment under the Conservation of

Habitats and Species Regulations 2017 if the proposed development is likely to have a significant effect on a European site. If a local planning authority or applicant is uncertain about the significance of a proposed development's likely effects on a Site of Special Scientific Interest or European site it should consult Natural England.

In certain cases, local designations which are not included in the definition of "sensitive areas", but which are nonetheless environmentally sensitive, may also be relevant in determining whether an assessment is required.

In considering the sensitivity of a particular location, regard should also be had to whether any national or internationally agreed environmental standards (eg air quality) are already being approached or exceeded.

Natural England has been consulted on this enforcement case and their comments are reflected within the Council's expediency report.

In respect to the Environment Agency, no information has been submitted to the Council in so far as to that is germane to the EA's remit.

The request for a Screening Opinion (by the HoP) was deemed necessary because the development is near a sensitive area.

The development is located at its nearest point adjacent to environmental designations: these are the Holt and West Moors Heath SSSI which is also a Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site (wetlands and waterfowl)

The development whilst not within a sensitive area, lies adjacent to and within 400 metres of Holt and West Moors Heath SSSI, which is also an Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site (wetlands and waterfowl) protected by international legislation.

3. Which section of Schedule 2 is the proposed development described under?

The development falls under Section 12 – Tourism and Leisure.

4. If the proposed development *is* described as Schedule 2 but is *not* in a sensitive area (as determined in step 3), does it exceed or meet any of the applicable thresholds or criteria for the type of project?

(As described in column 2 in the Schedule - quote the applicable thresholds and criteria then consider the specific proposals)

Section 12(e) - Tourism and Leisure refers to permanent camp sites and caravan sites with a threshold of development limited to 1 hectare. The site in question exceeds this as it's a total of approximately **18.0** hectares.

5. If the proposed development *is* in a sensitive area (as determined in step 3) or exceeds/meets the applicable thresholds / criteria (as determined in step 4) is it considered likely to have significant effects on the environment?

Given that the proposal would exceed the relevant criteria in Schedule 2 it is necessary to consider the relevant criteria from Schedule 3 and any other relevant guidance and details of any consultation undertaken.

The Regulations Schedule 3 sets out the selection criteria for Screening 2 Development. The key issues are:-

- A. Characteristics of Development
- B. Location of Development
- C. Types and Characteristics of the Potential Impact

These issues are considered in turn below.

A. Characteristics of Development

The EIA Regulations set out that with regard to the characteristics of the development particular regard must be had to:-

- a) **The size and design of the whole development;**
- b) **Accumulation with other existing development and/or approved development;**
- c) **The use of natural resources, in particular land, soil, water and biodiversity;**
- d) **The production of waste;**
- e) **Pollution and nuisances;**
- f) **The risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge; and**
- g) **The risks to human health (for example, due to water contamination or air pollution)**

The size and design of the whole development

The majority of the development site is located within the open countryside, which is also designated as Green Belt and was once agricultural land. The size of the development site is approximately 18.0 hectares.

The entire site, bar one paddock, is currently put to caravanning and camping operations which can accommodate numbers exceeding 200 units which is in addition to the existing 54 seasonal units.

As such, the development is a significant departure from the existing character and setting of the surrounding area which can be described as

being predominantly rural with linear patterns of development along the roads comprising of residential and commercial development.

Accumulation with other existing development and/or approved development

There are no current Local Plan residential allocation sites within close proximity to the development site.

The use of natural resources, in particular land, soil, water and biodiversity

Unknown

The production of waste

The site has installed a number of toilet and shower units. No details have been submitted to advise as to how the waste is collected or disposed of. Therefore, whilst it is acknowledged that the development results in significant production of waste, it is not clear due to the lack of information if there is any particular hazardous material, pollution or social nuisances which may occur that cannot otherwise be appropriately mitigated as part of the planning control process and/or other relevant regulatory regimes.

Pollution and nuisances

There is likely to be air pollution caused due to the traffic generation and general noise and disturbance to the nearby residential properties due to such traffic movements and noise from those enjoying the site in terms of tranquillity, general noise from the development is likely to have an effect resulting in loss of amenity to the surrounding area and nearby residential properties, disturbing the tranquillity and character of the immediate area.

The risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge

Currently Paddock A operates without a site licence pursuant to the Caravan Sites and Control of Development Act 1960 and at present there would be no minimal standards required by a regulatory regime which provides effective safety cordons. This may have the potential in creating a fire hazard or risk to those using the site.

B. Location of Development

The EIA Regulations set out that with regard to the location of the development, the environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard, to:-

(a) The existing and approved land use;

- (b) The relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- (c) The absorption capacity of the natural environment, paying particular attention to the following areas:-

- (i) wetlands, riparian areas, river mouths;
- (ii) coastal zones and the marine environment;
- (iii) mountain and forest areas;
- (iv) nature reserves and parks;
- (v) European sites and other areas classified or protected under national legislation;
- (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
- (vii) densely populated areas; and
- (viii) landscapes and sites of historical, cultural or archaeological significance.

In this instance, the development site is in close proximity to features in category (v) from the above criteria.

The site is within 400m to 5km of the Holt and West Moors Heath SSSI which is also an Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site (wetlands and waterfowl) protected by international legislation. The development places the adjacent Holt and West Moors heathlands to the south at risk of predation of wildlife at this site by cats, disturbance to ground nesting birds by dogs, the keeping of which on site are not subject to any restrictions. It also increases visitor pressure due to its easy walking distance to these identified Dorset Heaths and in the absence of any possible or appropriate mitigation the development, it is considered that the development is likely to have significant effects on the environment

The extent of any potential impacts on Dorset Heathlands where such development lies within 400 m can be evidenced by Natural England. It is considered that there would be significant impacts due to the development.

C. *Types and characteristics of the potential impact*

The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account:-

- a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- b) the nature of the impact;
- c) the transboundary nature of the impact;

- d) the intensity and complexity of the impact;
- e) the probability of the impact;
- f) the expected onset, duration, frequency and reversibility of the impact;
- g) the accumulation of the impact with the impact of other existing and/or approved development;
- h) the possibility of effectively reducing the impact.

There is an effect on the open rural landscape due to the development especially when in active use, the siting of the caravans, tents and camper vans, together with vehicles and relevant camping paraphernalia is causing harm to the visual amenity of the immediate area

In line with the NE comments it is considered that biodiversity impacts and mitigation for Dorset Heathland cannot be addressed through any deemed planning application at appeal in line with existing national and local policy.

Likewise, there may be localised highway impacts associated with the use.

Summary of potential significant environmental effects

The likely effects of the development have been considered. Due to:

- the development's size and likely capacity to be able to accommodate over 200 plus caravans, tents and/or camper vans on former agricultural land, in accumulation with what is deemed to be lawfully established on the site (a total of 54 units comprising of caravans, tents and/or camper vans, making no distinction between them, on land measuring approximately 1.9 hectares);
- together with the necessary infrastructure to facilitate such a large camping and caravanning use;
- together with the amount of significant traffic movements associated with such a use, noise and general nuisances caused by the coming and going of users of such a facility, and;
- its proximity to Holt and West Moors Heath SSSI which is also an Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site (wetlands and waterfowl) protected by international legislation, which will add visitor pressures to these areas, and risk of predation of wildlife at this site by cats, disturbance to ground nesting birds by dogs

it is considered that the development is likely to have significant effects on the environment.

Conclusion

This report has worked through the screening process and concluded that

- The development is Schedule 2 development
- The development site will have a harmful effect on a sensitive area
- The development exceeds the applicable threshold
- The development is considered likely to have significant environmental effects on more than local context which cannot be satisfactorily mitigated or avoided
- The development is EIA development

It is the view of East Dorset District Council that the proposed development is EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Signed  Head of Planning

Date 14 November 2018

The Development Management Manager has delegated powers to determine an EIA screening request and issue an EIA screening opinion.