



The Planning Inspectorate

Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: Environmentalservices@planninginspectorate.gov.uk

Mr Nayan Gandhi
Laister Planning Ltd
Ground Floor
Oddfellows Hall
London Road
Chipping Norton
Oxfordshire
OX7 5AR

Your Ref: LPL1259

Our Ref: APP/D1265/C/22/3313965

Date: 07 June 2024

Sent by email:
nayan@laister.co.uk

Dear Mr Gandhi

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (SI 571/2017) ('THE EIA REGULATIONS')

Appeal by: Royale Parks (Dorset) Limited

Site Address: Gundrys Farm, School Lane, Three Legged Cross, Wimborne, Dorset BH21 6RU

The Inspector has referred to the Secretary of State, pursuant to Regulation 14(2) and Regulation 40(2) of the EIA Regulations, the question as to whether the alleged development that is the subject of this appeal is an EIA development within the meaning of the EIA Regulations.

The alleged development:

Without planning permission, the unauthorised change in the use of the Land (Planning Unit A):

- A. the unauthorised material change in use of the Land from a lawful mixed use of agriculture and a caravan site for exempt organisations to a mixed use of agriculture and an unauthorised caravan site consisting of:
 - i. The stationing of caravans (with and without awnings), motorhomes, campervans, trailer-tents and tents for the purpose of human habitation;
 - ii. The storage of caravans; and
 - iii. The keeping of donkeys.

and;

- B. the carrying out of unauthorised operational development on the which facilitates the unauthorised material change in use of the land alleged in section A above. The unauthorised integral operational development consisting of the following:
- i. Hard standings and tracks;
 - ii. Toilet and shower blocks;
 - iii. Septic Tanks;
 - iv. Electrical hook-up equipment;
 - v. Fire hydrants;
 - vi. A water/waste water facility;
 - vii. Location signs; and
 - viii. Animal shelter and concrete base.

falls within the description at 12(e) of Schedule 2 to the EIA Regulations. In the opinion of the Secretary of State, and having taken into account the criteria in Schedule 3 to the EIA Regulations, the proposal is likely to have significant effect on the environment for the following reasons:

The alleged Unauthorised Development falls within the description at 12(e) of Schedule 2 to the above Regulations and exceeds the threshold criteria for developments under 12(e) as the site area is c.14.4 hectares and the site also falls near to 'sensitive areas' as defined by Regulation 2 of the EIA Regulations, namely:

The alleged Unauthorised Development is the immediate vicinity of the following designated sites:

- Dorset Heaths Special Area of Conservation (SAC), and Dorset Heathlands Special Protection Area (SPA) and Ramsar – adjacent to the south and c. 120m east.

The site is also within the Impact Risk Zone (IRZ) identified by Natural England, of the following designated site:

- Holt and West Moors Heaths Site of Special Scientific Interest (SSSI) - adjacent to the south and c. 120m east.

In the absence of mitigation, it is considered likely that significant effects on the designated sites listed above would arise as a result of direct and indirect disturbance (noise and light emissions), effects on air quality and the potential for predators such as foxes to be attracted to the site.

As the means of securing and the effectiveness of mitigation cannot be determined, the potential for likely significant effects cannot be ruled out. Noting government guidance (Environmental Impact Assessment - GOV.UK (www.gov.uk)) stating that there may be cases where the uncertainties are such that Environmental Impact Assessment is required, it is considered that, having regard to the amount of information available, the precautionary principle and the degree of uncertainty in relation to the environmental impact, as well as the effectiveness and mechanisms for securing the mitigation required to avoid a likely significant effect, that the potential for likely significant effects cannot be ruled out and the level of uncertainty is such that Environmental Impact Assessment is required.

Accordingly, in exercise of the powers conferred on the Secretary of State by Regulations 40(1) of the above Regulations, the Secretary of State hereby directs that the alleged development is Environmental Impact Assessment (EIA) development.

The Secretary of State therefore notifies you by this letter that the submission of an Environmental Statement (ES) is required under those Regulations.

Under regulation 28(1) of the EIA Regulations, the relevant planning authority must take steps to secure that this screening direction is placed on the part of the Planning Register which relates to the application that is the subject of this appeal.

You are reminded that, under regulation 14(7) and 14(8) of the EIA Regulations, the Secretary of State shall be under no duty to deal with the appeal unless, within 3 weeks from the date of this notification, the appellant writes to inform him that an ES will be provided. A letter should be sent to the above postal or email address and marked for the attention of the Environmental Services Team. Please confirm whether you intend to submit an ES, and if you do, how long you anticipate this will take to prepare.

Under Regulation 2(1) of the EIA Regulations, an ES must contain the information specified in that Regulation. It is recommended that you refer to the EIA Regulations¹ and the online Planning Practice Guidance on EIA² in preparing the ES.

We would draw your attention to court cases which have stressed the need for all the relevant environmental information in an ES to be comprehensive and easily accessible, and to the requirements regarding the publishing and posting of site notices as directed in Regulation 20(1).

You will bear in mind that the Secretary of State's opinion on the likelihood of the development proposed having significant environmental effects is reached only for the purposes of the direction.

(This direction does not affect any duties of the appellant under other legislation, including The Conservation of Habitats and Species Regulations 2017).

Yours sincerely

Jon Hawkins

Jon Hawkins
Associate EIA Advisor
(Signed with the authority of the Secretary of State)

cc: M Mark Hitchcott, Dorset Council

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is:
<https://acp.planninginspectorate.gov.uk/>

¹ <http://www.legislation.gov.uk/ukxi/2017/571/introduction/made>

² <https://www.gov.uk/guidance/environmental-impact-assessment>