BEFORE HEARING COMMISSIONERS
IN NAPIER | AHURIRI ROHE

UNDER THE	Resource Management Act 1991 ("**Act**")
IN THE MATTER OF	An application for subdivision and land use resource consent for residential subdivision and development at 88 Terrace Street, Bannockburn (**RC230398**)
BETWEEN	**D. J JONES FAMILY TRUST AND N.R SEARELL FAMILY TRUST PARTNERSHIP** Applicant
AND	**THE CENTRAL OTAGO DISTRICT COUNCIL (CODC)** Consent authority

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PROJECT MANAGER'S REPRESENTATIONS ON BEHALF OF BANNOCKBURN RESPONSIBLE DEVELOPMENT INCORPORATED ("BRDI")

25 February 2025

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INTRODUCTION

1. As the Panel is aware, I am the contracted project manager for the submitter, Bannockburn Responsible Development Incorporated ("**BRDI**").[1]

2. BRDI was created as a result of community meetings held in 2021 in response to the initial resource consent application (RC190154) made by the applicant. The primary purpose of the society is captured in the constitution of the BRDI as being:

> The responsible, sustainable quality growth and development of Bannockburn and surrounding areas in consultation with the residents of these areas.

3. These representations are made on behalf of BRDI, and will be supported by the evidence of:

   a. James Dicey (Chairperson, BRDI).

   b. Anne Steven (Independent Landscape Architect).

   c. Werner Murray (Independent Planner).

4. I prefer to let the evidence speak for itself/ be spoken to by the relevant witnesses. These representations address key framework and other matters.

5. The activity is discretionary overall. That does not mean that there is any starting point that it is somehow "appropriate". It simply means that all relevant matters must be considered, without any restriction.

6. In addition, the fact that that activity is not non-complying does not in itself make the activity somehow "more acceptable". It simply means that the activity does not have to also pass one of the two 104D threshold tests.

7. While the activity is discretionary overall, where it is also restricted discretionary because of a particular trigger, the matters reserved for discretion under that particular trigger are mandatory relevant considerations and must be given specific and careful consideration. However, additional considerations behind a restricted discretionary trigger such as the history and purpose of it can also be considered, where the

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[1] Refer to my earlier memorandum of 7 February 2025 for further details.

matters reserved for discretion or reasons stated in the plan do not tell the full story.

8. In this proceeding, this is the case in respect of the breach of Rule 12.7.7 Building Line Restrictions (**BLR**). The BLR Rule is a key matter requiring careful consideration. Before expanding on this further, I note some general principles in respect of the framework for this Panel's consideration in a process such as this. The Panel is likely to be well aware of many of these matters, but they are provided for completeness, or as a brief reminder.

THE FRAME / STATUTORY CONSIDERATIONS

The BLR Rule

9. The rules an important part of the frame within which resource consent has to be assessed:[2]

> The district plan is key to the Act's purpose of enabling "people and communities to provide for their social, economic, and cultural well being". It is arrived at through a participatory process, including through appeal to the Environment Court. The district plan has legislative status. People and communities can order their lives under it with some assurance. A local authority is required by s 84 of the Act to observe and enforce the observance of the policy statement or plan adopted by it. A district plan is a frame within which resource consent has to be assessed.

10. Furthermore, rules implement policies, which themselves implement objectives.[3] The "set" of any relevant provisions need to be considered together and effects, and their significance, cannot be assessed in a vacuum divorced from the relevant planning instruments.

11. Regrettably, however, there is something of a gap in the District Plan here, in that the BLR Rule, Rule 12.7.7 Building Line Restrictions, does not tie clearly into any specific objective or policy, with the "cross references" linking to policies that do not seem particularly related:

> Cross Reference: Policy 12.4.1, Resource Area and Zone Policies; Rule 13.7.15.i – (Oxidation ponds or sewerage treatment facilities)

12. Policy 12.4.1 relates to parking, loading and manoeuvring, while Rule 13.7.15.i relates to separation distances from oxidation ponds or sewerage treatment facilities.

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2 *Discount Brands Ltd v Westfield (New Zealand) Ltd* [2005] 2 NZLR 597, at [10].

3 Section 67(1).

13. Additional care therefore needs to be undertaken to seek to understand what Rule 12.7.7 Building Line Restrictions was intended to achieve.

14. The legal principles regarding plan interpretation are well established and can be summarised by reference to the longstanding authority of *Powell v Dunedin City Council* [20004] 3 NZLR 721 as follows:

    a. The words of the document are to be given their ordinary meaning unless it is clearly contrary to the statutory purpose or social policy behind the plan or otherwise creates an injustice or anomaly;

    b. What is meant by plain and ordinary meaning should be determined with reference to "what would an ordinary reasonable member of the public examining the plan, have taken from" the planning document;

    c. The interpretation should not prevent the plan from achieving its purpose; and

    d. If there is an element of doubt, the matter is to be looked at in context and it is appropriate to examine the composite planning document.

15. These principles were considered later in Queenstown River Surfing Ltd v Central Otago District Council [2006] NZRMA 1 (EnvC), where the Environment Court considered the question of plan interpretation with reference to the Interpretation Act 1999 and *Powell*. In that case, the relevant factors were summarised as follows:

    a. The text of the relevant provision in its immediate context;

    b. The purpose of the provision;

    c. The context and scheme of the plan and other indications in it;

    d. The history of the plan;

    e. The purpose and scheme of the RMA; and

    f. Any other permissible guides to meaning.

16. The BLR rule in full states as follows (bold emphasis added, other than in the headings):

> **12.7.7 Building Line Restrictions**
>
> *Cross Reference: Policy 12.4.1, Resource Area and Zone Policies; Rule 13.7.15.i – (Oxidation ponds or sewerage treatment facilities)*
>
> i. No building shall be erected within any building line restriction shown on the planning maps between the building line and the feature to which it relates.
>
> **ii. Breach of Standard**
>
> Any activity which does not comply with this rule shall be a discretionary restricted activity.
>
> Council shall restrict the exercise of its discretion to the following matters:
>
> 1. The effect on the natural character of water bodies and their margins.
> 2. **The effect on amenity values of the neighbourhood** in particular the character of the streetscape.
> 3. The effect on the safe and efficient operation of the roading network.
> 4. The effect on infrastructure.
> 5. The effect on the safety of neighbours.
> 6. The effects of noise from the operation of the roading network and compliance with AS/NZS 2107:2000.
>
> **Reason**
>
> **Building line restrictions are a useful technique to protect amenity values** and the safe and efficient operation of certain roads. They are also useful to avoid the effects of natural hazards on the built environment. The area subject to restriction is shown as 'BLR' on the planning maps.

17. Amenity values is defined widely in the RMA as follows:

> **amenity values** means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes

18. The strength of BLR Rule is further reinforced by the definition of the BLR included in the plan:

> **'Building line restriction'** means a restriction imposed on a site to ensure that when new buildings are erected, or existing buildings relocated, extended or substantially rebuilt no part of any such building shall stand within the area subject to the restriction or encroach further than the existing building.

19. Putting aside the somewhat confusing cross references to Policy 12.4.1 and Rule 13.7.15.i in the BLR Rule, the intent of the BLR is very clear. There should be no buildings beyond the BLR – or even *part* of a building. The definition focuses on a "micro scale" – no part is allowed within the BLR. On its face – its plain language – the rule and associated definition are very directive – in the nature of an "avoid" type policy direction. The Supreme Court has been very clear in such circumstances, ever since its plan change

decision in *King Salmon* that this means "to not allow". Later Supreme Court decisions of *Port Otago* (planning) and *East West* (consents) do not draw substantially back from that starting point,[4] and nor did the earlier Court of Appeal's decision in *RJ Davidson*. The latter's salutary words including:

> … resort to pt 2 for the purpose of subverting a clearly relevant restriction in the NZCPS adverse to the applicant would be contrary to *King Salmon* and expose the consent authority to being overturned on appeal.

20. While I do suggest that regard should be had to Part 2, that is for reinforcing the importance of the highly directive BLR Rule in the PDP, not for subverting it.

21. Mr Murray has also provided some background to the BLR, including a report that seems to have been produced as part of the former Vincent Scheme Plan development. The text is hard to make out, but at 2.08- 2.11 it states (emphasis added):

> Because of this natural configuration of its setting, Bannockburn remains virtually invisible to the traveller approaching it from the north or south. On the way from Cromwell the only two buildings which catch the eye are the Church and Hall, so well tucked below the skyline are all the others. This sense of surprise and visual containment is sufficiently inherent in the character of Bannockburn that future development should be designed to maintain and enhance it.
>
> This suggests that **further buildings should be contained within the rim of the basin and not allowed to encroach on the skyline when viewed from outside, and that the outward facing slopes to the north, east and south and the slopes of the Carrick range on the west should be protected from buildings**.
>
> If this principle of containment is accepted, this immediately puts a physical limit on future development. Rural zoning may be sufficient to protect the surrounding landscape in most locations but some special protection may be necessary in some directions.
>
> The physical limitation on size should not be construed as a disadvantage. It will have positive benefits in retaining a visually compact and recognisable community with close contact to the rural surroundings. **If further expansion is deemed necessary it should take place as a visually separate self-contained community, perhaps in the Schoolhouse Road/ Gully Road area to the south**.

22. The resulting policy introduced into the Scheme Statement is as follows (emphasis added):

> POLICY
>
> The Council intends to permit limited residential and recreational development in the Bannockburn area to cater principally for the holiday needs of New Zealanders, and **intends to control the development by means of the**

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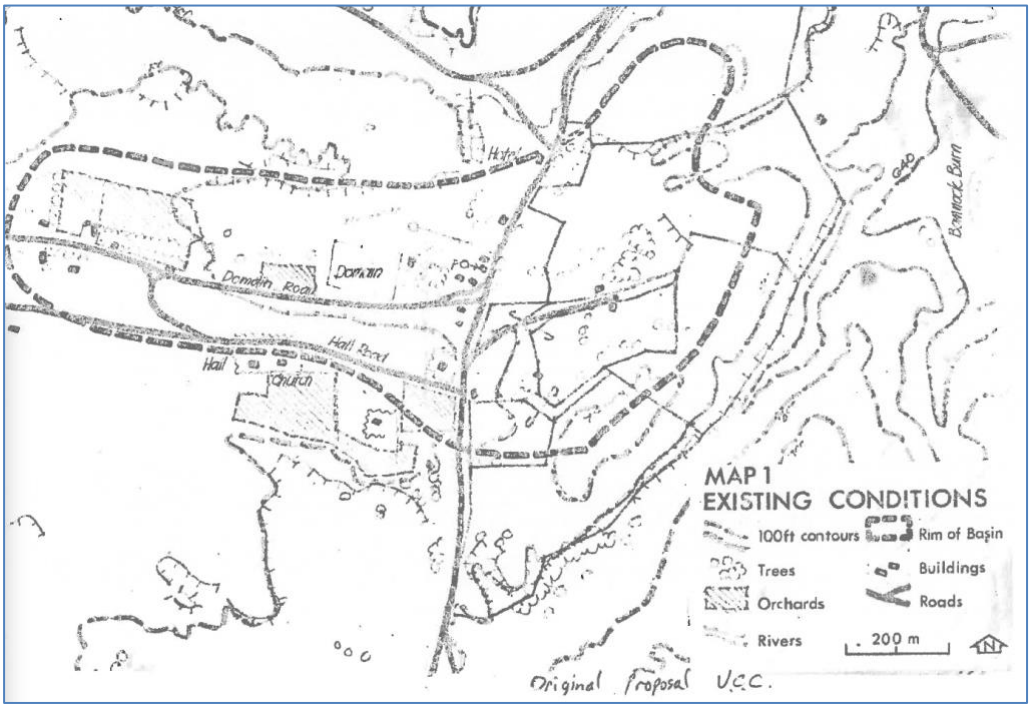
[4] In broad terms, *Port Otago* sought to resolve conflicts at the planning stage; and *East West* provided some room for true exceptions.

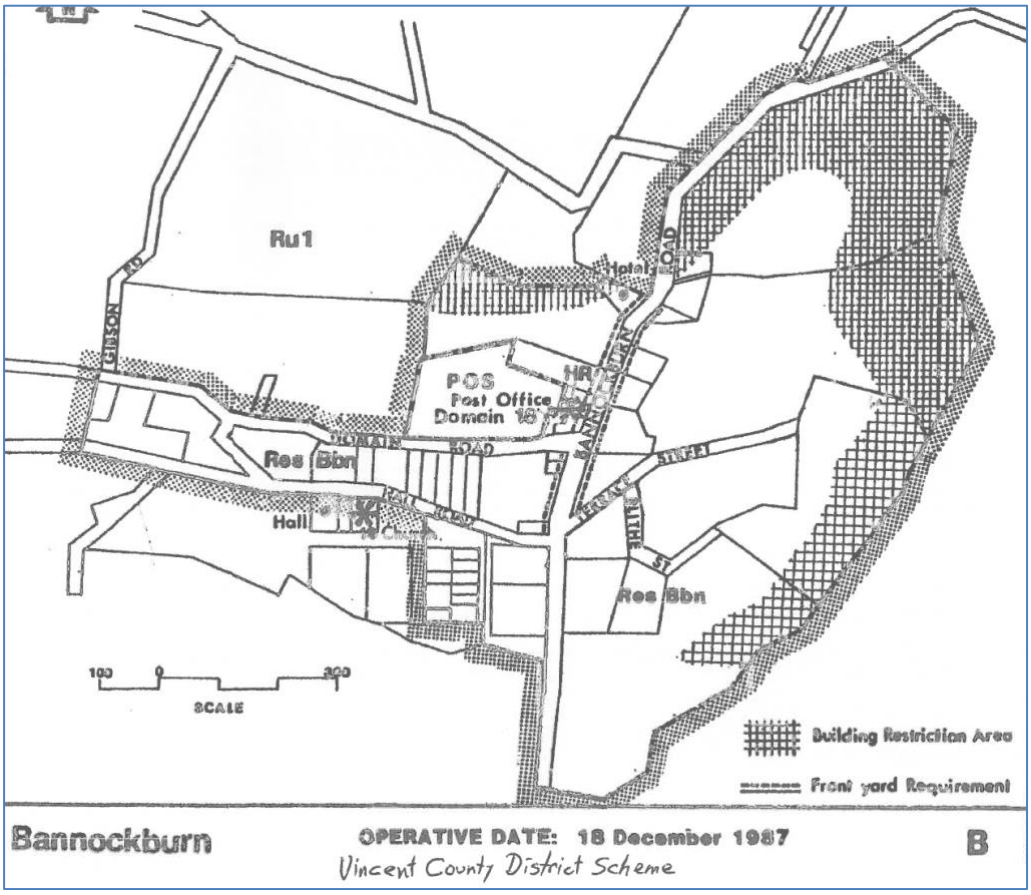
> **district scheme to maintain as far as practicable the unique historical character and landscape qualities of the area**.

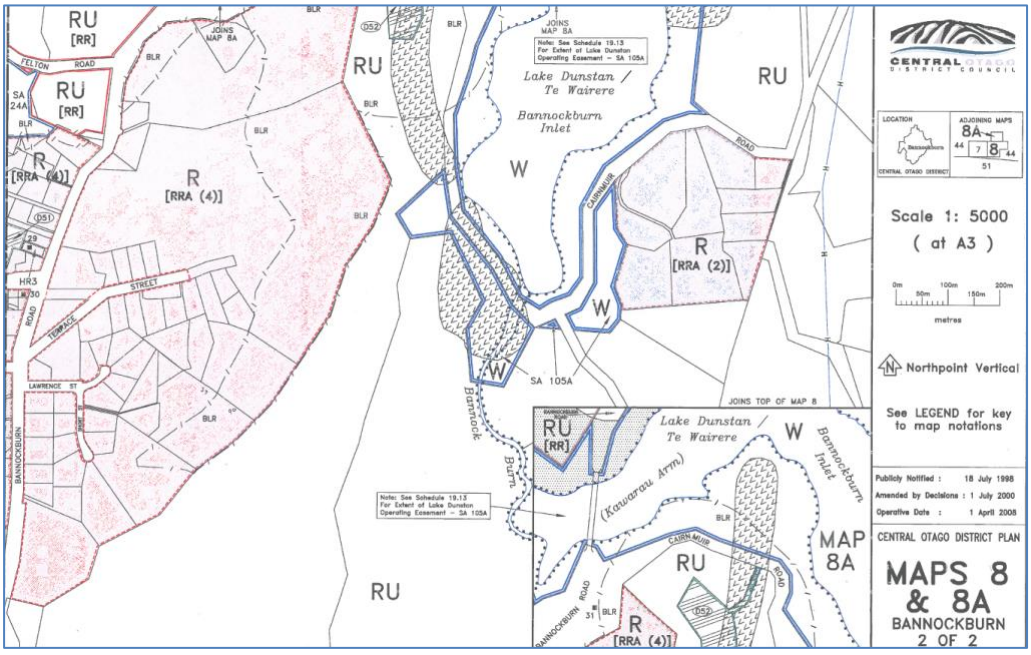
23. A key supporting objective was as follows (emphasis added):

> (v) **To maintain the landscape character as viewed from adjacent highways and other vantage points**.
>
> To this end the erection of buildings will be confined within the Bannockburn Basin, and **no buildings will be permitted on the skyline or on the outward facing slopes**. **Where necessary control will be exercised by means of a Building Restriction Area**.

24. This was therefore the genesis of the BLR, that has survived in the various schemes and plans since:







25. Regrettably, the policy framework explaining the BLR has been lost from the current version of the plan, but that does not diminish the force of the BLR. This is particularly the case when the BLR has been up for review as part of PC19, or at least was the subject of significant submissions seeking its retention (and the PC19 recording that those submissions were

accepted). Even if the BLR was not up for review, it remains part of the plan, and if there are to be substantial departures from it, that should occur in a holistic basis rather than on a peacemeal one, the Panel stating at p78:

> … The building line restriction relates to a district-wide provision in section 12 of the Plan that is outside the scope of PC19. ... The Panel agrees with the recommendation of Ms White in her s42A Recommendation (Stage 2) that Rule 12.7.7 is outside the scope PC 19. Removal for the requirement would effectively render the rule redundant. The Panel is of the view that any consideration of the Building Line Restriction would be better addressed through a review of the district-wide provisions in section 12. …

Precedent & Integrity of the Plan

26. The leading case on precedent remains the Court of Appeal decision in Dye:[5]

> The granting of a resource consent has no precedent effect in the strict sense. It is obviously necessary to have consistency in the application of legal principles, because all resource consent applications must be decided in accordance with a correct understanding of those principles. But a consent authority is not formally bound by a previous decision of the same or another authority. Indeed in factual terms no two applications are ever likely to be the same; albeit one may be similar to another. The most that can be said is that the granting of one consent may well have an influence on how another application should be dealt with. The extent of that influence will obviously depend on the extent of the similarities.

27. That said, the Environment Court has more recently stated in *Saddle Views Estate Ltd v Dunedin City Council* [2015] NZRMA 1, at [101] (emphasis added):

> Under s 104(1)(c) we may have regard to any other relevant matter. Under this head we consider the Council's submissions first that granting consent would create a precedent under which it would have difficulty to resist future applications around the site, and secondly, that the application by SVEL is not a true exception which is not contemplated by the district plan. Those two arguments seem to be opposite sides of the coin to us: if the application is a true exception to the district plan, then it is unlikely to create a precedent. The other point we must bear in mind is that neither expression – "precedent" or "true exception" occurs in the RMA, and that too much weight should not be placed on the concepts: see *Rodney District Council v Gould*. Further a planning decision can never create a precedent in the strict sense: *Dye v Auckland Regional Council*. **While that is undoubtedly correct in the strict legal sense, we suspect district planners dislike that statement because they, and councillors, have to deal regularly with people raising "They have subdivided, so why not us?" argument. Precedent in a wide sense is about treating like cases alike, and people are very sensitive to fairness issues on whether cases are unlike or not**.

28. Precedent is linked to the concept of integrity of the plan, such as discussed in *Adcock v Marlborough District Council* [2010] NZEnvC 305, where the Environment Court stated at [116]-[117]:

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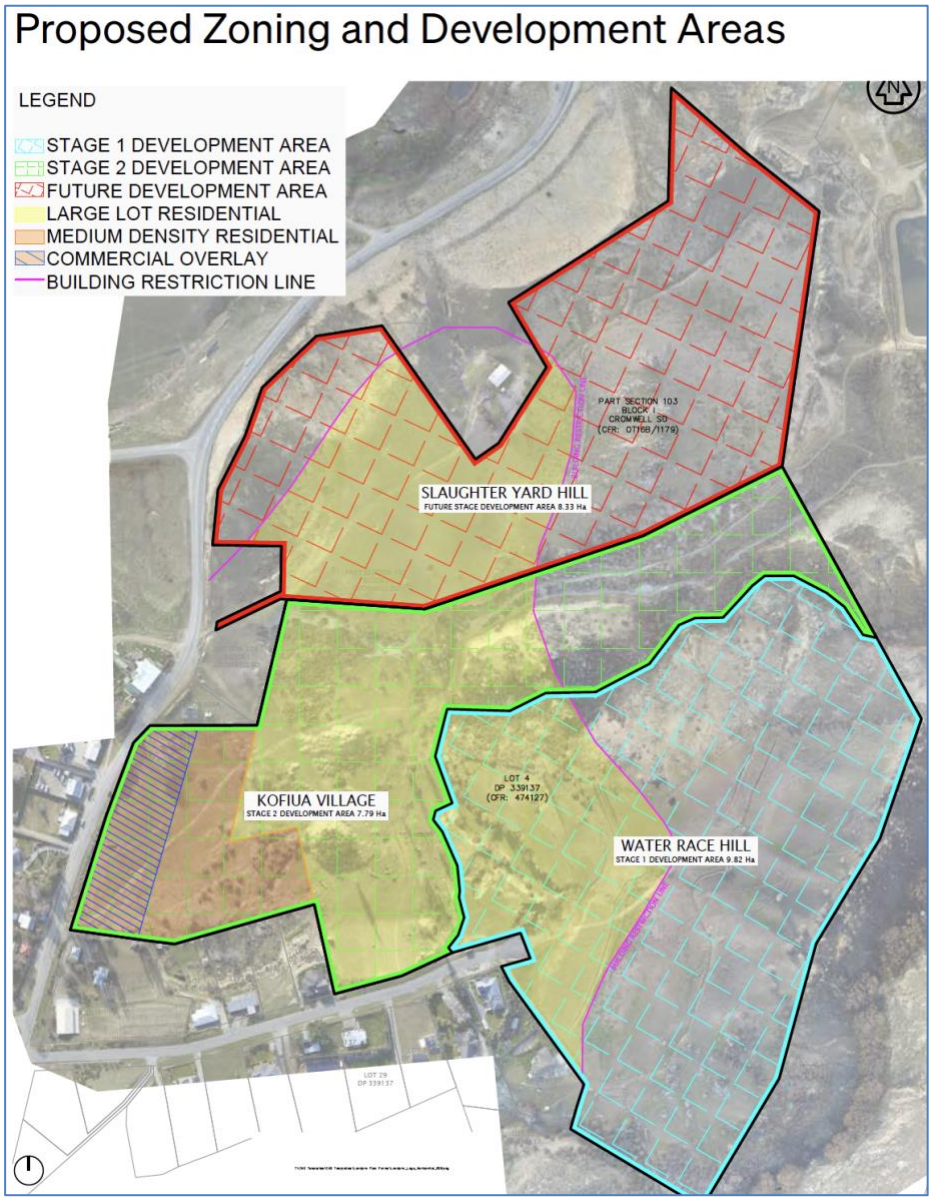
5 *Dye v Auckland Regional Council* [2002] 1 NZLR 337 (CA), at [32].

> … we are concerned that the "precedent of what could occur if this appeal is allowed will undermine the integrity of the [then-proposed, now- operative] plan." We consider that the Council again deserves the support of this Court in its attempts to maintain the integrity of its Plan in this respect, which has substantial "public interest" components. Indeed, the Council here expressly relied on what the Court said in *Calapashi*, stating: "The basis of the decision was to uphold the integrity of the District Plan, and ensure [that] open rural character and rural amenity were not compromised." In having regard to the Council's decision, as we must do under s 290A of the Act, we endorse its attempt to retain plan integrity in the Rural 3 zone, just as this Court did in Calapashi.
>
> Finally under this heading, the decision in Calapashi was upheld in the High Court, where this was said by Ellen France J of the decision under appeal:
>
> > The Environment Court is acknowledging the Council is not bound in the sense of rigid precedents and hence says that "conceivably" there could be farther [land] fragmentation. This is not a matter of strict precedent and the Court does not treat it as such. **Rather, the Court is recognising an element of practical reality and thus concluding that the Council may well be "very hard pressed" to decline a farther application**. Ultimately, that is a matter of weight for the Court and is not an error of law.
>
> By "strict precedent" we understand the learned Judge to mean a binding decision of a higher court. We agree that that is not applicable in this context. Instead we apply the notion of precedent as used by Ellen France J and in Dye and find that, **in treating like cases alike, the Council may well be very hard pressed to decline a further application — indeed, there could be multiple further applications if this appeal were to be allowed**.

29. In that regard, not only is the question of precedent and integrity of the plan (and the BLR Rule) a key issue generally, but it is a consideration of direct relevance given the applicants previously stated plans and intentions with the balance of its landholdings, which are as follows:



30. While this plan was tendered in support of the applicant's (now abandoned – since the applicant did not appeal) submission on PC19, it is illustrative of the applicant's longer term plans. BRDI and others can quite rightfully question, if development into the BLR is allowed here, how can that be prevented elsewhere in the future?

31. There is simply no exception, or circumstances offered up, to justify intrusion into the BLR, and consent should not be allowed, on this basis alone. This is particularly the case when the extension of buildings and parts of buildings into the BLR is so significant. It is not a minor or technical breach of the BLR Rule, but a very significant one.

32. In addition, historic heritage has not been sufficiently considered, which can fall within the matters raised by the BLR (amenity values can include historic

heritage matters), as well as being required for consideration under section 6(f).

Part 2

33. The Court of Appeal in *RJ Davidson* has confirmed the application of Part 2 in the resource consent context, acknowledging it's pre-eminence in resource consent decision-making and reinstating the ability to consult it directly.[6]

34. It is accepted, however, that Part 2 may add little to the evaluative exercise where planning documents have been competently prepared in a manner that appropriately reflects the provisions of Part 2. Here, however, there is limited coherence in the "cascade" of plan provisions (including the Otago RPS) from objectives, to policies, to Rule 12.7.7 Building Line Restrictions.

35. In that context, and in light of competing tensions, it is appropriate to consider Part 2. The longstanding observation of the Environment Court in Shirley also remains relevant:[7]

> The purpose of the Act means that in every appeal about the grant of a resource consent there is only one ultimate question to be answered, that is, will the purpose of the Act be fulfilled?

36. Access to Part 2 has also more recently been reinforced in *Tauranga Environmental Protection Society Inc v Tauranga City Council & BOP Regional Council* CIV 2020-470-31, at [86]:

> … Consistent with *EDS v King Salmon and RJ Davidson Family Trust*, a Court will refer to pt 2 if careful purposive interpretation and application of the relevant policies requires it. That is close to, but not quite the same as, Mr Gardner-Hopkins' submission that recourse to pt 2 is required "in a difficult case". To the extent that Mr Beatson's and Ms Hill's submissions attempt to confine reference to pt 2 only to situations where a plan has been assessed as "competently prepared", I do not accept them.

37. If Part 2 is considered, and it is BRDI's position that it must be in this process, then it needs to be considered carefully and thoroughly. It is not an afterthought or tick box exercise.

38. In this application, the key sections of Part 2 that require assessment are as follows. Many of them are interrelated.

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6 *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316.

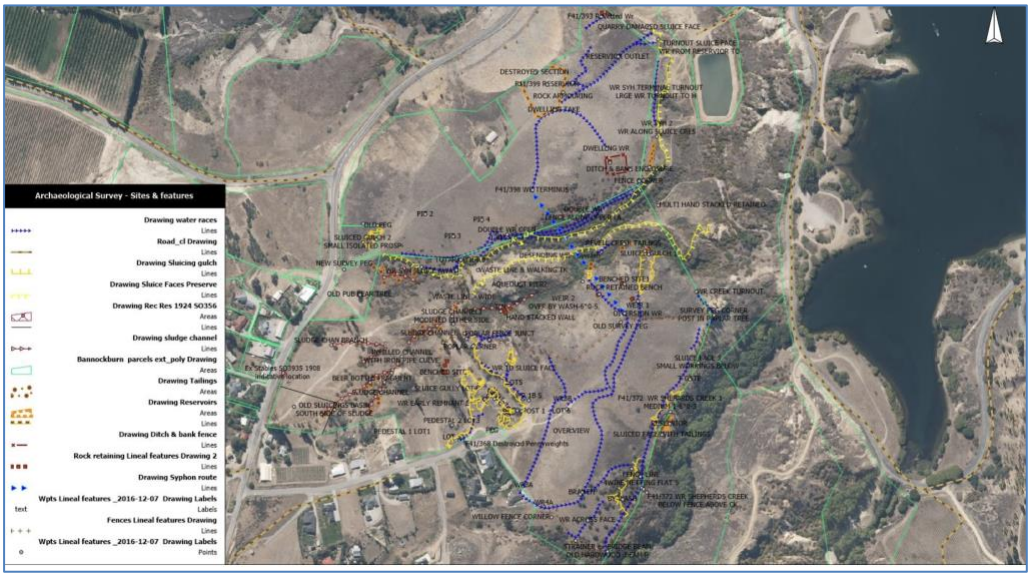
7 *Shirley Primary School & Anor v Christchurch City Council* [1999] NZRMA 66 (EnvC).

Section 6(f) – Historic Heritage

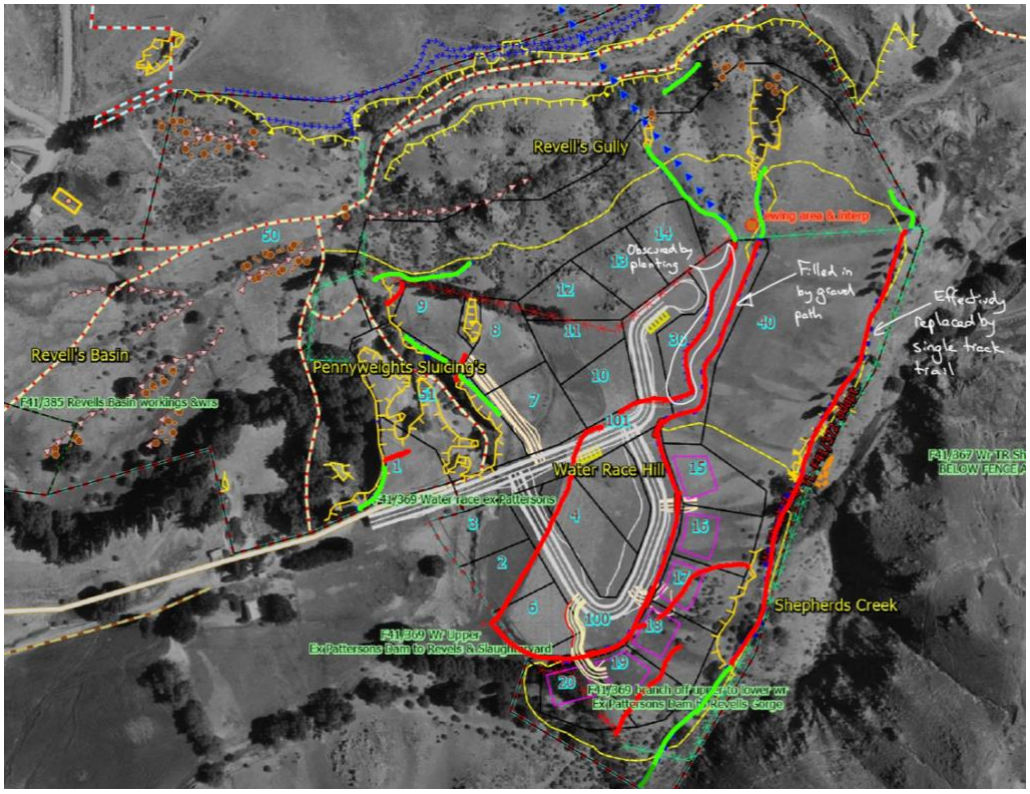
39. Section 6(f) requires the Panel to recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development, noting that:

> **historic heritage—**
>
> (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
>
> (i) archaeological:
>
> (ii) architectural:
>
> (iii) cultural:
>
> (iv) historic:
>
> (v) scientific:
>
> (vi) technological; and
>
> (b) includes—
>
> (i) historic sites, structures, places, and areas; and
>
> (ii) archaeological sites; and
>
> (iii) sites of significance to Māori, including wāhi tapu; and
>
> (iv) surroundings associated with the natural and physical resources

40. There site undoubtedly has significant historic heritage, with archaeological, cultural, and historic features literally criss-crossing the site:

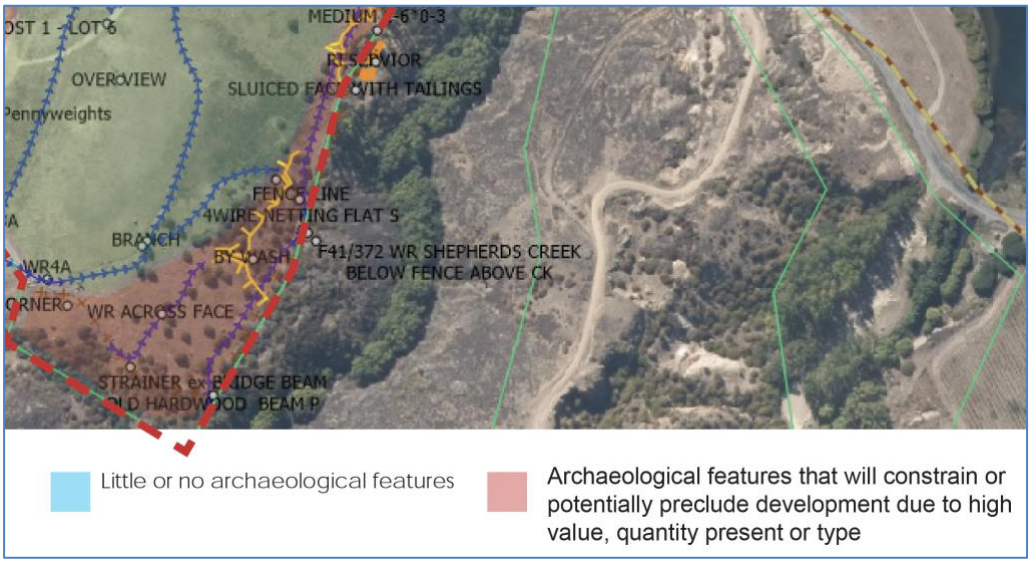


41. Yet most will be lost or effectively lost through the development, as illustrated in the mark-up drawing provided by Mr Murray:



42. "Water Race Hill" effectively loses most of its water races, or has them obscured, eg by planting (ie in Lot 30 presumably required to mitigate the breaches of the BLR behind that planting).

43. This is considered a significant adverse effect, and makes the subdivision inappropriate in terms of historic heritage. The subdivision needs to go back to the drawing board, with a view to avoiding adverse effects on a matter of national importance. This is particularly in light of the fact that Lots 16 to 20 are all proposed in the area identified by the applicant's own heritage/ archaeological expert as being areas that are of high value, quantity present or type that will "constrain or potentially preclude development":



Section 7(c) – Amenity Values

44. Section 7(c) requires the Panel to have particular regard to maintenance and enhancement of amenity values. The definition of amenity values is noted above. It reinforces the importance of retaining historic heritage, as that also contributes to peoples' appreciation of, and the cultural attributes of, Water Race Hill.

Section 7(aa) – The Ethic of Stewardship

45. Section 7(aa) requires the Panel to have particular regard to the ethic of stewardship. This is often discussed as part of having particular regard to kaitiakitanga, but in this context, where Māori cultural values are not in issue, requires separate consideration as to whether the applicant is being a responsible "steward" of its land with what it is proposing.

46. The "ethic of stewardship" is the principle that humans must manage resources responsibly to ensure their sustainability for future generations, focusing on careful use rather than exploitation. It embodies that we are all stewards, rather than "owners" of land and what is undertaken on that land. The concept dovetails into section 7(f) and 7(g) matters.

Section 7(f) – Maintenance and Enhancement of the quality of the environment

47. Section 7(f) requires the Panel to have particular regard to maintenance and enhancement of the quality of the environment, noting that the

"environment" includes amenity values and the social, aesthetic, and cultural conditions which affect those values (including historic heritage).

48. The quality of the heritage aspects of the environment are not maintained, let alone enhanced.

Section 7(g) – any finite characteristics of physical resources

49. Section 7(g) requires the Panel to have particular regard to any finite characteristics of physical resources, noting that the historic heritage of the site is a finite matter; once lost, it cannot be replaced.

50. Subdivision sets a pattern of development and land ownership that is essentially irreversible. In sensitive sites, such as the current site, considerable care is needed. A business as usual or cookie-cutter approach is simply not good enough.

Section 7(b) – efficient use and development of physical resources

51. Section 7(b) requires the Panel to have particular regard to efficient use and development of physical resources.

52. It is accepted that this is a matter that generally weighs in favour of the proposal. However, it raises questions as to whether there is a more efficient way for the applicant to proceed, that should be considered as an alternative. Greater yield is now anticipated under the District Plan as amended by PC19, and the applicant could seek consent for a comprehensive development of greater density on the right side of the BLR that would now be supported by PC19, which would far offset the yield lost by staying out of the BLR area. This would also better respect, and maintain, if not enhance, the historic heritage and other Part 2 matters identified above.

Alternatives

53. Clause 6 of Schedule 4 of the RMA requires consideration of alternatives as follows:

> **6 Information required in assessment of environmental effects**
>
> (1) An assessment of the activity's effects on the environment must include the following information:
>
> (a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any

possible alternative locations or methods for undertaking the activity:

54. The Applicant did not consider there to be any significant adverse effect on the environment – including in respect of historic heritage.

55. Accordingly, it did not describe alternative locations – or more likely – alternative methods for undertaking the activity, eg different configurations or options for subdivision of the site. That is other than to identify the previously sought consent RC190154 as a previous alternative as part of the record of the history of applications for the site.

56. Clearly, the current application is an improvement on the earlier RC190154 application.

57. But this does not equate to an adequate assessment of alternatives, or demonstrate that the current application is therefore appropriate. It is one of the oldest tricks in the book for a developer to originally seek consent for something more significant or substantial, and then seek consent for something lesser and proclaim that as “listening” and appropriately addressing effects.

THE REQUIREMENTS FOR EVIDENCE

58. While BRDI has retained both landscape and planning experts, evidence is also being given by its chairperson, and many members who are also submitters in their own right are also giving evidence.

Lay witnesses

59. Community groups and submitters who give evidence on their own behalf as "lay witnesses" often feel that their evidence is downplayed in favour of the opinion evidence from so-called experts.

60. However, as the Commissioners will be well aware, such witnesses can give powerful evidence as to primary facts. They are the ones that know their environment. To some extent, the applicants are also "experts" as to their own environment. With that in mind, the observations of the Environment Court in *Whitewater New Zealand Inc v New Zealand and Otago Fish and Game Councils* [2013] NZEnvC 131, at [66], are relevant:

> I consider kayakers and fishers (in this case) or developers, environmentalists, and farmers (in others) may give opinion evidence if they have some relevant expertise, even if they do have an interest in the outcome. The court will then assess that evidence according to the usual tests for probative value – including relevance, coherence, consistency, balance, and insight – while taking particular care to consider the nature of the interest the witness has in the outcome.

61. This is particularly the case where the lay evidence is about amenity, community expectations, values, and the like. Such evidence cannot easily be set aside. This is particularly the case where the evidence is considered and consistent, across multiple lay witnesses.

No property in a witness/ conflict

62. It is well known that there is no property in a witness, and that an expert's overriding duty is to the Court, eg as per Lord Denning in *Harmony Shipping Co SA v Saudi Europe Line Ltd* [1979] 1 WLR 1380 at para 44-45.

> The question in this case is whether or not that principle applies to expert witnesses … Many of the communications between the solicitor and the expert witness will be privileged … Subject to that qualification, it seems to me that an expert witness falls into the same position as a witness of fact. The court is entitled, in order to ascertain the truth, to have the actual facts which he has observed adduced before it and to have his independent opinion on those facts.
>
> There is no property in an expert witness as to the facts he has observed and his own independent opinion on them. There being no such property in a witness, it is the duty of a witness to come to court and give his evidence in so far as he is directed by the judge to do so.

63. The exceptions to this might be where questions of privilege and confidentiality arise, which is not the case here.

64. The Environment Court's 2023 Practice Note further sets outs its expectations of experts, eg at 9.2:

> (a) An expert witness has an overriding duty to impartially assist the Court on matters within the expert's area of expertise.
>
> (b) This duty to the Court overrides any duty to a party to the proceeding or other person engaging the expert. An expert witness is not and must not behave as an advocate for the party who engages them.

65. There is also an expectation that experts will, or at least may, confer with their counterparts.

66. Mr Murray has been very open in his evidence as to his background with a previous application RC160417 for the site. This does not disqualify him from giving evidence in respect of the current proposal. His evidence is deserving of being considered against the usual tests for probative value – including relevance, coherence, consistency, balance, and insight.

CONCLUDING COMMENTS

67. BRDI opposes the grant of consent in its current form.

68. Regrettably, the applicant and its team appear to have failed to take into account historic heritage and/ or the historic and cultural factors that impact on amenity values.

69. There are far better alternatives for comprehensive development under PC19 that would still deliver yield without intrusion into the BLR (to the extent that is relevant as a matter as going towards the efficient use of the land), but these do not have seem to have been explored by the applicant.

70. BRDI respectfully seeks that the consent be declined, so that the applicant can go back to the drawing board, and address the concerns (and opportunities) raised.

James Gardner-Hopkins
Project Manager for BRDI
25 February 2025