BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL
INDEPENDENT HEARINGS COMMISSIONER GINA SWEETMAN

UNDER	the Resource Management Act 1991 ("**RMA**")
IN THE MATTER	Section 357 objection to the decline of a non-notified subdivision consent SUB22/48013 at 118 Wortley Road, Lepperton, New Plymouth

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RIGHT OF REPLY FOR THE APPLICANT AARON STEPHENS

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MAY IT PLEASE THE INDEPENDENT HEARINGS COMMISSIONER

Right of Reply Introduction

1. These submissions in reply respond to matters arising at the hearing held on 17 December 2025 in accordance with the Commissioner's Directions/Minutes #5 of 17 December 2025 by way of reply. The fact that not every aspect of Ms Laurenson's further evidence, and notes, provided on 17 December 2025 is addressed in reply should not be taken as accepting all of that evidence or her views. Much of what Ms Laurenson covered (in the context of issues in contention) had been anticipated and addressed in the applicant's Opening Legal Submissions of 12 December 2025 (Opening Submissions) and Further Legal Submissions dated 17 December 2025 (Further Submissions) and/or in their expert evidence.

2. For example, the applicant sees no need to revisit actual and potential adverse effects of the proposed activity on the environment – given that those issues have been well covered now – and, moreover, given the Commissioner's comments (and parties acknowledgements) during the hearing on 17 December 2025 that such effects were considered to be no more than minor.

Reply Evidence Chris Rendall

3. As the Commissioner will recall, during the hearing Ms Laurenson gave relatively extensive further evidence from notes she had prepared - and the Commissioner asked Ms Laurenson to provide a copy of same to the Commissioner and parties which were duly received on 17 December 2025.

4. In order to address those matters (and further matters subsequently canvassed during the course of the hearing) - Mr Rendall has produced a Reply Brief of Evidence (Reply Evidence) which is now included with this Right of Reply for the applicant.

5. Mr Rendall's Reply Evidence also addresses the further evidence provided by Ms Laurenson during the course of the hearing on 17 December 2025, and her notes subsequently received by the parties thereafter.

6. Mr Rendall does not agree with Ms Laurenson that the avoid policies that she relies on result in, or apply as, strict avoidance bottom lines that are fatal to Mr & Mrs Stephens' application for the reasons he comprehensively sets out.

7. He is of the view that a more nuanced approach to the wording in the relevant policies that he refers to is required when determining the outcome in this case – and taking that approach - he concludes that the proposed application is generally consistent with those policies in the facts and circumstances of this case. He does not consider that there are environmental "bottom lines" that are not achieved – or that cannot be achieved – in the context of this case (and in the context in respect of same in his evidence). He properly considers and fairly appraises the relevant policies as a whole in this regard – in line with the Supreme Court's recent decision in Royal Forest and Bird Protection Society of New Zealand Inc referred to in Opening Submissions[1]. As also observed by the Supreme Court in Royal Forest and Bird Protection Society of New Zealand Inc at para [80], "Fact and context will be important in determining how tensions between policies will be resolved." Mr Rendall has also properly considered the relevant policies in this context.

8. It is respectfully submitted that Ms Laurenson has not taken that same approach in considering those same issues. Rather, she has taken a narrow approach targeting certain policies which in her view are strict avoidance policies fatal to the applicant's proposal (which is not accepted). Neither has she properly taken into account and given any weight whatsoever to the evidence in this case of Mr & Mrs Stephens, the Cudmores and Mr Darlow in respect of the non-ancillary rural productivity use of the second older 1950's dwelling on the property, for example – and, in that sense she has ignored the "fact and context" in Mr & Mrs Stephens' case - when considering

[1] See Opening Submissions, para 3 and following

tensions between policies. And, in that context her evidence does not comply with the Environment Court's Code of Conduct for Expert Witnesses in terms of considering material facts that might alter or detract from her opinions expressed.

9. For all of those reasons it is respectfully submitted that Mr Rendall's expert planning evidence must be preferred and given more weight in this case.

10. Further, it must be remembered that Part 2 RMA remains relevant and directly "accessible" in the resource consent context in certain cases following RJ Davidson as discussed in Opening Submissions[2]. If the Commissioner, for example, found the relevant policies difficult to interpret in the facts, circumstances, evidence and context of this case – then Part 2 RMA can be accessed to determine the issue. Recourse to and application of Part 2 in this case should clearly lead to the applicant's objection being upheld and the subdivision consent being granted in my respectful submission.

Responses to Ms Laurenson's evidence at hearing:

11. Further to Mr Rendall's Reply Evidence, particularly from a legal perspective, it is respectfully submitted that opinion evidence purportedly given by Ms Laurenson as to the magnitude of further consent applications that might be made to the Council if this consent is granted – in the context of precedent effects - be disregarded or given little weight. As the Court's practice note states at 8.1(a) and (b):

> The provisions of the Evidence Act 2006 apply to proceedings in the Environment Court. Attention is drawn to ss 6–9, 23–26 and 53 and 57 of the Evidence Act in particular.
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> The provision in s 276(2) of the Act, that the Environment Court is not bound by the rules of law about evidence that apply to judicial proceedings, is an enabling provision for the Court and not an exemption for parties, counsel or witnesses.

[2] Opening Submissions, paras 42-50

12. While not directly applicable to a Council-level hearing, there is no reason that a different approach should be taken. After all, all the experts have attested to the Code, as if it were applicable in these proceedings.

13. Ms Laurenson's assertions and speculation that granting this consent will open the floodgates to "*tonnes of them*"[3], i.e. similar or "like" applications, are not accepted and unfounded from the evidence. Moreover, her approach in this context is wrong in law - as discussed in Mr Rendall's Evidence in Chief dated 9 December 2025, at paragraph 109, when discussing the Court of Appeal's decision in Dye (as referred to and referenced in that evidence and in Opening Submissions).

14. Similarly, Ms Laurenson's assertions and speculation that consent conditions that are secured by way of consent notices – under section 221 RMA (imposing on-going obligations to be borne by the subdividing owner and subsequent owners – which create an interest in the land (as do, for example, associated covenants (such as the Tegel Covenant) that run with the land and bind subsequent land owners) – can be easily varied and/or cancelled and effectively unwound are not accepted; and are unfounded on the evidence and, moreover, in terms of the relevant law (discussed in Opening Submissions and elaborated on further below).

Precedent Effect/District Plan Integrity

15. In terms of the abovementioned views of Ms Laurenson – as noted in Counsel's Opening Submissions (filed on 12 December 2025) – and Further Submissions presented on 17 December 2025 – there is a well established body of case law in respect of precedent effect and plan integrity issues – stemming down from the Court of Appeal and High Court (therefore being binding on lower Courts such as the Environment Court).

16. The correct approach to the issue of precedent is as stated by the Court of Appeal in Dye v Auckland Regional Council[4], as was discussed in Opening Submissions.[5]

[3] Evidence at hearing 17 December 2025, response from Ms Laurenson to queries from Commissioner
[4] [2001] NZRMA 513.
[5] At paras 83-92

17. As previously noted,[6] no cases are likely ever the same. Mr Rendall's Evidence in Chief dated 9 December 2025, at paragraph 112, also referred to these issues and a range of factors and variables in this case that are different or unusual and cannot be easily replicated (or replicated at all).

18. In my submission there are so many variables to a decision on the appropriateness of a subdivision of this nature that it is not possible to say that a question of precedent arises from dealing with this application. Future proposals, in my submission, simply will not have the same unique features on the land, or facts and circumstances. For example, the Waiongana Stream flowing along the western boundary of the applicant's property.

19. Mr Rendall provided a large list of other variables earlier in his above-mentioned evidence. The evidence called for the applicant contains further examples as noted by Mr Rendall, and as elaborated on in this Reply further below. Each case must be considered on its merits and an assessment must be undertaken on a site by site basis. It is submitted that there will be a large number of variables that will come into play in any case generally including, for example:

    - Topography;
    - The existing environment;
    - The design and site layout of a particular proposal;
    - The ability to mitigate potential adverse effects.

    In my submission the variables in this case, compared to any other that might arise in the future, are profound and clearly distinguishable. Quite simply, the proposal could not be replicated due to its unusual and unique characteristics and particular facts and circumstances.

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[6] Opening Submissions, paras 83-92

20. In my submission the only precedent likely to be set by granting consent to the proposal before you would be that of achieving sustainable management under Part 2 RMA for all of the reasons provided to you in the applicant's case.

21. As noted, Ms Laurenson also raised issues regarding the integrity of the plan if consent is granted for this proposal. Concepts regarding the integrity of planning instruments, coherence, public confidence in the administration of the district plan are not mandatory considerations under the RMA as held by the High Court in Rodney District Council v Gould[7]. The approach of the High Court in Gould to such issues was, however, as follows (quoting from Batchelor v Tauranga District Council):

> "In many classes of case where a non-complying activity would pass the constraints of s. 105(2)(b), the grant of consent would not affect that confidence. That is because the circumstances of the particular case can be seen as having some unusual quality, such that the consent authority's action in granting consent cannot be perceived as inconsistent with its continuing to require general observance of the rule."[8]

22. In my submission, the circumstances of this particular case (i.e. Mr & Mrs Stephens case) can be seen as having many unusual qualities for reasons discussed already in the evidence called and elaborated on below, such that the proposal can be seen as a "true exception" in the sense discussed in Gould.

23. The High Court's decision in Gould is the leading authority in respect of whether granting this consent would set an undesirable precedent or raise plan integrity issues – as was referred to in the Albert Road Investments decision that I provided to the Commissioner on or about 17 December 2025[9] where, in that case, the Court recorded at paragraph [151]:

> "... the High Court decision in *Rodney District Council* v *Gould.*[10] It noted that the High Court found that, in assessing whether plan integrity is a factor,

[7] [2006] NZRMA 217
[8] Gould, at para [101]
[9] See Further Submissions paras 15-25
[10] Rodney District Council v Gould [2006] NZRMA 2017

a decision-maker should look for whether there might be factors which take the particular Proposal outside the generality of cases. We think it helpful to record the following extracts from the decision:[11]

> ...In an appropriate case the Environment Court can decide that there are aspects of a proposal which take it outside the generality of cases, so that the case may be seen as exceptional, and if it can be said that the proposal was not contrary to the objectives and policies of the district plan, it will not be necessary also to consider and make findings on the issues of public confidence in administration of the district plan and plan integrity.
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> ...
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> But if a case is truly exceptional, and can properly be said to be not contrary to the objectives and policies of the district plan, such concerns may be mitigated, or may not even exist."

24. As noted above – Mr Rendall's evidence (and the evidence for the applicant generally, including Mr Darlow's) provides a range of important distinguishing aspects and facts in respect of this case – and reasons as to why this proposal is outside the generality of cases and truly exceptional; such as, in my submission (but not necessarily limited to) the following:

    - The fact that the existing property was purposely built on in the way that it was (completed in 2019) with a view to future subdivision (as was expressly advised to the Council by Mr and Mrs Stephens' when seeking the Land Use Consent to build their new home almost 10 years ago);
    - The original 1950's dwelling and its discrete proximity – close to the road edge on one side of the property;
    - The consent to construct a second dwelling and shed; (LUC17/47028) granted 4 July 2017;
    - The application, plans and consent conditions applicable to LUC17/47028;

[11] Gould at [102]

- The Planning Report dated 3 July 2017 relevant to LUC17/47028 (LUC Planning Report) and findings therein – such as the following factors expressly referred to and recorded in the LUC Planning Report:
  - The site location and configuration;
  - Its proximity to Lepperton;
  - Its lifestyle block use recorded at that time;
  - The Waiongana Stream flowing along the western side boundary;
  - The distance and sense of spaciousness and low density between buildings in the area and the number of smaller lifestyle blocks and increased amount of built infrastructure in that area generally (compared to the "*traditional rural environment*"[12]);
  - The surrounding environment including nearby intensive poultry farming operation;
  - The relevant District Plan provisions that applied at that time;
  - The surrounding/neighbouring written approvals provided at that time;
  - The applications non-notification;
  - The building setbacks, habitable building gross floor area and separation between the two habitable buildings being more than 25m – approximately 65m[13];
  - Minimal effects on the rural character as a result of the additional habitable building – and the building design to consider rural character elements;

[12] Planning Report, para 3
[13] Planning Report, para 18

- The building design and its westerly outlook providing sufficient space for outdoor living and reasonable access to sunlight and privacy, protecting amenity values;
- Existing landscaping softening visual effects of building from road users and adjoining properties;
- The express record that, "*the habitable building will be used for residential purposes and will be consistent with the surrounding activities*"[14]; which I note entirely contradicts Ms Laurenson's contentions at the hearing on 17 December 2025 - that the dwellings were to be ancillary and not severed uses (when LUC17/47028 was considered, determined and granted); ancillary use means subordinate, auxiliary or secondary to the dominant use in this context – nothing in the LUC Planning Report - or evidence in this case - determines that the dwellings were (or are) ancillary – or were required to be ancillary or kept together in terms of uses; conversely the dwellings uses were - and are - not ancillary – as has been the case for many years now (as established in the evidence for the applicant) – the dwellings have always been separate since the new build in 2019 - and never ancillary in the context of this property and its uses - particularly primary production (see also Mr Rendall's Reply Evidence in this regard);
- Onsite farming activities would not be disrupted and would continue;
- Open space was maintained by the farming activities and vegetation enhanced by landscaping;
- The habitable buildings' compatibility with the area;
- The allowance for greater separation to ensure open space maintenance and continuation of stock grazing;

[14] Planning Report, Para 18

  - The deliberate location for future subdividing – also expressly recorded in para 18;
  - The minor visual effects etc of the freestanding shed;
  - No adverse effects on privacy and outlook of adjoining sites;
  - The comments about and consideration of the poultry farm;
  - The findings in respect of effects on the environment and the existing level of amenity within the immediate rural environment.

- The following factors referred to in Mr & Mrs Stephens' evidence dated 9 December 2025:
  - The completion of the new build in 2019;
  - The placement of the new build;
  - The location of services to deliberately avoid future works and to deliberately separate the two dwellings for future subdivision;
  - The continued small lifestyle block operations and farming activity;
  - Access arrangements and configuration;
  - Separated services of both dwellings – which were carefully planned;
  - The rural activities taking place which will stay the same and are not affected by the subdivision;
  - The fact that this subdivision process was originally commenced in 2020 straddling two district plans (i.e. operative and proposed) and all neighbours provided written approval and are supportive;
  - The engagement, and arrangements, with Tegel and covenant terms agreed;

  - The residential use and rental, and non-ancillary rural productivity use, of the old 1950's property for many years now – and the evidence of the tenants (Mr & Mrs Cudmore);
  - The consent conditions offered including those relative to the Waiongana Stream and its margins;
  - The amended Scheme Plan and site layout – and the layout of surrounding neighbouring properties and existing environment in this regard.

- The following factors referred to in Mr & Mrs Cudmore's evidence:
  - The length of, and enjoyment of, their tenancy for over 2 years;
  - Their support of the subdivision and their evidence on the lack of alteration of the nature and character of the property – dwelling separations, self-containment and independence - and separate services (water, sewage, power, telecommunications) and accessways – and the infrequent use of the rural access (next to their rented house) for rural production purposes.

- The following factors referred to in Mr Darlow's evidence:
  - The irregularly shaped land, bordered by the Waiongana Stream along the western boundary and Wortley Road to the east, currently divided into three paddocks not containing formed access tracks;
  - The unnamed tributary dissecting the property near the centre with two culverts crossings providing internal access;
  - The topography consisting of a generally undulating elevated terrace transitioning into steep slopes towards the Waiongana Stream, with small foot slope at the base of the water course;

- The productive land use in terms of being suitable for land based primary production – and the fact that some of the non-productive (or ineffective) land consists of existing mixed vegetation, a water course and steep land;
- The current use of the property predominantly in permanent pasture and managed under a low intensity grazing system with occasional hay and silage harvests;
- Areas of mature vegetation and natural water ways;
- The light recreational uses on the property and the fact that the land is currently best described as extensively grazed, low input pastoral holding;
- The sites situation approximately 90 metres above sea level on the flanks of the Taranaki volcanic ring plane – exposed to prevailing westerly winds - and lacking established shelter belts to mitigate climatic exposure;
- The components of the land use and the land use capability classification and soil classes and types as described by Mr Darlow – being moderately to highly fertile, well-structured and free draining;
- Limitations on land use due more to climatic factors than soil factors;
- The productive capacity assessment and matters identified and quantified therein and the approximate land available for land based primary production;
- The highest and best use of the land being dairy heifer grazing given the high annual rainfall limiting cropping versatility, and given that the site is of an insufficient scale to support a working dairy farm with no associated infrastructure and there is restricted access for neighbouring dairy farms to adjoin the land;

- The carrying capacity in terms of stock units of the land in the context of the sites overall productive potential on the actual productive areas;

- The negligible reduction in productive area which will not affect the overall carrying capacity of the site in the context of the proposed subdivision;

- The negligible loss of Highly Productive Land (HPL) area from the proposed subdivision which is not a significant loss of HPL soils, nor a loss to productive capacity or production within the New Plymouth District;

- The proposed subdivision will not fragment a large and cohesive area and does not limit the productive potential of the applicant's land beyond its current size and potential – meaning there are also no cumulative effects; and

- No issues have arisen resulting in adverse reverse sensitivity effects and no new sensitive activities are proposed which might give rise to such effects;

- The proposed subdivision meets the requirements of the NPS-HPL - having no impact on the long-term productive capacity of the applicant's land – and no meaningful loss of HPL in the district meeting clause 3.8 of the NPS-HPL, and is consistent with Policies 7 to 9 of the NPS-HPL.

• The fact that all of the evidence from Mr & Mrs Stephens, Mr & Mrs Cudmore and Mr Darlow is unchallenged and must be accepted in respect of this case.

25. As per Opening Submissions[15] – and reiterated at the hearing on 17 December 2025 - in Wilson His Honour Judge Thompson had this to say on the matter[16]:

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[15] Opening Submissions, para 92
[16] At paras [42] and [43].

"[42] We mentioned earlier that Mr. Wilson and Ms Smith raised issues of plan integrity – in the sense that they argued that granting consent to this proposal would open the door to further similar proposals in the immediate area or in the Countryside Environment of the District generally.

"[43] This is an argument that is, to be blunt, overused and it can rarely withstand scrutiny when measured against the provisions of the RMA. Considered as a *non-complying* activity it needs to be recalled that the Act specifically provides that if a proposal is not contrary to the Objectives and Policies of the Plan, or has adverse effects that are no more than minor, then it can be considered on its merits. If there should be still be another application waiting *in the wings* in Whangarei District which still is to be regarded as non-complying then it will stand or fall on its own merits."

26. Having passed (at very least) the minor effects gateway, Mr & Mrs Stephens' proposed subdivision must be considered on its merits. And, in my respectful submission, for all of the reasons provided, - this is an appropriate case where it is open to the Commissioner to decide – and to record in the decision for future reference and certainty (and future comfort for the Council) – that there are aspects of the proposal to subdivide in this case which take it outside the generality of cases – so that the case is seen as exceptional – and is not an issue in this context in terms of public confidence in administration of the District Plan and plan integrity (or precedent effect). It must be remembered that in determining whether the integrity of a plan is threatened, the issue of precedent is only one factor to be weighed in each case.

27. Interestingly in terms of precedent effect – the effect of setting a precedent is identified in section 14 of the new Planning Bill introduced recently to Parliament as "an effect outside the scope of this Act". It is accepted of course that this is beyond the scope of this case – and has not been identified as one of the RMA amendments at this stage identified for the transitional period – however, it is clearly a signal for the future as to where the law is potentially heading in terms of precedent effect.

Consent Notices – Variation / Cancellation

28. Variation/cancellation/negation of a condition of a consent notice in any case requires an application to be made under s 221 RMA. That will, inter alia, entail a

consent authority coming to a view that the adverse effects that will flow from the proposal, which the consent notice condition sought to avoid in the first place, are acceptable in the circumstances of the case in the context of achieving the purpose of the RMA.

29. Applications for variation of consent notices under s 221(3) clearly (as specified in s 221(3(A)) trigger a s 104 RMA consideration. That is a discretionary exercise.

30. A consent notice variation/cancellation/negation is not a forgone conclusion – and any application would need to be considered on its merits and scrutinised at the relevant time. A consent notice is registered against the title of the landowner's land, and is deemed to be an interest in the land[17]. It is notice to the world at large – and its status cannot be easily diluted.

31. A full assessment under s. 104 RMA is required including assessment of the adverse effects of the consent notice condition variation/cancellation/negation on the applicant's land and surrounding environment.

32. As a matter of common sense, an application for variation/cancellation necessarily entails an examination of the condition which is to be varied. Good planning practice should require an examination of the purpose of the consent notice, and an inquiry into whether some change of circumstances has rendered the consent notice of no further value – as observed by the High Court in Green v Auckland Council[18].

33. The Environment Court took a similar approach in Foster v Rodney District Council[19] when it concluded that the following criteria may still have some relevance under a discretionary consent procedure in considering whether to vary or cancel a condition of a consent notice:

(a) The circumstances in which the condition was imposed;

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[17] Section 221(4) RMA; as observed in Green v Auckland Council, [2013] NZHC 2364, [2014] NZRMA 1; at paras [128], [129]
[18] Supra Opening Submissions para 105; Green at paras [128], [129]
[19] A123/09, at paras [7]-[10]

(b) The environmental values it sought to protect; or

(c) Pertinent general purposes of the RMA as set out in ss 5-8.

34. Notably, this relevant law was in fact referred to by the New Plymouth District Council itself in another case concerning an application for a private plan change and to vary a condition of a consent notice (PPC48). And, in fact, in that case the Commissioner declined to vary the consent notice due to the relevant law and the facts in that case, in terms of the consent notice condition still being required to mitigate adverse effects on the environment as per the reasons for which was originally imposed. This is illustrated and recorded in the Commissioner Report Recommendations in respect of PPC48 dated 22 May 2020 – with reference to paragraphs 74 – 118, and 481 – 483; and also discussed in Mr Rendall's Reply Evidence.

35. More recently the High Court in Ballantyne Barker Holdings Ltd v Queenstown Lakes District Council[20] confirmed that a consent notice should only be altered where there is a material change in circumstances which means the consent notice condition no longer achieves, but rather obstructs, the sustainable management purpose of the RMA.[21]

36. Therefore, conditions, in the case of Mr and Mrs Stephens, offering and requiring that consent notices be imposed to safeguard certain environmental outcomes for the future, will ensure certainty and consistency in this context with the District Plan objectives and policies - and in terms of mitigation of potential adverse effects.

37. Moreover, the Council can have comfort that such conditions secured by registered consent notices are not easily challengeable – and, as Mr Rendall's Evidence in Chief dated 9 December 2025, at paragraph 147, and as now further discussed in his Reply Evidence notes – would require some sort of considerable change of circumstances (such as a change of the property's zoning from rural to residential

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[20] [2019] NZHC 2844, (2019) 21 ELRNZ 428

[21] See also Waimarino Queenstown Ltd v Queenstown Lakes District Council [2024] NZEnvC 176 which followed Ballantyne Barker Holdings Ltd, where the Court noted it was the approach consistently applied by the courts where an application has been made under s 221(3) of the RMA

zoning) – to justify any variation or cancellation of consent notice condition in the circumstances of this case.

38. Ms Laurenson's assertions that a consent notice can, therefore, readily be cancelled or varied or negated are not in line with the relevant law; and are not accepted.

Proposed Consent Conditions

39. Also during discussions at the hearing on 17 December 2025 the Commissioner directed the applicant to provide an updated version of consent conditions for consideration – and requested Mr Rendall to prepare same – optimally for review and comment by Ms Laurenson prior to filing same with this Right of Reply (as also set out in the Commissioners abovementioned Minute #5).

40. Those consent conditions have now been updated (with review and comment by Ms Laurenson as requested) – and are included with this Right of Reply (as referred to in Mr Rendall's Reply Evidence).

41. As Mr Rendall's Reply Evidence notes and canvasses – Ms Laurenson has advised him that she would prefer a covenant to a consent notice in respect of existing proposed condition 15 – and Mr Rendall's evidence confirms that the applicant will accept either approach and abide with the Commissioner's decision. I note that such covenants do not contravene the principles of the RMA and are enforceable, albeit in a civil jurisdiction and not by the relevant Council (but by the parties to the covenant). I further note by way of example that the Environment Court approved a condition of consent imposing an obligation on a consent holder to register such a covenant in Avatar Glen Limited v New Plymouth District Council[22] - a decision allowing the appeal and approving conditions of consent – see condition 10.9 and Appendix B in that decision (provided).

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[22] Decision No [2016] NZEnvC 180

Concluding Comments

42. It is respectfully submitted that all other issues raised in the hearing have been thoroughly canvassed in the application, all of the evidence and further evidence, legal submissions, and discussions during the course of, and after, the hearing.

43. Finally, the consent conditions in respect of the further mitigation offered by the applicant prepared by Mr Rendall (and reviewed by Ms Laurenson), which are included with his Reply Evidence at Appendix A as directed, are all accepted by the applicant; providing future certainty for all parties, and achieving sustainable management, in my respectful submission.

SWA Grieve
Counsel for Applicant
30 January 2026