

OFFICIAL STATEMENT OF DR JULITA GEARY



Director, Riverside Farm JK Ltd

To: Mr James Bate & Rushcliffe Borough Council

Date: 30th April 2026

Reference: 23/00034/BUILD | 26/00111/AGRIC | 24/00569/ENAPP

Appeal Ref: APP/P3040/C/24/3337651

1. Purpose of Statement

This statement clarifies the legal, ethical, and physical constraints preventing the total demolition of Building B1 Health and Safety Shelter. Following the Planning Inspectorate's decision (APP/P3040/C/24/3337651), I am providing a roadmap for compliance that satisfies planning requirements while respecting national law and the Council's duty to seek a proportionate remedy.

2. Legal Bar: Protected Species (Wildlife & Countryside Act 1981)

On **18th March 2026**, I obtained empirical evidence of **four bats** roosting in B1, Health and Safety Shelter. The **Arbtech Report** confirms "Moderate Habitat Value" and "High-Suitability" features.

- **Statutory Duty:** The report states demolition now would be **unlawful**. I will not commit a criminal offence under the **Wildlife and Countryside Act 1981**.

3. Ecological Context & "Bunny Eco-Status"

Our site is a vital corridor for the **Bunny Woods** network, home to Grass Snakes, Red Kites, and Barn Owls. Building B1 Health and Safety Shelter is now an established habitat. Demolishing it is not just a waste of money and resources; it is an **ecological crime** that would cause unnecessary "habitat shock" to the area.

- **The Conflict:** Compliance via the current enforcement notice requires “demolition” . This process involves the total destruction of the roof and load-bearing walls—the active roosting site.
- **Criminal Liability:** Under the Wildlife and Countryside Act 1981, it is a criminal offence to damage or destroy a bat roost. I will not commit a criminal offence. All works are stayed until the May 2026 survey window opens and a Natural England mitigation licence is secured.

4. Statutory Requirement: Health, Safety & Welfare at Work

Under the Health and Safety at Work etc. Act 1974, I am legally obligated to provide welfare and shelter for farm operations and our £98,863 national forestry research project.

- **Sole Facility:** Building B1 Health and Safety Shelter is the **only** structure on-site that fulfils these mandatory obligations.
- **Legal Conflict:** Forcing the removal of the site's only H&S shelter without an immediate replacement would compel me to operate in breach of national safety laws. Ignoring H&S is a "simple crime" I am not prepared to commit.

5. Statutory Duty: Equality Act 2010 & Armed Forces Act 2021

The building is the essential rehabilitation hub for my husband, an HM Armed Forces Veteran (Service No: 24699542) with Multiple Sclerosis (MS).

- **Covenant Duty:** Under the Armed Forces Act 2021, the Council has a statutory ‘Covenant Duty’ to ensure veterans do not face disadvantage.
- **Proportionality:** This structure is his only level-access welfare facility. Removing it would directly impede a [REDACTED] veteran's ability to manage the planting of 2,112 trees and would be a direct breach of the spirit and legal duty of the Covenant.

6. Clarification on Site Usage

During the site visit on **27th May 2025**, the **Planning Inspector** formally confirmed there was **no residential use**. Nothing has changed. My presence on site is 100% dedicated to livestock care and the £98k forestry research project. The building is a welfare and research hub, not a dwelling.

7. Environmental Inconsistency & Technical Impossibility

Demolishing an engineered structure into landfill waste contradicts Rushcliffe's own green policies, especially when the building is actively supporting a 2,000+ tree planting project. Furthermore, a **70-tonne crane** (Steve Foster Cranes Ltd) cannot access the site due to waterlogged ground; I cannot be ordered to perform a physical impossibility.

8. Proposed Remedy: Integration with Deemed Consent (26/00111/AGRIC)

I have recently secured **Deemed Consent (Ref: 26/00111/AGRIC)** for two permanent agricultural buildings, one of which is a welfare/H&S shelter.

- **The Solution:** As Building B1 Health and Safety Shelter was self-built by my husband and myself, we have the technical knowledge to **remodel and adapt** the existing structure.
- **Modification over Demolition:** We propose to modify the existing building to align with the approved footprint and "L-shape" of the 26/00111/AGRIC consent. **This achieves full planning compliance without the environmental waste of "polluting the landscape" with demolition debris.**

9. Technical Impossibility & Environmental Duty

Currently, total removal is a physical impossibility. **Steve Foster Cranes Ltd** has confirmed a 70-tonne crane cannot access the site due to waterlogged ground. Furthermore, destroying a "new, beautiful cabin" that serves as an established ecological "stepping stone" for Bunny Woods contradicts Rushcliffe's green policies.

10.. Conclusion

The Council has a legal obligation to seek a remedy rather than cause unnecessary destruction. I propose a **stay of enforcement** to allow the existing structure to be **regularised and remodeled** to match the 26/00111/AGRIC consent. **This protects the bats, ensures HSE compliance, supports a disabled veteran, and preserves the landscape.**

Signed: _____
Dr Julita Geary