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**Unique ID:** CMS-510  
**Date:** 8 July 2024

### **1. Failure to follow statutory processes for modifying a SSSI management scheme**

As outlined in Natural England's letter of 10 August 2023, it is deeply regrettable that archiving failures have meant that the documentary record for this site is not clear and leaves room for doubt about the current position with respect to the operations that are consented. Natural England has confirmed to us that this led to uncertainty and disagreement with the landowner surrounding which of the two differing Site Management Statements (SMS) was originally agreed in 1997.

Without an adequate audit trail, Natural England took a decision in 2014 to accept the landowner's version of the SMS as the one to be used going forward. This cannot be considered a decision to modify the SMS, as there was insufficient evidence to say conclusively which version of the SMS was the original to be modified. Therefore, in our view, section 28J(12) of the Wildlife and Countryside Act 1981 has not been engaged and we do not consider there to otherwise be an indication of a potential failure to comply with environmental law.

We do, however, recognise the weaknesses that exist within the SMS relating to the level of protection it affords to Tournbury Woods. We have therefore recommended that Natural England considers how to enable more effective protection of the site, possibly through modification or replacement of the SMS. However, it is within Natural England's discretion whether to do so. Based on the information available, we do not consider that a failure to modify or replace the SMS would indicate a potential failure to comply with environmental law.