



South Downs

National Park Authority

Agenda Item 6

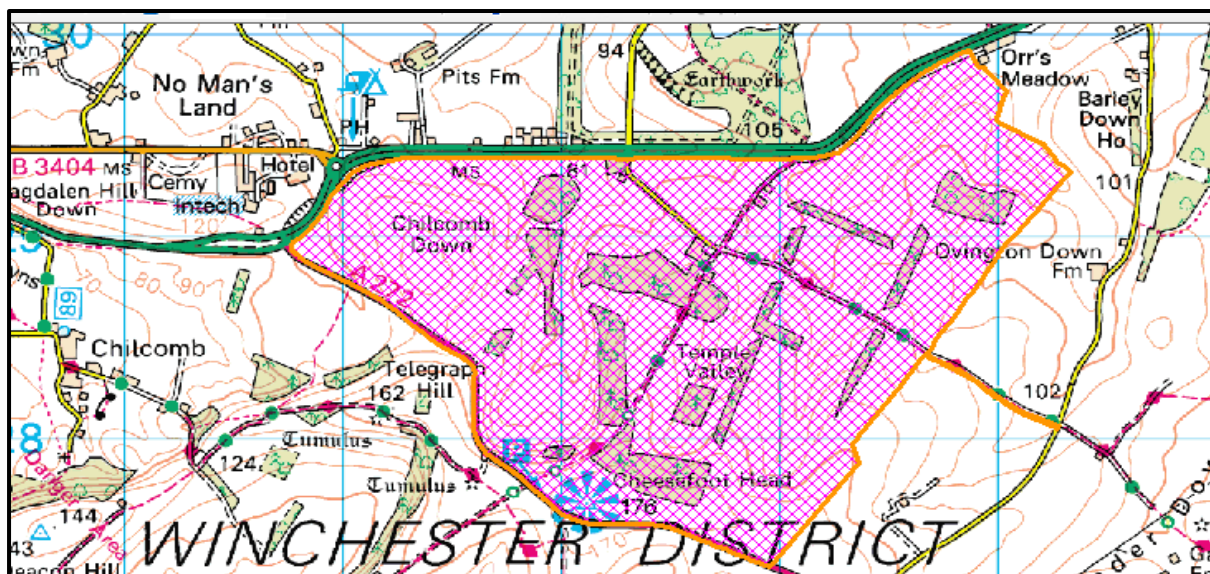
Report PC22/23-14

Report to	Planning Committee
Date	8 December 2022
By	Director of Planning
Local Authority	Winchester City Council
Application Number	SDNP/21/00290/FUL
Applicant	Boomtown Festival Ltd
Application	A change of use of land from agriculture to mixed agriculture and holding of one music festival event for a number of attendees not exceeding 75,999 (plus 1,000 attendees on the Sunday for local residents) in any calendar year including retention of wooden structures within woodland and minor alterations to existing access on A31, both associated with festival use. Storage containers (storage use associated with music event) on site throughout rest of the year.
Address	Matterley Farm, Alresford Road, Ovington, Winchester, Hampshire, SO24 0HU.

Recommendation:

That the application be refused for the reasons set out in paragraph 10.1 of this report.

Site Location Map



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Executive Summary

A current temporary approval exists to allow one music festival (for up to 64,999 people) and one sports endurance event (for up to 30,000 people) to be held each year on the Matterley Estate. The Temporary approval is for a limited period expiring on 31st December 2024 to allow the impact of attendees to the music festival event upon the amenities of the area and the special qualities and enjoyment of the Park to be reviewed. The applicant has submitted the current application for full permission to hold one music festival in any calendar year and to increase the attendance numbers to 75,999. The application has been accompanied by an Environmental Statement, given that the need to address Nitrate Neutrality means that an Environmental Impact Appraisal was required

The current application also seeks the retention of the existing wooden structures in association with the festival. Members granted temporary permission for the access widening alterations, which had taken place on the A31 in association with the festival previously. As part of this application, the applicant seeks permanent permission for the retention of the access as widened. In addition, the applicant seeks siting of storage containers in connection with the festivals.

The application is considered to be Major for the purposes of Paragraph 177 of the National Planning Policy Framework and therefore there must be exceptional circumstances why the application should be approved and where it can be demonstrated it is in the public interest. As stated in the NPPF the consideration of the application should therefore include an assessment of a number of criteria. It is not considered that the proposals meet some of these tests having regard to all the circumstances.

The main issues for consideration in respect of the application are:

- The impact of the proposals on the landscape character of the area.
- The impact of the proposals on the Ecology of the application site, in the absence of detailed Ecological evidence.
- The Impact on the Purposes of the Park (with regard to the above to matters)
- Nitrate/Phosphate Neutrality
- The impact on tranquillity and light pollution
- The Impact on the highway network.

The application requires a balance of considerations in relation to impacts upon tranquillity, ecology and biodiversity, vehicular activity and highway considerations, light pollution and landscape impact with the temporary nature of the event, the enjoyment and understanding of the National Park, the cultural and economic benefits to the area and the environmental benefits which could continue to be secured in the long term, were the application to be approved.

This needs to be considered against the backdrop of the reason for the current temporary approval given in 2019 that was to allow the impact of the number of attendees (originally 64,999) on the amenity of the area and the qualities of the National Park to be reviewed.

In this respect, the temporary approval in 2019 has not yet provided the Authority with a sufficient opportunity to review the impact of the number of attendees at 64,999, given that the permission has only recently commenced. Only one set of Ecological data has been submitted (and is currently under scrutiny). The Authority is therefore asked to consider the impact of approving an event when it has not had the opportunity to monitor or review the impact of even a smaller number of attendees, over a reasonable period of time (hence the earlier 5 year temporary approval).

In addition, the site now falls within the areas affected by the matter of nitrate and phosphate neutrality. Consideration must be given to whether Nitrate/Phosphate Neutrality can be achieved.

In addition, it is pertinent that the current temporary approval includes permission for one sports endurance event per year. Since the approval (which was also part of the 2016 approval), this option has not been progressed by the applicant and the assessment and review of the temporary permission is having to be made in the absence of the permission having been utilised in full by the applicant. Notwithstanding, the applicant has made the Authority aware that this element of the earlier approval could be withdrawn, should permission for this application be acceptable, and could

be secured by way of a legal agreement relinquishing their rights to that element of the 2019 approval.

Officers consider that, whilst the removal of the 'sports endurance' event is a benefit, there is still insufficient ecological data to confirm whether the proposals would have a long term impact on the Ecology and Landscape of the area at the attendance levels set in the 2019 approval, let alone for the higher attendance levels now proposed and refusal is therefore recommended.

In addition, whilst officers consider that a fresh Landscape and Ecological Management Plan could provide benefits, such as to result in some landscape enhancements, it still does not give certainty as to whether there might be long-term impacts, which would outweigh the gains being accrued.

Whilst the applicant has put forward a solution to achieve nutrient neutrality, in the absence of a SI06 Agreement to secure this, refusal is also recommended on this matter.

The application is placed before the Committee because it is a major application, due to previous committee consideration and due to the number of representations received.

I. Site Description

- I.1 The Matterley Estate is approximately 5 kilometres to the north-east of Winchester and is largely accessed via the A31, which divides the two sections of the holding. The estate extends to the north of Winchester Road (A31) to include Hampage Wood and Bushy Close woodland and southwards toward the junction with the A272 including Chilcomb Down. The estate is bounded to the south by the A272 and runs eastwards just beyond Cheesefoot Head. To the east just beyond a neighbouring field (which is in land outlined in blue on the submitted location plan) is Rodfield Lane (although a slim red line of the application site extends across Rodfield Lane in order to provide vehicular access into the application site). The northern parcels of land beyond the A31 Hampage Woods do not form part of this application.
- I.2 The site includes numerous key characteristics of the wider landscape character area including: the distinctive rounded coomb of the Devil's Punchbowl (Matterley Bowl) which is a striking landmark landscape feature with areas of species rich unimproved chalk grassland on its steep sloping sides; Cheesefoot Head and its long reaching panoramic views – which is one of the South Downs National Park's identified viewpoints; the distinctive hill top beech clump at Cheesefoot Head; and branching dry valley
- I.3 The estate continues to farm both a dairy unit, an arable enterprise and also a commercial shoot. There are a number of activities that occur alongside the farming activity, including an area set aside to explore hydrocarbons (which generates HGV movements daily to remove oil and water.), Permission to hold two motocross events a year (in Matterley Basin) and tank driving experience days. The current temporary approval also allows for one endurance sporting event although this element of the approval has not, as of yet, been enacted (as mentioned earlier). The music festival is largely concentrated in the natural amphitheatre known as 'Matterley-Bowl', but several venues have occupied adjacent fields and woodland areas (Temple Valley, Chilcomb Down) with associated infrastructure for car parking and camping. The application site differs slightly from that approved under the earlier temporary approval. A small area of land has been included in this application to the south eastern corner of the site (to the east of Cheesefoot Head and south of Matterley Basin, (as well as the access from the main site across to Rodfield Lane to assist with traffic circulation).
- I.4 The South Downs Way (SDW) runs through the application site, being accessed to the immediate north west of the Cheesefoot Head Car Park and going in a north easterly direction across the Estate until turning towards the south east (and Rodfield Lane) by the main group of agricultural buildings which are located to just north of the centre of the site.
- I.5 The site is at its highest to the south at the top of Cheesefoot Head with the levels dropping significantly to the north west of here into the bowl. The levels through the site from Cheesefoot Head drop along the South Downs Way gently towards the main agricultural buildings and beyond until shortly rising again before reaching the A31.

- 1.6 The site has a number of wooded areas, most notably to the immediate east of the Bowl and to the south of the main agricultural buildings.
- 1.7 The land to the west of Rodfield Lane and north east of Cheesefoot Head is known as Matterley Basin and is where the Motocross events have historically taken place. Land to the east of the agricultural buildings has also been used on occasions for 'tank driving event days' (for which a lawful development certificate was approved).
- 1.8 A number of residential estate properties exist within the site. Beyond the site boundary are a number of scattered residential properties, some along the A31 on the northern side of the road close to the roundabout near the Intech building and also on the southern side of the road in an area known as Orrs Meadow. A small number of properties are located along Rodfield Lane. No residential properties are located along the A272 near the southern boundary of the site.
- 1.9 The site is situated in the East Winchester Open Downs, and often allows expansive open views, including from popular elevated Cheesefoot Head viewpoint. The Matterley Bowl is clearly visible from the A272 given the elevated nature of the road.

2. Relevant Planning History

2.1 History in relation to Use of land (Festivals/etc.):

- Certificate of Lawful Use for vehicle driving and storage of ancillary parking and structures – Withdrawn – 4 February 2014
- SDNP/14/00302/LDE – All non-agricultural related leisure uses including hosting of music festivals and concerts, tank driving, off road vehicle driving, sports events and a steam fair, along with all parking and associated activities with said uses – Refused – 10 June 2015
- SDNP/15/06484/FUL – Change of use of land from agriculture to mixed agriculture and holding of one music festival event and one sports endurance event in any calendar year (Retention of wooden structures within woodland associated with festival use.) – Temporary Permission for a limited period expiring on 31 December 2019 – Granted 3 November 2016
- SDNP/17/02979/LDE – Use of land for a mixed use for agriculture and the driving of tanks and other military tracked vehicles, and the operation of construction plant and vehicles, for corporate/team building/activity days/experiences between the months of March and October, with the said vehicles stored on the land all year round. The construction of a purpose built driving track (for tracked vehicles); the construction of an area of hardstanding and the permanent siting of an ancillary mobile catering van and awning, toilet unit and storage container, and the erection of a hospitality marquee (between March and October). – Approved – 23 February 2018
- SDNP/18/00939/CND – Variation of Conditions 2, 9, 10 and 11 on planning consent SDNP/15/06486/FUL (relating to an increase in attendees to 65,000, extension of duration of festival by one day to including opening on Wednesday, and small increases in relation to noise levels) – Temporary permission for a period expiring on 31st December 2019 – approved – 6 July 2018
- SDNP/18/00994/FUL – Retention of modification to an existing access adjoining the A31 – Temporary Permission for a limited period expiring on 31st December 2019 – approved – 11 May 2018
- SDNP/18/01017/FUL – Construction of 14.6m diameter water reservoir and associated plant at the westernmost corner of the Matterley Estate including retention of existing control box – Withdrawn – 23 April 2017
- SDNP/18/01309/FUL – Retention of the existing overflow parking and coach pad at the westernmost corner of the Matterley Estate to be used solely in connection with arrivals and departures during the Boomtown Festival. – Refused – 18 June 2018
- **SDNP/18/06249/FUL – Change of use of land from agriculture to mixed**

agriculture and holding of one music festival event and one sports endurance event in any calendar year including retention of wooden structures within woodland and minor alterations to existing access on A31, both associated with festival use – Temporary Permission for a limited period expiring on 31st December 2024 – approved – 17 December 2019. (This permission allowed up to 64,999 attendees for the music festival)

- SDNP/19/06160/CND – Variation of Condition 2 of Planning Consent SDNP/18/06249/FUL. – Withdrawn – 7 May 2020
- SDNP/22/01333/CND – Variation of condition 2 relating to planning approval SDNP/18/06249/FUL for an extension to setting up and dismantling period from 9 to 14 weeks – Withdrawn – 12 April 2022

2.2 In addition, there has been a long history in relation to the use of **Matterley Basin** for Motocross events. This dates back to an approval gained on appeal in March 2010 for 2 events per year. There have been subsequent temporary approvals for the events to be held earlier in the year and some temporary amendments to other conditions. At present, those temporary approvals have expired and the permanent permission reverts to the conditions set on the original appeal decision.

2.3 There has also been a history of approvals in relation to **Avington Wellsite**, which is located within the site, close to Matterley Basin. The most recent approval was granted on appeal for the retention of the wellsite and existing surface and sub-surface infrastructure for a further period of 5 years in order to allow for further appraisal of oil and gas (SDNP/2/01255/CM). Appeal allowed on 10 December 2021 for a temporary period of 5 years.

3. Proposal

3.1 The application seeks permanent approval for one music festival per year. The applicant seeks a limit of 75,999 attendees for the music event (plus 1,000 local residents on Sunday) which would include 58,400 ticket holders. The proposal also seeks permanent approval for the access alterations on the A31, and the retention of the wooden structures currently located in the woods within the Estate. The proposal also allows for a set up period before the event of up to 5 weeks and a period of 3 weeks for taking down subsequent to the event. The event itself would be 5 days – open from Wednesday to Monday with entertainment ceasing at Sunday night and the campsites closing on Monday. In addition, the applicant seeks permission for siting of storage containers in connection with the Festival.

3.2 The temporary approvals in 2016 and 2019 allowed for the use of the site for one music festival and one sports endurance event (The sport event element of the temporary approvals have never been used and, should members be minded to approve this application, the applicants would be willing to secure via a legal agreement, relinquishment of their rights to implement any permission associated with such a sports event). It is important to note that the previous decision in 2016 was subject to a S106 Agreement, which secured improvements to the South Downs Way, protection and enhancements to the SSSI (Site of Special Scientific Interest), and a footpath from the Cheesefoot Head Car Park to the South Downs Way to the immediate west. Most importantly, the most recent Agreement for the extant temporary approval, secured the implementation of a Landscape Environmental Management Plan (LEMP), which included a number of ecological, landscape and environmental benefits across the Estate. The applicant is willing to enter into a Section 106 agreement securing similar benefits in relation to this application.

3.3 In addition the 2019 permission provided a 'soft opening' on Wednesdays to allow a limited number of attendees to access the site. Minor amendments were also sought in relation to the noise levels. In addition, the use of an area as a coach pad by the A272/A31 with – reseeding taking place after each festival forms part of the current approval. There is an expectation that such elements currently forming part of the temporary approval would form part of any approval, were members minded to approve this application.

- 3.4 The application is also accompanied by an Environmental Statement in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Further details are set out in Sections 6 and 7 of the report.

4. Consultations

Officer Note: The application was subject to two rounds of consultation following further information submitted by the applicant

4.1 Access and Rights of Way – Comments

- Negative impacts have always existed in previous submissions, but the benefits of the festival were acknowledged and no objection was raised.
- With the growth of the festival, it is felt the balance has shifted and the negative impacts are too high.
- Anecdotally hear from users of the SDW that the intensity of this period has increased as the festival has expanded. Would expect this to further intensify adversely affecting SDW users experience.
- Application documents make little reference to Rights of Way or the National Trail.
- Do not believe the development promotes opportunities for enjoyment and understanding of the special qualities of the Park for those using the Rights of Way. During build up and takedown, the landscape character and tranquillity for users of the SDW are severely diminished. During the festival users of the SDW must be diverted off the Trail along a route that is far from tranquil. This disturbance is not confined to a few days a year.
- Parts of the estate are comparatively tranquil, but this is diminished by the activity of traffic and lorry movements, construction, security fencing, lighting and the event itself. This goes against Policy SD7.
- This proposal would necessitate the diversion of 3 rights of way and would harm the tranquillity, amenity value and views from these routes on an annual basis (contrary to Policy SD20)
- Acknowledge it brings benefits and a wider audience into the Park as well as supporting the stewardship of the wider estate throughout the year. However, it has a significant detrimental impact on the enjoyment of the SDW during the festival.
- If minded to approve, would suggest conditions/informatives
- *Subsequent comment following receipt of further information:* If, as they have stated, the increase in capacity will not result in any increase in the duration or intensity of the build and takedown, then am satisfied as can be and have no further comment to make. However would stress that the development does have a significant impact on the National Trail and yet benefits in no way. A contribution towards trail improvements is not unreasonable.

4.2 Archaeology – No objection subject to conditions

4.3 Beauworth Parish Council – Object

- Given 2020 event was not held, temporary period should be extended to allow the 'steady state' timescale to assess ecological impact.
- Inappropriate request for further expansion. Event has outgrown rural location.
- Supports comments of Cheriton parish Council relating to Ecology.
- All wildlife needs to be studied, but particularly red list of species of birds known to live within or near the site.
- Scale detrimental to the local area, environment, landscape, communities, and business.
- Future of the festival is not hanging in the balance

- Whilst Boomtown work hard to improve their image, doesn't alter the impact this event will have.
- Effects of the build-up period, the disruption to the SDW, the pollution seen during winter months in hedges.
- Local community never benefitted from Boomtown or been supported or compensated.
- Concerned that applicants Landscape consultancy have been receiving advice how to amend the application by SDNPA Officers.

4.4 **Bramdean & Hinton Ampner Parish Council – Comments**

- Some residents express concern about traffic, light and noise pollution as well as negative impact in a National Park. However, the event is attended by other local people who enjoy the opportunity to attend a local music festival.
- 6 year temporary permission is in place to assess the ecological effect and this should remain in force and be reviewed at the end of the 6 year term.

4.5 **Cheriton Parish Council – Objection (Numerous representations submitted on under separate topics)**

- **Premature Application:** Given Authority decided it would take until 2024 to acquire ecological information.
- **Landscape/Visual impact:** Lack of photographs makes it difficult to appreciate adverse landscape impact. Chapter 7 of ES inadequate in assessing significant effects, (short, medium, long term, temporary, permanent, positive, negative)
- **Site Capacity:** ES should relate to full implementation of the proposed development.
- The applicant has evidenced that the site capacity is far higher than 75,999. A reasonable estimate would be in excess of 100,000 potentially.
- Consider area outlined in blue has been included as a long-term plan to use in future.
- ES does not provide an assessment of the likely significant effects on the environment after full implementation of the change of use
- **Cumulative Impact:** Documents have not dealt with issue of cumulative impact in relation to wildlife either of successive festivals or of the festival together with the other approved developments at Matterley. Failure in ES to address cumulative impact satisfactorily does not comply with EIA Regs 2017
- **Noise:** Noise measurement data taken in Cheriton not been provided by the applicants. Only predictions based on modelling are included in Chapter 10 of the ES. Actual measurements required. Lack of measurement data for monitoring points.
- No relevant evidence of environmental impact on human population or wildlife.
- Wellbeing of residents not being taken into account.
- Amplified music contrary to Policy SD7.
- **Ecology:** No data had been provided for number of birds on the Estate Ecosa report stated it was not able to confirm that birds would not suffer from effects of Boomtown.
- No evidence about the numbers of 18 red listed birds known to inhabit the site.
- Ecological information does not allow general public to participate in the planning debate.
- Mitigation proposed for birds is contrary to Wildlife and Countryside Act 1981.
- 201 ha of improved grassland is disproportionate for normal agricultural needs and detrimental to ground nesting birds, invertebrates and flowers.
- Members wish for more robust ecological monitoring has not materialised.

- Application documents and the ES do not contain a full list of the surveys. Denial of access to these surveys which might call into question the lawfulness of the EIA application.
- **Material Considerations on Planning:** Limited reference to NPPF and assessment against national policy.
- No evidence of a need for the development to be located in a National Park or identifies any public interest which would be served.
- Matter of alternatives set to one side and no evidence on cost and scope for developing outside the designated area.
- Doesn't comply with Policies SD6 & SD7
- High Court decision in relation to a site in the Surrey Hills is relevant to this case.
- Recent amendments to NPPF strengthen why permission should be refused.
- Non-compliance with EIA regulations, specifically Regulation 64 (1): Authority Officer gave help and advice to the authors of the ES as to how the document could be changed to the applicants advantage.
- Has a significant impact on the amenities of the area and special qualities of the Park which outweigh any recreational opportunities.
- Incompatibility with South Downs Local Plan: Contrary to SD7, SD8 and NPPF (Para 177). Duty of Park not met.
- Future Risks: Concern that any agreement with applicant in relation to a LEMP would not be legally binding to applicant.
- If minded to approve, numbers should be limited to 45,000 and live and recorded music should cease at 11.00pm.
- Concerns that application is flawed and process should be suspended pending further information.

4.6 **Countryside Planning (HCC) – Comments**

- Don't consider that the contribution previously secured is adequate .
- Suggest conditions, should approval be granted.
- No objection provided that a contribution is secured for local access enhancement.

4.7 **CPRE – Object**

- Incompatible with the Purposes of the park especially the first one.
- Detracts from tranquillity, dark night skies and amenity of other users and residents of the area.
- Most visitors will be unaware they are in a National Park and festival is unlikely to increase understanding or awareness of the special qualities.
- The experience of walkers is adversely affected for around 9 weeks and the popular Cheesefoot Head car park is closed.
- For all the local businesses that benefit from the festival, others suffer.
- Do not believe that any further consent should be granted. In 2019, SDNP advised that 6 years were needed to evaluate any detrimental effects on the Park. The effects of the festival have not been able to be monitored and until it does, any application for permanent permission must be refused.

4.8 **Drainage – No objection (both rounds of consultation)**

4.9 Ecology – Comments

- Whilst welcoming updated assessments for some ecological receptors, not wholly content with the absence of robust data for others. (E.g., a comprehensive understanding of breeding bird distribution would be useful.) A robust survey would allow an assessment of the other activities that do or may take place in future years and would allow the applicant to demonstrate that proposed enhancement measures are working by establishing a solid baseline.
- Habitats –No concerns in relation to damage to calcareous grassland flora. The presence of intense human activity within the woodlands is likely to result in compaction of soils and flora as well as littering. Whilst most of the woodlands are species poor, the impacts harm the existing ecological value and may hinder attempts to enhance their value in the future through management interventions.
- Breeding Birds – The event is usually outside the key bird-nesting season. However, some multi-brooded species will have dependent young at this date, including species such as skylark, corn bunting and yellowhammer. These species may be at risk of trampling and or disturbance. These species are afforded general protection from disturbance during breeding under the Wildlife & Countryside Act 1981, but are not listed on Schedule 1 of that Act.
- The assessment is based upon a single survey in April 2019 and cannot be said to be robust. The event set up takes up to five weeks, placing the period of intense activity well inside the main nesting season. This potential impact is not explicitly discussed within the ES. Preference is for updating surveys to be carried out in advance of the festival preparations. Once a robust methodology is provided, would recommend this is made a condition of any planning permission. Would also be useful to understand the efficacy of proposed habitat creation for ground nesting species.
- Bats – Outline avoidance/mitigation measures are acceptable in principle, but there is a lack of specific detail on the actual impacts and specific measures to address those impacts. The use of the term “where possible” in respect to the avoidance of impacts on potential roost trees from noise and light is not satisfactory.
- Hazel dormouse – Outline mitigation measures are fine in principle but need to be placed in the context of firm proposals before the LPA can judge these acceptable.
- Overall comments – The potential impacts must be assessed in the context of a relatively limited period of intense activity. Most significant impacts are likely to arise from the functional loss of habitat as a result of noise, visual and light disturbance. Other habitats are likely to suffer damage due to compaction or use by attendees.
- In summary, some outstanding queries in relation to baseline ecological information and the practicalities of proposed avoidance and mitigation measures. Would like to be in a position whereby there is a robust understanding of the potential impacts from concrete proposals and that the identified ecological constraints form the basis of event planning. Uncertainties need to be addressed as far as possible to provide reassurances to the LPA. If a package of avoidance, mitigation, compensation, enhancement and monitoring measures can be agreed, then these can be secured by condition.

4.10 Environmental Health – No objection subject to conditions

- As the application does not seek to increase the permitted noise levels that exist in both the existing current planning and license permissions, nor increase the number of stages, do not consider that in granting permission, there will be any change to the noise impact on residential amenity and therefore no objection.

4.11 Esso Petroleum – No comment

4.12 Fire & Rescue – Comments

- Comments relating mainly to operational matters during the festival.

4.13 Forestry Commission – Comments

- Standing advice provided in relation to Ancient woodland, Ancient and veteran trees.

4.14 Health & Safety Executive – Refer to Standard Advice

4.15 Highways Authority – No objection subject to condition

4.16 National Highways – No objections

4.17 Itchen Stoke and Ovington Parish Council – Objection

- If Boomtown is serious about its environmental credibility, it should accept the existing approval and work hard to assess the impact through formal review and then submit an application.
- The land outlined in blue could enable at least an extra 50,000. Would be reasonable to conclude that the effort by Boomtown in promoting a green profile whilst setting out for further expansion reflects an agenda, which seems less about regard for the recent permission, potential adverse impact and local communities than the prospect of honing major profit improvement.
- Issue is Boomtown's unwillingness to accept the recent status quo.
- If the integrity of the SDNPA mean anything, then the application must be refused.

4.18 Itchen Valley Parish Council – Object

- Not a suitable location for a development of this scale and nature.
- Development needs to positively enhance tranquillity (SD7). This scheme is in direct conflict with purposes of the Park.
- Application is made by Boomtown but if granted will be a permanent change of use attached to the land and not limited to that company. Boomtown have been forced to address the issues they should have considered from the beginning.
- Environmental consideration of the site has been historically poor. A temporary permission would maintain planning control to a degree which is not possible through the enforcement or licensing process.

4.19 Kilmeston Parish Council – Comments

- The current permission expires in 2024. This decision was made for sound reasons to allow sufficient time for ecological effects to be assessed.
- Request SDNP reject this application and allow 6 years to pass before revisiting the matter.

4.20 Landscape – Comments – Neutral

- Whilst summarised as a neutral response, objecting to lack of sufficient information to demonstrate the effects of the proposal.
- Application clearly identifies the adverse temporary effects of the Festival.
- Long-term impacts are not yet demonstrated (see Ecologist comments).
- Previous comments largely addressed to one degree or another.
- LEMP includes many positive interventions, though how far these interventions would mitigate for the effects of the festival given the gaps identified at this point and some actions would already be happening as part of the 'no festival' baseline, is questioned and for the case officer to weigh in the balance. Whether the LEMP includes sufficient interventions to accrue enhancements, is not yet demonstrated. Yet to receive any monitoring from the approved LEMP (*case officer note; mainly due to LEMP not being activated until first festival under the 2019 approval – i.e. 2022*)

- In light of gaps, unable to support the proposal. Whilst application may demonstrate mitigation for temporary effects, doubtful as to whether it will provide mitigation/enhancement in the longer term.
 - Recommend the temporary permission and results of the LEMP are allowed to run their course in order to generate robust evidence to help understand the effects of this unique scheme.
- 4.21 Local Lead Flood Authority – No objection subject to condition**
- 4.22 New Alresford Town Council – Objection**
- Concerns over traffic flow, which does affect Alresford. Still big hold ups on the A31. Knock on effect to other roads.
- 4.23 NHS – South East Hampshire CCG – No objection**
- 4.24 Natural England – Further Information Required**
- Does not include further information to demonstrate that Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by the Authority (i.e. the consultation does not include a Habitats Regulation assessment). *(Case Officer Comment: Habitats Regulation Assessment sent to Natural England: Awaiting response. Members will be updated)*
 - The Nutrient neutrality assessment provides an assessment of overall water used during the previous attendance level in 2019. In the last response a calculation of the nitrogen and phosphorus budgets have not been provided in this assessment. Previous assessment have provided a nitrogen budget based on the overall water use data from previous festivals and included a percentage uplift based on the proposed capacity increase, an approach Natural England concurred with.
 - It is noted that an alternative approach to mitigation is provided, proposing to transport the portaloos to be emptied at a waste water treatment works located in the Lodden catchment which is outside the Solet catchment. The SDNPA as competent authority should be satisfied that this measure can be secured, monitored and enforced, taking a precautionary approach. Advise that this detail should be included in the Appropriate Assessment to ensure there is no adverse impact on the designated sites from poor water quality via increased waste water.
 - Should this position change, then a nitrate and phosphorus budget calculation and alternative mitigation solution will be required.
- 4.25 Owslebury Parish Council – Object**
- This application should be reviewed on a yearly basis.
 - Object to the increased number of attendees. Would like to see the results of the 6 year evaluation of the environmental impact before any permanent application is submitted.
- 4.26 Planning Policy (HCC) – No objection**
- 4.27 South Downs Society – Objection**
- Prematurity – Temporary approval was to allow impact of the events to be reviewed. This has not been done.
 - Numbers of participants – Increase is excessive and damage caused and strain on the environment by transport, infrastructure requirement and extra space occupied is not acceptable.
 - Does not conform with Policy SD3 or the NPPF. LPA do not have the full knowledge of the likely effects of an application.

4.28 **Southern Water – General Comments**

- Applicant advised to examine alternative means of foul sewage disposal. Advised to consult Environment Agency regarding use of a private treatment plant.
- Possible that a sewer now deemed to be public could be crossing the development site. Should any sewer be found during building works, an investigation of the sewer will be required to ascertain its ownership.

4.29 **Tree Officer (WCC)** – Originally concerns were raised but following discussion and a visit to the site, considered trees could be protected by a suitably worded condition

4.30 **Twyford Parish Council – No objection**

4.31 **Tichborne Parish Council – Object**

- SDNPA could not grant permanent permission in 2019 and required a number of years in order to properly assess the ecological impact of the event upon the site and locality. The proposed assessment period has yet to commence. Request that the application be refused as the situation that existed in 20019 still applies.
- Support colleagues at Cheriton PC in their belief that the recent enhancements by the government to para 176 and 177 of the NPPF strengthens why this application should be refused.
- The Parish Council supports comments made by Cheriton PC. In addition, support associated comments made by the Chair of Beauworth Parish Meeting.
- Concerned at apparent bias shown towards the applicant by SDNPA officers.
- Does not comply with Para 177 of NPPF in that the need for the development is not proven, it does not require a location in a National Park and the effects of activity on the site are not known.
- Does not accord with Local Plan policies specifically SD1, SD4, SD6, SD7, SD8 and SD19

4.32 **Dark Skies – Comments**

- No matter how well constrained installations can be, the residual presence of the lighting itself will continue to conflict with dark sky policy as it will reduce sky quality in the area and will be seen from many miles in the surrounding landscape.
- Applicant has stated that even with more sympathetic lighting installations, their need for theatrical lighting to support the experience will mean the use of intrusive lights – that cannot be avoided.
- The festival will continue to present a significant threat to dark skies for the duration of its use. This statement is consistent with previous responses.
- There are some favourable changes to previous applications however. The SNDPA response has always emphasised the particular problem of highly penetrative lights, such as lasers and sky scanners. It is encouraging to see that some mitigation has been proposed with hours of use and with directional considerations, but as they are still going to be used, the threat does not really go away. In that respect, it is recommended that sky scanners, lasers or any other penetrative lights be avoided.
- In summary, the festival lighting presents a significant threat to dark skies. The need for theatrical lighting means that only so much can be done to reduce the impact before undermining the purpose of the light for the experience. In that regard – and consistent with previous advice – any mitigations for dark skies are welcomed, but the presence of the lighting will still present a significant threat. Given the need to provide an experience, this conflict will never be resolved in favour of dark skies.

5. Representations

5.1 Numerous Letters of Support from 110 Respondents received in relation to original documentation and further information submitted by the applicant

- Encourages wider and more diverse access to the National Park.
- Sympathetic diverse use of the land with limited environmental impact.
- Supports local businesses and charities and engages with local community.
- Supports the creative arts.
- Economic impact assessment showed event brought business to local economy.
- Reasonable to share this small part of the National Park for one weekend
- Traffic disruption and noise in the local area is overstated by objectors.
- No reason why additional numbers would have impact on the local area.
- Land is kept in permanent grass pasture absorbing carbon and adding to the diversity of the local habitat. If there were no festival the land would invariably be ploughed and planted to arable crops that do not provide the same insect habitat.
- Keeps the estate mainly down to grassland and not being used for intensive farming and all the chemicals and nitrates that go with such.
- Little impact on neighbouring villages and the general road noise from cars and motorcycles is far worse than 4-5 days of background sound.
- Should be supporting business, innovation and sustainability.
- Local schools and children are asked for their input and views for future events.
- Travel to and from the festival is safe and planned. Traffic control measures are better every year.
- The site returns quickly to normal after the festival.
- Noise is no different from other local events such as Alresford Music Festival.
- Dispersal of visitors improves every year.
- Never affected by through traffic.
- Creates job opportunities locally.
- Wooden structures hidden from view.
- To a casual observer, a working farm with little or no sign of the event.
- Plenty of bins throughout the site for recyclable materials.
- Like the emphasis on "leave no trace".
- Brings huge number of young people to the Park and encourage them to be custodians of the nature within.
- Minimal crime and pro-active approach to keeping drugs out of festivals.
- Essential diversification for an agricultural business.
- No issues in relation to access/egress from Rodfield Lane
- Local liaison meetings are helpful and informative.

5.2 Numerous Letters of objection from 83 Respondents received in relation to original documentation and further information submitted by the applicant

Purposes of Park & Policy

- The Stanford Principle must be applied.

- No apparent evidence that there are no alternative sites near to Winchester.

Landscape

- Location of festival is a gateway into the National Park. Approval will increase degradation of rural quality of the site.
- Contradiction between use of site for a festival and conservation and enhancement of the natural beauty of the area and special qualities of the park.
- Permanent structures are wrong in an arable landscape.
- Infrastructure for festival is detrimental to special scenic landscape.
- Beauty of site cannot be seen during festival due to security fence.
- Siting of shipping containers and possibility of semi-permanent buildings should not be allowed.

Procedural Queries

- Lack of photographs of the event in situ.
- No evidence that documents have dealt with issue of cumulative impact in relation to wildlife within and near to the application site.
- Document not an ES for purposes of EIA Regs and has been written to a pre-determined conclusion
- Falls short of Regulations 18(3), (4) and (5).
- Under reporting of the Impacts starts with the change of use format. Contains limited information.
- Issue of 'technical capacity of site' not tackled.
- Any further information required would compound non-compliance.
- Unique approach to considering alternatives.
- Authority conclusion that EIA development marginal cannot be the case.
- Application format should not have been used. Incorrectly describes land as a music festival when it is for a theme park.
- Non-technical summary is misleading.

Ecology

- Permanent permission not allowed 2 years ago because 6 years of a 'steady state' was needed before the impact on the environment could be assessed. SDNP should be consistent and refuse this application.
- Detrimental to 18 red listed birds local to Matterley.
- Quality of Ecology report insufficient to make an informed judgement.
- Ecology report does not allow general public to participate in planning debate as required.
- Mitigation in relation to nitrogen is unacceptable.
- Mitigation proposed for disturbance of birds is unacceptable.
- Improved grassland is detrimental to ground nesting birds local to this site.
- Creates a barrier for wildlife between Gander Down and Longwood Warren, thus inhibiting movement of birds and other wildlife.
- Concern about adequacy of current Ecology condition.

- The capacity of the site is well over 150,000 people and comparable to Worthy Farm in Somerset.
- Potential damage to SSSI
- LEMP actions should be in place irrespective of application.
- No ability to enforce the actions of the LEMP.

Noise & Air pollution/Tranquillity/Dark Skies

- Noise until 4am in the morning and impact on dark skies. Noise can be heard up to 10 miles away.
- Excessive air pollution
- Will cause sewage
- Can see the 'skyglow' caused by scanners from miles around.
- No evidence that noise measurements have been taken in Cheriton before any activity starts and while a festival takes place. Full knowledge of effects not known.
- Clarity needed in relation to the Noise management plan.

Traffic & Transport/Highways

- Danger to road users on the A272 by refusing to take measures to prevent their guests from accessing or leaving the festival on foot.
- Change of road access onto A31 would produce a dangerous junction.
- More traffic chaos and frustration
- If only another 11,000 are being proposed why is another access proposed?
- Another access would not comply with Policy SD6 (safeguarding views). Already too many roads on the estate.
- Another access would cause further delays.
- Traffic down to a single lane on the A31 for 5 miles.

Public Footpaths/South Downs Way (SDW)

- Visitors are diverted to walk along a dangerous main road for the duration of the festival.
- Walkers should not have to endure a walk through a construction site.
- Concern that traffic going into Gate L will cross the temporary path of the SDW.
- No mention of provision for the other path that crosses the site. (128/2/2). Suitable diversion should be provided.

Crime & Disorder

- Attract anti-social behaviour.
- Promotes worst sort of values to young people.
- Vehicles using entrances as lay-bys. People using driveways as a latrine.
- Previously been fires due to hot cars setting light to straw.

Economic Benefit

- Conflict with businesses such as bed and breakfast and camp sites. Local business owners close during the festival.
- Application would have adverse impact on the local economy.

Climate Change

- In direct conflict with the aspirations of the Climate Adaptation plan.
- Full EIA should be taken to understand the carbon/GHG implications. Must employ systems analysis in order to understand inter-relationships between each factor assessed.

Other issues

- Health, soil and flood risk/surface water drainage are treated as out of scope in the EIA.
- Need to think ahead about potential growth of this festival. Potential for this site to host a festival on the scale of Glastonbury. Land outlined in blue intended to be their expansion area.
- Full knowledge about environmental impact unknown so should be refused.
- How would SDNPA monitor daily numbers attending?
- Site is of historic interest.
- Place looks awful for weeks after the event.
- Commercial basis of the application should not be treated differently from a private application given the nature and importance of this large area of landscape.
- Concerns about Covid with significant numbers of people attending over one weekend.

5.3 Letter of Objection from Upper Itchen Valley Society

- Against the objectives of the National Park.
- No ecological monitoring of the effects on the site.
- Environmental Damage and litter produced by the festival is significant.
- Granting permanent approval means there may be requests for increases in numbers and events.
- Disruption to walkers visitors and residents over a summer period, noise, lights, and environmental implications are incompatible with the SDNP.

5.4 Letter of objection from South Downs Network

- Should be seen in context of a “theme park”.
- Nothing in National policy to indicate encouragement of music festivals in National Parks.
- Contrary to Local Plan policies.
- ES does not comply with EIA Regulations.
- No permission should be given until ecology evidence has been gathered.
- Concerns by Ecologist about breeding birds, bat and dormice.

5.5 2 letters with general comments received.

- Request that fireworks are not used, given impacts on domestic pets and wildlife.
- Fairest way forward would be to extend temporary licence to 2026 to gather data so an informed decision can be taken .

6. Planning Policy

6.1 Relevant Sections of National Planning Policy Framework:

- NPPF02 – Achieving sustainable development
- NPPF06 – Building a strong, competitive economy

- NPPF09 – Promoting sustainable transport
 - NPPF15 – Conserving and enhancing the natural environment
 - NPPF16 – Conserving and enhancing the historic environment
- 6.2 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) (2021). The Circular and NPPF confirm that National Parks have the highest status of protection. The NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks. It states *the scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*”
- 6.3 Major development
- Paragraph 177 of the NPPF also outlines that *“permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*
- a) *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - b) *the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
 - c) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”*
- 6.4 Footnote 60 to paragraph 177 provides further clarification; *“For the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”.*
- 6.5 Having assessed the application and considered relevant case law, the scheme **is considered to be major development** for the purposes of paragraph 177 of the NPPF and its footnote (no.60). This is considered in more details later in the report.
- Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)
- 6.6 This application is supported by an Environmental Statement as the proposals fall within the definition set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 6.7 As set out in the above-mentioned regulations and the ‘Planning Practice Guidance’ which accompanies the National Planning Policy Framework, there are specific arrangements for considering and determining planning applications, which have been subject to an Environmental Impact Assessment (EIA). This includes the adequacy of the information provided, consultation, publicity, and informing the public of the decision and the main reasons for it. The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining the application. Further assessment of the submitted Environmental Statement is made in Section 7 of this report.
- 6.8 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix 1)
- Core Policy SD1 Sustainable Development
 - Core Policy SD3 Major Development

- Strategic Policy SD4 Landscape Character
- Strategic Policy SD7 Relative Tranquillity
- Strategic Policy SD8 Dark Night Skies
- Strategic Policy SD9 Biodiversity and Geodiversity
- Strategic Policy SD19 Transport and Accessibility
- Development Management Policy SD54 Pollution and Air Quality

6.9 Relevant Policies of South Downs Management Plan (2020-2025)

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 3
- Partnership Management Plan Policy 5
- Partnership Management Plan Policy 30

6.10 Other Relevant Policy Documents (including SPDs and TANs)

- Dark Skies TAN
- Ecosystems Services Statement TAN
- Habitats Assessment Regulations TAN

7. Planning Assessment

Background – Major Development

- 7.1 This application is considered to be major development for the purposes of Paragraph 177 of the National Planning Policy Framework, by virtue of the scale and type of event which is proposed and the proposed number of people that would be attending the event.
- 7.2 Paragraph 177 confirms that permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. It then provides a list of criteria that should form part of consideration of major applications.
- 7.3 It is considered, as with the original temporary approval, that there are a number of public interests pertinent to this proposal with regard to compliance with Policy SD3 and Paragraph 177 of the National Planning Policy Framework. Firstly, the conservation and enhancement of the National Park is the SDNPA's primary obligation. This is a matter of balance given the temporary nature of the proposal in any year. It is acknowledged that there may be some impact on the conservation and enhancement of the National Park. This however this has to be balanced by the fact that many impacts are temporary and the applicant is prepared to carry out and secure some works and landscape management which would continue to have a more permanent positive impact on the conservation and enhancement of the National Park. Such ongoing benefits for the landscape, natural beauty and wildlife of the Estate and the Park could all be secured again should permission be forthcoming. The applicant is willing to supplement the existing LEMP with a revised LEMP securing further benefits.
- 7.4 Notwithstanding, it must be noted that the Authority took a precautionary approach with the most recent application by granting a temporary permission to allow a greater evidence base to be collated to fully understand the level of impact the festivals have on the landscape, ecology and wildlife of the area. Unfortunately, due to the Coronavirus pandemic, the applicant has only been able to provide one set of ecological data (which has only just been received and is being scrutinised). Therefore the extent (or even presence) of any impact under the numbers most recently permitted, has not been evidenced as of yet. This concern is echoed by the County Ecologist who highlights particular gaps in appropriate surveys and evidence.

- 7.5 **Given this, it is not considered that it has been demonstrated that the Conservation and Enhancement of the Park, being the primary objective, and a public interest, has been demonstrated to have been met, in the absence of firm ecological evidence gathered over a sufficient timescale.**
- 7.6 It must be recognised that a key public interest is in relation to the second purpose of the Park specifically relating to the opportunity provided for a significant number of people to increase their understanding and enjoyment of the special qualities of the Park. Since the earlier permission, the festival organisers have erected information boards during the event, which explain the importance of the SSSI with some additional information about the wider Park. In addition, as part of the Event Management Plans there has been a requirement for the festival organisers to provide opportunities for meeting this purpose of the Park. Notwithstanding, this does not outweigh the concern raised above about Conservation and enhancement.
- 7.7 Another consideration is the duty to meet a socio-economic need of communities within this part of the National Park. This is discussed in more detail elsewhere in the report; however, for sake of completeness it is important to note that there are clearly economic benefits that accrue in the locality during the holding of such events.
- 7.8 Further, in assessing the public interest and any exceptional circumstances, applications should include an assessment of the following:-
The Need for the Development, including in terms of national considerations and the impact of refusing or approving it on the local economy.
- 7.9 The Matterley Estate has been holding a number of events for some years now. Notwithstanding some early issues, the organisation of the events continue to be fine-tuned and are the subject of event management plans which are scrutinised in some detail under the licence agreements by Winchester City Council and by the Safety Advisory Group which meets regularly. In addition, it is a requirement of the current temporary permission to provide an event management plan for scrutiny by officers.
- 7.10 Boom Town music festival is understood to have been of economic benefit to the farm and how it operates year in, year out and also to Winchester and the surrounding local areas (including those within the National Park). Whilst the extent of the economic benefit has been questioned it is nonetheless clear that it does bring some economic benefits to the region. The need for some form of development is also acknowledged, given the nature of the farming enterprise. Whilst the application has been submitted by the Festival Organiser, it is clear that the use of the land for the festival also benefits the owner of the Estate in their ongoing stewardship of the land.
- 7.11 In addition as mentioned above it is acknowledged that the events provide recreational opportunities for a wide cross section of the wider community and indeed nationally bringing people into the National Park that otherwise may not have visited with the potential for return trips and an increase in understanding and enjoyment of the park. In particular, the proposal allows for a demographic of younger people to access the Park and is an opportunity for them to increase their understanding and enjoyment of the special qualities of the Park.
- 7.12 Given these considerations it is considered that there is arguably a need for this development in order to contribute to the stewardship of the land and its contribution to the wider landscape, natural beauty and wildlife although it must be acknowledged that it is not yet understood fully as to whether the holding of the festival conserves or enhances the environment (in the absence of meaningful data through surveys).
The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way;
- 7.13 Musical events have been organised for some time at Matterley. Some activities have been specifically drawn to the location because of the topography of the land, natural beauty of the area and because it brings something different than other festival events/locations. In addition, it is noted that the site has close links to the strategic highways network and the

City of Winchester and the coastal cities of Southampton and Portsmouth which assists as far as a suitable location is concerned. Added to this it is important to note that the earlier applications were, and continue to be submitted as a diversification scheme to assist with the agricultural activities that take place all year. In this respect that need could not be met elsewhere and have the same benefits outside the National Park. The events assist in allowing the farm to be managed in the way it is rather than a more arable focussed approach, which could arguably be to the detriment of the landscape. Specifically only about 50% of the farm is used for arable purposes with the remainder used for grassland, woodland and game plots.

7.14 Whilst the need could perhaps be met in another way, by the applicant operating within his permitted development rights, it is clear that the application has been submitted in order to allow a meaningful form of diversification to continue. Controls of the nature proposed through this application would not apply if the applicant was to rely solely on his permitted development rights.

7.15 Having regard to this element of the assessment it is considered on balance that there are exceptional circumstances, and it is within the public interest why developing elsewhere or meeting the need in the other way would not be appropriate. However the exceptional circumstances in this part of the consideration are outweighed by the concerns already raised concerning the impact on the environment.

Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

7.16 The report sets out below, the effects on the environment, the landscape and recreational opportunities and is inherently part of the consideration of whether the amended scheme may be acceptable. As mentioned above, there are clearly some concerns about the lack of meaningful evidence to fully understand the impact on ecology and wildlife interests. It is considered that there are clearly some short term temporary effects on the environment, landscape and recreational opportunities, but longer terms impacts remain, to a certain extent, unknown.

7.17 It must also be mentioned that Policy SD3 also requires that development proposals should be as sustainable as possible, and in this respect, there are a number of initiatives that the current organisers undertake in efforts to make the event as sustainable as possible. Were members minded to approve the application it is considered a condition could be imposed requiring a suite of actions to ensure a sustainable event.

7.18 **Given the above it is considered, on balance, that there are not exceptional circumstances and it is not within the public interest to approve the development and the proposal (specifically in relation to the matter of the unknown extent of a potential detrimental effect on the environment) would therefore not comply with Policy SD3 of the Local Plan and Paragraph 177 of the National Planning Policy Framework.**

Environmental Impact Assessment

7.19 The Application is accompanied by an Environmental Statement (ES), in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations (as amended). This describes the 'Environmental Impact Assessment', which assesses the potential environmental effects of the development during the set-up, operation and take down (beneficial or adverse), the degree of impact and mitigation measures to avoid, reduce or offset negative impacts. The issues covered are: socio-economic, landscape and visual, ecology, transport and access, noise and vibration, air quality and lighting. (Some of these issues are discussed further in the report). The statement concludes that, overall, the design of the proposed development, including the build and break periods, has taken into account the potential environmental effects and where necessary, mitigation measures form an integral part of the scheme so to ensure that the environment is suitably protected and any impacts from the proposed development are minimised as far as possible. The various chapters of the ES are addressed further in the following paragraphs (together with an assessment as to whether the ES has identified and addressed the impacts sufficiently).

- 7.20 As part of the application process, and in line with the EIA Regulations, officers sought further information for the Environmental Statement, which was duly supplied by the applicant. This was then subject to a further round of publicity and consultation. The required information related specifically to matters of Landscape and Visual Impact.
- 7.21 It should be noted that there has been significant representations from Parish Councils and interested parties querying the compliance of the submitted ES with the EIA Regulations. In particular, concerns have been raised about the assessment of the capacity of the land for development. It must be recognised that the EIA regulations are ordinarily applied to built development, engineering operations etc., and the framework does not sit as comfortably into unique developments such as use of land for the holding of music festivals. Notwithstanding, the applicants have endeavoured to ensure that the ES is relevant and addresses the requirements of the Regulations. Whether the evidence submitted addresses the main issues to provide assurance and comfort that the proposal is acceptable will be discussed further in the report.
- 7.22 In relation to the matter of capacity, concerns raised by interested parties relate to the fact that the Regulations require the applicant to have regard to the capacity of the site for development. Some remain concerned that the applicant has not adequately discussed this, and that the information would appear to indicate that the site could accommodate well in excess of that proposed. However, the proposals (As set out in the description), give a very clear indication of the extent of the proposals (75,999 attendees) and it is on this basis that the capacity of the site has been considered. Any further increase would require the applicant to, again, address the matter of capacity and it is not considered that the applicant needs to demonstrate the potential capacity for an event on the site, when they have only applied for a particular number of attendees.
- 7.23 Concern has also been raised about the description of the development in relation to the Environmental Statement (particularly in relation to 'use of the land for a music festival'). Officers consider the description of the development to be clear and has been addressed in the ES.

Principle of development

- 7.24 The matter of compliance with the Purposes and duty of the Park and Local Plan Policies have been considered in some detail over the course of earlier applications for events on the application site. The assessment against the previous applications still has some relevance however, it is important to measure the proposals against the policies within the Local Plan.
- 7.25 Policy SD1 relates to Sustainable Development and the Purposes of the Park and considering cumulative impacts of development. It confirms that permission will be refused where the development fails to conserve the landscape, natural beauty, wildlife and cultural heritage of the Park, unless the benefits outweigh the great weight to be attached to those interests and there is substantial compliance with the other policies in the plan.
- 7.26 The balance in relation to the purposes remains relevant as it did when temporary approval was given. The question remains as to whether the short-term impact for such events is outweighed by long-term benefits that could be accrued for landscape, natural beauty and wildlife. The most recent temporary approval secured some benefits as part of a LEMP, but it was appreciated by members that the absence of a 'steady state' of ecological data arising from festivals meant that the long term impacts could not be fully ascertained and so a precautionary approach of a temporary permission was considered appropriate. Through circumstances beyond the control of the applicant, in the absence of a festival for 2 years, that wealth of evidence has not been accrued as of yet at the attendance levels previously approved. In the absence of such information at the levels previously set, it cannot be demonstrated, at present that the levels proposed would not have an element of adverse impact on the natural beauty and wildlife of the Site and the Park. Whilst it is appreciated that any permission could effectively remove the extant permission to also hold a sport endurance event with significant attendees, this still does not demonstrate that the festival numbers at the levels proposed would not have an impact on the ecology of the area. This

being the case, it is considered that the proposals, at present do not accord with Policy SD1 of the Local Plan

- 7.27 Policy SD2 has the aspiration of ensuring proposals have an overall positive impact on the ability of the natural environment to contribute goods and services. The securing of a fresh land management strategy would embrace and address a number of matters to achieve some positive impacts, but in the absence of data to fully establish the extent, if any, of impacts on ecology and natural beauty, it could not be concluded that the proposal accords with Policy SD2.
- 7.28 Policy SD3 relates to major development. This matter has already been addressed elsewhere in the report.
- 7.29 Policy SD4 relates to Landscape Character. This confirms that proposals will only be permitted where they conserve and enhance landscape character. The matter of Impact on Landscape is considered further in the report. Policy SD6 refers to safeguarding views. This will be addressed in the section of Landscape impact.
- 7.30 Policy SD7 relates to Relative Tranquillity. It is appreciated that the proposals clearly do not conserve nor enhance relative tranquillity for the duration of the events (or arguably during set up and take-down). Notwithstanding, it is clear that the stewardship of the land by the owner for the remainder of the year serves to conserve the tranquillity of the area. The consideration therefore is having regard to the temporary impact on tranquillity and balancing all the other benefits and disbenefits, whether the impact would, on its own be a reason for refusal. In this instance, given the controls available and the limited nature of disturbance and the impacts and benefits outlined in the report which could be accrued, the disturbance is, on balance, even with the additional numbers, acceptable.
- 7.31 Policy SD11 relates to Trees, Woodland and Hedgerows. In particular, the policy confirms that buffers will be required between the development and ancient woodland or veteran trees. It also confirms that proposals which affect trees and woodland must be informed by a full site survey. In the Ecology section of the report, this is considered further.
- 7.32 Policy SD16 relates to Archaeology. The County Archaeologist has confirmed that they have no objection subject to suitable conditions.
- 7.33 Policy SD17 refers to Protection of the Water Environment. This is considered in the report, with special consideration to the matter of nitrate/phosphate neutrality.
- 7.34 Policies relating to Traffic, Parking, walking and cycling (SD19-SD22) are considered in relation to highway impact elsewhere in the report.
- 7.35 Policy SD23 relates to Sustainable Tourism and mentions visitor attractions. In particular, it confirms that such schemes will be permitted where they provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities. This has always been part of the balance in meeting the purposes and the proposal is considered to be compliant with the policy in this regard. Whilst the policy also mentions that development proposals will not detract from the experience of visitors or affect the character of the area, this has to be seen in the context of short-term impact balanced with long-term stewardship and enhancement of the environment of the area. Outside the settlement policy boundaries (as this site is), proposals should positively contribute to the Natural beauty, wildlife and cultural heritage of the Park and be closely associated with other established attractions, including rights of way networks and part of farm diversification schemes. It must be added however that the proposals are inherently associated with the rights of way network and are part of a farm diversification scheme, in that the use for such events enables the applicant to continue to farm and manage their land for the remainder of the year.
- 7.36 Policy SD25 (3) mentions that proposals within rural estates and large farms will have positive regard when considering where the scheme delivers multiple benefits in line with the purposes and the special qualities of the Park and in regard to Eco-system services. The proposal is **not** considered to comply with Policy SD25 in this respect and this is discussed more in the section on Eco-system services.

- 7.37 Policy SD40 relates to farm diversification and confirms that diversification plans should be submitted demonstrating that the proposal would contribute to the first purpose of the Park by providing long term benefit to the farming business, remain subsidiary to the farming activity in physical scale and income stream and not cause severance or disruption to the holding. The proposal, whilst submitted by the festival organiser clearly is inextricably linked to farm diversification activity. Whilst there is no formal plan, there is no disruption to the agricultural holding and the proposal is clearly subsidiary in terms of its use and contributes to a long-term benefit to the farming enterprise.
- 7.38 Policy SD54 relates to Pollution and Air Quality and this is considered later in the report.
- General consideration in relation to review of temporary approval on amenities and special qualities of the Park.
- 7.39 It is important to note that the current application technically requires Members to evaluate whether there is sufficient information to give them assurances that the Purposes of the Park are fulfilled in approving permission for the use of land for one music festival per year on a permanent basis at the proposed increased numbers. Whilst the applicants have applied for permanent change of use, were members minded to agree to the increased number of attendees, temporary permission could be given to allow further collation of ecological data for a further number of years.
- 7.40 Officers have had regard to advice from external consultees involved in the Safety Advisory Group who have fed into the planning process since the original approval. It is clear that there have been some ongoing logistical issues over time, which appear to have been fine-tuned as the event has progressed, with matters such as traffic and access/egress becoming much smoother over the years.
- 7.41 Notwithstanding, it is clear that there is one area where information has not been able to be adequately gathered over this period since the most recent approval. The lack of detailed ecological reports, as required by the temporary approval, over the intervening period is regrettable but unavoidable. Regardless, this has not given the Authority the opportunity to fully assess the impact upon the ecological interests and to be able to give assurances that the impact is such that a permanent approval or an approval at the attendance levels proposed could be supported.
- 7.42 In addition, Members should note that the temporary approval was for a music event and a sports event. Only the music festival has been operated since the original temporary approval and therefore it is difficult to review the full impact on amenities and qualities when the full use of the temporary approval remains somewhat unknown. The willingness of the applicant and owner to remove the requirement for one sports event from an ongoing approval is noted and appreciated, but this still does not give clarity as to the impact of increased numbers to the music festival in the absence of a wealth of evidence data in relation to Ecology.
- 7.43 Finally, it must also be acknowledged that the Authority has had to assess the ongoing impact on amenities against a changing landscape in relation to the nature of the event, with changing numbers of attendees, opening days and noise levels. This muddies the waters somewhat in being able to draw together a clear picture of the impact on amenities.
- 7.44 The remaining material considerations are considered to be as follows:-
- The impact on the landscape character of the area
 - The impact in terms of noise pollution and light pollution
 - The impact on the Highway Network
 - Economic Considerations
 - Ecology and Biodiversity, including Appropriate Assessment under the Habitat Regulations
 - Crime & Disorder

- Archaeology
- Footpaths/Public Rights of Way
- Other issues raised in representations

Landscape

- 7.45 It is clear that a Music Festival has at the very least short-term impact on the Landscape (and does not safeguard important views for short periods around the time of the Festival). It would however, appear that the land generally recovers reasonably well after the events and is well managed for the remainder of the year.
- 7.46 The use of the area at the A31/A272 for a coach pad for the temporary period for the festival continues to be acceptable in the event that it is purely for a limited period and is re-seeded after every event. With ongoing adequate and robust conditions, it is considered this arrangement could certainly continue, were members minded to approve the application.
- 7.47 Whilst the continued retention of the widened access on the A31 is considered to have an adverse impact on the landscape character of the site in this location, it is not however considered that a refusal could be sustained solely on this point.
- 7.48 The proposed siting of storage containers in association with the event, predominantly alongside the main farm buildings, would be an improvement, given that such containers have historically been located elsewhere within the Estate and not always in appropriate locations from a landscape impact point of view.
- 7.49 The retention of structures within the woodland areas are considered to be acceptable in terms of landscape impact.
- 7.50 The Tree /Officer considers that, the proposal is acceptable subject to appropriate conditions being imposed.
- 7.51 Concerns raised concerning the quality of photographic evidence within the LVIA in the ES are considered unfounded. The further submission of information during the process is considered to be acceptable.
- 7.52 In overall landscape terms, it is considered that any further approval needs to have the assurance that long term benefits in terms of land management can be secured. This has been the case with the existing LEMP and progress has been made with actions within the LEMP already. However, even with the introduction of a further LEMP, which could be secured, given the uncertainty about the extent of impact already highlighted, it is considered that it has not been demonstrated that the scheme at the levels proposed would conserve or enhance the landscape. Were a LEMP to be secured (if members were minded to approve the application), officers are confident that this could be enforced, as with the current extant permission.
- 7.53 A concern has been raised that the Landscape Officer has been assisting the applicants with regard to the information required to be submitted in relation to the Environmental Statement and the application documents. Officers are duty bound to advise the applicants if there are any elements to the submission which require further information or detail to enable them to adequately assess the acceptability or otherwise of the application. The liaison and engagement between both parties has been professional and solely to ensure all relevant parties have sufficient information to be able to come to a reasonable assessment of the applications proposals (be it a positive or a negative outcome).

Noise, light and air Pollution

- 7.54 Environmental Health continue to monitor the Festival and no objection has been raised with regard to pollution, subject to appropriate conditions. Environmental Health would necessarily be consulted on the submitted Event Management Plan secured by condition, were the application to be approved.
- 7.55 It is considered that the issues of light pollution could be monitored and managed by way of the Event Management Plan, were the application to be approved.

Highway Network

- 7.56 Highways England have raised no objection to the proposals. The Highways Authority have also raised no objection. The evolving nature of the Festival is such that Highways and Traffic management issues may need to be adapted over time, however this would always be subject to scrutiny by the necessary bodies as part of the Event Management Plan.
- 7.57 It is worth noting that the red outline for the application site includes a vehicular access from Rodfield Lane, which was not part of the earlier applications. This access has been used for the most recent festival and formed part of the Event Management Plan for the 2022 Festival. Officers were conscious of the fact that the use of the access was technically in breach of a condition attached to the current approval (requiring no use of the land in blue for the Festival), but were minded to approve the EMP, given that the Transport and Access arrangements were considered to be acceptable from a Highways point of view and would reduce congestion and aid movement around the local network, to the benefit of local people. The inclusion in the current application seeks to regularise this arrangement, and were members minded to approve, this is considered to be acceptable.

Economic considerations

- 7.58 The economic benefits of the events were highlighted on the previous applications. It is recognised that the full extent or otherwise of the benefits that such events bring to the local economy and that of the National Park are always going to be difficult to fully quantify however it is considered that economic benefits do accrue in some form. It must be noted however that the concerns raised by residents in relation to businesses being able to function across the road network during the festival has arguably been improved by the current approved staggered opening of the festival thus preventing a more intensive amount of activity as currently exists on the Thursday of the festival. In conclusion, it is considered that there are economic benefits to the local economy, albeit they may not be as great as stated by some.

Ecology and Biodiversity, including Appropriate Assessment under the Habitat Regulations

- 7.59 The Authority's Ecological Adviser has expressed concern about the lack of meaningful data to evidence that there will be no impact on matters of Ecological Interest. This has a direct relevance to the earlier reason for granting temporary permission for a period of 6 years to allow a good wealth of evidence to be gathered to demonstrate whether there were long terms impacts, which would guide whether a permanent approval could be granted in the future. In particular, they have raised concerns about lack of sufficiently helpful surveys in relation to birds, bats or dormice.
- 7.60 In the intervening period since the Temporary Approval, there has only been one Festival at the current attendance levels of 64,999, with only one set of ecological data having been submitted (which is still being scrutinised). Therefore, the concerns raised earlier in the report remain valid.
- 7.61 The Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations) places a duty on planning authorities when determining applications that may affect international sites to determine the potential for likely significant effects. Where proposals are likely (without mitigation) to have significant effects on international sites, the planning authority is required to undertake an appropriate assessment in order to ascertain that there would not be adverse impacts on the integrity of the international site, and whether the proposal demonstrates that impacts would be avoided or adequately mitigated against. Accordingly, Policy SD9 requires that development likely to result in a significant impact upon an international habitats site is subject to an Appropriate Assessment pursuant to the requirements of the habitats Regulations.
- 7.62 In the case of this proposal, an Appropriate Assessment is required for the potential significant effects on:
- River Itchen Special Areas of Conservation (SAC) and
 - Solent Coast Special Protection Areas (SPAs)

- 7.63 The proposals have been supported by a Nutrient Neutrality Assessment Document (August 2022) by the applicants ecologist consultant (ECOSA Ltd).
- 7.64 The Solent Marine and River Itchen International sites are known to be vulnerable to nutrient enrichment from elevated levels of nitrogen and phosphorous respectively.
- 7.65 It is recognised that a large contribution of nutrient inputs are from agricultural sources such as fertiliser run off; however, a small but notable contribution comes from human wastewater outputs.
- 7.66 Natural England advises that a likely significant effect from development that increases these nutrients in the Solent or Itchen catchments cannot be ruled out. This applies to all types of overnight accommodation, including tourism attractions and overnight accommodation.
- 7.67 For such development proposals, Natural England advise that a nutrient neutral approach is one which *'enables decisions makers to assess and quantify mitigation requirements of new developments. It allows new developments to be approved with no net increase in nutrient loading within the catchments of the affected habitats site. Where properly applied, Natural England considers that nutrient neutrality is an acceptable means of counterbalancing nutrient impacts from development to demonstrate no adverse effect on the integrity of habitats sites'*. Natural England has prepared a methodology setting out how this can be achieved. The conclusion of the screening under the HRA is that the proposal could lead to likely significant effects, alone or in combination with other plans or projects.
- 7.68 Currently the assessment shows an overall increase in nutrients being discharged as a result of the proposed development prior to any mitigation/offsetting. The submitted statement confirms that wastewater from the Festival will be removed from the catchment area by transporting it to Basingstoke Sewage Treatment Works, which discharges to a different catchment not subject to nutrient neutrality requirements. The principle of changing the location to one not within a catchment subject to nutrient neutrality is, in principle, an acceptable solution. Further confirmation was provided that all wastewater would be removed (kitchen, toilet, showers etc.) The Authority has undertaken a Habitats Regulations Assessment, the conclusions of which are that the adverse effects on the integrity of the relevant international sites can be ruled out (subject to an appropriate Legal Agreement). The HRA has been forwarded to Natural England for any final comments that they may have and members will be updated on any response received from them.
- 7.69 Whilst the approach put forward by the applicant is considered acceptable, this is subject to a S106 being secured which has not been achieved, given that officers are recommending refusal on other matters. In the circumstances, in the absence of a secured S106 Agreement, refusal is recommended on this issue.
- 7.70 A concern has been raised by interested parties that the Ecology report has not allowed the general public to participate in the planning debate. Notwithstanding concerns already raised in the assessment of the application, it is considered that all interested parties have had the opportunity to put forward any comments on the acceptability or otherwise of the ecology information.
- 7.71 As a final point in relation to Ecology, it is noted that the Festival organisers have always ensured the SSSI surrounding the bowl, is adequately protected during the set-up, take down and operation of the Festival. This includes an elevated walkway across the SSSI, so as to protect it. In addition, the festival organiser provide information by way of interpretation boards explaining to attendees about the importance of the SSSI and the need for it to be fenced off during the Festivals. Officers are content that, the proposed increase in numbers, subject to suitable conditions, would not have an adverse impact on the SSSI.
- Eco-system Services/Biodiversity Net Gain
- 7.72 In line with Policy SD2 the proposals would need to have an overall positive impact on the ability of the natural environment to contribute goods and services.
- 7.73 The applicants submitted an Eco-systems Services statement with the application, setting out Actions to achieve an overall positive impact. These actions included (but are in no way exhaustive), measures to ensure impacts to groundwater through pollution events does not

occur as a result of the events, protection of the SSSI, Grassland management to reduce nutrient levels in the soil, management of all hedgerows and treelines and woodlands, safeguarding of woodland habitats, creation of new habitat on site by way of new bat boxes and bird boxes, Retention of existing linear habitats to maintain habitat connectivity, a Sustainability policy in place at the Festival, sustainable travel initiatives, sustainable use of materials, resource efficiency management plan, Reduction in levels of pollution at the festival, water conservation. Many of these initiatives and actions are commendable and some could be secured by condition. Given the uncertainty in relation to impacts on existing habitats, wildlife and the landscape, it cannot however be assured that the actions would have an overall positive impact and therefore it is considered that compliance with Policy SD2 has not been achieved.

- 7.74 Similarly, in the absence of meaningful ecological evidence over a sustained period, it is not considered that the Proposals can demonstrate biodiversity net gain as required by Policy SD9.

Crime & Disorder

- 7.75 No objections have been raised by the Emergency Services to the current proposals

Archaeology

- 7.76 The amendments do not impact on any matters of archaeological concern and are adequately covered by conditions on the current approval. Any approval here would replicate the same conditions to ensure future protection of archaeological interests.

Footpaths/Rights of Way

- 7.77 The Rights of Way Officer has expressed some concern with regard to anecdotal comments about the increase of disruption along the South Downs Way during the construction and take down periods of the event, and how this might be impacted by the Festival. The organisers consider that the infrastructure and activity will not increase during this period and the increase in numbers will not affect the impact on the SDW footpath.

- 7.78 Subject to appropriate conditions, it is not considered that the impact on the SDW and footpath network would be such as to justify refusal on this basis. Conditions have been in place, together with requirements within a S106 Agreement to ensure a diversion of the SDW. It is accepted that the experience for users of the SDW is affected during the diversion; however, it is arguable that some of the benefits accrued by way of the LEMP provide benefits for the experience of users of the footpath for the remainder of the year.

Other issues raised in representations.

- 7.79 The representations from Parish Councils and other interested parties have been significant and detailed. This section seeks to address the salient points raised in those representations, which have not been addressed elsewhere in the report.
- 7.80 Concern was raised about whether officers would be able to monitor the attendance at any approved festival. Officers have been able to monitor festivals for the earlier temporary permissions and believe any conditions imposed, if minded to approve, would be enforceable.
- 7.81 Concerns were raised in relation to significant numbers attending the festival in relation to the matter of Covid. It is noted that the Safety Advisory Group were content with the arrangements for this year's festival. In addition, no concerns were received by the National Health Service in relation to this application.

8. Conclusion

- 8.1 In summary, it is considered on balance that the lack of evidence of impact on ecology, landscape and biodiversity interests at current levels of attendance for a reasonable amount of time to provide a steady state, is such that neither a permission at the proposed levels of attendance can be supported and refusal is therefore recommended on this basis.

- 8.2 In the absence of a S106 Agreement securing the scheme for removal of wastewater from the site and an appropriate monitoring regime, refusal is also proposed in relation to the adverse impact on the integrity of International sites.
- 9. Reason for Recommendation and Conditions/Reasons for refusal**
- 9.1 It is recommended that the application be Refused for the reasons set out below.
1. It has not been demonstrated, in the absence of sufficient ecological evidence, gathered over a meaningful period covering a number of festivals, that the proposal would not have an adverse impact on the ecological, landscape or biodiversity interests of the Park. It is not therefore considered that the proposals would conserve or enhance the natural beauty and wildlife of the National Park and the proposals would therefore not comply with Policies SD1, SD2, SD4, SD9, SD11 and SD25 of the Adopted South Downs Local Plan (2014-2033), the Purposes of the Park and the NPPF.
 2. It has not been demonstrated (on the basis that the proposals are considered major development for the purposes of Paragraphs 177 of the NPPF) that the proposals are in the public interest or that there are exceptional circumstances, given that evidence concerning any potential adverse effect on the environment and landscape have not been forthcoming with appropriate evidence over a meaningful period. The proposals would therefore not comply with Policy SD3 of the Adopted South Downs Local Plan (2014-2033), the Purposes of the Park and Paragraph 177 of the NPPF.
 3. In the absence of a Section 106 Agreement securing a scheme for removal of wastewater from the application site (and a necessary monitoring regime) in relation to Nutrient Neutrality, it has not been demonstrated that the proposals would not result in an adverse effect on the integrity of an international site. The proposals would therefore be contrary to Policy SD9 of Adopted South Downs Local Plan (2014-2033), the Purposes of the Park and the NPPF.

TIM SLANEY

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Appendices: 1. Information concerning consideration of applications before committee

SDNPA Consultees: Director of Planning, Legal Services

Background Documents: [All planning application plans, supporting documents, consultation and third party responses.](#)

[South Downs National Park Local Plan 2019](#)

[National Planning Policy Framework](#)

[Supplementary Planning Documents and TANs](#)

[Partnership Management Plan – South Downs National Park Authority](#)

Information concerning consideration of applications before committee

Officers can confirm that the following have been taken into consideration when assessing the application:-

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and the Vision & Circular 2010

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Major Development

Paragraph 177 of the NPPF confirms that when considering applications for development within the National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

For the purposes of Paragraph 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

For the purposes of this application, assessment as to whether the development is defined as major for the purposes of Para 177 is undertaken in the Assessment Section of the main report.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

A screening opinion has concluded that for reasons of scale, use, character and design and environmental considerations associated with the site, the proposals are EIA development within the meaning of the relevant 2017 legislation. Therefore, an EIA is required and an Environmental Statement was submitted with the Application.

The Conservation of Habitats and Species Regulations 2017

Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is required and has been carried out as part of the consideration of this application. The findings are located in the main assessment of the report.

Relationship of the Development Plan to the NPPF and Circular 2010

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered to be compliant with it.

The South Downs National Park Partnership Management Plan 2019-2025

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. Relevant Policies are listed in each report.

South Downs Local Plan

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

All policies of the South Downs Local Plan which are of relevance to this application

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Core Policy SD3 - Major Development
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Development Management Policy SD13 - Listed Buildings
- Development Management Policy SD16 - Archaeology
- Strategic Policy SD17 - Protection of the Water Environment
- Strategic Policy SD19 - Transport and Accessibility
- Strategic Policy SD20 - Walking, Cycling and Equestrian Routes
- Development Management Policy SD21 - Public Realm, Highway Design and Public

Art

- Development Management Policy SD22 - Parking Provision
- Strategic Policy SD23 - Sustainable Tourism
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD34 - Sustaining the Local Economy
- Development Management Policy SD40 - Farm and Forestry Diversification
- Strategic Policy SD45 - Green Infrastructure
- Development Management Policy SD46 - Provision and Protection of Open Space, Sport and Recreational Facilities and Burial grounds / Cemeteries
- Development Management Policy SD54 - Pollution and Air Quality

Human Rights Implications

These planning applications have been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Equality Act 2010

Due regard has been taken within this application of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

Crime and Disorder Implication

This is covered in the main assessment section of the report.

