

POSITION STATEMENT FOR HEARING ON 13 NOVEMBER 2018 FOR STRATEGIC MATTERS: WEEK 1

COMMENT ID 373: SD3: Major Development - a Policy on Major Events.

1. Introduction.

NPPF 116 states that applications for major development in National Parks should be refused except in exceptional circumstances and specifies criteria which should be met if, exceptionally, planning permission is to be granted. Additional Government Guidance is provided in the DEFRA Vision and Circular on English National Parks and the Broads issued in 2010 which includes as Paragraph 27:

“Parks are attractive locations for large-scale community, charitable or other events and festivals such as organised charity walks, cycling events, cultural and musical events and fairs. Events should be encouraged which fully engage local communities and visitors, showcase ‘greener living’, minimise harm to the environment and help to interpret and encourage access to Parks. Such events can be significantly beneficial to achieving Park Purposes and deliver economic and social benefits to local communities. Events with the potential to harm the special qualities of a Park, such as caravan and vehicle rallies and **large music festivals**, will need to be controlled. Authorities should build on their existing experience of working with event organisers to ensure the events programme overall contributes to the sustainable development of Parks and does not harm these special qualities.”

It is, therefore, the Government’s position that large music festival events, although not permanent development, have the potential to harm the special qualities of a Park and do need to be controlled in order to minimise harm to the environment but they should deliver economic and social benefits to local communities (within the Park). In order to achieve these objectives, a new strategic policy for major events is needed in the SDNP Local Plan because SD3 is clearly intended to be used for permanent development.

2. Actual example - Events on Matterley Estate, Near Winchester.

A variety of events have taken place at here for several years, some pre-dating the creation of the South Downs National Park before which the LPA was Winchester City Council (WCC), which is also the Licensing Authority. These events included music festivals, Motocross, tank driving and sporting/endurance events. An application for a Motocross track was refused by WCC but allowed on appeal. The land owner had been relying on Permitted Development Rights (PDR) until SDNPA realised that the combination of

non-motocross events exceeded 28 days per annum. The land owner made an application for a Lawful Development Certificate in January 2014 (SDNP/14/00302/LDE) but this was refused on 10 June 2015. Subsequently, an application was made on 24 December 2015 (SDNP/15/06486/FUL) for one music festival (**Boomtown**) and one sporting/endurance event per annum. This was the first planning application for events to be held on the Estate and was 'called in' by SDNPA as it was classed as 'major' development and the reasons for this direction were:

“The proposal relates to the holding of a number of large scale events at the Matterley Estate, which is home to a sensitive, largely undeveloped, iconic rural landscape. It is a traditional mixed downland farm consisting of arable and a dairy unit. It also contains a hydrocarbon exploration site, some 300 acres of woodland and a game shooting enterprise. The banks around the natural amphitheatre 'The Bowl' are designated as Cheesefoot Head SSSI, with some of the lower areas within the SSSI Risk Zone. There are a number of protected species within or in close proximity to the site, such as rich unimproved chalk grassland species and farmland birds such as Lapwing, Skylark and other key target species such as Grey Partridge, Barn Owl, Brown Hare, Linnet and Yellowhammer. In addition, there is a locally designated Sites of Importance for Nature Conservation (SINCs) within the estate at Morn Down east of the A31. The proposal has the potential to impact on the Cheesefoot Head Viewpoint, and the associated car park is closed during the music festival, the South Downs Way is temporarily diverted, other nearby footpaths including the Kings Way may also be affected. There is also an Esso pipeline which intersects the site.

The SDNPA proposes to determine the above planning application itself given the scale and nature of the proposed events (the music event currently holds 50,000 people), with potential cumulative impact of activities/other uses on the estate (such as Motorcross and Tank driving), the development therefore has the potential to have a significant impact on the natural beauty, wildlife and cultural heritage of the South Downs National Park and on the opportunities for understanding and enjoyment of its special qualities. In addition it may impact on the economic duty and social well-being of communities within it.”

3. Large music festivals as epitomised by Boomtown at Matterley Estate.

These started being held in 2009 under PDR and with the benefit of a Premises Licence granted by WCC for a maximum of 29,999 persons who could be on site at any one time. The licence permitted the sale of alcohol and regulated entertainment including amplified music in the open air until midnight on two nights but until 4.00 am on the other two nights. This licence was used until 2013

since when a succession of premises licences have been granted by WCC allowing the attendance limit to increase as follows:

2013 = 29,999 persons

2014 = 38,000

2015 = 45,000

2016 = 59,999 (also applicable in 2017)

2018 = 64,999 + one extra day (Wednesday) + 1,000 extra persons on Sunday + higher low frequency (bass) music noise on two nights.

N.B. The initial application to WCC in December 2017 for another premises licence was for 75,000 persons plus an extra 1,000 on Sunday in 2018 and for 79,999 persons in 2019. After objections by Hampshire Constabulary, this was amended to the 2018 number shown above.

It may be concluded that the business model of the Bristol-based organising company, Boomtown Fair UK Ltd., is for continuing growth year on year which is one reason why the SDNP Local Plan should include a separate policy for major events such as Boomtown, the largest music festival in any English national park.

4. Planning history.

Up to and including 2015 there existed no planning permission specifically for the Boomtown music festival as the land owner had not made any applications other than that for a Lawful Development Certificate in 2014 which was refused (see paragraph 2, above) and he relied on PDR.

SDNPA placed the application SDNP/15/06486/FUL before its Planning Committee for determination on 9 June 2016. It was recommended by the Director of Planning, and approved by the committee, that temporary permission be granted until 31 December 2019 for one major music festival per annum, operating for a maximum of four days and limited to 59,999 attendees in total, and one sporting/endurance event per annum, operating for a maximum of two days and limited to 29,999 attendees in total. The reason was in order “to allow the impact of the additional number of attendees to the music festival event on the amenities of the area and the special qualities and enjoyment of the South Downs National Park to be reviewed.”

The planning assessment made reference to NPPF 116, highlighting that major developments should be refused in National Parks except in exceptional circumstances and where it can be demonstrated that they are in the public interest. An attempt was made to justify a conclusion that this application was in the public interest, rather than just the financial interests of the land owner and the organisers, citing two public interests one of which was “meeting a socio-economic need of communities within this part of the National Park”.

However, there was no assessment of whether the events could be held outside of the Park, as required in NPPF 116, as the interpretation used by the NPA was restricted to “other land in the ownership of the applicant” (who did not own any land outside of the Park) - Paragraphs 8.9 and 8.10 of the Officer’s Report refer.

The Officer’s Report also made a passing reference in Paragraph 6.4 to the DEFRA Circular 2010, noting its existence, but bizarrely made no further reference to this statement of Government Guidance even though it contains specific guidance on the need to control “large music festivals”.

It may be thought that the Officers had a difficult task in considering this application for large-scale temporary events against planning policies intended to be used for permanent development. The Officer’s Report for the Planning Committee in June 2016 includes references to the temporary nature of the events and mentions “short term detrimental impacts to the landscape and in terms of noise and light pollution”. That the negative effects were assumed to be short-term and giving no weight to the Guidance in the DEFRA Circular 2010 seemed to lead to the recommendation for a temporary permission when sound reasons existed for a refusal of this application.

In early 2018 the applicant submitted another planning application (SDNP/18/00939/CND) in which he sought to vary some of the conditions imposed on the temporary permission granted in 2016. Specifically, these sought an increase to the attendance limit from 59,999 to 64,999 plus an extra 1,000 on the Sunday, operating for five days instead of four, and for louder low frequency (bass) music noise between 9.00 pm – 11.00 pm on two of the nights. These changes mirrored identical changes which had been included in another new premises licence granted by Winchester City Council on 26 January 2018. This planning application was also called-in, was recommended by NPA Officers and granted by the Planning Committee on 10 May 2018. It provides further and recent proof of the continuous expansion policy being pursued by the land owner and event organisers (more days, more people and vehicles, more noise and light pollution) as referenced at the end of paragraph 3 (above) reinforcing the contention that a specific policy for major events is required in the Local Plan.

The SDNP Local Plan as submitted does not improve this situation as it seems obvious that the land owner is likely to be making an application to either renew the temporary permission or to replace it by permanent permission before 31 December 2019. Other applications for even larger, longer and noisier events are likely to follow given the business model of Boomtown’s organisers.

5. The events are temporary but there is permanent infrastructure and environmental harm is long-lasting.

The iconic Matterley Bowl, below the Cheesefoot Head Viewpoint on the A272 road, is a small part of the Estate used for Boomtown and this photograph of it was taken on 25 June 2018, before set-up work on the infrastructure required for the event commenced:



The set-up of the infrastructure commenced on or about 9 July 2018 and this photograph was taken on 21 July:



The event started on 8 August and ended on 12 August and the following sequence of photographs were taken aerially while it was operating and they show the sheer scale of the event and full extent of the impact on the special qualities of the National Park , the landscape and the environment. It is simply not possible to achieve a similar appreciation of the size of the event, and the effects of such a huge number of people and their 15,500 vehicles on the site, by observation at ground level from public roads.

In the first photograph below the nearby Winchester Science Centre is in the left foreground:



In the next, can be seen the Motocross track in the right foreground:



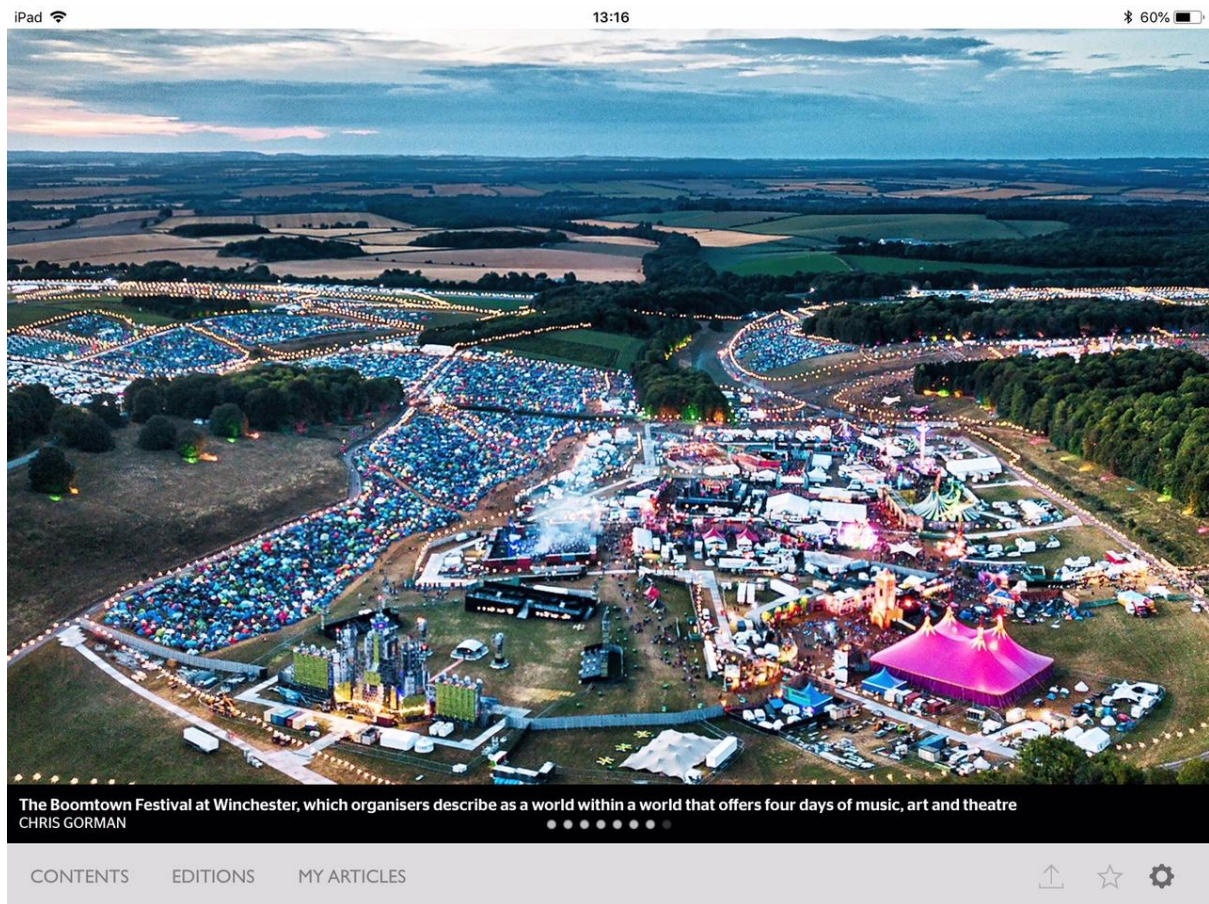
A view from a different angle showing some of the 15,550 vehicles parked on site:



In the next, the Tank Driving track is on the left hand side:



The following photograph was published in The Times on Saturday 11 August 2018 and was taken as dusk approached showing Matterley Bowl and some of the light pollution caused by the event.



Although the event concluded on 12 August, with public attendees leaving mainly on Monday 13 August, harm to the landscape and views were still apparent

afterwards as evidenced by this photograph taken on 15 August which also shows in the foreground a small section of the unsightly security fence which surrounds the whole site and is many miles in length. This keeps out non-ticket holders but also keeps in people who have purchased tickets which makes it difficult for them to leave the site to enjoy other parts of the Park or to spend money and provide economic benefits for local communities.



The harm to the landscape and views was still visible on 11 October, over 12 weeks after work started, as shown in this photo below:



All of the preceding photographs show roads which have been specially constructed as permanent infrastructure on the site to facilitate the set-up and dismantling of structures for the event and for use by the thousands of vehicles used by attendees. No planning applications have ever been submitted for these roads.

Despite the sheer size and scale of the Boomtown music festival and the cumulative effects of the one or two Motocross events which take place annually under the planning permission granted on appeal on 17 March 2010, and the tank driving for which SDNPA granted a Lawful Development Certificate on 23 February 2018 (SDNP/17/02979/LDE), the NPA has not required an Environmental Statement to be provided for the Estate. Thus, the environmental damage to this part of the National Park which is likely to have been caused as the result of major events has never been properly assessed.

6. Claims of net economic benefits from events at Matterley Estate.

When considering SDNP/15/06486/FUL in 2016, the impact of permitting or refusing this application on the local economy was based on a false

premise. The WCC Economy & Communities Officer's representation was quoted in paras 8.5, 8.8 and 8.41 of Officer's Report as evidence that events on Matterley Estate benefitted the economy by over £10 million per annum. However, this representation was not placed on the SDNPA planning portal until 4 months **after** the Planning Committee met and only after I had made repeated requests to the NPA. The failure to include this in the portal prior to the Planning Committee meeting was described as an 'admin error'. Subsequent perusal by me revealed that:

- No independent evidence existed
- The WCC officer merely quoted numbers from the applicant's Economic Statement which he had submitted in support of his application and which stated clearly in paragraph 2.2.3 that the claimed benefits were for the whole of Hampshire
- No assessment was made of the negative economic effects on local businesses caused by traffic congestion and noise nuisance to provide a true net benefit figure, which might even be negative.

However, these facts could not be pointed out to the Planning Committee owing to the 'admin error' and the NPA would have been led into believing that Winchester City Council had evidence of net economic benefits of £10 million per year from events at Matterley Estate. Given that delivery of economic benefits to local communities within a National Park is a specific requirement in paragraph 27 of the 2010 DEFRA Circular, this was a serious omission.

7. Suggested wording of a new strategic policy for major events.

Taking into account all that has happened in this and recent years and the perceived business model of the Boomtown organising company, it is suggested that in order to provide planning 'certainty' the South Downs Local Plan should include a Strategic Policy for Major Events and that this should be the wording of such a policy:

“SDnn: Major Events with the Potential to Harm the Special Qualities of the National Park.

NPPF 116 states that major developments should be refused in National Parks except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Possible exceptions are mentioned in the DEFRA Vision and Circular on English National Parks and the Broads 2010. The South Downs National Park is an attractive location for large-scale community, charitable or other events and festivals such as organised charity walks, cycling events, cultural and musical events and fairs. Events should be encouraged which fully engage local communities and visitors, showcase 'greener living', minimise harm to the

environment and help to interpret and encourage access to Parks. Such events can be significantly beneficial to achieving Park Purposes and deliver economic and social benefits to local communities. Events with the potential to harm the special qualities of a Park, such as caravan and vehicle rallies and large music festivals, will need to be controlled in the following way:

- a). Such events will not be permitted on an annual basis for a site to minimise harm to the landscape and wildlife.
- b). Periodically, such events will be allowed as long as an environmental impact assessment has been provided showing how harm to the environment will be avoided and clear evidence is provided that economic and social benefits to local communities within the National Park will be delivered.
- c). To comply with SD7: Relative Tranquillity, amplified music must cease at 11.00 pm on all nights and must be inaudible 1km from the site boundary.
- d). There must be no impact on the South Downs Way.

8. Conclusion.

The SDNPA response to the Inspector's question about this issue is shown on Page 101 of Revised Appendix 4 of the Submission Consultation Statement in response to Inspector Note INSP.2A

While a brief mention of Paragraph 27 of the DEFRA Circular 2010 is made, the response seems to suggest that some of the Local Plan's general policies can be used to achieve conformity with the Government's Guidance. It is noticeable that policy SD7: Relative Tranquillity has not been mentioned in the response.

I suggest that the evidence which I have included and referenced in this Position Statement provides more than adequate proof that the past reliance on general policies has not resulted in satisfactory outcomes and an additional new policy for major events is necessary in order to provide planning 'certainty'.

David Pain (R372)
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