

Report to	<b>Planning Committee</b>
Date	<b>14 March 2019</b>
By	<b>Director of Planning</b>
Local Authority	<b>East Hampshire District Council</b>
Application Number	<b>SDNP/18/02170/FUL</b>
Applicant	<b>The Ahmadiyya Muslim Association UK</b>
Applications	<b>Change of use of Oakland Farm and associated land holdings from Agriculture and B8 (Open Storage) to mixed use Agriculture, B8 (Open Storage) and Seasonal Event Space associated with the holding of Religious Festivals and other activities associated with the Ahmadiyya Muslim Association; including the provision of external storage space, new landscape and revised ventilation and extraction equipment in association with the onsite kitchen.</b>
Address	<b>Oaklands Farm, Green Street, East Worldham, Bordon, GU34 3AU</b>

---

**Recommendation:**

**That permission be refused for the reasons set out in section 10 of the report.**

---

**Executive Summary**

The application has been submitted on the basis that the Jalsa Salana religious event organised by the Ahmadiyya Muslim Association (AMA) (which has had up to 37,000 people attending) has been held for a number of years and has more recently invariably exceeded the number of days (28) within which such activities could be carried out under permitted development rights. The initial submission of the application included a number of issues which required clarification and therefore further information was requested to provide greater clarity.

Subsequent information upon which the application is being considered has provided confirmation that the application is seeking permission solely for the one religious event each year. The applicant has also confirmed that the required period for set up and take down after the event is only 7 weeks as opposed to 9 weeks in the initial submission.

This application also includes proposals for alterations to the ventilation and extraction equipment in the kitchen/bakery building which was approved under an earlier planning permission. Unauthorised extraction equipment has been installed over time and this application seeks to address this matter with alternative ventilation/extraction arrangements. The application also includes proposals for use of a particular area of the site for open storage in relation to infrastructure required for the annual event.

The application is considered to be Major for the purposes of Paragraph 172 of the National Planning Policy Framework (NPPF) and therefore the proposal must meet the exceptional circumstances set out in the Framework. Whilst it is considered that the proposals could meet these tests having regard to all the circumstances and particularly the limited and temporary nature of the events, on the basis of the submitted limited information it is considered that this has not been proven particularly in relation to the effect on the environment, landscape and recreational opportunities and the extent to which they could be moderated. Notwithstanding the issues mentioned, it is considered that the development is in the public interest.

The application also requires consideration as to whether it serves the purposes of the National Park, with issues upon Purpose 1 being balanced with the temporary nature of the events, the enjoyment and understanding of the National Park, the cultural and economic benefits to the area and the environmental benefits which can be secured, were the application to be approved.

It is considered that whilst there may be short term impacts on the surrounding locality and purposes of the National Park in relation to the landscape beauty of the area, these are outweighed by the long term benefits that can be accrued in terms of stewardship of the land and the promotion of the enjoyment and understanding of the Park. On balance, and with appropriate robust conditions and Event Management Plans for each event, approval solely for one religious festival/event **could** conserve the long term natural landscape beauty of the surrounding area and would create opportunities for enjoyment and understanding of the National Park, whilst also meeting the socio-economic needs of communities within the park.

Notwithstanding that the principle could be acceptable, the application is currently deficient in the following respects:-

- It has not been demonstrated that the proposal would not impact adversely on the landscape character of the area and the Designated Sites in the immediate locality.
- It has not been demonstrated that the proposal would not impact on ecological interests in the immediate locality (with particular reference to Great Crested Newts and Bats)
- It has not been demonstrated that the proposal would not have an impact on the maintenance of rights of way in the locality
- It has not been demonstrated that the proposal would not have an adverse impact on Dark Night Skies in the locality.

The applicant has been made aware of the deficiencies and been given the opportunity to address the concerns, but as of yet the concerns remain. Unfortunately, in the absence of such information, it has not been demonstrated that the proposals would not have an adverse impact on the landscape character of the area, ecological biodiversity, light pollution interests and the existing rights of way network and **refusal is therefore recommended.**

The application is placed before the Committee because it is a major application and due to the level of local interest.

## **I. Site Description**

- 1.1 Oaklands Farm is a large site (74h in total) and is best described as comprising two distinct areas. The first is the main farm comprising of agricultural, storage, kitchen/bakery and residential buildings in the central northern part of the site adjacent to Green Street. This part is approximately 3.10ha in size). This area is mainly taken up by buildings with surrounding access roads, but has a large area of hardstanding to the immediate south, which currently comprises open storage in connection with the festival.
- 1.2 The second part of the site consists of a number of agricultural fields to the east, west and south of the main part of the farm. Woodland belts and treed hedgerows form the internal fields across the site. It is within these fields that the event which is the subject of the application has historically taken place in previous years, though being generally concentrated towards the centre of the site. The area is predominantly flat, although land rises towards the boundary of the site to the south west.

- I.3 The site is located within Character area J (Greensand Terrace) and K2 (Kingsley/Blackmoor Mixed Farmland and Woodland).
- I.4 Green Street lies beyond the northern boundary of the site and links Alton to the west with Bordon to the east/south east. Closer to the site there are a number of small villages/settlements with East Worldham closest to the north west of the site, Kingsley to the north east and Shortheath and Oakhanger to the south east. In terms of residential properties near the site, the closest group of dwellings are located to the north west corner of the site in Green Street. In addition, a group of properties are located to the east (and to the immediate north of Binswood SSSI).
- I.5 The northern boundary of the site is bordered by mature trees which go some way to screening the site, although naturally provide glimpsed views along the road of what continues to be viewed predominantly as an agricultural landscape.
- I.6 2no footpaths cross the site, with FP27 going in a north west to south east direction from Green Street across to the Binswood SSSI which is ancient woodland (just outside the site). FPI8 lies further to the south of the site, but falls outside land which has historically been used for the event.
- I.7 Whilst there are no statutory designated sites within the site boundary, important designated sites lie in close proximity. Part of the East Hampshire Hangers Special Area of Conservation (SAC) borders the site to the west, covering 560ha, much of which is comprised of woodland habitats. The site receives its designation primarily due to the presence of *Asperulo-Fagetum* beech forests, supporting a rich diversity of ground flora species.
- I.8 The Wick Wood and Worldham Hangers SSSI borders the site to the west with Binswood SSSI (a common comprised of ancient semi-natural woodland) bordering the site to the south east.
- I.9 Further afield are the Upper Greensand Hangers: Wyck to Wheatley SSSI which is located to the north west, and Shortheath Common SAC/SSSI/LNR to the east/south east.
- I.10 The most notable historical feature within close proximity to the site is King John Hill which is a scheduled Ancient monument. This is located beyond the border of the site to the south west.
- I.11 A network of streams and ditches cross the site with the main stream flowing through the centre of the site. The Phase I habitat survey also identified a pond in the north of the site, just north of the main stream (and to the south east of the main group of farm buildings.)

## 2. Relevant Planning History

- 27337/006 – Retention of upgraded track and two new tracks, retention of four concrete stream crossings and associated culvert works – Approved 2006
- 27337/007 – Underground foul drainage pipe system and storage tank – Approved 2006
- 27337/009 – Retention of underground electricity and water supply services and manholes together with alterations to western access to B3004 – Approved 2007
- 27337/011 – Retention and construction of access tracks and two secure compounds to contain borehole sites – Refused October 2007
- 27337/016 - Retention and construction of access tracks and two secure compounds to contain borehole sites – Approved June 2008
- 27337/020 – Change of use of redundant agricultural building to Class B8 Storage – Approved 19 June 2009
- SDNP/12/00760/FUL – Change of use of redundant agricultural building to B1 & B8 – Approved 7 September 2012
- SDNP/16/02879/FUL – Retention of vehicular access and new front entrance gates - Approved 7 November 2016
- SDNP/17/00582/FUL – Retention of bund – Approved 4 June 2017

### **3. Proposal**

- 3.1 The Ahmadiyya Muslim Community promote the peaceful revival of Islam and was founded in 1889. It has been established in the UK since 1913. London's first mosque was built in 1926 and it now has 100 branches across the UK and the Community have opened a number of mosques. Whilst the Community is part of Islam, its teachings differ from those of other branches of the faith. Because of statements from other branches of Islam, members of the Community cannot attend services in other non-Ahmadiyya mosques.
- 3.2 Jalsa Salana is the formal annual gathering of the Community and usually spans over three days beginning on a Friday. The event is streamed live on the broadcasting network Muslim Television Ahmadiyya International. The first event took place in 1964. From 1985 to 2004 the event took place in Tilford. Since then, because of rising numbers, the Community bought the site at Oaklands Farm.
- 3.3 The event is usually held on the last week of July. The number of participants average around 30,000 annually. In 2017, about 37,000 people from more than 100 countries attended the event.
- 3.4 The use of the site for the event, including setting up and taking down has invariably exceeded the 28 day rule over the last few years, meaning that planning permission would be needed for the change of use. Organisers therefore submitted the current application in an effort to regularise the use of the site for the festival.
- 3.5 The proposal seeks the use for the event for a maximum of four days and an allowance of 7 weeks in total for the set up and take down in relation to the event. In addition, the following elements are also proposed:-
- Use of the hardstanding to the south of the main farm buildings for B8 open storage in connection with the festival.
  - Provision of landscaping on the boundary with Green Street and in the southern portion of the site.
  - Revised ventilation/extraction equipment for the kitchen/bakery building.
- 3.6 According to the submitted documentation it is envisaged that the vehicle attendance level for the event as a whole would not exceed 3,900 per day. Measures have been taken by the organisers to seek to maximise the use of coaches and public transport. A range of parking facilities include coach parking, shuttle bus system, limited designated parking for visitors, VIP's and disabled visitors. A Park and Ride would be located at Sleaford Market with parking capacity for 5,000 vehicles (which has been used before for this purpose during the event).
- 3.7 During the event there have historically been a number of temporary structures, marquees, etc. together with lighting around the site and noise amplification equipment.
- 3.8 The use of the land for the remainder of the year would revert to an agricultural use. Whilst the agricultural enterprise is somewhat small in scale, it is understood that there are aspirations to expand the agricultural enterprise. At present the applicant produces hay which is sold to local farmers and they wish to increase the production to be sold to areas within Surrey. In addition, the applicant currently supplies fresh milk to 2 AMA sites in London with plans to increase to a further site in Surrey in 2019. It is also understood that the Community intend to formulate a plan to grow crops
- 3.9 The original documentation submitted with the application included reference in the Transport Statement to use of the site for some sports events in addition to the annual use for the Jalsa Salana festival. In addition, the original proposal included a request for a period of 9 weeks to cover the set up and take down after the event. Subsequent information was submitted which confirmed that the proposal was solely for use for the 4 day Jalsa Salana and reference to sporting events was deleted from the documentation. In addition, the revised documentation amended the set up/take down period to 7 weeks in total. These amendments were subsequent to another round of consultation with interested parties and

the following sections therefore indicate the original responses and the subsequent responses in relation to the amendments.

#### **4. Consultations**

4.1 **Archaeologist** – No objection in relation to original submission or amended documentation.

4.2 **Dark Skies Officer** – Comments

- The site falls within the EIa Intrinsic Darkness Zone (not EIb as the applicant suggests). The applicant has downplayed the quality of Dark Skies in the area.
- Do not share the view that the lighting will be comparable to existing agriculture. Would estimate that the proposal would have the potential to reduce sky quality in the area (albeit in summer and for only a short time) and will be prominent in the landscape.
- Would recommend that a lighting strategy be submitted to detail what lighting is proposed to offer a more thorough assessment.

4.3 **Ecologist** – Objection

##### Original documentation

- Any potential impacts will be relatively minor in duration and magnitude in terms of disturbance to habitats: the bulk of the site comprises improved grassland of limited ecological interest
- The ecology report suggest that bat activity surveys are required. The submitted documents do not include further bat survey information and would therefore request that this is provided.
- Main concern would be the potential impact to nocturnal species from artificial lighting. It is not clear exactly what lighting arrangements are proposed but as a minimum there should be a dark buffer (with zero lighting) surrounding both SSSI woodlands and alongside any identified bat foraging/commuting routes (this is likely to be the main hedgerow boundaries). The further bat surveys could possibly confirm the use of the site by bat species. Restrictions on artificial illumination will also avoid impacts to other protected species such as hazel dormice.
- The other key potential ecological constraint is the presence of great crested newt (GCN) within ponds to the west of the site. Two GCN were encountered during the initial ecological survey visit, in an area proposed for use during the event. It is noted that further survey works were recommended: Request that the results of these are provided and further detail provided on mitigation measures. Given the potential presence of GCN within the proposed event space, it may be necessary to obtain a European Protected Species licence.
- Overall, whilst the proposal is not likely to result in permanent changes to the application site, there is nevertheless potential for ecological impacts, including to highly-protected species. Additional information is required prior to determination. NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species and designated sites, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable.

##### Comments on receipt of further surveys

- Adult Great Crested Newts were observed adjacent to one waterbody in May 2018 and it is feasible that they were present in these waterbodies earlier in the season. There is potential for breeding to occur within any suitable waterbody nearby. The report confirms there is a risk of harm to GCN during set-up, the event and take-down afterwards. The review of the site layout plans indicates water tanks at the location of

the only waterbody where GCN were recorded. There needs to be clarity how the ecological recommendations will be implemented in the management of the event. The presence of GCN is a significant constraint and needs to be treated as such.

- In terms of bats, the site has been shown to support a reasonable assemblage. There needs to be a long term strategy for ameliorating the potential impacts of the planned event, as well as specific measures for 2019.
- The main event is temporary and therefore any potential effects are not likely to be of high magnitude. However, the use of artificial lighting across the site in the middle of the bat activity season will not be a negligible impact.
- The key aspect missing from this application is a lighting strategy. The lighting strategy is essential to minimising the worst potential impact to bats, hazel dormice and GCN.
- Overall the recommendations within the ecological reports need to be translated into a workable event management plan/strategy.

#### 4.4 **Environmental Health** – Recommends Temporary permission subject to conditions.

- Comments based on observation from events and consideration about how the site could be used if permission were obtained and run by different operators.

#### 4.5 **Highways Authority** – Holding Objection on original plans, No objection subject to conditions on receipt of additional documentation

#### 4.6 **Natural England – Comments**

##### Original documentation

- Impacts on recreation disturbance on East Hampshire Hangers SAC: Provided mitigation measures in Ecological Appraisal are secured by condition, satisfied that the proposal will mitigate against potential recreational impacts on the site. This needs to be confirmed by the Council, as the competent authority via an appropriate assessment to ensure no adverse effects on the integrity of the site in accordance with the Conservation of Habitats & Species Regulations 2017.
- Binswood SSSI: Consider that the proposals will not damage or destroy the interest features for which the site has been notified and no objection on this aspect of the application.
- Protected Species & Ancient Woodland: Refer to standing advice.
- Local Sites and priority habitats and species: Recommend further information is obtained from appropriate bodies.
- Environmental Enhancement: Opportunities for enhancement include, creating an area of wildflower meadow, providing a new footpath through the site, restoring a neglected hedgerow, creating a new pond as an attractive feature on the site, planting trees characteristic to the local area to make positive contribution to the landscape, incorporating swift or bat boxes into buildings, design lighting to encourage wildlife, or adding a green roof to new buildings.
- Protected landscapes: The landscape planner/advisor for the National Park will be best placed to provide advice.

##### Amended documentation

- Ancient Woodland: The supporting Sewage Management Plan includes an updated site plan which shows the site boundary will be directly adjacent to Binswood SSSI and in close proximity to Wick Wood and Worldham Hangers SSSI both of which support ancient semi-natural woodland. Natural England has concerns regarding the close proximity. Standing Advice states that buffers of a minimum of 15m should be applied when designing development in the proximity of ancient woodland.
- Proposals should ensure they are in line with the standing advice and the high security boundary fencing should be erected with a minimum 15m buffer from the edge of the woodland canopy.
- Provided measures are secured, the proposed development would not damage or destroy the interest features for which the site has been notified.

#### 4.7 **Rights of Way (Countryside Service) - Object**

- The submitted Illustrative Event Plan appears to indicate that the proposals would obstruct Footpath Worldham 27. There appear to be no details of proposals to protect the footpath and maintain rights for unencumbered use clear.
- According to paragraph 98 National Planning Policy Framework 2018 public rights of way and access should be protected and enhanced with opportunities sought to provide better facilities for users, for example by adding links to existing rights of way networks. The submitted proposals fail to demonstrate that public access and rights of way would be protected. Object to the application as currently presented and ask that the applicant submit an amended application identifying the right of way and indicating how it will be dealt with in the proposal and giving consideration to opportunities for enhancement or improvement for access and rights of way.
- Grant of planning permission is separate from any consents that will be required in relation to access and rights of way and nothing should be done to stop up or divert the public right of way without following the due legal process. Applicant should be advised of the temporary closures procedure at the earliest opportunity.

#### 4.8 **Woodlands Trust – Holding Objection**

- Seeking clarification as to the buffer between the main event area and the adjacent ancient woodlands of Ash Plantation and Woodland Trust site, Binswood.
- The NPPF (Para 175) states “when determining applications local planning authorities should apply the following principles:  
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.”
- Cannot find reference to the size of the buffer which will be provided. The Trust would like to see a 30m buffer included in order to protect the ancient woodlands. If a 30m buffer will be provided, the Woodland Trust will withdraw the objection to the application.

#### 4.9 **CPRE (Hampshire) – Concerns**

- Festival is of long standing and has the support of CPRE Hampshire
- However, although of short duration, it is at risk of conflicting with the first purpose, including impact on views of the landscape, tranquillity and dark night skies.
- To bring the festival within planning controls seems a sensible way ahead, provided appropriate conditions are attached to the resulting consent.

#### 4.10 **Binsted Parish Council - Objects**

- During the Festival, A325 from Farnham to Sleaford and the A31 junction can be grid locked. Residents don't venture out and those that do are forced onto narrow local roads. Instances of large vehicles getting stuck or damaging property, hedgerow and trees as they use local roads to avoid the traffic.
- Knock on issues for other visitors to the parish as well, cyclists and walkers use local roads for recreation. Their experience of tranquillity and scenic beauty is impaired by the increased flow of traffic.
- Tents and floodlights put up at Country Market for the recent sports event have lit up the sky all night for all to see for miles around. Whilst not within the park, they were close enough to the periphery to be seen from the park and impact on dark night skies.
- The proposal that residents and visitors should have to put up with disruption over a significantly increase period is unsatisfactory and unfair.
- Increased duration of the festival related activities will result in a significant negative impact on the lives of the residents and visitors to the Parish.

#### 4.11 **Selborne Parish Council – Objects**

- No reason to suppose that the scale of increased use year on year would not continue. The site would effectively become an 'events base', further increasing the harm that has

taken place. Application infers that additional events are envisaged for the future.

- Period of nine weeks to put up and take down excessive.
- No detail of 'sporting events'.
- Planning Statement betrays a lack of appreciation of what a National Park is about.
- Requirements of Para 172 NPPF are not met.
- Planning policy in the countryside limits development to that which has an essential need for a countryside location such as agriculture or forestry. This application does not help rural enterprise in any way.
- Proposal does not comply with Joint Core Strategy (JCS) Policy CP20 (Landscape) Impact on the landscape character in terms of noise and light pollution and impact on highway network are at odds with all planning policies.
- Contrary to Saved policies P1, P2, P4, P5 and TM7 of East Hants District Local Plan 2nd Review (2006), Policies CP19, CP20, CP21 and CP31g and h of EHDC Local Plan JCS, Policies SD4, SD6, SD7, SD8, SD40 and SD54 i) of the SDLP Submission (2018) and the NPPF (2018).
- The temporary nature of the activity is not linked to twin purposes of the park. No provision allows for a landscape protection to be put aside in favour of events for people who come from all over the world and have nothing to do with conserving and enhancing the natural beauty of the area.
- Impact of traffic incompatible with the nature of surrounding road network.
- Applicant has no ownership control of the Country Market, there is no guarantee that the Country Market will welcome the influx of 5000 cars in the future.
- No noise survey submitted. If the application permitted, restrictions on noise levels are essential.
- Statement acknowledges event will impact on Dark Night Skies but no reason offered why this is acceptable. Statement suggests operation of commercial farm can require illuminated working areas during night times. Farms do not need or have illuminated working areas during the night.
- Applicant suggests temporary structures are only visible in long views. The structures are enormous.
- Applicants previously ripped out hedging and replaced it by 2m high wire fencing.
- 13/14 extraction fans are proposed. Unattractive and would discharge cooking smells into the open air.
- Storage containers are prominent in the landscape.
- Operational agricultural use seems little more than token hobby farming.
- Impact on the SAC and the SSSI cannot be ignored.
- FP27 has been physically blocked by marquee structures and associated infrastructures. FP18 is also affected by activities on the site.
- Foul sewage is not disposed of via Mains sewer. Arrangements for disposal of foul sewage have proved totally inadequate.
- No significant economic benefits have been brought to the surrounding area.

#### Comments on amended documentation

- Re-iterate previous comments.

#### 4.12 **Kingsley Parish Council** – Objection

- Concern that the event has become too big.
- To many residents the increase in traffic movements is unacceptable.
- The event does attract a large number of people but their arrival causes others such as walkers, to stay away during the festival.
- Visitors to the event come not to enjoy the SDNP but to attend the festival.
- Jalsa Salana Germany 2018 was held at a trade fair centre in Karlsruhe. Better suited in terms of highways, links etc.
- Light pollution contrary to Dark Skies, but also impacts on wildlife such as bats. Noise caused by hum of generators.



- Removal of hedging and replacing with fencing has impact on character.
- Considerable effort to remove waste caused by event. Issue with overflowing sewage highlights need for care and control.
- Inaccuracies in application documents. Concern about mention of sports events in transport statement.
- Reference to other events in SDNP as precedents is not helpful.
- Agree with comments of Worldham and Selborne Parish Councils in relation to policy.
- Suggest limiting capacity to 20,000 and keeping licence to within 28 days. Suggest conditions if approved (temporary period for 3 years, limits on lighting, waste, noise, protection of wildlife)

#### Amended documentation

- Disappointing that the new documents are inadequate.
- Concerns remain impact of traffic on local roads.
- No reason for the event to be held in the National Park.
- Ideally event should only be attended by numbers experienced several years ago (about 20,000).
- Any permissions that might be given should only be temporary

#### 4.13 **Worldham Parish Council** – Objection

##### Original Documentation

- Deficiencies in application including lack of clarity of number and duration of events. Omission of supporting information in relation to land contamination, lighting, noise, air quality, foul sewage and utilities, ecology and Environmental Impact Assessment (EIA).
- Incorrect in application form in relation to Use, presumption in favour of development, access details, footpath diversion, foul sewage, protected and priority species, surface water, watercourse, visible from public road.
- Planning Statement Comments; participants nearer to 40,000 than 30,000. Misleading in saying there are few neighbours to the development. Large scale precedents are not relevant to this application. Disagree that EIA is not required. Outdated NPPF references. No evidence festival makes significant contribution to local area. Motocross event is not a valid comparison. Support removal of unsightly kitchen extract flues. Farm not a serious agricultural enterprise.
- Transport & Traffic: Site is not served well by local road infrastructure. Considerable congestion along B3004. Narrow country lanes used resulting in tailbacks. Emergency vehicles unable to access properties. Parking at Sleaford brings its own problems.
- Noise: Dispute statement that there are few sensitive receptors in close proximity to the site. PA system is used for calls to prayer, speeches and communal prayers at all times of day and night. Generators produce a continuous hum. Reversing alarms on construction vehicles. Noise of vehicles driving over temporary metal tracks. Detrimental impact of noise on wildlife.
- Dark Skies: sky glow has been reported as far as 5 miles away. Lights shining in to neighbours bedrooms. Impact of light pollution on local wildlife.
- Landscape: Infrastructure seen increasingly from an early stage prior to the event and afterwards. Landscape and Visual Impact Assessment (LVIA) does not contain visualisations/photos during the event. Increasingly industrialised appearance of the site from Green Street. Unclear whether area for open storage to mask from public view will be achievable.
- Biodiversity: Essential that surveys are carried out before any decision is made which results in any extension or increase of the current event activity.
- Planning Policy Context: No exceptional circumstances to grant an extension of time for the event, nor any public interest argument. Difficult to see how open storage would accord with Para 172 of NPPF. No wider accord with the required assessments within Para 172.
- Planning Conditions: If South Downs National Park Authority (SDNPA) is minded to grant permission request a number of conditions be imposed.

## Amended documentation

- No reason to alter, change or make any amendments to original submission. Continues to object.
- Considerable concern over viability of Sewage Management Plan. Inadequate and incomplete.
- Re-iterates need for appropriate conditions if approved as outlined in earlier submission.

## **5. Representations**

### **5.1 III Letters of objection on original documentation**

- Highways: Event causes significant disruption with local roads unable to deal with volume of traffic. B3004 is very narrow. Difficulty for HGVs, buses, emergency vehicles to access the area. Impact on horseriders, cyclists and pedestrians. All access gates are within 600m on same B road. Potential damage to old bridges in locality. Impact of traffic on surrounding villages/settlements. Additional events will exacerbate situation. Timing of event clashes with harvest. Contrary to Policy SD19 of emerging local plan. Transport Statement focusses on sports event which will have lower transport impact. Impact on FP27 during event, being blocked on numerous occasions.
- Landscape impact: Temporary tented town does not sit comfortably within its site and setting nor respond to scale and character of existing and/or neighbouring buildings. Scenic quality of the National Park will be affected for 9 weeks and any increase in events. Heavy goods vehicles cause damage to roads and verges. The existing site is already unsightly and comprises temporary and semi-permanent structures and an outdoor storage area for non-agricultural equipment. AMA removed hedgerows and replaced them with deer fencing. Resulted in less animals being able to migrate across the site. Additional open storage will leave site looking like a container port.
- Noise: Loudspeakers, generators for floodlights and heating for marquees. Sleep deprivation for local residents. Increased noise levels contrary to Policy SD7. Disruption/noise by additional events proposed. Application states that noise is monitored by the AMA. It doesn't state what dB level they deem acceptable.
- Light Pollution: Jalsa Salana uses floodlights and the Sports event at Country Market also had floodlights. Dark Skies are not being conserved. Contrary to Policy SD8. Overnight lighting impact on amenity of neighbours. Development of the kitchens is likely to make light pollution worse.
- Air Pollution: Further development will increase air pollution due to standing traffic and exhaust fumes. Pollution by way of dust blowing across properties from buses/cars.
- Bakery: Was agreed on the basis that there were no visible flues or vents. This was not adhered to. Supposed to be opened to the local community but is only used during the festival.
- Amenity: Shortage of water as it has all been used by Oaklands Farm. Crane for TV purposes is not appropriate. Litter on the roadsides is vastly increased. Event has a major effect on the well-being of the local residents. Flood lights directly through bedroom windows. Noise, including children, guard dogs, 38,000 people, generators etc.
- Ecology: Fencing around site means it is now devoid of wildlife (Policy CP21). Increasing to 9 weeks will affect Binswood SSSI wildlife (SD9, SD7, SD34 and Local Plan Policy CP21). Ecology report states presence of Western barbastelle bat within 1KM of site and large number of Birds of Conservation Concern (BOCC). Barbastelle Bats are averse to artificial illumination and noise has the potential to disrupt bat behaviour for many weeks after the event. Increased pollution to Shortheath Common (SSSI) Detrimental impact on natural habitats. The area is home to many species of nesting rare birds which will suffer increased disturbance.
- Comments/Observations on forms and documents: Site can be seen from a public footpath or road. Impact on neighbours in villages of Kingsley and East Worldham. Boomtown is located on the A31 and exits are not on B roads.. Mentions Glyndebourne, but has an audience of 5,000 over 79 performances. Mentions Polo at Cowdray but 10-12,000 with access from A272. There is also an impact for set up time and take down

time. Reference to Motocross at Alresford is a different type of event. Statement mentions Jalsa will impact potentially on Dark Skies. Ecological assessment – damage to habitat if increased to 9 weeks. Landscape Appraisal states there are no informal green spaces near the site, but there are playgrounds in villages. In form under Biodiversity applicant states ‘no’ for protected and priority species but ecological statement states the presence of protected species. Nearest neighbours are missed. No lighting, noise, foul sewage and utilities assessment submitted. Applicant states site is on mains sewers. It is not. States proposal is not within 20m of a watercourse, but it is. Applicant has mentioned that hazardous substances exist on site but then ticked no to this within the description.

- General: Already too much disruption and of a scale contrary to Local Plan. Village too small for this type of event. Details about additional events is vague. No real objection to formalise Jalsa arrangements but concern about carte blanche for other activities. Inaccurate to say the proposal is restoring the area. The disused plant and cabins were put in place by current occupants, and the areas around the footpaths are strewn with litter months after the Jalsa. No evidence of economic benefits. Raw sewage was pumped into the stream this year. Sanitary arrangements should be improved. Report says that the Ahmadiyya support the village. This is untrue. Large festivals should be in an area with proper transport access for the level of attendees, not a small rural farm. Contrary to Policies SD1, SD2, SD3, SD4, SD6, SD7, SD8, SD9, SD11, SD19 and NPPF Paras, 8, 172, 174, 175. Rural community with insufficient infrastructure to cope with increased volume of traffic. Lack of public consultation. Does not foster economic or social well-being of communities. Comparison to Boomtown Festival is not relevant. Closed event inhibits access to footpaths. Impact on provisions in local stores during the festival. Proposals to increase storage space would be detrimental to neighbouring farms. Formalisation is welcomed but any further, duration or increase in attendees or number of events is not acceptable. The Water Safety Plan noted that there may be insufficient water available at the site.

## 5.2 **58 Letters of objection following submission of additional documentation**

- Mainly earlier objections re-iterated, but focus in amended objections on following issues.
- Errors in documentation: factual errors, still a lack of required assessments. Still refers to ‘other religious festivals’. Figures for attendees is misleading.
- Highways: Impact based on use of Country Market, which is outside of red line. Reduction to 7 weeks will not alleviate the severe impact on this rural location. Concern that sewage waste removal trips have not been taken into account in highways impact. The 5mph speed limit is not adhered to.
- Sewage: The Management Plan is inadequate. It does not provide any risk assessment or contingency plan.
- Ecology: No final ecological report has been submitted. Concerns about wildlife and bats have not been addressed.
- Economy: Local businesses have to close during the festival.
- General: Section 5.1.7 of planning statement seems to infer that if the application does not succeed, they will continue to operate without permission.

## 6. **Planning Policy Context**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plans in this area comprises the Saved Policies of the East Hampshire District Local Plan 2nd Review 2006 and the East Hampshire District Local Plan: Joint Core Strategy (2014). The relevant policies to this proposal are set out below.

### National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;

- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.
- 6.3 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

- 6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the updated National Planning Policy Framework (NPPF) which was issued in 2018. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 172 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.
- 6.5 Paragraph 172 of the NPPF confirms that Planning permission should be refused for major development in designated areas (such as National Parks), except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Consideration of such applications should include an assessment of 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, the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. This is considered in more detail in the main assessment.
- 6.6 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.
- 6.7 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight. Relevant policies are 1, 3, 13, 28, 29, 32, 38, 39, 40, 41, 42, 48 & 55.

**7. Planning Policy**

- 7.1 The following saved policies of the East Hampshire District Local Plan Second Review 2006 are relevant to this proposal:
- C6 – Tree preservation, Forestry Operations, Management Plans
  - C13 – Rural Diversification
  - HE17 – Archaeology & Ancient Monuments
  - T2 – Public Transport Provision and Improvement
  - T3 – Pedestrians & Cyclists
  - T4 – Pedestrians and cyclists, cycling, walking/horse riding
  - P7 – Contaminated Land, Waste Management
  - IB3 – Industrial and Business Development in the Countryside.
  - TM5 – Camping and Touring Caravan Sites
  - HC3 – Public Services, Community, Cultural, Leisure and Sports Facilities
- 7.2 The relevant policies of the East Hampshire District Local Plan: Joint Core Strategy (2013) are:
- CP1 – Presumption in Favour of Sustainable Development
  - CP6 – Rural Economy and Enterprise
  - CP9 – Tourism
  - CP19 - Development in the Countryside
  - CP20 – Landscape

- CP21 – Biodiversity
- CP22 – Internationally Designated Sites
- CP26 – Water resources/Water Quality.
- CP27 – Pollution
- CP28 – Green Infrastructure
- CP31 – Transport

7.3 The Pre-Submission version of the South Downs Local Plan (SDLP) was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is in its final stage before adoption with consultation on relatively minor Main Modifications from 1 February 2019 to 28 March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.”

7.4 The relevant planning policies of the South Downs Local Plan are:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD3: Major Development
- SD4: Landscape Character
- SD7: Relative Tranquillity
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD10: International Sites
- SD11: Trees, Woodland and Hedgerows
- SD12: Historic Environment
- SD16: Archaeology
- SD17: Protection of the Water Environment
- SD19: Transport and Accessibility
- SD20: Walking, Cycling and Equestrian Routes
- SD21: Public Realm, Highway Design and Public Art
- SD22: Parking Provision
- SD23: Sustainable Tourism
- SD25: Development Strategy
- SD34: Sustaining the Local Economy
- SD35: Employment Land
- SD39: Agriculture & Forestry
- SD40: Farm and Forestry Diversification
- SD43: New and Existing Community Facilities
- SD45: Green Infrastructure
- SD54: Pollution and Air Quality
- SD55: Contaminated Land
- SD46: New and Existing Community Facilities

7.5 Worldham Village Design Statement

- Character of Landscape Setting – Planning Guidelines 1, 2, 3 & 4
- Settlement Patterns – 1 & 2
- Buildings and Spaces – 7 & 8
- Streets & Lanes – 4

## 8. Planning Assessment

### Major Development and consideration with specific reference to Paragraph 172 of the National Planning Policy Framework

- 8.1 As a starting point it is considered that the nature and scale of the event, albeit limited in terms of being temporary in nature, is such that it would be considered to be major development for the purposes of Paragraph 172 of the National Planning Policy Framework.
- 8.2 For the purposes of Paragraph 172, the NPPF confirms that whether the proposal is for a 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.
- 8.3 This being the case, Paragraph 172 confirms that permission for major development should be refused other than in exceptional circumstances and where it can be demonstrated the proposal is in the public interest. Consideration of such applications should include an assessment of three criteria, which are given scrutiny below, however firstly the issue of public interest is considered.
- 8.4 It is considered, that there are a number of public interests pertinent to this particular proposal. Firstly, the conservation and enhancement of the National Park which is the SDNPA's primary obligation to protect that public interest in accordance with its two statutory purposes. This is a matter for consideration as some balance is required. It is acknowledged that there may be some impact on the conservation and enhancement of the National Park this has however to be balanced by the fact that it is essentially a temporary use and the applicant has expressed a willingness to carry out works secured through conditions or a Section 106 that would have a more permanent positive impact on the conservation and enhancement of the National Park in this and the surrounding locality. In particular these could include, but not be exclusively limited to enhancements in relation to the neighbouring SSSI and SAC. Likewise, a permission could allow the applicant the opportunity to carry out conservation and enhancement through their stewardship of the land for the remainder of the year with some benefits and Land Management Strategy being secured by way of a legal agreement.
- 8.5 The second public interest issue under consideration here is meeting a socio-economic need of communities within this part of the National Park. Whilst it is appreciated that the event itself is not attended predominantly by residents of the National Park or even by residents of the surrounding villages, it is arguable that the event meets the needs of the Ahmadiyyah Muslim Community by allowing them the opportunity to come together and meet on an annual basis in a quality landscape setting. This provides an opportunity for a particular group to access the Park and be given the opportunity to promote the understanding and enjoyment of the Park, thus meeting the second purpose, whilst managing the temporary impacts upon the landscape and seeking long term benefits.
- 8.6 Paragraph 172 then provides a list of matters that need to be considered and these are addressed below.
- The Need for the Development, including in terms of national considerations and the impact of refusing or approving it on the local economy.
- 8.7 The applicants have been holding this event for some years now. The applicants have sought to address issues arising by way of being part of a Safety Advisory Group who meet regularly to work through any logistical or legislative issues. In addition, for the early years of the event, it appears that the applicant was able to work within the confines of the 28 days permitted development. This has however been exceeded in more recent years. Notwithstanding this, the organisation of the event appears to continue to evolve as and when issues arise and the management plans prepared for the Advisory Group are scrutinised by the necessary bodies.
- 8.8 It is also acknowledged that the events provide opportunities for 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 National Park.

8.9 Whilst the event appears to be relatively self-sufficient in terms of the infrastructure, catering etc. that is required for each event and it is not clear the extent to which the event can be said to impact significantly on the local economy, the concentration of this number of people to the area over three days will inevitably have some impact in terms of the local economy.

8.10 The Community clearly is of a size and culture where it is considered necessary for their part to have an annual gathering. This event is acknowledged to be important for the Community and, being unable to hold the event would require them to undertake a logistical exercise with no certainty that the event could be accommodated elsewhere, at least in the short term.

The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way;

8.11 This event has taken place for some time now (although it is appreciated that this has resulted in the exceeding of the 28 day rule). Whilst there may be other options for the applicant in terms of holding the event elsewhere within the UK, the cost and scope for this, or meeting the need in some other way, would require land which it is understood the applicants do not have and therefore, at present, the scope is somewhat limited. Whilst it is appreciated that the site does not have particularly close links to the strategic network, the location is not considered unacceptable by the Highways Authority. It is also important to note that the proposal is for continued use for the holding of a temporary event alongside agricultural operations. Whilst the amount of agricultural activity is at present somewhat limited, by the event remaining at this location it provides opportunity for the Community to continue to develop their agricultural enterprise.

8.12 Whilst the need could perhaps be met in another way, by the applicant operating within permitted development rights, it is clear that in recent years the applicant has failed to be able to work within 28 days.

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

8.13 The report sets out below, the effects on the environment, the landscape and recreational opportunities and is inherently part of the consideration undertaken here in regards to major development. In summary it is considered that there are some short term temporary effects on the environment, landscape and recreational opportunities. This must however continue to be balanced with the long term enhancements which could be secured as part of this application, together with the understanding and enjoyment opportunities that the events themselves offer. It is also key to consider the fall-back position of the applicant returning potentially to a more intense amount of activity over a shorter period in order to comply with the 28 days permitted development rights. At present, given the issues outlined in more detail below, it is considered that it has not been demonstrated that the detrimental effects could be moderated and, at this point in time it is considered that the proposal **does not** meet this element of the major development assessment set out in Paragraph 172 of the National Planning Policy Framework

Principle of development with regard to Policies within the East Hampshire District Local Plan Joint Core Strategy, Saved Policies of the East Hampshire District Local Plan Second Review 2006, and the Policies of the Emerging South Downs Local Plan.

8.14 The proposal for the use of land for a religious event has no specific policy applicable. As a starting point, Saved Policy HC3 of the East Hampshire District Local Plan Second Review allows for the development of community facilities (which include places of worship) if they meet an identified local need, there are no suitable sites available within a settlement policy boundary and the traffic generated is a type or amount appropriate to rural roads. The policy does not however seem to relate to temporary events. In itself the proposal does not appear to meet an identified local need. There are however clearly no suitable sites within

the immediately close settlement boundaries to accommodate a festival of this size, and were this to be a continual event, it is unlikely that the traffic generated would be considered acceptable. But this does have to be tempered by the fact that the effect on local roads is limited predominantly to 4 days during the event, and to a lesser extent in the lead up and take down following the event.

- 8.15 Policy CPI6 of the East Hants Joint Core Strategy continues the same direction where new facilities should result in improvements to meet the needs of the district. Such facilities will be required to be easily accessible to all sectors of the Community and in rural areas where public transport may be poor, support will be given to schemes that seek to improve local delivery of services. Again, this does not appear to include one off annual events such as that proposed here. Notwithstanding this, it should be noted that CPI9 concerning development in the countryside is a policy of general restraint with development being allowed where there is a need for a countryside location, such as that necessary for farming, forestry, or other rural enterprises. Whilst the applicant has been clear that there is an agricultural enterprise this is somewhat limited at present and the applicant does not put forward the use for the event as a form of agricultural diversification.
- 8.16 Policy SD43 of the South Downs Local Plan is of a similar tact and needs a demonstration of local need, with the scale proportionate to the local area and a requirement for there to have been prior community engagement. Interestingly, the definition of community facilities does not include places of worship.
- 8.17 The Defra publication 'English National Parks and the Broads – UK Government Vision and Circular 2010' at paragraph 27 confirms that:-
- “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”.
- This helps to home in on understanding that the issue of large festivals/events in a sensitive location need to be given close scrutiny. It is also important to note that the circular highlights that the potential to harm the special qualities of the park is such that these sort of events will need to be controlled. It is not to be inferred from this that large festivals must be resisted, but that there is a debate to be had as to whether the nature of the festival and resultant impact are such that the qualities of the National Park are adversely effected and would therefore need to be resisted or in some way controlled by way of appropriate conditions. This then forms part of the consideration of this application.
- 8.18 It also pays to revisit the purposes of the Park. The First purpose is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. The impact on landscape, wildlife and cultural heritage are considered in more detail below but, even if there is considered to be an unacceptable impact for the period of set-up, event and take down, it is arguable that, with appropriate conditions and agreements in place, benefits can accrue to the site and immediate locality for the remainder of the year, thus arguably conserving and enhancing overall.
- 8.19 The second purpose of the park is to promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public. One could argue that the attendance to the event by over 37,000 people provides great opportunities for those who might never have visited the Park to understand and enjoy the qualities of the Park. The applicant has already expressed a willingness to progress opportunities in advance of the event and during the event to promote National Park Purposes.
- 8.20 The Authority also has a duty when carrying out the purposes to seek to foster the economic and social well-being of the local communities within the National Park. There certainly seems to be anecdotal comments from residents that the applicant has not fully engaged with the local community and that comments made originally about the nature and size of the event have been found not to be true. Whether or not this is true, is perhaps not as important as to whether any type of approval could include any mechanism whereby greater liaison could occur in the future. One potential option would be for the formation of



a regular liaison group to enable residents and parish councils to meet with the applicant and be informed of any matters in relation to the annual event, with attendance by the SDPNA

8.21 In conclusion, in relation to the general principle of development, the closest Policies to the particular use tend to be related to community facilities on a more permanent basis, and related specifically to facilities that meet a demonstrated local need, with limited need for significant trip rates. This particular event is an annual event and does not particularly meet local need. Notwithstanding this, there might clearly be benefits in terms of the purposes of the Park which could be argued to shift the balance in its favour, having regard to the temporary adverse impact in terms of tranquillity, natural beauty and wildlife and opportunities for improving and enhancing the site. However, as can be seen from the following sections, there are clearly concerns on the basis of the current submission that currently mean the overarching principle of support for the proposal has not been demonstrated.

8.22 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
- The impact on Ecology
- The impact on Rights of Way
- The impact on cultural heritage
- Designated Sites
- Drainage/Sewage Treatment
- Kitchen/Bakery
- Amenity

#### Landscape

8.23 Policy CP20 of the East Hampshire Core Strategy seeks to conserve and enhance the natural beauty, wildlife and cultural heritage of the SDNP. The justification text explains that major developments should not take place within the South Downs National Park except in exceptional circumstances and where it can be demonstrated that the proposal is in the public interest. This has already been considered elsewhere in the report.

8.24 The submitted LVIA concludes that the landscape and visual effects would be limited to the immediate locality of the site, resulting in a short term, temporary, negligible effect on the landscape. The Landscape Officer has considered the proposals and retains a holding objection. This is primarily based on a lack of supporting information in relation to a wide ranging number of issues which the applicant has confirmed they are seeking currently to address. Notwithstanding those efforts, the Authority still, at the time of writing the report, have not received the additional information. The Landscape Officer considers that the impacts of the scheme could be reduced through positive changes and through a more detailed understanding of how the land can be better managed in the long term.

8.25 In particular, on the current information there remain concerns in relation to the open storage within the site, any formalisation (or over-engineering) of accesses into the site, given that the land adjacent to the road is Registered Common and therefore open access. In particular, the provision of an area for open storage in connection with the festival would appear out of keeping with the rural/agricultural character of the site, specifically alongside the cluster of agricultural buildings which exist on site. It has not been demonstrated that the open storage could be achieved without adversely impacting on the prevailing landscape character.

8.26 In addition there are concerns that the festival layout is sited too close to Binnswood and that this should be drawn back away from the SSSI. The Landscape Officer has provided a number of potential enhancements that could be made in terms of the ongoing management of the land, but comprehensive advice is not possible without further information from the applicant.

- 8.27 As matters currently stand it has not been demonstrated that the use of the land for such an event would not have an adverse impact on the landscape character that could be offset by other measures. Should additional information be submitted that would lead officers to a different conclusion, members will be informed through an update on the day of Committee.

#### Noise and Light Pollution

- 8.28 The holding of the event has an impact on the tranquillity of the surrounding rural area for the duration of the event (and to a lesser extent during the set up and take down of the event). It is notable from representations that the impact by way of noise is not purely limited to sound amplification systems but also in relation to generators and temporary road tracks.
- 8.29 It is understood that the Environmental Health Office at East Hampshire is familiar with the event and has responded to concerns over earlier events. The Environmental Health Officer does not have an objection to the proposal per se however this is subject to a significant number of conditions. If Members were minded to approve the application, officers consider that some conditions suggested would meet the tests set out in the NPPF and could be imposed.
- 8.30 The Dark Skies Officer has confirmed that the site sits within the Intrinsic Darkness Zone and considers the applicant has downplayed the quality of Dark skies in this area. He also questions the assertion by the applicant that the lighting impact is comparable to existing agriculture. There is concern that the potential during the event would be to reduce the sky quality in the area and be prominent in the landscape. The Officer contends that a lighting strategy should be provided in order to offer a more thorough assessment. Whilst arguably, given the temporary nature of the event, a condition could be imposed requiring the lighting strategy in order to address Dark Skies issues, there are additional concerns in relation to lighting and ecology below to bring officers to the conclusion that a lighting strategy would need to be submitted before a decision could be reached.

#### Highways Impact

- 8.31 The County Highways Officer has scrutinised the application and come to the conclusion that the impact on the surrounding network is acceptable subject to appropriate conditions. This scrutiny has also included having regard to the additional lorry movements in relation to removal of waste/sewage during the event.
- 8.32 A concern has been raised by a local resident that the consideration of the transport impact has been made on the basis of the presence and use of the area at the Country Market for a Park and Ride. This area does not fall within the red outline of this application site. The resident is concerned that, should this not become available in the near future, the assessment on transport impact has been made on matters outside the applicant's control. Whilst the exact details of the agreement that is in place are not clear with regard to the use for the Park and Ride, it is clear that the provision of the land for this purpose has been in place for some while. Were Members minded to approve the application, it is clear that the continued provision of the Park and Ride facility would need to be secured by way of a legal agreement and officers would need to be assured by the applicant that this could be achieved.

#### Ecology Impact

- 8.33 The site is located between two designated sites and brings with it, its own particular sensitivities as highlighted by the applicants own preliminary ecological assessment. This highlighted the need for additional more detailed surveys specifically in relation to bats and great crested newts. These have only recently been received and been forwarded to the County Ecologist who continues to raise the following issues.
- 8.34 The Great Crested Newt Survey identifies that there is a risk of harm to this species during set up, the event and take-down afterwards. The event plans (2016) indicate water tanks being located at the location of the only waterbody where Great Crested Newts were recorded. In addition, there appear to be a number of activities/features in close proximity

to this area. In the absence of a detailed event management plan setting out the layout of kit, and given the presence of the Great Crested Newt this presents a significant constraint. It has not been demonstrated that the event will not impact on this protected species.

- 8.35 The Bat survey highlights the fact that the site is important for bat species. Given this there needs to be a long term strategy for ameliorating the potential impacts of the event (with specific measures for 2019). Of particular concern is the use of artificial lighting during the event and the Ecologist considers that the impact will not be negligible, and could be expected to influence bat behaviour and could exclude certain species from areas of the site. In the absence of a detailed lighting strategy it cannot currently be demonstrated that the proposal will not adversely impact on bats.
- 8.36 The Ecologist concludes that the recommendations in the reports need to be translated into a workable event plan/strategy. In the absence of this information, specifically in relation to lights and the exact layout of the site, it has not been demonstrated that ecological interests have been adequately addressed. It is not considered that conditions could adequately address these issues.
- 8.37 Members will be updated if additional information is submitted which is considered to address this matter.

#### Rights of Way

- 8.38 The application site has 2no footpaths running through the site. In particular FP27 runs from the North West corner of the site on Green Street in a south easterly direction across to Binnswood SSSI. Historically, during the festival, the route has been obstructed by a variety of tents, marquees and infrastructure within the site. The applicants state that a system is in operation whereby the staff will assist walkers who wish to use the footpath to negotiate their way across the site. Notwithstanding the applicants have indicated a willingness to seek a temporary diversion during the period of the festival which would be far more 'secure'. This willingness has only just been confirmed and as of yet has not been secured by the correct channels in liaison with the Countryside Service. Policy CP31 of the East Hampshire District local Plan Joint Core Strategy confirms that proposals will be required to protect pedestrian links. Policy SD20 (6a) confirms that development proposals will be permitted provided that they maintain existing rights of way. At present it is considered that the proposal does not therefore accord with these policies.

#### Cultural Heritage

- 8.39 The only notable heritage asset in the immediate locality is the ancient monument to the west of the Site (King Johns Hill). It is considered that the use of the site for the festival is at a sufficient distance from the monument as to not impact on the asset to its detriment.

#### Designated Sites

- 8.40 The impact on the designated sites is covered predominantly in the sections in relation to ecology and landscape impact. Notwithstanding this there are concerns that the location of the main part of the festival extends too close to Binnswood SSSI to the south east and currently, the plans before the Authority do not demonstrate that the event would not impact on the SSSI.

#### Drainage

- 8.41 Concerns had originally been raised by the Drainage Officer about the impact on the site. The applicant has since submitted a sewage management plan and the drainage officer has now removed their objection to the application.

#### Kitchen/Bakery Ventilation/Extraction

- 8.42 The unauthorised flues clearly result in an industrial appearance that is out of character with the general agricultural feel to the site. The proposed removal of these flues and replacement with vents on the side of the building is considered to be an acceptable solution. No objection is raised in relation to this aspect of the proposals.

### Amenity of residential properties

- 8.43 It is clear that there is an impact on the amenity of residential properties in the immediate vicinity (predominantly to the south east of the site and to the north of Binnswood SSSI) during the festival and at times during the set-up and take down. Whilst there is an impact in relation to noise and potential light pollution, the impact of these can, to a certain extent be controlled by way of robust conditions which would be scrutinised by the appropriate bodies to ensure compliance. Given that the Environmental Health Officer considers that the amenity issues could be addressed by conditions, it is not considered that a refusal could be sustained on this basis.

## **9. Conclusion**

- 9.1 It is considered that, despite there being temporary adverse impacts on the purposes of the National Park, these could be outweighed by potential permanent benefits, both in increasing the opportunity for understanding and enjoyment of the qualities of the Park, together with enhancements and improvements in the management of the land owned by the applicants, and contribution to improvements and enhancement of the adjoining designated sites. In principle the proposal *could be acceptable*.
- 9.2 Notwithstanding, there remain a number of concerns with the scheme, particularly given the lack of information currently provided, that means that the balance tips towards refusal. The applicant has been made aware of these concerns and the current outstanding issues in relation to rights of way, landscape impact and ecology. Unfortunately however, solutions have not been submitted to allow officers to progress to a recommendation for permission.
- 9.3 In the absence of the required information it has not been demonstrated that the proposal would not have an adverse impact on the landscape character, ecology/biodiversity interests or the existing rights of way within the site. Whilst the applicant has expressed a willingness to discuss opportunities for enhancements on the site and in the surrounding area, progress has been slow in receiving any clear details of such enhancements. Refusal of the application is therefore recommended.

## **10. Recommendation**

- 10.1 The application is recommended refusal for the following reasons.
1. It has not been demonstrated, on the basis of the submitted information, that the detrimental effect of the proposal on the environment, landscape and recreational opportunities could be moderated to such an extent as to meet the tests for allowing major development and would therefore be contrary to Policy SD3 of the South Downs Local Plan and Paragraph 172 of the National Planning Policy Framework.
  2. It has not been demonstrated, particularly in the absence of a detailed landscape plan and event management plan that the proposal would not have an adverse impact on the landscape character of the area by virtue of the extent of open storage in connection with the festival which would appear out of keeping in this agricultural landscape. This would therefore be contrary to Policies CP19 and CP20 of the East Hampshire District Local Plan Joint Core Strategy, Policy SD4 of the emerging South Downs Local Plan, the NPPF and the purposes of the Park.
  3. It has not been demonstrated that the proposal would not protect or maintain the existing right of way network and would therefore be contrary to Policy CP31 of the East Hampshire District Local Plan Joint Core Strategy, Policy SD20 of the emerging South Downs Local Plan, the NPPF and the purposes of the Park.
  4. It has not been demonstrated, in the absence of supporting information and a comprehensive lighting strategy,, that the proposals would not have an adverse impact on protected species, which may be present in the site and surrounding area (most notably great crested newts and bats), and also designated sites surrounding the application site and would therefore be contrary to Policy CP21 of the East Hampshire District Local Plan Joint Core Strategy, Policy SD9 of the emerging South Downs Local Plan, the NPPF and the purposes of the Park.

## **11. Crime and Disorder Implications**

11.1 It is considered that the crime and disorder issues or implications have been addressed elsewhere in the report.

## **12. Human Rights Implications**

12.1 This planning application has 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.

## **13. Equality Act 2010**

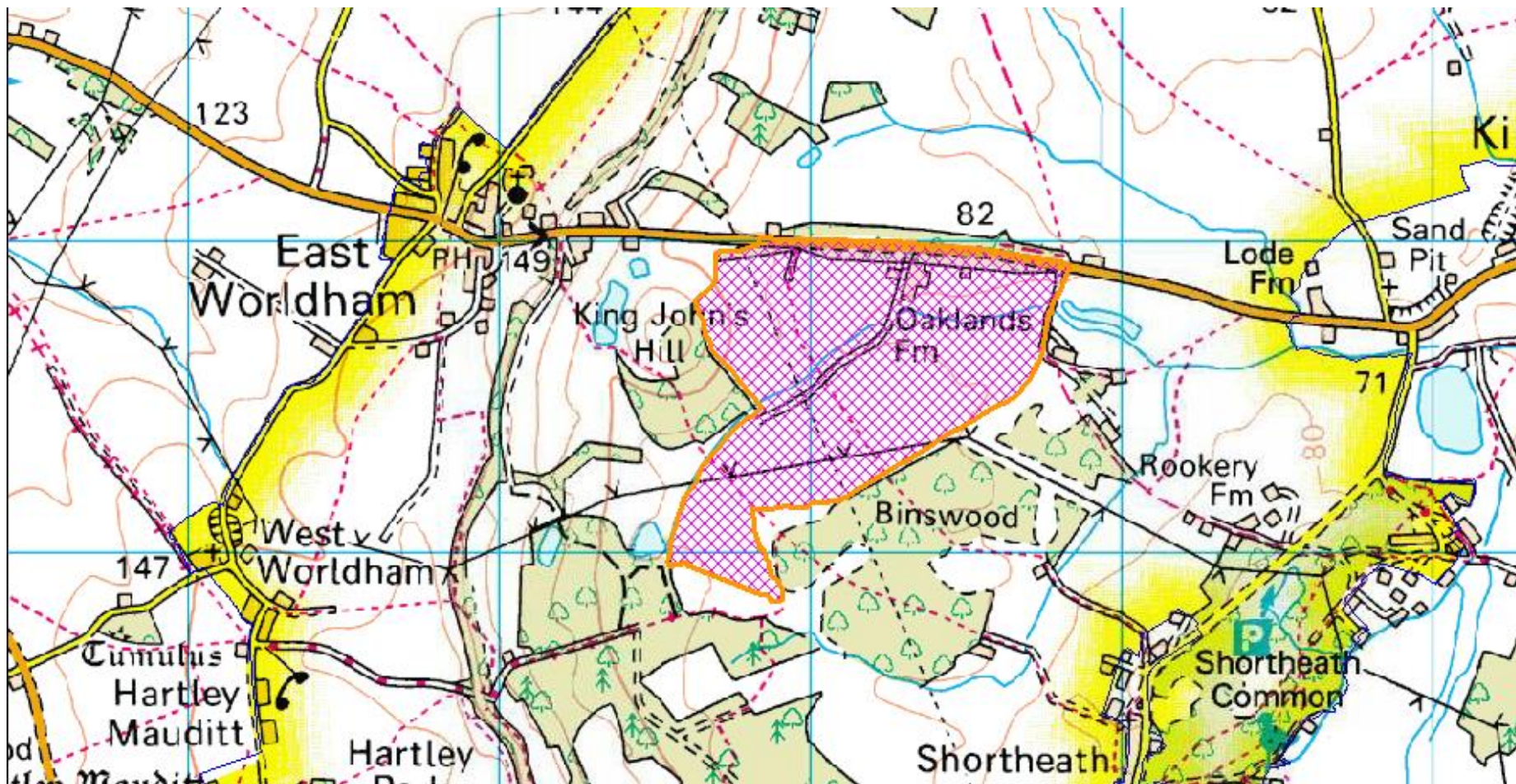
13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14. Proactive Working**

14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of advice, numerous meetings and the opportunity to provide additional information in support of their application.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Rob Ainslie  
Tel: 01730 819 265  
Email: [robert.ainslie@southdowns.gov.uk](mailto:robert.ainslie@southdowns.gov.uk)  
Appendices: 1. Site Location Map  
SDNPA Consultees: Legal Services, Director of Planning.  
Background Documents: Public Access, Application Summary and Associated Documents  
<https://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?keyVal=P7NE2ZTUK0S00&activeTab=summary>  
National Planning Policy Framework  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>  
National Planning Practice Guidance  
<https://www.gov.uk/government/collections/planning-practice-guidance>  
Defra: English National Parks and the Broads – Uk Government Vision and Circular 2010.  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/221086/pbl3387-vision-circular2010.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pbl3387-vision-circular2010.pdf)  
Saved Policies of East Hampshire District Local Plan Second Review 2006  
<https://www.easthants.gov.uk/local-plan-second-review-2006>  
East Hampshire District Local Plan Joint Core Strategy 2014  
<https://www.easthants.gov.uk/adopted-local-plan>  
South Downs Local Plan Main Modifications  
<https://www.southdowns.gov.uk/planning/national-park-local-plan/>  
Worldham Village Design Statement  
<https://www.southdowns.gov.uk/wp-content/uploads/2015/01/Worldham-Village-Design-Statement.pdf>



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2012) (Not to scale)