

Report to	Planning Committee
Date	9 May 2018
By	Director of Planning
Local Authority	East Hampshire District Council
Application Number	SDNP/19/00970/FUL
Applicant	South Downs National Park Authority
Application	Place a stone sculpture on Shortheath Common (Cranberry on the Mire). A sandstone sculpture of water crowfoot and wild cranberry in a block shape.
Address	Shortheath Common, Oakhanger Road, Bordon GU35 9JP.

Recommendation: That planning permission be granted subject to the conditions set out in paragraph 10.01 of this report

Executive Summary

This application seeks planning consent with regard to the installation of a sculpture proposed to be located within a heathland site. This application is part of a wider project for 7 sculptures in total and the application subject of this report concerns a sculpture proposed to be sited within East Hants District. Heathland Reunited is a Heritage Lottery funded project with 10 partners led by the South Downs National Park Authority, the project has been informed through extensive public consultation at each stage. The documents submitted advises that the aim of the project is to:

"Reflect the uniqueness of each of the seven sites. The sculptures are inspired by information and materials gathered from site owners and managers, local communities, through school workshops and volunteers conducting oral history interviews and researching archival material"

The key planning considerations pertaining to this proposal are considered in detail below. In summary it is considered that, given the use of heathlands today and the important role they play in terms of recreation, education and enjoyment of the countryside, the principle of the proposal is acceptable in planning terms.

This application has been put before the Members of the Planning Committee as the South Downs National Park Authority is the Applicant.

1. Site Description

- 1.1 This proposed sculpture is sandstone and is called Cranberry on the Mire. The Sculpture size: 1300 x 1400 x 40 mm carved in Wookirk Sandstone. The sculpture would be placed directly on to the ground, weighing approx.400 kg. The sculpture stands approx.400mm above the ground on level grass and heather, situated within a wider open area containing gorse and mature Birch trees.
- 1.2 Shortheath Common is approached along a wide, gravely sandy track/ footpath (PROW) connecting the green in Oakhanger and play area, passes through a circular grass clearing, to the oak / birch woodland and heathland extending out to the north east.

2. Relevant Planning History

- 2.1 The Heathlands Reunited Project Team at the SDNPA has undertaken a public consultation exercise in a number of stages. They specifically wrote to key stakeholders including Parish

Councils and asked for their views and ideas and worked with members of the local community to research why their local heath is important to them.

- 2.2 The next stage involved the submission of a pre-application enquiry to the planning team in November 2018, (SDNP/18/ 05217/PRE). This application sought planning guidance with regard to the merits of each proposed siting and what supporting documents would be required to be submitted alongside the proposals.

3. Proposal

- 3.1 The application seeks planning permission for a stone sculpture on Shortheath Common (Cranberry on the Mire). A sandstone sculpture of water crowfoot and wild cranberry in a block shape. Shortheath Common is characterised by the presents of a large pond and mire both of which has a mire which results in a diverse range of flora and fauna that are not common on other heathland sites. This includes the flowering water crowfoot and wild cranberry, which are represented in the sculpture. The artist designed a piece which will be shaped in such a way as to hold water and captures the uniqueness of the site. Over time the sculpture will become mossy but the shapes of the cranberry and crowfoot will remain.
- 3.2 The supporting documents submitted with the application advises that, historically large areas of heathland covered the South Downs National Park, now only 1% of the existing heathland remains. The Heathlands Reunited Project was created by the SDNPA to expand, create new and improve existing heathland supported by the Heritage Lottery Fund.
- 3.3 As part of the Heathlands Reunited project, the artist Graeme Mitcheson has been commissioned to work with volunteers and local communities to develop seven sculptures for seven heathland sites capturing the unique individual stories of each site whilst also showing how they are connected.
- 3.4 The Heathland Reunited Project team has worked with volunteers across the seven sites, Stedham, Wiggonholt, Shortheath, Lavington, Woolbeding, Black Down, Graffham and the people who own and manage the sites, as well as local schools, to inform the design and story behind final sculptures.
- 3.5 The pieces aim to reflect the uniqueness of each of the seven sites. The sculptures are inspired by information and materials gathered from site owners and managers, local communities, through school workshops and volunteers conducting oral history interviews and researching archival material.

4. Consultations

- 4.1 **Selbourne Parish Council:** No comments at the time of writing this report

- 4.2 **Natural England:** Comments

As submitted, the application could have potential significant effects on Shortheath Common Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further information regarding the area of designated site to be damaged/permanently lost
- Details of alternative locations which will not incur permanent loss of designated site
- An assessment of construction/installation impacts

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Case Officer Comments –The SDNPA Heathland Reunited project manager has been consulted to this regard and the sculpture has been moved 5 metres so as to overcome Natural England's concerns with the siting of this sculpture. At the time of writing this report Natural England's comments are awaited with regard to the revised siting.

- 4.3 **Ecology Officer:** No comments

Case Officer Comments –The SDNPA Heathland Reunited project manager has been consulted with regard to Natural England's comment and the sculpture has been moved 5 metres so as to overcome Natural England concerns with the siting of this sculpture. At the time of writing this report the Consultant Ecologist's comments are awaited with regard to the revised siting.

4.4 **Tree Officer:** No Objection

4.5 **Rights of Way Officer:** No Comments

4.6 **SDNPA Landscape Officer:** Comments

- The premise of the project is a positive one. Heathlands, unlike many landscapes within the National Park have been little manipulated by human interventions, although obviously are far from 'wild' their character however does have a perceived 'naturalness'. Largely never enclosed and they are characterised by their lack of settlement, formalised roads etc. Therefore the intervention of sculptures – normally associated with designed landscapes of significant intervention, may be considered to not be characteristic.
- However, there are 2 important points to make;
 - 1) the project is temporary in nature, by this I mean that the introduction of sculptures are not permanent and so any impact they may generate is reversible. This is important in terms of understanding landscape/visual harm, and;
 - 2) their introduction does not negatively impact any of the key characteristics of heathlands – e.g. damaging historic routes, heathland habitats.
- On balance, despite perhaps sculptures not being wholly in-keeping with the character of heathlands in its purist sense, given the use of heathlands today and the important role they play in terms of recreation, education and enjoyment of the countryside it is considered that the principle is acceptable in landscape terms. No objection specifically to this site.

5. Representations

5.1 No third-party representations had been received at the time of writing this report. Any submitted prior to the application being heard at planning committee will be summarise by the Case Officer and the committee will be updated.

6. Planning Policy Context

National Park Purposes

6.1 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.

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

6.2 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued on 24 July 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 and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

6.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be complaint with the NPPF

6.4 The relevant policies to this application are set out in section 7 below.

7. Planning Policy

- 7.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **East Hants Joint Core Strategy (2014)** and the following additional plans:
- South Downs National Park Local Plan - Submission 2018
 - SDNPA Partnership Management Plan 2014
- 7.2 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.
- 7.3 The following policies of the **East Hants Joint Core Strategy** are relevant to this application:
- CI – Areas of Outstanding Beauty
 - CPI9 – Development in the Countryside
- 7.4 The following Sections of the **National Planning Policy Framework** are relevant to this application:
- NPPF01 - Introduction
 - NPPF - Conserving and enhancing the natural environment
 - NPPF - Conserving and enhancing the historic environment
- 7.5 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 pending adoption of the SDNP Local Plan. The following Policies and Outcomes are of particular relevance to this case:
- General Policy 1
 - General Policy 4
 - General Policy 29
 - General Policy 32
- 7.6 The South Downs Local Plan
- 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 having been undertaken from 1st February 2019 to 28th 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.
- The following policies are of particular relevance to this case:
- SD1 - Sustainable Development
 - SD2 - Ecosystems Services
 - SD4 - Landscape Character
 - SD5 - Design
 - SD6 - Safeguarding Views
 - SD9 - Biodiversity and Geodiversity
 - SD10 - International Sites
 - SD11 - Trees, Woodland and Hedgerows
 - SD20 - Walking, Cycling and Equestrian Routes
 - SD21 - Public Realm, Highway Design and Public Art
 - SD23 - Sustainable Tourism

8. Planning Assessment

8.1 The main issues for consideration with regard to the proposed 5 sculptures are:

- The principle of the proposal;
- The impact on the landscape/amenity of the area,
- The impact on ecology,
- The impact of trees, and,
- The impact of adjacent Rights of Way

The principle of the proposal

8.2 It is considered that the premise of the project is a positive one. Policy SD21 of the SDNP Draft Local Plan: Public Realm, Highway Design and Public Art, states that new public art should be site specific, reflecting and respecting the site and its context. With regard to the principle, the SDNPA Landscape Officer response has been considered and two key points were made:

- 1) *The project is temporary in nature, by this I mean that the introduction of sculptures are not permanent and so any impact they may generate is reversible. This is important in terms of understanding landscape/visual harm, and;*
- 2) *Their introduction does not negatively impact any of the key characteristics of heathlands - e.g. damaging historic routes, heathland habitats.*

8.3 After taking all matters into the balance, it is considered that the principle of the proposal is broadly acceptable in planning terms, (subject to the detailed consideration within the sections below), given the use of heathlands today and the important role they play in terms of recreation, education and enjoyment of the countryside.

The impact on the landscape/amenity of the area

8.4 It is not considered that this proposal would cause any detrimental landscape impacts. It is located within a wooded area and is not readily visible from vantage points.

The impact on ecology

8.5 The SDNPA Consultant Ecologist and Natural England have been consulted with regard to this proposal across all 7 sites. Natural England is concerned about the siting of this particular sculpture and to this regard the siting has changed slightly so that machinery will not need to leave the established track. However, as the revised location remains within a designated site, due to the ecological sensitivities of the sites there may be potential for ecological impacts to occur.

8.6 To this regard the Consultant Ecologist has advised in the case of application SDNP/19/00968/FUL that a condition must be attached to require that all affected areas shall be searched by an experienced ecologist for reptiles and ground nesting birds. In the event that reptiles are found, that they shall be moved to a safe and suitable area outside the works footprint. It is considered that such a condition should be applied to this site also.

8.7 The Officers of the SDNPA as a Competent Authority have concluded that the application does not require an Appropriate Assessment for this development due to the small scale and nature of the works.

The impact of trees.

8.8 The sculpture is proposed to be located close to or within the crown spread of trees. Therefore, a Tree Assessment and Arboricultural Method Statement has been submitted and it is concluded that the proposed sculpture will not negatively impact the RPA's of the surrounding trees.

The impact of adjacent Rights of Way

8.9 At pre-application stage the PRoW team considered that the proposals appeared to detail a scheme which may well enhance the PRoW network and promote both the routes and countryside in which the sculptures are due to be sited.

- 8.10 No objection to this application for planning permission was raised. It is considered that the scheme will not negatively impact the PProV network or lead to a great influx of people visiting the sites to an extent that would be detrimental to the amenities for these heathland sites.

9. Conclusion

- 9.1 It is considered that, given the use of heathlands today and the important role they play in terms of recreation, education and enjoyment of the countryside, the principle of the proposal is acceptable in planning terms.

10. Reason for Recommendation and Conditions

- 10.1 It is recommended that the application be approved subject to the following conditions:

Time Limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Accordance with Plans

2. The development hereby permitted shall be carried out in accordance with the approved plans.

Reason: For the avoidance of doubt and in the interests of proper planning.

Ecology

3. Immediately prior to commencement of the works, all affected areas shall be searched by an appropriate person for reptiles and ground nesting birds. In the event that reptiles are found, they shall be moved to a safe and suitable area outside the works footprint. If ground nesting birds are found within or in close proximity to the works footprint, works shall only be carried out after the nesting season.

Reason: To protect wildlife in accordance with the Wildlife and Countryside Act 1981 (as amended).

11. Crime and Disorder Implication

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

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 pre-application advice from the SDNPA Development Management Officer and SDNPA Landscape Officer, the opportunity to provide additional information to overcome technical issues and the opportunity to amend the proposal to add additional value as identified by SDNPA Officers and consultees.

TIM SLANEY

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Appendices	I. Site Location Maps
SDNPA Consultees	Legal Services, Director of Planning.
External Consultees	None
Background Documents	<p>Public Access, Application Summary and Associated Documents https://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?keyVal=PJ9HFMTUI0R00&activeTab=summary</p> <p>National Planning Policy Framework https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6072116950.pdf</p> <p>National Planning Practice Guidance https://www.gov.uk/government/collections/planning-practice-guidance</p> <p>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/pb13387-vision-circular2010.pdf</p> <p>SDNP Partnership Management Plan https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/</p> <p>East Hants Joint Core Strategy (2014) http://www.easthants.gov.uk/adopted-local-plan</p> <p>South Downs Local Plan Pre-Submission https://www.southdowns.gov.uk/planning/national-park-local-plan/</p>

Site Location Map – Shortheath Common



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