

Agenda Item 8
Report PCI9/20-11

Report to	Planning Committee
Date	12 September 2019
By	Director of Planning
Local Authority	East Hampshire District Council
Application Number	SDNP/19/03210/FUL
Applicant	Hillier Nurseries Ltd
Application	Provision of Suitable Alternative Natural Greenspace (SANG) of 5.41ha related in part to Full Planning Application SDNP/19/00669/FUL (Andlers Ash Road, Liss), to incorporate a circular footpath route with links to existing rights of way; fencing and signage.
Address	Land west of Rotherbank Farm Lane, Liss, Hampshire.

Recommendation:

- 1) That planning permission be granted subject to:**
 - a) The completion of a S106 Agreement to secure the following, the final form of words to be delegated to the Director of Planning:**
 - Requirements to create a management company for the long term provision and management/maintenance of the SANG.**
 - Landscape and Ecological Management Plan.**
 - b) The conditions as set out in Paragraph 10.1 of this report.**
- 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the S106 Agreement is not completed or satisfactory progress is not being made within 3 months of the 12 September 2019 Planning Committee meeting.**

Executive Summary

The application proposes a 5.41ha area of land to be used as informal recreation in order to mitigate for a net increase in new housing from the residential proposals on Andlers Ash Road (SDNP/19/00669/FUL- agenda item 7) which would be within the vicinity of the Wealden Heath Phase II Special Protection Area (SPA) and Woolmer Forest Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

Under European and UK law, it is necessary to consider whether new net residential development within 5km buffer of the SPA would have a significant likely adverse effect upon the integrity of the SPA and, if so, sufficient mitigation is required to be provided. A key consideration in the conservation of the SPA is the effect of recreational pressures upon ground nesting bird from walkers and especially dog walkers. It has been determined that the residential scheme could have an adverse effect upon the SPA as a result of increased population near to the SPA and, consequently, mitigation in the form of providing Suitable Alternative Natural Greenspace (SANG) has been required.

SANG cannot be provided on the residential scheme as it needs to meet Natural England criteria and be a genuine alternative for dog walkers to use instead of the SPA by virtue of its character, experiential qualities and ability to walk dogs off their leads. This site has been proposed as it is land already owned by Hilliers Nursery (current land owner of the housing site that forms part of this agenda and is the driver behind the scheme) and following feedback from Natural England regarding its suitability.

The site is well located to act as SANG in regard to its proximity to Liss and accessibility via the PROW network including the Shipwrights Way and the Riverside Railway Walk. Importantly, it also is part of designated local green space within the Liss Neighbourhood Development Plan 2016. Its character would evolve with a new management regime and opening up the site for public access. Provided that this is sensitively managed subject to conditions it is not considered to have a significant harmful landscape impact.

A Landscape and Ecological Management Plan (LEMP) for the site has been submitted which outlines management responsibilities (to be privately managed) and a management regime for improving biodiversity and access. However, whilst this is supported by Natural England and the county ecologist, SDNPA officers consider that it requires further scrutiny in regard to how its overall aims of improving biodiversity and access will be achieved and, importantly, monitored to ensure they are met. A revised LEMP is therefore required.

The provision of the SANG, its future management and funding has been proposed via a private management company being set up with Hilliers Nursery, which would operate via an 80 year lease. This is proposed to be secured via a S106 Agreement. Natural England have requested that the SDNPA include 'step-in' rights within the S106 with the responsibility of taking over the SANG's management in the future should the proposed arrangements fail. This is not supported and it is considered that the proposed arrangements are sufficient. The LEMP would also be included within the S106 in addition to a planning condition.

It is noteworthy that the SANG has the potential to mitigate further residential development in Liss in the future and a staged approach has been suggested within the LEMP for investing in the site at some point in the future if this were to occur. There is currently uncertainty as to whether this would happen, but this would be given further consideration in the revised LEMP which is required to be submitted prior to the site being brought into use.

The application is placed before the Committee due to the potential impact upon the national park landscape, ecology, the use of a large area of land for public access and its relationship with the proposed housing scheme on Andlers Ash Road.

I. Site Description

- I.1. The application site is an irregular shaped parcel of land covering 5.41 hectares. It is located on the northern side of Liss, approximately 0.6km from the town centre and to the south west of Liss Forest. It comprises of field of semi natural grassland defined by mature tree and hedgerow field boundaries. The northern part of the site is more low lying land.
- I.2. The River Rother and a dismantled railway line runs adjacent to the eastern site boundary. Along the former railway line runs the Liss Riverside Railway Walk and the Shipwrights Way. The environment alongside the Riverside Walk is also locally designated as a Site of Importance for Nature Conservation (SINC). Along this route there are some views into the site between hedges and trees and a field gate. To the east of the former railway line, beyond a belt of trees, is an area of housing around Rother Bank Farm Lane and there is a footpath link between them. There is also an access from Liss Forest onto the Railway Walk further north.
- I.3. To the west of the site is Kippences Farm and further fields. The site is well contained within the landscape enclosed landscape of mature field boundaries. There is currently no public access.
- I.4. The site is approximately 1.5km south of the Wealden Heaths Phase II Special Protection Area (SPA) and the Woolmer Forest Special Area of Conservation (SAC) and of Special Scientific Interest (SSSI) is further north.

2. Relevant Planning History

- 2.1. No relevant recent planning history.
- 2.2. The application relates to planning application SDNP/19/00669/FUL, which is a scheme for 77 dwellings on Andlers Ash Road (agenda item 7).

3. Proposal

- 3.1. The application proposes a change of use of the land to become Suitable Alternative Natural Greenspace (SANG), which would be used for informal recreation alongside enhanced site management. This would be a 'sui generis' use (i.e. a use which does not fall into a use class category within the Use Classes Order (as amended)).
- 3.2. The site is proposed to mitigate future recreational pressure from the development of a new residential scheme of 77 dwellings on Andlers Ash Road, should planning permission be granted (SDNP/19/00669/FUL – agenda item 7). The proposals are a direct result of feedback from Natural England regarding the housing scheme and the need to provide SANG given its proximity of the Wealden Heaths Phase II Special Protection Area (SPA). This requirement is underpinned by the Habitats Regulations whereby there is a legislative requirement to mitigate impacts upon SPAs.
- 3.3. The site would not be a formal new recreation ground. Rather, the character of the site is proposed to be a more informal semi-natural space through a management regime. The existing gates on the eastern and southern boundaries would be used for pedestrian access. No new vehicular parking area or vehicular access is proposed.
- 3.4. The proposals would introduce an internal circular path of approximately 1.6km which would run around the site boundaries. This would not be surfaced and would be defined through a proposed management regime of keeping the grassland shorter along the route. This route would link with the Riverside Railway Walk and Shipwrights Way as well as another PROW at the southern end of the site. Two new kissing gates are proposed for access onto these PROW on the eastern and southern site boundaries.
- 3.5. Given the size of the site, it has the potential to act as a SANG for further residential development in Liss. The proposals outline that works to the SANG would be undertaken in stages and phase 2 of the proposals would involve improved signage plus other new aspects such as a viewing platform alongside the River Rother and further study to consider improved access to the river for dogs. These aspects are included within a Landscape and Ecological Management Plan (LEMP) as potential future plans for the site but at present the following is proposed:
 - New stock proof fencing, to allow grazing.
 - 2 new kissing gates at existing field gates at the southern end of the site and on the eastern boundary.
 - Infill wet areas along the proposed circular route and use either a wooden boardwalk or lay stone over low lying parts of the site.
 - A dog bin.
- 3.6. The Landscape and Ecological Management Plan proposes the following objectives for the site. It also outlines works and management of the site in relation to these.

Landscape

- Manage the site to create semi-natural countryside, not an amenity recreation park.
- Create an 'old common' character with a mixture of grassland and scrub;
- Protect and enhance boundary hedgerows;
- Retain scrub areas at the site fringes;

Ecology

- Management regime for the grassland to improve biodiversity for invertebrates, amphibians, reptiles, birds and bats.

Recreation

- New circular walk with direct access from existing PROW network.
- Provide informal open space which people can enjoy and let dogs off their leads.
- The LEMP would be secured via a planning conditions and in a S106 agreement, which would also include management responsibilities and funding. Money from the new housing would be used to establish the SANG, including the works to the site, which would be required before the first occupation of any dwelling. The funding would go into a management company set up specifically to implement and manage the site, which will be established by Hilliers Nursery which will also grant an 80 year lease to this company for a peppercorn rent (i.e. a nil premium).

3.7. Additionally, Hiller Nursery would secure the long term maintenance with an endowment and this income would be made available to the management company for the duration of the lease. The exact amount of funding has yet to be determined but this will be subject to the S106 negotiations.

4. Consultations

4.1. **Ecology:** No objection, subject to conditions.

- In principle acceptable.
- Existing habitats on site have intrinsic ecological value but are not species rich.
- Ample opportunities for ecological enhancement through management, providing ecological net gain.
- Agree with the measures proposed for its ongoing management and monitoring.
- Natural England's views critical in regard to considered impacts upon the SPA.
- Need to confirm with Natural England that the SANG is in an acceptable location in relation to the residential development.
- Site is of a sufficient size to accommodate 676 persons (the associated residential development); connections with PROW and an on-site circular walk would meet Natural England's criteria for SANG in these respects.

4.2. **Environment Agency:** No comments.

4.3. **Liss Parish Council:** Comments.

- Insufficient information provided to determine whether to object or not.
- Detailed survey by Hampshire Wildlife Trust should be obtained to assess the impact on wildlife on the use of the land, including permitting dogs off leads.
- An opinion from the Environment Agency on the likelihood of flooding
- Assessment of any potential parking issues on Rotherbank Farm Lane.
- Further justification required for the non-adherence to Natural England's guidelines for SANGS.

4.4. **Natural England:** No objection.

- Advised the development of 77 homes has the potential to cause a local increase in recreational disturbance, which requires mitigation.
- Agree with the Authority's Appropriate Assessment that an adverse effect on the integrity of the SPA has been avoided by the proposed mitigation of a SANG.

- The proposed SANG meets published criteria which are necessary to achieve for a SANG to be considered suitable.
- SANG would preserve the high quality landscape and enhance bio-diversity
- Intended management would keep the countryside landscape and not result in an urbanised amenity park.
- SANG has been designed to be an attractive and easily accessible to local people.
- It would attract local residents within walking distance rather than new residents in the housing scheme.
- There would result in a net reduction of recreational disturbance to offset the increased pressure from the new housing scheme.
- SANG linked to existing PROW, particularly Riverside Walkway, which creates a mutual enhancement of both destinations as a combined recreational opportunity.
- Would be an attractive alternative destination to walk to.

LEMP

- Site would be sensitively managed and enhance 'naturalness' and wildlife.
- Intention to minimise infrastructure supported
- Increase in wildlife is anticipated through proposed management.
- Reduced cutting and grazing can provide a wider 'natural fringe' of vegetation alongside the river.

Dog walking

- Important to consider that dogs off leads do not cause inconvenience to neighbouring occupiers and at risk themselves; stock proof fencing and new planting should be undertaken.
- Not anticipated that dog walking along the river would have a detriment to river wildlife.
- No specialist species present that would be disturbed by dog walkers.
- Not anticipated that extending dog walking along the river would cause any detriment to river wildlife.
- Dogs are 'light' and would not cause damage to the river bank.

S106/conditions

- SDNPA should satisfy itself that a S106 and/or planning conditions and enforcements can ensure the mechanisms in the LEMP to finance and deliver the SANG are secure over the long term. This is critical to the conclusion that an adverse effect on the integrity of the SPA will be avoided.
- Recommend the SDNPA considers adopting 'step-in' rights to ensure the SANG management is delivered for the long term.

4.5. SDNPA Landscape: Objection to detail within the LEMP.

- No objection in principle to the site's use as a SANG in regard to landscape character.
- An 80 year lease is a significant time period to secure meaningful enhancements of the site for benefit of people and wildlife.

Detailed objection to the content of the LEMP, as follows:

- Objective to manage as countryside is undermined by the proposed management/works for the site.
- Balance between sensitive landscape character and the requirements of a SANG need to be achieved in a way to retain the sites rural character.

- Poor understanding of landscape character –would expect reference to evidence of the landscape characteristics and the LEMP should align the proposed ecological enhancements with what is characteristic in the landscape.
- Overall approach should be to retain the rural character of the site.
- Fails to provide appropriate monitoring to ensure its aims of enhancing biodiversity are met.
- All monitoring only relates to trees/hedgerows and impact of dogs and do not align with the stated aims for the site.
- Contains conflicting information such as in clarification on how it meets SANGS criteria, cites scrub clearance but no scrub identified on site in the LEMP.
- Insufficient analysis of the site to determine the most appropriate interventions (i.e management regime/works).
- No evidence regarding the character of the River Rother.
- Nothing raised about management/treatment of invasive species.

Specific individual aspects not supported:

- Infilling of areas which lie wet not supported; an alternative footpath route should be provided.
- Allowing access for dogs to the river which is contrary to ecological evidence.
- Creation of a 2m wide path not typical of a footpath through a field.

4.6. **Public Rights of Way:** Comments awaited, Members will be updated.

5. Representations

5.1. 10 objections have been received which raise the following concerns:

- Support the principle of a SANG and assurance it will be provided in advance of the first occupation of the residential scheme but concerned about this site in regard to location and landscape, ecology, and management proposals.
- Application made in substitution for inability of providing enough amenity space on site.
- Cannot be considered as SANG for the housing scheme given distance.
- Not readily accessible for new residents on Andlers Ash Road in terms of distance and routes to travel to it.
- No car parking proposed at the SANG or at the entrance to the RRW.
- Inaccurate statements from the consultants in respect of flooding, habitat and wildlife.
- Insufficient consultation with the EA, EHDC and Liss Flood Action Group;
- 2013 flooding in Liss- partial impact was a result of water storage from Kippences Land.
- Major flooding scheme in conjunction with SDNP covering a wide area in the vicinity and in part of the application proposed.
- Offering distinct tracts of land to offset excessive areas of development elsewhere is not justified – need to re-consider the size of the development and located sufficient areas within the development.
- New residents will travel to the site in their cars and park in roads nearby to the inconvenient of residents and endanger traffic.
- Car parks mentioned in application area too far away and already heavily used.
- Another public space in the Liss Forest area is unnecessary.
- Proposals offers little real benefit.

- Premise for a SANG dubious.
- Generate car parking pressure in Rotherbank Farm Lane and new pavilion.
- Lands adjacent to the site, within Hilliers Nursery more appropriate.
- Proposals puts the future planning for Liss in the control of Hilliers RE providing SANGS land.
- Offering additional space welcomed but object to this being offered as a solution with regard to pressures on existing open spaces such as Nursery Field.
- Already a large recreation ground in Liss Forest more than adequate for the needs of that part of the village.
- New site will not address the recreational needs of new residents who need adequate open space on the residential site.
- Should offer SANGS/open space on Andlers Ash Road rather than at Kippences.
- Contrary to Local Plan policies.

Landscape and ecology

- Site is adjacent to the River Rother (SINC).
- Wildlife will suffer by these proposals.
- No net gain for wildlife.
- The open and undeveloped nature of the proposed site will not be enhanced by the SANG.
- Natural heritage will be degraded.
- Adverse impact on the character of the wider and immediate landscape, not in keeping with special qualities.
- Impact on the designated nature reserve and proximity of the SSSI and SPA.
- Unacceptable urbanisation of the landscape.
- Infrastructure (dog bins, boardwalk paths and signage) will be visually intrusive which is contrary to Natural England's criteria for SANGS. – Must be perceived as semi-natural spaces.
- Need to avoid coalescence around Liss and maintain green fingers of countryside between Liss and other development (LNDP).
- Stock proof fencing will require scrub clearance.
- Management regime harmful to biodiversity of protected and unprotected species and habitats.
- Survey undertaken insufficient and relies on secondary data from HBIC.
- HBIC survey warns against opening up new areas to public activity because they become degraded over time by recreational pressures.
- Survey work of the northern part required.
- Liss Parish Landscape Assessment noted a rich biodiversity of the area.
- Unacceptable urbanisation.
- Disingenuous to suggest recreation will have a net ecological benefit.
- Duty to protect and enhance the natural environment.
- Impact on the character of the landscape.
- Does not comply with NE's SANGS criteria.

Management

- No proposals to monitor impact on the river, only the SANG itself.
- Urbanising effect through new paths, fencing, infill of wet areas, which would be discernible to users of the PROW network.
- Claims of biodiversity improvement appears largely confined to an improved grass cutting regime.
- Work on trees confined to tree surgery for health and safety reasons and work on the scrub to cutting it back.
- Provision of bird/bat boxes is no substitute for biodiversity improvement and numbers proposed appear excessive.
- No proposals to remove invasive species from the river bank, which exist.
- Infilling areas of wetland. These areas are part of the natural floodplain of the River Rother, where water can rise in excess of 2m, which could impact on properties on the eastern side.

Flooding

- Lack of concern of potential flood risk to Liss
- While site at risk of flooding- adjacent meadows historically floodplain.
- Within flood risk area.
- Increase run off into the River Rother.

Amenity

- Route of footpath would affect the privacy of Kippences. Needs re-routing.
- Site could turn into a 'night time haunt to the detriment of neighbouring houses.
- Impact from noise, especially at night.
- SANG would be overlooked by adjacent properties.

Dog walkers

- The River is already impacted by dogs entering it from informal riverside paths.
- SANG criteria requires space for letting dogs off leads and to cut back scrub. Likely to result in adverse impact on the river in terms of siltation, nutrient enrichment from dog faeces and disturbance to riverine wildlife.
- Sufficient amenity for dog walkers adequately exists on the Shipwrights Way.
- Harm and disturbance to wildlife and habitats, including fragmentation.
- Providing access to the river would erode its banks. This would increase flood risk and cause undue disturbance and harm to habitats.
- Security and safety of livestock at Kippences.

Other

- Insufficient detail on who will be responsible for ownership/maintenance.
- Would swap undisturbed countryside for commercial gain.
- Proposed stock proof fencing inadequate, there would be an unprotected stretch along the NW boundary with adjacent airfield.
- Residential scheme already exploiting access routes over the nursery and should not be permitted.

- Concern about the nursery offering further land for development and impinge on green space.
- Riverside Railway Walk already offers inclusive access for a variety of recreational users and good PROW links.
- Adequate provision for dog walking already exists.
- Management Plan vague.
- Vehicular access/delivery of materials questioned. Use of Riverside Railway Walk would be unacceptable.

6. Planning Policy Context

- 6.1. Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan comprises of the **South Downs Local Plan (2019)** and the **Liss Neighbourhood Development Plan 2016**. The relevant policies are set out in section 7 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.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework (NPPF) 2019

- 6.3. The National Planning Policy Framework has been considered as a whole. The following sections are particularly relevant:
- Section 2: Achieving sustainable development.
 - Section 14: Meeting the challenge of climate change, flooding and coastal change.
 - Section 15: Conserving and enhancing the natural environment.

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 National Planning Policy Framework (NPPF) which was issued and came into effect on 24 July 2018 and revised in February 2019. 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. The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

The South Downs National Park Partnership Management Plan

- 6.6. The South Downs National Park Partnership Management Plan 2013 is a material consideration in the determination of the application. The following policies are relevant:

Policy 1: conserve and enhance natural beauty and special qualities of the landscape

Policy 3: Protect and enhance tranquillity and dark night skies.

Policy 5: Conserve and enhance populations of priority species.

Policy 28: Access and rights of way

Other relevant guidance and evidence documents

- South Downs Integrated Landscape Character Assessment (2011).

7. Planning Policy

7.1. Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant policies in the **SDLP (2019)** are:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD7: Relative Tranquillity
- SD9: Biodiversity and geodiversity
- SD10: International sites
- SD11: Trees, woodland and hedgerows
- SD17: Protection of the water environment
- SD45: Green infrastructure
- SD49: Flood risk management

7.2. The relevant saved policies of the **LNDP 2016** are:

- Liss1: The Settlement Policy Boundary
- Liss3: Local Green Space and other open space
- Liss4: Landscape and Views
- Liss5: Biodiversity
- Liss6: Flood Risk
- Liss9: The Design of Development

8. Planning Assessment

- 8.1. The proposals have been submitted on the basis of relieving recreational pressure from the associated proposed housing scheme upon the Wealden Heaths SPA. These designations provide habitat for internationally important bird species, namely the Woodlark, Nightjar and Dartford Warbler. These birds nest on or near the ground and, as result, are very susceptible to disturbance by people using these areas for recreation, especially dog walking.
- 8.2. SPAs are protected from adverse effects under European and UK law. The SDNPA, as the 'competent authority,' must consider whether new development is likely to have a significant adverse effect upon the SPA either alone or in combination with other development. The process of undertaking an Appropriate Assessment, required under the Habitats Regulations, has, consequently, resulted in the need to provide SANG to mitigate the impact of net residential development within its vicinity.
- 8.3. Outside of the boundaries of the SPA, there are various buffers or zones of influence which identify where certain assessments and mitigation needs to be undertaken, if it is determined that there would be an adverse effect on the integrity of the SPA. The housing scheme is within the 400m-5km buffer zone and given its scale mitigation is required in the form of SANG.
- 8.4. Natural England are a statutory consultee in matters concerning SPAs and their advice should be given weight, however, it is incumbent upon the Authority to accord with the legislation. It has been necessary (under the Habitats Regulations) for the SDNPA to undertake its own Appropriate Assessment to determine whether the residential scheme would have a likely significant effect upon the SPA and how this could be mitigated. In this instance it is considered that mitigation is required and the most appropriate means is for the provision of a SANG.
- 8.5. The SANG would primarily provide space for walkers and particularly dog walkers to use.

The provision of SANG on agricultural land and land designated as local green space, represents a material change of use that requires planning permission. The use does however need to be defined in each specific case and in this instance it would be for the use of land as public space. The proposals would also include some operational development such as the creation of a new boardwalk.

- 8.6. Whilst the housing scheme proposes a large area of open space, this does not provide the necessary mitigation. SANG is to provide an alternative space which is natural and has some similar characteristics and experiential qualities of the SPA which is a draw for walkers. SANG also typically are much larger as they cater for visitors who would tend to take longer walks. In these regards, the open space within the housing scheme would not be able to meet these aspects.
- 8.7. The Applicant has discussed the need to provide SANG with Hilliers Nursery, which has investigated what land within their holding may be able to provide this. Natural England have also been involved in assessing the suitability of this site prior to the application being submitted, as part of the overall discussions in regard to the housing scheme and necessary mitigation. SDNPA officers have not been involved in a wider detailed assessment of Hilliers' holding to assess other potential alternative sites, however, the scheme should be assessed on its merits.
- 8.8. Local concerns have been raised about the proximity of the SANGS to the proposed housing scheme and why it cannot be located closer to it. From Natural England's perspective, they are less concerned about this because the SANG would have a 'net effect' in reducing the recreational pressures upon the SPA. This essentially means that whilst the housing scheme is some distance away, the SANG is readily accessible by a good proportion of existing residents which therefore could have a net effect of reducing pressure upon the SPA.
- 8.9. Whilst the SANG is required to mitigate a specific development, it should not necessarily be seen as solely related to providing recreation space for new residents. The SANG would also be in a location between the housing scheme and the designations, which Natural England consider as an attribute. In addition, the SANG needs to be in a location where it can be a suitable alternative to visiting the SPA. The main reason for this is to attract people to these sites for similar reasons as the SPA/SAC, such as its character and experiential qualities and sufficient space for longer walks with dogs off leads.
- 8.10. The site is within an area which is already used for walking as it is adjacent to the Riverside Railway Walk and Shipwrights Way. Importantly, a large proportion of the site is designated as local green space within the LNDP. Policy Liss3 outlines that "these spaces will be protected and enhanced for their biodiversity and, where appropriate, for public access and recreational use." In regard to SDLP policies, SD1 and SD2 covers sustainable development and a range of applicable environmental criteria and SD4 considers landscape character, which the scheme would broadly accord with. In light of the local green space designation, the site's location and accessibility and the SDNPA landscape officer's views, its use as SANGS in principle is acceptable.
- 8.11. However, more detailed considerations are required in light of the numerous concerns that have been raised about the environmental benefits claimed and potential impacts this use would cause in regard to character and appearance of the site, impact on landscape character, ecology, flooding and surrounding residential amenities. In regard to the use of the site, its character would be subject to change from a field to be more akin to semi-natural public space as a result of the interventions which would be undertaken in allowing access (i.e. new gates, creating paths) and the proposed management regime.
- 8.12. The submitted LEMP outlines positive aims for the site and is supported by Natural England and the county ecologist. Notwithstanding, the SDNPA landscape officer has raised concerns about the detailed approach to the management of the site prescribed within it compared with its overarching aims and the limited evidence and understanding of local landscape character. Furthermore, it lacks provision for future monitoring to identify whether changes in its management may be necessary to achieve the aims for the site.

- 8.13. Natural England have essential and desirable criteria for SANG and they support its provision as proposed in the LEMP. These criteria relate to accessibility, usability, and safety for dog walkers alongside the character and experience of such areas. The SDNPA's concerns predominantly relate to the management of the site and getting the best possible outcomes in regard to landscape and ecological enhancements as well as still providing appropriate access. In essence, it is adopting a landscape-led and ecosystems services approach to the scheme in order to accord with the Local Plan and National Park purposes. This approach would also better accord with SDLP policies, as referred to above, and SD9 also in regard to conserving and enhancing biodiversity.
- 8.14. Concerns have also been raised about the proposed infilling of lower lying, wetland, areas of the site and the addition of more formal paths with boardwalks in order to create better access for walkers around the edge of the site. No details about this infilling have been provided or details of the location and size of the boardwalk structures. Also, concern about how this may affect flooding has also been raised. In the absence of this detailed information, further consideration of the route of the walk is needed as without the infilling for instance then any surface water issues may not be exacerbated.
- 8.15. Natural England require a walking route within SANG of between 2.3-2.5km. The proposed route around the edge of the site would be c.1.6km however Natural England consider that the good connectivity with other PROW would allow for a variety of longer walks and as such would be acceptable.
- 8.16. Concern has also been raised about dog walkers letting their dogs into the river and affecting the river banks with erosion and disturbing wildlife and habitat. Natural England have specifically commented on this and not raised an objection and the county ecologist has not raised a concern. However, SDNPA officers consider that this could be an issue which could be exacerbated in the future if the SANG was used to mitigate other residential schemes and further investment was made (potential phase 2 proposals).
- 8.17. Given the outstanding concerns above and the LEMP a condition is recommended for a revised LEMP to be provided in order to address them and ensure the appropriate management of the site which is more sensitive to landscape character and outlines a more detailed vision of the site including aspirations for access to the river.

Impact on surrounding amenities

- 8.18. Concerns have been raised about potential noise and disturbance and antisocial behaviour as a result of public use of the site. However it is a good distance away from surrounding properties, apart from Kippences as discussed below, and the site is proposed to be low key that would be less akin to a recreational park.
- 8.19. Regarding neighbouring Kippences, the SANGS abuts its boundary and the proposed route of the footpath on site would run near to it but not immediately adjacent to the house and farmstead apart from a turn in direction at the western corner of the site. It is not unduly close but, that said, sound from barking dogs is likely to travel which may cause some disturbance. The dwelling itself is a good distance from the proposed path which would help to alleviate this impact. Any perceived impact would not be a sufficient reason to warrant a refusal of planning permission in this instance.

The S106

- 8.20. SANGs may be provided in certain instances by developers and private landowners, subject to meeting Natural England's requirements. Where SANGs are proposed on privately owned land, the site needs to be secured in perpetuity with an enduring ownership and with an appropriate mechanism for funding, which should be ring fenced, the SANG for the long term. Ideally, these sites should be owned and managed by organisations that will exist in law in perpetuity – e.g local public sector bodies namely Councils - to ensure their long term stable provision and management.
- 8.21. As outlined in section 3, the land is proposed to remain in the ownership of Hilliers Nursery and leased to a management company (which they will set up) for 80 years. Natural England have found these proposals reasonably acceptable but have raised the issue of 'step-in rights'

and whether the SDNPA would ever take over the management and liability of the SANGS. They have advised that *“the SDNPA should satisfy itself that the use of an appropriate S106 legal agreement and/or planning conditions and enforcement opportunities can ensure that the mechanisms proposed in the Management Plan to finance and deliver the above SANG management are secure over the long term. Such a judgment is critical to the conclusion that an adverse effect on integrity of the SPA will be avoided. Natural England recommends that the Authority considers adopting ‘step-in’ rights to ensure the agreed SANG management will be delivered in the long term.”* The mechanism to provide and retain the SANGS, with successful management, appears satisfactory and are not recommending to Members that step in rights be included within the S106.

Ecology

- 8.22. No objection has been raised by the ecologists or Natural England. However, concerns have been raised by the landscape officer in regard to ecological enhancements and a condition requiring further work on the LEMP is required via condition.

Highways and parking

- 8.23. No new parking is proposed, only two new kissing gates which would adjoin existing PROW. Concern have been raised about visitors parking near to the SANGS in residential roads and walking to it. There are accesses onto the Riverside Walk from Rother Bank Farm Lane and in Liss Forest where there is no apparent restrictions for on-street parking, but the site is also well connected by the Shipwrights Way which can be used to/from the town centre and is a short walk. This is not necessarily an issue which can be easily quantified, however, given the site’s connectivity with PROW this is not considered to be a significant issue.

9. Conclusion

- 9.1 The proposed SANG is necessary to mitigate the associated housing scheme on Andlers Ash Road given its proximity to the Wealden Heaths Phase II SPA. The site is considered to be in a suitable location and size to be able to mitigate for any increased recreational pressure upon the SPA by providing an alternative site for walkers and dog walkers especially to use. Approximately two thirds of the site is within designated local green space which further supports its use for improved recreation.
- 9.2 However, some concerns have been raised by consultees and via the representations. It is considered that a revised LEMP is required to address concerns of officers in regard to the regime of management and monitoring and further consideration of the proposed circular walk with regard to any proposed infilling or raised walkway to accommodate it.
- 9.3 A S106 Agreement is also required to secure the provision and long term future and management of the SANG. This would outline that the SANG should be provided before the occupation of any dwelling and would be used to secure the necessary management responsibilities and funding for an appropriate period of time.

10. Recommendation and Conditions

- 10.1. It is recommended that planning permission be granted subject to the completion of a S106 Agreement to secure the following, the final form of words to be delegated to the Director of Planning:
- Requirements to create a management company for the long term provision and management/maintenance of the SANG.
 - Landscape and Ecological Management Plan.

That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the S106 Agreement is not completed or significant progress has not been made within 3 months of the 12 September 2019 Planning Committee meeting.

And subject to the following conditions:

- I. 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). To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The land shall only be used as informal recreation public space to be used as Suitable Alternative Natural Green Space and in accordance with the Landscape and Ecological Management Plan subject to planning condition no.3. The land shall not be used for any other purpose.

Reason: To secure the provision of SANG in order to mitigate recreational impacts upon the Wealden Heaths Phase II Special Protection Area.

3. The development hereby permitted shall be carried out strictly in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

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

4. Prior to the SANG being brought into use, a revised site-wide detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include, but not necessarily be restricted to, details of: measures to retain existing boundary features; long term objectives and management responsibilities; the management regime of the landscape scheme; measures to enhance ecology through the provision of landscape species, means of monitoring the objectives and aims of the LEMP, more detail on access to the river Rother and landscape management alongside its banks. The measures shall thereafter be implemented in accordance with the approved details.

Reason: To conserve and enhance flora and fauna, landscape character of the site and manage public access.

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 advice from SDNPA officers and Design Review Panel workshop sessions. These have provided opportunities for amended plans and information to be submitted to overcome issues and to add additional value as identified by SDNPA Officers and consultees.

TIM SLANEY

Director of Planning

South Downs National Park Authority

Contact Officer:	Richard Ferguson
Tel:	01730 819268
email:	Richard.Ferguson@southdowns.gov.uk
Appendices	1. Site Location Map
SDNPA Consultees	Legal Services
Background Documents	Planning application
	https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage

South Downs National Park Partnership Management Plan 2013
<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>

South Downs Integrated Landscape Character Assessment 2005 and 2011
<https://www.southdowns.gov.uk/planning/planning-advice/landscape/>

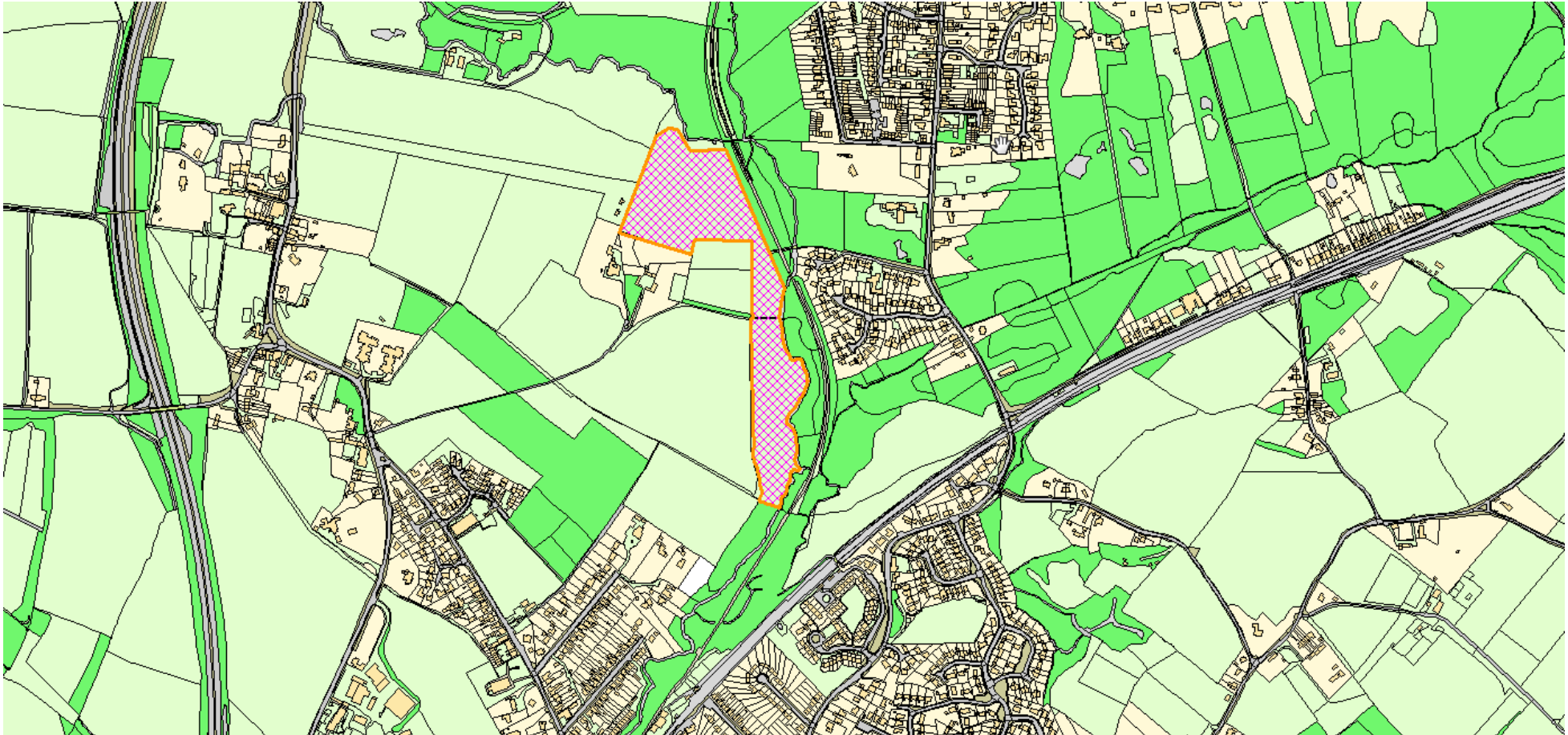
SDNP Local Plan 2019
https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/

Liss Neighbourhood Plan 2016
http://www.lissparishcouncil.gov.uk/Core/Liss-Pc/Pages/-_Neighbourhood_Plan_1.aspx

National Planning Policy Framework (2019)
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

The South Downs National Park Partnership Management Plan (2013)
<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>

English National Parks and the Broads: UK Government Vision and Circular (2010):
<https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010>



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