

Agenda Item 8
Report PC20/21-28

Report to	Planning Committee
Date	21 January 2021
By	Director of Planning
Local Authority	East Hampshire District Council
Application Number	SDNP/19/03709/FUL
Applicant	The Ahmadiyya Muslim Association UK
Applications	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 a Religious Festival associated with the Ahmadiyya Muslim Association; alongside the provision of external storage space, new landscape and revised ventilation and extraction equipment in association with the onsite kitchen.
Address	Oaklands Farm, Green Street, East Worldham, Bordon, GU34 3AU

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 recently exceeded the number of days (28) within which such activities could be carried out under permitted development rights.

The application is seeking permission 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 7 weeks.

This application 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), taking into account the proposal and that it could, on the face of it, have a significant adverse impact on the purposes for which the area has been designated or defined. The proposal must therefore have exceptional circumstances and be demonstrably in the public interest having regard to all other factors, as set out in the Framework. Whilst it is considered that the proposals might be able meet the considerations set out, 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. This is particularly so 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 again having regard to its limited and temporary nature.

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 acknowledged that there will 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, however, considered to potentially be 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, approval solely for one religious festival/event **could** conserve and enhance the long term natural landscape beauty of the surrounding area and would create opportunities for enjoyment and understanding of the National Park.

Notwithstanding that the principle could be acceptable, the application, as with the original application, continues to be deficient in the following respects: -

- It has not been demonstrated that the proposal would not impact adversely on 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.
- It has not been demonstrated that the proposal would not have an adverse impact on Dark Night Skies in the locality.
- It has not been demonstrated that the proposal would not have an adverse impact on Landscape character in the locality.
- It has not been demonstrated that the proposal would not have an adverse impact on surface water drainage
- In the absence of a Legal Agreement it has not been demonstrated the proposal would not have an adverse impact on the local road network.

There has been correspondence and discussion with the applicant during the course of this application with much opportunity being given to address the deficiencies, but the above concerns still remain 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

- I.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.
- I.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).

- 1.5 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.
- 1.6 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.
- 1.7 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.
- 1.8 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.
- 1.9 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.
- 1.10 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.
- 1.11 A network of streams and ditches cross the site with the main stream flowing through the centre of the site. The Ecological 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
- SDNP/18/002170/FUL - 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. – Withdrawn – 13 March 2019.

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. Given the current Covid19 Pandemic, the festival did not take place in 2020. The applicant, in their submitted documentation confirm that they would accept a restriction on numbers not exceeding 38,000 (excluding members of staff/crew working at the event) with a request that a S106 Agreement be secured which allowed for the potential for the capacity to increase to up to 50,000 in the future. The matter of capacity is considered in the planning assessment.
- 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. This application follows a previous application which was submitted in 2018 and withdrawn in March 2019, following outstanding issues remaining with regard to the application.
- 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 together with further landscaping around this open area.
 - 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. The applicant submitted a "High Level Farming Plan" which sets out that, at present, they produce 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. It is also understood that the Community intend to formulate a plan to grow crops. It is reasonable to state that the agricultural enterprise continues to be in an embryonic state, and that a significant part of the site remains fallow when the festival is not taking place.

4. Consultations

4.1 Arboricultural Officer – No objection

- Structures on the site, services and boundary fencing should maintain a minimum 15 metre buffer from the canopy of trees in Ancient Semi Natural Woodlands.

4.2 Archaeologist – No objection

4.3 Dark Skies Officer – Comments (following submission of most recent information)

- These lights will cause significant impacts.
- Each light is 14 times more powerful than street-lighting, operating with highly penetrative white light. The overall impact would be extremely significant and shows the design does not regard our dark skies in any meaningful way.
- The type of lighting provided is designed to cover a multitude of activities, including sports which require a substantially higher level of surface illumination from that of pedestrian pathways and movements. The applicants design does not seem to reflect any guidance on appropriate light as the choice of luminaire are far too general. The lighting is significantly over-bright and inappropriate to dark skies in this setting.
- The height of the poles can be higher than that of street lighting. As the lighting has to cover playing pitches the spread of light has to come from a higher and more intense source. These lamps will be much more visible in the landscape. A light spill analysis is essential to protect neighbours and wildlife.
- The choice of light is understandable given the event, but it is crude, general and will significantly over light the ground and the air. The choice of lighting shows little regard for dark skies.

4.4 Drainage – Comments

- Can't sustain an objection on the foul drainage, but the applicant has never addressed surface water issues and the various bridge crossings of the stream.

4.5 Ecologist – Comments based on most recent submission of information - Further information required

- Further clarifications are required.
- Request that proposed usage of some lighting units 'from dusk to dawn' during set-up and take down is justified and potential impact on nocturnal species is assessed. Permanent lit areas need to be assessed, irrespective of whether they avoid the identified boundary features. The dark buffers are sacrosanct in all circumstances but there are concerns about illumination of other areas for entire nights unless this is critical to operations.
- It is essential that submitted plans show an accurate representation of lighting, not indicative.
- There is a requirement to have a minimum 15m buffer (from the maximum extent of trees) at the boundaries of the SAC and the SSSI.
- The suggested outline schedule of ongoing bat surveys should be secured by condition.
- The submitted information does not comprise a securable management strategy.

4.6 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. (No further comments received in relation to further information submitted by the applicant).

4.7 Hampshire County Council (Local Lead Flood Authority) – Comments

- The applicant has not provided any additional information on the existing/proposed surface water management proposal and therefore, it is unclear which drainage strategy the applicant is seeking for approval.

- Requested that the applicant provides a Drainage Strategy which include a secure outfall for surface water disposals.

4.8 Highways Authority –No objection subject to conditions

4.9 Highways England – No objection

4.10 Landscape – Comments

- The use of this land for an annual festival, is accepted in-principle. However, changes to the land to facilitate this use, for example; widening and hard-surfacing of tracks and storage, alongside a lack of/reduction in, land management, is beginning to erode the site's rural agricultural character. The acceptability of the proposals therefore relies upon the positive agricultural management of the land for the remainder of the year. Positive stewardship of the land would be ideal mitigation for the proposed temporary (i.e. a few weeks of the year) use.
- This stewardship should include two things: 1) Direct interventions to generate improvements for the significant protected sites which border the application site itself: 2) Use of the land for agriculture – it is a heavy clay soil so pasture (grazing livestock) would be well-suited and characteristic
- Without securing this mitigation, would be minded to object to the proposals.

4.11 Natural England – Objection

SSSI'S/Ancient Woodlands

- Ancient Woodland: Further information required: Concerns regarding the proximity of the boundary to the woodland and impact from lighting.
- Supporting information states all woodland to be fenced off, but does not state this would adhere to the 15 metre buffer.
- For lighting it outlines a minimum 10m buffer will be provided. Natural England advice states buffers of a minimum of 15m should be applied, in proximity of ancient woodland.
- Further detail of lighting design should be submitted to and approved by the Ecologist.
- Provide the above measures are secured Natural England has no objection to this aspect of the application.
- Construction Environmental Management Plan (CEMP) recommended to be secured by condition

Environmental Enhancement

- An appropriate level of enhancement measures should be secured.

Comments on receipt of further information from the applicant.

- Habitats Regulations Assessment – further information required: HRA required
- Binswood SSSI/East Hampshire Hangers SAC– objection further information required: Potential to impact during construction/operational phases and concerns regarding proximity to woodland and adverse impacts from lighting and visual disturbance. Further assessment required to consider specific impacts on the SAC & SSSI, and whether these can be avoided or mitigated.
- The Lighting plan shows 15m buffer adjacent to the SAC but a 10m buffer adjacent to the SSSI. Buffers of a minimum of 15m from the canopy edge should be applied. Permission should be refused if development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees unless there are exceptional reasons.
- Advise security fencing is included here to prevent access to SSSI during the festival, and secured by condition.
- Plans do not show the correct boundary of the SSSI.
- Environmental Enhancement - Application should be supported by a Biodiversity Mitigation and Enhancement Plan (BMEP).

Comments on SDNPA HRA and further information from Applicant

- Concur with the conclusions of the SDNPA HRA that insufficient information, avoidance or mitigation measures have been provided to rule out likely significant effects on the East Hampshire Hanger SAC through potential increased recreational disturbance, pollution and lighting impacts. Please refer to
- These impacts also apply to the SSSI. Lighting plans still showing a buffer zone of 10m where possible and also the buffer zone and exclusion zones are drawn from the centre of the tree not from the canopy edge. All buffer zones should be a minimum of 15m from the canopy edge. Due to the scale of the event consideration should be given to incorporating larger buffer zones.
- Recommend that security fencing is used to prevent access to the SAC and to the SSSI.
- Welcome the removal of intended management works to SSSI boundary but the habitat plan should be updated to show the correct boundary of the SSSI.

4.12 **Rights of Way (Countryside Service) - Comments**

- An application to Hampshire County Council has been made for a S119 Highways diversion of Worldham Footpath 27. Countryside Services are satisfied that if the diversion is confirmed that the obstruction of the Right of Way will be avoided and are able to withdraw the objection to the proposals. The grant of planning permission is separate from any consents that may be required in relation to access and Rights of Way and that nothing should be done to stop up or divert the public Right of Way without following the due legal process.

4.13 **Woodlands Trust –Objection**

- Potential damage and deterioration of two areas of ancient woodland.
- 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.”
- No wholly exceptional reason for the development in this location.
- Regard should be had for Policy SD9, SD4 and SD11 of the Local Plan.
- When land use is intensified, plant and animal populations are exposed to environmental impacts from the outside of a woodland.
- Concerns focus on where the wood edge overhangs public areas, branches and even whole trees can be indiscriminately lopped/felled causing reduction of the woodland canopy.
- The considerable volume of sewage during events, if a pollution event were to occur, would lead to significant damage to the SSSI's.
- Temporary works resulting from the proposals may cause long term damage to the ancient woodlands.
- Trust requests an HRA is undertaken.
- Mitigation measures could include buffer zones.
- This application should allow for a buffer zone of at least 30m to allow for the effect of noise and light pollution.
- No comments received in relation to additional information

4.14 **Binsted Parish Council - Objects**

- Traffic volume concerns during the Festival affecting local residents. Large vehicles getting stuck or damaging property/ vegetation using local roads.
- Experience of tranquillity and scenic beauty is impaired by the increased flow of traffic.
- Tents and floodlights at Country Market close enough to the periphery of the Park to be seen and impact on dark night skies.
- Unfair for residents and visitors to put up with disruption over an increased period.

4.15 Kingsley Parish Council – Objection

- Errors, omissions and inaccuracies with documentation. Has not addressed reasons why recommended for refusal last time.
- Impact on ecology, dark night skies and relative tranquillity have not been addressed by detailed assessments on light, noise and air quality.
- Traffic issues are always a major concern for residents of Kingsley and the surrounding villages, both during the set-up and the event. Local roads not capable of handling the current volume let alone increased traffic which would occur.
- Narrow country lanes are being used to access the site.
- Increased pollution levels, litter, obstructions to driveways and potential problems with emergency vehicles accessing the village.
- The AMA have failed to ‘conserve and enhance the natural beauty, wildlife and cultural heritage of the area’
- The event attracts a large number of people but arrival causes other people such as regular walkers to stay away during the festival period.
- Visitors to the event, come not to enjoy the SDNP but to attend the festival, and it is believed they would want to attend wherever it was being held.
- The UK is not without Event Centres so alternative options are available.
- None of the references to benefits to the area are substantiated.
- If permission is granted the Parish request conditions be applied

Comments on additional information submitted by applicants

- No public interest in this application, particularly as the festival is a private event for the members of the AMA.
- Jalsa Salana adds nothing, or very little, to the Park and could easily be sited at other locations.
- Lighting (and the noise from the generators) has a negative impact on residents and wildlife.
- HCC LLFA has continued to raise concerns over the drainage.
- Sewage continues to be of concern for many local residents. Concerns about number of tankers taking away waste.
- Traffic - increased use of Satnavs taking visitors along small lanes to shorten their journeys. Concerns that use of Country Market can be secured in perpetuity.
- Does not comply with Policy SD40 : Farm Diversification.
- Ongoing lack of supporting documentation, and that there is, contains inaccuracies, unsubstantiated claims and errors.
- Community does not financially benefit from the event.

4.16 Selborne Parish Council – Objection

- Does not accord with Policy. Event has outgrown the site. Principles of the earlier application have not been amended to address the objections previously made.
- Traffic volumes causes jams during peak times during the event. No proposals to mitigate impact on local roads. Concern about emergency vehicle access during events.
- Applicants have not referred to the landscape designation or Dark skies.
- Other events mentioned by applicant are not comparable.
- Activity over 49 days prevents other people enjoying the area.
- Change of use to B8 storage is against policy outside a settlement.
- Concern about impact on bats.
- No link between agriculture and the running of religious events. No plausible agricultural enterprise on site.

- Applicants have done nothing to demonstrate exceptional circumstances that would justify permission for major development
- Fact that the event attracts large numbers and dignitaries from other countries does not qualify as exceptional circumstances.
- No evidence of economic benefit to the local economy.
- Noise pollution: call to prayer in the middle of the night, large lorries reversing etc
- Floodlights operating throughout the night during set up and take down, meaning harmful impact over 7 weeks. Will have an impact on wildlife and conditions would be unenforceable.
- Visual impact of structures is significant and exacerbated by night illumination.
- Proposals for the kitchen inappropriate and unsightly. Lack of a green barrier between the site and the road network. Amount of on-site storage alien in a protected landscape.
- Support findings from Drainage consultee.
- Reality of incorporating SuDS is almost unachievable.
- Wording is designed to allow flexibility to increase to 50,000. The site cannot take current number of 38,000. Capacity limit should be for the total number of people on site.
- Conflicts with SD1, SD3, SD4, SD6, SD&7, SD8, SD9, SD19, Paras 8, 172, 174 and 175 of NPPF.

Comments on further information submitted by the applicant

- The additional information does not overcome the previous objections which still stand.
- The Landscape photographs illustrate its unsuitability for events.
- The extinguishment of part of FP27 is not beneficial to visitors.
- Lighting Plan demonstrates the extent of damage to the Dark Skies. It also proposes the a massive quantity of lighting very close to the SSSI.
- EMP does not overcome the reasons why the application should be refused.
- Concerns remain surrounding transport, traffic, parking and emergency vehicles.
- Concerns remain about drainage and the spill of raw sewage that occurred in 2018.
- No additional information submitted to overcome the capacity constraints on the site.
- Still contrary to SD1, SD3, SD4, SD6, SD7, SD8, SD9 and SD19, and NPPF paragraphs 8,172,174 and 175.
- No additional evidence of exceptional circumstances has been submitted. No additional evidence that the proposal is in the public interest.

4.17 **Worldham Parish Council – Objection**

- Fails test of major development: no case for need in this location. No evidence that event benefits local economy. No justification for siting in this current location.
- Does not address points in previous application, in relation to effect on landscape.
- Concerns about officer's conclusions in relation to public interest on previous application.
- In conflict with both the purposes of the Park and duty.
- Existence of protected species on site and adjacent land. Limits to what mitigation measures can achieve. Mitigation is not the same as conserving and enhancing.
- Lighting, noise and general disturbance impacting on ecology contrary to Policy SD9.
- Conflict with Policy SD8 (Dark Night Skies)
- Conflict with Policy SD7 (Tranquillity)
- Lack of noise, lighting and air quality assessments.
- Inaccuracies in application form and Planning Statement

- Concern that SDNPA do not consider EIA is required.
- Precedents mentioned irrelevant to this application. Motocross is not a valid comparison.
- National Parks are excluded from the presumption in favour of development.
- Support removal of the flues but the existing situation is in breach of planning anyway.
- The farm is not a serious agricultural enterprise.
- Traffic disruption and delays are significant. Site is not well served by road infrastructure.
- Emergency vehicles would be unable to access properties during congestion.
- Not clear how AMA propose to divert the footpath for 21 days.
- Infrastructure seen increasingly from an early stage in construction. This will extend to 7 weeks.
- Access to and enjoyment of the Park is inhibited during the event.
- Mitigation measures for the external storage locations will take many to screen the containers. Existence of these containers is in conflict with Policy.
- Policy – Para 172 of NPPF relevant. Policies of Local Plan SD3, SD4, SD6, SD7, SD8, SD9, SD11 and SD19 are relevant. Policies of EHDC LP (JCS) CP19, CP20, CP21 are relevant (officer comment: EHDC policies no longer hold weight in the National Park).
- If SDNPA minded to grant permission, request temporary permission of 3 years and other conditions

Comments following additional information from applicant

- Still maintain previous objections, with following additional comments
- Fails to meet criteria for major development in NPPF or Policy SD3
- No case made for need for development on this site. No evidence that it makes a contribution to the local area. Parish evidence is that it has a negative impact as locals stay away due to traffic congestion.
- Nothing to show consideration has been given to cost or scope of holding the festival outside of the National Park.
- Contrary to Policy SD40. Agricultural operations are minimal.
- Drainage and Flood water management concerns remain.
- Rerouting of Footpath 27 cannot be determined as part of this application, but the new route does not appear to run clear of the event site.
- Concerns about landscape, lighting, noise remain. Comments made that impacts are temporary, but Policy SD3 makes it clear policies apply equally to temporary events.
- Difficult to see how the application might be approved without watering down principles of National Park protection. Neither of the criteria of Policy SD1 are met.

4.18 South Downs Society – Objection

- SD3 – Major Development: No exceptional circumstances nor evidence of any included in the applicants' Planning Statement. There is no public interest in this case. There cannot be any public interest as the Planning Statement makes clear the festival is a private event attended only by members of the AMA.
- Clearly no shortage of alternatives for them including other locations outside of the Park or the continued use of GPDO rights by reducing the scale of the event to one which could be set up and taken down within 28 days.
- The strategic issues similar to those for Matterley Farm, near Winchester which resulted in an ill-judged temporary consent despite displaying the same unexceptional circumstances, lack of a significant public interest and failure to consider alternative sites. Consent would reinforce the public message that, large private interest gatherings are welcome even if they contravene the Local Plan.
- Application has been criticised by consultees on landscape, ecology, rights of way and Dark Skies. No evidence that the reasons given for recommending refusal in March 2019 are no longer valid.

- Concerns raised about the EIA Screening Opinion specifically about the conclusion and a belief that the conclusion contradicts the reason for calling in the application. EIA should be required
- The reference to three other events in Alresford is irrelevant.
- Support the many objections which have been made. No evidence of economic benefits for the local community, road traffic disruption, noise and light pollution, and harm to the landscape.
- Planning Inspectorate dismissed an appeal on a pheasant Shoot at Iford concluding that while the shoot might conserve relative tranquillity in the area, it would not result in a positive enhancement to tranquillity as required by Policy SD7 of the South Downs Local Plan. This festival does not result in a positive enhancement to tranquillity.
- The “High Level Farming Plan”, does not constitute a Farm Diversification Plan as required by Policy SD40: Diversification activities must be subsidiary to agricultural operations.
- Off-site parking for 5,000 vehicles is provided at the Country Market. No evidence that this arrangement is secured by a legal agreement. Such a legal agreement would have to be in perpetuity.
- Confusion about number of attendees and concern about applicants adhering to a condition limiting number of attendees.

5. Representations

5.1 III Letters of objection on original documentation

- Highways: Disruption with local roads due to volume of traffic. Difficulty for HGVs, buses, emergency vehicles to access the area. Impact on horseriders, cyclists and pedestrians. Potential damage to bridges. Impact on surrounding villages/settlements. Timing of event clashes with harvest. Contrary to Policy SD19. Impact on FP27 during event, being blocked on occasions.
- Landscape impact: Temporary tented town does not keep with site and setting. Scenic quality of the Park affected for 9 weeks. HGVs cause damage to roads and verges. Existing site unsightly with temporary and semi-permanent structures and an outdoor storage area for non-agricultural equipment.
- Noise: Loudspeakers, generators for floodlights and heating for marquees. Sleep deprivation for local residents. Contrary to Policy SD7.
- Light Pollution: Contrary to Policy SD8. Overnight lighting impact on amenity of neighbours. Development of the kitchens likely to make light pollution worse.
- Air Pollution: Increased 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 local community but 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 roadsides vastly increased. 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 bats within 1KM of site and large number of Birds of Conservation Concern Bats are averse to artificial illumination and noise has the potential to disrupt bat behaviour. Increased pollution to Shortheath Common (SSSI) Detrimental impact on natural habitats.
- Comments/Observations on forms and documents: Inaccuracies, errors and omissions in relation to application forms and documents. Events mentioned are not comparable. Statement mentions Jalsa will impact potentially on Dark Skies. Landscape Appraisal states there are no informal green spaces near the site, but there are playgrounds in villages. Nearest neighbours are missed. Absence of some assessments.

- General: 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. Disused plant and cabins were put in place by current occupants., Areas strewn with litter months after the Event. No evidence of economic benefits. Raw sewage was pumped into the stream this year. Sanitary arrangements should be improved. Contrary to Policies SD1, SD2, SD3, SD4, SD6, SD7, SD8, SD9, SD11, SD19 and NPPF Paras, 8, 172, 174, 175. Lack of public consultation. Does not foster economic or social well-being of communities. Closed event inhibits access to footpaths. Impact on provisions in stores during the festival. Proposals to increase storage space detrimental to neighbouring farms. Formalisation welcomed but any further, duration or increase in attendees or number of events is unacceptable. 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 severe impact on this rural location. Concern that sewage waste removal trips have not been taken into account in highways impact.
- 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.

5.3 **24 additional letters of objection following submission of latest documentation from applicant.**

- No exceptional circumstances to justify it, being restricted to AMA members as a private event with no public benefit.
- No traffic management plan outlined.
- Danger to wildlife, domestic pets and people from cars on small lanes.
- Any expansion will only compound the traffic issues in Oakhanger.
- Expert advice and views are needed with regards to A and B roads.
- No planning on this type of request should be reviewed until the COvid19 virus has been eradicated.
- Concerns about odours from kitchen, rotting waste and lack of mains sewage on site.
- Loss of value of properties (Officer Note: This is not a material consideration)
- Blocking of the public foot path.
- The intention of the 28-day change of use rule was, and is, not to hold a religious festival involving 30k persons.
- If permission granted, then a condition should be that money must be found from the organizers to improve transport links.
- The applicants keep a small herd of goats to retain agricultural status of the land. They do this to exploit 28-day permitted change of use rule
- To grant permission would allow rise in carbon emissions.
- Photographs submitted indicate that the event will indeed have a harmful impact.
- Does not explain how proposal to extinguish part of FP27 makes the planning application acceptable or how it would benefit visitors who come to the area to walk.

- Additional information illustrates the harmful effects that Set Up lighting would have.
- Absence of critical information.
- No evidence to address the potential pollution risk from an overflow of sewage in the event of delay to the eighty plus lorry movements a day required.
- Proposed new footpath route will still go right through the event area.
- Ecological Mitigation Strategy document is weak.

5.4 **Objection Letter from County Councillor Kemp-Gee**

- Would like to support objections in full from SDS, 3 Parish Councils most local to the site and affected by its activities and those from the County Council Departments (ecological and countryside matters), and, above all, the fact that the application fails the critical tests for major development in the Park. It is also contrary to the Local Plan Policies as outlined in the Selborne Parish Council objection/submission.

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 2014-2033. 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.

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 revised National Planning Policy Framework (NPPF) issued in July 2018 and further amended 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 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.

6.5 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 National Planning Policy Framework has been considered as a whole. The following NPPF sections have been considered in the assessment of this application:

- Achieving sustainable development
- Building a strong, competitive economy
- Promoting healthy and safe communities
- Promoting sustainable transport
- Meeting the challenge of climate change, flooding and coastal change

- Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
- 6.7 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.
- 6.8 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant outcomes include:
- Outcome 1: Landscape and Natural Beauty
 - Outcome 2: Increasing Resilience
 - Outcome 3: Habitats and Species
 - Outcome 5: Outstanding Experiences
 - Outcome 6: Lifelong Learning
 - Outcome 7: Health and Wellbeing
 - Outcome 8: Creating Custodians

7. Planning Policy

The South Downs National Park Local Plan (2014-33)

- 7.1 The following policies of the South Downs Local Plan are relevant:
- SD1: Sustainable Development
 - SD2: Ecosystems Services
 - SD3 Major Development
 - SD4: Landscape Character
 - SD5: Design
 - SD6: Safeguarding Views
 - SD7: Relative Tranquillity
 - SD8: Dark Night Skies
 - SD9: Biodiversity and Geodiversity
 - 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
 - SD39 Agriculture and Forestry
 - SD40: Farm and Forestry Diversification
 - SD48: Climate Change and Sustainable Use of Resources
 - SD49: Flood Risk Management
 - SD50: Sustainable Drainage Systems
 - SD51: Renewable Energy

- SD54: Pollution and Air Quality

7.2 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 and Policy SD3 of the Local Plan

- 8.1 This assessment 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.
- 8.2 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 has the potential, on the face of it, for a significant adverse impact. This assessment is made with less regard being had to mitigation or lack of it in relation to noise, tranquillity, light pollution, ecology and landscape. The application is therefore considered to be major development for the purposes of Paragraph 172 of the National Planning Policy Framework and for the purposes of this determination.
- 8.3 Having determined it is major, Paragraph 172 advises 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 It is acknowledged that the issue of public interest needs to be weighed in relation to the impact of the festival upon the local communities for the duration of the set-up, festival and take down periods. There is clearly an impact on the surrounding villages from traffic, with noise and light pollution affecting closer properties, predominantly during the festival. Whilst this is noted and appreciated, it is considered that such impacts are temporary and are outweighed by the positive public interests outlined above.

8.7 Paragraph 172 then provides a list of matters that should 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.

8.8 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 rights. This has however been exceeded in more recent years. Notwithstanding, the organisation of the event evolves as and when issues arise and the management plans prepared for the Advisory Group are scrutinised by the necessary bodies.

8.9 It is acknowledged that the event provides opportunities 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.

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

8.11 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 in this location, 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;

8.12 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.

8.13 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 undertake the festival and the required setting up and taking down within 28 days. Indeed, it must be acknowledged that a significant part of the site around the main buildings remains in use as storage areas for the infrastructure for the festival for the remainder of the year. Even if the applicant were to keep within the 28 days' use of the land for the festival preparation, event and subsequent take-down, They would need to apply for permission for use of part of the land for storage of equipment in association with the festival.

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

8.14 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 be balanced with the mitigation measures and 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 legitimate 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 therefore 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

- 8.15 It is important at the outset to note that there is no specific policy in relation to the holding of large scale events. Policy SD3 (Major Development) is considered relevant (and reference is made to temporary events in the explanatory text to the policy (Para 4.21)). The consideration of Policy SD3 has already been assessed above.
- 8.16 Policy SD40 relates to Farm diversification where there is a general support for such schemes subject to a few criteria. In this respect, there clearly needs to be an appreciation that SD40 a) ii) requires that the diversification activity remains subsidiary to the agricultural operation in terms of physical scale and environmental impact. In this particular case, as already noted, the agricultural activity continues to be relatively small scale and appears to be subsidiary to the main use of the site, for the festival and the storage of infrastructure for the festival for the remainder of the year.
- 8.17 Policy SD43 relates to new community facilities, but this firstly requires that the proposals demonstrate a local need. The supporting documentation with the application is clear in confirming that the annual festival meets the needs of the Ahmadiyya Community, however the Community is made up of people who mostly live outside of the Local community and indeed the National Park. It is also worth noting that the definition of community facilities does not include places of worship.
- 8.18 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".
. 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 forms part of the consideration of this application.
- 8.19 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 inappropriate impact for the period of set-up, event and take down, it may be 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.
- 8.20 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. 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.
- 8.21 In conclusion, in relation to the general principle of development, the closest Policies to the particular use tend to be related to farm diversification than community facilities. 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
- Drainage
- Kitchen/Bakery
- Amenity

Landscape

8.23 The applicants have made concerted efforts to address the concerns raised in relation to landscape impact following the earlier applications. At the outset it is important to acknowledge that the proposals would result in an adverse impact on the landscape for the duration of the set-up, event, and take down after the event. The festival introduces temporary structures, lighting and activity to an extent that would inevitably impact on the predominant rural agricultural character of the area and would affect the existing tranquillity that prevails. The balance of consideration is whether the benefits that would accrue by virtue of the second purpose in terms of increasing peoples understanding and enjoyment of the Park, together with a suite of enhancements secured by way of a Landscape Environmental Management Plan to ensure landscape benefits for the remainder of the year outweigh those temporary adverse impacts.

8.24 The Landscape Officer points toward some potential enhancements that could form part of a Landscape Environmental Management Plan and, with some effort on the part of the applicant, there is potential for this to be achieved. However, the information submitted to date continues to be, at best embryonic and a firm plan of such enhancements is still not available. This is not helped by the small scale nature of current agricultural activity which means that a LEMP would need considerable work to ensure that benefits accrue.

8.25 Whilst the proposed landscape works around the main open yard and farm buildings is considered to be acceptable in terms of limiting the impact of open storage, in the absence of a fully worked up LEMP or at least a suite of proposed enhancements, it is considered that the applicant has not demonstrated that the proposal would not have an adverse impact on the landscape character of the Park and the proposal is considered to be contrary to Policy SD4 of the Local Plan.

Noise and Light Pollution

8.26 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.

8.27 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.

- 8.28 The Dark Skies Officer has confirmed that the site sits within the Intrinsic Darkness Zone. 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 applicant has provided some information on the lighting strategy which has only served to add further to concerns raised by the Dark Skies Officer, predominantly in relation to the specification of lighting, duration of use. In the circumstances (and given the concerns mentioned in relation to Ecology) it is considered that the applicant has not demonstrated that the proposals would not have an adverse impact on the Dark Night Skies contrary to Policy SD8 of the Local Plan. In particular, it is not considered that it has been demonstrated that all opportunities to reduce light pollution have been taken.

Highways Impact

- 8.29 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.
- 8.30 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. In the absence of such an agreement, as a full-back position, the application would need to be refused on highway grounds. Given the current concerns about other matters, a refusal is therefore proposed on highway grounds.

Ecology Impact

- 8.31 The applicant has continued to send further information in response to concerns from both Natural England and the County Ecologist, given the sites sensitivities between two designated sites. In addition, the Authority considered it necessary to undertake a Habitats Regulation Assessment.
- 8.32 The HRA concluded that, overall, the adverse impacts on the designated sites are expected to be temporary although they could be significant without suitable management. To address the matters raised an assessment would need to be made to determine an appropriate distance for security fencing from a minimum of 15m that ensures tree root protection of trees within the SAC. In addition, an up to date Environmental Management Plan would be required which identified the steps and procedures that would be implemented to avoid or mitigate impacts covering storage of materials/chemicals/equipment, dust suppression, chemical and/or fuel run-off for construction, waste disposal, lighting, noise and visual impacts, pollution events from sewage discharge and security fencing to prevent access to designated sites., and a revised lighting plan.
- 8.33 Given the above, further information would require significant alterations to the submitted documents and amendments to the event management plans. With no assurances that such amendments would be compatible with the applicant's ability to operate the festival this is unacceptable. In particular, the location of fencing and lighting may have logistical challenges for the event organisers that means they are unable to comply with such mitigation. On this basis, given the current documentation before the Authority, it cannot be demonstrated that the development could be undertaken without having an adverse impact on the designate sites.
- 8.34 Whilst the County Ecologist is happy with the information provided concerning bats and great crested Newts and believes this can be condition, he likewise remains concerned about the proposed lighting within the site and the impact that this may have on species

within the site. The concerns also relate to the lack of a detailed environmental plan. Therefore, it is considered, in its present form that the application fails to accord with Policies SD9 and SD11 in this regard

Rights of Way

- 8.35 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 Binswood SSSI. Historically, during the festival, the route has been obstructed by a variety of tents, marquees and infrastructure within the site. The applicants have applied for a diversion order for the footpath which would circumvent the main festival area. This has been considered by Countryside Services at Hampshire County Council. and an order has been made and is currently open to public representation. Should the Order be confirmed, Countryside Services has no objection to the application. In the event that the Order is subsequently not confirmed, the applicant would need to ensure that access across the footpath remained open at all times.
- 8.36 Given that there is no objection from Countryside Services, a refusal in relation to impacts upon the rights of way network could not be sustained. In the event that the diversion order is not confirmed, a planning permission if granted would not permit obstruction of the public right of way.

Cultural Heritage

- 8.37 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

- 8.38 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. In particular, the matter of an appropriate buffer between the festival and the SSSI has not been confirmed.

Drainage

- 8.39 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 in this respect.
- 8.40 The Local Lead Flood Authority have raised concern about lack of information specifically in regard to Surface Water Management. In this respect, in the absence of further information, the application is considered to be contrary to Policy SD17 of the South Downs Local Plan.

Kitchen/Bakery Ventilation/Extraction

- 8.41 The unauthorised flues 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. Given that the current flues are unauthorised, were Members minded to approve the application, a condition could be imposed setting a period by which the new ventilation should be installed (and the unauthorised elements removed).

Amenity of residential properties

- 8.42 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.

Other Matters

- 8.43 The applicant has referred to being satisfied with a limit of 37,000 attendees should the application be approved. This however does not include staff and crew working at the event. Officers consider that, if members should be minded to approve the application, a limit should be set of 37,000 attendees, including staff and crew. This would be in line with the numbers consultees have worked to in consideration of the application.
- 8.44 The applicant has also suggested that, should members be minded to approve, a S106 agreement could be so worded to allow subsequent festivals to involve increased number of attendees subject to a number of criteria and liaison with the Authority. Officers consider that any subsequent request for increased attendees would need to be made by way of a fresh application and do not consider that a S106 agreement would be the correct vehicle for such considerations.

Eco-System Services & Climate Change

- 8.45 The applicant submitted an Eco-System Services Statement where they worked through the requirements of the Policy addressing how they considered the proposals would deliver opportunities within the list set out.
- 8.46 An element of the statement refers to the applicant's intentions insofar as the High Level Farming Plan is concerned, details of which are considered to be, as already mentioned aspirational. A Landscape Environmental Management Plan might well include initiatives incorporate the ability for the applicants to pursue their aspirations whilst providing environmental and ecological enhancements across the site, but this in itself could not secure the farming activity per se.
- 8.47 The area where the applicant could really make in-roads in terms of compliance with Policy SD2 relates to the opportunities for improving people's health and wellbeing, and opportunities for access to the natural and cultural resources which contribute to the special qualities. In this regard the Statement makes a commitment (to be secured by a legal agreement). The applicant has expressed a willingness to introduce a number of initiatives, including provision of a presence by SDNP at the festival, promotion of the National Park by material issued for the festival and to members of the community through the website, engagement with rangers to identify areas for work within the site, together with the provision of new infrastructure in the local area advertising footpaths, cultural and historic places of interest.
- 8.48 The Eco-system services statement is particularly weak in relation to demonstrating how the proposals improve the Park's resilience to and mitigation of climate change. By its very nature it has to be acknowledged that the proposal requires significant travel by attendees to the site. In this respect the opportunity to improve resilience is limited. Any efforts in this particular area would need to form part of a travel plan to ensure that every effort is made to reduce the number of vehicular journeys to the site. If Members were minded to approve the application, a travel plan could be secured by way of a condition.

9. Conclusion

- 9.1 It is considered that there are temporary adverse impacts on the purposes of the National Park. These could be outweighed by potential permanent benefits, both in increasing enhancements and improvements in the management of the land owned by the applicants, contribution to improvements and enhancement of the adjoining designated sites and the opportunity for understanding and enjoyment of the qualities of the Park. 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. 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, ecology/biodiversity interests surface water drainage, and light pollution. Whilst the applicant has expressed a willingness to discuss opportunities for enhancements on the site and in the surrounding area, progress has not been as one would have hoped in receiving any specific 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 enable major development to occur, notwithstanding its temporary nature 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 environmental management plan that the proposal would not have an adverse impact on the landscape character of the area which could be mitigated by enhancements to the application site for the remainder of the year. This would therefore be contrary to Policy SD4 of the South Downs Local Plan, the NPPF and the purposes of the Park.
3. It has not been demonstrated, in the absence of supporting information, that the proposals would not have an adverse impact on protected species, habitats and ancient woodland, which may be present in the site and surrounding area, and also designated sites surrounding the application site and would therefore be contrary to Policy SD9 and SD11 of the South Downs Local Plan, the NPPF and the purposes of the Park.
4. It has not been demonstrated, that the proposals would conserve or enhance the intrinsic quality of dark night skies and would therefore be contrary to Policy SD8 of the South Downs Local Plan, the NPPF and the purposes of the Park.
5. In the absence of a Section 106 Legal Agreement to secure the use of the Sleaford Market to provide a 'park and ride' facility, it has not been demonstrated that the proposals would not have an adverse impact on the surrounding road network by virtue of the number of vehicular journeys and would therefore be contrary to Policy SD19 of the South Downs Local Plan.
6. In the absence of a Surface Water Management Plan, it has not been demonstrated that the proposals would not have an adverse impact on surface water features within the site and the proposals would therefore be contrary to Policy SD17 of the South Downs Local Plan 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

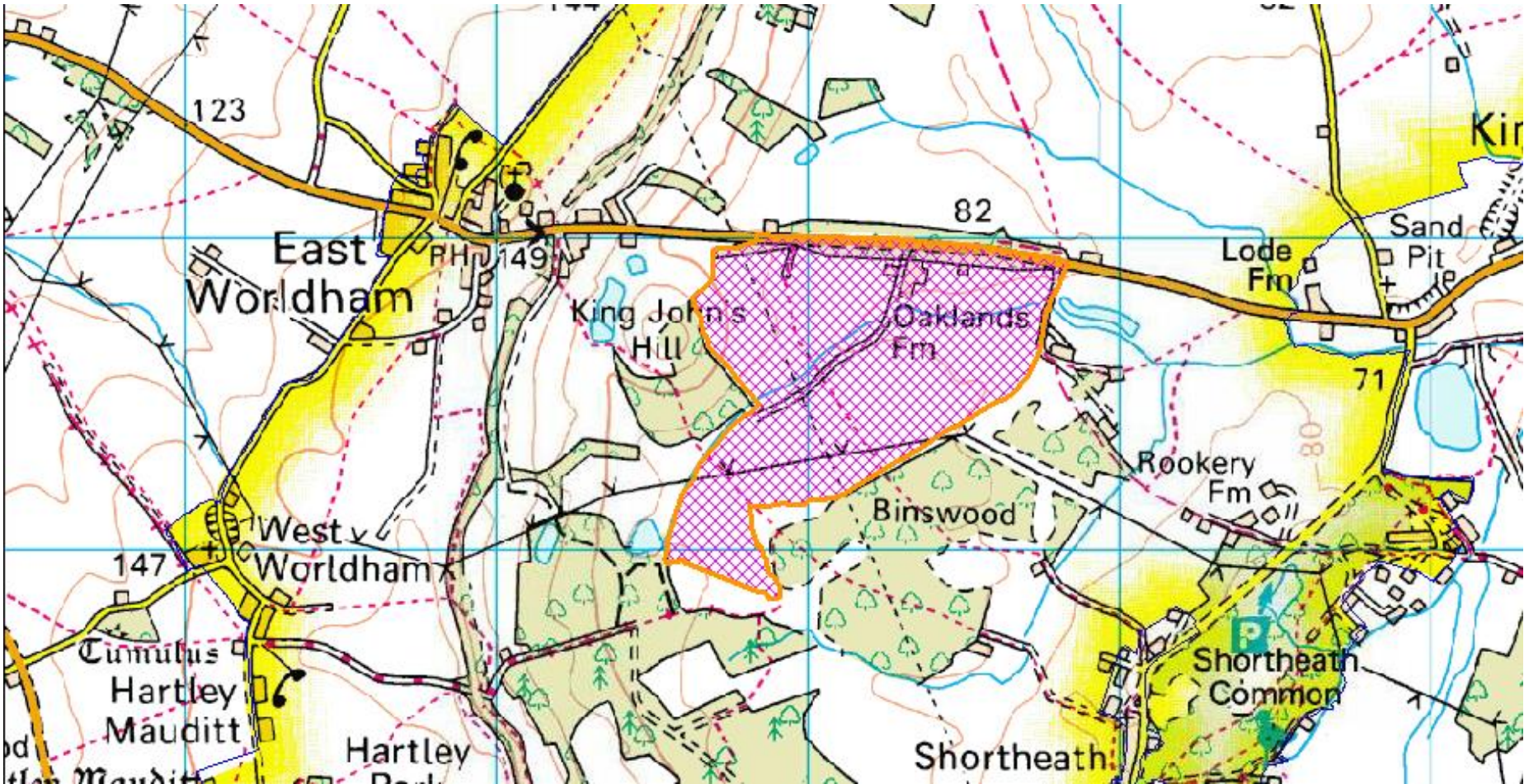
13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

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 given to provide additional information in support of their application.

Tim Slaney
Director of Planning
South Downs National Park Authority

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Email: 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
South Downs Local Plan
<https://www.southdowns.gov.uk/planning-policy/south-downs-local-plan/local-plan/>
Worldham Village Design Statement
<https://www.southdowns.gov.uk/wp-content/uploads/2015/01/Worldham-Village-Design-Statement.pdf>



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