

# SDNPA Planning Committee – 11 February 2021

## Update Sheet



Agenda Item	Page No	Para	Update	Source/Reason
7	11	4.9	<p><b>West Sussex Wildlife Trust – Objection</b></p> <ul style="list-style-type: none"> <li>The proposal will result in the direct and permanent loss of chalk reef habitat within a site highly designated for biodiversity value.</li> <li>Application makes no direct reference to the loss of intertidal chalk habitat and the steps that would be taken to mitigate or like-for-like compensate for the loss of this habitat.</li> <li>The proposal will result in permanent adverse impact on both SSSI and MCZ, contrary to the South Downs Local Plan.</li> </ul> <p><u>Officer's Comment</u> – The objections raised by the Wildlife Trust were taken into the consideration in the preparation of the original recommendation. Therefore, the impact of the development upon the SSSI and MCZ as well as the intertidal chalk platform have already been considered in the officer's recommendation. Therefore, no additional comments are provided in relation to these matters.</p>	Consultation response not summarised in original report
7	11	4.10	<p><b>Marine Management Organisation – No comments received</b></p>	Clarification
7	N/A	N/A	<p><b>South Inshore and South Offshore Marine Plan – July 2018</b></p> <p>The South Marine Plan is a statutory consideration in all relevant planning decisions following its publication and must be considered, along with all other material considerations for all planning decisions that concern the sea, coast, estuaries and tidal waters.</p> <p>The South Marine Plan sets out its vision through a number of objectives and associated policies. In the determination of this application objectives 1 (minimisation of development footprints), 6 (access), 8 (conserve heritage assets), 9 (landscape), 10 (ecologically coherent networks) and 12 (ecosystem goods and services) are relevant. The associated policies S-CO-1, S-ACC-1, S-ACC-2, S-HER-1, S-SCP-1, S-MPA-1, S-BIO-1 are therefore relevant in the determination of this application.</p> <p>Policy S-CO-1 requires proposals to minimise their use of space. The applicant in this case have adopted a footprint for the proposed development which is the minimum necessary to provide the intended level of defence and as such the proposals are deemed to accord with policy S-CO-1.</p>	Additional comments

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7 (cont)	N/A	N/A	<p>Policies S-ACC-1 and S-ACC-2 concern public access and seek for proposals to avoid adverse impacts on public access and enhance public access to the marine area. In this case the existing erosion is impacting upon public access with the partial collapse of the existing route onto the beach. Therefore, the proposed defences will ensure the continued protection and enhancement of public access in accordance with policies S-ACC-1 and S-ACC-2 of the South Marine Plan.</p> <p>Policy S-HER-1 concerns proposals which compromise or harm elements contributing to the significance of heritage assets. In this case the Cottages and Cable Hut are deemed to constitute non-designated heritage assets and whilst the proposals will not compromise the significance of the heritage assets it will provide certainty for their on-going protection to allow for more sustainable means of protection to be identified and implemented. In this case these heritage assets make a significant contribution to the historic environment of the south marine plan area providing an insight into the history of the coastline. Therefore, the proposed development is deemed to accord with policy S-HER-1.</p> <p>The cottages and cable hut are deemed to make a significant contribution to the landscape character of the south marine plan area Policy S-SCP-1 seeks to avoid significant adverse impacts upon the seascape and in this case the proposed development would protect the cottages and cable hut to allow for more sustainable solutions to be identified for their protection without giving rise to any significantly adverse impacts upon the established character or appearance of the sea defences. As such, the proposal is deemed to accord with policy S-SCP-1 of the South Marine Plan.</p> <p>Policy S-MPA-1 identifies that proposals that may have an adverse impact on the objectives of marine protected areas and the ecological coherence of the marine protected area network must demonstrate that they will in order of preference: a) avoid, b) minimise or c) mitigate. Policy S-BIO-1 also identifies an order of preference in regards to the impacts of development upon the natural habitat and species adaptation.</p> <p>In this case it has been demonstrated that avoidance cannot be achieved, whilst evidence to demonstrate how the extent of development has been minimised has been provided. A condition has also been incorporate as part of this recommendation to secure details of mitigation to off-set the impact of development as far as is reasonable. Therefore, the proposed development seeks minimise and mitigate and is considered in line with policies S-MPA-1 and S-BIO-1.</p> <p>Therefore, the proposals are deemed to accord with all relevant policies contained within the South Marine Plan subject to the inclusions of appropriately worded conditions.</p>	

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8	28	4.1	<p><b>Milland Parish Council</b> has commented on the latest proposals and have changed their previous objection comment to ‘<b>no objection</b>’. Their main comments are outlined below:</p> <ul style="list-style-type: none"> <li>• The Parish Council’s initial objection referred to the application site being confined to a small area only within a 10.5 hectares of woodland subject to an Enforcement Order.</li> <li>• The submitted Woodland Management Plan specifically refers to the whole 10.1-hectare area, and also Appendix 5 (Camp Area Management Plan) and site and location plans are also referenced. These bring the whole site under the scope of the planning application.</li> <li>• The Camp Area Management Plan states that no amplified music is allowed in the woodland.</li> </ul>	Additional comments
8	29	4.2	<p><b>Rogate Parish Council</b>, as a neighbouring Parish Council, has commented on the latest proposals and still <b>objects</b> to the planning application. Their comments are outlined below:</p> <ul style="list-style-type: none"> <li>• The copse to the south has been cleared without permission. There is a lack to comply with the enforcement notice to restore the woodland. It is not considered that the applicant will respect any constraints in a planning permission.</li> <li>• Overdevelopment of the site and structures should be removed.</li> <li>• There are differences between the application documents and the information provided by the applicant during the site visit and meeting.</li> <li>• Area of tranquillity, dark skies and wildlife accessed by many people using numerous footpaths. The development will affect tranquillity contrary to Policy SD7. The application site is more tranquil than the Dangstein Conservancy allowed at appeal.</li> <li>• The need of walkers and residents outweigh those of campers or students, whose needs could be met elsewhere. There are alternative ecological sites already offering facilities for forestry woodworking and camping. The need for a small campsite and woodworking area is not demonstrated by the applicant, particularly in view of Dangstein Conservancy.</li> <li>• Impact to traffic levels and access via narrow roads in the area.</li> <li>• The enterprise would need to rely on imported timber. Therefore, it could be located somewhere else.</li> <li>• This landscape should be protected. Potential loss/damage to wildlife habitat. Concern over removal of rubbish and wood chippings. The LVIA has not been seen.</li> <li>• Coppicing is seasonal, therefore there is no requirement for a permanent site.</li> <li>• Access to water is limited with significant potential fire risk.</li> <li>• Should permission be granted, conditions are recommended: a) camping/parking only permitted in conjunction to woodland craft courses, not independently; b) camping limited to maximum 6 two-man tents, no caravans</li> </ul>	Additional comments

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			or sleeping in vehicles; c) number of days activity and camping is limited; d) bar no to be used for sleeping, stables or residential purposes.	
8	31	4.12	An additional ‘ <b>no objection</b> ’ consultation response has been received from the <b>Local Highways Authority, Public Rights of Way Team</b> .	Additional comments
8	31	5.1	Five additional third-party comments in support and two objections received. These do not raise any new significant material consideration that hasn’t been covered in the report. Objections emphasise the need to control the development, noise disturbance to nearby residents and cumulative impacts.	Additional comments
8	N/A	N/A	<p>The following questions have been raised by a Member of the committee:</p> <p><b>Q.1</b> – The report and conditions state that the site shall be used for the manufacturing of forestry products up to a maximum of 30 days per year. However, the table at paragraph 3.3 refers to a total of 44 days per year for the courses run to learn how to make forestry products. Is there an inconsistency here?</p> <p><b>A</b> – There is no inconsistency. The proposal seeks planning permission for a mix of uses, including a 44-day limited use of educational courses and camping, plus a 30-day limited use of hand tool manufacturing of forestry products. These are separate uses and controlled by condition 10.</p> <p>It is understood that the 30-day limited manufacturing of forestry products would benefit the woodland worker only, while the 44-day limited educational and camping uses would benefit a wider group of people, as specified in the table in paragraph 3.3 of the report.</p> <p><b>Q.2</b> – In order to keep activity low-key, should/could there be a condition limiting timber used for the production of forestry products to that sourced from the site?</p> <p><b>A</b> – This is not considered to be necessary given that the scale of the activities proposed is small and these will be tied to the Woodland Management Plan that will apply to over the 10 hectares of woodland. The woodland is considered to provide sufficient resources to the proposed activities.</p> <p><b>Q.3</b> – Condition 6 prohibits burning of stable waste from “the stables hereby permitted”. Is there a request to build stables as part of this application?</p> <p><b>A</b> – This was an error that has been corrected. The Update Sheet includes the amended version of the condition below. No stables are proposed with this planning application.</p> <p><b>Q.4</b> – Would the Fire and Rescue Service be able to access the site by vehicle in the event of a fire?</p> <p><b>A</b> – The Fire Service has confirmed that the existing access arrangement would not be suitable for Fire Brigade appliances. They also confirmed that the Fire Brigade has 4x4 vehicles, although they are not the standard vehicle mobilised to a fire. Notwithstanding this, vehicular access to the site is not guaranteed. Pedestrian access is</p>	Member’s questions

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			<p>unrestricted as the site is not fenced and bordered by two roads, to the south and east. The Fire Service has provided advice on access and water supply Building Regulations but have not objected to the application. Although the lack of a standard access and water supply for firefighting is regrettable, it would not substantiate a reason for refusal. The applicant has adopted a reasonable approach to addressing fire risks on site through their Fire Risk Assessment and action plan, which is controlled by condition.</p>	
8	N/A	N/A	<p>The following questions have been raised by a Member of the committee:</p> <p><b>Q.1</b> – With regards to the proposed 10 years monitoring of the woodland management plan: who will be responsible for monitoring it? how? And who will pay for it?</p> <p><b>A</b> – Monitoring details will be agreed in the Section 106 agreement. The applicant will be responsible for the monitoring of the woodland, as stated in the Woodland Management Plan. This is not unusual. The SNDPA will not be responsible for the monitoring, although it would require the monitoring findings to the applicant, at least two times during a period of 10 years. A fee is typically requested to the applicant for this work.</p> <p>The Forestry Commission is expected to carry out a degree of monitoring and overseeing of the woodland since the Woodland Management Plan will be approved by the Forestry Commission and the woodland subject to felling licences.</p>	Member's questions
8	N/A	N/A	<p>The following questions have been raised by a Member of the committee:</p> <p><b>Q.1</b> – What is an IBC?</p> <p><b>A</b> – IBC stands for Intermediate Bulk Container (water tank). The IBC is used to store rainwater to reduce the use of mains water and it is proposed to take rainwater from the new barn roof.</p> <p><b>Q.2</b> – Do vehicle numbers include staff parking?</p> <p><b>A</b> – The proposed designated parking area (5 spaces) will be used by all those on site, visitors and staff. Conditions 8 and 12 control that visitor parking shall be limited to the designated spaces.</p> <p><b>Q.3</b> – Would additional landscaping limit public view?</p> <p><b>A</b> – No landscaping in the form of planting/screening is proposed and this is not considered necessary to restrict views in and out of the site due to the visual impact of the development being very localised and low.</p>	Member's questions
8	N/A	N/A	<p>The following questions have been raised by a Member of the committee:</p> <p><b>Q.1</b> – The report and conditions refer to a limit of 30 and 44 days a year for the running of courses? Condition 10 is silent on number of camping days. Could these be clarified?</p>	Member's questions

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			<p><b>A</b> – The proposal seeks planning permission for a mix of uses, including a 44-day limited use of educational courses and camping, plus a 30-day limited use of hand tool manufacturing of forestry products. These are separate uses and controlled by condition 10.</p> <p>The 30-day limited manufacturing of forestry products with hand tools would benefit the woodland worker only, while the 44-day limited educational and camping uses would benefit a wider group of people, as specified in the table in paragraph 3.3 of the report. This table is adapted from the submitted Planning Statement, which specifies duration, frequency and size of courses and overnight stays as well as maximum number of courses and stays. Condition 10 refers to this table and controls that the site shall be used within the parameters in the table.</p>	
8	42	Condition 6	<p>There shall be no burning of <del>stable waste (arising from the stables hereby permitted)</del> on the application site at any time.</p> <p>Reason: In the interests of amenity and of preventing pollution.</p>	Amendment of condition
9	8.11	62	<p>Additionally, the type, source and composition of the soil has not been provided in this application and it is imperative that the imported soil, <u>clays and topsoil</u> is of the right type, source and composition to promote longevity of the restoration scheme. Therefore, the officer deems it necessary to control this via a prior-to importation of <u>inert soil, clays and topsoil</u> condition in order to protect the site conditions but also the wider area of Queen Elizabeth Country Park and surrounding Sites of Important Nature Conservation (SINCs), Sites of Special Scientific Interest (SSSIs) and Special Areas of Conservation (SACs).</p>	Correction
9	64 & 65	8.32	<p>Within the restoration plan there is an element which includes a small car park and picnic area by the Lime Kiln and their interpretation boards. Concern was raised by the Parish Council and HCC Countryside Services that this would be a commercial car park. However, the applicant has confirmed that this area is provided to enable all users of the park to be able to experience the site as it may not be possible for all users to park at other nearby car parks and access the site. It was intended to be fully inclusive and as such accords with Purpose 2 of the South Downs National Park as it will enable all users to access this part of the Park. The size of the car park and picnic area are considered proportionate to the size 65 of the site and a safe access point due to its proximity to the A3. The maintenance responsibilities of this car park and picnic area would fall to the landowner, this includes any subsequent transfer of ownership from the applicant. <del>if the applicant transfers ownership of the site to another those of the landowner</del></p>	Correction
9	66	10.1 – Condition 6	<p>No more than 750 Heavy Goods Vehicles (HGVs) shall enter the site and no more than 750 Heavy Goods Vehicles (HGVs) shall leave the site during the approved operating hours in any working <del>work</del> <u>week</u> (Monday to Saturday). Reason: To limit the volumes of traffic in the interests of the amenity of the area.</p>	Amendment of Condition

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9	69	10.1 – Condition 24	<p>No importation of <u>inert soil, clay and topsoil</u> shall commence until full details of the type, source and composition of the <u>inert soils, clay and topsoil</u> to be imported into the site has been submitted to and approved in writing by the Local Planning Authority. Only such materials as approved shall be used in the remodelling of the site. No minerals, compostable materials or non-inert materials, shall be imported to, treated at or exported from the site.</p> <p>Reason: Other materials raise policy, environmental and amenity issues and in order that the Local Planning Authority can limit use of the site to that permitted and to safeguard the character and appearance of the South Downs National Park.</p>	Amendment of Condition
9	59	4.12	<p><b>Hampshire Countryside Services</b> still <b>objects</b> to the planning application. Full representation has been uploaded to the public access system for members to view. However, their main comments are outlined below:</p> <ul style="list-style-type: none"> <li>Concerned that the submitted Transport Assessment does not appear to have taken into account the long distance cycle routes to Queen Elizabeth Country Park. A comprehensive assessment of non-motorized user access route does not appear to have been undertaken by the Transport Consultant. Not clear if a S278 Highway Works Agreement could therefore secure improves for pedestrians, cyclists and horse riders. Officer Comment: The scheme is to consolidate already extant and implemented planning permissions for chalk extraction and recycling operations with a proposed enhanced restoration plan. There are no proposed changes to the already in place long distance cycle routes to Queen Elizabeth Country Park. The site currently has no restriction on vehicle movements. Therefore, Condition 6 has been imposed to restrict vehicle movement and condition 17 has been imposed to ensure that details of proposed works for the protection and enhancement of the adjacent public rights of way and cycle routes are submitted for approval within 3 months if permission is granted.</li> <li>Concerns that the proposed car park could lead to fly tipping, littering, barbecuing or antisocial behaviour which would have negative impacts to wildlife habitats in the absence of CCTV or wardening patrols. Countryside Service would be unwilling to negotiate taking on the long term management of the proposed restorations scheme, unless the layout is omitted. Alternatively, submission of hard landscaping including the provision of amenity grassland or a picnic area and layouts and management of car parking facilities should be secured by planning condition. Officer Comment: The applicant would be responsible for the management of this car park unless ownership is transferred (this transferring of ownership does not fall under the remit of planning). However, the agent has confirmed in writing, that they would submit an amended plan detailing the absence of this car park and picnic area if this is required to be removed through the planning committee discussion should members be minded to approve the scheme without the car park and picnic area.</li> <li>Limiting aftercare of the site which includes proposals for new wildlife habitats and improvement for biodiversity, as well as existing SINC designations does not appear to be in line with the Hampshire Mineral and Waste Local Plan or Government Planning Guidance. Officer Comment: This scheme is for the</li> </ul>	Hampshire Countryside Services additional comments

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			<p>consolidation of extant and implemented permissions with a revised and enhanced restoration scheme. The length of the aftercare period is considered appropriate for this scale of development and proposed restoration scheme and is considered to accord with the Hampshire Minerals and Waste Plan. A detailed aftercare plan has been condition (condition 31) which will require further information to be formally submitted.</p> <ul style="list-style-type: none"> <li>• Current planning proposals fail to secure the ongoing habitat management and grazing regimes that would be necessary to establish calcareous grassland and achieve biodiversity gain and floristic diversity. Officer Comment: A detailed landscape and environmental management plan has been conditioned (condition 30) which will require further information to be submitted which would include the concerns raised here.</li> </ul>	
9			<p><b>Q1.</b> Where are they going to source the soil from (Arundel Bypass?)</p> <p><b>A1.</b> The source has not been provided by the applicant at this stage and this will be something that needs to be provided prior to importation. This would be controlled via a condition (Condition 24) which would formally be approved and discharged to ensure it is the appropriate material for the National Park.</p> <p><b>Q2.</b> Who's going to monitor it and check that it's inert?</p> <p><b>A2.</b> There is a condition which would require the applicant to submit details for approval before it is imported. Additionally, ongoing monitoring from the SDNPA monitoring officer will ensure compliance with condition. However, the Environment Agency will also be tasked with monitoring the soil as a scheme of this nature will require an permit from the Environment Agency in relation to the material being inert. We would also investigate any concerns relating to the incorrect importation of material through our enforcement procedures at the Park as it would be a breach of condition should importation of non-inert material be taking place.</p> <p><b>Q3.</b> I've noticed most of the soil will be imported in 2028. What guarantee do we have that in 2028 Butser Hill Lime Works Ltd don't declare themselves bankrupt and leave without fulfilling their commitment?</p> <p><b>A3.</b> There is no guarantee that TJ would not go bankrupt. However, the importation of soil would be considered an income generator for companies in this industry and as such it is likely that in the event of the owners declare themselves bankrupt the site would be sold off to a new company to complete the scheme. Any transfer of ownership would mean the inheritance and obligation of any extant planning permissions. Should any new owner wish to change an extant permission they would need to apply for this formally.</p> <p><b>Q4.</b> What specifically are their aftercare obligations (apologies if they have been stated and I've missed it)?</p> <p><b>A4.</b> These details have not been provided within this application but would be controlled via a planning condition (Condition 31) which will need to be formally approved and discharged.</p>	Questions from Members

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			<p><b>Q5:</b> What guarantee do we have that they will fulfil their 5 year aftercare obligation?</p> <p><b>A5:</b> This would fall under the aftercare condition mentioned in question 4 and would be monitored and enforced via the SDNPA Monitoring Officer. The monitoring officer will attend a number of visits annual to ensure compliance with all conditions and these will likely increase in frequency during the restoration and aftercare period to ensure that all obligations have been fulfilled. Should there be a breach then the applicant would be liable to formal enforcement action.</p>	
10			<p><b>Q6:</b> Policy 14. community benefits - this is concerning that no applications have had community benefits. I am surprised that the extension to Kingsley re the planning statement of 2018 / March 2020 did not attract some benefit. Is there a reason for this?</p> <p><b>A6:</b> The policy as worded refers to agreements between operators and community groups. The assessment within the Review concludes that those specific agreements sit outside of the control of the waste and minerals planning authorities. The assessment of the policy given in the document should not be taken to mean that community benefits are not achieved and should not be achieved through planning permissions for waste and minerals development. The updated Minerals and Waste Plan will be able to consider policies with improved wording.</p> <p><b>Q7:</b> Policy 20 and 21. As Kingsley and Frith End can be used for either soft or silica sand, although the Kingsley extension is for silica sand is this still for sports rather than industrial uses?</p> <p><b>A7:</b> The material at Kingsley is primarily used for sports and recreational purposes.</p>	Questions from Members