

Agenda Item 8
Report PC20/21-36

Report to	Planning Committee
Date	11 March 2021
By	Director of Planning
Local Authority	South Downs National Park Authority (West Sussex)
Application Number	SDNP/20/03365/FUL
Applicant	Mr Garry Williams
Application	Raising levels of an agricultural field with imported soils to solve a drainage issue.
Address	Meadow Farm, Green Street, East Worldham, Bordon, GU34 3AU

Recommendation:

That planning permission be granted subject to the conditions set out in paragraph 10.1 of this report.

Executive Summary

The applicant seeks partial retrospective permission, following an enforcement investigation, for the raising of land levels through importation of soils of an agricultural field to improve drainage.

This enforcement investigation detailed the importation of a small amount of material being used to help repair potholes within the field. At that time this was considered permitted development due to the small amount of material having been imported. The applicant was advised that any further importation would require planning permission as it would exceed that which could be considered to be permitted development. Following this discussion, the applicant imported more material and, when investigated, advised that it was required to rectify drainage issues on site and they would be willing to apply for retrospective permission, hence the submission of this application.

The primary issues in determining this application are the importation of soil, ecology, landscape, drainage and flood risk. The applicant has demonstrated that there is a need for this development as the land gets waterlogged in the winter and spring months and following heavy rainfall. The case officer has experienced first-hand the issues on site and the waterlogging. The site is not within a flood risk zone and future drainage on site will be aided by the presence of new drainage swales and pond. The material to be imported to the site will be inert soil and careful selection of the type, source and composition of the inert soil will be further assessed via statutory consultees to ensure that it is in keeping with the soil profile of this area. Furthermore, the scheme is considered to be acceptable by statutory consultees subject to the provision of improvements to include new habitats within the drainage swales and pond. The development will mitigate the importation of soil by returning the land to a working agricultural site, primarily hay crop. This hay crop will be species rich and will provide additional gains in biodiversity and ecosystem services. These benefits for landscape and ecology will also provide a biodiversity net gain and accord with Purpose 1 of the National Park, Policies SD2, SD4 and SD9 of the South Downs Local Plan and will enhance the natural beauty and wildlife of this area.

The application is considered to be acceptable subject to the imposition of conditions. The application is brought before Planning Committee due to local interest.

I. Site Description

- 1.1 Meadow Farm is located within the rural village of East Worldham and is adjacent to the B3004 (Green Street), from which the site is accessed. The application site is within a parcel of rural land approximately 3.72ha. Within this parcel of land is also a site which is subject to a Certificate of Lawful Use (Existing) (CLU) for the crushing, grading and recycling of concrete and inert wastes with associated plant and machinery. The application site is adjacent to the western and northern boundaries of the CLU site and access within this parcel of land will be adjacent to south and south western boundary of the CLU site. The site of this application is approximately 3.22ha and has the established use of agricultural.
- 1.2 The site is surrounded by rural fields used for agriculture and fisheries, the small field to the west of the application site and the CLU are under the applicant's control. The rest of the surrounding fields are not under the applicant's control. There are a number of residential properties being within 0.5 miles of the site. There are no public footpaths that run along the boundary of the site. There is a public bridleway approximately 0.2 miles from the eastern boundary of the site.
- 1.3 The application site itself consists of an unplanted field that has naturally grown vegetation of a scrubland nature. The soil has many dips within the site and is very uneven in places, it also has pockets of hardcore (stones and bricks). The site is prone to becoming waterlogged in nature through heavy rainfall or in the winter and spring months.

2. Relevant Planning History

- 2.1 The planning history for this site is complex, involving a number of enforcement investigations. However, for the purposes of this application the following applications/certificate of lawful use are considered to be of relevance:
- SDNP/16/00416/LDE - Certificate of Lawful Use (Existing) (CLU) for the continuation of crushing, grading and recycling of concrete and inert wastes with associated plant and machinery. Certificate issued 6th April 2016. This site is adjacent to the eastern boundary of the application site.
 - SDNP/17/00582/FUL - The retention of a bund within the Certificate of Lawful Use (existing) part of the site Approved 14th June 2017.

3. Proposals

- 3.1 This application has been submitted following an ongoing enforcement investigation. The applicant had explained during site visits that the material imported initially was 200 tonnes and was imported to repair potholes within the field so that they might be able to restore the use to agricultural use. At the time of the site visit it was ascertained that the amount of material imported to the site would fall under Permitted Development Rights under Schedule 2, Part 6, Class A. The Enforcement Officer advised that any further importation would require formal planning permission as it would constitute disposing of waste to land and therefore would not fall under Permitted Development. Accordingly, this enforcement case was closed.
- 3.2 The Enforcement Team were notified of further importation of soil, approximately an additional 400 tonnes totalling to 600 tonnes importation the site in total, on the 10th January 2020 to the site and subsequently issued a Temporary Stop Notice 28th February 2020, which was just prior to the COVID-19 Crisis and National Lockdown. The applicant advised that they required more soil to be imported to repair the field and to improve the drainage of the site for arable farming. The applicant was reminded that this activity would require planning permission and they confirmed that it was their intention to submit a formal planning application for the already imported 600 tonnes of soil works taken place and for future soil importation.
- 3.3 Due to the COVID-19 crisis, there was a delay in submitting the application as a number of specialists were unable to attend site to do the relevant surveys. During this time the SDNPA did not consider it necessary to issue a formal Stop Notice as the applicant had demonstrated that they had ceased importing any material to the site. The exception to this

is some winter detritus was moved to the field due to a misunderstanding by the applicant following a conversation with the Enforcement Officer due to a breach of the CLU site.

- 3.4 Once the applicant was able to, they submitted a partial retrospective application, the subject of this report, for the raising of land levels of an agricultural field with imported soils to solve a drainage issue.
- 3.5 It is proposed that the development will see the regularisation of importing 600 tonnes to the site and a further importation of 43,990 tonnes of inert soil to raise the land. This inert soil is proposed to come from nearby construction sites and topsoil will be used to complete the final landform.
- 3.6 These works are proposed to occur 0700hrs to 1800hrs Monday to Friday and 0900hrs to 1200hrs on Saturdays with no working taking place on Sundays or public holidays. The applicant has stated that there would be an average of 9.6 vehicles in to the site and 9.6 vehicles out of the site each day. It is proposed that there will be an area of hardstanding, 6 spaced car park and a site office on site to accommodate the on-site workers and visitors (notably from the SDNPA), to attend the site safely.
- 3.7 Within the wider site layout there are two proposed areas for temporary soil storage to accommodate when vehicle loads arrive so that they can tip without conflicting with on-site working. There is also an internal haulage route which ensures that when vehicles are leaving the site, they are to exit through a wheel washing system to prevent excess material being deposited on to the local road network.
- 3.8 The final proposed landform includes attenuation swales and an attenuation basin/pond to assist with the longevity of the new drainage plan. These swales and basin/pond would flow away from the B3004 and surrounding residential properties. The proposal seeks to raise the ground by 0.3 to 1m, with a 1% fall to an attenuation basin. The new proposal will see a similar gradual decline heading towards the attenuation basin/pond.
- 3.9 The final breakdown of the site will be:
- Pasture/arable land = 95.79% (26,579m²)
 - Attenuation basin = 1.55% (412m²)
 - Attenuation swales = 2.66% (709m²)
- 3.10 The applicant proposes that should permission be granted; further importation of 43,990 tonnes of inert soil would start spring 2021 (with any pre-commencement conditions discharged before then) with the aim that this further soil importation will be completed in time for the Autumn 2021 crop planting.
- 3.11 It is proposed that the initial crop would be that of haylage for equestrian use. It is then the intention to restore the field to pasture and the seed mix will consist of perennial ryegrass, cocksfoot, creeping bet and clover. These crops would help to fix nitrogen in the soil profile and promote successful crop rotations in the future. Future crop rotations could include but are not limited to; fodder radish and tillage radish. It is estimated that due to the current quality of the land, it will take several years to return the field to its full potential productivity.
- 3.12 The application is supported by Flood Risk Assessment Land and Drainage Survey) Preliminary Ecological Appraisal, Landscape Appraisal, and a Construction Environmental Management Plan.

4. Consultations

4.1 Ecologist: No objection subject to conditions

- In terms of ecological impact, the ecology report concludes that the site is of limited ecological value and that no additional survey works are required. Opportunities for ecological enhancement/biodiversity net gain should be secured, and the efforts to create biodiverse habitats within/around the new drainage swales and attenuation basin are supported.

- 4.2 **Hampshire County Council Flood and Water Management: No objection subject to conditions**
- 4.3 **Environmental Health - Drainage: No objection subject to conditions**
- 4.4 **Tree Officer: No objection**
- 4.5 **Natural England: No comments**
- 4.6 **Environment Agency: No objection**
- 4.7 **Landscape Officer: Neutral**
- These comments should be read in conjunction with those of the Drainage Officer, as important to understand how the swales and water management will work together with agriculture within this field.
 - The field naturally lays wet, a characteristic of this marginal landscape, it has heavy, seasonally wet clay soils which exhibit slow permeability. The desire the land-raise in order to address this perceived problem, seeks to alter the site's character and try to affect its natural state and patterns of drainage. Whilst it is appreciated that there is a need for agricultural productivity, considerable effort (soil importation being and additional water management) will force this uncharacteristic state.
 - Therefore, in order to avoid generating more negative effects in the future and to go some way to mitigating for the change in character (landform and drainage patterns) it is recommended that the field is put to permanent grassland – this would fit with the applicant's desire to take a hay crop from the land. Such a use would continue to suit the marginal nature of the land, the landscape character SD4 and with the soil importation will avoid the need for ploughing, so as to help the application achieve policy SD2, whilst protecting the new soils. Such a land use if managed traditionally, could also generate an enhancement for biodiversity from the current baseline SD9.
 - In order to achieve the above, the permanent grassland should be species-rich. Imported soils should be characteristic of this landscape in particular in terms of pH and N, P and K values should be suitable for establishment of species-rich grassland (low fertility). These figures should be shared with SDNPA at condition stage, prior to any soils being moved. Too rich a soil will affect the success of grassland establishment, allowing grasses to dominate over wildflowers, and not accruing the benefits required by policy.
 - The establishment and management of the grassland should also form part of a LEMP in order to secure the Ecosystem Services, ecological and landscape enhancements required by the policies.
- 4.8 **Worldham Parish Council: Objects**
- Due to the lack of evidence of agricultural use of this land in the recent years as well as any clear future intention to use the land for agriculture. The method of raising the level of the land for drainage purposes to be inefficient, inappropriate and non-traditional in terms of agricultural methods. Damaging to the landscape and wildlife, sterilisation of agricultural land and creating flood risk on adjacent land.
 - The Parish Council is opposed to any extension of the conditions governing the use of the site as permitted under the certificate of lawful use.
- 4.9 **Kingsley Parish Council: Objects**
- The action of raising the level of land of drainage purposes will effectively result in an increased risk of flooding elsewhere. This is not standard practice when dealing with drainage issues. The B3004 is susceptible to breaking up due to poor drainage in the area, concerns that this will be exacerbated due to additional water run-off from the site. Increased vehicle movements through the Worldham and Kingsley villages will add to already experienced issues with vehicles going through the villages. There is no completion date and concern over end of development intentions for the site. There will

be a negative impact on wildlife and potentially leave the land sterile. If permission is to be granted, it should be closely monitored by the SDNPA. The temporary cabin and parking should be removed upon completion.

4.10 **Selborne Parish Council: Objects**

- No detailed transport assessment has been provided. No information has been provided as to where the imported soils will be coming from and whether HGV's will route via any local C class rural roads or come through the villages of Oakhanger, Blackmoor or Selborne. Any use of these small lanes by heavy vehicles would be damaging to the flora and fauna of the sunken lanes. Fails to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. It will change the character of the landscape. Detrimental to the local wildlife such as tawny owls, swifts and bullfinch. Raising the land close to the perimeter and changing the drainage may result in loss of some of the important old trees and established hedgerows on the boundary. Could see an increase in flood risk to nearby areas. Possible contamination from importation of soil from unknown sources.

5. **Representations**

5.1 The summary below concerns all representations received within this application.

5.2 Throughout the application 8 representations have been received, which were all objections. The comments received are summarised below;

- No drainage issues on the field and can increase flood risk to adjacent land and wider areas
- Inconsistent information on the location of nearby streams and other water bodies
- Compaction of the field by not having haul roads would exacerbate the drainage issue
- Raising land is not the traditional way to rectify drainage issues on an agricultural field
- Historic importation of soils for several years
- There are contaminated soils on site and this will pollute the watercourse and kill nearby oak trees
- It is a way of getting rid of poor-quality soil from their main business and the substandard soil will mean nothing will grow
- How will the conformity of the soil be checked
- How will soil quality be controlled
- What is the description of soil
- B3004 has subsidence and the added vehicle movements will add to this.
- B3004 is a busy main road but the local road network through the villages is quiet
- Transport routing is misleading
- The hardstanding, parking for 6 cars and portacabin/site office is not necessary for this development. Concerns it will be used while operating the CLU site
- No time limit on the development so that it could go on indefinitely
- Wheelwash needs to be relocated to be effective
- Need for regular monitoring and enforcement, how would this be achieved? It needs full time enforcement and monitoring.
- Excessive vehicle movements
- No operating hours/confusing operating hours
- Noise, debris and fumes impacting local villages
- Risk to habitats
- No lighting has been proposed so no lighting should be installed
- Concerns over the true intention of the site

- History of breaches on the site
- Lack of enforcement action on the site
- How will any new information provided in relation to potential pre-commencement conditions be controlled
- Further surveys requested by the County Ecologist have not been provided
- No mention of liaison panel

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 is South Downs Local Plan (2014-2033) and the Hampshire Minerals and Waste Plan (2011-2030). The relevant policies are set out in section 7 below.

National Park Purpose

- 6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

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

National Planning Policy Framework and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks. The following policies of the National Planning Policy Framework are relevant to this application:

- NPPF02 - Achieving sustainable development
- NPPF04 - Decision-making
- NPPF11 – Making effective use of the land
- NPPF15 – Conserving and enhancing the natural environment

Relationship of the Development Plan to the NPPF and Circular 2010

- 6.4 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The South Downs National Park Partnership Management Plan (SDPMP)

- 6.5 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 policies include:

- General Policy 1 – Conserve and enhance natural beauty and special qualities of the landscape

- General Policy 2 – Development landscape-scale initiatives to focus on enhancing ecosystem services
- General Policy 3 – Protect and enhance tranquillity and dark night skies
- General Policy 11 – Support land managers to access and maintain agri-environmental schemes that deliver ecosystem services

7. Planning Policy

The South Downs National Park Local Plan 2014-33 (2019)

7.1 The following policies of the South Downs Local Plan are relevant:

- SD1 - Sustainable Development
- SD2 - Ecosystems Services
- SD4 - Landscape Character
- SD6 - Safeguarding Views
- SD7 - Relative Tranquillity
- SD9 - Biodiversity and Geodiversity
- SD11 - Trees, Woodland and Hedgerows
- SD17 - Protection of the Water Environment
- SD19 - Transport and Accessibility
- SD22 - Parking Provision
- SD25 - Development Strategy
- SD49 – Flood Risk Management
- SD50 - Sustainable Drainage Systems
- SD54 – Pollution and Air Quality
- SD55 – Contaminated Land

Hampshire Minerals and Waste Plan 2011-2030 (2013)

7.2 The following policies of the Hampshire Minerals and Waste Plan are relevant:

- Policy 1 – Sustainable minerals and waste development
- Policy 3 – Protection of habitats and species
- Policy 4 – Protection of the designated landscape
- Policy 5 – Protection of the countryside
- Policy 8 – Protection of soils
- Policy 10 – Protecting public health, safety and amenity
- Policy 11 – Flood risk and prevention
- Policy 12 – Managing traffic

8. Planning Assessment

8.1 The main issues for consideration with regards to the proposal are:

- Principle of the development
- Drainage/Flood Risk
- Importation of Soils
- Landscape
- Ecology
- Operations
- Agricultural Use
- Other Matters

Principle of the Development

- 8.2 The NPPF, under Section 11 – making effective use of the land, promotes proposals which look to fully utilise a space for its optimum use. At this time, the site is not being actively managed as part of an agricultural crop/pasture rotation as it is unsuitable due to drainage issues on site. This is supported by the Land and Drainage Survey undertaken by Reading Agricultural Consultants which has been submitted as information within this application.
- 8.3 SD1 requires proposals to support the National Park Purposes. When the final landform has been completed there will be attenuation swales and an attenuation pond. A pre-commencement condition has also been imposed which will require the applicant to provide a Landscape and Ecological Management Plan to be submitted. This will ensure that there will be an enhancement of wildlife to the area. Therefore, the officer considers this proposal will adhere to SD1 and Purpose 1 through the improvements in biodiversity and landscape measures.
- 8.4 Policy 1 of the Hampshire Minerals and Waste Plan (2013) supports proposals which accords with other policies laid out in the Minerals and Waste Plan. Accordingly, the Case Officer considers that this proposal accords with other relevant policies within the Minerals and Waste plan.
- 8.5 Therefore, it is considered that the principle of this development is acceptable following the assessment below.

Drainage/Flood Risk

- 8.6 The survey by Reading Agricultural Consultants found that there were some ditches to the eastern boundary and the northern boundary. It was noted that there were no field drain outfalls observed in any of the ditches.
- 8.7 Results from the soil survey concluded that the original soils have slow permeability and poor structure. This has led to extended periods of waterlogging. They concluded that this would restrict the range and yield of most crops.
- 8.8 The proposed new soils which will have a lighter texture and the raising of the low point within the field would improve the drainage at the site in aiding run off and reduce the extended periods of waterlogging. This agricultural soil profile would perform additional functions including but not limited to, water storage, filtration and drainage, nutrient cycling and gas exchange.
- 8.9 Reading Agricultural Consultants have advised that this new land raising would enable the installation of artificial drainage, as the new levels would be above that which is usually waterlogged. They recommend that drainage should be installed after soil settlement, after about five years, in relation to the identification of wet areas of the field.
- 8.10 Concerns have been raised over the impact on drainage and flood risk that this development may pose. The site does not fall within a flood risk zone and the drainage issues currently experienced on site are localised to this field. Following the submission of a Flood Risk Assessment the East Hants Drainage Officer has raised no objection, provided that a condition be attached to the application for the Flood Risk Assessment to be adhered to at all times. Additionally, Hampshire County Council Flood and Water Management have sought for further information to be provided in the form of a discharge of condition. This information focuses on the surface water drainage scheme for the site and will seek to further protect and reduce flood risk from surface water to the wider area to ensure that the development does not have a negative impact on the surrounding area.
- 8.11 Additionally, this proposal seeks to implement attenuation swales and pond to assist with ongoing drainage on the site. These attenuation swales and pond are a form of sustainable drainage system and are directed away from the B3004 and follow the contours of the new proposed levels.
- 8.12 Accordingly, it is considered that the proposed scheme has addressed s with policy SD49 (Flood Risk Management) and SD50 (Sustainable Drainage Systems).

Importation of Soil

- 8.13 In order to achieve the desired drainage for the site the applicant needs to import 43,990 tonnes of soil to raise the land and grade it sympathetically. This will be possible to import and complete the development within 18 months from date of commencement.
- 8.14 Inert soils are those which would not pose a threat to the environment, animals or human health and will not endanger the quality of water course. Furthermore, inert soils are those which have not been contaminated by harmful substances such as heavy metals or chemicals.
- 8.15 Additionally, the type, source and composition of the soil has not been provided in this application and it is imperative that the imported soil is of the right type, source and composition to promote healthy crop growth. Therefore, the officer deems it necessary to control this via a pre-commencement condition in order to protect the surrounding water environments in nearby streams and the wider River Slea. This condition will also ensure that the material to be used will not be contaminated. This will ensure that the proposal accords with Policy SD17 (Protection of the Water Environment) and SD55 (Contaminated Land).
- 8.16 Furthermore, the proposal accords with Policy 8 (Protection of Soils) of the Hampshire Minerals and Waste Plan as it seeks to enhance soils of an agricultural field which will allow for successful crop growth and rotation. Therefore, this will ensure that there is no net loss of versatile agricultural land.

Landscape

- 8.17 The land raising is considered to change the landscape character in a moderate way and would change the nature of the field. Concerns have been raised that the type of field currently, is wet and the change in land raising will alter this naturally wet field to ensure the growth of haylage. However, to mitigate this change in character a permanent species rich grassland should be established. Such a use would ensure adherence to SD2 (Ecosystem Services) SD4 (landscape) and SD9 (Biodiversity and Geodiversity) as it would promote the marginal nature of the land, encourage biodiversity and enhancement and would protect new soils from excessive ploughing.
- 8.18 Furthermore, the reintroduction of a crop to this field after years of being just grass and scrubland vegetation it is considered an enhancement to the wider agricultural landscape of this area due to the surrounding fields. It also reiterates that the National Park encourages agricultural use and is in fact a living, working landscape.
- 8.19 As previously stated the source, type and composition of the soil would be secured through a pre commencement condition. Additionally, further details would be required prior to commencement in the form of a Landscape and Ecological Management Plan which would also be secured by a condition.

Ecology

- 8.20 The site is currently left to low biodiversity vegetation and weeds of a scrubland nature with tree belts on all boundaries. The proposal does not seek to interfere with the surrounding tree belts, which include some very old and prominent trees. The East Hants Arboriculture Officer has raised no objections with regards to the trees within the site boundary and therefore, it is considered that this proposal accords with Policy SD11 (Trees, Woodland and Hedgerows).
- 8.21 There were concerns raised about the impact this proposal would have on nearby habitats and on notable bird species such as tawny owls, bullfinch and swifts which frequent the area. However, the County Ecologist has raised no concerns to any perceived impact to the local wildlife. They concluded that there is little biodiversity value on site and that the proposed attenuation swales and basin/pond will ensure that there is a biodiversity net gain. This would be controlled via a Landscape and Ecological Management Plan which would need to be submitted to and approved in writing by the SDNPA. This Landscape and Ecological Management Plan in association with the attenuation swales and pond would ensure accordance with Policy SD2 (Ecosystem Services) and SD9 (Biodiversity and Geodiversity)

- 8.22 The site is in Transition Zone E1b and therefore does not have the same restrictions as the indicative Dark Night Skies Reserve, although it is in a zone of relative darkness. As such it is important to protect such areas in terms of dark night skies and also enhance it where possible. In this instance, there is no installed lighting on site and the proposal does not seek to install any. However, to ensure accordance with Policy SD8 (Dark Night Skies), the case officer has imposed a condition which ensure that no new lighting is installed on site without obtaining written approval from the SDNPA.

Operations

- 8.23 The application is supported by a Construction Environmental Management Plan (CEMP) which addresses a number of concerns raised by representations and the Parish Council.
- 8.24 The wider site is currently accessed by the applicant for operations relating to their Certificate of Lawful Use (Existing) CLU. The parameters for this certificate are 60 HGV movements (30 in and 30 out). Therefore, the access road, the B3004, is in regular use from the applicant, as well as other surrounding farms and sites. It is noted that there will be an increase in movements to the wider site location, however the raising of land is of a temporary nature and it is considered that the impact on the road network, whilst notable, it would not be substantial enough to be contrary to Policy SD19 (Transport and Accessibility). Vehicles will also then use internal haul routing within the site to ensure that no compaction of the imported soils will occur. Furthermore, it is proposed that a wheel wash will be placed at the exit of the haul route which will ensure no excess debris or material is deposited on to the adjacent highway (B3004).
- 8.25 The overall development is seeking to import 43,990 tonnes of soil, it is predicted that the applicant would need an average of 9.6 vehicles in and 9.6 vehicles out per day. The case officer has assessed this information and concluded that, for the avoidance of doubt and in line with similar developments, that a total number of 10 vehicle movements in and 10 vehicle movements out per day should be sufficient to undertake the proposed works. These vehicle movements have been conditioned so that they can be monitored and vehicle logs must be provided to the SDNPA upon request for assessment.
- 8.26 There was conflicting information provided within the CEMP and that of additional information received on the 14th October 2020. However, the case officer considers the proposed times within the CEMP to be reasonable for this type of development. They were proposed to be 0700hrs-1800hrs Monday to Friday and 0900hrs to 1200hrs Saturday with no working on Sundays and Public Holidays.
- 8.27 The CEMP also details that there will be two areas for the temporary storage of soils, this will control where stockpiles will be stored on the site which will protect the local amenity where practicable. Additionally, the height of the stock piles has not been proposed and therefore the case officer has imposed a condition that they should not exceed 2m in height.
- 8.28 The proposal is seeking to install an area of hardstanding, car park and site office. It is confirmed, within the additional information received on the 14th October 2020 that this is proposed to ensure that there is no doubt as to which vehicles and machinery are for this proposal and to keep it separate from the adjacent Certificate of Lawful Use site. The hardstanding, car park and site office are considered necessary for efficient running of the site. They are also temporary and will be controlled by a condition to ensure all elements are removed upon completion of the development.
- 8.29 The length of the development was not explicitly detailed within the information provided. This raised concerns over the cumulative impact of increased vehicle movements on the local amenity, should there be no control on timeframe of the development. However, it was stated that should permission be granted then the applicant would seek to commence the development in Spring 2021 and finish the importation and profiling in time for an Autumn planting for haylage as the first crop. Therefore, the officer has conditioned that the development must be completed within 18 months of commencement of the development. It is considered this condition will protect the local amenity from undue impacts from the development.

- 8.30 The site itself can be quite noisy due to its proximity to a busy road and also the site for the CLU operations. However, a noise management strategy, which accords with British Standards for construction was submitted in support of the application. Whilst the site can be noisy, it is noted that every attempt to improve the tranquillity of the National Park and reduce noise radiating to nearby residential property is required. Therefore, conditions have been imposed to control noise on site. This includes levels of maximum noise permitted at the nearest residential property and silencers for vehicle reversing. It is considered that this proposal accords with Policy SD7 (Relative Tranquillity).

Agricultural Use

- 8.31 There have been concerns raised about the intention of the applicant to use this site for ongoing agricultural use. This proposal is supported by a Land and Drainage Survey by Reading Agricultural Consultants which concludes that the applicant's intention is to use this site for ongoing agricultural use. However, due to the drainage issues found on site, this is not practical at present as there are no installed drainage infrastructure on the site.
- 8.32 It is noted that the field is in a poor condition, with a high burden of weeds and low-capacity original soils. The proposal will see an improvement in the condition of the field by improved drainage and soil quality to promote a range of crops to be grown on the site.
- 8.33 Therefore, it is considered that the applicant's intentions are clear and accordingly the use of the site would be controlled via a condition. Furthermore, this proposal accords with SD25 (Development Strategy) as it is considered to be making efficient and appropriate use of the land.

Other Matters

- 8.34 A number of concerns have been raised about the compliance of the adjacent CLU site which is under the applicant's control. The concerns raised include items being placed outside of the CLU site boundary and also the possible intensification of the site. At the time of writing this report, all reported breaches for the CLU site have been investigated and closed through compliance from the applicant.
- 8.35 There has been a total of 8 enforcement cases on the site dating back to 2015. Of these 8, one was permitted development, six the site operator cleared/rectified the breach (CLU site), one was closed due to retrospective CLU submission and granting and one remains open as it is the subject of this application. The enforcement officer has worked to seek remediation of all enforcement cases through discussions with the site owner.
- 8.36 Given the nature of this application, it would be placed on the SDNPA ongoing monitoring list to ensure consistent monitoring of the site is undertaken through its development and after use. This would consist of 4 annual monitoring visits (1 per quarter) during the development phase, which all conditions will be assessed and a monitoring report provided. Once the field has been planted the monitoring of the site would be reduced to 2 annual monitoring visits to ensure the use remains as agricultural.
- 8.37 Within the representations it was noted that there was no liaison panel proposed within the application. It is not standard practice to have a liaison panel for this type of development. This is usually in place for large mineral working sites and waste recycling operations. The case officer does not consider there to be a benefit to imposing a liaison panel for this development as the activities of the land raising are only temporary and the intended end use will be agricultural.
- 8.38 Concerns over how further information may be controlled were also raised within the representations. The case officer can confirm that there are a number of pre-commencement conditions imposed. These pre-commencement conditions include, but are not limited to, further information requested by the Ecologist and Landscape Officer. These conditions require the applicant to formally submit the information in the form of a discharge of condition application which will ensure that the relevant statutory consultees can assess and make comment on the information provided.

9. Conclusion

- 9.1 Given the above it is considered that the proposal is in accordance with the Development Plan and there are no overriding material considerations to otherwise indicate that permission should not be granted. The scheme supports the future of the farming operation and will enable biodiversity enhancements to be delivered. It is therefore recommended that planning permission is granted.

10. Reason for Recommendation and Conditions

- 10.1 The planning application is recommended for approval subject to the following conditions:

Timescale

1. The development hereby approved by this planning permission for the importation of inert soil and the earthworks associated with the land raising shall be completed within 18 months of first commencement of the development. This includes any period required for mitigation works for ecology.

Reason: To ensure the development is carried out in a timely manner and in the interests of amenity.

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. A copy of this decision notice together with the approved plans and any schemes and/or details subsequently approved pursuant to this permission shall be kept at the site office at all times and the terms and contents thereof shall be made known to supervising staff on site.

Reason: To ensure the site operatives are conversant with the terms of the planning permission.

Soil Sourcing

4. No development shall commence until full details of the type, source and composition of the inert soils 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.

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.

5. No more than 43,990 tonnes of sub-soil shall be imported onto the site.

Reason: In the interest of local amenity.

Landscape and Ecology

6. Prior to commencement of the hereby permitted development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should include, but not limited to, the following:

- i) Current landscape (including water) and ecological baseline
- ii) Establishment and management of a species rich meadow
- iii) Management of the swales and pond
- iv) Seed sourcing
- v) Seed mix

- vi) Method of broadcast
- vii) Ecological enhancement and management strategy
- viii) Method for monitoring and reporting

Thereafter, all works will be carried out in accordance with the approved Landscape and Ecological Management Plan.

Reason: To protect and enhance biodiversity in accordance with the NERC Act (2006), NPPF and with Strategic Policy SD2, SD4 and SD9 of the South Downs Local Plan.

Drainage/Flood Risk

7. The development hereby permitted shall be being carried out in accordance with the Flood Risk Assessment HYG803 V2 dated 12/02/20, and post development maintenance shall be carried out in accordance with the management plan contained within the FRA.

Reason: In the interests of local amenity.

8. No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment ref: HYG803 V2 dated 12/02/20 has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:

- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- b. Detailed drainage calculations to demonstrate existing runoff rates and volumes are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change. Details to include a detailed hydraulic model including information on swale, pipe and pond dimensions used for the modelling.
- c. Details of the proposed fill material and demonstration that it will not increase contamination risk.
- d. Detailed drainage plans to include type, layout and dimensions of drainage features (swales, pond, pipes, etc.) including references which link it to the drainage calculations.
- e. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

Reason: To ensure satisfactory surface water drainage.

Vehicles/Highways

9. No work shall be carried out on site until an effective a vehicle wheel-cleaning facility has been installed in accordance with details approved in writing by the Local Planning Authority. Such facility shall be retained in working order and operated throughout the period of work on the site.

Reason: To ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance, hazard or visual intrusion from material deposited on the road system in the locality.

10. No more than 10 Heavy Good Vehicles (HGVs), shall enter the site per day and no more than 10 Heavy Good Vehicles (HGVs) shall leave the site per day, during the permitted operating hours. A written record of vehicles (including registration number, time and date of the movement and volume/tonnages of material for deposit within each vehicle load) entering the site associated with the permission hereby granted shall be kept onsite from the first day of deposition and shall be made available to the Local Planning Authority for inspection upon request.

Reason: To limit the volumes of traffic in the interests of the amenity of the area.

Operations

11. The development hereby permitted shall be carried out in accordance with the submitted Construction Environmental Management Plan dated 14th September 2020 submitted within this application.

Reason: In the interests of the amenity of the area.

12. No HGVs associated with the operation shall enter or leave the site and no construction operations shall take place outside the hours of:

- 0700hrs to 1800hrs Monday to Friday
- 0900hrs to 1200hrs Saturday

There shall be no working on Sundays, Public or Bank Holidays.

Reason: In the interests of the amenity of the area.

13. No stockpiles of material waiting to be deposited shall exceed a height of 2 metres from the natural level of the surrounding land.

Reason: In the interests of visual amenity.

Pollution Control

14. Prior to the commencement of the hereby permitted development, details of a noise management strategy shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, all works will be carried out in accordance with the approved details.

Reason: To ensure that construction of the development does not result in detrimental impact to the environment and local area.

15. Noise levels at the nearest noise-sensitive property should not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1800 Mon-Fri and 0900-1200 Saturday). Total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field) between 0700 – 1800 Mon-Fri and 0900-1200 Saturday.

Reason: In the interests of the amenity of the area.

16. There shall be no artificial lighting installed on the application site

Reason: In the interests of the amenity of the area and protection of dark night skies.

17. There will be no burning of any kind on site.

Reason: To protect the local amenity.

18. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: In the interests of protecting ground water supplies.

Removal of Permitted Development Rights

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fixed plant, machinery or buildings shall be installed or erected on the site without planning permission.

Reason: To protect the visual amenities of the locality and to enable the Local Planning Authority to adequately control development at the site.

Removal of Temporary Structures and Hardstanding

20. Any temporary site access, hardstanding, skip, container, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be permanently removed from the site within 3 months after the completion of the final profiling of the imported material. This includes but not limited to the temporary car parking area, hardstanding and site office.

Reason: To enable the Local Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use.

11. Crime and Disorder Implication

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

12. Human Rights Implications

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

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

14. Proactive Working

- 14.1 In reaching this decision the Local Planning Authority has actively liaised with and responded to any correspondence from the local resident's group in a positive and proactive way, in line with the NPPF.

TIM SLANEY

Director of Planning

South Downs National Park Authority

Contact Officer: Sabrina Robinson

Tel: 01730 819231

email: sabrina.robinson@southdowns.gov.uk

Appendices I. Site Location Map

Background Link to the Application

Documents <https://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?keyVal=QEURRITUHVE00&activeTab=summary>

National Planning Policy Framework (2019)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

South Downs National Park Partnership Management Plan (2020)

<https://www.southdowns.gov.uk/partnership-management-plan/>

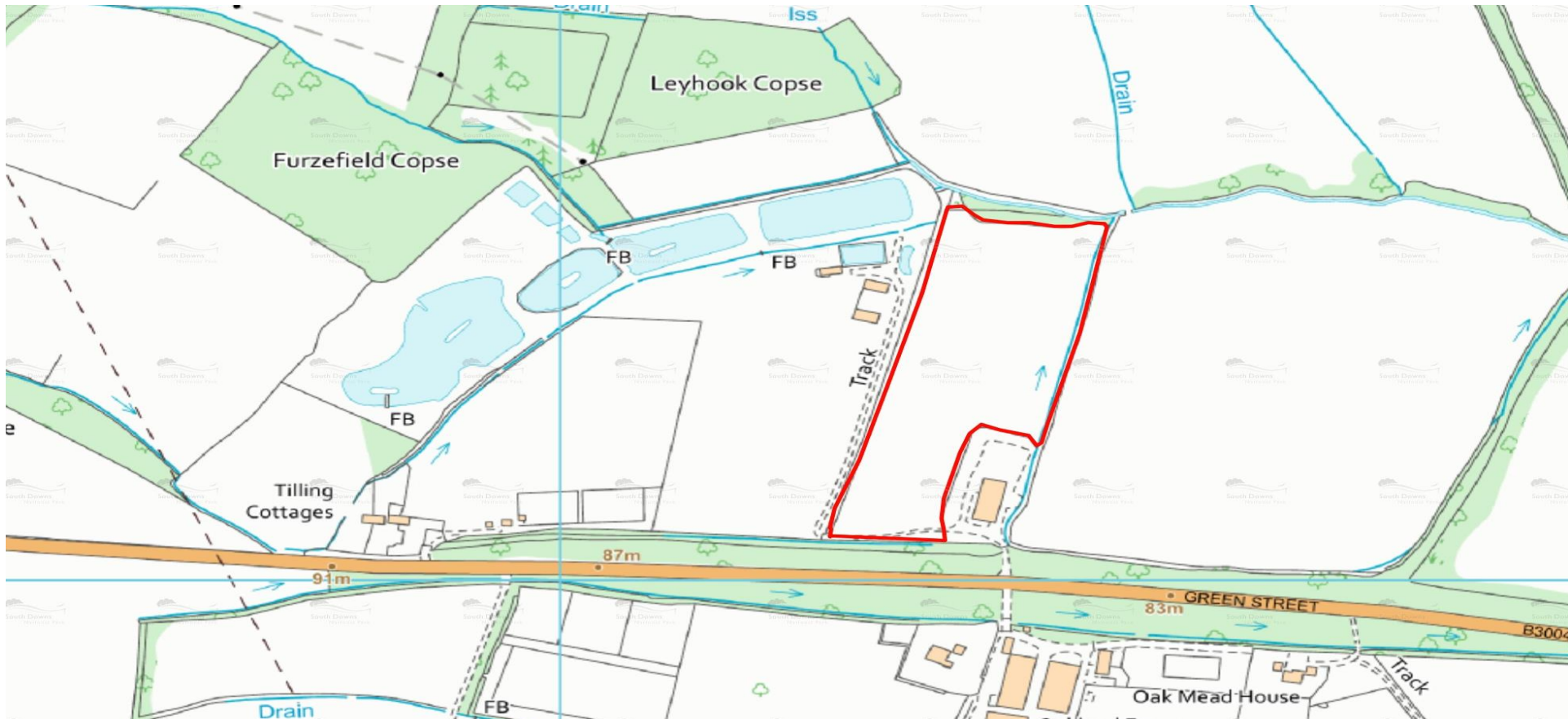
Hampshire Minerals and Waste Plan (2013)

<https://www.hants.gov.uk/en/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan>

South Downs Local Plan (2019)

<https://www.southdowns.gov.uk/planning-policy/south-downs-local-plan/local-plan/>

Site Location Map



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