

## Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

### **SOUTH DOWNS NATIONAL PARK AUTHORITY**

#### **PLANNING COMMITTEE 11 February 21 January 2021**

Held: online via Zoom videoconferencing, at 10am.

Present: Alun Alesbury (Chair), Heather Baker, Janet Duncton, Thérèse Evans, Barbara Holyome, Diana van der Klugt, Robert Mocatta, Vanessa Rowlands, Andrew Shaxson and Richard Waring.

Officers: Tim Slaney (Director of Planning), Rob Ainslie (Development Manager), Becky Moutrey (Solicitor), Richard Sandiford (Senior Governance Officer) and Sara Osman (Governance Officer).

Also attended by: David Easton (Development Management Lead), Rafael Grosso Macpherson (Senior Development Management Officer), Sabrina Robinson (Monitoring and Compliance Officer – Minerals and Waste), Kirsten Williamson (Planning Policy Lead), Jack Trevelyan (Enforcement Officer) and Jessica Riches (Planning Officer).

#### **OPENING REMARKS**

246. The Chair welcomed Members to the meeting and informed those present that:

- Due to the Coronavirus pandemic full meetings were not able to be held at the Memorial Hall until further notice, hence the meeting of the South Downs National Park Authority was held using the Zoom Cloud Meetings software.
- The meeting was being webcast by the Authority and would be available for subsequent on-line viewing. Anyone entering the meeting was considered to have given consent to be filmed or recorded, and for the possible use of images and sound recordings for webcasting and/or training purposes.

247. The Governance Officer confirmed the Members of the Planning Committee who were present and that the meeting was quorate.

248. The Chair reminded those present that:

- SDNPA Members had a primary responsibility for ensuring that the Authority furthers the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and would act in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.

#### **ITEM 1: APOLOGIES FOR ABSENCE**

249. Apologies were received from Gary Marsh.

#### **ITEM 2: DECLARATION OF INTERESTS**

250. Vanessa Rowlands declared a public service, non-prejudicial interest in item 7, as she was a parish councillor for Cuckmere Valley Parish Council, which included the area of Cuckmere Haven that adjoined the application site.

251. The Chair declared a public service, non-prejudicial interest on behalf of all Members for item 9, as one of the speakers, Doug Jones, was a Member of the SDNPA and known to all Members of the Planning Committee.

252. Robert Mocatta declared a public service, non-prejudicial interest in item 9 as the East Hampshire District Councillor for East Meon and Buriton and as the Hampshire County Councillor for Petersfield Butser. He also declared a public service, non-prejudicial interest in item 10 as a Hampshire County Councillor.

#### **ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 21 JANUARY 2021**

253. The minutes of the previous meeting held on 21 January 2021 were agreed as a correct record and signed by the Chair.

#### **ITEM 4: MATTERS ARISING FROM PREVIOUS MINUTES**

254. There were none.

## Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

### ITEM 5: UPDATES ON PREVIOUS COMMITTEE DECISIONS

255. The Director of Planning updated the Committee that a claim had been filed to seek a Judicial Review on SDNP/19/06035/FUL – Land South West of Woodcote Manor Cottages, Bramdean, which came before committee in December 2020.
256. The Development Manager updated the Committee that an appeal decision had been received for SDNP/18/05963/FUL Market Gardens in Fulking, which came before committee in February 2019.

### ITEM 6: URGENT ITEMS

257. There were none.

### ITEM 7: SDNP/20/02390/FUL - Coastguard Cottages

258. The Case Officer presented the application, referred to the update sheet and gave the following verbal updates:
- There was a typographical error on the update sheet commenting on page 11 para 4.9. 'West Sussex Wildlife Trust - Objection' should read: '*Sussex Wildlife Trust – Objection*'
  - The officer's report referred to Mr Patrick as the applicant. However, whilst Mr Patrick was the treasurer of the Cuckmere Haven (SoS) charity, it was the charity that was the applicant not Mr Patrick.
  - Whilst all representations had been taken into account in the summary provided at item 5 of the officers reports, the numbers provided were incorrect, and should read: 227 letters in support and 7 letters of objection had been received. An online petition containing 4,044 signatories in support of the application had also been provided.
259. Janet Duncton joined the meeting and did not vote on this item.
260. The following public speakers addressed the Committee:
- Henri Brocklebank spoke against the application representing the Sussex Wildlife Trust;
  - Angela Marlow spoke against the application representing the representing Natural England;
  - Sir Alan Moses spoke in support of the application representing the Trustees of the Cuckmere Haven SOS charity;
  - Lucy Mutter spoke in support of the application representing the representing herself, and other residents of the Cuckmere (Coastguard) Cottages and the Cable Hut;
  - Michael Doyle spoke in support of the application as the agent representing the applicant.
261. The Committee considered the report by the Director of Planning (Report PC20/21-29), the update sheet and the public speaker comments, and requested clarification as follows:
- What was the current rate of erosion of the cliff line and could this affect the cottages in the future if they were protected and the cliff line either side of them eroded?
  - Were the Coastguard Cottages listed buildings, as there had been no comment received from Historic England?
  - Was the application contrary to the Shoreline Management Plan?
  - Who would be responsible for overseeing the decommissioning of the sea defences at the end of its life in 2105?
262. In response to questions, Officers clarified:
- The average rate of erosion was 60cm per annum, dependent on the weather in any given year, but this would be reduced with sea defences in place. Coastal erosion would be likely to take place outside of the sea defences. The section of the Shoreline Management Plan (SMP) which covered Seaford Head did not recognise the interventions that had already taken but drew a conclusion that cliff erosion would continue to provide a small source of sediment to beaches up to 2105. It predicted a loss of four residential properties and one commercial property.

## Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

- The Coastguard Cottages were not listed buildings but were considered to be non-designated heritage assets which contributed to the iconic view across the Cuckmere Haven and the Seven Sisters.
  - The SMP did not comment specifically on the existing sea defences and did not provide a management plan for the existing sea defences.
  - As there was currently no clear guide as to when the existing sea defences might fail, and no current management plan for them, this application sought to ensure that the sea defences would last until at least 2105, and provided an outline management plan for the existing defences. The proposal would allow time for a more permanent solution to be found, and for the existing defences to be decommissioned should a more permanent solution be found prior to the proposed end date.
263. The Committee discussed and debated the application, making the following comments:
- The decision for this application required a balanced judgement regarding the importance of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area of this site, which were integral to the first statutory purpose of the National Park. Members considered whether a greater harm would occur in allowing or not allowing the application.
  - The Committee recognised that the cottages were part of an iconic landscape in the South Downs National Park, and that the area also held important cultural heritage significance as a result of its maritime and military history.
  - Members noted the considerable public support for this application.
  - It was argued that the presence of the cottages in relation to this location made this view iconic and internationally recognised, and as such it was reasonable to continue to provide sea defences. However, a counter argument proposed that it was the coastline of the Seven Sisters that was iconic, irrespective of the cottages.
  - Some members raised concern that, should sea defences continue to protect the cottages, they could end up on a defended peninsular with the coast around them eroded, and asked at what point should it be accepted that the properties cannot be defended further? It was the view of some of the Members of the Committee that this application could be deferring the difficult decision regarding the loss of the cottages, and that the current sea defence should have provided an opportunity to consider alternatives, such as moving the cottages.
  - The effect of chalk erosion on wildlife was of great concern, especially with the current need to enhance biodiversity due to the climate crisis. Members debated whether greater harm would result from the loss of the cottages and erosion of the coast at this point if no action was taken to protect them, versus the potential harm from extending the sea defences.
  - Members commended the officer on their report, which dealt with a very complex issue and clearly outlined the reasons for the officer recommendation.
264. It was proposed to vote on the officer's recommendation.
265. **RESOLVED:** That planning permission be granted subject to the conditions as set out in paragraph 10.1 of the officer's report.

### ITEM 8: SDNP/20/01796/FUL - Smugglers Copse

266. The Case Officer presented the application, referred to the update sheet and gave a verbal update that a third party objection letter had been received which was accompanied by a statement outlining concerns on the application's Landscape and Visual Impact Assessment (LVIA). The Case Officer also referred to a representation made by Rogate Parish Council with regards to the time in which the committee report was written, before the Parish Council's latest comments were received. The Case Officer reminded Members that the Rogate Parish Council representation did not raise any new material consideration that haven't been addressed in the report.

## Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

267. The following public speakers addressed the Committee:
- Deirdre Walkling spoke against the application representing Rogate Parish Council;
  - David Campion spoke against the application representing himself;
  - Nick Jacobs spoke against the application representing himself;
  - James Shorten spoke in support of the application as the agent representing the applicant;
  - Gillie Tuite spoke in support of the application as the applicant;
  - Richard Bates spoke in support of the application representing himself.
268. The Committee considered the report by the Director of Planning (Report PC20/21-30), the update sheet and the public speaker comments, and requested clarification as follows:
- Slide 5 of the officer's presentation showed a map of the area indicating that it consisted of replanted ancient woodland. Could ancient woodland be replanted and was this relevant to this application?
  - The amendment to condition 6, as detailed in the update sheet, required 'no burning of waste at any time'. Could the officer clarify whether this included woodland waste, as a campfire was permitted on the site.
  - What were the red dots on the proposed site plan on slide 12 of the officer's presentation?
  - The fire and rescue service had requested that a fire hydrant should be provided on the site, however the officers report provided good reasons why this was disproportionate and not necessary. Would there be any legal implications by not having a hydrant on site if a fire were to occur?
  - Was condition 8 sufficient to ensure that there would be no future creep of parking into the adjoining woodland, and that the track remained a forest track?
269. In response to questions, Officers clarified:
- Replanted ancient woodland was a classification for the designation of ancient woodland, and suggested that it had been felled and replaced at an unknown point in the past. As it was likely to have occurred many years ago it was not considered relevant to this application.
  - The amended condition 6 referred to the burning of general, hazardous or polluting waste that would not be naturally found on this site. It did not include the natural by-products of woodland management.
  - On the proposed site plan (slide 12 of the officer's presentation), the larger red dot represented the only permitted campfire within the camp area. The smaller red dots related to trees on the site.
  - Members were reminded that it was important to make a proportionate decision, based on the size of the site and the conditions that had been recommended. Whilst members should take into account the response of the fire service, other regulatory matters would also need to be complied with. An amendment to condition 6 was proposed in order to explicitly control where a fire was allowed.
  - The applicant had confirmed that the track and designated parking areas, and their surfacing, would not be changed. Condition 8 stated that parking should only take place in a specific area, which will prevent encroachment into neighbouring woodland.
270. The Committee discussed and debated the application, making the following comments:
- The Committee agreed on the importance of managing woodlands, and that education in the countryside and development of rural skills was in keeping the SDNPA policies. The proposed conditions were considered proportionate and sufficient to control the activities on this fairly small site.

## Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

- Members noted concerns raised by objectors to the scheme regarding enforcement of the conditions. They emphasised the need for the conditions to be adhered to and for enforcement to take place if it was required.
  - It was proposed that a further condition should be included to require the applicants to provide information within a set timeframe detailing how the conditions were being met.
271. It was proposed that planning permission be granted subject to completion of a Section 106 legal agreement, and subject to a further amendment to the amended condition 6 in the update sheet, in order to explicitly control where a fire was allowed; and subject to the addition of a further condition requiring the applicants to provide information within a set timeframe to ensure that the conditions were being met, the final form of words to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee.
272. **RESOLVED:**
1. That planning permission be granted subject to:
    - i. The completion of a Section 106 legal agreement, the final form of which is delegated to the Director of Planning, to secure that Smugglers Copse (as shown on the location plan in blue) is managed in accordance with the submitted Woodland Management Plan (January 2021) and adequately monitored for a minimum period of 10 years.
    - ii. The conditions as set out in paragraph 10.2 of this report, subject to a further amendment to condition 6 as set out in the update sheet to explicitly control where a fire was allowed, and the addition of a further condition to require the applicants to provide information within a set timeframe to ensure that the conditions were being met, the final form of words to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee.
  2. That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the S106 Agreement is not completed or sufficient progress has not been made within 6 months of the 11<sup>th</sup> February 2021 Planning Committee meeting.
273. Janet Duncton left the meeting.
- ITEM 9: SDNP/20/01535/FUL – Butser Hill Lime Works**
274. The Case Officer presented the application and referred to the update sheet.
275. The following public speakers addressed the Committee:
- Doug Jones spoke against the application representing Buriton Parish Council;
  - Tina Cuss spoke against the application representing Hampshire Countryside Service;
  - John Palmer spoke in support of the application as the agent representing the applicant.
276. The Committee considered the report by the Director of Planning (Report PC20/21-31), the update sheet and the public speaker comments, and requested clarification as follows:
- How many car parking spaces would be provided? Would it be acceptable to require parking at the existing Queen Elizabeth Country Park (QECP) car park and only have provision for disabled parking on this site?
  - Could the number of vehicle movements to and from the site be reduced?
  - Were the highways conditions sufficient to protect cyclists using the new cycleway linking Petersfield to Queen Elizabeth Country Park (NCN 222,) which used the entrance road to this site, to ensure adequate segregation between cyclists and vehicles accessing the site? Could the Operational Management Plan detailed in condition 13 require details of segregation of cyclists from vehicular traffic?
  - Could conditions 27 and 28 be combined, and could Hampshire County Council be included in the community liaison group?
  - What would happen to the rest of site that was not in the applicant's ownership?

## Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

- This permission would bring forward the expiry date to 2024 from the existing expiry of 2042 in the extant permission. Would this signify a period of intensive extraction of chalk between now and 2024?
- Was the importation of soil as part of the restoration scheme the right decision, and what would happen if the site was left to regenerate naturally?

277. In response to questions, Officers clarified:

- The proposed car parking was considered to be modest in size and informal, with no delineated parking spaces. The car parking accorded with SDLP policies and Purpose 2 to enable people to access the Park, and officers considered it reasonable to provide parking on this site for visitors to access the lime kilns and habitats on this site. The site was at a significant distance from other parking facilities. However, should Members be minded not to permit the car parking at this stage the agent had agreed in writing that they were willing to remove the car parking from the scheme.
- There were currently no restrictions to vehicular movements on site and this application sought to limit the number of movements to and from the site. A weekly total of 750 HGVs in and 750 HGVs out of the site was considered reasonable to allow for the work required.
- Condition 17 required details of the proposed works for the protection and enhancement of the adjacent public rights of way and cycle routes to be submitted. This was additional to the requirement of condition 13 to provide a Highways and Rights of Way Operational Management Scheme. Condition 17 had been included separately in order to strengthen the protection of cyclists using the National Cycle Network route. Both the Operational Management Scheme and the details required by condition 17 would need to be submitted for approval by the SDNPA, who would consult both Highways England and Hampshire County Council (HCC) to ensure consistency and protection for cyclists using the cycle path.
- Conditions 27 and 28 were separate conditions which allow them to be enforced separately. Specific bodies, such as HCC, could not be listed in conditions, however officers agreed to recommend that the liaison group included HCC.
- The original extant permission dated from 1945 when it was common to stipulate 2042 as a standard expiry date on most quarry applications. This application proposed a more realistic date for the extraction of the chalk and a plan for restoration of the site by 2028.
- Whilst the modern view was to leave quarries to restore themselves naturally, the topography of this site made it different and it was not satisfactory to leave it to natural restoration. The infill and restoration was required to blend the site in with the adjoining land at QECP.

278. The Committee discussed and debated the application, making the following comments:

- Whilst it was recognised that this application would place some restrictions on the number of vehicle movements to and from the site, there was some concern on the number of HGV movements permitted each week and the risk to cyclists using the NCN 222 cycle path.
- The Committee stressed the need for a strong Aftercare Management Plan for the site.
- Members were divided on the need for car parking provision on the site. Whilst it was agreed necessary to provide disabled parking provision on the site, it was disputed whether the car park at QECP was considered a suitable alternative or whether it was too far from this site to encourage visitors once it had been restored. It was suggested that the issue of parking provision could be included in the Aftercare Management Plan for the site which was required by condition 31.
- It was recommended that the representation on the community engagement panel could be widened to include representatives from HCC and QECP.
- Members asked that the timeframe for condition 28 was brought forward to 9 or 6 months (not 12 months) in order to protect the lime kilns from further degradation.

## Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

279. It was proposed that the decision whether to grant planning permission should be delegated to the Director of Planning, in consultation with the Chair of the Planning Committee, and that planning permission, if granted, should be subject to the conditions in the report and the minor amendments to the conditions as listed in the update sheet, and addressing the points associated with car parking and protection of the kilns, which were raised in the member debate at the 11 February 2021 planning committee.

280. **RESOLVED:** That the decision whether to grant planning permission be delegated to the Director of Planning, in consultation with the Chair of the Planning Committee, and that planning permission, if granted, should be subject generally to the conditions set out in paragraph 10.1 of the officer's report and the update sheet, and addressing the points associated with car parking and protection of the kilns, which were raised during the member debate at the 11 February 2021 planning committee.

281. Ian Philips joined the meeting.

### ITEM 10: Hampshire Waste and Minerals Plan Review 2020

282. The Planning Policy Lead presented the report and referred to the update sheet.

283. The Committee considered the report by the Director of Planning (Report PC20/21-32) and requested clarification as follows:

- It was possible that a new recycling plan would be put forward for consultation in Hampshire in 2021. Would that delay the timetable for the Hampshire Minerals and Waste Plan (HMWP)?
- Policy number 5 regarded restoration, which may not always be the right decision for a site. Should this policy be updated?

284. In response to questions, Officers clarified:

- The first stage of the plan would include gathering evidence and reviewing any strategies which were coming through. The Hampshire recycling plan would be picked up in this stage if it were to come forward within the next 6-12 months. The timetable put forward was realistically set to enable the Plan to be adopted in 2023.
- The management plan for any site would consider whether a site should be left alone or require work to reach an acceptable state. Leaving a site alone to restore naturally would still fall under banner of restoration, so policy 5 did not require modifying, however it was recognised that views on restoration were changing and it was hoped that the process of reviewing the HMWP would enable these views to be incorporated into the final plan.

285. The Chair asked if any member wished to object to, or abstain from, voting in favour of the officer's recommendation. No members raised an objection or wished to abstain.

286. **RESOLVED:** The Committee recommended that the National Park Authority:

1. Approve the 2020 Review of the Hampshire Minerals & Waste Plan (2013)
2. Progress a partial update to the Hampshire Minerals & Waste Plan (2013) as indicated in the review document and the revised timetable (Appendices A and B)
3. Agree to the publication of a summary of the review process and the decisions on the Hampshire County Council website

### ITEM 11: Enforcement Update

287. The Enforcement Officer presented the report and gave a verbal update that since the report was published, one appeal had been dismissed (APP/Y9507/C/20/325 | 190 Land east of Pony Farm, Findon) so there was 1 enforcement notice being appealed.

288. The following public speakers addressed the Committee:

- Alan Glendinning spoke on the Enforcement update representing himself.

289. The Committee considered the report by the Director of Planning (Report PC20/21-33) and made the following comments:

- The Committee noted the public speaker's comments.

## Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

- Members noted the large case load for a small team of enforcement officers, including an increased email workload during the period of lockdown due to covid-19.
- Members acknowledged that officers were working on a report to be able to include further details on the number of open cases as well as closed cases, and asked if future reports could also include figures for the host authorities in order that they could compare to them to the SDNPA figures.
- Communication with parish councils was considered important, and appreciated by parish councils as part of partnership working to report on enforcement matters.

290. **RESOLVED:** Members noted the update on enforcement action.

### **ITEM 12: Summary of Appeal Decisions Update**

291. The Planning Officer presented the report and gave a verbal update that on page 305 of the committee papers, Penn House (SDNP/19/03374/CND / APP/Y9507/W/20/3251448) was a planning committee decision by Winchester City Council, not the SDNPA.

292. There were no questions or comments from members.

293. **RESOLVED:** Members noted the outcome of appeal decisions.

294. The Chair closed the meeting at 3:30pm.

### **CHAIR**

Signed: \_\_\_\_\_