South Downs
National Park Authority

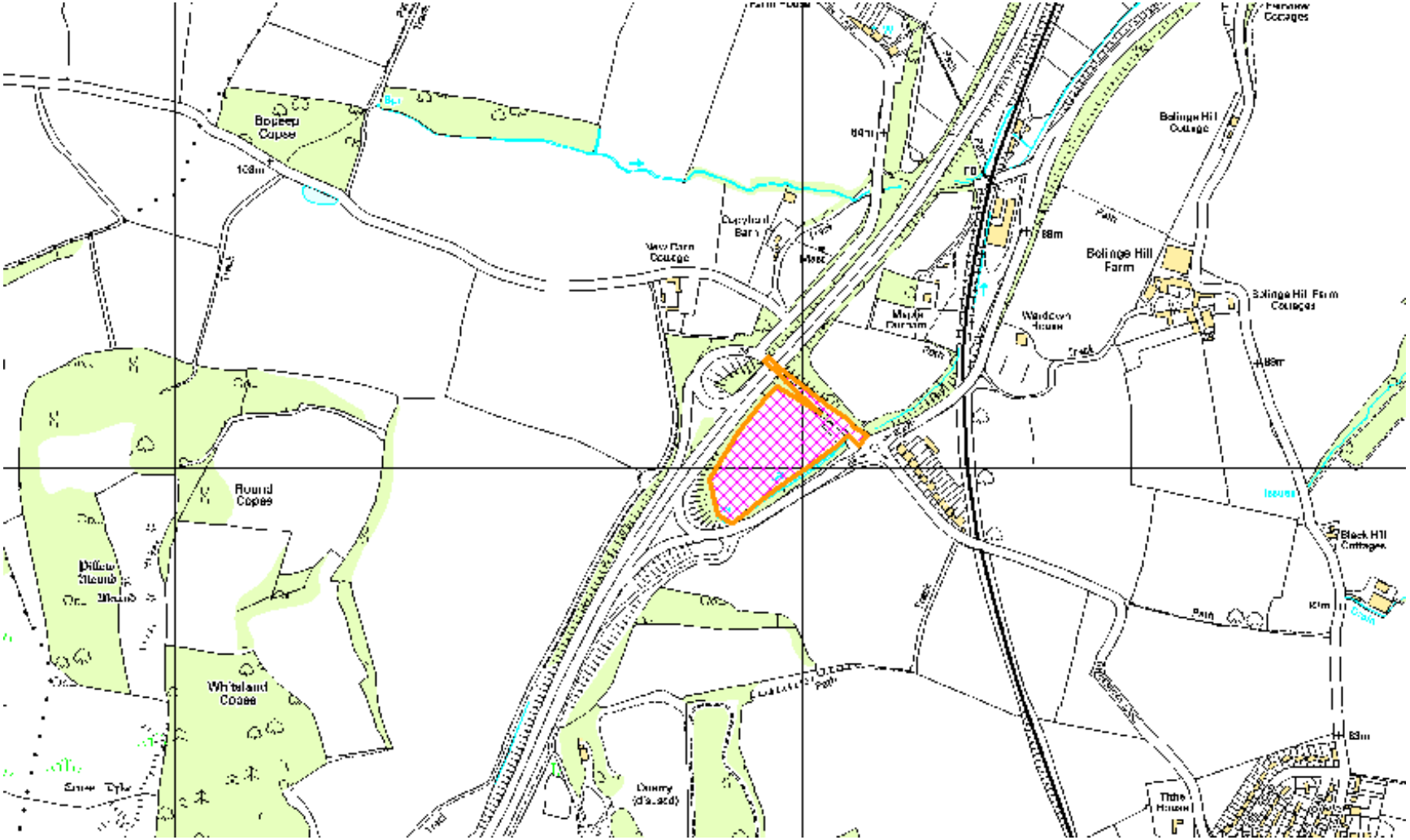
Agenda Item 7

Report PC21/22-48

Report to	**Planning Committee**
Date	**14 April 2022**
By	**Director of Planning**
Local Authority	**East Hampshire District Council**
Application Number	**SDNP/21/06431/FUL**
Applicant	**Mr D Drukarz (Re-charge One A3)**
Application	**Change of use and redevelopment of the site to provide a recharge centre for electrically powered vehicles, with control and battery room and secure area for the delivery and storage of Bio Gas. Up to 60 eco-lodges (Use Class C1), and engineering work to create an earth sheltered block comprising up to 1,330m2 of tunnel floor space for a flexible mix of uses within classes C1 and E(a)(b)(c). The formation of a two-way entrance off the B2070, the laying of a perimeter vehicular access road, with link roads, cycle tracks, and areas of hardstanding to provide up to 127 parking spaces. Engineering work for the purpose of landscaping and operations to install drainage infrastructure.**
Address	**Land north of A3 junction, The Causeway, Petersfield, Hampshire**

Recommendation: That planning permission be refused for the reasons set out in paragraph 10.1 of this report.

Site Location Map



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Executive Summary

The application site is a 2.6 hectare field near to Petersfield and Buriton and immediately next to the A3 and a junction. The application proposes its redevelopment for a new electric vehicle (EV) charging station along with flexible commercial floor space, which would include a café, farm shop and cycle shop/hire for example. Some elements of the proposals are akin to a service station with facilities to serve people whilst they wait to re-charge their vehicles and the scheme is proposed to be a destination with new tourist accommodation.

The national need to address climate change and achieve net zero by 2050 is acknowledged along with a need for improved EV charging infrastructure as the country transitions away from fossil fuels.

The scheme is proposed to be off grid with power being generated by a Combined Heat and Power (CHP) unit that would be powered by agricultural waste (biogas) and solar panels fitted to the lodges.

The main building would face towards the A3, with semi circular glazed openings along its frontage. It would be constructed with an earth bund for a roof that would provide a new grassed area. Two rows of detached timber lodges (44 in total) are proposed on the south east side of the site, adjacent to the main building.

Of key consideration are:

1) The development is considered to be major development for the purposes of policy SD3 and paragraph 177 of the NPPF 2021 and given its scale nature and setting has the potential to have a significant adverse impact upon the National Park.

2) The scheme has been assessed against the major development tests and there are no exceptional circumstances that are in the public interest to justify granting Planning Permission for the proposals on this site.

3) The scheme would be an incongruous addition in this rural location and have an unacceptable urbanising impact upon the prevailing landscape character, including in elevated views (particularly from Butser Hill) due to its scale, uses and design.

4) A reason for refusal is proposed due to the lack of survey information and appropriate enhancements and mitigation concerning protected species, as well as not achieving sufficient biodiversity net gain overall.

5) A further reason for refusal is recommended due to the nature and level of information required by the Highways Authority to be satisfied that the proposals would not have a detrimental impact upon highways safety of the local highway network.

The application is before Members due to the scale and nature of the development, the level of local interest, and the policy issues it raises.

1. Site Description

1.1 The application site is a 2.6 hectare field to the south of Petersfield and north west of Buriton. It is bordered by the A3 and a junction which allows traffic to enter and exit both of its carriageways. There is an existing field gate access on the north eastern boundary which fronts onto a B road (B2070) that connects the A3 with Petersfield and Buriton via a roundabout adjacent to the site. Opposite the roundabout there is a row of dwellings on Greenway Lane and behind them is a scrap yard.

1.2 The field is used for horse grazing and there is an area of concrete hard standing near to access. The site is bordered by mature trees and hedgerows and the land slopes down eastwards across the site. There is also a stream which runs alongside its south east boundary.

1.3 The surrounding landscape predominantly comprises of agricultural and pastoral land with irregular field patterns bordered by mature hedgerows and trees. Approximately 1km south is Butser Hill and Queen Elizabeth Country Park. Butser Hill offers an elevated panoramic view of the area, from which the site is visible.

1.4 Areas of Butser Hill are also designated as Scheduled Monument, Special Areas of Conservation, national nature reserve and Site of Special Scientific Interest (SSSI). Butser Quarry south of the site is also a locally designated Site of Important Nature Conservation (SINC). The closest conservation area lies within Buriton to the north west and there are no listed buildings within the immediate vicinity of the site.

2. Relevant Planning History

2.1 SDNP/19/05881/PRES: Proposed service station with amenity building, central commercial space/retail space, pop-up hotel. picnic area, cafe. Advice issued 31.12.2019, as summarised below:

- In principle objection and do not encourage the submission of an application; development would not meet the First Purpose.
- No analysis of local landscape character undertaken to inform the design; needs to be rooted in its context and bespoke.
- Not landscape led and design does not respond to the landscape character.
- Proposals dominate the site with excessive scale, footprint, bulk and design.
- Solely designed to achieve optimal operation of the business, with some green credentials.
- Sensitive area for new light pollution.
- Environmental performance of buildings needs to be considered (policy SD48).
- Need to consider impact upon neighbouring properties.

2.2 SDNP/15/02943/FUL: Change of use from agricultural grazing to the private keeping of horses including stable building, storage of hay and the secure storage of agricultural plant and machinery. Approved: 23.09.2015.

2.3 SDNP/15/01003/FUL: Change of use of land from agricultural grazing to the private keeping of horses, construction of barn for the stabling, storage of hay and the secure storage of agricultural plant and machinery. Refused 28.05.2015.

3. Proposal

3.1 The application, in summary, proposes the following:

- A new electric vehicle charging station.
- An 'earth sheltered building' (ESB), covered in chalk grassland which would accommodate new flexible commercial space for Class E uses. It would also house some of the energy infrastructure for the site.
- The ESB would include a further 16 no.1 bed tourist accommodation units.
- 44 off grid detached eco lodges of a contemporary design, adjacent to the ESB.
- 127 parking spaces. These would comprise slow, medium and fast chargers, and overnight stay slow charging bays.

3.2 The commercial space would total 1,330sqm of flexible mixed use class E (a, b ,c) commercial floorspace including a farm shop, café/bar, cycle shop/hire, and flexible retail space for example for electric car sales and visitor amenity facilities including washroom facilities. Amenity space would be created on top and around the ESB.

Sustainability

3.3 The entire scheme is proposed to be off grid and would not rely upon energy from the National Grid. It would utilise a CHP system powered by biogas (compressed liquefied gas-bio methane) created from agricultural waste and sourced from Hampshire Farms and would be delivered in canisters. Information on potential sources of bio gas has been submitted along with the viability of providing sufficient quantities. Details of farms within a 40 mile

radius that could supply the site along with a detailed feasibility study of the technology have been submitted.

3.4 The electricity generated would power the EV charging spaces and the ESB and additionally the heat generated would help to heat the building. Batteries would also store the electricity produced. The battery storage, control room and delivery bays for the biogas form part of the proposals. One 250kW fuel cell CHP unit would initially be used to meet demand, with capacity for additional fuel cells as EV ownership increases.

3.5 The ESB is proposed to meet the BREEAM excellent rating and be built using low carbon materials where possible. The eco-lodges would be built off site using locally sourced low carbon materials –chestnut, zinc and sedum roofs. Solar PV on the lodges would generate more power than they require and surplus energy would be fed into the CHP and battery system to charge EVs. As a result, the eco-lodges are proposed to be off grid and climate neutral.

Layout & Design

3.6 The ESB would be in an approximately central location and face towards the A3. It would have an undulating chalk grassland roof and living green walls. Its frontage would have semi - circular glazed openings and locally sourced timber cladding. The site is proposed to be re-graded so as the height of the ESB is no higher than the A3. It would also act as an acoustic and visual screen between the A3 and the lodges. A 2.4m high glass acoustic fence is also proposed around the majority of the site boundaries behind existing boundary trees for further acoustic mitigation.

3.7 In the space between the A3 and the ESB's frontage there would be two rows of parking spaces and landscaped seating/amenity space. The parking area would be sited along the NW boundary below an existing bank and where existing tree cover would be retained. The charging spaces would be a mix of rapid, medium and slow charging points. Cycle parking is also proposed.

3.8 The site of the existing field access would be used and works to it would involve the removal of vegetation and trees. An internal circular road would run in front of the ESB and between the EV charging spaces, then in between the rows of lodges. A roundabout is also proposed in front of the ESB within the site, which would also house the CHP generator.

3.9 The 44 detached lodges would be sited along the south eastern side of the site in two rows alongside the ESB. The two rows of lodges would be of an identical contemporary design in form and appearance and be 1.5 storeys high. They would be clad with chestnut timber and zinc. Each lodge would have an EV parking space.

The landscape scheme

3.10 Existing boundary trees would be retained, with new understorey planting. Throughout the scheme there would be new native hedgerows, areas of coppiced Hazel, new tree planting (Oak, Birch, Field Maple,) grassed amenity areas and species rich flowering meadow areas. The stone gabion walls would also be planted.

3.11 The main circular road would be tarmac with chippings, whilst pedestrian/cycle routes would be surfaced with fittleworth fines and resin bound gravel. The EV charging spaces and lodge parking would have re-enforced permeable surfaces (eg. grasscrete or gravel.).

Biodiversity

3.12 The landscape scheme and all new planting is proposed to try to enhance biodiversity. However, in using the DEFRA Metric to calculate net biodiversity gain a deficit in the 10% target is identified. The submission proposes to secure contributions towards an off-set mitigation scheme to compensate for not achieving the 10% on site.

Highways

3.13 The site is right next to a junction that facilitates traffic movements onto/off the A3 from both directions. The proposals would serve both the north and southbound carriageways

with no need for any new road infrastructure. Visitors to the ESB would use the public parking spaces.

Lighting scheme

3.14 Flood lighting for the ESB and car park is proposed. The lighting strategy contends it is compliant with industry standards for dark skies and control measures are proposed to minimise adverse effects, which include the mounting heights, tilt angle, colour temperature, lumen output and light shields. The lighting strategy also considers bats and involves 'dark corridors' through the scheme and seeks to minimise light spill onto surrounding habitat.

4. Consultations

4.1 **Arboriculture:** No objection, subject to condition.

4.2 **Archaeology:** No objection, subject to conditions.

4.3 **Buriton Parish Council:** Objection.

- Recognise threats of global warming and loss of biodiversity.
- Contrary to First Purpose and national to Local planning policy.
- Contrary to Buriton Village Design Statement; local design and landscape guidance.
- Intrusive development in the countryside; inappropriate location, siting and massing.
- Erodes the uninterrupted countryside than exists below the scarp slope of the downs.
- Will be very visible from the open access slopes of Butser Hill and elsewhere.
- The development –particularly the lodges - will be visible from many directions.
- Previous planning history outlined that it is a sensitive site in the landscape.
- Impact on the watercourse needs consideration.
- No reference to increased public access at Butser Quarry, which will be an extension to the Country Park, from which the lodges will be very visible.
- Visual landscape impact from sunlight glare reflected off the development.
- Impact on dark night skies, noise pollution and loss of amenity to the area.
- Any additional road signs, clutter and paraphernalia in the area harmful.
- Increase in traffic movements and highway safety.
- Impact on local tourist accommodation (public houses and B&Bs).
- Proposed technologies unknown, untried and tested- including ongoing viability.
- If approved, a principle would be established and danger of the scheme being revised.
- Concern about future farm supplies given dairy herds locally have significantly reduced.
- Water treatment system appears inadequate.
- Precedent for development outside of a settlement policy boundary.
- Application suggests a site is needed to enable A3 users to stop, pause and enjoy the countryside, however, the QECP provides such opportunities.
- Sites outside of the National Park and/or nearer to Petersfield should be explored first.
- Proposals would bring few (if any) benefits to local community and impact upon them.

4.4 **Dark Night Skies:** Objection.

- Lies within a transition zone just north of the dark night skies core area.
- Little lighting within the area of the site and urbanisation is small.

- Area of the site important because it forms part of a 'pinch point' of the core zone between Sussex and Hampshire.
- The designation requires a continuous core area and erosion of the pinch point could fundamentally threaten the longer term sustainability of the Reserve.
- Proposes a significant threat to the buffer zones and will erode the extent of dark skies within the pinch point.
- Although lighting scheme seeks to mitigate through design, due to the sheer level of illuminance and cumulative presence of lights would be a harmful impact.
- Specification of the lighting shows good compliance with dark sky requirements and lighting scheme would be similar to a urban residential area. The illuminance levels are appropriate for the tasks in hand, but the problem isn't with the efficacy of the lights to achieve these illuminances, it is with the illuminance itself.
- Given the current lighting, probability that the development will be more intrusive.
- There is a good probability that the core and buffer zones will be eroded, creating an urbanising pressure on regionally good dark skies.
- Regardless of the efficacy of the proposed lights, their sheer presence will introduce sky glow and be a significant impact on the dark skies and the continuity of the dark landscape when viewed from hilltops.
- The need for round the clock lighting on the roads will lead to visitors to the site being denied an authentic rural sky due to the constant level of lighting.

4.5 **Department for Energy and Climate Change (central Government):** No response received.

4.6 **Design:** Objection

- The concepts for carbon negative accommodation and for providing significant EV charging are all supported in principle but this is not the right location.
- This is a potentially exciting concept which needs a more appropriate location. The scale, form and layout of the proposal is not appropriate for a countryside location in the National Park.
- Very large number of units, their very close spacing and the highly regimented layout are all not characteristic of settlement patterns in the National Park, or a countryside location in the National Park.
- The net effect of the lodges, earth bund with railings and hard surfacing all create an industrialising character in this countryside location.
- Regimented layout of identical buildings would jar when experienced in the same view as the residential edge of Buriton.
- Would not be an attractive destination for travellers to experience the National Park.
- Significant amount of engineered land forming to create the bunds and associated sheltered buildings and fencing to achieve a sufficiently improved acoustic environment for the eco-lodges. This seems disproportionate and points to the fact that the location, closely adjacent to the very busy A3, is inappropriate for lodge accommodation.

<u>Sustainability</u>

- Energy strategy for the scheme is impressive in its ambition.
- Some concern about how much delivery traffic would be generated by the import of biogas from agricultural waste, which is the main source of fuel for the project. This would need to be clarified.
- A large amount of hard surfacing and engineering which has some carbon impacts, although these would be outweighed by the carbon negative proposal in operation.

4.7 **Drainage (EHDC):** No objection, subject to conditions.

4.8 **Ecology:** Further clarification required on the following:

- Biodiversity Net Gain calculation and delivery mechanism
- Viability of on-site habitat creation (chalk meadow)
- Mechanism for delivery of reptile mitigation strategy
- Dormouse survey & assessment details
- Assessment of suitability of trees for roosting bats
- Bat activity survey, evaluation and assessment
- Lighting assessment and lighting strategy (with respect to foraging and commuting bats)
- Habitats Assessment and Biodiversity Net Gain

4.9 **Economic Development (EHDC):** Response received, no comments.

4.10 **Environment Agency:** No objection, subject to conditions.

4.11 **Environmental Health (contaminated land):** No objection, subject to conditions.

4.12 **Environmental Health (pollution):** No objection, subject to conditions.

4.13 **Highways Authority (HCC):** Holding response- further information required on the following:

- Need to identify highway trees required for removal so appropriate visibility splays can be achieved at the site access.
- Clarification on achievable visibility splays from the access, most pertinently under the bridge structure and the potential impact of the structure.
- Confirmation from National Highways on potential impact of the bridge required.
- Impact on the bus lay-by opposite the access.
- Realignment of the B2070 needs to be reviewed to accord with guidance.
- Further risk assessment work required as may impact the viability of the proposals.
- Updated swept path analysis and vehicle tracking details required on plans.
- Road safety audit on the internal road network required, including footway and cycle crossing points and visibility, and designed to a 20mph design speed.
- Clarification on carriageway features shown on the one-way route.
- Provision of clear signage needed to re-enforce one-way route from the site access.
- Data on trip rates of comings and going of vehicles needs to be revised.
- Traffic growth estimates need to be revised.

4.14 **Highways England:** No objection, subject to conditions.

4.15 **Historic Buildings Officer:** No objection.

4.16 **Historic England:** Response received, no comments.

4.17 **Landscape:** Objection.

- The site forms part of a wider coherent tract of undeveloped rural, agricultural land adjacent to the A3.
- The site is not in perfect *condition but* its characteristic use as grazing land and the survival of some of its historic boundaries means it is of high *quality* contributing to the wider landscape's pastoral character.

- Landscape evidence clearly points to this site being inappropriate. The LVIA is not supported in its method or its findings and is inadequate to demonstrate the comprehensive and transparent assessment of the impacts.
- The proposed scheme would undermine the pattern of nucleated spring line villages (and the rural gaps between them) found along the foot of the scarp and characteristic along much of the length of the South Downs.
- Visual impacts are a key concern and due to the incongruous nature of the proposal visual effects are heightened. The use is likely to appear inconsistent and jar against what is otherwise a high quality, coherent rural landscape. Fundamental change in character with negative visual effects from public vantage points.
- The change in land use proposed is likely to undermine the character of the landscape setting of Butser Hill Scheduled Monument.
- Would not integrate into its wider landscape context and create an intense, urbanising form of development incongruous to the site and its context, including visual amenity.
- A lack of sensitivity to the landscape; scheme appears as being 'dropped' into the landscape as opposed to sympathetically integrating within it.
- The layout and design has not been demonstrably landscape-led; fails to reflect or respond to the positive elements of the surrounding landscape to generate its conservation and enhancement.
- Dense and regimented layout of lodges and a lack of contextual design; fails to root the site in its place – design could be anywhere.
- Manipulating the landform to create the artificial earth-sheltered building is incongruous. No attempt to integrate it into the existing landform. The use of glass acoustic screens further contribute to the urban character of the proposal.
- Proposals rely upon the tree-lined site boundaries to act as visual screening, yet no future-proofing or climate change adaptation is provided for these trees in the landscape design (additional planting for example) to retain and enhance this boundary for the long-term.

4.18 **Lead Flood Authority (HCC):** No objection, subject to conditions.

4.19 **Natural England:** No objection.

4.20 **Public Rights of Way (HCC):** No objection.

4.21 **Portsmouth Water:** No objection.

4.22 **Tourism Officer (SDNPA):** Objection.

- Not in a desirable location for new holiday accommodation; A3 road noise will deter people from staying in this location.
- Unlikely to provide visitors with a tranquil experience connected with the National Park.
- Can see the innovation of the scheme but it's in wrong location for new visitor accommodation to enable the positive impact desired for both the place and visitors to the South Downs.
- Target demographic for the accommodation unclear; no evidence to back up research for potential customers.
- Any positive impacts upon local amenities unclear and roads will act as a 'barrier' to people walking to nearby places (eg. Buriton and Queen Elizabeth Country Park) which from the site are not straight forward.

4.23 **Southern Water:** No objection, works needed to upgrade network capacity.

5. Representations

5.1 62 objections have been received which include responses from the CPRE, Friends of the South Downs, Buriton Village Design Group and The Petersfield Society. 5 responses in support have been received. The representations raise the following:

5.2 Objections

- Greenfield site highly visible from Butser Hill and Wardown.
- Inappropriate development - harmful urbanising impact to the landscape; at odds with farmland and small village character.
- Contrary to National Park Purposes.
- Incursion into the landscape with buildings, vehicle parking and accommodation.
- Diminishes separation between Buriton and Petersfield.
- Impact on dark night skies and tranquillity.
- Impact on wildlife.
- Visual impact.
- Nature and scale of development with associated level of activity harmful to National Park.
- No local need and no local benefits.
- Other safer and more accessible locations.
- No economic infrastructure in the immediate area to support the development.
- Existing visitor centre at the Country Park.
- Commercial development of this site unnecessary; Petersfield has own shops, service stations and transport infrastructure and should be located to encourage use of existing businesses.
- Better local sites suitable for incremental development.
- Proposals assume the technology for re-charging vehicles will remain as it is now with EVs standing for prolonged periods. Technology may be very different in the future.
- Unproven technology to power the development.
- Would be a need to house staff, which would increase housing demand in the area.
- Marketed as 'eco-development' but is not and will impact the landscape and wildlife.
- Impact on local public house and tourist accommodation.

<u>Design</u>

- High density and overdevelopment of greenfield site.
- Monolithic design.
- Closely packed pre-fabricated cabin designs.
- Akin to a filling station and holiday park.
- Concern over storage of gad and batteries – hazardous.
- Contrary to Buriton Village Design Statement.
- Hard standing will lead to significant run off into steam and exacerbate flood risk.
- Better located at a more urban site nearer a wider range of off site facilities.
- No reference to connecting to mains water.

- Unsightly car park.

Amenities

- Harmful noise and disturbance from increased activities.
- Detrimental impact upon nearby residents; who already experience A3 road noise.
- Inadequate sound proofing for the development.
- Not attractive setting for tourist lodges and better place in more suitable country setting.

Highways

- Increased traffic (including at unsociable hours) and concern about network capacity.
- Impact on highway safety for all users.
- Buriton junction with the A3 experiences numerous accidents particularly due to short slipways.
- Poor bus service.
- No footpath linking the site to Buriton and increased numbers of pedestrians will be walking on dangerous roads.

5.3 Support

- Fantastic proposals in the wake of COP26.
- Good addition to the National Park and A3- a busy road.
- Growing demand for charging stations and places to spend time whilst charging an EV.
- Good accessible, practical and safe location.
- Provides facilities for users and could involve combining charging an EV with a walk in the Country Park or on Butser Hill.
- EV charging facilities cannot all be located in towns and on motorways.
- Uses land that is of limited use as farmland and doesn't reflect the character of the National Park.
- Need eco-friendly sustainable tourist accommodation that add to the environment; excellent design for the lodges.
- Consideration has been given to sustainability and optimising the value offered on site from the other proposed uses.
- Farm shop will support local companies.
- Extremely well considered application; National Park should be supporting this off grid proposal off the A3.
- Highway safety of use of A3 considered acceptable by Transport Consultant.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises the South Downs Local Plan (SDLP) 2014-2033. The particularly relevant policies are set out in section 7 below.

National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

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

qualities of their areas.

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the Local Planning Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework 2021 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 revised National Planning Policy Framework (NPPF) (2021). The Circular and NPPF confirm that National Parks have the highest status of protection. The NPPF states at paragraph 176 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. It states "*the scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*".

Major development

6.4 Paragraph 177 of the NPPF also outlines that *"planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated"

6.5 Footnote 60 to paragraph 177 provides further clarification; *"For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".*

6.6 Having assessed the application and considered relevant case law, the scheme **is considered to be major development** for the purposes of paragraph 177 of the NPPF and its footnote (no.60). These advise that 'major development' in designated landscapes is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

6.7 In this case, there would be a potential significant adverse impact upon the purposes for which the National Park was designated given:

- the proposed scale, use, and design of the development;
- it is a large greenfield site in a relatively detached location from nearby settlements;
- the proposals are in a sensitive location unrelated to surrounding land use and impacts upon landscape character including its special qualities such as dark night skies;
- the visibility of the proposals from elevated vantage points; and
- it is considered to be EIA development.

Relationship of the Development Plan to the NPPF and Circular 2010

6.8 The Development Plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

National Planning Policy Framework (NPPF) 2021

6.9 The NPPF has been considered as a whole and its following sections are particularly relevant in the assessment of this application:

- Achieving sustainable development
- Building a strong, competitive economy
- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change.
- Conserving and enhancing the natural environment

The South Downs National Park Partnership Management Plan 2020-2025

6.10 The Environment Act 1995 (as amended) 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 particularly relevant policies are: 1, 3, 5, 29, 31, 40, 48.

Relevant legislation for heritage assets

6.11 Scheduled Monuments are protected by law (The Ancient Monuments and Archaeological Areas Act 1979 (as amended) and the impact of development upon their setting and their nationally important heritage significance can be a material planning consideration.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

6.12 No formal screening opinion was sought prior to the submission of this application. An Environmental Statement has been submitted with the application for the purposes of the scheme being considered as EIA development, which has been assessed. The assessment of the application has been made on the basis that it is EIA development.

The Conservation of Habitats and Species Regulations 2017

6.13 Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given location of the proposals. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is not required.

Other relevant material considerations

6.14 The following are relevant considerations:

- Adopted Sustainable Construction SPD.
- Adopted Parking for Residential and Non-Residential Development SPD.
- Draft Design SPD. This draft document has undergone public consultation but has limited weight in decision making currently.
- Ecosystems Services Technical Advice Note (TAN) (2019)
- Dark Night Skies TAN (2020)
- Biodiversity TAN (2022)
- Buriton Village Design Statement (2017)
- National Model Design Code

- Department for Transport 'Government Vision for the Rapid Charge point Network in England (2020).'
- Government Ten Point Plan for a Green Industrial Revolution (2020)
- National Energy Policy Statement

7. Planning Policy

7.1 Whilst the South Downs Local Plan (SDLP) must be read as a whole, the following policies are particularly relevant in regard to the principle of development:

- SD1: Sustainable Development
- SD3: Major Development
- SD23: Sustainable Tourism
- SD25: Development Strategy
- SD34: Sustaining the Local Economy
- SD38: Shops Outside Centres

7.2 The following policies are also of particular relevance:

- SD2: Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD6: Safeguarding views
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD19: Transport and accessibility
- SD22: Parking provision
- SD45: Green infrastructure
- SD48: Climate Change and Sustainable Use of Resources

8. Planning Assessment

Principle of development

8.1 It is acknowledged that there is a national objective to reaching net zero by 2050 and that there is a growing wealth of guidance, policy statements and legislation to try to achieve this. The SDNPA and the other National Parks jointly submitted a statement to Government in response to the COP26 summit in 2021 supporting the need to deliver on climate action. The national need to develop infrastructure to support a shift to electric vehicles and the banning of the sale of new petrol and diesel cars by 2030 are also acknowledged. From a planning perspective, proposals must be determined through the Development Plan and the broader context above can be considered as material planning considerations in the overall planning balance.

8.2 More specifically, the application submission contends that the principle of development is established through National Policy and compliance with Development Plan policies and that given the SDLP does not contain a specific policy concerning new EV charging infrastructure consequently NPPF policy applies. That is, paragraph 11 of the NPPF which cites a presumption in favour of sustainable development where its part (d) states:

"*where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:*

i. the application of policies in this Framework (NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole"

8.3 The above NPPF policy is typically referred to as the 'tilted balance' in decision making whereby balancing policy in decisions can be more 'tilted' towards granting permission in weighing up the benefits versus the harm. It is noteworthy, however, that this approach is less relevant within National Parks (as stated in the footnote to paragraph 11) because, as above in criterion (i), if there are clear reasons for refusing a scheme then the presumption in favour of development can be given less weight. Furthermore, there are clear up to date important policies which are relevant and lead to a refusal of the application.

8.4 Whilst there is no specific policy on EV charging stations in the SDLP, it is unnecessary for a Development Plan to include policies to anticipate every type of scheme that may be proposed. There are also sufficient policies in the SDLP from which to the assess the scheme as a whole and its individual elements.

8.5 Policy SD1 provides a context for considering the proposals. It outlines that where proposals accord with other relevant SDLP policies the SDNPA will take a positive approach that reflects the presumption in favour of sustainable development. Furthermore, it re-enforces the 'Sandford Principle' of giving primacy to the First Purpose in decision making (see para 6.2 above).

8.6 Importantly, SD1 outlines that planning permission will be refused where development proposals fail to conserve the landscape, natural beauty, wildlife and cultural heritage of the National Park unless, exceptionally:

a) The benefits of the proposals demonstrably outweigh the great weight to be attached to those interests; and

b) there is substantial compliance with other relevant policies in the Development Plan.

8.7 Neither of these exceptional circumstances are considered to be met. Sustainable Development should also be considered within a context of economic, social and environmental objectives, as outlined in the NPPF. The environmental impacts of the proposals upon the National Park landscape leads to a conclusion that the proposals do not represent sustainable development.

8.8 Policy SD25 is relevant to the principle of development. It only permits development in countryside locations under certain exception criteria and in this instance the criterion concerning proposals needing a countryside location is most relevant. Whilst the proposals are within the countryside, they do not necessarily exclusively need to be.

8.9 EV charging stations and new commercial space could involve the re-development of brownfield sites within or on the edges of towns. In this respect, the proposals are not limited to rural locations and therefore are not considered to be an exception under SD25 and are contrary to this policy in this particular case. It is acknowledged that new tourism development specifically is often in rural locations, but this type of development also should accord with SD23 whereby it is required to positively contribute to the natural beauty, wildlife and cultural heritage of the National Park.

<u>Major Development</u>

8.10 By reason of the scale, character and nature of the proposals and considering the local context of the surrounding landscape character, they are considered to be major development for the purposes of policy SD3 and paragraph 177 of the NPPF.

8.11 Therefore, planning permission should be refused except in exceptional circumstances and where it can be demonstrated that it is in the public interest. Policy SD3 and the more recent NPPF outline that exceptional circumstances should include an assessment of need for the development, cost of and scope for developing elsewhere and any detrimental effect on the environment which cannot be moderated (see para 6.3 above). These considerations are addressed in turn below.

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

8.12 Further to paragraph 8.1, there is a broader national need to deliver new EV infrastructure particularly given there is a growing demand for electric vehicle infrastructure, as EV car sales increase over time. A breadth of national level guidance, Government targets, and legislation have been cited in the submission concerning addressing climate change.

8.13 According to the submission, there are approximately 57,000 daily vehicle movements on this section of the A3 and between Portsmouth and the M25 drivers have four service stops southbound and there are three service stops northbound (Godalming bypass services are only accessible from the southbound carriageway). All of these are predominantly rest stops with fuel stations, with some having small convenience stores, restaurant or hotel facilities. The closest services (BP at Petersfield) have no EV charging points and the Liphook services have 3 EV charging points on both carriageways. None of the other service stops have charge points. There are also 2 charge points at the Country Park and a number of chargers within Petersfield.

8.14 Of key consideration is the need for the development in the location proposed. Whilst the application has identified only a few available charging points and contends that that there are location advantages to develop the site, for reasons such as its accessibility onto/off the A3 for example, there is not sufficient evidence on the actual need for such a facility in this specific location along the A3. Instead, a lack of provision generally along the A3 is relied upon as justification.

8.15 The overall need is acknowledged as above in 8.1. However, this is considered to be outweighed by an assessment of the application against the tests for major development in a protected landscape; with the conservation and enhancement of the landscape needing to be given 'great weight' in both the SDLP and the NPPF as well as the First Purpose and Circular 2010. The design and/or other aspects of the proposals also can't satisfactorily mitigate the impacts identified below.

8.16 There is an overall demand for new tourism development across the National Park but the siting of such a large number of tourist lodges concentrated on a relatively isolated greenfield site is of concern and raised an objection from the Tourism Officer (see paragraph 4.22).

Impact on the local economy

8.17 Regarding the impact on the economy, the application contends the following increase in jobs:

	Employment	Economic output/additional spending
Construction phase	80 temporary jobs on site 20 in direct jobs	£4.9m Construction value £14.2m
Once operational	75 full time jobs on site. 25 indirect jobs via supply chain for example.	£27.6m
Additional spending	10 new local retail and leisure jobs in the area.	£700K visitor retail and leisure spending in the area per annum.

8.18 The permanent posts would benefit the local economy and help to meet the SDNPA's Duty. There would be some gain in visitor spend and for supply chains such as the agricultural waste is claimed to be sourced locally. Local produce would be sold from the farm shop, however, this is not certain. There is no further evidence of economic benefits the scheme would bring and it is not clear that income generated particularly from the EV charging

station would support the local economy. Buriton Parish Council also raise economic concerns.

8.19 An assessment of the retail impact of the scheme has also been submitted. This, in summary, outlines that the proposed uses could have a marginal impact of 0.9% upon the viability and vitality of Petersfield town centre. Also, given the anticipated pass by nature of users of the EV charge station it is not considered that the scheme would have a significant retail impact upon Petersfield. Conversely, visitors in the lodges could visit Petersfield and contribute to its economy.

8.20 Overall, there would not be a significant impact upon the local economy but some benefits could accrue from the proposals. Conversely, the impact of refusing the scheme is that the site would remain a low key field for grazing horses which would provide an insignificant contribution to the local economy.

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way;

8.21 The Applicant's submission contends that this policy test does not specifically refer to alternative sites needing to be considered nor does it outline how alternative sites should be assessed. Also, that there are unlikely to be any other sites in the National Park as accessible and available for redevelopment, limited landscape impact and therefore it is a suitable location for the proposed development. Furthermore, that this is the only available site for an off-grid EV charging station and that charging facilities

8.22 The assertions above are not, however, robustly evidenced. No convincing justification has been proposed in regard to the cost and scope of developing elsewhere outside of the National Park or meeting the need in some other way. In these respects, the application is lacking and does not meet this exception test.

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

8.23 Pre-application advice and subsequent correspondence raised concerns in principle about the development of this site. The submission contends that the site is isolated from the landscape character because it is surrounded by roads and enclosed by its boundary vegetation. Nonetheless, it is considered that the site contributes to the wider landscape character and the development would be at odds with this as well as the prevailing settlement pattern, irrespective of it being surrounded by roads. As outlined by the Landscape Officer, the site forms part of a coherent tract of undeveloped land situated at the foot of the Downs and has intrinsic landscape value.

8.24 Whilst the earth bund of the main building has sought to minimise the development's landscape impact, the scheme would be quite an intensive urbanisation of the site. The footprint of the main building would cover a large proportion of the site and the extent of engineering required to create such a large bund would appear artificial in its rural context. This is exacerbated by new pathways and surfacing, envisaged landscape scheme, and glazed balustrade on top of the bund which would create an urbanised character which would be incongruous within the landscape.

8.25 The layout overall is also quite an intensive urban form of development. The development extends up to the edges of the of boundary vegetation, which is relied upon for screening, with a large circular road around the whole extent of the site, with an engineered and formalised roundabout, and long rows of car parking spaces with limited intervening planting to provide some relief in the appearance of the parking. The amenity space between the parking and the front of the main building would also create a manicured and more urban setting for the scheme.

8.26 The siting, layout and number of tourist lodges would also create an intensely urban character and appearance within the scheme. The symmetrical rows of lodges would extend across the whole length of the site. They would be laid out in a regimented arrangement with consistent building lines, regular distances between them, similar sized small amenity areas and single parking spaces all identically laid out. These characteristics as well as

identical lodge designs, which are not locally distinctive and root in their context, would create an urban, cramped, and monotonous appearance within the scheme. This approach is also incongruous with any other built form within the area. This aspect of the proposals would, therefore, be contrary to not only policy SD but also SD23 regarding the need to make a positive contribution to natural beauty.

8.27 Whilst it has been argued that the site would be well screened, the impact on the intrinsic landscape character is an important consideration and even though a development may be reasonably screened doesn't mean that it's not harmful. The overall scale of the development, the mix of uses proposed, and the characteristics of the scheme together create an overly intensive and urbanising form of development on an otherwise relatively isolated field set within a prevailing rural landscape that is sensitive to change at the foot of the Downs.

8.28 The incongruous nature of the scheme would also be evident in elevated views of the site including Butser Hill where there are far reaching views from which the scheme would be seen in the wider landscape context.

8.29 Furthermore, the scheme would have a detrimental impact upon the special quality of dark night skies as identified by the Dark Skies Officer who highlights that the site is located in a 'pinch point' in terms of the defined transition zone that serves a buffer to the core of the Dark Night Skies Reserve. This area is therefore highly sensitive to light pollution and the proposed lighting strategy and mitigation is insufficient to address this concern and there would be a fundamental impact upon the special quality of dark night skies.

8.30 In the above respects, and regarding the views of the Design, Landscape and Dark Night Skies officers' views which are supported, the proposals are considered to be unacceptable and are not landscape-led and, therefore, contrary to policies SD4 and SD5. Given the scale and design and the consequential landscape and visual impacts, the proposals would not constitute sustainable development regarding policy SD1 and the NPPF regarding the environmental impacts. Furthermore, the scheme does not satisfactory moderates the impacts to meet the major development test.

Recreational opportunities

8.31 The scheme would offer some recreational improvements notwithstanding concerns regarding the location of the site in relation to policy SD23 considerations above. However, these do not overcome the more significant concerns raised in the assessment of the proposals.

Summary on Major development considerations

8.32 As outlined above, SD3 and para 177 set out the 3 tests for major development related to protected landscapes, all of which are relevant. It is concluded that there are insufficient exceptional circumstances that are in the public interest to approve the proposed development on this specific site.

Other matters

Highways

8.33 National Highways (formerly Highways England) does not raise any objection subject to agreeing conditions. The County Highways Authority have advised that further clarification, additional and revised information is required on numerous issues in order to satisfy their concerns about highway safety of the local network. Given the nature and level of outstanding considerations (see paragraph 4.13), a reason for refusal on highway safety grounds is recommended.

Sustainability – energy, water and materials

8.34 This is an ambitious off grid scheme in its design and operation for how it would be heated and powered overall, which would not rely on the National Grid. The bio methane used to the fuel the CHP system would be created as a by product of the agricultural industry and sourced from farms which is also a sustainable approach. The main building is proposed to meet BREEAM 'excellent' whilst the tourist lodges are proposed to be carbon neutral and

would be equipped with solar panels which are anticipated to generate power in excess of their needs, which would be fed into the off grid system for the site and used to power EV charge points.

8.35 Water consumption would be minimised by water efficient equipment, appliances, fixtures and fittings. It is anticipated that a standard of 105L/per person/ per day would be met which exceeds SD48 requirements. Sustainable materials are predominantly proposed to be used. In light of the above, no concerns are raised regarding the sustainability aspects of the scheme.

Cultural Heritage

8.36 Site forms part of the wider setting of Butser Hill. The application site doesn't significantly contribute to the archaeological and historic significance of the scheduled monument. No objections have been raised by Historic England or the County archaeologist and Conservation Officer.

8.37 Given the intervening distance and lack of inter-visibility the scheme would not impact upon the setting of Buriton's conservation area or any listed buildings, as there are no visual or functional relationships between them and the site that would impact upon their heritage significance and setting.

Ecology, ecosystems services and biodiversity net gain

8.38 The County Ecologist has raised concern about biodiversity net gain. The proposals involve the loss of habitat, as calculated using the DEFRA Metric, which cannot be offset by any further enhancements on site. As an option, the Applicant has proposed to purchase credits such as from the Hampshire and Isle of Wight Wildlife Trust's schemes to enable the development to contribute to increasing biodiversity net gain.

8.39 The specific details of any off site measures proposed and evidence to demonstrate that they have been or can be secured has not been provided. Furthermore, the Ecologist raises concern about the robustness of compensatory on site habitat creation and off site off setting payments would result in a positive outcome.

8.40 Concern has also been raised about uncertainties of securing a suitable off site receptor site for the translocation of slow worms. Whist the County Ecologist has suggested a reptile mitigation and translocation strategy could be provided by condition, given there is uncertainty about the ability to achieve this the impact on reptiles is raised by officers. Regarding dormice, the Ecologist has raised concern about a lack of survey data and that there is a reasonable likelihood to require this to be provided.

8.41 Similarly, a concern has been raised about the need for further survey and investigative including activity surveys concerning foraging and commuting patterns. In particular, the limited data provided confirm the use of the site by foraging bats of at least 6 species and that the site may also fall within a core sustenance zone for barbastelle bats – a rare species which received special protection through the Conservation of Habitats and Species Regulations 2017.

8.42 In light of the above, the submitted information has not demonstrated robust survey data and appropriate mitigation for these protected species. Therefore, a reason for refusal is recommended.

Flood risk and drainage

8.43 There is no identified flood risk on site or surface water management issues, subject to likely conditions. The Environment Agency, the Load Lead Flood Authority and district Drainage Engineer have not raised objections. Southern Water have identified that additional foul water capacity will result in the need for works to the local sewer network and hasn't objected to this being undertaken.

Impact upon surrounding amenities

8.44 In regard to properties near to the site, the proposals would generate additional activity with the potential for noise and disturbance particularly from increased traffic as well as

activities on site. This would cumulatively add to the road noise from the A3. The Environmental Health officer has not raised an objection. The site is also good distance from Buriton and properties on the southern defined edge of Petersfield on The Causeway. Overall, given the location of the site, it is not considered that there would be significant impact to justify a refusal in regard to private residential amenities.

9. Conclusion

9.1 The proposals constitute major development for the purposes of policy SD3 and the NPPF for the reasons outlined. There are no sufficiently justified exceptional circumstances that are in the public interest to justify granting Planning Permission for the proposals on this specific site.

9.2 For the reasons outlined, the proposals would not conserve and enhance the National Park landscape, including dark night skies. Due to the scale, intensity of use and design, the proposals the proposals would result in an incongruous form of development in a relatively isolated location within a prevailing rural landscape that would be an excessive and urban form of development.

9.3 Furthermore, given the issues concerning ecology and biodiversity net gain and highway safety which have been raised, following the respective consultee responses, further reasons for refusal are recommended below.

9.4 Representations have raised a breadth of concerns. It is considered that the impacts upon surrounding amenities are not significantly harmful to justify a refusal of Planning Permission. There would also not be any significant impact upon surrounding heritage assets given their settings would be preserved for the reasons outlined.

9.5 The application has been assessed in relation to the Development Plan, the NPPF, National Park Purposes and duty, material planning considerations and relevant legislation. The proposals do not represent sustainable development primarily in regard to environmental impacts concerning landscape impacts, including dark night skies, and are contrary to the First Purpose of a National Park. There are no material considerations of sufficient weight to justify granting Planning Permission.

9.6 The Environmental Statement accompanying the application has been considered in the assessment of the proposals.

10. Reason for Recommendation and Conditions

10.1 The recommendation is to **refuse** planning permission for the following reasons:

1. The proposed development is considered to be major development for the purposes of paragraph 177 of the NPPF. It has not been satisfactorily demonstrated that there are exceptional circumstances and in the public interest to justify the need for the development on this specific site, nor that the detrimental effect on the environment could be moderated regarding the siting and design of the proposals. The proposed development is, therefore, contrary to policies SD1, SD3 and SD25 of the South Downs Local Plan 2019, the National Planning Policy Framework 2021 and the First Purpose of a National Park.

2. The proposed development would not conserve and enhance the National Park landscape. The scale, uses and design, including landscape and lighting strategies, of the proposals would result in an incongruous urban and intensive form of development in a rural location, which would not sensitively integrate with the local landscape character and its special qualities including dark night skies. Consequently, the proposals fail to adopt a landscape led and ecosystems services approach to achieve a high quality design that makes a positive contribution to the overall character and appearance of the area. The proposals are, therefore, contrary to policies SD1, SD2, SD4, SD5, SD6, SD7, SD8, SD9, SD23, SD42, SD45 of the South Downs Local Plan 2019, The National Planning Policy Framework 2021 and the First Purpose of a National Park.

3. The proposed development does not provide sufficient and satisfactory biodiversity net gain to enhance habitats and species and there is a lack of a completed S106 Legal Agreement to secure any offsite biodiversity net gain enhancements to compensate for the loss of habitat on site. Furthermore, it has not been sufficiently demonstrated that the proposals would not cause harm to protected species, in particular bats, dormice, and reptiles through appropriate survey investigations and mitigation. Therefore, the proposals are contrary to policies SD2 and SD9 of the South Downs Local Plan 2019, the National Planning Policy Framework 2021 and the First Purpose of a National Park

4. Insufficient information and justification has been provided to demonstrate that the proposals would provide for safe access and egress of the site and would not cause a severe impact upon highway safety. The proposals are therefore contrary to policies SD19 and SD21 of the South Downs Local Plan 2019, and the National Planning Policy Framework 2021.

11. Crime and Disorder Implication

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

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Appendices	None
SDNPA Consultees	Legal Services, Development Manager.
Background Documents	All planning application plans, supporting documents, consultation and third party responses South Downs National Park Local Plan 2019 National Planning Policy Framework (2021) SDNPA supplementary planning documents and technical advice notes South Downs National Park Partnership Management Plan 2020-2025