

WORLDHAM PARISH COUNCIL

RESPONSE TO PLANNING APPLICATION SDNP/19/03709/FUL - OAKLANDS FARM

Worldham Parish Council OBJECTS to this planning application.

SUMMARY OF KEY POINTS

For the reasons given below Worldham Parish Council (WPC) believes this application fails to meet the bar set by the NPPF for major development within National Parks and for meeting National Park Purposes. Section 172 of the NPPF states that '*planning permission should be refused for major developments other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest*'. It is WPC's view that neither of these criteria have been shown to have been met.

Exceptional Circumstances: Section 172 of the NPPF, and reflected in Core Policy SD3 of the SDNP Local Plan, states that consideration of 'exceptional circumstances' should include the following three requirements:

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;

No case has been made for the need for the development at this particular location. Also, no evidence is provided that supports statements in the application that the event benefits the local economy. WPC's informal surveys of businesses in the area indicate that, on balance, it has a detrimental effect for local businesses.

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

No compelling information is provided to justify the siting of this event in its current location with its considerable constraints. The planning officer did not address this point in his response to the previous application. Other sites are available nationally which are designed for events of this nature and better served with transport infrastructure.

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

We do not believe that the additional supporting information provided with this application changes the position expressed by the planning officer in his recommendation for refusal for the previous application ie that it has not been demonstrated that the proposal would not impact adversely on the landscape of the area and the Designated Sites in the immediate locality.

Development in the Public Interest: In the planning officer's Recommendation for refusal of the AMA's previous application he states that '*..it is considered that the development is in the public interest*'. However, he makes no supporting case for this statement nor states the criteria on which it is based. There is, therefore, no transparency in the way this decision has been reached. To the extent that it is detrimental to our local communities and businesses, as evidenced by the public response to both this and the previous application, and our surveys of local businesses, it is difficult to see where the public interest lies. Enjoyment of this area of the National Park by the general public is diminished during the period of the event due to difficulty of access, interruption of rights of way and noise.

National Park Purposes: For the reasons given in more detail below, WPC believes that the holding of the event, over a proposed seven week period is in direct conflict with the two statutory purposes for national parks set down in the Environment Act 1995. Further, we maintain that it fails *'to foster the economic and social well-being of local communities'* in this area of the SDNP.

Temporary Nature of the Event: Reference is made in a number of the application documents (and the Planning Officer's report on the previous application) to the temporary nature of the event as an alleviating argument for the acceptance of the extended period. There is an acknowledgement of the negative impact of the event on the character of the area in Section 6.1.5 of the Planning Statement, which includes the statement *'The character of the area while harmed for a short period of time is retained and safeguarded for 45 weeks per annum....'* There is however, nothing in para 172 of the NPPF which differentiates temporary development from longer term and permanent development. Whilst we would recognise that there may be a balance to be struck, there is nevertheless no provision in this policy which allows it to be set aside for temporary development, particularly for temporary development which has a negative impact on the landscape and, by definition, is contrary to the National Park's primary purposes. Whilst 7 weeks may be considered *'temporary'*, it is nevertheless a not insignificant period of time during which activities are carried on which have a detrimental effect on the National Park, the local ecology and the local community.

Impact on the Local Ecology – Policy SD9: Further surveys have been carried out which confirm the existence of protected species on the site and adjacent land. There are limits to what the recommended mitigation measures can achieve. Mitigation is not the same as *'conserving and enhancing'*. The extent of lighting, noise and general disturbance across the site over a 7 week period will inevitably have a detrimental effect on the local ecology, contrary to Policy SD9.

Dark Night Skies – Policy SD8: The application site is within an area designated as a Dark Skies Transition Zone. Even if the recommended lighting plan is diligently implemented, an event of this size and nature will inevitably require levels of lighting which put it in conflict with the National Park's dark night skies policy. Additional comments on this issue are made below.

Relative Tranquillity – Policy SD7: The southern part of the Oaklands Farm event site and the adjacent conservation areas to the south and west fall within an area of high tranquillity as shown in the South Downs National Park Tranquillity Study. Considerable noise is generated during the whole period of the event, including the set up and dismantling period as described in detail below. This is contrary to SDNP Local Plan policy SD7 which states that *'Development proposals will only be permitted where they conserve and enhance relative tranquillity...'* There is nothing in the application to demonstrate that the development conserves and enhances relative tranquillity. Surprisingly, no reference is made to this in the planning officer's recommendation for refusal to the previous application. A more detailed commentary on noise resulting from the event is made below.

GENERAL COMMENTS ON THE APPLICATION DOCUMENTS

WPC considers that there are deficiencies in the application, including lack of supporting information and documentation and errors of fact.

Omission of Supporting Information

WPC considers that for a planning proposal of this significance, and impact on the local area, the application should be accompanied by the following detailed assessments:

- a) Lighting assessment

- b) Noise assessment
- c) Air quality assessment

In particular, noise and lighting have been major sources of disturbance for residents in proximity to the application site, as well as having a potentially negative impact on the adjacent habitats of protected and vulnerable species. A large area of the site, and the adjacent Designated Sites, have been classified as being within an area of high tranquility, and a Dark Night Skies Transition Zone. Whilst recommendations are made for mitigating the effects of lighting on bats, we believe the wider impact of lighting on protected species and the SDNPA's dark skies requires a much more thorough assessment. We also believe that, with the volume of traffic accessing the site, the event has a significant effect on the air quality to the detriment of biodiversity in the local area, as well as local residents.

Incorrect and Disputed Statements in the Application Form

Section 5) *Has change of use already started?* The applicant has answered 'No' to this question. Our information is that the site contains storage and other facilities and equipment related primarily to use for the Jalsa Salana and for which permission is being sought retrospectively. The purpose of the application is to legitimise these planning breaches and extend the allowed period of the event beyond the 28 day permitted development period.

Section 8)

a) *Is a new or altered vehicle access proposed to or from the public highway?* The applicant has answered 'No' to this question – Our understanding is that there are three permitted vehicle accesses from Green Street into Oaklands Farm. In recent years a fourth temporary access point has been opened up during the period of the event. As far as we are aware this is not a permitted access point. The Transport Statement refers to this access as 2a, and indicates an intention to continue using it during periods of the event. If so, it should be included within the planning application.

Section 11) *How will surface water be disposed of?* The applicant has ticked 'Mains Sewer'. In fact there is no mains sewer in this area.

Section 12) *Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?*

a) *Protected and priority species* -The applicant has answered 'No' to this question. In fact, great crested newts have been recorded on the application site. In addition some 27 Protected Species have been recorded within 1 km of the application site, many of them in much closer proximity (100 metres or less). The latest Bat Survey records the presence of some seven species of bats on the site and in the adjacent woodland, including rare species.

Section 13) *Please state how foul sewage is to be disposed of?* – The applicant has again ticked 'Mains Sewer'. As stated above, there is no mains sewer in this area.

Section 22) *Can the site be seen from a public road, public footpath, bridleway or other public land?* - The applicant has answered 'No' to this question. In fact the site can clearly be seen from the B3004 from Worldham Hill and where the road runs alongside most of its northern boundary. In addition it

can be seen from footpath 27 which crosses the site, from Kingsley bridleway 1, from the Hangers Way and from Binswood Common which is open access land.

COMMENTS ON THE PLANNING STATEMENT

Section 1.3.4 states that the average number of participants is around 30,000 annually. In fact, annual attendance for the last three years has exceeded 37,000 based on information provided by the AMA.

Section 2.2.1 gives a misleading description when it says there are very few neighbours to the development, citing only Woodland Farm, a farm to the north, and a small terrace of residential housing to the north west of the site. In fact there are 7 properties in close proximity to the eastern boundary of the site, where only Woodland Farm is mentioned (and wrongly designated in the accompanying aerial view). Towards the west numerous properties comprising the main village of East Worldham are within a short distance of the western boundary of the site, on rising ground overlooking the site.

Section 2.4.1 cites a number of large scale precedents within the National Park. We do not consider these are relevant to this application, or comparable, for various reasons. In particular, it does not meet the second purpose of the National Park as, being a religious event open only to its own members, it is not accessible by the public at large. The intensity of the event and density of the development allows no sense of being in the National Park and therefore can hardly be considered as meeting the second purpose of the National Park, even if it were open to the public.

Section 2.5.1/2 WPC are surprised to learn that the SNDPA have ruled that an Environmental Impact Assessment is not required. It is our opinion that, although of a temporary nature, the event may well have a lasting impact on the area, and particularly on the protected species identified in the Preliminary Ecological Assessment. Extending the period of the event, including the period of erection and dismantling, is likely to exacerbate the impact. The absence of an Air Quality Assessment does not allow an assessment of the impact of air pollution on the local area and biodiversity.

Section 3.1.9 This section includes a statement of commitment to ensuring the Dark Night Skies within the farm. However, it should be noted that the AMA have already had ample opportunity to show their commitment to this key policy of the SDNP but have failed to do so. For the 11 months of the year outside of the 4 weeks of the Jalsa Salana event, bright lights are switched on from dawn to dusk along a long length of the northern boundary, in the Parish Council's view, quite unnecessarily. Despite being asked by the Parish Council to respect the Dark Skies policy to remove them or replace them with PIR lights, no action has been taken.

Section 4.1.2 The suggestion in this section is that there is a presumption in favour of development. In fact National Parks are excluded from the presumption in favour of development under para 11 of the NPPF.

Section 5.1.2 – 3 Reference is made in these sections to Paragraph 116 of the NPPF. In the latest version of the NPPF this has been replaced by Paragraph 172.

The applicant states that the Jalsa Salana makes a significant contribution to the local area through increased visitors as well as sourcing of materials and produce. No evidence is provided to support this statement. WPC believes that very little sourcing of materials and produce is done in the local area. Informal enquiries by WPC of a number of local businesses which might be expected to benefit from an influx of visitors suggest that the event generally has a negative effect on business. Participants in the event, in the main, just pass through the area on their way to and from the site and tend not to stop and buy goods and services locally. Local trade is reduced as regular customers stay away from the area due to the severe congestion on the surrounding roads. In particular, in this largely agricultural area, farmers have been significantly impacted at the height of the harvesting season by congestion in particular on the minor roads, preventing them from travelling between fields with their large agricultural machinery.

Section 5.1.4 - 6 The Motocross event at Alresford for which the appeal was upheld by the Planning Inspectorate is not a valid comparison and does not establish a general principle for large scale events of a temporary nature in the National Park. Every case must be examined on its merits and there are significant differences between the Jalsa Salana and the Motocross event, not least duration of the use, nature of the site, access to the general public, impact on wildlife etc. The comparison here is between 3 days for the Motorcross compared to 7 weeks for the Jalsa Salana.

WPC refutes the statement that the event already provides a substantial contribution to the local area. As we have already stated the event provides no measurable economic or other benefits to the local area that we are aware of. In fact, our enquiries show the reverse is the case.

We also refute the statement that the measures proposed as part of this application will provide substantial environmental improvements. It is not clear what improvements are referred to, other than screening of the storage containers and other unsightly event equipment and the reinstatement of the hedgerow along the northern boundary which was removed some two years ago.

Section 5.1.9- 11 WPC supports the proposal for removing the unsightly kitchen extract flues but it should be noted that the installation of the flues was done, and remains, in breach of the planning conditions stipulated when planning permission for the kitchen was granted. This could be achieved by planning enforcement.

The farm cannot be considered as a serious agricultural enterprise. It is apparent that the AMA's ownership and use of the site is principally for the holding of the Jalsa Salana event. The extent of agricultural activity carried out on the farm since being in the AMA's ownership can only be described as 'hobby' farming and a token gesture to a commercial farming enterprise. The High Level Farming Plan also cannot be regarded as a serious plan for commercial farming. However, this is not necessarily detrimental from a landscape point of view provided it is not despoiled by non-agricultural, unsightly clutter, which it is at the moment.

Section 5.2 Transport and Traffic - Traffic volume and congestion is the most commented upon issue associated with the Jalsa Salana event by local residents, within our own parish, but also in the adjacent villages of Kingsley, Oakhanger/Selborne, Wyck and Binsted. The disruption and delays

caused to local people and businesses, as well as commuters and vehicles generally using the B3004 between Alton and Bordon on the days of the event is significant.

The site is not well served by the local road infrastructure for handling the large numbers of vehicles experienced at peak hours, by comparison with, for example, the Matterley Estate (Boomtown festival). The nearest intersections from the main trunk roads, the A31 and A325, are located some 4 miles and 2.5 miles respectively from the site, funnelling traffic onto the B3004. The B3004 itself is a relatively narrow road with few laybys and passing places.

Whilst recognising that the AMA have taken steps to reduce the number of cars travelling to, and parking at the site, considerable congestion occurs along the B3004 which accesses the site with queues of traffic several miles long, stationary for long periods of time during peak times. Several narrow country lanes join into the B3004, and these have been used by participants in an attempt to short circuit the long tailbacks on the B3004, despite signs diverting traffic away from these roads, adding further to the congestion as they try to feed into the main queue. As mentioned above, these country lanes are often used by large farm vehicles and machinery, particularly during the harvesting period which invariably coincides with the event. This has resulted in a number of confrontations and near accidents.

There is concern that emergency vehicles would be unable to access residential and other properties in the area for significant periods of time during the periods of congestion, heightening risks for local residents, or victims of accidents. The Emergency Vehicle Plan in the Transport Statement deals only with access gates into the site and does not address this wider issue. This restricted access to the site raises the question as to its suitability as a venue for an event of this size. We regard the Emergency Vehicle Plan as inadequate for dealing with emergencies requiring attendance by emergency vehicles, whether on the application site, or within the area of the surrounding villages which are affected by traffic congestion.

Parking for up to 5000 cars is provided at Country Market, Sleaford, some 2.5 miles from the site, and from where participants are 'bussed' into the site. This arrangement brings its own problems in terms of congestion to the area. It is not known how robust this arrangement is. If the site became unavailable finding alternative parking space of adequate capacity in a suitable location could present a major problem.

Section 5.2.16-17 (Right of Way) This is a proposal to divert the public footpath which crosses the site for 21 days during the event period. It is not clear how they propose to do this legitimately. WPC is not aware of any process whereby they can close a public right of way for 21 days. For every year to date they have diverted the footpath without authorisation. Reference is made to a 'mark-up' of the proposed diversion and new rights of way but we are unable to locate this within the planning documents.

Section 5.3.1 (Noise) states that there are few sensitive receptors in close proximity to the site. We dispute this statement. Noise is created from a number of sources, affecting residents:

- Public address system – this is used, mainly during the 3 day event, for calls to prayer, speeches and communal prayers. Calls to prayer are sometimes made during the middle of the night and have woken residents at 3am up to a mile away.

- Generators for lighting – These are switched on at dusk and off at morning light. The generators produce a continuous hum, audible throughout the night in properties in close proximity to the site.
- Reversing Alarms on construction vehicles – a number of vehicles fitted with reversing alarms are used during construction and dismantling of the site infrastructure, which typically lasts for 25 days, and are used more or less continuously during the working hours (8am to 8pm). Traditional (bleeper) alarms can be heard at a considerable distance from the site, probably between 500 to 1000 metres, and sometimes farther. Following years of complaints by local residents a number of the vehicles have now been fitted with white noise alarms which cannot be heard outside of the site. However, some vehicles with loud reversing alarms are still used and are a considerable irritant and disturbance to residents within hearing range, affecting peaceful enjoyment of their properties.
In addition, vehicles making deliveries and collections to and from the site are often fitted with reversing alarms. Whilst the AMA may have little or no control over these vehicles, they add to the general level of noise generated on site.
- Temporary metal tracks – vehicles driving over metal trackways which have not been laid on flat ground create a rattling noise which is a disturbance to residents in close proximity to the site, particularly when used by vehicles into the night.

Noise also has a detrimental impact on wildlife. In particular, noise which continues through the night has a detrimental impact on many of the protected nocturnal species, particularly bats and barn owls, which have been recorded in close proximity to the application site.

The South Downs National Park Tranquillity Study shows the site and the surrounding countryside to be within an area of high relative tranquillity. Considerable noise is generated during the whole period of the event, including the set up and dismantling period as described in detail below. This is contrary to SDNP Local Plan policy SD7 which states that *'Development proposals will only be permitted where they conserve and enhance relative tranquillity...'*. There is nothing in the application to demonstrate that the development conserves and enhances relative tranquillity.

Section 5.4 (Dark Skies) The lighting associated with the current running of the event is switched on before dusk and remains on until daylight the following day, illuminating the whole site and beyond. Skyglow from the site has been reported as far as 5 miles away. Neighbours in close proximity to the site have been affected by lights shining directly into their bedrooms and have reported occasions when they have had to get out of bed and ask for the offending lights to be directed away from their properties.

The inevitable light spill extends beyond the boundary of the site, including into the adjacent conservation sites, with unknown but inevitable consequences for protected nocturnal species. The extent and intensity of the lighting is such that the mitigation measures proposed are unlikely to result in any significant reduction in the impact of the lighting on the surrounding area unless the illuminated area is considerably reduced, both in terms of intensity and extent, and the period during which the site is illuminated is considerably reduced. There is a clear conflict here with the South Downs Local Plan Dark Skies Policy SD8.

Section 5.5 (Landscape Visual Appraisal) Infrastructure (tents, marquees, portakabins etc) can be seen increasingly from an early stage in the erection period, through to the final removal over the last few days of the dismantling period, currently a total period of 4 weeks. If the application were to be permitted, it would result in this period being extended to 7 weeks.

The LVA does not contain photos or visualisations of the site during the 3 day event or during the construction or dismantling period. As such, it gives little sense of the impact of the development on the landscape. The density and extent of the development during the event gives participants and visitors limited visibility of the landscape, with no sense of being in the National Park or even in the countryside, apart from the grass underfoot. It can therefore hardly be regarded as fulfilling the National Park purpose of *'promoting opportunities for the understanding and enjoyment of the special qualities of national parks by the public'*, even if it were open to the public. In fact we would argue that access to and enjoyment of the National Park in this area is inhibited for the general public during the period of the event due to traffic congestion on local roads, and the noise and disruption caused by the event, and unlawful diversion of the footpath across the site.

There are several photos from Green Street (B3004) with views into the site from the northern boundary. These photos give a rather limited sense of the extent of visibility into the site from the public road. This boundary was formerly delineated by a natural hedgerow which restricted views into the site. The removal of the hedgerow in 2016 opened up unsightly views from the road of an untidy array of clustered buildings, including, inter alia, the kitchen and its external flues, and numerous shipping containers. Comments have been received by members of the parish council concerning the increasingly industrialised appearance of the site from this section of Green Street where, formerly, it just formed part of the rural landscape, living up to its name. Hedgerows have also been removed along the southern boundary with Binswood. The Planning Statement reinforces this point when it acknowledges that *'the condition of the site has reduced in recent times'* (5.5.3). Whilst we welcome the proposal for replanting boundary hedging, it should be seen as doing no more than replacing what was previously there before it was removed by the AMA's contractors and can hardly be claimed as an enhancement measure.

The mitigation measures proposed for the external storage locations (presumably the shipping containers) is to rearrange them so they will be masked from public view (5.5.7). The Landscape Masterplan proposes screening the area with additional planting of native trees. Whilst additional tree planting is to be welcomed it will be many years before they grow to a point where they provide effective screening. Nevertheless, the existence of large numbers of these containers, however screened, in an agricultural/rural landscape, we consider to be in conflict with the NPPF requirement for conserving and enhancing the natural beauty of the landscape in National Parks.

Section 5.6 (Biodiversity) The application site is adjacent to Binswood SSSI, the Wick Wood and Worldham Hangers SSSI, and the East Hampshire Hangers SAC. The Preliminary Ecological Assessment submitted with the previous application listed some 27 protected species as having been recorded within 1KM of the site, many of them within 100 metres or less. The Bat Survey accompanying the application reorders seven species of bat (including the rare Barbastelle bat) on the site and the adjacent woodland. Despite the proposed mitigation measures, the potential for disturbance to many of these protected species, their habitats and foraging areas from the running of this event with its attendant nocturnal noise and lighting is high. This is in conflict with Policy SD9

which seeks to conserve and enhance biodiversity. Mitigation is not the same as conserving and enhancing. WPC has reservations as to how well the mitigation measures can be practicably implemented.

PLANNING POLICY CONTEXT

Planning policies applying to the SDNP are contained in the NPPF, the South Downs Local Plan 2019 and the East Hampshire Local Plan (Joint Core Strategy) 2014.

National Planning Policy Framework

In respect of National Parks, para 172 of the NPPF states:

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks...which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations, and should be given great weight...

The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major developments 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.*

The South Downs Local Plan 2019

The following policies are considered relevant to this application:

- SD3: Major Development
- SD4: Landscape Character
- SD6: Safeguarding Views
- SD7: Relative Tranquillity
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland & Hedgerows
- SD19: Transport & Accessibility

WPC's comments in respect of the issues covered by these policies have been made in the relevant sections of this document.

East Hampshire Local Plan (Joint Core Strategy) 2014.

- CP19: Development in the countryside

CP20: Landscape
CP21: Biodiversity

WPC's comments in respect of the issues covered by these policies have been made in the relevant sections of this document.

Planning Decision Conditions

However, if the SDNPA is minded to grant permission for this application we would request that the following conditions be included to mitigate the impact of the event, in particular on our local residents, our landscape, wildlife and users of this area of the National Park:

- Permission should be given for a 3 year temporary period
- Total time allowed for the event including construction and dismantling – 35 days. The application has requested 7 weeks but no justification has been given for extending it for such a long period. We believe this is excessive and unnecessary. Whilst the AMA do not always succeed in managing the event within the 28 days permitted development period, we believe an extra 7 days is adequate. The longer this working period is extended the greater the potential for disruption to the area, particularly for its impact on protected species and their habitats, and the public's enjoyment of this area of the National Park.
- The period of the event to be limited to 3 days. The intensity of the event reaches a peak in terms of lighting, noise, traffic etc over the days of the event. Extending it by a further day extends the local disruption unnecessarily.
- Permission should be limited to one event, the Jalsa Salana. No other events to be allowed.
- Limit the number of participants who can attend the event to 30,000
- Limit the number of vehicles parking on site <3,000
- Restriction on the use of access gate 2a for the 3 days of the event. This should not become a permanent access.
- Limits on the hours of working during the construction and dismantling period from 7am to 5pm
- Limit on the lighting, to be specified, but at a level which causes minimum disruption to residents and wildlife.
- Limits on noise, to be specified, but at a level which causes minimum disruption to residents and wildlife, and including a ban on bleeper reversing alarms which can be heard well beyond the site, and which should be replaced by 'white noise' alarms.
- Limits on the number and use of B8 storage units.
- Appropriate mitigation measures for protection of protected species on adjoining sites.
- Appropriate screening of all unsightly views and storage units. This should include early replanting of the hedgerow which was removed on the northern boundary of Oaklands Farm with Green Street, and the southern boundary with Binswood, and which should be done with mature, natural hedgerow species to provide early screening of the site.
- 12 months' notice of the dates of the event to allow local residents to plan their own events with confidence that they will not be disrupted through coinciding with the Jalsa Salana. (This has happened on several occasions with weddings and other important local events when the AMA have made late changes to the dates.)
- All the conditions specified in EHDC's Environmental Officer's response to the previous application, not included here.

