

**Application Number:** 16/10443 Modification or Discharge of Planning Obligation

**Site:** Land at ROESHOT & BURTON, HINTON, BRANSGORE

**Development:** Use of land as Natural Green Space (SANG)

**Applicant:** Christchurch Environmental Management Ltd

**Target Date:**

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Jim Bennett

## 1 REASON FOR COMMITTEE CONSIDERATION

The proposal is directly associated with an application (16/10443) which was previously determined by this Committee on 8th June 2016.

## 2 ASSESSMENT

- 2.1 This report is presented to Members in order to seek their support to enter into an Inter-Authority Agreement between Christchurch Borough Council (CBC), New Forest District Council (NFDC) and The New Forest National Park Authority (NFNPA) in order to facilitate full and proper management of a Suitable Alternative Natural Green Space (SANG). The SANG is within NFDC's and NFNPA's administrative areas at Roeshot and is required to mitigate the impact of housing development within CBC's jurisdiction. Planning permission was granted by this Committee's support on 8th June 2016, to use land as Natural Green Space, under ref. 16/10443. The Committee report is attached for the benefit of Members.
- 2.2 This Council has been asked to enter into the agreement to allow CBC to enter into a separate S106 Agreement between them and the developer/land owner to regulate the SANG and to enforce the provisions of it. The S106 Agreement will allow allocation of SANG land in the areas of NFDC and the NFNPA, as required by CBC in order to mitigate new housing development on land within their jurisdiction. It is important to note that while NFDC will not be party to the s106 Agreement, this Council will have a step-in right to enforce its provisions, if the s106 is not properly enforced by CBC. CBC will be able to act in terms of enforcement powers on this land (within New Forest District) and this would not prevent NFDC retaining a step in right if necessary.

## 3 RECOMMENDATION

That it be recommended to Council that authorisation be given to enter the Inter-Authority Agreement in accordance with the details set out in the preceding paragraphs.

## **PREVIOUS COMMITTEE REPORT**

Planning Development Control Committee

08 June 2016

Item 3 g

**Application Number:** 16/10443 Full Planning Permission

**Site:** Land at ROESHOT & BURTON, HINTON, BRANSGORE

**Development:** Use of land as Natural Green Space (SANG)

**Applicant:** Christchurch Environmental Management Ltd

**Target Date:** 01/07/2016

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### **1 REASON FOR COMMITTEE CONSIDERATION**

Requested by Committee Member

### **2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Plan Area  
Green Belt  
Landfill (Former)  
Flood Zone

### **3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

#### **Core Strategy**

CS1: Sustainable development principles  
CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
CS5: Safe and healthy communities  
CS6: Flood risk  
CS7: Open spaces, sport and recreation  
CS10: The spatial strategy

#### **Local Plan Part 2 Sites and Development Management Development Plan Document**

DM2: Nature conservation, biodiversity and geodiversity  
DM3: Mitigation of impacts on European nature conservation sites  
DM9: Green Infrastructure linkages  
DM25: Recreational uses in the countryside

#### **Hampshire Minerals and Waste Plan (2013) (HMWP)**

Policy 15: Safeguarding – mineral resources

#### **National Planning Policy Framework**

Chapter 9 - Protecting Green Belt Land

#### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework

#### **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

None

#### **6 RELEVANT PLANNING HISTORY**

No relevant history

#### **7 PARISH / TOWN COUNCIL COMMENTS**

BRANSGORE PARISH COUNCIL - recognise the special character of this area which should be protected from any urbanisation. The railway line acts as a natural barrier from any future development and this application should be considered to ensure that the Avon Valley is not vulnerable to any loss of character or urbanisation.

#### **8 COUNCILLOR COMMENTS**

Councillor Richard Frampton requested the application be determined by Committee as this may be the first time NFDC have been asked to mitigate a development in another County and there may also be implications on the quality of the development if open space is commuted off site.

#### **9 CONSULTEE COMMENTS**

9.1 Land Drainage Section - no objections

9.2 Southern Gas Networks - give informatives

9.3 Environment Agency - no objection in principle to the proposal. The Central SANG lies adjacent to the Main River Mude and in addition to any other permission(s) that the applicant may have already obtained, e.g. planning permission, an Environmental Permit for Flood Risk Activities is required to carry out work in, under, over or near a main river and in the flood plain of a main river. There are a number of elements of work which will require an Environmental Permit, such as the proposed new bridges, upgrading of existing bridges, resurfacing of existing right of way, proposed trees/planting and any other permanent or temporary works in, under, over or within 8m of the Main River.

9.4 Environmental Health (Contaminated Land) - The area of land forming the north-east tip of the proposed SANG, referred to in the application as Eastern SANG Area 2, is shown on historic maps dated 1970 onwards as a disused pit which was then a landfill that accepted inert / construction material from Wimpey Homes. The licence issued by the Environment Agency for the landfill is dated 1989. The proposal does not detail any ground invasive works as the space is to be kept open and used predominantly for dog walking. However, due to the former use of the site it is recommended that an informative note is applied to any planning permission.

- 9.5 Planning Policy Section - no policy objections
- 9.6 Natural England - no comments received
- 9.7 Hampshire County Council Minerals and Waste - The development lies within the mineral consultation area (MCA). This area is informed by the mineral safeguarding area (MSA) as defined through Policy 15: Safeguarding – mineral resources of the adopted HMWP. This development represents part of a larger proposed SANG with applications in each of the relevant authorities. The area is known to have high quality sand and gravel resources, as there is a site allocation for mineral extraction (Roeshot) adjoining the proposed area that is now the subject of a planning application and that is closely related to the creation of this SANG. HCC supports the maximisation of mineral resource use where they would be sterilised or otherwise rendered inaccessible. While a SANG would not necessarily sterilise the resources underneath, this depends on the specific design and execution of the SANG which the documents available state is still to be finalised. Furthermore the presence of the SANG may make the mineral resources inaccessible in order to avoid future disruption in the area. Therefore, in order to maximise the minerals that are gained, HCC supports incidental extraction of minerals where this is complementary with the landscape works that are undertaken as part of the development. This could be incorporated within the construction management plan. Furthermore, the development is of relevance based on its potential impacts on the allocated Roeshot site. To our knowledge the Roeshot mineral site developer has been involved in the SANG proposals and there are elements of the SANG documentation that discuss the minerals site and propose mitigation measures to ensure there is no impact from and on the mineral site. If these measures are adopted, the proximity of the minerals site is considered in any finalised plans for the SANG and significant impacts from and on the mineral site are avoided, HCC is satisfied that the Roeshot site has been safeguarded.
- 9.8 Ecologist - Overall, provided the Council is regarding this as a decision to allow change of use from agriculture to public open space, and that adequate controls can be put in place to secure submission of further details which the Council can control, the change of use can be regarded as being in accordance with policy. However the conditioning/reserved matter control would be vital to ensure all the varying objectives for this land can be adequately delivered within the parameters acceptable to the Council. In particular it would be important to secure details of biodiversity mitigation, compensation and enhancement, final landscape design and management details for the open space. If the Case Officer was minded the above could be secured I would no objection to the proposal at this outline stage.
- 9.9 Open Space Officer - There are no objections to the principal of converting this land into a SANG. It will compliment and not conflict with the POS and SANG works that are being carried out in the rest of our district, provided that the detailed design is appropriate. It is not clear how the timing of the adjacent proposed quarrying works may impact on users of the proposed SANG. Also there is a need to be clear about future ownership and management of the entire SANG. For example within NFDC all our proposed and future SANGS land will be transferred freehold to NFDC as owner and body responsible for ongoing maintenance.

9.10 Landscape Officer - There is no objection in principle for the land to be used as SANG to deflect visitor numbers to the SPA, SSSI and RAMSAR locally. However, the scheme appears to be driven entirely by the ecological benefits that may be achieved. Concern raised that there does not appear to have been any formal Landscape Visual Impact Assessment undertaken, which would identify this land as part of the Lower Avon Valley, by its very topography, a flat an open landscape with a very specific range of native species present. There is also no information regarding the phasing, restoration and delivery of the SANG, with regard to the delivery of housing which this SANG will serve. The other prime concern is the list of native tree, shrub and hedgerow species which does not include common species to this landscape type and an opportunity has been lost to pick up on some key features identified in the principles for landscape management. Similar concerns regarding the wild flower grass mixes which are too generic. It may well be that a species rich grass mix is a better way to approach this, allowing flowers to colonise themselves. Given that the land is currently nutrient rich there are no proposals diminish the nutrients to allow a suitable range of native grass and flower species to establish. There seems to be an over reliance on mown footpath routes, to make this site work all year round (given its wet location) consideration should also be given to provide a suitably surfaced circular walking route. If there is a desire to impose a new landscape character on this landscape then this must be made absolutely clear, normally through an LVIA process, that justifies the changes, whether through a change of use (to open access) that requires new infrastructure, or through the promotion of a new ecology. At this point in time the plans submitted are not sufficient to provide confidence that the landscape scale proposals will have a significant benefit to the existing landscape character or structure.

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision on this application

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.

- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case the applicant has been requested to provide more information regarding the impacts of the proposal upon local landscape character, details of the phasing, restoration and delivery of the SANG, a more native planting mix, suitably surface details of circular walking route and details of future ownership and management of the SANG, which will assist in informing the determination.

## **14 ASSESSMENT**

14.1 The proposal is for a Suitable Alternative Natural Green space (SANG) associated with the development of approximately 875 houses within Christchurch Borough Council's boundary. The site is extensive in area, located to the north of the railway line, between Salisbury Road and Roeshot. The land is predominantly in agricultural use, with some pockets of woodland. The River Mude passes through the centre of the site and it is crossed by Hawthorn Road to the west, a byway to the centre and a bridleway to the east at Roeshot. The SANG spans the boundary of three local authorities; Christchurch, New Forest National Park Authority and this Council. Individual applications will be submitted to each authority to consider the impact of the proposals. The Christchurch and NFNPA proposals essentially book-end the proposal that is the subject of this application, to the west and east respectively.

It should be noted that the detailed plans submitted with the proposal are labelled 'for illustrative purposes only' and that the proposal needs to be firmed up prior to formal determination of this full planning application. The applicant has agreed to provide additional plans to clarify the points raised in regard to lack of clarity on the current submissions.

14.2 The SANG is required in order to mitigate the potential harm caused by occupiers of the new dwellings within Christchurch to the nature conservation interest of protected sites including the New Forest SAC and SPA. It is proposed to provide an integrated network of paths for use by existing and future residents, including bridge enhancements, a pond, a car park, upgrading of existing rights of way and planting of woodland, hedgerow, trees and wildflower meadows, to enhance the experience of walkers and biodiversity interests. The element of the

SANG within NFDC's boundary occupies the largest, central portion of the site. It would predominantly be wildflower meadow, with mown paths and shrub, tree and hedgerow planting to the peripheries of the site. Existing woodland would be retained and the surfaces of existing rights of way will be improved. The purpose of the SANG is to attract recreational users, being well related to the associated housing development, thereby taking pressure off important, protected wildlife sites.

- 14.3 It is intended that the SANG would be secured by a Section 106 Agreement with Christchurch Borough Council being the lead authority on the proposal, as it is intended that the SANG mitigates the harmful impact that the occupiers of 875 new dwellings in Christchurch Borough would have on European wildlife sites. The onus is therefore on Christchurch Borough to ensure that the requisite arrangements are in place to ensure the SANG comes forward to mitigate any harm their housing development may pose to protected wildlife sites. The proposal is not required to mitigate harm caused by new housing within this Council's jurisdiction. This Council is not, therefore, required to be party to the mechanism by which the SANG is delivered. The main matters for consideration by this Authority are whether the proposal impacts upon the Green Belt, its impacts upon the character of the area; biodiversity; whether it enhances recreational uses in the countryside; whether mineral resources would be safeguarded by the development; and whether proposals for mineral extraction nearby would compromise the value of the SANG as a recreational alternative.
- 14.4 The proposal does not include any urbanising features except paths and some bridge enhancements and would not result in any harm to the openness or purpose of the Green Belt. The development is limited to the provision of a network of paths, bridge enhancements and soft landscaping and planting arrangements. Subject to clarification of the landscaping arrangements alluded to in the Landscape Team's consultation response, the proposal would have no harmful impacts on the Green Belt and is likely to enhance the character and appearance of the area, particularly in comparison to the current agricultural use, in accordance with Policies CS2 and CS10.
- 14.5 Policy CS5 of the Council's Local Plan part 1 Core Strategy states that 'development will be planned, designed and managed to create environments in which people feel safe', it goes on to state that 'particular attention will be given to creating places that have well-defined routes, spaces and entrances that provide for convenient movement without compromising security'. The design of the SANG appears to be consistent with this policy in terms of creating a number of new circular routes and access points across the whole site. Amended plans are awaited in respect of the final layout and planting proposals, however, the proposals broadly comply with this policy.
- 14.6 Policy CS7 states "Improvements will be made to enhance recreation, play and sports facilities within communities" and "in order to prevent adverse effects on internationally designated nature conservation sites, the Council will work with other local authorities to develop and implement a strategic approach to protecting such sites from recreational pressures, including provision for new and enhanced open spaces." With regard to NFDC's cross boundary duty to co-operate with

other Councils, the Statement of Common Ground from the Local Plan Inquiry indicates that NFDC were aware of the Christchurch Urban Extension from 2008, and that the draft SANG strategy with the concept of three SANG sites, very similar to the current application was shared with the Council in April 2012. The proposed site acts as the required strategic mitigation required by Christchurch Borough Council to offset the recreational pressures from new housing development. It will be for Christchurch Borough Council to assess the success of the project in mitigating the impacts of the new development within its boundary, but the proposal complies with the policy of this Council.

- 14.7 Policy DM2 of the Local Plan Part 2: Sites and Development Management states "Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity." The proposal has considered this aspect and appears to comply with this policy. The Council's Ecologist raises no objections to the proposal, subject to conditions. Given that the current agricultural use has resulted in an impoverished ecology within the site, the proposal is likely to enhance opportunities for biodiversity, although final details will need to be finalised through the discharge of conditions requested by the Ecologist.
- 14.8 In terms of mineral impacts, the Minerals and Waste Authority do not consider that the proposal would sterilise mineral resources in the locality, but this would be dependent upon the final layout of the SANG. The Mineral Authority suggest that opportunities should be taken to extract minerals from the development site during the course of construction, but considering the very limited nature of excavation proposed within NFDC's boundary, a condition requiring a construction management plan would appear to be unnecessary. The development proposes only soft landscaping, planting and recreational routes, which would not impinge upon underlying mineral resources. It should however, be noted that mineral extraction is proposed on an adjoining site at Roeshot, to the east of the River Mude, which will undoubtedly impact upon the quiet enjoyment of the SANG as a recreational facility. Environmental bunds are proposed around the peripheries of the mineral site to separate extraction operations from the SANG and some native woodland planting is proposed within the SANG against the boundaries of the extraction site, which will assist to some extent. It should be also borne in mind that the phases of extraction immediately adjoining the SANG would last for approximately 9 years and will not impact upon the SANG in perpetuity. There will also be opportunities to landscape the boundary of the extraction site to mitigate harmful impacts on the SANG. The extraction proposals are currently being considered by Hampshire County Council under ref. 16/10618.
- 14.9 In light of the above, it is considered that the proposal is worthy of support
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the



rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans : to be updated.

Reason: To ensure satisfactory provision of the development.

3. Before development commences a scheme showing the final, detailed landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include:

- (a) the existing trees and shrubs;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation;
- (f) management details of the open space reflecting the approved biodiversity measures and demonstrating other activities on and adjacent to the sites do not compromise the biodiversity measures during the lifetime of the use;
- (g) details of the mechanisms to provide ongoing management and maintenance of the SANG, including proposals for resourcing this mechanism.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to enhance opportunities for biodiversity in accordance with Policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

4. All hard and soft landscape, agreed under the provisions of condition number 3 shall be carried out within one year of the date of commencement of development and maintained thereafter and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. Prior to commencement of development full details of biodiversity mitigation, compensation and enhancement to achieve net biodiversity gain and in accordance with the principles of BS 42020 shall be submitted to and approved in writing by the Local Planning Authority. In particular measures for Southern damsel fly and farmland birds of conservation concern should be addressed, on-site and via off-site compensation areas, as well as demonstration of mitigation for impacts on Burton Common SSSI.

Reason: To ensure that the development takes place in an appropriate way and to enhance opportunities for biodiversity in accordance with Policy CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

**Further Information:**

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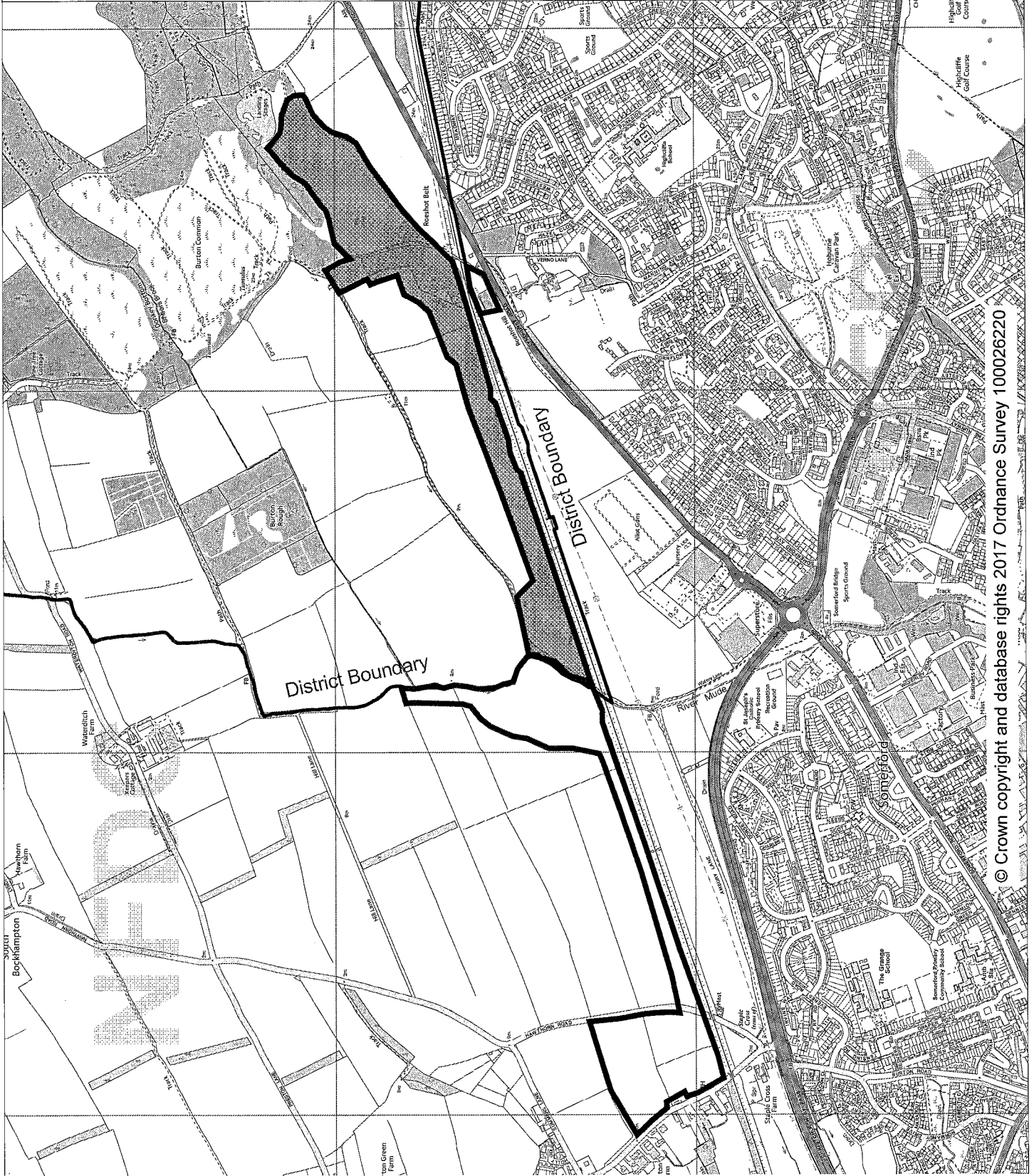
Planning Development  
Control Committee  
January 2018

Item No: 3i  
Land at  
Roeshot & Burton  
Hinton Bransgore

SZ2096

Scale 1:15000

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