

Report to	Planning Committee
Date	10 May 2018
By	Director of Planning
Local Authority	Winchester City Council
Application Number	SDNP/18/00939/CND
Applicant	Mr Peveril Bruce
Applications	Variation of Conditions 2, 9, 10 and 11 on Planning Consent SDNP/15/06486/FUL
Address	The Matterley Estate, Alresford Road, Ovington Hampshire SO24 0HU

Recommendation:

- 1. That temporary planning approval be granted subject to a deed of variation to the Section 106 Agreement being completed to incorporate the application details and subject to the conditions set out in Paragraph 10.1 of this report, and;**
- 2. That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the Section 106 Agreement is not completed within 2 months of the 10 May 2018 Planning Committee meeting.**

Executive Summary

Temporary planning approval was granted in 2016 to allow one music festival and one sports endurance event to be held each year on the Matterley Estate. The temporary approval was for a limited period expiring on 31 December 2019 to allow the impact of the additional number of attendees to the music festival event on the amenities of the area and the special qualities and enjoyment of the National Park to be reviewed. Currently the permission allows for two more festivals to take place until the permission expires.

The applicant now seeks a variation to a number of conditions on the planning permission. In summary the main variations proposed are:

- An increase in the number of attendees from 59,999 to 64,999 (plus an additional 1,000 on Sunday tickets for local residents) (Condition 2).
- An increase in the number of the days that the festival operates to allow a limited number of attendees to access the Festival on the Wednesday (Condition 2).
- An amendment to the condition which restricts when live and recorded music shall be played, to allow some music to be played on the Wednesday of the festival (Condition 9).
- An amendment to the condition which restricts when films and plays shall be played, to allow this to occur on Wednesday for a limited period (Condition 10).
- An increase in noise levels from 65db to 68db between the hours of 2100 and 2300 on Friday and Saturday night, an amendment to allow regulated entertainment on Wednesday (to be

inaudible at monitoring locations). The details of noise levels are set out in more detail below under the description of the development.

The application is considered to be Major for the purposes of Paragraph 116 of the National Planning Policy Framework and therefore the proposal must meet the exceptional circumstances and where it can be demonstrated it is in the public interest as set out in the Framework. It is considered that the proposals do meet these tests having regard to all the circumstances and particularly the limited and temporary nature of the events.

The application requires consideration in relation to whether it serves the purposes of the National Park with issues of tranquillity, vehicular activity and highway considerations, light pollution and landscape impact being balanced with the temporary nature of the events, the enjoyment and understanding of the National Park, the cultural and economic benefits to the area and the environmental benefits which can continue to be secured, were the application to be approved. This needs to be considered against the backdrop of the reason for a temporary approval, which was to allow the impact of the number of attendees (59,999) on the amenity of the area and the qualities of the National Park to be reviewed.

Ideally the consideration of the impact on current numbers would have taken place at the end of the temporary approval, however the current application requires the Authority to review the impact of an additional 5000 attendees since the resolution to approve in 2016, focussing on the festivals in 2016 and 2017.

Whilst arguably it would have been more helpful for the applicant to have awaited the expiry of the temporary approval to allow the Authority the opportunity to review the impact of the existing number of attendees to have been monitored fully, it is within the Applicants gift to submit such an application.

It is considered that the amendments to the conditions suggested are not so significant as to fundamentally affect the nature of the original application and the S73 route for consideration of the application is considered to be appropriate.

Given that the increased numbers (with the exception of 1,000 tickets for one day), are being provided to allow a better ratio of staff/crew and guests to ticket holders, it is considered that this is acceptable and will not detrimentally harm the purposes of the National Park (arguably it could be seen to improving management of the festival). The increase in the number of days for the event is also considered to have benefits in terms of staggering access into the site, on the proviso that the number being allowed to arrive early is controlled by condition. The increase in levels of noise during the limited times proposed is considered to be, for a temporary period, acceptable.

On balance, it is considered that the amendments to the conditions suggested are not so significant as to fundamentally affect the nature of the original application or result in such additional harm as to warrant a refusal over such a short period of time.

The application is therefore recommended for temporary approval.

The application is placed before the Committee because it is a major application, due to previous committee consideration and due to the number of representations received.

I. Site Description

- 1.1 The Matterley Estate is approximately 5 kilometres to the north-east of Winchester and is largely accessed via the A31 which divides the two sections of the holding. The estate extends to the north of Winchester Road (A31) to include Hampage Wood and Bushy Close woodland and southwards toward the junction with the A272 including Chilcomb Down. The estate is bounded to the south by the A272 and runs eastwards just beyond Cheesefoot Head. To the east just beyond a neighbouring field is Rodfield Lane. The northern parcels of land beyond the A31 Hampage Woods do not form part of this application.
- 1.2 The site includes numerous key characteristics of the wider landscape character area including: the distinctive rounded coomb of the Devil's Punchbowl (Matterley Bowl) which is a striking landmark landscape feature with areas of species rich unimproved chalk grassland on its steep sloping sides; Cheesefoot Head and its long reaching panoramic views – which is

one of the South Downs National Park's identified viewpoints; the distinctive hill top beech clump at Cheesefoot Head; and branching dry valley.

- 1.3 The estate continues to farm which consists of a dairy unit and an arable enterprise. The dairy unit also produces some value-added products such as milkshakes and runs a commercial shoot. There are a number of activities that occur alongside the farming activity, including an area set aside to explore hydrocarbons (which generates HGV movements daily to remove oil and water), temporary permission to hold two motocross events a year (use of the track is up to four days) and tank driving experience days. The temporary approval against which this application is being made also allows for one endurance sporting event such as Tough Mudder. The music festivals, such as Boom Town are largely concentrated in the natural amphitheatre known as 'Matterley-Bowl', but several venues now occupy adjacent fields and woodland areas (Temple Valley, Chilcomb Down) with associated infrastructure for car parking and camping.
- 1.4 The South Downs Way runs through the application site, being accessed to the immediate north west of the Cheesefoot Head Car Park and going in a north easterly direction across the Estate until turning towards the south east (and Rodfield Lane) by the main group of agricultural buildings which are located to just north of the centre of the site.
- 1.5 The site is at its highest to the south at the top of Cheesefoot Head with the levels dropping significantly to the north west of here into the bowl. The levels through the site from Cheesefoot Head drop along the South Downs Way gently towards the main agricultural buildings and beyond until shortly rising again before reaching the A31.
- 1.6 The site has a number of wooded areas, most notably to the immediate east of the Bowl and to the south of the main agricultural buildings.
- 1.7 The land to the west of Rodfield Lane and north east of Cheesefoot Head is known as Matterley Basin and is where the Motocross events have historically taken place. Land to the east of the agricultural buildings has also been used on occasions for 'tank driving event days' (for which a lawful development certificate was approved earlier this year).
- 1.8 A number of residential estate properties exist within the site. Beyond the site boundary are a number of scattered residential properties, some along the A31 on the northern side of the road close to the roundabout near the Intech building and also on the southern side of the road in an area known as Orrs Meadow. A small number of properties are located along Rodfield Lane. No residential properties are located along the A272 near the southern boundary of the site.
- 1.9 The site is situated in the East Winchester Open Downs (A5, South Downs Integrated Landscape Character area), and often allows expansive open views, including from popular elevated Cheesefoot Head viewpoint. The Matterley Bowl is clearly visible from the A272 given the elevated nature of the road.

2. Relevant Planning History

- 2.1 History in relation to Use of land (Festivals/etc.)
 - Certificate of Lawful Use for vehicle driving and storage of ancillary parking and structures – Withdrawn – 4 February 2014.
 - SDNP/14/00302/LDE – All non-agricultural related leisure uses including hosting of music festivals and concerts, tank driving, off road vehicle driving, sports events and a steam fair, along with all parking and associated activities with said uses – Refused – 10 June 2015.
 - SDNP/15/06484/FUL – Change of use of land from agriculture to mixed agriculture and holding of one music festival event and one sports endurance event in any calendar year (Retention of wooden structures within woodland associated with festival use.) – Temporary Permission for a limited period expiring on 31 December 2019 – Granted 3 November 2016.
 - SDNP/17/02979/LDE - Use of land for a mixed use for agriculture and the driving of tanks and other military tracked vehicles, and the operation of construction plant and vehicles, for corporate/team building/activity days/experiences between the months of

March and October, with the said vehicles stored on the land all year round. The construction of a purpose built driving track (for tracked vehicles); the construction of an area of hardstanding and the permanent siting of an ancillary mobile catering van and awning, toilet unit and storage container, and the erection of a hospitality marquee (between March and October). – Approved – 23 February 2018.

- SDNP/18/00994/FUL – Retention of modification to an existing access adjoining the A31 – Currently being considered. Subject of separate item for consideration by the Planning Committee (Agenda Item 11).
- SDNP/18/01017/FUL – Construction of 14.6m diameter water reservoir and associated plant at the westernmost corner of the Matterley Estate including retention of existing control box – Withdrawn – 23 April 2017.
- SDNP/18/01309/FUL – Retention of the existing overflow parking and coach pad at the westernmost corner of the Matterley Estate to be used solely in connection with arrivals and departures during the Boomtown Festival. – Currently being considered (consultation period not concluded yet).

3. Proposal

3.1 The application seeks the variations to the following conditions on the temporary approval granted in 2016. For ease of reference the existing conditions is set out first with the proposed amendment detailed underneath.

3.2 Condition 2 (existing wording)

The use of the site hereby approved shall be restricted to:

- i) One major music festival for operating between a Thursday and a Monday for a maximum of four consecutive periods of 24 hours a day and limited to 59,999 attendees in total (the total capacity of 59,999 people shall include tickets holders, performers, guests and staff) and shall only take place between 1 May and 15 October in any calendar year. Any work required in terms of setting and dismantling infrastructure required for the event shall not exceed 9 weeks in total.
- ii) One sporting/endurance event operating for a maximum of two consecutive days (for the avoidance of doubt a day is any 24 hour period of time) and limited to 29,999 attendees in total (the total capacity of 29,999 people shall include ticket holders, participants, guests and staff) and shall only take place between 1 May and 15 October in any calendar year. Any work required in terms of setting up and dismantling infrastructure required for the event shall not exceed 3 weeks in total.

Reason: To protect the amenities, special qualities and landscape character of the South Downs National Park, in accordance with Saved Policies DP4, DP11, CE5 and RT13 of the Winchester District Local Plan Review 2006, Policies CPI6 and CPI9 of the Winchester District Local Plan Joint Core Strategy 2013, NPPF and National Park Purposes.

3.3 Condition 2 (proposed variations in italics and bold)

The use of the site hereby approved shall be restricted to:

- i) One major music festival for operating between a **Wednesday** and a Monday for a maximum of four consecutive periods of 24 hours a day and limited to **64,999** attendees **plus an additional 1,000 Sunday tickets for local residents in total** (the total capacity of **64,999** people **plus 1,000 Sunday tickets for local residents** shall include tickets holders, performers, guests and staff) and shall only take place between 1 May and 15 October in any calendar year. **Public access on Wednesday to be limited to 16,000 persons in 2018 and 20,000 persons in 2019.** Any work required in terms of setting and dismantling infrastructure required for the event shall not exceed 9 weeks in total.
- ii) One sporting/endurance event operating for a maximum of two consecutive days (for the avoidance of doubt a day is any 24 hour period of time) and limited to 29,999 attendees in total (the total capacity of 29,999 people shall include ticket holders,

participants, guests and staff) and shall only take place between 1 May and 15 October in any calendar year. Any work required in terms of setting up and dismantling infrastructure required for the event shall not exceed 3 weeks in total.

Reason: To protect the amenities, special qualities and landscape character of the South Downs National Park, in accordance with Saved Policies DP4, DPI1, CE5 and RT13 of the Winchester District Local Plan Review 2006, Policies CPI6 and CPI9 of the Winchester District Local Plan Joint Core Strategy 2013, NPPF and National Park Purposes.

3.4 Condition 9 (existing wording)

Subject to condition 2, live music shall only be played at the music festival between the hours of 1000 and 0000 on Thursday and Sunday and between 1000 to 0400 on Friday and Saturday. Recorded music shall only be played at the music festival between the hours of 1000 and 0000 hours on Thursday and between 1000 and 0400 Friday, Saturday and Sunday. Between the hours of 0000 and 0400 on Monday mornings of the music festival recorded music shall be limited to the playing of recorded music in the form of a silent disco defined as 'the playing of recorded music with or without a DJ in such a way that it shall only be heard through headsets worn by persons present'.

Reason: In order to protect the amenity of the surrounding area in accordance with the NPPF and Saved Policy DPI0 of the Winchester District Local Plan Review (2006).

3.5 Condition 9 (proposed variations in italics)

Subject to condition 2, live music shall only be played at the music festival between the hours of ***1100 and 2300 on Wednesday***, 1000 and 0000 on Thursday and Sunday and between 1000 to 0400 on Friday and Saturday. Recorded music shall only be played at the music festival between the hours of ***1100 and 2300 on Wednesday***, 1000 and 0000 hours on Thursday and between 1000 and 0400 Friday, Saturday and Sunday. Between the hours of 0000 and 0400 on Monday mornings of the music festival recorded music shall be limited to the playing of recorded music in the form of a silent disco defined as 'the playing of recorded music with or without a DJ in such a way that it shall only be heard through headsets worn by persons present'.

Reason: In order to protect the amenity of the surrounding area in accordance with the NPPF and Saved Policy DPI0 of the Winchester District Local Plan Review (2006).

3.6 Condition 10 (existing wording)

Films and Plays shall only be played at the music festival between the hours of 1000 and 0000 on Thursday and Friday, 0000 to 0000 on Saturday and between 0000 on Sunday and 0400 on Monday. Between the hours of 0000 and 0400 on a Monday morning, the exhibition of a film shall be limited such that the noise emissions from the sound track to any film shown, shall achieve a noise level that is 10dB(A) below the ambient noise level, at the 'premises' boundary, measured as an Laeq 15 min. The ambient noise level as determined, shall be measured at locations on the premises boundary prior to the commencement of the event, with the methodology and locations agreed with the Local Planning Authority. The methodology and locations to ensure compliance with this condition shall be contained within the Event Management Plan.

Reason: In order to protect the amenity of the surrounding area in accordance with the NPPF and Saved Policy DPI0 of the Winchester District Local Plan Review (2006).

3.7 Condition 10 (proposed wording in italics)

Films and Plays shall only be played at the music festival between the hours of ***1100 and 2300 on Wednesday***, 1000 and 0000 on Thursday and Friday, 0000 to 0000 on Saturday and between 0000 on Sunday and 0400 on Monday. Between the hours of 0000 and 0400 on a Monday morning, the exhibition of a film shall be limited such that the noise emissions from the sound track to any film shown, shall achieve a noise level that is 10dB(A) below the ambient noise level, at the 'premises' boundary, measured as an Laeq 15 min. The ambient noise level as determined, shall be measured at locations on the premises boundary prior to

the commencement of the event, with the methodology and locations agreed with the Local Planning Authority. The methodology and locations to ensure compliance with this condition shall be contained within the Event Management Plan.

Reason: In order to protect the amenity of the surrounding area in accordance with the NPPF and Saved Policy DPI10 of the Winchester District Local Plan Review (2006).

3.8 Condition 11 (existing wording)

Between the hours of 1100 and 2300 noise levels from the music festival event shall not exceed 55dB Laeq (15 mins) and between the hours of 2300 and 0400 noise levels shall not exceed 45dB Laeq (15 mins). Between the hours of 1100 and 0400 noise levels from music in the octave band frequency range with a centre frequency of 63Hz and levels from music in the octave band frequency range with a centre frequency of 125Hz shall not exceed 65dB (Leq 15 mins). All noise levels from music shall be measured as above in free field conditions and in the absence of significant local noise sources at location to be agreed in writing with the Local Planning Authority no later than 28 days in advance of the event.

Reason: In order to protect the amenity of the surrounding area in accordance with the NPPF and Saved Policy DPI10 of the Winchester District Local Plan Review (2006) .

3.9 Condition 11 (proposed wording in italics)

Between the hours of 1100 and 2300 noise levels from the music festival event shall not exceed 55dB Laeq (15 mins) and between the hours of 2300 and 0400 noise levels shall not exceed 45dB Laeq (15 mins). Noise levels from music in the octave band frequency range with a centre frequency of 63Hz and levels from music in the octave band frequency range with a centre frequency of 125Hz shall not exceed:

- ***Wednesday – Regulated entertainment on Wednesday shall be inaudible at the monitoring locations.***
- ***Thursday – 65dB Leq (15mins) between 1000 and 0000;***
- ***Friday and Saturday – 65dB Leq (15mins) between 1000 and 2100; 68dB Leq (15mins) between 2100 and 2300; and 65 dB Leq (15mins) between 2300 and 0400***
- ***Sunday – 65dB Leq (15mins) between 1000 and 0000***

All noise levels from music shall be measured as above in free field conditions and in the absence of significant local noise sources at location to be agreed in writing with the Local Planning Authority no later than 28 days in advance of the event.

Reason: In order to protect the amenity of the surrounding area in accordance with the NPPF and Saved Policy DPI10 of the Winchester District Local Plan Review (2006).

3.10 **Opening Wednesday:** The applicant considers that the Opening of the event one day earlier to a limited number of ticket holders has benefits in traffic and operational terms and essentially creates a ‘soft’ opening. Recent event management plans have required stringent checks on all entering the festival and the applicant points to this being a contributing factor to significant queues developing at pedestrian gates during ingress in 2017. The applicant considers that the ‘soft’ opening will allow a staggered entrance into the site over two days, thus widening out the resultant activity across two days.

3.11 **Increased numbers:** The owners of Boomtown consider that to evolve the way it runs it must also change. As they aspire to change from a more niche festival to a mainstream festival they require the ability to attract high profile acts together with the resultant bigger crews and entourage to deliver their specific performances. The applicant argues that the ratio of public ticket sales to non-public ticket sales is approximately 4:1 whilst other similar events tend to have a ratio of at least 3:1 with them moving towards 2.5:1 as they increase in size. The increase of 5,000 would be solely staff, crew and guests and a table has been submitted demonstrating the breakdown of the additional numbers. The applicant also considers that the inclusion of 1,000 tickets to local people on a Sunday would make the event more inclusive, allowing local residents to enjoy an event they have only previously had experience of from the outside.

3.12 **Noise Level Increase:** The changes to noise levels which are proposed have been put forward in order to allow the more high profile artists to provide a better artist/audience experience who perform in this particular time slot. The organisers of the festival consider that as they attract higher calibre acts, the delivery arrangements need to be amended to ensure the acts concerned can deliver the optimal performance.

4. Consultations

4.1 Beauworth Parish Council – Objection.

- Use of a Section 73 application is inappropriate and the whole scheme which was given temporary approval should be reconsidered.
- The probationary period of the temporary approval is not yet served and the event isn't being managed well, isn't benefitting the community and is an inappropriate use of the South Downs National Park. Difficult to imagine an event less appropriate for a National Park.
- There have been traffic, crowd management, drug, crime, noise disturbance and light pollution problems, disruption to wildlife habitats and the environment and disruption of the South Downs Way National Trail.
- No alterations to or relaxation of conditions relating to this temporary planning permission should be allowed. Organisers have not yet proven that they are capable of running and managing the event in its current form, so should not be trusted to grow it further.

4.2 Bramdean & Hinton Ampner Parish Council: No objection.

4.3 Cheriton Parish Council: Objection.

- Policy considerations: The application is for significant changes to an existing consent, a purpose for which the Council considers Section 73 inappropriate. A full application is required and that proposal must be considered against national planning policy requirements, which were inadequately addressed when the current consent was granted.
- Environmental Impact Assessment: As the proposal is for a Theme Park in a Sensitive Area it therefore requires screening. Consider that screening will show that this is EIA development and that an Environmental Statement has to be provided before an application can be determined. The application is also related to other planning applications submitted by the applicant that seek to establish a permanent infrastructure. They are all elements of the same project, and this fact has to be taken into account in EIA Screening and in a subsequent Environmental Statement.
- Existing consent conditions: Condition I of the SDNP/15/06486/FUL temporary consent, which the applicant does not seek to change, requires SDNPA to monitor the authorised events with the approved attendance limits and noise levels until December 2019 and thence to carry out a review to determine whether this use of the land over the period of the temporary approval has met the purposes of the National Park. This is a key safeguard for the Authority and the community. Changing conditions 2, 9, 10 and 11 as requested by the applicant would 'move the goal posts' and nullify the rationale of granting temporary planning consent for monitoring and review purposes and render Condition I impossible to be implemented. SDNPA would be risking its reputation as guardians of the Purposes of a National Park by being unable to comply with a key condition which it set for itself. A temporary consent granted between 2016 and 2019 with the object of monitoring and reviewing during that period in time cannot be varied by granting amendments to the existing temporary consent without 'muddying the waters' to such an extent that it makes the process of monitoring and review impossible on an objective basis.
- Doubling of bass music noise: The proposed change to Condition 11 would increase the low frequency (bass) music noise limit between 2100-2300 on Fridays and Saturdays and would have the effect of doubling the sound intensity which would be in conflict with your Strategic Policy SD7 Relative Tranquillity and with your statutory duty to foster the social and economic well-being of local communities.

- Noise measurement unworkable: The arrangements for measuring noise levels are unworkable and should be replaced by a better arrangement, taking into account two comparable events – Goodwood Racecourse, also in SDNP, and Kendal Calling in the Lake District National Park.
- Cheriton Parish Council requests the Authority not to grant the application but would urge the Authority to be mindful of the opposition to increasing the low frequency (bass) music noise, expressed at the Boomtown licence hearing on 26 January 2018 by many residents and the Winchester City Council's Environmental Health Manager, and to set the terminal time for music at 2300 on all days and the distance at which noise measurements are taken at 1km from the site perimeter.

4.4 **Itchen Stoke and Ovington Parish Council:** No objection.

- No objections from parishioners received by the Parish Council.
- The Parish Council are clear that should Boomtown continue to seek further growth in numbers, entertainment times and volume beyond the levels agreed in the new license, there will be a severe erosion of goodwill at both resident and council level.

4.5 **Itchen Valley Parish Council:** Objection.

- Noise: There are times when the noise can be heard in all four villages within the parish. The increase in noise levels looks small but it must be remembered that the decibel scale is logarithmic and the application represents a significant increase in sound. Furthermore an increase in decibels at the lower frequency range will make matters worse. Low frequency noise travels further and therefore will create an even greater nuisance.
- Traffic: The control of this during the event has been inadequate resulting in significant traffic disruption to residents on roads in the parish, in some cases causing hours of delay. For at least two local businesses this has lost them income. The excuses for traffic problems (such as bad weather and computer glitches) demonstrate they are not in control and is a reason they should not be permitted to increase the number of participants attending.

4.6 **Owslebury Parish Council:** Comments.

- The Council noted the comments in the planning application as to the reasons for the proposed variation in the conditions relating to an earlier application (SDNP 15/06486/FUL). However the Council felt an earlier undertaking, as part of the 2016 temporary planning permission, still required to be discharged - in 2016 temporary planning permission was granted to 31 December 2019 "to allow the impact of the additional number of attendees to the music festival event on the amenities of the area and the special qualities and enjoyment of the South Downs National Park to be reviewed." Accordingly the Council considers it would be imprudent for SDNP to allow variations in the planning conditions until all the related undertakings given in previous applications had been discharged to the satisfaction of SDNP.

4.7 **Titchborne Parish Council:** Objection.

- The earlier planning application carried a condition 'to allow the impact of the additional number of attendees to the music festival event on the amenities of the area and the special qualities and enjoyment of the South Downs National Park to be reviewed.' The parish council considers this important condition continues to carry significant weight in relation to the current application and asks the Committee to refuse the application and support the condition in its entirety.

4.8 **Dark Skies:** Comments.

- Assume there is no change in the lighting plan.
- If lighting is required, then it should be installed using the same recommendations as the previous.
- As for the additional day, the impact on lighting would be the same as other days but the duration of lighting will inevitably reduce the opportunity to access dark skies.

Although this will be somewhat limited by the reduction in astronomical sky conditions at the height of summer the site still would have a significant impact on dark skies as mentioned in previous consultations

- *(Case Officer Comment: The proposed lighting plan forms part of the event management plan which is scrutinised prior to the event and the Authority has the opportunity to liaise with the Dark Skies Officer and the applicant in relation to any element of the plan that is of concern).*

4.9 **Economy & Development (WCC):** Support.

- The Council's Cultural Strategy sets out the value of cultural and creativity as significant contributors to the economic prosperity of the District. The main objective is to establish Winchester as a vibrant centre for contemporary culture and creative enterprise alongside its reputation as a world class heritage destination. It also suggests that working together the Council will facilitate sympathetic and sustainable diversification in rural areas such as the Matterley Estate.
- In 2015 Tourism South East were commissioned to quantify the economic impact of the Boomtown Festival which at that time had 46,000 attendees. Their report estimated the total net expenditure associated with the Festival in 2015 was almost £5.7 million. This was made up of just under £1.9 million expenditure by festival attendees and £3.8 million event organiser/contractor expenditure.
- There are however concerns expressed by a number of local business representatives that anticipated traffic congestion caused by the event creates problems for some business, either due to staff not being able to get to work on time or that customers avoid the area during the festival leading to a decline in trade. The proposed amendment to allow 16,000 people to enter on a Wednesday should help spread attendee arrival times and therefore may help with traffic congestion issues.
- A number of local charities based in the Winchester District have benefitted from much-needed income and profile. Boomtown also offers a stage for local performers setting out on their careers, giving them vital experience in a professional context.

4.10 **Fire & Rescue Service:** Comments awaited.

4.11 **Health and Safety Executive:** Comments awaited.

4.12 **Health Authority (Winchester):** Comments awaited.

4.13 **Highways (HCC):** No objection.

- Satisfied that the variation to permit an additional 5000 attendees can be managed through the existing Traffic Management arrangement.
- Allowing a limited number of the public to arrive on Wednesday will also help to reduce the total number of people arriving on Thursday-Sunday.

4.14 **Highways England:** No objection.

4.15 **Landscape:** Comments awaited.

4.16 **Natural England:** No comment.

4.17 **NHS Hampshire Primary Care Trust:** No comments received.

4.18 **NHS Winchester and Eastleigh Healthcare:** No comments received.

4.19 **Police & Crime Commissioner:** No objection.

4.20 **South Downs Society:** No comments received.

4.21 **Southern Water:** Comments in response on previous application remain unchanged and valid (set out below for clarity).

- Applicant has not stated details of means of disposal of foul and surface water drainage from the site.
- No public foul and surface water sewers in the area to serve the development. Applicant is advised to examine alternative means of foul and surface water disposal.
- Environment Agency should be consulted regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation.

Owner of the premises will need to empty and maintain the works or septic tank to ensure long term effectiveness.

- It is possible that a sewer now deemed to be public could be crossing the property. Therefore should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, number of properties served and potential means of access before any further works commence on site.
- Proposed development would lie within a Source Protection zone as defined under the Environment Agency Groundwater Protection Policy.

4.22 **Winchester City Council:** Comments.

- **Environmental Health Response:** No objection in relation to proposed changes in respect of Conditions 2, 9 and 10. No objection in relation to Condition 11 but would make following comments: In respect of the Wednesday opening, Environmental Health did agree a condition with the applicant prior to the Licence hearing that all regulated entertainment would be inaudible at the agreed monitoring locations.
- In respect of low frequency noise levels Environmental Health did object to an increase. This was because the applicant applied to increase the noise levels in the octave bands with a centre frequency of 63Hz and 125Hz from 65dB Leq 15 mins to: 1100-2100 68db, 21-2300 70db, 2300-0400 68db, The licensing committee took note of the recommendations and made some minor alterations such that the noise levels remained the same as in the previous licence (65dB Leq 15 mins) from Thurs-Sun) with the following exception: Friday and Saturday 2100-2300 = 68dB.
- This increase of 3dB on two nights represents a small increase in the noise levels to that which was originally applied for and is still only within daytime hours. In our experience, it is the post 2300 low frequency noise that has given rise to higher levels of noise complaints and public nuisance. It is not considered that the small proposed changes will result in a significant amenity impact or cause public nuisance.
- **Strategic Planning Response:** No Comments.

5. **Representations**

- 42 Letters of support.
- Whilst there are traffic impacts, there are alternative routes in the area. Opening on a Wednesday will help with the traffic congestion on Thursdays. In addition, this is only for a limited period over 4 days. Significant that Police and Highways England have no objection to the application.
- Whilst there is noise for 4 days, the positives outweigh the negatives. Arguably in some years noise levels have been louder but this has largely been due to wind direction which is beyond control of organisers. Considerable efforts made by organisers to create additional sound proofing around the site. Boomtown creates less disruption than other events within the National Park.
- The Festival brings employment for local people, revenue to local businesses. Financial support given to local charities.
- Brings enjoyment to so many including families with the atmosphere it generates. Increasingly well managed. Unique festival where the layout, scenery and storyline is imaginatively created. Safe, local and clean. Each year local ties become stronger, with this being the 8th Boomtown to be held on the site. Such is its popularity that tickets sell out way in advance of the event.
- A great way to introduce a new section of society to the beauties of the National Park.
- Whilst there are always going to be problems with drugs, drink and crime the organisers tackle this with a mature approach.
- There are no permanent buildings or other works which would harm the landscape.
- Provides a platform for major international artists but also under represented local artists.
- Applicant has taken on desires of the Planning Committee and developed access to the farm and its wooded areas by schools and young people with learning difficulties.
- Being involved in the motocross events, receive great feedback about being impressed

by the natural beauty of the National Park.

- The opportunity to allow local people to visit the event on the Sunday will provide an opportunity for local people to understand what the event is.
- No negative consequences to Winchester Science Centre opposite the site.
- See improving numbers and diversity of all wild species year on year.

5.1 12 letters of objection.

Purposes of Park & Policy

- Proposals are misaligned with just about all of the SDNPA aspirations and mission statements.
- Defra Circular 2010 confirms that large music festivals have the potential to harm the special qualities of a Park and need to be controlled. This statement was not mentioned in the original report to Committee and clearly ignored.
- Duty to foster economic and social wellbeing of local communities is not met by the event.
- Not in accordance with SDNP policies SD5, SD6, SD7, SD8.

Procedural Queries

- A full application is needed for a change of this scale and type. This and other applications contribute to a full change of use as the permanent infrastructure is altering the site to that of a theme park.
- Need to be reviewing impact of Boomtown and other activities on site on a constant basis or against a stable date base, and on those grounds the application should be rejected.
- No permission should be granted until a serious environmental assessment has been received.
- Additional farm has been acquired by the applicant and would stress that the activity of Boomtown must be confined to the land which is covered by the existing temporary permission.
- The reason for a temporary approval was to monitor the impact of the additional number of attendees. Current application is based on commercial considerations and no valid reason why the numbers should be increased.
- Applicant statement indicates no sporting event in 2018, but an event is currently being advertised for 12 May.
- If weight is placed on the determination of the licensing sub-committee, there are a number of flaws. Comments constrained to 4 licensing principles. Objectors not being given opportunity to respond on amendments to the proposed licence. Disproportionate time given to objectors to speak compared to applicants QC.
- Conditions attached to licence application hypothetically could allow for only 5,000 staff crew and guests with up to 59,999 tickets being allowed to be sold. No details available of what caused the police to withdraw their objection.
- At a recent meeting in Cheriton, the organisers of Boomtown refused to say that they would not apply for greater numbers, louder sound and extended periods and greater acreage at future events in subsequent years.

Ecology

- New application does not contain any environmental assessment.
- Between Cheesefoot Head and Gander Down only one of two small colonies of Corn Bunting in Hampshire exist. The festival will adversely impact this colony.

Noise/Tranquillity

- The doubling of bass noise will conflict with the SDNP Policy of relative tranquillity
- Local residents can already hear the music and booming bass notes that travel miles across the countryside. Unreasonable to expect an increase on those levels. If the levels are not adequate for the bands, perhaps this indicates a rural field adjacent to a National Park is not an appropriate venue for this type of event.

- Object to the fact that an event can play music until 4am.
- Adding the Boomtown noise to the ambient in a city will have far less impact than in a tranquil environment.
- Policy SD8 refers to relative tranquillity, the direct and indirect impacts on the visual and aural environment; and the impact on the experience of users of the public right of way network. The duration of events, level of noise does not produce tranquillity.
- The application falsely assumes the existing temporary consent noise levels are acceptable without evoking the conditional evaluation over the three year period.
- Comparable festivals mentioned by applicant but only one is in a National Park and this is significantly smaller than the submitted application.
- Noise levels exceed Noise Code and WHO guidelines.

Traffic & Transport/Highways

- Local residents feel trapped in their villages during the arrival and departure days.
- Concern that emergency vehicles cannot travel around the area easily.
- Management of the traffic entering the site was extremely poor for the MotoX event.
- Additional danger to road users is posed by young people wandering along country roads with no torch.
- Site Plan shows a new gate 'L' off Rodber Lane, which is a windy narrow lane carrying no more than 20-30 traffic movements a day. This gate will allow access for up to 20,000 traffic movements over the event.
- The lengthening of the event will require the traffic management plan to be in place for an additional day, which would include gap closures along the A31 which have caused journeys to be significantly lengthened, thus adding additional disruption.
- The site was not ready in 2017 on the Thursday for the numbers so it is difficult to see how the additional day will improve. This will still not improve departing traffic issues on the Monday.

Crime & Disorder

- Appear to continue to be serious issues with controlled illegal drugs, Concerns raised by the Police about effectiveness of the search operation at the festival in 2017.
- Although organiser intention is to change the profile of its artists and therefore customers, this has not yet been achieved.

Economic Benefit

- No evidence to support assertions that Boomtown events generated economic benefit to residents and businesses within the National Park. There is nothing to indicate that increasing the number of people attending will generate any economic benefit.
- The claims made in the original document about economic benefit are seriously flawed. Estimates of benefit were not reduced by negative effects upon surrounding road network. Also confirmation of no sporting event in 2018 further reduces so-called economic benefits.

Farm Diversification

- The original report mentioned about diversification to allow the applicant to continue to develop his agricultural enterprise. No financial evidence to support this contention was placed in the public domain. However in 2017, the applicant purchased the neighbouring farm. Given the cost of purchasing this neighbouring farm, this can only mean the enterprise is viable and that the expansion of Boomtown is not needed.

Enforceability of Planning and Licence Conditions

- Ticket sales are not audited by WCC. Nothing to stop additional tickets being sold on the open market.
- WCC do not hold records or monitor whether organisers have kept compliance with previous restrictions on numbers.

Other Issues

- SDNP made representation to recent licence application questioning whether premature to seek an increase in the scale of the event whilst the impact of the temporary permission continues to be monitored. Equally relevant on this application.
- Must be rejected or at least not allowed to continually expand year on year with associated road gridlocks, noise, nuisance, deaths, drugs, thefts, burned out cars and vandalism.
- Currently 2 events contrary to the temporary permission. Disregard by the owner for the planning law and obligations.
- Do not consider that as a major development the proposals can be in the national interest. Small changes to the car park and South Downs Way are small compensation for the deleterious effects caused by the events.
- Area of land used for the stages continues to increase.
- One of the car parks, at the junction of the A272 and A31 seems to be in use throughout the year and is not restricted to days of the festival. (*Officer Comment: This is subject of a separate application that will be placed before members for consideration in June.*)

5.2 Letter of Objection from Upper Itchen Valley Society

- It is not possible to make an assessment of a temporary approval if the conditions are changed at this stage.
- This application is made under S73 but the changes proposed are not of the type envisaged by Parliament when enacting this section.
- Surprised that Hampshire Police have offered no objection given the content of their original objection to the licensing committee.
- The event has an adverse effect on local business and does not contribute to the economy of villages within the National Park. The extra day will make this worse.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plans in this area comprises the Saved Policies of the Winchester District Local Plan (First Review) 2006 and the Winchester District Local Plan: Joint Core Strategy (2013). The relevant policies to this proposal are set out 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.

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

National Planning Policy Framework and Circular 2010

6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

6.5 Paragraph 116 of the NPPF confirms that Planning permission should be refused for major development in designated areas (such as National Parks), except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Consideration of such applications should include an assessment of 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, the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

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

6.7 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan. Relevant policies are 1, 3, 13, 28, 29, 32, 38, 39, 40, 41, 42, 48 & 55.

7. Planning Policy

7.1 The following saved policies of the Winchester District Local Plan Review 2006 are relevant to this proposal:

- DP4 – Landscape and Built Environment
- DPI0 – Pollution Generating Development
- DPI1 – Unneighbourly Uses
- DPI2 – Pollution Sensitive Development
- HE1 – Archaeological Site Preservation
- HE2 – Archaeological Site Assessment
- RT13 – Noisy Sports
- T2 - Development Access
- CE28 – Recreation & Tourism

7.2 The relevant policies of the Winchester District Local Plan Joint Core Strategy (2013) are:

- DSI – Development Strategy and Principle
- MTRA4 – Development in the Countryside
- CPI0 - Transport
- CPI5 – Green Infrastructure
- CPI6 – Biodiversity
- CPI9 – South Downs National Park
- CP20 – Heritage & Landscape Character
- CP21 – Infrastructure & Community Benefit

7.3 The South Downs Local Plan: Pre-Submission version was published for public consultation on 26 September 2017 for 8 weeks up to 21 November. After this period, the next stage in the Plan's preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation and that the policies are considered to be compliant with the NPPF the Pre-submission Local Plan it is currently afforded some weight.

7.4 The relevant planning policies of the Pre-submission Local Plan are: SD1, SD2, SD3, SD4, SD7, SD8, SD9, SD11, SD17, SD19, SD20, SD21, SD22, SD23, SD25, SD34, SD40, SD45, SD46, SD54.

8. Planning Assessment

Introduction

8.1 The previous application was considered to be major development for the purposes of Paragraph 116 of the National Planning Policy Framework.

- 8.2 It is considered, as with the original temporary approval, that there are a number of public interests pertinent to this particular proposal. Firstly, the conservation and enhancement of the National Park which is the SDNPA's primary obligation to protect that public interest in accordance with its two statutory purposes. This is a matter for consideration as some balance is required. Whilst it is acknowledged that there may be some impact on the conservation and enhancement of the National Park this has to be balanced by the fact that it is essentially temporary and the applicant is prepared (and has already carried out) other works in association with the secured legal agreement have had and continue to have a more permanent positive impact on the conservation and enhancement of the National Park. In this regard, the S106 Agreement secured enhancements to the Cheesefoot Head Car Park, a permissive link between Cheesefoot Head Car Park and the South Downs Way, the implementation of a temporary diversion of the South Downs Way during the festival, the installation of a water point and cycle repair station along the South Downs Way and also SSSI enhancements within the site. Likewise, the ability to carry out such events provides the opportunity for the applicant to carry out conservation and enhancement through his stewardship of his estate for the remainder of the year.
- 8.3 The second public interest under consideration here is meeting a socio-economic need of communities within this part of the National Park. The matter of economic and social benefits were considered in the original application.
- The Need for the Development, including in terms of national considerations and the impact of refusing or approving it on the local economy.
- 8.4 The Matterley Estate has been holding a number of events for some years now and this has not been without its problems in the initial years and this is generally accepted. Notwithstanding this, the organisation of the events appears to have been fine-tuned now and are the subject of event management plans which are scrutinised in some detail under the licence agreements by Winchester City Council and by the Safety Advisory group which meets regularly. It must be noted that the elements which form part of this application have recently been granted an entertainment licence by Winchester City Council.
- 8.5 The events, most notably Boomtown music festival are shown to have been of economic benefit to Winchester and the surrounding local areas (including those within the National Park). This is noted by the Winchester Council Economic Development Team in their consultation response. Whilst the extent of the economic benefit has been questioned it is nonetheless clear that it does bring some economic benefits to the region.
- 8.6 In addition it must be acknowledged that the events provide recreational opportunities for a wide cross section of the wider community and indeed nationally bringing people into the National Park that otherwise may not have visited with the potential for return trips and an increase in understanding and enjoyment of the park.
- The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way;
- 8.7 Events of the scale proposed have been organised for some time at Matterley (although it is appreciated that the accumulation of these activities resulted in the exceeding of the 28 day rule). Some activities have been specifically drawn to the location because of the topography of the land, natural beauty of the area and because it brings something different than other festival events/locations. In addition, it is noted that the site has close links to the strategic highways network and the City of Winchester and the coastal cities of Southampton and Portsmouth which assists as far as a suitable location is concerned. Added to this it is important to note that the application was, and continues to be submitted as part of a diversification scheme to assist with the agricultural activities that take place on the site all year, and in this respect, for the applicant alone, that need could not be met elsewhere in land within his ownership outside the National Park. The events assist in allowing the farm to be managed in the way it is rather than a more arable focussed approach which could be to the detriment of the landscape. Specifically only about 50% of the farm is used for arable purposes with the remainder used for grassland, woodland and game plots.

8.8 Whilst the need could perhaps be met in another way, by the applicant operating within his permitted development rights, it is clear that the application has been submitted for a larger number of days within which to operate in order to be a meaningful form of diversification. Controls of the nature proposed through this application would not apply if the applicant was to rely solely on his permitted development rights. The limited proposed amendments suggested do not alter this view which was reached on the previous application.

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

8.9 The report sets out below, the effects on the environment, the landscape and recreational opportunities and is inherently part of the consideration of whether the amended scheme meets the purposes of the National Park. In summary it is considered that there are some short term temporary effects on the environment, landscape and recreational opportunities. This must however, continue to be balanced with the long term enhancements being secured as part of this application, together with the recreational opportunities that the events themselves offer. It is also key to consider the fall-back position, as set out earlier.

8.10 Given the above it is considered that the proposal meets the exceptional circumstances set out in Paragraph 116 of the National Planning Policy Framework.

Appropriateness of submission of a S73 application and other procedural issues.

8.11 Concern has been raised in relation to a number of issues with regard to the timing, nature and manner in which the application has been submitted. The first concern relates to the application being submitted under S73 of the Town and Country Planning Act (1990).

8.12 Section 73 of the Act allows for the submission of an application to develop land without compliance with conditions on an earlier permission. In this respect the proposals are clearly to continue their approval but without complying with a number of conditions which were attached. Officers consider that, whilst the amendments raise a number of material considerations, they are not considered as to significantly alter the nature of the use of the land as approved or amount to a 'fundamental alteration' to the proposal put forward in the original application. Section 73 is considered to be an appropriate route and does not prevent the Authority from having regard to the material considerations.

8.13 It is also contended by some parties that the application to increase numbers should not come forward whilst the numbers set in the temporary approval are still subject to monitoring and that the Authority cannot be in a position to reach a conclusion on existing numbers, let alone any increase. The temporary approval explicitly set out that the reason for the original condition was in order for the Authority to monitor the impact of the increased numbers on the Park. It is accepted it would have been more helpful to have been able to monitor the current numbers until the end of the temporary permission, however it is within the gift of the applicant to apply to increase the numbers should he choose and the Authority is duty bound to consider this. As part of that consideration regard is had to the consultation responses from statutory bodies and agencies who have been actively involved in the strategic management of such events and the experiences from those events.

8.14 Concern has also been raised that the Application should require an Environmental Impact Assessment. Officers have carried out a screening of the application and come to the conclusion that an Environmental impact Assessment is not required. Details of the screening have been uploaded to the Authority website.

Condition 2 – Increase in numbers and limited opening of Festival one day earlier

8.15 The limited opening of the festival one day earlier is being put forward as a 'soft opening' in order to stagger the arrival of ticketholders to the site. This is considered to provide an opportunity to ease the pressure of vehicular activity across two days thus preventing greater hold-ups around the site on the Thursday of the festival. This appears to have been generally accepted by the statutory bodies such as Highways and the Police. In itself this is not considered to be a significant amendment to the original temporary approval and the benefits are considered to weigh in favour of amending this part of the condition accordingly. The proposed music levels are sufficiently low key on the Wednesday and whilst

the influx of a number of people on this day will undoubtedly have some impact on the tranquillity of the immediate surrounding area, this is not considered to be sufficiently so as to be unacceptable, given the benefits that would occur by the staggered opening of the festival.

- 8.16 The increase in numbers attending the festival is a slightly more complex issue. Whilst the festival continues to develop, as does the management of the event, there still appear to have been problems in one way or other each year with regard to some element of the organisation and control of the event. Only last year there were problems on the opening day of the festival with ticketholders queuing for considerable periods before gaining access to the site. The issues that arose here were documented by the Police in their response to the recent entertainment licence where they concluded that they were not minded to support the increase in numbers. The licence application was subsequently amended in line with what is being proposed here and the objection by the Police Authority was subsequently withdrawn.
- 8.17 Notwithstanding that the Police Authority raised no objection on the basis that the additional numbers (excluding the additional 1,000 tickets for local residents on the Sunday) were solely for staff, crew and guests. The license application therefore was approved by Winchester City Council confirming that of the 64,999 attending no less than 5,000 should be staff, crew and guests. Officers consider, given no objection from the Highway Authority and Police Authority, it would be difficult to sustain a refusal in relation to highway safety or crime prevention issues. It is however felt that, given the applicants main reasoning for the increase is to improve the staff management/ticketholder ratio to align more with other festivals, thus arguably improving the management of the event, then this needs to be conditioned more strictly than the recent licence application. If Members are minded to approve, officers recommend a condition which not only limits the number of total attendees but also sets an upper limit as to how many of those should be ticketholders.
- 8.18 Concern has been raised that conditions limiting number of attendees do not meet the tests set out in the National Planning Policy Framework as they are not enforceable and the festival organisers do not have a system to monitor who is within the site at any one point. Officers are reassured by information from the organisers confirming that attendees, in whatever capacity have bar codes scanned on both entry and exit, thus ensuring that records are available at all time of numbers on the site.
- 8.19 The wider issue of the general impact of increased numbers in terms of noise, landscape, impact, ecology and other matters are considered in more detail below.

Conditions 9 to 11 – Noise levels, live music performances and recorded music/films

- 8.20 The applicant has proposed limited music on the Wednesday of the festival that would be inaudible from the monitoring locations. Whilst concern has been raised in relation to the word 'inaudible' and how this is enforceable, it is clear that, should any complaints be received during the Wednesday of the festival, Environmental Health would be able to investigate accordingly and ascertain whether noise levels were 'inaudible'.
- 8.21 It is clear that the issue of noise from the Festival impacting local residents and nearby villages remains a concern for this limited period during the festivals. The applicants had sought more wide ranging increase to noise levels as part of the recent licence application. However the levels were revised prior to the licence hearing and the proposed changes were limited as part of the licence approval to some small increases predominantly on the Friday and Saturday evening having more mainstream large acts attending the festival and expecting noise levels for their performance to be at this level. The new range of noise levels have been given scrutiny and consideration by the Environmental Health Officer. Whilst there were clearly concerns raised at the licence hearing with regard to noise levels, Environmental Health consider the levels proposed now to be more acceptable and therefore no objection has been raised.
- 8.22 Naturally the matter of tranquillity is a high priority for the National Park as evidenced by the inclusion of Policy SD7 in the South Downs Local Plan which is soon to be subject to examination. The Authority continues to be involved in Safety Advisory Group meetings

which review any issues which may have arisen during the festivals. Whilst there is concern with regard to any increase in levels, regard must be had to the advice of the Environmental Health Team and that any impact is very temporary. On this basis, it is considered that the amendments in conditions 9 to 11 are, on balance, acceptable.

Principle of development with regard to Policies within the Winchester District Local Plan Joint Core Strategy and the Saved Policies of the Winchester District Local Plan Review 2006.

- 8.23 The matter of compliance with Policies contained in the Local Plan Joint Core Strategy and the Saved Policies of the Winchester District Local Plan Review were considered in some detail in the original report to Committee. For ease of reference, the report is attached at **Appendix 2.**
- 8.24 The assessment against the original application is still relevant as are the policies which were highlighted. Whilst the South Downs Local Plan now has greater weight than at the time of the earlier approval, the weight that can be attributed to the emerging plan is only modest alongside the Joint Core Strategy, given that the Emerging Local Plan will still need to be subject to examination in the coming months.
- 8.25 Members were minded to approve the previous application in the full knowledge that the use of the land for one music festival and one sporting event would have some short term impacts on special qualities of the National Park such as tranquillity and landscape, but that this had to be balanced by the longer term stewardship of the landscape by the applicant together with opportunities to promote and support the enjoyment of the understanding of the park.
- 8.26 Those considerations remain the same now as they were then, but consideration has to be given as to whether the balance significantly shifts from the position previously taken.
- 8.27 Were the proposed additional numbers to have been solely for ticketholders, one could have arguably expressed concern that this would give rise to a number of issues as raised by the Police Authority in their original submission to the WCC licensing application. Given however that the increased numbers are intended to improve the ratio of ticketholders to staff/crew and guests, there is an argument that this is addressing the issues raised at the last festival (ingress of ticketholders to the event and suspension of checks for a limited period) It is considered as described above that this would need to be subject to a suitable condition to ensure the ratio is maintained and respected.
- 8.28 For sake of completeness it is considered necessary to revisit the relevant policies in relation to this development as proposed to be amended.
- 8.29 The Defra publication 'English National Parks and the Broads – UK Government Vision and Circular 2010' at paragraph 27 confirms that:
"Events with the potential to harm the special qualities of a park, such as caravan and vehicle rallies and large music festivals, will need to be controlled".
This is a good starting point in understanding that the issue of large music festivals in a sensitive location need to be given close scrutiny. It is also important to note that the circular highlights that the potential to harm the special qualities of the park is such that these sort of events will need to be controlled. This does not infer that large music festivals must be resisted, but that there is a debate to be had as to whether the nature of the festival and resultant impact are such that the qualities of the National Park are adversely effected and would therefore need to be resisted or in some way controlled by way of appropriate conditions. This then forms part of the consideration of this application.
- 8.30 Saved Policy CE28 of the Local Plan Review allows for recreation and tourist facilities in the countryside provided that they maintain and safeguard the open undeveloped nature of the countryside, do not require buildings or structures which would be harmful to the area and do not conflict with the needs of agriculture and forestry. In this respect the various structures and infrastructure required for large scale events have a short term impact on the landscape character. For the majority of the year the landscape character is unaffected and the agricultural needs of the applicant continue to be met during the events. The proposed

amendments to the conditions do not change the number of days during the year when there would be activity in terms of setting up and closing down of the festival and therefore it is considered to be acceptable in this regard.

- 8.31 Saved Policies DPI0, DPI1 and DPI2 relate specifically to pollution which is considered in more detail below, but Policy DPI1 requires closer consideration. This policy confirms that development which would create noisy uses, or which would generate volumes of traffic unsuited to the local area will not be permitted. Exceptionally such uses might be permitted if they are remote from housing, well screened by landform as to withstand the pollution and capable of containing the use within a defined area. As has already been mentioned, it is noted that such events carried out in earlier years had suffered with organisational issues and resulted in some major concerns, predominantly in relation to traffic. Since that time it is understood that the Event Management Plans have gone a long way to alleviating these issues, together with detailed monitoring of noise by the Local Environmental Protection Team at Winchester at each music festival. It is considered, with strict plans in place, as has become the norm that the proposals can accord with this Policy. The proposed amendments could be seen to be extending the period of activity across 5 days thus increasing noise pollution and tranquillity however conversely the staggered opening offers a 'soft opening' thus reducing the more intense activity that has occurred previously on the Thursday of the festival. Given the latter point the proposals are considered to be acceptable in this respect. The noise level increases do not sit entirely comfortable with policy in this respect, however Environmental Health do not consider the limited increases to be unacceptable and therefore refusal on this ground would be difficult to justify.
- 8.32 The Winchester Local Plan Joint Core Strategy has as an overarching theme, as set out in Policy DSI to work proactively to find solutions so that development that accords with policies can be approved wherever possible to secure proposals that improve social economic and environmental conditions in the area. This has been considered previously and whilst the diversification that the festival brings already allows the applicant to steward his land, the amendments are considered to continue to meet the requirements of Policy DSI.
- 8.33 Policy MTRA4 limits development to that having an operational need for a countryside location, such as for agriculture (alongside other development in relation to reuse of buildings, extension/expansion of buildings and small scale sites for low key tourist accommodation). The Policy confirms that such development should not cause harm to the character of the area or neighbouring uses or create inappropriate noise/light and traffic generation. This will be considered in more detail later.
- 8.34 Of particular reference is Policy CPI9 which relates to the South Downs National Park confirming that development should be in keeping with the context and setting of the landscape and settlements of the Park. The emphasis is on small scale proposals in sustainable locations. Development supporting socio-economic well-being of the Park will be encouraged as long as there is no conflict with the Parks purposes. Most importantly and pertinent to this proposal as per the earlier temporary approval is that, development which would have a significant detrimental impact to the rural character of settlements and the landscape should not be permitted unless it can be demonstrated that the proposal is of over-riding national importance or its impact can be mitigated. The main balance for consideration therefore on the previous approval was looking at the detrimental impacts that such uses might have on the National Park and the extent to which they are already being or will be able to mitigated, if minded to approve and their temporary nature. This application is no different in that consideration must be had as to whether the proposed amendments affect the balanced conclusion reached on the earlier approval. Even with the changes proposed it is considered that, given that it is a temporary approval and subject to scrutiny by way of conditions the application would be broadly in accordance with Policy CPI9.
- 8.35 The remaining material considerations are considered to be as follows:-
- The impact on the landscape character of the area
 - The impact in terms of noise pollution and light pollution.
 - The impact on the highway network

- Economic Considerations
- Ecology
- Crime & Disorder
- Archaeology
- Drainage
- Other issues raised in representations.

Landscape

- 8.36 Policy CP20 seeks to conserve and enhance the natural beauty, wildlife and cultural heritage of the SDNP. The justification text explains that major developments should not take place within the South Downs National Park except in exceptional circumstances. The LVIA concludes that the overall magnitude of landscape character impact from the development is assessed as being 'small'. The landscape officer on the earlier application highlighted that there would undoubtedly be some detrimental impact from the proposals although temporary. Likewise concern was raised about the impact on the tranquillity of the area, both during the events and during the set up and take down of infrastructure.
- 8.37 Notwithstanding this the landscape officer came to the conclusion that the development could be acceptable subject to suitable controls on the number of events days and the set-up/take-down, through appropriate conditions, the requirement to produce an EMP and adherence to those conditions.
- 8.38 The major issues for consideration continue to be whether the temporary nature of the events continues to makes a difference, the weight to be afforded to the stewardship of the land by the applicant for the remainder of the year in conserving the beauty of the landscape, by being able to hold these events and whether the balance in totality confirms that the landscape character is conserved or enhanced. In this respect the amendments do not change the nature of the event for this limited period. Whilst it is clear that there are other elements which are the subject of separate applications are requiring permanent infrastructure that affects the landscape character of the area, these will be considered on their own merits/demerits with regard to how the landscape character would be affected. It is however considered that the number increase and additional day would not significantly affect the landscape character, so long as the duration of the festival were not to expand further and would still be controlled in terms of the set-up/take down.
- 8.39 It is acknowledged that the increase in numbers may have unknown/unintended consequences and this is why any proposed amendments would still need to tie in with the temporary approval to allow this to be monitored until the expiry of the permission.
- 8.40 Whilst the applicants agent has confirmed that a Sports endurance event as allowed within the approval will not take place this year, this is not essentially relevant in that the approval allows the applicant to have such an event if they so wish.

Noise and Light Pollution

- 8.41 Whilst it is arguable that the opening of the event on the Wednesday will result in the majority of festival lighting will be in operation for one further day, the level of music and lighting will be more low key on the Wednesday.
- 8.42 It is considered that the issues of light pollution can continue to be monitored and managed by way of conditions and the EMP as part of this approval and that the proposed amended conditions do not significantly impact in this respect to the point that refusal could be justified on this basis.
- 8.43 As already mentioned, the noise level increase would have an impact beyond that currently experienced, however it is considered, having regard to the advice given by the Environmental Health Officer, that this increase would fall outside the more critical time bands when noise complaints have generally been prevalent and for the limited time between 21.00-23.00 on the Friday and Saturday of the Festival this increase is considered on balance to be acceptable.

Highways Impact

- 8.44 Highways England have raised no objection to the amendments to the application. Neither have the Police Authority. On this basis, the amendments to increase the numbers and to have a staggered opening on the Wednesday are considered to be acceptable in this respect.
- 8.45 Concern was raised in relation to the use of a new gate (Gate L) off Rodfield Lane in relation to the management of traffic. The applicant has confirmed that it is one of three accesses which serve a 6,000 capacity car park and utilises an existing farm access. The rationale is that with more access points the ability to get cars off the highway network and onto the site quicker is enhanced. Assuming an equal division of traffic between the three entrance points the access would handle 2,000 vehicles. The Highways Authority will have had access to the submitted Transport Report in forming their consultation response and have raised no objection to the transport arrangements. On this basis the arrangements are considered to be acceptable in highways terms.

Economic Considerations

- 8.46 The economic benefits of the events were highlighted on the previous application. Whilst concern has been raised as part of this application with regard to the authenticity of the previous information, and notwithstanding that perhaps the full extent or otherwise of the benefits that such events bring to the local economy and that of the National Park are always going to be difficult to fully quantify, it was considered that economic benefits do accrue in some form. The proposed amendments would not significantly. It must be noted however that the concerns raised by residents in relation to businesses being able to function across the road network during the festival may be improved by the staggered opening of the festival thus preventing a more intensive amount of activity as currently exists on the Thursday of the festival.

Ecology

It is considered that the ecology and biodiversity interests can continue to be addressed by way of a suitably robust condition. It is not considered that the amendments proposed have an unacceptable impact on ecology. Natural England have raised no objection to the proposed amendments.

Crime & Disorder

- 8.47 The Police Authority have not raised an objection to the current proposals. Having regard to the concerns which were raised during the licence application by the Police Authority, it is considered that a control on the number of ticket holders attending the event is necessary. This will enable the ratio of staff/crew and guests to be increased, which was one of the main reasons put forward for the increase in numbers.

Archaeology

- 8.48 The amendments do not impact on any matters of archaeological concern and were adequately covered by conditions on the original approval. Any approval here would replicate the same conditions to ensure future protection of archaeological interests.

Other issues raised in representations

- 8.49 Most of the matters covered in the representations have been covered elsewhere in the report including how the matter of whether a condition limiting attendees is enforceable at any point of the festival. Clarification has been sought with regard to this issue. Currently all attendees receive an e-ticket and when they arrive at the festival this is exchanged for a public wristband. This is then scanned to confirm that the attendee has entered the site. The wristband is then scanned out of the festival when the attendee leaves. If there is a temporary loss of internet connectivity, the scanners have the capability to work offline. Once re-connected to the internet, the scanner synchronises its data with the main server.
- 8.50 At any time, the Public Gate Managers can review how many wristbands have been issued by checking how many e-tickets have been issued. The gate scanners allow the Gate Manager to see how many people have scanned in and out of the festival to give a total number of ticket

holders on site. It is therefore considered, on the information given, that Condition 2 is enforceable.

9. Conclusion

- 9.1 In summary the amendments are considered, on balance, acceptable for a limited period. This will allow the Authority to continue to monitor the impact of the event and its impact. It must however be acknowledged that the incremental increase in numbers will continue to reduce the balance between the acceptability of the use of the land for such events and the impact on the purposes of the park. Temporary approval is therefore recommended subject to the suggested amended conditions together with additional controls on the number of paying ticketholders attending.
- 9.2 The short term detrimental impacts to the landscape and in terms of noise and light pollution are balanced by the long term environmental benefits and enhancement that the applicant continues to carry out as a result of this diversification together with the opportunities to increase understanding and enjoyment of the park by a wide variety of people. It must also be recognised that the events provide economic benefits to the surrounding area and the National Park. It is therefore considered that tests under Paragraph 116 of the NPPF and the Purposes of the National Park continue to be met taking all matters into account by these proposals.

10. Recommendation

- 10.1 The application is recommended for approval subject to the completion of a deed of variation to the original legal agreement which secured the following:
- i) Formalisation of arrangements for the management of Cheesefoot Head Car Park with Hampshire County Council and enhancements to the site.
 - ii) Establishment of a permissive link between the Cheesefoot Head Car Park and the South Downs Way.
 - iii) Submission of and implementation of permanent improvements to the temporary route during the closure of the South Downs Way and securing of this as a permanent alternative route.
 - iv) Installation of new drinking water point and LSTF bike repair station along the South Down Downs Way.
 - v) Submission and implementation of a schedule of environmental/ecological enhancements to the SSSI.

And that authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the Deed of Variation is not completed or sufficient progress has not been made in securing the agreement within 2 months of the 10 May 2018 Planning Committee meeting.

And subject to the following conditions:

1. The permission hereby granted shall be for a limited period expiring on 31 December 2019.

Reason: To allow the impact of the additional number of attendees to the music festival event on the amenities of the area and the special qualities and enjoyment of the South Downs National Park to be reviewed.

2. The use of the site hereby approved shall be restricted to:
 - i) One major music festival for operating between a Wednesday and a Monday for a maximum of five consecutive periods of 24 hours a day and limited to 64,999 attendees in total (the total capacity of 64,999 people shall include a number of ticket holders no greater than 48,000) and an additional 1,000 attendees on the Sunday for local residents and shall only take place between 1 May and 15 October in any calendar year. Any work required in terms of setting up and dismantling infrastructure required for the event shall not exceed 9 weeks in total.

- ii) One sporting/endurance event for a maximum of two days and limited to 29,999 attendees in total (The total capacity of 29,999 people shall include ticket holders, participants, guests and staff) and shall only take place between 1 May and 15 October in any calendar year. Any work required in terms of setting up and dismantling infrastructure required for the event shall not exceed 3 weeks in total

Reason: To protect the amenities, special qualities and landscape character of the South Downs National Park, in accordance with Saved Policies DP4, DP11, CE5 and RT13 of the Winchester District Local Plan Review 2006, Policies CPI6 and CPI9 of the Winchester District Local Plan Joint Core Strategy 2013, NPPF and National Park Purposes.

3. No event shall take place unless a comprehensive Event Management Plan (EMP) has been submitted to, and approved in writing by the Local Planning Authority. The EMP shall be submitted at least 60 days prior to the proposed event start date and shall include, though not be restricted to a Traffic Management Plan, details of measures for ensuring public health and safety, details of lighting, measures to avoid site contamination, the protection of biodiversity and the restoration of the site following use. The approved event shall be carried out in full accordance with the approved EMP.

Reason: To ensure satisfactory planning of events, to safeguard the amenities, character and appearance and biodiversity of the area, in accordance with Saved Policies DP4, CE5, CE10 and RT13 of the Winchester District Local Plan Review 2006, Policies CPI6 and CPI9 of the Winchester District Local Plan Joint Core Strategy 2013, NPPF and National Park Purposes.

4. The recommendations outlined in the Extended Phase I Ecological Assessment ECOSA Ltd dated 21 December 2015 shall be strictly adhered to. At the end of each calendar year a report shall be submitted to the LPA ecologist detailing how the applicant has met the criteria set out within the ECOSA Extended Phase I Ecological Assessment of 21 December 2015. The report should be submitted by a suitably qualified ecologist. The report shall be submitted to the LPA before the end of December each year for five years and include information on the number of events.

Reason: To mitigate any harm to wildlife, in accordance with the CE10 of the Winchester District Local Plan Review 2006, Policies CPI6 and CPI9 of the Winchester District Local Plan Joint Core Strategy 2013, NPPF and National Park Purposes.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development falling within the Schedule 2, Part 4 Class B of the Order shall be carried out without the prior written approval of the South Downs National Park Authority:

Reason: To ensure the Landscape character of the area is conserved in accordance with Policies CPI6 and CPI9 the Winchester District Local Plan Joint Core Strategy (2013) and the National Planning Policy Framework

6. A draft Archaeological Management Plan shall be submitted to the Local Planning Authority at least 120 days prior to the commencement of the event, unless otherwise agreed with the Planning Authority. No event shall take place unless a final Archaeological Management Plan, together with a Written Scheme of Investigation for any archaeological mitigation works required, is submitted to the Local Planning Authority for written approval no later than 60 days prior to each event. No change to the AMP or WSI (once approved) shall be made after this date except with the written consent of the Local Planning Authority.

Reason: To ensure any potential Archaeology is conserved in accordance with Saved Policies HE1 and HE2 the Winchester District Local Plan Review (2006) and the National Planning Policy Framework.

7. No development or site preparation shall take place until the archaeological mitigation work set out in the approved AMP / WSI has been implemented.
- Reason: To ensure any potential Archaeology is conserved in accordance with Saved Policies HE1 and HE2 the Winchester District Local Plan Review (2006) and the National Planning Policy Framework
8. No development or site preparation works shall take place other than in accordance with the AMP / WSI approved by the Local Planning Authority. Following completion of archaeological fieldwork a report will be produced in accordance with the approved AMP / WSI, including where appropriate post-excavation assessment, specialist analysis and reports and publication. The report shall be submitted to and approved by the Local Planning Authority.
- Reason: To ensure any potential Archaeology is conserved in accordance with Saved Policies HE1 and HE2 the Winchester District Local Plan Review (2006) and the National Planning Policy Framework.
9. Subject to condition 2, live music shall only be played at the music festival between the hours of 1100 and 2300 on Wednesday, 1000 and 0000 on Thursday and Sunday and between 1000 to 0400 on Friday and Saturday. Recorded music shall only be played at the music festival between the hours of 1100 and 2300 on Wednesday, 1000 and 0000 hours on Thursday and between 1000 and 0400 Friday, Saturday and Sunday. Between the hours of 0000 and 0400 on Monday mornings of the music festival recorded music shall be limited to the playing of recorded music in the form of a silent disco defined as 'the playing of recorded music with or without a DJ in such a way that it shall only be heard through headsets worn by persons present'.
- Reason: In order to protect the amenity of the surrounding area in accordance with the NPPF and Saved Policy DP10 of the Winchester District Local Plan Review (2006).
10. Films and Plays shall only be played at the music festival between the hours of 1100 and 2300 on Wednesday, 1000 and 0000 on Thursday and Friday, 0000 to 0000 on Saturday and between 0000 on Sunday and 0400 on Monday. Between the hours of 00.00 and 04:00 on a Monday morning, the exhibition of a film shall be limited such that the noise emissions from the sound track to any film shown, shall achieve a noise level that is 10dB(A) below the ambient noise level, at the 'premises' boundary, measured as an Laeq 15 min. The ambient noise level as determined, shall be measured at locations on the premises boundary prior to the commencement of the event, with the methodology and locations agreed with the Local Planning Authority. The methodology and locations to ensure compliance with this condition shall be contained within the Event Management Plan.
- Reason: In order to protect the amenity of the surrounding area in accordance with the NPPF and Saved Policy DP10 of the Winchester District Local Plan Review (2006).
11. Between the hours of 1100 and 2300 noise levels from the music festival event shall not exceed 55dB Laeq (15 mins) and between the hours of 2300 and 0400 noise levels shall not exceed 45dB Laeq (15 mins). Noise levels from music in the octave band frequency range with a centre frequency of 63Hz and levels from music in the octave band frequency range with a centre frequency of 125Hz shall not exceed:
- *Wednesday – Regulated entertainment on Wednesday shall be inaudible at the monitoring locations.*
 - *Thursday – 65dB Leq (15mins) between 1000 and 0000;*
 - *Friday and Saturday – 65dB Leq (15mins) between 1000 and 2100; 68dB Leq (15mins) between 2100 and 2300; and 65 dB Leq (15mins) between 2300 and 0400*
 - *Sunday – 65dB Leq (15mins) between 1000 and 0000*
- All noise levels from music shall be measured as above in free field conditions and in the absence of significant local noise sources at location to be agreed in writing with the Local Planning Authority no later than 28 days in advance of the event.

Reason: In order to protect the amenity of the surrounding area in accordance with the NPPF and Saved Policy DPI10 of the Winchester District Local Plan Review (2006).

12. The sounds systems of the principal stages at the music festival shall be tested to ensure compliance with Condition 11 prior to the commencement of the music festival event. The local Planning Authority shall be notified no less than 24 hours in advance of such testing being undertaken. The applicant shall appoint a suitably qualified noise consultant to monitor and record on-site and off-site noise to ensure compliance with Conditions 9-11.

Reason: In order to protect the amenity of the surrounding area in accordance with the NPPF and Saved Policy DPI10 of the Winchester District Local Plan Review (2006) .

Informative

Archaeological Management Plans and Written Scheme of Investigation should be produced in accordance with the guidance issued by the Chartered Institute for Archaeologists.

11. Crime and Disorder Implications

- 11.1 It is considered that the crime and disorder issues or implications have been addressed elsewhere in the report.

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.

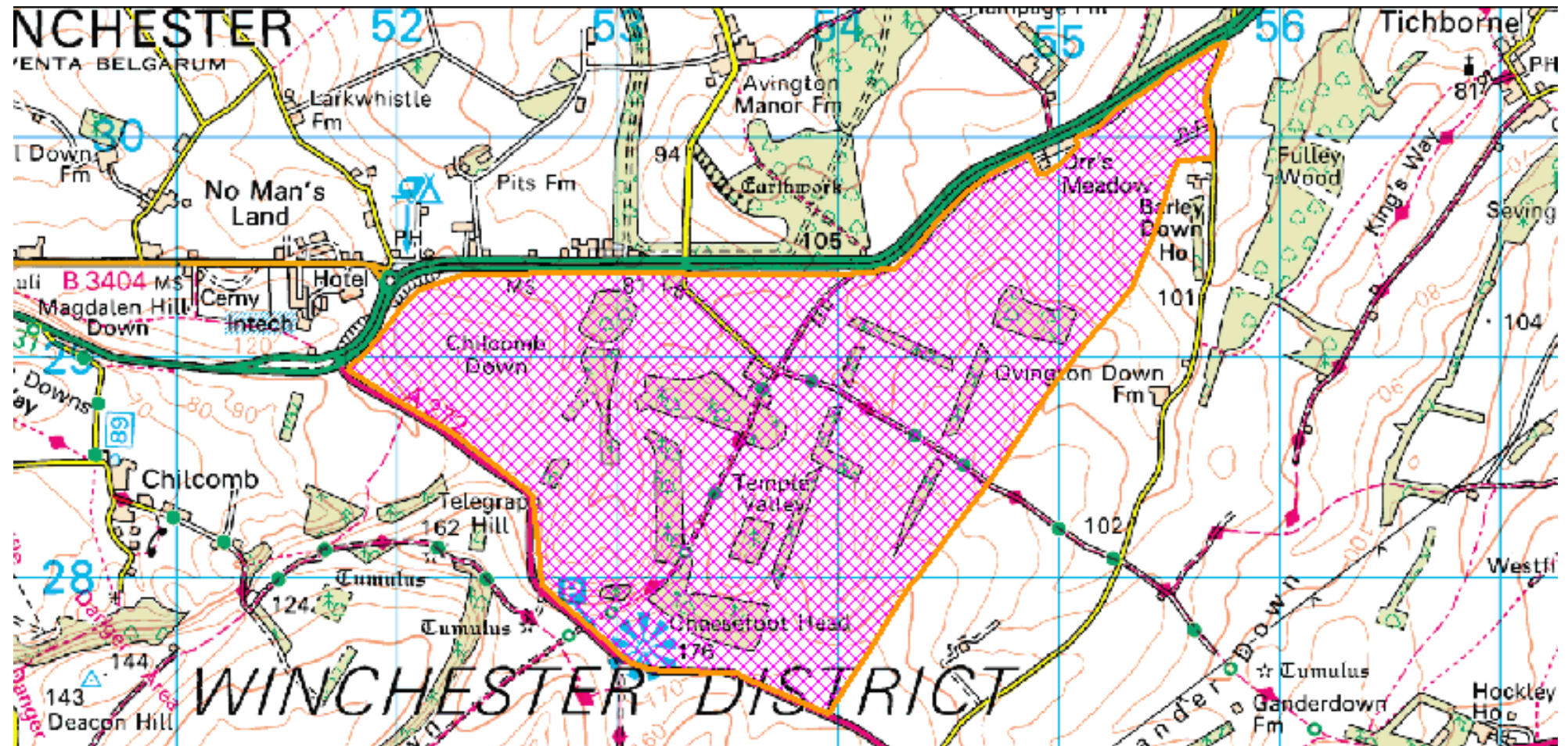
14. Proactive Working

- 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. This has included the provision of advice, numerous meetings and the opportunity to provide additional information in support of their application.

TIM SLANEY
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South Downs National Park Authority

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Appendices 1. Site Location Map
2. Application SDNP/15/06486/FUL – Committee Report
SDNPA Legal Services, Director of Planning
Consultees
Background Documents Public Access, Application Summary and Associated Documents
<http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P4CENATUIBT00>
National Planning Policy Framework
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/60772/16950.pdf
National Planning Practice Guidance
<https://www.gov.uk/government/collections/planning-practice-guidance>
Defra: English National Parks and the Broads – UK Government Vision and Circular 2010.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf
SDNP Partnership Management Plan
<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>
Winchester District Local Plan (First Review) (2006)
<http://www.winchester.gov.uk/planning-policy/local-plan-review-adopted-2006-and-previous-local-plans>
Winchester District Local Plan Joint Core Strategy (2013)
<http://www.winchester.gov.uk/planning-policy/local-plan-part-1-joint-core-strategy-adopted-march-2013-local-plan-review-2006>
South Downs Local Plan Pre-Submission
<https://www.southdowns.gov.uk/planning/national-park-local-plan/>

Site Location Map



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