

Report to	Planning Committee
Date	12 September 2024
By	Director of Planning (Interim)
Local Authority	East Hampshire District Council
Application Number	SDNP/24/00588/CND
Applicant	ReCharge One Ltd
Application	Variation of Condition Numbers: 2, 3, 4, 6, 14, and 33 on Appeal APP/Y9507/W/22/3308885. (Officer note- Description of development: Change of use and redevelopment of the site to provide a recharge centre for electrically powered vehicles, with control and battery room and secure area for the delivery and storage of Bio Gas. Up to 60 eco-lodges (Use Class C1), and engineering work to create an earth sheltered block comprising of tunnel floor space for a flexible mix of uses within classes C1 and E(a)(b)(c). The formation of a two-way entrance off the B2070, the laying of a perimeter vehicular access road, with link roads, cycle tracks, and areas of hardstanding to provide up to 127 parking spaces. Engineering work for the purpose of landscaping and operations to install drainage infrastructure).
Address	Land north of A3 Junction, The Causeway, Petersfield, Hampshire

Recommendation:

- 1) That planning permission be granted subject to the conditions set out in paragraph 10.2 of the report and the satisfactory completion of a Deed of Variation to the Legal Agreement, to secure:
 - Offsite biodiversity net gain credits
 - 2) That authority be delegated to the Director of Planning to refuse Planning Permission, with appropriate reasons, if the Deed of Variation to the Legal Agreement is not completed, or insufficient progress made, within six months of the 12 September 2024 Planning Committee meeting.
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Executive Summary

Members considered the application at a previous meeting on the 11 July 2024 (report in **Appendix 2**). The decision was to defer a decision for the following reasons:

1. To clarify the introduction and use of the proposed substation, now shown on the plans sought to be varied. This is in relation to whether it would undermine the off-grid nature of the scheme, which the Inspector gave weight to.
2. Consider what would be an exceptional circumstance for the substations being brought into use, as per condition 13, and how its operation could be monitored and enforced.

This report is an addendum to the report in **Appendix 2** and they should be read together. It updates Members on the engagement officers have sought with the Applicant to address the above concerns and their response.

Since the 11 July 2024 committee meeting, officers have engaged with the Applicant to seek to address Members' reasons for deferment. Officers requested that the applicant provide further commentary about:

- (1) why the substation is needed;
- (2) what would constitute an exceptional circumstance for its use; and
- (3) how its use could be monitored.

Another option put to them was to include condition 13 in the application, with amendments to its wording to better define 'exceptional circumstances' and how these could be monitored in an enforceable way.

The applicant has chosen to provide some detail as to what they consider to be the exceptional circumstances where they might need to use the substations. These are outlined in the report and officers are satisfied that the circumstances are reasonable and could be monitored and enforced.

In addition, the applicant has submitted a Legal Opinion (**Appendix 3**) which challenges the validity of the reasons for deferring the application and subsequent officers' advice in seeking to address Members' concerns.

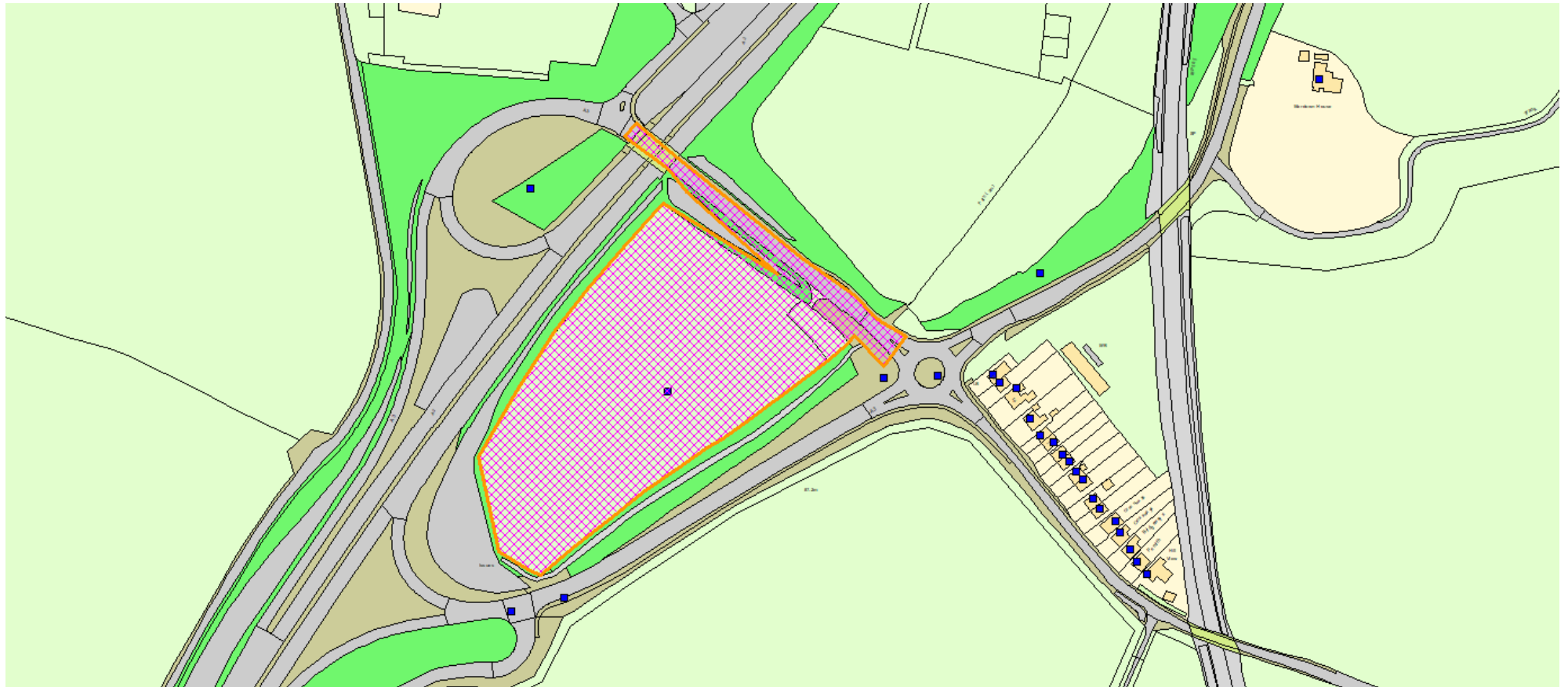
The Opinion outlines:

- 1) The proposed substation is not inconsistent with condition 13, which allows the scheme to rely upon the National Grid in exceptional circumstances.
- 2) Changes to condition 13 are outside of the scope of this S.73 application and its requirements and enforceability will not change. It would be unreasonable to withhold Permission on the basis that the application would change or undermine the enforceability of this condition.
- 3) Because changes to condition 13 are outside of the scope of the application, it would be unreasonable and unlawful to seek to make changes to it which have not been sought or consulted upon.

Whilst the Opinion should be given credence, the reasons for deferral were legitimate concerns in order to provide assurance to the Authority that the proposed substation, now shown on plans sought to be varied and approved, would not involve a 'watering down' of the off-grid sustainability credentials of the scheme.

Given the above, the report does still outline a recommendation to grant planning permission in regard to (1) the amendments falling within the scope of a S.73 application; (2) the merits of the design changes; and (3) officers further commentary concerning the substation and condition 13.

Site Location Map



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1. Introduction

- 1.1 The planning application was previously considered by Members at the 11 July meeting, where it was deferred for the reasons below.
- 1) To clarify the introduction and use of the proposed substation, now shown on the plans sought to be varied. This is in relation to whether it would undermine the off-grid nature of the scheme, which the Inspector gave weight to.
 - 2) Consider what would be an exceptional circumstance for the substation being brought into use, as per condition 13, and how its operation could be monitored and enforced.
- 1.2 The application is before Members again to specifically consider the outstanding issues in response to these reasons. Officers have engaged with the applicant and further information on the 'exceptional circumstances' envisaged in condition 13 has been forthcoming. A Legal Opinion (**Appendix 3**) has also been submitted by the applicants in response to the deferral. The assessment below sets out a summary of the legal opinion, further information and officers' response to it.
- 1.3 This update report is an addendum to the 11 July committee report, included in **Appendix 2** and, where relevant, it is referred to. The original report remains relevant to the consideration of the application and this update report should be read in conjunction with it.
- 1.4 This report sets out the Recommendation before Members, which is to grant permission.

2. Site description relevant planning history

- 2.1 This is detailed in **Appendix 2**.

3. Proposal

- 3.1 This is detailed in **Appendix 2** and remains unchanged.

4. Consultations

- 4.1 No further re-consultation has been undertaken since the 11 July 2024 meeting and consultees responses remain as outlined in **Appendix 2**.

5. Representations

- 5.1 The previous summary in **Appendix 2** is unchanged. No further public consultation has been undertaken.

6. Planning Policy Context

- 6.1 All as stated in Appendix 2.

7. Planning Policy

- 7.1 All as stated in Appendix 2.

8. Planning Assessment

- 8.1 The application before Members for consideration primarily proposes design changes to the scheme by way of applying to vary condition no.2 and other associated conditions, which requires the development to be built in accordance with the approved plans. A full explanation of the proposal and the overall merits of these proposals is outlined in the assessment section of the accompanying report (**Appendix 2**).
- 8.2 Following the 11 July 2024 committee meeting, officers have engaged with the Applicant to seek to address Members' reasons for deferment. Officers requested further commentary be provided about (1) why the substation is needed; (2) what would constitute an exceptional circumstance for its use; and (3) how its use could be monitored. Another option put to them was to include condition 13 in this current application, with amendments to its wording to better define 'exceptional circumstances' and how these could be monitored in an enforceable way.

- 8.3 The Applicant has provided further information (see below). They have also submitted a Legal Opinion (**Appendix 3**) which challenges the validity of Members' concerns and officers' subsequent advice. It opines 3 main points, as follows:
- 1) The inclusion of the substation on approved plans is not inconsistent with condition 13. This condition allows the scheme to rely upon the National Grid in exceptional circumstances and the inclusion of a substation facilitates this.
 - 2) Changes to condition 13 are outside of the scope of this S.73 application and its requirements and enforceability will not change. It would be unreasonable to withhold permission on the basis that the application would change or undermine the enforceability of this condition.
 - 3) Because changes to condition 13 are outside of the scope of the application, it would be unreasonable to seek to make changes to it which have not been sought or consulted upon.
- 8.4 Officers outline the following advice in response to the Opinion and other relevant considerations for the determination of the application.
- 8.5 The originally approved plans do not show a substation. It is legitimate (and indeed proper) for the Authority to fully consider the amended plans, including the introduction and siting of the substation. It is also legitimate to query its presence, and its use, given the amended plans also involve changes to the setup of the combined heat power system including its battery storage facility and biogas deliveries.
- 8.6 Responding to point (1), officers consider that, in principle, the presence of a substation is acceptable insofar as condition 13 does allow for a National Grid connection and the substation physically enables it and is a logical progression from what the Inspector has allowed. For these reasons, officers concur that the presence of the substation is consistent with condition 13. It would not undermine the off-grid nature of the scheme (which the Inspector gave weight to) provided that its use is only in exceptional circumstances and would not cause a breach of this condition. It is not unreasonable to have a back-up available in the event that the CHP unit temporarily fails and the Applicant has previously outlined that it would solely be used as a back-up.
- 8.7 Regarding point (2), condition 13 is not explicitly proposed to be varied in this application. Its wording is identical between the appeal decision and the recommendation below, which crucially was satisfactory to the Inspector. If this current application was approved, its requirements and level of enforceability would be un-changed.
- 8.8 The site is likely to be periodically monitored as part of the Authority's Enforcement Team's duties and it would be possible to request information on the use of the substation regarding condition 13. However, the condition is not explicit on what an 'exceptional circumstance' would be and it would depend upon the facts and circumstances of any case whether there has been a breach of this condition or not.
- 8.9 The applicant has confirmed that the types of 'exceptional circumstances' envisaged were discussed at the Public Inquiry and were likely to cover a period of CHP plant maintenance or failure, failure to secure the renewable energy supply source due to reasons beyond their control (for example, an outbreak of bovine disease in the locality), or any disruptions to the delivery/transportation of biogas to the site. Officers consider that these types of 'exceptional circumstances' are in line with their interpretation of the condition and would enable the site to continue operating with charging vehicles and maintaining power to buildings including, for example, keeping the accommodation habitable and the refrigerators and freezers operating within the farm shop, café and restaurant in the event of these exceptional circumstances.
- 8.10 Turning to point (3), officers cannot compel the Applicant to include condition 13 within the application. It was a suggested approach to addressing Members' concerns and providing sufficient assurances about the use and monitoring of the substation. It is however an issue that is outside the scope of determination of the S.73 application before Members.

The current conditions and overall sustainability of the scheme

- 8.11 The application does not apply to vary any of the planning conditions which are central to the sustainability credentials and off-grid nature of the scheme. These are as follows (see Appeal Decision in **Appendix 2**):
- Conditions 10 and 11 – Earth Sheltered Building to achieve BREEAM ‘Excellent.’
 - Condition 12 – Lodges to be carbon neutral.
 - Condition 13 – Utilise a fully installed off-grid combined heat and power system, fuelled by biogas and solar PV. Only in exceptional circumstances shall the development rely on power from the National Grid.
- 8.12 The requirements of the above conditions remain unchanged and conditions 10-12 have not yet been discharged. The Applicant is cognisant that the changes to the earth sheltered building, for example, do not absolve it from achieving the BREEAM ‘excellent’ rating as required.
- 8.13 In the above regards, officers consider that the sustainability credentials of the scheme can still be maintained through the discharge of conditions and any subsequent monitoring.

Summary

- 8.14 The Applicant has not sought to vary condition 13 however has set out what they see as ‘exceptional circumstances.’ Officers consider that the development will remain substantially off grid and it is possible to monitor the use of the substation via the Authority’s monitoring duties undertaken by the Enforcement Team and enforce, if needed, accordingly.

9. Conclusion

- 9.1 As outlined in the original report (**Appendix 2**), the proposed amendments are considered to fall within the scope of a S73 application to vary the approved plans. They are also acceptable in regard to design and landscape considerations. A Legal Agreement is also proposed to be completed for the purchase of additional BNG credits to mitigate the reduced central greenspace within the scheme, which is acceptable to officers. All other conditions will remain as approved and will be monitored and enforced accordingly.
- 9.2 The application proposals remain acceptable for the considerations outlined in the 11 July report (**Appendix 2**) and the specific assessment of the latest information above, which has sought to address Members’ reasons for the previous deferment.
- 9.3 The Recommendation and planning conditions below remain unchanged.

10. Reason for Recommendation and Conditions

- 10.1 The recommendation is:
- 1) That planning permission be granted subject to the conditions set out in paragraph 10.2 of the report and the satisfactory completion of a Deed of Variation to the Legal Agreement, to secure:
 - Offsite biodiversity net gain credits
 - 2) That authority be delegated to the Director of Planning to refuse Planning Permission, with appropriate reasons, if the Deed of Variation to the Legal Agreement is not completed, or insufficient progress made, within six months of the 12 September 2024 Planning Committee meeting.
- 10.2 And the following conditions:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans listed below:

369_P_00 REV D – Site Location Plan

369_P_301 REV S – Proposed Masterplan

369_P_302 REV W – Site Layout Plan

369_P_307 REV D – Site Elevations

369_P_412 – 1 bed Eco Lodges (Elevations)

369_P_415 REV D – 2 bed Eco Lodges (Type A – Floor and Roof plans)

369_P_416 REV E – 2 bed Eco Lodges (Type B – Floor and Roof plans)

369_P_417 REV D - 2 bed Eco Lodges (Type A – Elevations)

369_P_419 REV C – 1 bed Eco Lodges (Floor and Roof plans)

369_P_421 REV L – Earth Sheltered Building (Plan and Section)

369_P_431 REV A – Gas Safe Area (Plan and Section)

369_P_432 REV B – Earth Sheltered Building (Gas Safe Area- Sections)

369_P_440 REV A – 2 bed Eco Lodge (Masterplan Type A)

369_P_441 REV A – 2 bed Eco Lodge (Masterplan Type B)

369_P_442 REV C – 1 bed Eco Lodges (Masterplan Type B)

369_P_443 REV B – 2 bed Eco Lodges (Masterplan Type B)

369_P_444 REV C – 1 bed eco lodge (Masterplan)

369_P_501 REV B – Site Layout M&E plan

369_P_609 REV D – Earth Sheltered Building 4 – (Floor Plan and Sections)

369_P_611 REV C – Earth Sheltered Building (Big Vault 1)

369_P_612 REV C – Earth Sheltered Building (Big Vault 2)

369_P_613 REV C - Earth Sheltered Building (Big Vault 3)

369_P_614 REV C – Earth Sheltered Building (Construction Details)

369_P_615 REV B – Earth Sheltered Building (Wall Details)

369_P_616 REV C – Earth Sheltered Building (Vault Sections)

369_P_617 REV B - Earth Sheltered Building (Roof and Foundations Details)

369_P_618 REV B - Earth Sheltered Building (East Elevation)

369_P_619 - Earth Sheltered Building (West Elevation)

ITLI5608-GA-001 REV H – Proposed Site Access Arrangement

ITLI5608-GA-003 REV G – Swept Path Analysis

ITLI5608-GA-004 REV G - Swept Path Analysis (Fire Appliance)

ITLI5608-GA-005 REV F – Swept Path Analysis (Large Mini-bus)

ITLI5608-GA-006 REV F – Swept Path Analysis (10m Rigid Vehicle)

ITLI5608-GA-015 REV A – Swept path analysis (Articulated Vehicle)

ITLI5608-GA-016 – Swept Path Analysis (Articulated Vehicle and Estate Car)

Reason: For the avoidance of doubt and in the interests of proper planning.

Uses

3. The floorspace of the farm shop, café and cycle shop hereby approved shall only be used for purposes within Use Class E(a) or E(b) (Commercial, business and service use) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purposes within Class E, or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification; The areas associated with these uses shall accord in full with Plan 369_P_421 L.

Reason: To clarify the terms of the permission.

4. The electric vehicles sales area hereby approved shall only operate within the area identified on Site Plan 369_P_421_L.

Reason: To clarify the terms of the permission.

5. The uses pursuant to conditions 3 and 4 shall only be open for trading between 06:00-22:00 on any given day.

Reason: To clarify the terms of the permission.

6. The farm shop (area marked '10' on approved Site Plan 369_P_421_L shall only be stocked with a majority of goods produced within the National Park. For the avoidance of doubt, the farm shop is not an unrestricted E(a) or E(b) Use Class in the Use Classes Order 1987 (as amended).

Reason: To ensure the farm shop does not result in an un-restricted retail use which is not related to the local economy.

7. The lodges/pods hereby approved shall not be used at any time for any purpose other than as holiday and/or short stay accommodation. The lodges shall not be used as permanent residential accommodation or for any other purpose in Use Class C3 (dwelling houses) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: This development in the countryside, outside of any identified settlement, is only acceptable as holiday/short stay accommodation for reasons of sustainable travel.

8. The accommodation hereby approved shall not be occupied by person(s), their dependants, or group for a period of more than 28 consecutive days. A register of the occupancy of the accommodation shall be maintained and kept up-to-date by the operator of the units, and shall be made available to the Local Planning Authority upon request (within 14 days of a written request being made). It shall record the names and addresses of all visitors and their arrival and departures dates.

Reason: This development is only acceptable as holiday accommodation and for use by short term visitors to the area.

9. No development shall commence until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used on the building hereby approved has been submitted to and approved in writing by the Local Planning Authority. These details shall include, but not be limited to, the materials for walls (including locally sourced timber), roofs, windows (including glazing, head, cill and window reveal details), doors, eaves, porches, and rainwater goods. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

Reason: To ensure a suitable appearance and to protect the character and appearance of the area.

10. No development shall commence until detailed information in a Design Stage Sustainable Construction Report for the commercial building as a whole is submitted to and approved in writing by the Local Planning Authority. The report shall include:
 - i) Interim-stage BREEAM NC certification and associated assessment report;

- ii) SBEM calculations;
- iii) Product specifications;
- iv) Grown in Britain or FSC certificates;
- v) Sustainable Materials Report; and
- vi) Building design details.

The report shall demonstrate that the development will achieve BREEAM NC “Excellent” standard and, as part of the above, achieve the following specific BREEAM NC credits:

For net zero carbon operational energy, all 9 ENE01 performance credits and at least 2 Ene01 exemplary performance credits

- At least half the Material credits.
- All 5credits in Wat01.
- At least half of the remaining Water credits
- At least three of the credits in Wst01
- The Wst02 credit
- The Wst03 credit
- The Tra01 credit
- At least one of the two available flood resilience credits in Pol03
- Two SuDS credits in Pol03
- Four out of nine of the mandatory credits in Ene01.
- The Ene04 credit.
- The Wst03 and Wst05 credits.
- All the LE02, LE03, LE04, LE05 credits
- At least half of the Health and Wellbeing credits and
- Minimum 95% of site waste diverted from landfill
- Implementation of green roof on commercial building
- For all timber products, the use of certified “Grown in Britain” timber where possible, and where not possible, FSC or PEFC certified.

Reason: To ensure the development demonstrates a high level of sustainable performance to address the mitigation of, and adaptation to, predicted climate change, in accordance with policy SD48.

11. Within 3 months of the occupation of the development, detailed information in a Post Construction Stage Sustainable Construction Report demonstrating how the development has been carried out in full accordance with all the requirements of the details pursuant to condition 10 shall be submitted to, and approved in writing by, the Local Planning Authority. This documentary evidence shall include, but not be limited to, BREEAM NC certification and associated assessment report with post construction SBEM calculations.

Reason: To ensure the development demonstrates a high level of sustainable performance to address the mitigation of, and adaptation to, predicted climate change.

12. The detached lodges hereby approved shall be carbon neutral in energy performance (for regulated and unregulated energy) through their construction, which shall be demonstrated through a method statement to be submitted to and approved in writing by the Local Planning Authority. The Statement shall detail the means of construction,

energy and water efficiency, use of materials (including locally sourced timber), construction and operational waste, details of the Solar PV panels and glazing specifications. The lodges shall thereafter be constructed in full accordance with the agreed details.

Reason: To ensure a highly sustainable form of development in accordance with Policies SD3 and SD48.

13. The development hereby approved shall incorporate and utilise a fully installed off-grid Combined Heat and Power system, in accordance with the approved plans, to be fuelled by biogas sourced from within the National Park and battery and solar PV attached to the 45 detached lodges. Once installed, the approved power generation shall be operated and maintained in perpetuity. Only in exceptional circumstances shall the development rely on power from the National Grid.

Reason: To achieve a highly sustainable development, in accordance with the terms of the application proposals.

14. The electric vehicle charging spaces shall be provided in full accordance with approved plan 369_P_302 W and shall comprise the following charging capacity:
- 91 chargers of up to 7KWh (including the chargers for the lodges) (slow)
 - 24 chargers of 11-22KWh (medium); and
 - 12 chargers of 50-150KWh (fast)

The electric vehicle charging points shall, thereafter, be maintained and retained unless otherwise agreed by the Local Planning Authority.

Reason: To accord with the terms of the application and provide a range of charging options commensurate with the proposals.

15. No development shall commence until details of site levels and longitudinal and latitudinal sections through the site have been submitted to and approved in writing by the Local Planning Authority. These shall show how the buildings and public realm are proposed to be set into the topography of the site, in comparison to existing levels. These details shall also show how spoil from excavations is intended to be used on site, including in the creation of the public open space. The development shall, thereafter, be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory development which responds to the characteristics of the site.

16. No development shall commence until a Soil Resource Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following details, in accordance with the DEFRA Code of Practice for the Sustainable Use of Soils on Construction Sites:

- Existing soil survey;
- Method of stripping existing soils on site and the method of exporting soils;
- Sustainable sourcing of soils to be imported onto the site for the construction of the development.

Reason: To conserve and enhance soils and ensure the appropriate use of soils to ensure the successful creation of chalk grassland within the open space and on the commercial building for the long term, in accordance with policies SD2 and SD9.

17. No development shall be commenced until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CEMP shall be fully implemented and adhered to throughout the entire construction period. The CEMP shall provide details as appropriate but not be restricted to the following matters:

- a. The anticipated number, frequency and types of vehicles used during construction and routing of vehicles;
- b. How deliveries would be managed in terms of vehicles entering and leaving the site and timings;
- c. The method of access and routing of vehicles during construction;
- d. The parking of vehicles by site operatives and visitors;
- e. The loading and unloading areas of plant, materials and waste;
- f. Measures to control surface water run off;
- g. Construction timings to avoid disturbance of protected species;
- h. Dust suppression, mitigation and avoidance measures;
- i. Noise reduction measures;
- j. Details of site monitoring and logging of results;
- k. Hours of operation during construction;
- l. The storage of plant and materials used in the construction of the development;
- m. The erection and maintenance of security hoarding;
- n. The provision of wheel washing facilities; and
- o. A scheme for recycling/disposing of waste resulting from construction works.
- p. Construction lighting and its operation.
- q. A programme of and phasing of demolition (if any) and construction work;
- r. The arrangements for deliveries associated with all construction works;
- s. Methods and phasing of construction works;
- t. Access and egress for plant and machinery;
- u. Location of temporary site buildings, compounds, construction material, and plant storage areas.

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: In the interests of highway safety, the amenities of the area and managing the environmental considerations during the construction phase.

18. Prior to the commencement of development, a detailed phasing plan for the completion of the development, including timescales, shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be implemented in accordance with the agreed details.

Reason: To ensure timely delivery of all parts of the development, including aspects of mitigation and enhancements.

19. Prior to the commencement of the development, geotechnical submissions relevant to the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be implemented in full accordance with the agreed details.

Reason: To ensure that the A3 continues to be an effective part of the national system of routes for through traffic and in the interests of road safety.

20. Piling or other deep foundation works using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority.

Reason: Piling or deep foundation, has the potential to mobilise contamination (if present) from the shallow soils into the chalk/upper greensand bedrock, and increase the potential of mobilisation/migration to the underlying chalk aquifer.

21. No development shall be commenced until full details of the proposed connection to the sewerage mains system and its maintenance and management arrangements have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in full accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed in full. The foul drainage connection and system shall be maintained as approved thereafter.

Reason: To ensure a satisfactory drainage scheme for the development

22. No development shall commence until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment ref: 19832-HYD-XX-XX-RP-FR-0001, has been submitted to and approved in writing by the Local Planning Authority. The design shall include a detailed drainage layout plan, full construction details, run-off calculations for the peak event and:
- a. Infiltration testing in accordance with the BRE365 (2016 methodology), and a groundwater assessment.
 - b. Infiltration testing should be carried out at a depth and location commensurate with the proposed infiltration features. The groundwater assessment should demonstrate that there will be at least 1m unsaturated zone between the base of any proposed infiltration feature and the highest groundwater level recorded, including seasonal variations. If infiltration is not viable, a drainage strategy based on discharge to the watercourse in accordance with option 2 of the FRA will be acceptable.
 - c. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
 - d. Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference that the submitted drainage layout.

The condition of the existing watercourse, proposed to take surface water from the development site, shall be investigated before any connection is made. If necessary, improvement to its condition as reparation, remediation, restitution and replacement should be undertaken. Evidence of this, including photographs shall be submitted.

Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use. These details shall include maintenance schedules for each drainage feature type and ownership; and details of protection measures.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.

The development shall, thereafter, be undertaken in full accordance with the agreed details.

Reason: To ensure an appropriate surface water strategy is achieved.

23. Prior to the first occupation of the development, the external lighting scheme shall be implemented in full accordance with the approved Lighting Strategy (prepared by DFL ref: RMA-C2285, dated December 2021) and 'Horizontal Illuminance (LUX) Plan 1954.S3.P01 (1 of 1 and 2 of 2). The lighting shall thereafter be retained, maintained, and operated in full accordance with the approved details, and no additional external lighting on site is to be installed.

Reason: To minimise impacts upon dark night skies and ecology, plus accord with the BREEAM 'Excellent' rating requirements.

24. Prior to the first occupation of the development, details for the management and implementation of curfew times for dimming and switching off of external lighting and within the commercial building shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be operated in full accordance with the approved details.

Reason: To minimise impacts of light pollution upon dark night skies and wildlife.

25. No development above slab level shall take place until a detailed Scheme of Soft and Hard Landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a. Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - b. Planting methods, tree pits & guying methods;
 - c. Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
 - d. Retained areas of trees and hedgerows;
 - e. Details of all hard-surfaces, including paths, kerb edges, access ways, boundary treatments, bin and cycle stores and parking spaces, including their appearance, dimensions and siting.
 - f. Details of the siting, specifications and management of the Sustainable Drainage systems.
 - g. A landscape schedule and management plan designed to deliver the management of all new and retained landscape elements to benefit people and wildlife for a minimum period of 5 years including details of the arrangements for its implementation;
 - h. A timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping works shall be implemented in full accordance with the approved details and timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and provide a setting for the new development.

26. Before any part of the scheme is brought into use, details of the design and materials of the acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority, and the barrier shall be constructed in full accordance with the approved details.

Reason: To ensure an appropriate form of development consistent with the context of the proposals and character and appearance of the area.

27. Notwithstanding the details provided, a full tree survey report and Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. These details shall ensure the retention of trees proposed to be retained along the site boundaries. The development shall, thereafter, be undertaken in full accordance with the agreed details.

Reason: To safeguard existing trees to be retained.

28. Prior to the occupation of any building, a Landscape and Ecological Management Plan (LEMP) which covers the whole application site shall be submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall follow the principles and objectives of the approved landscape scheme and biodiversity enhancements, and

include long term objectives for the site and management responsibilities. Once approved, the LEMP shall be fully implemented and used for the management of the development. The content of the LEMP shall include the following:

- a. description and evaluation of features to be managed;
- b. ecological trends and constraints on site that might influence management;
- c. aims and objectives of management;
- d. appropriate management options for achieving aims and objectives;
- e. prescriptions for management actions, together with a plan of management compartments;
- f. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g. details of the body or organisation responsible for implementation of the plan;
- h. implementing the mitigation and enhancement measures of the Environmental Statement, Ecosystems Services Statement and ecology reports;
- i. ongoing monitoring and remedial measures.

Reason: To ensure a high-quality landscape scheme is maintained which will contribute to the setting of the development and the surrounding character and appearance of the area, biodiversity and the amenity of future occupants.

29. No development shall commence until the access, including the footway and/or verge crossing shall be constructed and lines of sight of 4.5m by 11.4m and 4.5m by 62.5m provided in accordance with the approved plans. The lines of sight shown on the approved Site Plan shall be kept free of any obstruction exceeding 0.6m high above the adjacent carriageway and shall be subsequently maintained thereafter.

Reason: To provide satisfactory access and in the interests of highways safety.

30. No development shall commence until details including alignments, levels and materials of the internal roads, and the footway/cycleway connection to the B2070, as shown on drawing ITL15608-GA-001 REV H, have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be implemented in full accordance with the agreed details.

Reason: To ensure safe and suitable provision of sustainable transport connections within the site and to the B2070.

31. Prior to the development being brought into use, a Delivery Management Plan (DMP) shall be submitted to and approved in writing by the Local Planning Authority. The DMP shall include delivery times, frequency and routing of delivery vehicles, measures to minimise disturbance from activities associated with deliveries and/or waste collections to surrounding amenities during delivery times. Once approved, the DMP shall be implemented in full.

Reason: In the interests of the amenities of nearby residential properties.

32. Prior to the development being brought into use, a Car Park Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall, thereafter, be implemented in full accordance with the approved details.

Reason: To manage the car parking areas and avoid highway safety issues.

33. The parking and access arrangements on site shall be completed in full accordance with the approved Site Plan 369_P_302 W prior to the development being occupied and thereafter be used for such purposes at all times.

Reason: In the interests of highway safety and amenities of the area.

34. The development shall proceed in full accordance with the archaeological 'Written Scheme of Investigation for Archaeological Evaluation' (by AB Heritage, dated

31.07.2023), as approved by the Local Planning Authority via discharge of condition application SDNP//23/03821/DCOND.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets.

35. The development shall be undertaken in full accordance with the Archaeological Evaluation (by AB Heritage, dated 18.12.2023), as approved by the Local Planning Authority via discharge of condition application SDNP/24/02012/DCOND.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations.

36. The development shall proceed in full accordance with the Archaeological Evaluation (undertaken by AB Heritage, dated 18.12.2023), as approved by the Local Planning Authority via discharge of condition application SDNP/24/02012/DCOND.

Reason: To ensure that opportunities are taken to capture evidence from the historic environment and to make this publicly available.

37. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy shall include the following components:

A) Development to be undertaken in full accordance with the Preliminary Investigation Report (by 40 Soils Ltd, dated September 2023), as approved by the Local Planning Authority via a partial discharge of this condition in application SDNP/23/03821/DCOND.

B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

C) The results of the site investigation and the detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

No changes to these components will take place without the written consent of the Local Planning Authority.

The development shall, thereafter, be implemented in full accordance with the agreed details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

38. Prior to the development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete

39. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local

Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: The above condition ensures that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

Mike Hughes

Director of Planning (Interim)

South Downs National Park Authority

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Appendices: Appendix 1- Legislation and policies
Appendix 2 - Previous July 2024 report (with Appeal Decision appended)
Appendix 3 - Copy of Applicants Counsels Opinion on Reasons for Deferral.

SDNPA Consultees: Legal Services, Development Manager

Background Documents: [SDNP/24/00588/CND | Variation of Condition Number\(s\): 2, 3, 4, 6, 14, and 33 on SDNP/21/06431/FUL \(Approved Appeal APP/Y9507/W/22/3308885\). | Land North of A3 Junction The Causeway Petersfield Hampshire \(southdowns.gov.uk\)](#)

[South Downs Local Plan \(2014-33\)](#)

[South Downs National Park Partnership Management Plan](#)

[SDNPA Supplementary Planning Documents and Technical Advice Notes](#)