

recycling plant application. But the National Planning Policy Framework (NPPF) is clear at paragraph 49 that arguments that an application is premature are unlikely to justify a refusal of planning permission, other than in the limited circumstances where 2 criteria are both met:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Neither of these circumstances are considered to exist with this proposal for some investigative engineering operations only.

2 Site Description

- 2.1 The proposal relates to works in Bedhampton Park, known as Bidbury Mead Recreation Ground, which is owned by Havant Borough Council. The park provides formal open space as traditional park land with a cricket pitch in the northern section, and football pitch in the southern. It is allocated as a 'Local Green Space' by Policy AL8 of the Allocations Plan.
- 2.2 Mature trees and paths bound each of these two sections, with several park benches, and a children's play area to the east (currently out of action and to be refurbished). The park is bounded to the east and south by the sunken lanes of Kingscroft Lane and Bidbury Lane, with a car park and Sports Pavilion with toilets, to the west.
- 2.3 Residential properties in Bedhampton Road back onto the northern boundary of the park, with further residential properties located to the east and west. The site lies within Old Bedhampton Conservation Area, and there are some adjacent Listed Buildings - notably Bidbury House, St Thomas Church and The Manor to the west, and the School Mews to the north east corner.
- 2.4 Formal Rights of Way exist through the park - approximately along the western edge and through the park to the north-east corner. Part of the western edge of the park is also known to have high archaeological potential - the site of the historic rural settlement. The whole site is part of Portsmouth Water's Source Protection Zone.

3 Planning History

00/55889/003 - Demolition of existing pavilion and public conveniences, construction of new pavilion and public conveniences and re-alignment of existing footpath, Permitted 21/08/2000

93/55889/002 - Continued siting of pavilion., Temporary Planning Permission 17/01/1994

03/55889/004 - Erection of storage shed of metal construction to replace existing timber storage shed., Permitted 07/07/2003

APP/15/00127 - Erection of a single storey wooden building to be used as a club room for Bedhampton Mariners Cricket Club., Permitted 01/04/2015

APP/15/00550 - Variation of Condition 6 of Planning Permission APP/15/00127 to vary approved plans (to allow for erection of two single storey wooden buildings in lieu of the single building previously approved to be used as a club room for Bedhampton Mariners Cricket Club)., Permitted 30/06/2015

APP/21/01096 - Display of 1No. non-illuminated information board, Permitted 11/01/2022

4 **Proposal**

- 4.1 Temporary use of land to carry out ground investigation works comprising the drilling of 2 no. boreholes and the installation of headworks and equipment to monitor ground conditions for a period of 18 months including mobilisation, decommissioning and full restoration periods.
- 4.2 The proposed works would involve phased engineering operations at two separate sites within the park, with an associated storage area and linking protective matting:
- (1) Borehole site 101 would be between the car park and the edge of the football pitch; and drilled to 30m deep
 - (2) Borehole 102 site would be in the north-east corner of the park and drilled to 60m deep

Each borehole would be 200mm wide.

- 4.3 The compound required in connection with the establishment and decommissioning of each borehole would be first constructed with heras style fencing lined with an acoustic sound barrier, at a temporary 'large' size to accommodate the equipment and apparatus required whilst drilling takes place - the 'construction' phase. Once the above ground headworks are in place (a series of pipes and valves having a height of about 1.8m) then each compound would be reduced in size and enclosed securely with 2.4m high green coloured palisade fencing, in compounds measuring 2.5m x 2.5m, for the 12 month 'monitoring' phase. During the 'construction' phase, Trakmat protective matting would be laid to form an access route from the car park to the two borehole sites.
- 4.4 Upon completion of the 'monitoring' phase, Trakmat access to each borehole site would be re-laid, and each compound would again be temporarily enlarged with heras fencing for the 'decommissioning' phase ie removal of the headworks, all equipment, filling of boreholes and reinstatement of the land. Ultimately, all fencing and Trakmat would be permanently removed from site.
- 4.5 The 'construction' phase compound of Borehole 101 would measure 15m x 15m, whereas the 'construction' phase compound of Borehole 102 would be an irregular shape, having a length of 15m along the northern boundary of the park, with varied depth of between 6m and 10m, following the curved edge of the cricket pitch. Borehole 102 compound would necessitate the removal of one park bench for the duration of the 'construction' phase; and the proximity of the heras fencing would make one park bench at the Borehole 101 compound unusable for the 'construction' phase, although it could remain on site.
- 4.6 In terms of timings, the combined 'construction' phase would take a maximum of 8 weeks, including the decommissioning stage. The two boreholes would be constructed and drilled separately - Borehole 102 would be the first. It would take 8 days for all the equipment to arrive on site, the Trakmat access to be laid, and the temporary 'construction' compound erected around the site of Borehole 102. Drilling of Borehole 102 would take approximately 3 weeks. Once drilling is complete the compound would be reduced in size to the small palisade 'monitoring' enclosure and the Trakmat around the northern playing field removed. The 'construction' compound around the site of Borehole 101 would then be erected and the drilling of this second borehole would take the next 3 weeks. Once drilling is complete the compound around Borehole 101 would also be reduced to the small palisade 'monitoring' enclosure and all Trakmat removed from the site.
- 4.7 The associated storage area proposed within the car park would also be enclosed with heras fencing - approximately 3 parking spaces for the 8 days at the beginning and end

of the process.

- 4.8 During the 12 month monitoring period, monthly visits would be made by 1 or 2 technicians arriving by car or small van to collect data and take water samples from the headworks. Security measures would be provided at each borehole site with 360 degree 24 hour monitored security tripods.

5 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS1	(Health and Wellbeing)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS19	(Effective Provision of Infrastructure)
CS20	(Transport and Access Strategy)
DM1	(Recreation and Open Space)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL8	(Local Green Spaces)
AL1	(Presumption in Favour of Sustainable Development)

Listed Building Grade: None within application site, although a number lie adjacent to the Park as a whole (see Paragraph 2.3 above).

Conservation Area: Old Bedhampton Conservation Area

6 Statutory and Non Statutory Consultations

Arboriculturalist

Comments on amended plans

The application has submitted a Preliminary Arboricultural Assessment (RT-MME-159849-01), Arboricultural Impact Assessment (RT-MME-159849-02 Rev A) and Arboricultural Method Statement (RT-MME-159849-03). The works should be carried out in accordance with the information submitted and should be secured by condition.

The supporting information provides appropriate measures to protect the trees on the site and proposed works are not considered to have a significant detrimental impact on the overall amenity value of the trees. An additional condition should be secured to ensure the replacement of a tree on site identified in the Tree Survey for removal.

The proposed works, subject to the conditions listed below would ensure the protection of the trees on and off site and would be in accordance with Policy CS11, CS16 and DM8 of the Havant Core Strategy (2011).

3 conditions recommended: Pruning works; Tree protection measures; and Landscaping

Chichester Harbour Conservancy

No objection

Conservation Officer

The site is located within the Old Bedhampton Conservation Area and close to several

designated heritage assets. I have viewed the plans and note that the proposal will be temporary and not require any permanent built structures. As such, I am of the view that the harm to the conservation area would be negligible.

Countryside Access Team

None received

County Archaeologist

Although the site is located close to the historic core of the village, it is limited in scale and located in an area where LiDAR suggests that the land has been landscaped for a level playing field. Accordingly I would not raise any archaeological issues

County Minerals

None received

Southern Water

Initial comments

Plan provided shows borehole BH102 lies over an existing 525mm public foul sewer which is not acceptable; exact position must be determined before commencement of any works; the 525mm sewer requires a clearance of 3.5m either side; suggest relocation of borehole BH102 by 3.5m to the southwest; other sewers crossing site also need clearance; all existing infrastructure should be protected during course of works and condition requested: The developer must agree with Southern Water, prior to commencement of the work, the measures to be taken to protect the public sewers.

Comments on amended plans

The submitted site layout (Dwg No. 760010-BH101&BH102-03) indicating a clearance of 3.935 metres between BH102 and the 525 mm public foul sewer, is satisfactory to Southern Water.

All existing infrastructure should be protected during the course of works.

All other comments in our response dated 07/04/2023 remains unchanged and valid

Officer comment: *A subsequent document has been submitted detailing the measures to be incorporated at Borehole 102 site to protect the public sewers. The Developer Services team of SW have confirmed that the plans and document ensure adequate protection and access to the foul sewer would be provided, and therefore raise no objection.*

Environment Agency

None received

Environmental Health - Pollution

Having viewed the plans, I note that the proposal will be a temporary activity and not require any built structures. The applicants submitted a covering statement which incorporates limited information relating to construction management (hours of works and hoarding of the work site). Whilst the works involves no significant built structures, the environmental and nuisance considerations given in the covering statement is considered sufficient, although not necessarily considered as adequate.

Based on the above considerations, I have no further concerns regarding the above application

Environmental Health - Contamination

Comment on Public Objections Raised

I note the objections which concern the potential risk to water quality. This risk is interpreted to be related to short-term turbidity during the drilling phase, and is not a contaminated land issue per se. There could be risks in the event that the land is currently affected by the presence of contaminants, or in the event of future spills if the

boreholes are not recommissioned so as to prevent the conduit serving as a pathway for preferential vertical migration of pollutants from the surface to the aquifer.

I have reviewed the site history, and note that the land does not have any prior history of potentially contaminating landuses, and that it's current use does not give rise to any immediate concern about future spills being likely. The historic presence of Bidbury Springs at the site would suggest that the principal aquifer is artesian at this location, and hydraulic gradients would probably not facilitate significant vertical migration of contaminants; this lends some degree of comfort with respect to preferential pathways.

Escape of liquid slurry has also been raised. I don't regard this to be significant concern, whilst the proposed boreholes are relatively deep, I don't anticipate specialist drilling fluids (lubricants) being required. I am mindful that the area around the headworks will be fenced for a period of at least 12 months, both preventing direct contact between members of the public and any residues, and exposing those residues to weathering processes during this time.

It would appear that the application documents rightly anticipates artesian conditions, and it is therefore expected that appropriate management measures would be implemented during drilling & headworks construction.

Observations

There is no drilling method statement, but cover letter indicates that standard rotary core techniques are to be used, which should permit extraction of arisings as coherent cores (rather than as a slurry of raised cuttings at the surface). The schematics indicate that the well bore will be sleeved to at least 1m below the chalk horizon, and there is no indication that clean drilling techniques are to be employed. Given the anticipated low risk of encountering contamination at the well sites, the omission of clean drilling is not considered to be problematic.

Perhaps of greater concern is the ambiguity about the material represented by the legend entry described as 'grout'. This material is referred to in both the construction and decommissioning illustrations. Bentonite pellets are represented in the legend/key, but do not appear on the schematic. The appearance of both 'grout' & bentonite within the legend would suggest that grout may not have equivalent resistance to vertical migration of water. It is assumed that notation would use the description 'made ground/head deposits where it is intended to (grout or-) backfill with arisings, so another material is anticipated. What material is used, and where it is used within the vertical depth of the trail hole, will determine whether it is effective in preventing the well bore acting as a preferential pathway at some point in the future.

The bores are located within a groundwater source protection zone, and so my expectation would ordinarily be for decommissioning to include grouting with appropriately prepared bentonite pellets across the chalk (aquifer unit-) horizon.

As for whether this would justify the imposition of a planning condition to control the construction or decommissioning process is another question – given the above-referenced mitigations (lack of source, likelihood of future spills, artesian conditions), this is probably not justified under contaminated land policies. I am mindful that I would not normally seek to control site investigation processes using such instruments, and that the activities of other bodies (e.g. British Gas or Portsmouth Water) are similarly not typically controlled in this manner (I am not aware of any examples where such controls have been applied).

I also note in particular the statement given by Portsmouth Water Company in it's consultation response stating that "[Portsmouth Water Company is-] ...currently liasing (sic) with Southern Water about this development and any potential recommendations

that may be necessary”

Given the nature of the risk to the principal aquifer, and to the public potable supply, it is considered that the LPA may rely upon this statement and assume that any material concerns about impacts to this sensitive receptor will be appropriately and proactively managed by the key stakeholder (Portsmouth Water) through the liaison process referred to in its consultation response. This is reinforced by the confidence of Portsmouth Water in this process in supporting its overall response of ‘no objection’.

Noise

The provisions for implementing noise barriers and limiting the hours of operation are considered to be broadly adequate, when considered alongside the prior notification and limited period of works. No objections arise.

Conclusions

For the reasons given above, and notwithstanding the ambiguity about the efficacy of the grout, particularly at decommissioning; no material objections arise on contamination, pollution, or noise grounds, and no conditions are proposed.

Leisure Officer

Initial comments

Bidbury Mead provides formal sports pitch provision for both football and cricket. Bookings for these pitches are managed by Norse South East on behalf of Havant Borough Council as landowners. There are active community football and cricket clubs who use the site and book pitches on a regular basis as their home ground.

The location of both boreholes BH101 and BH102 will cause no impact on the playing of cricket at the site, as they are both located outside of the cricket pitch boundary.

Borehole BH102 will not impact on the playing of football as it is located outside of pitch boundaries.

However, the location of borehole BH101 and the proposed access route between the two boreholes will infringe on two different football pitches located on site.

Borehole BH101 is proposed on the Western edge of a full size adult 11v11 football pitch. The borehole and its associated compound will infringe on the football pitch and its required safety run off.

The proposed access route and trakmat laid across the North West of the site appears to cut through the corner of a youth 11v11 football pitch located on that western edge of the playing fields.

During the 12-month monitoring period it appears that there will be no impact on the sports pitches on the site and they can continue to be used as normal which is good.

There is however concern over the three-week construction period. During this period sports clubs who use the site would be displaced. Within Havant, there is an under supply of youth 11v11 football pitches and limited senior cricket pitches. There are no alternative facilities for the user clubs of Bidbury Mead to relocate to during this time.

A 3-week disruption to these clubs may be manageable if they can arrange fixtures to away venues. However, there is a possibility that the pitches are unplayable for a longer period, providing a significant negative impact for users. For example, if the construction period over runs due to unforeseen circumstances or if there is ground damage that requires re-instatement and repair when the track matting and compounds are removed.

It would also be useful to understand the plan for the re-instatement of ground conditions following completion of the works and the potential impact that this would have and the timeframes for pitches to be made playable once more.

Comments on amended plans

We are content that the updated plans result in no impact on the cricket usage at the site.

There remains a negative impact on the use of the football pitches during the construction period, at the start of the football season. This will see the youth 11v11 pitch made unavailable as a result of construction works until October.

The user football club is planning to work around this disruption and prepared to seek alternative pitches in the borough and schedule fixtures to be away from home for the start of the football season up to the end of September. For the works to be agreeable, the construction will need to be complete and the pitches returned to a playable, safe condition by this date, to ensure minimal disruption to provision of recreational sport at the site.

Natural England

No Objection

Based on the plans submitted, NE considers the proposed development will not have a significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Open Space Society

None received

Portsmouth Water Company

Initial comment

The catchment team at Portsmouth Water have reviewed the planning application APP/23/00004 and have no objection to the proposed development. We are currently liaising with Southern Water about this development and any potential recommendations that may be necessary.

Comments on amended plans

Regarding reconsultation request planning application reference APP/23/00004, we are liaising with Southern Water over the design, drilling and instillation of groundwater boreholes.

We have provided our approval as the risk to water quality is minimal, therefore we don't have any further comments to make

Property Services Manager

None received

Royal Society for the Protection of Birds

None received

Sport England

Initial comment

Sport England notes that the northern area of playing field is used for both cricket and small sided football. The southern portion of playing field is used for football and has accommodated a youth 11x11 natural turf football pitch (approx. 91m x 55m exc. 3m run/off).

These pitches are tightly constrained within the overall playing field area with very little room for reconfiguration or relocation.

Sport England notes that the proposed construction works will be limited to a period of 8 weeks during a 12 month period. After the initial construction the works will be limited to a 2.5m by 2.5m fenced area during the sampling and monitoring period.

There doesn't appear to be any consideration of the impact of the proposed development on use of the playing field. Has any engagement work been undertaken with the sports clubs/teams affected to understand the impact on their matchplay and/or training requirements particularly during the initial construction phase when the impact will be at its greatest?

It would be helpful if pitch layout plans could be provided so that we can assess the impact of the proposals on the existing pitches at the site.

The scale of the initial works suggests that it will compromise the ability to use the pitches during the construction period, for approximately 2 months, and alternative playing arrangements may need to be secured if this falls within the playing season.

Can the works be carried out during the off-season to minimise the disruption to clubs/teams using the playing field and associated facilities?

Comments on amended plans

Welcome the removal of the Trakmat system on Friday evenings to enable the outfield to be used for cricket at the weekend. Still have concerns about the close proximity of the works area to the cricket boundary but given the short-term, temporary nature of the major works on the site, Sport England would be happy to remove our objection, under our E3 exception which states:

- The proposed development affects only land incapable of forming part of a playing pitch and does not:
 - reduce the size of any playing pitch;
 - result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
 - reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
 - result in the loss of other sporting provision or ancillary facilities on the site; or
 - prejudice the use of any remaining areas of playing field on the site.

It may require re-marking of the boundary to ensure that there is a sufficient buffer zone between the boundary and the works area.

Our support would be subject to a condition which restricts the works on the football pitch to the off-season so as not to compromise the ability to play matches at the site ie no works on the football pitch between October to May.

We would also require a condition which provides for the reinstatement of the playing field affected by the works.

- Within 3 months of the commencement of works hereby permitted a scheme for the removal of the works/compound and the reinstatement of the playing field land has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme must be in accordance with Sport England guidance "Natural Turf for Sport" (2011).

Within 8 days following completion of the works, the compound/works area and associated paraphernalia must be removed from the site in accordance with the approved scheme.

Within 3 months of, or in the first planting season following the removal of the works/compound, whichever is sooner, the playing field land must be reinstated

in accordance with the approved scheme.

Reason: To ensure the site is restored to a condition fit for purpose and to accord with Development Plan Policy.

Informative: It is recommended that a restoration scheme for playing field land is undertaken by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled "Natural Turf for Sport" (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch sport National Governing Bodies, for example the Football Association.

7 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 36

Number of site notices: 3

Statutory advertisement: 20/01/2023

Number of representations received: 31 letters in total - 25 on the original submission and a further 6 following re-notification of amended details

Comment	Officer Comment
<u>Waste Water Recycling</u> Not something that should be considered in our area	This application is not proposing waste water recycling
<u>Reason for application</u> Full disclosure for this activity required; more likely that drilling to see how much extra additional water can be extracted from the aquifer - depth of boreholes (60m) in vicinity of Bedhampton wells suggests this more likely intent; Why this deep - is that likely depth of proposed pipeline?	It has been acknowledged that the proposal is needed as part of Southern Water's (SW) overall ground investigations to provide information that may influence the design and alignment of any future pipeline tunnels The depth of 60m and 30m has been determined by geologists seeking to investigate the chalk dip and geological fold at the north of the site, which will influence the pipeline design
<u>Prematurity</u> SW not yet found a suitable site for the recycling project and need to find site before can determine the route for the tunnel as may not need to pass below Bidbury Park; work obviously in preparation for the installation of a pipeline which has not yet been approved. This proposal should be	The NPPF advises that refusing permission on grounds of prematurity will seldom be justified - see paragraph 1.5 above and section 8 below

<p>rejected until such time as the pipeline has been approved by Secretary of State; speculative drilling only; no local support for effluent recycling project with its widespread impacts; disruption to the park may be pointless;</p>	
<p><u>Loss of greenspace and access to park</u> Park regularly used by clubs and fitness groups, dog walkers and children; during drilling access to park restricted which must not happen; loss of park unacceptable; not acceptable to use sections of public park for commercial activities, including attendant accesses; will access to car park be restricted</p>	<p>Access to the wider park will not be restricted – the public will still be able to use it as normal, except in the 2 compound areas - see section 8 below</p>
<p><u>Waste from drilling</u> What happens to earth/slurry extracted?</p> <p>Water table expected to be artesian and drilling head to include pump connection and bleed valves - this means chalky groundwater will rise to the surface; no mitigation for this; any chalky water leakage onto the site would be hard to clean, and extend beyond the small compound, with no mitigation proposed</p>	<p>Slurry created from the drilling operation is pumped from settlement tanks into 1000ltr Intermediate Bulk Containers and then removed from site.</p> <p>A specific method to prevent this from happening has been reviewed and agreed with Southern Water and Portsmouth Water's Hydrogeologist and Environmental Team - during drilling of the borehole secure pipework is installed allowing excess water to be pumped from the well through settlement tanks and into the adjacent sewer; valves are also in place to shut the well down at any point and retain the water inside the well point.</p>
<p><u>Timeline queries</u> What guarantees that will be done within the 12 months</p>	<p>The application seeks an 18 month temporary period, to allow for any over-run</p>
<p><u>Southern Water track record</u> Poor record of keeping their promises or fixing leaking pipes; need to fix current infrastructure first</p>	<p>This application must be considered on its merits, notwithstanding the applicant's reputation.</p>
<p><u>Public Right of Ways</u> These are not marked on plans & if access tracks are to be fenced then suitable crossing points for walkers should be provided</p>	<p>The Trakmat will not be fenced and the public can readily cross it; therefore there will be no obstruction of the PRoW</p>
<p><u>Noise & disturbance</u> Machine noise will impact people's health & cause disturbance to this leisure area; loss of amenity to local users for at least 12 months</p>	<p>See section 8 below</p>

<p><u>Affect on Sports pitches</u> Will the track cross pitches? Will the car park be shut at any point?</p>	<p>See section 8 below. Only 3 car parking spaces would be unavailable for a temporary period</p>
<p><u>Wildlife</u> Will disturb starlings which are on RSPB red list; construction in July will disturb nesting season</p>	<p>The RSPB's published information about starlings indicate that the nesting season usually occurs in mid-April to May.</p>
<p><u>Trees</u> Potential impact on old oak trees</p>	<p>Various Arboricultural reports have been submitted, to which the Council's Arboriculturalist does not object- see section 8 below</p>
<p><u>Reinstatement</u> Need guarantee that disturbed areas will be reinstated to current standard; will SW check for long term subsidence; reinstatement document does not address impact of remediating chalk slurry</p>	<p>Reinstatement requirements can be conditioned to Sport England's standards</p> <p>Any chalk slurry can be contained/diverted - see 'waste from drilling' comments above</p>
<p><u>Impact on Aquifer</u> Drilling in close proximity to an aquifer but no detail of how this will be protected during drilling; sanctioning drilling into Portsmouth Water source should require detailed risk analysis; insufficient information on how streams will be protected; risk to Bedhampton Springs not addressed;</p>	<p>Portsmouth Water raise no objection to this application</p>
<p><u>Portsmouth Water comments</u> Not credible and are themselves premature and prejudiced by their collaboration with the applicant</p>	<p>As a statutory consultee Portsmouth Water's comments have to be accepted in good faith</p>
<p><u>Suggested conditions</u> If minded to grant consent then please require: 1. a method statement for the drilling operations to ensure aquifer is not impacted and how rising liquid and solids will be controlled, slurry not spread; and sealing methodology 2. control quality of reinstatement; 3. SW to compensate the park eg refurbish the playground</p>	<p>Noted</p>
<p><u>Summer Fayre</u> Bidbury park hosts a summer fayre on first Saturday in July, on southern section; access to the show via car park, steps should be taken to prevent access being blocked for show or affect visitor capacity;</p>	<p>SW have agreed not to commence before this years summer show on Saturday 1st July if permission is granted before then</p>

<u>Visual appearance</u> 2.4m high security fencing will be visually intrusive; suggest fencing painted green to blend with the nature of Bidbury Mead.	The palisade fencing will be green - See section 8 below
<u>Archaeology</u> Closely located to St Chad's well - ground not been disturbed for many years - should be a watching brief	The County Archaeologist has not requested a watching brief
<u>Levels</u> Trakmat route in front of pavilion where significant changes in levels	The Trakmat would be laid on the flatter part of the park, but in any event Trakmat can accommodate some slope
<u>Public benches</u> Impact on access to bench in borehole 102's compound a concern; and what steps taken to protect the bench	The bench is to be removed, stored securely and replaced at the end of the operation
<u>Rent</u> SW should pay a ground rent to HBC's stretched funds for use of park	Not a planning matter

8 **Planning Considerations**

8.1 Having regard to the relevant policies of the development plan and all other material considerations it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area & Conservation Area
- (iii) Impact upon residential amenity
- (iv) Impact on public open space and Sports Pitches
- (v) Impact on Trees
- (vi) Highways and parking

(i) Principle of development

8.2 As noted at paragraph 1.1 above, the engineering operations proposed by Southern Water in this application, which are for purposes of survey and investigation only, normally constitute permitted development for which planning permission is not required. This forms the fall-back position to which regard must be had in determining this application. It is only because the survey work at this site is required for longer than 6 months that permission is required.

8.3 Planning permission is being sought to use the land for the proposed engineering operations for 18 months. This time period would allow for the complete process of two construction phases and a full 12 month monitoring period, plus time to decommission the site and make good the ground, plus factoring in any slight delays to the process.

8.4 Policy CS19 supports the effective provision of infrastructure, and in particular safeguards the requirements of infrastructure providers in delivering improvements, provided it does not result in loss of health, publicly-provided community buildings or services etc. This proposal would enable Southern Water to carry out essential ground investigations to

help inform the design and alignment of any future pipeline tunnels as part of their role in delivering a sustainable strategic water source, in accordance with the principle of Policy CS19.

- 8.5 As noted at paragraph 1.5 it is not considered that this application can be refused on grounds of prematurity - the NPPF criteria for resisting development based on prematurity are not met for this small scale engineering proposal for survey and investigation only. Therefore, in an urban area, the development is supportable in principle, provided there are no adverse impacts arising from the proposal after having had regard to the permitted development fall-back position, and these will be considered below:

(ii) Impact upon the character and appearance of the area & Conservation Area

- 8.6 Bidbury Mead Recreation Ground is located within Old Bedhampton Conservation Area and as such Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area. Similarly there are nearby Listed Buildings and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.7 It is acknowledged that the introduction of 2 compounds in isolated locations within the park would have some adverse visual impact on the character of the park. The larger compounds comprising heras fencing lined with acoustic panels would screen the equipment during the drilling stage, but themselves would be features not normally found in a park landscape. The headwork equipment and palisade fencing required for 12 months would be smaller and lighter weight, but still potentially incongruous structures in the park. Southern Water have agreed to use green coloured palisade fencing to help blend with the surroundings.
- 8.8 However each compound would be relatively small compared to the scale of the park, and only in situ for a temporary period. In the long term all apparatus and fencing would be permanently removed from the site and the land reinstated to the former open grassland. A Sports Field Restoration methodology has been submitted which proposes various remedial solutions depending on weather conditions and any damage caused, from simple aeration and watering, to complete re-turfing with associated watering. This document is in the process of being revised to accord with Sport England's technical design guidance, Natural Turf for Sport (2011), and adequate quality of remedial works can be secured via condition.
- 8.8 On this basis there would be no long term adverse impact on the character and appearance of the park and Conservation Area, which would therefore be preserved. The proposed siting of the boreholes would also be some distance from the Listed Buildings such that the setting of the Listed Buildings is not considered to be affected by the temporary compounds. The Conservation Officer notes the lack of any permanent built structures associated with the proposal and is of the view that any harm to the heritage assets would be negligible.
- 8.9 Policies CS11 and DM20 seek to conserve and enhance historic assets and the environment and it is considered that the proposed temporary engineering works would have no long term adverse impact on either and be compliant with these policies. It is noted that nature of the temporary visual harm would be the same if Southern Water undertook the operations under permitted development, just the duration would be longer.

(iii) Impact upon residential amenity

- 8.10 The key concern in respect of residential amenity would arise from potential noise disturbance. The gardens of the properties on Bedhampton Road back onto the park close to the siting of borehole 102. Most of these properties have long rear gardens of some 30m; the closest dwelling, Masquerade, is sited at an angle with a rear garden depth of some 20m. There is a brick wall with high hedging providing dense screening on this northern boundary of the park adjacent borehole 102. The borehole would be sited 6m south of this boundary.
- 8.11 All works at the site would only take place between 08:00 and 17:00 on Mondays to Fridays. This includes the setting up and dismantling of equipment and the actual drilling process. The drill is not automated and would be manned during these hours only. Thereafter the monitoring equipment would run 24/7, but makes virtually no noise at all. During the monitoring period any operatives attending the site would do so within the standard working day.
- 8.12 The drill process would involve a rotary core drill on the back of a supporting rig/trailer. This equipment produces a peak noise level of 100.8dB which is reduced to 80dB 1m away at the front and 3m away at the rear. The perceived noise would continue to reduce with distance and separation. The proposed surrounding heras fencing would also be lined with 1.8m high acoustic sound barriers further reducing noise emission.
- 8.13 The most directly affected property would be Masquerade, but nevertheless the rear of this dwelling would be about 26m from the site of the drilling with a dense buffering boundary treatment between. It is likely that some noise and disturbance will occur to affect the amenity of the occupiers of the nearest dwellings, but mitigated by the acoustic fence, distance and intervening screening. Any noise and disturbance from the initial drilling would only take place during reasonable mid-week working hours with none at all at weekends, and would only last for about 3 weeks. The decommissioning of the borehole at the end of the process would also involve noise levels similar to the beginning, but again only for a short time.
- 8.14 Policies CS16 and DM10 seek to protect neighbours from unacceptable harm to amenity from noise and pollution. Whilst it is accepted that there would be some modest loss of amenity from noise and disturbance during the construction and decommissioning phases, it is considered that the harm would be short term and mitigated as much as possible. No harm would arise during the monitoring period. Therefore it is considered that the harm would not be sufficient to be considered contrary to policies CS16 or DM10. It must also be noted that identical noise and disturbance would occur were Southern Water to implement these investigative boreholes under their permitted development rights.

(iv) Impact on public open space and Sports Pitches

- 8.15 The park is designated a Local Green Space by policy AL8 and together with policy DM1 such open space is protected from harmful development. Since the park has both marked out cricket and football pitches (according to the season) then it also comprises formal playing fields and as such Sport England are statutory consultees.
- 8.16 Third party comments fear loss of public access to the whole park, but this is not the case. During the proposed works public access would remain to the majority of the park, the only excluded areas would be the 2 compound areas and 3 car parking spaces used as a store (for the construction and decommissioning few weeks only). The Trakmat laid could still be walked across by members of the public and would not interfere with the Public Rights of Way that cross the site.

- 8.17 The siting of the boreholes and the precise dimensions of the larger compounds has been amended during the determination of this application to have full regard to the cricket and football pitches. The larger construction phase compound surrounding Borehole 102 would be curved along the boundary line of the cricket pitch. Whilst this would not provide the normal 2 to 3 m safety buffer required around the edges of a cricket pitch, Sport England have agreed to it in this instance as it would only be for 3 weeks and the land is constrained by the boundary wall and adjacent trees and the compound perimeter cannot be re-sited. The smaller monitoring phase compound would be over 6m from the boundary of the cricket pitch and have no impact on the safety buffer or usability of the pitch.
- 8.18 To avoid some trees the Trakmat would also partially encroach onto the cricket pitch. It has been agreed that Southern Water will remove this section of Trakmat at the weekends, to enable weekend match fixtures to take place. This would only be for the few weeks at the beginning and end of the process as the Trakmat would be removed from the site for the monitoring phase.
- 8.19 With respect to the youth football pitch on the southern section of the park, the larger construction compound would encroach into this football pitch. The football season starts in the autumn and Southern Water hope to implement this engineering operation as soon as planning permission is received, which would enable them to have completed the construction phase by October. The smaller monitoring phase compound would be 5m away from the edge of the football pitch and have no impact on the usability of the pitch.
- 8.20 Sport England request a condition that would prevent any works on the football pitch between October and May, to ensure the works area does not impinge on the football season. This would be reasonable and necessary to ensure the pitch remains available, and has been agreed in principle by Southern Water and can be imposed. It should be noted that HBC's Leisure Team note that the youth pitch is in fact available to book and use from September, but that the teams that use the pitch would organise away games if the larger compound is still in situ in September. It is the opinion of the Leisure Team that this would be a minor and manageable impact.
- 8.21 Overall it is considered that with appropriate conditions, the proposed works would have limited impact on the availability of the sports pitches and public access to the open space would remain largely unaltered. On the basis of the temporary nature of the major works (ie construction and decommissioning phases), and with a condition restricting works on the football pitch to the off-season, and another condition requiring further details of the reinstatement of the playing field to be in accordance with their 'Natural Turf for Sport' document, then Sport England raise no objection to the proposal.
- 8.22 Since the park would remain available for public recreation and sport, continuing to promote healthy lifestyles in accordance with policies AL8, CS1 and DM1, then the proposal is considered compliant with these policies.

(v) Impact on Trees

- 8.23 The park has several mature trees and an Arboricultural Impact Assessment and Method Statement have been submitted. These documents indicate that the boreholes themselves, and the smaller palisade monitoring compounds, are outside of any root protection zones. Therefore all underground works would have limited and acceptable impact on the trees. It is only the above ground small sections of the larger heras fencing construction compounds that would slightly encroach into the root protection zones. It is proposed that the minor incursion can be managed by tying back lower branches of the canopy, or pruning if necessary, and the use of Trakmat would protect the soil and any compaction in both the compounds and the access route.

8.24 One tree to the south-west of borehole 101, T8, a Hinoki cypress, was identified as being a category U tree ie in such a condition that it realistically will not survive 10 years. Whilst the Council's Arboricultural officer has suggested a landscaping condition to include the replacement of this tree, it is however outside of the red lined application site, is not required to be removed to facilitate the development, and therefore cannot be conditioned.

8.25 Overall it is considered that the proposed works would not result in any harm to the trees within the park, in accordance with policies CS11, CS16 and DM8.

(vi) Highways and parking

8.26 Whilst deliveries are being made to the site, for a maximum of 8 days during the set up phase, and another 8 days at the decommissioning stage, 3 of the car park spaces within the park car park south of the pavilion would be temporarily fenced off with heras fencing to form a secure storage compound for equipment. A forklift truck and banksman would be used to transport equipment from this storage compound along the Trakmat to the construction compounds.

8.27 The loss of 3 car parking spaces for two periods of 8 days only, is considered to have minimal impact and inconvenience to users of the car park and park. The highway network can accommodate the temporary vehicular movements associated with the project. Overall it is considered that the proposal would not have any adverse impact on highways or parking issues, and would comply with policies CS20 and DM14.

9 Conclusion

9.1 This application for engineering works for survey and investigative purposes only must be considered on its individual merits and cannot be influenced by any views on the wider HWT & WRP. Following the advice within the NPPF a development of this small scale and nature cannot be considered to be premature.

9.2 Regard must also be had to the fact that Southern Water, as a statutory undertaker, could undertake works of a similar nature under their permitted development rights. The construction methodology and associated impacts would be identical to that proposed, the only difference would be the timing - under permitted development all apparatus would need to be removed from site within 6 months, whereas this application seeks an 18 month use of the land to enable a full 12 month monitoring period either side of a 4 week construction and decommissioning phase.

9.3 Whilst it is accepted that the proposal would have some visual and amenity impacts, these would not be significant and would be temporary only. The park would largely remain available to the public and sports clubs could continue to use the pitches. No long term adverse impact would arise to the character of the Conservation Area or setting of nearby Listed Buildings. The existing trees within the park would not be harmed by the proposal, and highways and parking impacts are acceptable given the short term duration of the works. Therefore the proposal is considered to be acceptable and it is recommended to grant temporary consent.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT TEMPORARY PERMISSION** for application APP/23/00004 subject to the following conditions

1 This permission shall be for a limited period of 18 months from the date of this

permission, on or before which date the use of the land for ground investigation works with associated development shall be discontinued permanently and the site shall be restored to its former park use, in accordance with condition 4, unless the prior consent of the Local Planning Authority has been obtained in writing for a further period.

Reason: The use and associated development within a park with sports pitches is not considered suitable for permanent retention, having due regard to policy AL8 of the Havant Borough Local Plan (Allocations) 2014, policies CS1, CS11, CS16 and DM1 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

760010-BH101&BH102-01 – Location Plan

760010-BH101&BH102-02 – Site Layout Plan 1 of 2 (BH101 construction layout)

760010-BH101&BH102-03 – Site Layout Plan 2 of 2 (BH102 construction layout)

760010-BH101&BH102-04 – BH101 Temporary Fencing Plan

760010-BH101&BH102-05 - BH102 Temporary Fencing Plan

710166-SWS-XX-XX-DR-Z-03701 C02 – BH101 Site Layout and Headworks Plan

710166-SWS-XX-XX-DR-Z-03703 C02 – BH101 Decommissioning Detail

710166-SWS-XX-XX-DR-Z-03706 C02 – BH102 Decommissioning Detail

Arboricultural Impact Assessment by Middlemarch, Report Number

RT-MME-159849-02 Rev A

Arboricultural Method Statement by Middlemarch, Report Number

RT-MME-159849-03

Sports Field Restoration Methodology dated 2023

Revised Cover Letter dated 10th March 2023

Statement of Measures incorporated into Borehole 102 Siting to Protect the Public Sewer dated June 2023

Reason: - To ensure provision of a satisfactory development.

- 3 The hereby approved construction compound of Borehole BH101, shown on Drawing Number 760010-BH101 & BH102 -02, shall not be erected on site or in use during the months of October to May in any calendar year.

Reason: To avoid conflict with the availability of the football pitch during the football season, having regard to policy AL8 of the Havant Borough Local Plan (Allocations) 2014, policies CS1 and DM1 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Within 3 months of the commencement of works hereby permitted a scheme for the removal of the works/compound and the reinstatement of the playing field land shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme must be in accordance with Sport England guidance "Natural Turf for Sport" (2011).

Within 8 days following completion of the works, the compound/works area and associated paraphernalia shall be removed from the site in accordance with the approved scheme.

Within 3 months of, or in the first planting season following the removal of the works/compound, whichever is sooner, the playing field land shall be

reinstated in accordance with the approved scheme.

Reason: To ensure the site is restored to a condition fit for purpose and to accord with policy AL8 of the Havant Borough Local Plan (Allocations) 2014, policies CS1, CS11, CS16 and DM1 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The development hereby permitted shall only be carried out in accordance with the submitted Arboricultural Impact Assessment (RT-MME-159849-02 Rev A) and Arboricultural Method Statement (RT-MME-159849-03).

Reason: To ensure the continuity of amenity value afforded by the trees in question and in accordance with policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Any required tree works shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To ensure the continuity of amenity value afforded by the trees in question and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Appendices

Appendix A – Location Plan

Appendix B - Site Layout Plan

Appendix C – Borehole 101 Construction Compound

Appendix D – Borehole 101 Monitoring Period Compound

Appendix E – Borehole 102 Construction Compound

Appendix F – Borehole 102 Monitoring Period Compound