

22nd February 2018 - for the information of OPC councillors:

First draft notes from meeting on Deer Park at Hart DC offices on 21st February 2018

On Wednesday 21st February Councillors Robinson-Giannasi and Faulkner attended a meeting at the invitation of the case officer on LPA application 18/03029, known locally as the Deer Park application. In attendance were District Councillor Crookes, Councillors RG and F, Christine Tetlow (case officer and had extended the invitation) and Richard Revell (the applicant) accompanied by Nick Cobbold (Bell Cornwell) and Graham Bell (retired consultant, attending to provide continuity, having represented the applicant on this project until his retirement).

The format of the meeting involved the applicant and representatives giving an overview on what had changed between previous submission and this submission. Cllrs RG and F had read the application and understood the changes described but for the benefit of the meeting the representation, in overview form, was made. Subsequently councillors (initiated by DCllr Crookes who had time constraints on his attendance and left after 1 hour) asked a series of questions on the application. The questions (**in bold**, submitted by all OPC councillors) and responses (*in italics*) cover materially all of the content and detail of the meeting:

1) The housing including a private open space occupies 19 acres (planning statement 3.10 – 5.68 acres + 13.25 acres). It would be helpful to have a clear map showing the area occupied by the private open space. Who will own that private space? Octagon? Householders? How will it be protected from future building?

BC is forwarding a colour coded map clearly demonstrating the 4 areas: Deer Park, public open space, private open space and residential (attaching to the proposed houses). The a) Deer Park, b) private open space (the section of land containing the access to Dunleys Hill and bridging between the edge of the public open space and the edge of the residential land, backing onto the existing houses at the upper elevation of Dunleys Hill), c) the lodge house at the new Dunleys Hill entrance to the land and d) the larger house to the north of the residential development will all remain in the current landowner's ownership and would be subject to the covenants. The public open space would likewise be covered by the covenants.

2) Is the landscape master plan accurately to scale including the sizes of the houses? House 7 does not show as much larger than the others, but the detailed drawing shows it to have more than 40% larger footprint, though no scale rule is shown on the drawing for House 7.

No scale rule on the drawings but the footprint (the only thing that can be shown on a 2D map) is accurately represented on both the master plan and the sub plan giving finer detail of the residential area.

3) The overall plan shows the footpaths crossing various of the deer enclosures, gates will therefore be required in each location where this occurs. What sort of gate will be used presumably as high as the fencing, heavy, self closing? How often will they be closed? For deer culling, when they are rutting, other times ?

These gates will result in pinch points and as we have seen already very muddy areas, how will this be addressed?

As the application details, the management of the perimeter of the Deer Park would follow established practices at existing deer parks. Self-closing gates, commensurate with the height of the fencing. The gates would, in principle, never be fixed closed, but should any dangers to public access arise then as the gates are on footpaths closure requires HCC pre approval. The only identified circumstances would be rutting/culling. Fallow deer would be introduced as they are 1) native to the UK and 2) have a benign behaviour. The use of "please keep dogs on leashes – deer rutting" or similar as used in other deer parks is expected to be sufficient for almost 100% of circumstances.

Management plan identifies pinch points and specification of publicly accessible surfaces to be made to minimise or eliminate current impassable sections and pinch points. Improvement works to landscape, using historic water courses (now overgrown) would reduce surface water issues at the current and future heavily trafficked points.

4) The fifteen acre strip being offered to OPC containing the cycle track and path will require maintenance! Who will pay for this?

Application refers to Hart's 21 year commutation calculation. Applicant expects to provide commuted sum for maintenance although is possibly open (although not his preference) to taking responsibility for POS maintenance over this period. Maintenance for whole site (POS and Deer Park) capital funded for foreseeable future. Maintenance of significant oak trees to mark edge of the deer park and fencing explicitly to remain landowners' responsibility.

5) How will the cycle track connect to the local network of routes where cycling is permitted (public roads etc)?

Access to Dunleys Hill via new road access point (Highways compliant). Access to Colt Hill via unmade road onto Colt Hill (this road appears to be in legal ownership of applicant, has footpath running along it and per HCC footpaths team would be statutorily granted cycle access. These points claimed by applicant evidenced by legal ownership document and communication with HCC team in Old Basing, to be independently verified by OPC). Access prepared to Deer Park View car park. Hart would need to remove/allow removal of the new wall at end of the car park where there are currently bottle banks. This wall was removed temporarily for the construction/redevelopment of Byways 5 years ago. Application details open access at this point to POS with removable barrier in control of OPC to allow access for event parking and to event space. Applicant pointed to the opportunities for some "joined up thinking" by OPC (and Hart) with respect to, e.g looking at access to the Dunleys Hill site that is likely to come into OPC control giving direct link from Colt Hill to RMS by using this application's POS as a route across the village. In addition there is a currently lightly used footpath that gives access across what would become private open space (around the new access to Dunley's Hill) alongside the Glen Haven development that allows access further down Dunley's Hill and into the housing in North Warnborough and to the OPC play area on the Deer Park boundary. This would be connected to the access from the public open space, south western end (FP17). Permeability between Odiham and North Warnborough would be improved.

6) What guarantees are there that the deer and fences will be still there in 5 years time or 10 years time? Will this be one of the covenants governing use of the land?

The Deer Park land would remain designated as agricultural as at present. It is theoretically possible for it to be returned to current agricultural use (albeit then with landscape improvements) although the applicant states that the maintenance and management as a deer park is funded for an extended period. No guarantees obviously (my comment – MF).

7) How long will the present owner retain the ownership of the park's 69.5 acres ?

Intention is indefinitely.

8) How do we know the footpaths will be properly maintained in the future ?

Combination of applicants' improvement/management plan and HCC, as at present.

9) Is it normal for an important site in the Conservation Area to have planning documents with hand written amendments which give an inconsistent picture (including Design and Access Statement, Landscape Character and Heritage Appraisal, Visual Impact Assessment)?

Case officer has accepted the application as it stands and explicitly stated that she will review and determine on the basis of what has been submitted.

10) Who will be party to the new covenants, which aspects of the land...and which areas will they cover? How long will they last and what is the mechanism for enforcing/amending/ending them?

Covenants very straightforward and clear. 1) Open ended, giving both landowner (and successors) and OPC veto rights over any action proposed by the other. 2) Hart to retain the same rights as in the current S52 covenant but phrased in a new covenant based on S106. At present Hart can relax the covenant over development subject to its decision making process as a council – OPC has no input under the existing S52 covenant. Hart will retain the same (or very similar) power under a new covenant which is why the additional covenant including OPC is important. So, in summary, 2 covenants binding 3 parties. Landowner to Hart and Landowner to OPC. OPC must take its own legal advice on the covenant(s).

11) Confirm routes of footpaths.

All footpaths to remain on existing routes with improvements to access and condition.

12) Confirm footpath from back of Bell and Dragon to the Basingstoke Canal.(This will be a major improvement footpath?

As above. FP17 (I think is being referred to?) to run through POS, unsafe wall (established by HE as not a listed structure) to be repaired with no change to method statement – ie restored sympathetically using conservation builders despite not being listed – to ensure safety of FP17. To be accurate public accessing FP17 can follow whichever course they choose through the POS.

13) Confirm Access points and types of Styles / Gates.

Answered above.

14) Type of Footpath Construction and Width.

Improved, see above. No fencing or restrictions.

15) Who responsible for footpath maintenance.

See above

16) The number of Deers to graze on the Park .

Expected at 60. Detailed in deer herd management paper in application.

17) Type and height of Fencing around the Park for security and Deer control.

Approx 2 metre as specified in other deer parks. Application gives detail and photographs demonstrating that fencing effectively disappears when viewed from any distance. OPC to make its own judgement.

18) Will any Plaque be placed on the Deer Park to remember King Johns visit

Application reflects historic information and display sites on boundary of Deer Park.

19) Is there a Possibility of New Toilets and Car Park extension being built at the current Deer Park Car Park position.

Not included in this application. Following response from community these were removed from proposal in previous application. Event parking still included per answer above. As a result this application is not presented as an enabling development but LPA must decide on the physically delivered benefits and weigh against the net harm to the heritage site determined by HE.

20) - the restoration of this neglected Deer Park in 2016 (and restoration of a wall similar to the one in our Deer Park) attracts 3000 people a year specifically for the deer park. <http://advisor.museumsandheritage.com/features/dartington-hall-transforming-neglected-medieval-deer-park-free-outdoor-heritage-attraction/>

Clearly Dartington itself has a wider visitor proposition. Would Hart rate improvements to our DP as a valuable part of an improved visitor proposition that could support our rural and historic community?

The officer was not familiar with this location. The applicants' representative had some knowledge of it. While not discussing "Dartington" the meeting drew brief conversation on the aspirations of the NP and how a development might support and augment those objectives.

21) Natural England has no objection. Heritage England seem to suggest that many of their concerns have been answered from the last app and describe this one as finely balanced (but still noting harm). What are Harts views in the proposed additional mitigation's HE proposed?

Hart officer would not offer any subjective comment but emphasised that it is up to OPC to determine the value of the community benefits to inform her in her decision making capacity in balancing against the input from HE. It was accepted at the meeting in interaction between officer and applicant's representative that HE conclusion notes less than significant or substantial harm to the heritage asset from the proposal giving Hart the final decision on the balance offered.

22) How does Hart View the impact to the local gap?

Picking up on a question asked by a councillor the officer and the applicant 's representative discussed this point technically. The applicant's representative drew attention to recent test of local gap in Hart and the protection offered in the Local Plan, and that the local gap at Dunleys Hill has been reduced under the NP. The applicant described that the proposed development protects the narrowest point of the gap being closely attached to the existing property line (the recent development at Glen Haven being identified). The officer suggested that technically there is an impact on the gap when viewed from the largest proposed house looking to the rear of the High Street properties, albeit this is at a 1.5km+ distance.

23) How favourably does Hart rate the public benefits - and contribution towards the aims of our NP, in terms of cycle paths, maintenance of footpaths, public open space, parking etc?

See above, no comment by Hart officer, it is OPC's responsibility to inform her of the balance.

24) The local action group accuse this project of not meeting the definition of enabling development and is simply to make profit. Does Hart share this view?

Following some clarification between applicant's representative and officer, it was established that the application is not submitted as, nor, per the officer, will it be determined as, enabling development. It will be judged on the harm to the heritage site of the new build against the community benefits delivered by the proposal in physical not financial terms.

Further point:

The one point that did not come from the prepared questions that were asked was wrt permitted agricultural development rights. The applicant confirmed that he offers a "dramatic" (his words, I believe) reduction in pdrs for the land that would remain classified as agricultural subject to a small structure to house equipment and stores needed for the maintenance of the deer herd. Currently pdrs on the site are open meaning that it is possible under current rights to build eg a barn of 100m2 area. This and other permitted development rights would be replaced with much more limited rights than the land currently benefits from either framed as a planning condition or as a legal obligation.