
APPLICATION NO.	22/01494/FULLS
APPLICATION TYPE	FULL APPLICATION – SOUTH
REGISTERED	08.06.2022
APPLICANT	Ben Kantsler
SITE	Chalk Vale Barn, Chalk Hill, Little Somborne, SO20 6QU, KING'S SOMBORNE
PROPOSAL	Installation of six water storage tanks for frost control and vine irrigation (retrospective)
AMENDMENTS	Received on 08.06.2022, 30.08.2022, 24.10.2022 and 15.11.2022: <ul style="list-style-type: none">• Additional and amended landscape information.
CASE OFFICER	Graham Melton

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee at the request of Local Ward Members as there is significant local interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site forms part of Chalkvale Vineyard which comprises approximately 30ha of open fields located to the north of Chalk Vale and to the west of Chalk Hill.

2.2 This particular application relates to the northern end of one of the central fields within the wider vineyard.

3.0 PROPOSAL

3.1 The proposal is a retrospective application for the installation of six water storage tanks. Each individual storage tank measures approximately 9.2m in diameter and approximately 3.4m in height.

3.2 The six tanks are positioned in a linear arrangement on a north to south axis and on concrete platforms staggered in height to mirror the change in ground level, which decreases from north to south.

3.3 The application includes a proposed landscaping scheme to be planted around the perimeter of the water storage tanks and the painting of the storage tanks themselves a dark grey colour.

4.0 RELEVANT HISTORY

4.1 None.

5.0 CONSULTATIONS

5.1 Archaeology – Comment (summarised).

- The application site is close against, and possibly impinges on, an enclosure plotted from aerial photographs which is likely to be a prehistoric or Roman settlement.
- Beyond the settlement (away from the development) was Bronze Age burial mound.
- The development undertaken has also impacted the associated prehistoric field system.
- It is very likely that archaeological remains were encountered and destroyed when the development was installed.
- However, as the application is retrospective there is no archaeological response available.
- That having being said, if the outcome of the retrospective application is to trigger or require further ground works at this location, then an opportunity to comment further regarding the archaeological implications of those additional works is requested.

5.2 Environment Agency – No comment.

5.3 HCC Rights of Way – No comment.

5.4 Highways – No objection (summarised).

- From a vehicular perspective, the Highways Authority raises no objections to the proposal.
- Given that the development sits adjacent to a public footpath, HCC Countryside Services should be consulted for their views on the proposal.

5.5 Landscape – No objection subject to conditions (following receipt of additional and amended landscape plans).

- Content with charcoal colour - applicant needs to supply RAL colour.
- Management plan should include a paragraph stating that any landscaping which dies, becomes diseased or seriously defected within the first 5 years should be replaced like for like.
- Management plan states that the existing hedgerow will be further re-enforced with native planting and an additional fern fence will be used to provide extra screening.
- This needs to be added to the plan – species, no's etc for additional planting needs to be included.

5.6 Local Lead Flood Authority – No comment.

5.7 Southern Water – No comment.

6.0 **REPRESENTATIONS** Expired 29.11.2022

6.1 **Ashley Parish Council** – Objection (summarised).

- Ashley Parish Council objects to retrospective application reference 22/01494/FULLS.
- A petition was signed by several households in Up Somborne and every household in Ashley bar one, object to the water storage containers.

Impact on the character and appearance of the area

- The water containers have been described as a ‘mini oil refinery’.
- Not sure how it can be stated that the proposal has a neutral impact on the landscape setting when they are situated on the horizon when viewed from Ashley.
- Photographs attached showing the appearance of the development from a variety of public footpaths in the locality, including Ashley footpaths no. 1, 2 and 723, Chalk Vale Road, Chalk Hill Road and Ashley New Buildings Road.
- Photographs show the extremely detrimental visual amenity impact of the water containers on previously unspoilt views that were enjoyed on local footpaths and the surrounding area.

Water Management

- The application does not state anywhere the volume of water to be extracted from the water table/mains, this is absolutely vital and cannot believe that this has not been included.
- There is also a serious concern about potential local flooding with the introduction of a false climatic condition of continuous rain in one concentrated area.
- There needs to be a study of water volume taken and the effect on the water table and also the effect on properties using supplies in the area.
- The applicant dodged the principle matter of concern to justify and extrapolate the use of water, totally unacceptable.
- If the supply of others has been reduced pressure for example, what does the applicant intend to do in order to correct back to existing pressure levels?
- According to average household usage of 349 litres a day and the 708 households identified in TVBC’s parish profile in 2020, an average daily consumption of 247,092 litres can be calculated.
- Not stated anywhere in the submitted Planning Statement but it is known factually that the sprinkler system put in the vineyard extracts 192,000 litres for one night’s frost protection for one block of vines.
- At the moment 43% of King Somborne’s entire daily water consumption can be attributed to one small block of vines during a frosty night.
- Last year there were 20 days of frost protection needed so for the new sprinkler system as it currently stands it will mean extracting 3.84 million litres of water.
- How can this be environmentally sustainable or acceptable when everyone is being told to be careful with water consumption?

6.2 **Kings Somborne Parish Council** – Support.

6.3 **12 letters from residents** – Objection (summarised).

Principle of development

- Need.
- NPPF, Test Valley Borough Local Plan.
- Water storage tanks are not a feature of vineyards in other countries and at higher altitude than the application site.
- No apparent consideration has been given to alternative, less detrimental means of irrigation and frost prevention.
- Justification on the basis that the storage tank irrigation is less detrimental than the previous tractor and burner approach that generating a noise disturbance to residents is insufficient and represents a Hobson's choice.
- The water tanks are not essential to the operation of the vineyard.
- No benefit to the local economy of greater productivity from this vineyard.

Impact on the character and appearance of the area

- Character of the area, design, materials, overdevelopment.
- Seems that the development is a terrible blight on a beautiful bit of the country.
- The water tanks are reminiscent of an oil refinery and those in place are the beginning providing only sufficient water for a small element of the vineyard.
- Location of storage tanks near the top of an open hillside results in a significant impact.
- Hideous eyesore visible in what is otherwise a most beautiful and unspoiled valley, resulting from the brutal industrial treatment of the tanks.
- Detrimental to all those who regularly enjoy the beautiful walks and footpaths in this otherwise pristine area of natural beauty of Hampshire.
- To date there has been no mitigating planting project to minimise the visibility impact and even if there were, the tanks are of a size and construction that would undermine the efficacy of any landscaping plan.
- Any planting proposed is unlikely to have a positive impact as it will be positioned on an upward slope and stand out from the rest of the vineyard.
- Dispute the assessment undertaken of the visual impact as asserted in the Planning Statement and other supporting documents.
- Proposal does not comply with the requirements of paragraph 174 of the NPPF or Policy E2 of the Local Plan.

Water Management

- Colossal water extraction – view of Southern Water/Environmental concerns and permissions?
- Been told that in only one block of vines (out of eight) there are roughly 2,000 sprinklers amounting to a total of water consumption of 24,000 litres per hour.

- Or, for one night's frost protection over an average of 8 hours, 192,000 litres of water.
- Last year there were 20 days of frost protection so for the new sprinkler system, it will mean extracting 3.84 million litres of water.
- Told that the tanks installed will only protect a quarter of the vineyard, so potentially there could be 24 tanks with a potential use of 10 million litres of water.
- The aquifer that feeds the River Test, an SSSI ancient chalk stream is already over abstracted by Southern Water to feed local households and other big companies on the catchment.
- This cannot continue in its present form let alone allow other business to set up systems that require large amounts of water from the aquifer.
- EA's published 2019 strategy identifies limitations on current water supply, almost the entire document is about water resource availability and the implications for licensing it.
- The largest abstraction in the Lower River Test is for public water supply and has been subject to extensive investigation resulting in a Public Inquiry.
- As a result of that process, Southern Water's licence was reduced and further conditions were added in March 2019.
- If 3 years ago there was restricted water supply the situation is only going to be worse now after 3 years of low rainfall in 2022 and increased consumption in the catchment.
- Understood that the applicant had applied for a borehole license to supply the water it would have been refused as it exceeds the hourly abstraction, so it is assumed that the water is supplied from mains.
- TVBC need to carefully consider the consequences of allowing the application to proceed from a long term environmental perspective and setting a precedent.
- Strongly suggest that an environmental impact study is carried out to research the ramifications of another 3.84 million litres of water being used in the catchment area.

Ecology

- Noted that the application site is within a nitrate vulnerable zone and the water tanks will be used for fertiliser, which is highly irresponsible as the least organic substitutes or regenerative farming practices should be employed instead.
- Creation of a biodiversity corridor could have easily been included, not offering the bare minimum.

Impact on the amenity of residential property

- Overlooking.

Other Matters

- Likely that if permission is granted, there will be applications to locate a greater number of water tanks in the vineyard.

- If permission is issued, what is to stop the applicant applying for more and more tanks?
- There are a number of other vineyards in the Test Valley catchment area, the effect of this application would be to open the door to the abstraction of hundreds of millions litres of water per year.
- When an applicant has knowingly flouted planning rules, the default position should be not to permit planning as to do otherwise makes a mockery of the system.
- Suggest that a retrospective application such as this on such a sensitive and environmentally challenging issue is totally unacceptable.

6.4 **1 letter from the Angling Trust** – Objection (summarised).

- The Angling Trust urge TVBC to refuse the application.
- Both the Rivers Test and Itchen are of international importance and are of two of the finest chalk streams in the country in terms of ecology, diversity and historically enjoyed by anglers and non-anglers alike.
- In 2004 the Environment Agency published a report on the state of chalk stream health and recognised the high conservation value for wildlife, water supply, recreation and culture.
- In 2013, DEFRA published a report stating that abstraction and flow management are significant water management issues in England and Wales and are one of the top pressures needing to be addressed achieve healthy ecology.
- The natural flow regime is a benchmark for a healthy environment, altering these conditions through abstraction or flow regulation can have direct and indirect adverse impacts on the health of the environment and its ecology.
- In 2019, the Environment Agency published their River Test and Itchen abstraction licensing strategy which confirms that water resource availability is restricted and very little scope for additional abstraction without causing additional impact on sensitive water features.
- It is therefore deeply concerning to learn that the applicant is applying for a retrospective planning application for six extremely large water storage containers.
- TVBC should not be encouraging or supporting a business that is fundamentally flawed by its choice of location and which is clearly not environmentally sustainable.
- If the applicant applied for a borehole extraction licence then the maximum amount of water they will be allowed to extract will be 20,000 litres per day.
- Their current sprinkler system uses 24,000 litres per hour for one block of vines with 2,000 sprinklers.
- The water is being supplied to the containers by Southern Water through the mains rather than from a borehole, but this does not negate the fact that the water being extracted is a prolific and not sustainable or environmentally justifiable.

- These issues will only be exacerbated if the applicant applies for further water storage containers to micro-climate manage the remainder of their vines.

6.5 1 letter from Campaign for Protection of Rural England – Objection
(summarised).

- Test Valley CPRE wishes to object to this application for two reasons; the visual impact of six tanks and the excessive mains water consumption.

Impact on the character and appearance of the area

- The tanks being 9.2m diameter and up to 3.4m high are an obtrusive feature in this otherwise pleasant landscape and will be clearly visible from several footpaths in the area.
- The tanks could have been installed underground and the roofs grassed over.
- It is not considered that the proposed landscaping will provide adequate shielding, as leaves are only present on deciduous hedging for half the year.
- Furthermore, the top surfaces of the tanks would still be visible from viewpoints higher than the tanks, such as those around Ashley.
- The application site lies within Landscape Character Area 6C ‘Little Somborne Wooded Downs’ and the proposed development would appear to clearly contravene Policy E2 of the Local Plan.

Water Management

- Policy E7 of the Local Plan and paragraphs 7.52 to 7.56 contains a raft of statements about the need to protect water resources and water environment of the district as does Regulation 18 of the draft Local Plan.
- As these documents acknowledge, Test Valley is an area of severe water stress.
- TVBC should demand intended mains water consumption figures, both for the present and foreseeable future.
- The assumptions behind any supplied consumption figures should be clearly stated and annual water consumption to date should also be given.
- Having visited the site, CPRE has estimated the possible annual consumption of water from 5ha to 9.52 million litres per year.
- For comparison, TVBC’s Local plan aims that consumption in new housing development should be 110 litres per person per day or 40,000 litres per person per year.
- The annual water consumption from this 5ha block of vines is equivalent to that from 103 new homes.
- Irrigation system could also be used to increase crop yield as well as frost prevention and therefore deplete water supplies at times of low rainfall.

Other matters

- Paragraph 6.4 of the planning statement indicates that if permission is granted then this could set a precedent for the installation of further water storage tanks for the whole vineyard.
- Irrigation system could be replicated across other vineyards within the Borough placing further stress on water resources.

6.6 **1 letter from Wildfish (formerly Salmon & Trout Conservation) – Objection (summarised).**

- Character of the area.
- Water quantity is a major issue especially on chalk-aquifer fed rivers such as River Test and Itchen are of international importance and are two of the finest chalk streams in the country, in terms of ecology, diversity and historically.
- They were the birthplace of modern dry-fly and nymph fishing, their value to the local economy through fishing and tourism is significant.
- The high conservation value of wildlife, water supply, recreation and culture has been recognised in many Government reports and the River Test is a SSSI.
- Abstraction is a huge threat to the Test, the thrust of Government policy is to cut unsustainable abstraction.
- Previous by DEFRA and others make it abundantly clear that abstraction is a major threat to a healthy river, this scheme only adds to the pressure on chalk streams.
- Currently, the Environment Agency is requiring Southern Water to urgently find alternative sources of water to reduce its abstraction of water from the chalk aquifer.
- Given this background, it is unacceptable for the applicant to receive retrospective permission for six extremely large water storage containers for the purpose of irrigation/frost protection.
- The potential water consumption is estimated to run at up to nearly 4 million litres a year for a quarter of the vines, this is roughly equivalent to the annual consumption of 100 people – say 50 houses.
- If the whole vineyard were to be plumbed in, this would equate to the annual consumption of 400 people.
- The fact that the scheme is being supplied by the mains rather than a borehole is irrelevant as the water is being unsustainably abstracted by Southern Water in the first instance.
In short, TVBC should turn this proposal down because of its detrimental environmental impact because of the business' error in locating its vines where it has.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

- 7.2 Test Valley Borough Revised Local Plan (2016) (TVBRLP)
Policy SD1: Presumption in Favour of Sustainable Development
Policy COM2: Settlement Hierarchy
Policy E1: High Quality Development in the Borough
Policy E2: Protect, Conserve and Enhance the Landscape Character of the Borough
Policy E5: Biodiversity
Policy E7: Water Management
Policy E8: Pollution
Policy E9: Heritage
Policy LHW4: Amenity
Policy T1: Managing Movement
Policy T2: Parking Standards

- 7.3 Supplementary Planning Documents (SPD)
Landscape Character Area 10 – Open Chalklands

8.0 **PLANNING CONSIDERATIONS**

- 8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the area
- Water Management
- Ecology
- Impact on the general amenity of the area
- Heritage
- Impact on the amenity of residential property
- Highways
- Other matters

8.2 **Principle of development**

Policy COM2 of the TVBRLP states that development outside the boundaries of settlements will only be permitted if:

- a) *It is appropriate in the countryside as set out in the RLP Policy COM8 – COM14, LE10, LE16 – LE18; or*
- b) *It is essential for the proposal to be located in the countryside*

- 8.3 In this instance, the development undertaken does not relate to any of the policy exceptions listed under criterion (a) of Policy COM2. Therefore, it is necessary to assess whether it is essential for the proposal to be located within the countryside as required by criterion (b), and this assessment is set out below.

- 8.4 The application site forms part of an existing vineyard. Section 336 of the Town and Country Planning Act (1990) defines agriculture as:

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock...

The use of the application site as for the growing of grapes therefore qualifies as agricultural activity as defined by the Town and Country Planning Act (1990). Agricultural activity is not considered an unusual prospect in the countryside, with countryside locations typically more suitable than land within settlements.

- 8.5 The submitted information sets out the water storage tanks are required as part of frost prevention measures. It is understood from the submitted information that frost has the potential to threaten the growth of the grape vines and therefore, can significantly impact the operation of the vineyard without any mitigation or prevention measures. As a result, it is considered that the principle of water storage tanks to enable the implementation of frost prevention is essential in this instance, given the context of the application site as a vineyard. Consequently, the proposal complies with criterion (b) of Policy COM2 and the application is in accordance with the development framework of the Local Plan.
- 8.6 It is understood from the submitted information and third party representations that prior to the installation of the water storage tanks, frost prevention measures comprised the use of propane burners pulled by vehicles. Although it is likely that the presence of the water storage tanks and the alternative irrigation system will reduce the need and use of the propane burners, this cannot be guaranteed or controlled in the event that planning permission is granted. Therefore, the assessment on the principle of development for the water storage tanks has not accounted for the potential to replace the propane burners but whether they are in principle, a reasonable operational requirement for the vineyard.
- 8.7 On this matter third party representations have asserted that the operation of the vineyard does not economically benefit the local area and the water storage tanks does not represent the least intensive or environmentally detriment method of frost prevention. However, there is no policy requirement or threshold to demonstrate the economic contribution of the vineyard to the local economy in order for development to be considered acceptable in principle. In addition, the assessment of the development undertaken is on the basis of whether it is acceptable against the relevant material considerations, not on the basis that it represents the most efficient or least detrimental to the environment. An assessment against the other material considerations including the impact on the environment is undertaken below.
- 8.8 **Impact on the character and appearance of the area**
Policy E2 relates to the impact of development on the wider landscape, stating as follows:

To ensure the protection, conservation and enhancement of the landscape of the Borough development will be permitted provided that:

- a) it does not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located;*
- b) it is designed and located to ensure that the health and future retention of important landscape features is not likely to be prejudiced;*

- c) the existing and proposed landscaping and landscape features enable it to positively integrate into the landscape character of the area;*
- d) arrangements for the long term management and maintenance of any existing and proposed landscaping have been made; and*
- e) it conserves the landscape and scenic beauty of the New Forest National Park or the North Wessex Downs Area of Outstanding Natural Beauty where applicable; and*
- f) does not result in the loss of important local features such as trees, walls, hedges or water courses.*

8.9 Criterion (a)

There are a number of local roads and public rights of way within the vicinity of the application site and due to the positioning of the storage tanks on elevated ground, the development undertaken is visible from a number of public vantage points. This includes but is not limited to long distance views from the Chalk Vale and Chalk Hill roads as well as views from public footpaths Ashley no.4, Ashley no. 723 and Kings Somborne no. 20a. This collection of public roads and footpaths serve to provide a variety of long distance views from the south, south-east and south-west of the application site.

- 8.10 Furthermore, Kings Somborne public footpath no. 19 runs directly adjacent to the northern boundary of the application site and as a result, views of the storage tanks from closer proximity are available although the existing vegetation on the northern boundary provides a degree of screening.
- 8.11 As set out above considerable third party representations have raised concerns and objections to visual appearance of the storage tanks. After undertaking a site visit, it is apparent that the storage tanks currently have a visual prominence within the landscape and this is due to the positioning on elevated ground and the reflective nature of the external paintwork. Although the storage tanks are located within the vineyard and seen in context with the vines during growing season, these do not provide substantial screening and do not serve to soften the appearance of the development undertaken during winter months.
- 8.12 However, the storage tanks are positioned within Landscape Character Area 10 – Open Chalklands, with the associated character assessment document identifying the prevailing character as a large scale arable landscape. Consequently, there are a number of examples of utilitarian type agricultural buildings within the wider landscape as evidenced by the buildings at Lazilands Farm and Ashley Farm. It is therefore not considered that the design of the water storage tanks themselves are uncharacteristic of the landscape character of the area. but their current prominence within the wider landscape that results in a degree of visual detriment.
- 8.13 In response to this concern and the initial comments provided by the Landscape Officer, the planning agent has submitted a proposed landscape planting scheme provision for the storage tanks to be painted a non-reflective colour. An assessment of these details is set out in relation to criterion (c) and (d) below, but it is considered that subject to the implementation of measures to reduce the prominence of the storage tanks within the current landscape then the development undertaken would not detrimental to the surrounding landscape.

Therefore, the application complies with criterion (a).

8.14 Criterion (b)

The development undertaken is set approximately 14m away from the northern boundary of the open field, demarcated by mature trees and a hedgerow. As a result, due to this intervening distance, it is not considered that the development undertaken has served to prejudice the future health and retention of key landscape features within the immediate locality of the development undertaken. As such, the application complies with criterion (b).

8.15 Criterion (c)

In recognition of the current visual prominence of the storage tanks, a landscape planting plan and landscape management plan has been submitted in support of the application. Following the comments and feedback from the Landscape Officer, the landscaping scheme as set out in the planting and management plans has been updated and amended from the original submission.

8.16 The submitted landscape plan demonstrates that the proposed planting will be arranged in a broadly rectangular configuration around the storage tanks. This arrangement will ensure that the proposed planting softens the appearance of the storage tanks from every direction when viewed from the public realm.

8.17 As a result of the amendments undertaken to incorporate the previous advice from the Landscape Officer, the final schedule and mix of planting is as follows:

- 20% Holly
- 20% Dogwood
- 15% Privet
- 15% Guelder Rose
- 10% Blackthorn
- 10% Box
- 10% Hazel

8.18 The mixture of planting has been selected in response to the characteristics of the local landscape and following the amendments undertaken to the species mix, no objection was raised by the Landscape officer. The management plan also sets out that the initial planting whips will be 4 years old and approximately 1m to 1.5m in size. Consequently, the proposed planting will be of a size and maturity to provide an instant impact that will strengthen as the planting establishes.

8.19 Although it is acknowledged that the proposed planting is unlikely to completely screen the appearance of the storage tanks initially, this is not necessary for the development undertaken to be considered acceptable. The purpose of the proposed planting is to significantly reduce the visual prominence of the storage tanks rather than provide a complete screen. As a result, it is considered that the proposed planting measures will enable the appearance of the storage tanks to positively integrate with the landscape character of the area and therefore, the application complies with criterion (c).

8.20 Criterion (d)

The amended landscape management plan as referred to above sets out the requirement to replace any whips the perish within 5 years of the initial planting season, and this requirement has been secured through the imposition of condition no. 2. In relation to the painting of the storage tanks, the imposition of condition no. 3 ensures that the storage tanks will be completely painted in the charcoal grey and subsequently, that the external colour is not altered without the written consent of the Local Planning Authority prior to any changes.

8.21 As a result it is considered that sufficient measures are in place to ensure the long term management and maintenance of the proposed landscaping planting, as well as the retention of the proposed charcoal grey colour for the external appearance of the storage tanks. Therefore, the application complies with criterion (d).

8.22 Criterion (e)

The application site is not located within or in close proximity to the New Forest National Park or North Wessex Downs Area of Outstanding Beauty and therefore, criterion (e) is not applicable in this instance.

8.23 Criterion (f)

As identified above, the development undertaken has not resulted in the loss of any important local features such as trees, walls, hedges or water courses. Consequently, the application complies with criterion (f).

8.24 Conclusion on the impact on the character and appearance of the area

Following the assessment undertaken above, it is considered that the proposed landscape planting measures in conjunction with the painting of the storage tanks a dark grey colour, will ensure that the development undertaken protects and conserves the landscape character of the area in accordance with Policy E2 of the TVBRLP.

8.25 In addition given the measures secured to alter and soften the appearance of the storage tanks, it is considered that the design and scale is acceptable and will avoid any materially significant visual detriment to the character of the area. As a result, the application is in accordance with Policy E1 of the TVBRLP.

8.26 **Water Management**

Third party representations

It is noted that a number of third party representations have raised concern that the presence of the storage tanks onsite enables a significant amount of water abstraction, in an area identified by third party agencies such as the Environment Agency where water resources are under significant pressure.

8.27 On this matter the applicant has confirmed that the application site benefits from a connection to mains water supply and submitted a water bill to the Local Planning Authority confirming that the supply of water is billed by a private company.

- 8.28 Therefore, whilst the concerns in relation to water abstraction are acknowledged, the water supply is being provided by a private water company with no objection or comment received from either the Environment Agency or Southern Water to the consultation requests sent by the Local Planning Authority. As a result, there is no basis to refuse the planning application for the storage tanks on the potential associated water abstraction. In the event that the amount of water abstraction is identified as harmful, then this is a matter between the applicant, the private water company and the Environment Agency to resolve through other legislation outside of the planning process.
- 8.29 With regard to other issues that relates to water management, Policy E7 states as follows:

Development will be permitted provided that:

- a) it does not result in the deterioration of and, where possible, assists in improving water quality and be planned to support the attainment of the requirements of the Water Framework Directive;*
- b) it complies with national policy and guidance in relation to flood risk;*
- c) it does not result in a risk to the quality of groundwater within a principal aquifer, including Groundwater Source Protection Zones and there is no risk to public water supplies;*
- d) all new homes (including replacement dwellings) achieve a water consumption standard of no more than 110 litres per person per day; and*
- e) all new non-residential development of 500sqm or more achieve the BREEAM 'excellent' credit required for water consumption (reference Wat 1).*

Criteria d) – e) need to be satisfied unless it can be demonstrated that it is not financially viable.

- 8.30 Criterion (a)
The installation of the water storage tanks does not give rise to the introduction of contaminative materials onsite and avoids generating pollutants affecting the water quality within the locality. Therefore, the application complies with criterion (a).
- 8.31 Criterion (b)
The location of the development undertaken falls within Flood Zone 1 and therefore, does not conflict with national or local planning policy relating to flood risk. As a result, the application complies with criterion (b).
- 8.32 Third party representations have raised concern that should the tanks leak then a substantial amount of water would flood the immediate area. However, it is apparent from the site visit undertaken that the immediately adjoining land is the vineyard itself and therefore, any leak is likely to be contained within the vineyard itself. In the event that there is any damage to third party property arising from the leaks from the storage tanks then this would be a private civil matter.

- 8.33 Criterion (c)
The application site is not located within a Groundwater Source Protection Zone and the development undertaken is not of a type that results in a risk to the quality of groundwater. Consequently, the application complies with criterion (c).
- 8.34 Criterion (d)
The development undertaken does not comprise new dwellinghouses and therefore, criterion (d) is not applicable in this instance.
- 8.35 Criterion (e)
The area covered by the installation of the water storage tanks does not exceed 500sqm and as such, criterion (e) is not applicable in this instance.
- 8.36 Conclusion on Policy E7
Following the assessment undertaken above it is considered that the proposed scheme is in accordance with Policy E7 of the TVBRLP.
- 8.37 **Ecology**
Onsite biodiversity
The storage tanks are positioned within the open field that forms part of the vineyard and as such, this land is currently in use for the growing of vines. Due to the positioning of the storage tanks within the open fields rather than on the boundaries, the development undertaken has not served to remove mature trees or hedgerows and there is no external lighting proposed. As a result, it is not considered likely that the development undertaken has given rise to a loss of onsite habitat or adverse impact on protected species.
- 8.38 As identified above, the proposed scheme includes the provision of additional planting onsite and to ensure that the development undertaken results in the enhancement for onsite biodiversity, a condition has been imposed securing the precise enhancement measures to be incorporated into the proposed planting.
- 8.39 It is noted that third party representations have raised concern that such measures represent a 'bare minimum' and request the creation of a biodiversity corridor. However, this is not necessary or reasonable to ensure that the development undertaken avoids any adverse impact on protected species and habitats or to achieve the implementation of biodiversity enhancement measures. Therefore, this request has not been taken forward.
- 8.40 Offsite biodiversity
Third party representations have raised concern with regard to the potential impact of the associated water abstraction on offsite designated ecology sites such as the River Test SSSI. However, as identified above, there has been no comment from either Southern Water or the Environment Agency that the use of the development undertaken triggers any materially significant adverse impact on the ecological value of the River Test SSSI.

- 8.41 In addition, third party representations have also raised concern that the development undertaken triggers the use of nitrate fertiliser within a nitrate vulnerable zone. However, it is understood that the storage tanks are for the storage of water only and as such, there is no direct resulting increase in the use of nitrate fertiliser. Therefore, it is not considered that this concern forms a reasonable basis for refusing the planning application.
- 8.42 Conclusion on ecology
Following the assessment undertaken above, it is considered that the development undertaken avoids any adverse impact on protected species and habitats in addition to offsite designated areas. Consequently, the application is in accordance with Policy E5 of the TVBRLP.
- 8.43 **Impact on the general amenity of the area**
The erection of the water storage tanks has not resulted in the presence of or disturbance to contaminative materials and does not generate any materially significant noise disturbance or smell. Consequently, it is considered that the proposal protects the general amenity of the area and the application is in accordance with Policy E8 of the TVBRLP.
- 8.44 **Heritage**
The development undertaken is in close proximity to and potentially on top of an enclosure likely to be a prehistoric or Roman settlement. In addition, the location of the development undertaken is also likely to have impacted the associated prehistoric field system. As a result, the County Archaeologist has commented that it is very likely that archaeological remains were encountered and destroyed when the water storage tanks were installed.
- 8.45 In response, the planning agent has confirmed that this is not the case and that the installation of the water storage tanks did not result in the identification or loss of any archaeological features. Given the retrospective nature of the application it is not possible for the Local Planning Authority to determine either way whether the installation of the water storage tanks has triggered the loss of any archaeological features. In any event, as commented by the County Archaeologist, there is no archaeological response available given the retrospective nature of the application.
- 8.46 However, it can be concluded that should planning permission be granted then the requirement for additional planting and painting of the storage tanks will not serve to disturb any below ground archaeology. The granting of planning permission therefore will not trigger the loss of harm to below ground archaeology. Consequently, it is concluded that the proposal will preserve and conserve the historic significance and special interest of the historic environment in accordance with Policy E9 of the TVBRLP.
- 8.47 **Impact on the amenity of residential property**
Third party representations have raised concerns in relation to the potential for the proposal to result in adverse overlooking. However, the development is limited to the installation of water storage tanks in this instance and there are no residential properties directly adjacent to the location of the development

undertaken. Consequently, it is considered that the proposal will avoid any adverse impact on the amenity of residential property and the application is in accordance with Policy LHW4 of the TVBRLP.

8.48 **Highways**

The installation of the water storage tanks is not considered to trigger any materially significant increase in vehicular movements and does not serve to alter the existing vehicular access arrangements. Although it is noted that the location of the storage tanks is in close proximity to a number of public footpaths, the positioning of the tanks does not obstruct or impinge the pathways of public footpaths. Therefore, it is not considered that the development undertaken has resulted in an adverse highway safety impact on users of the local road network or safety to users of the local rights of way network. As such, the application is in accordance with Policy T1 of the TVBRLP.

8.49 **Other matters**

Third party representations have raised a number of matters that do not represent material considerations to the assessment of the planning application. Brief comments on these issues are set out below.

8.50 *Retrospective nature of the proposal*

Concern has been raised about the retrospective nature of the application and it has been asserted that this should result in a general presumption against the issuing of planning permission. However, section 73A of the Town and Country Planning Act (1990) enables the submission of retrospective applications and the fact that the development has already been undertaken does not constitute a basis for refusing the application.

8.51 *Issue of precedence*

Concern has been raised about the implication of granting permission for the development undertaken and the potential impact for installing additional storage tanks elsewhere within the wider application site or on other vineyards within the Borough. However, every application is assessed on its own merits and does not serve as a precedent for any potential future development.

9.0 **CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with the policies of the TVBRLP, therefore the recommendation is for permission.

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
Site Location Plan (001)
Block Plan (002)
Proposed Plans and Elevations (005)
Amended Landscape Plan (version 5)
Reason: For the avoidance of doubt and in the interests of proper planning.**

2. **The proposed landscaping works shall be carried out in accordance with the document titled ‘Nyetimber Chalkvale Landscape Management Plan’, received on the 5th December 2022, and as shown on the approved Amended Landscape Plan (version 5) in the first available planting season following the issuing of planning permission. The planting shall be maintained to encourage its establishment for a minimum period of five years following the initial planting phase. Any planting that is removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.**

Reason: To enable the development to protect and conserve the landscape character of the area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).

3. **Within 3 months of the permission hereby issued, the storage tanks hereby permitted shall be completely painted in charcoal grey, RAL 7024, in accordance ‘Nyetimber Chalkvale Landscape Management Plan’, received on the 5th December 2022. Thereafter, the external colour of the development hereby permitted shall not be altered unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To enable the development to protect and conserve the landscape character of the area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).

4. **No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires. The external lighting shall be installed in accordance with the approved details.**

Reason: To ensure the favourable conservation status of bats in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

Note to applicant:

1. **In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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