

PLANNING, DESIGN and ACCESS STATEMENT to be read in conjunction with drawings submitted for:

**Long Wells Vineyard, Marches Road, Warnham, Horsham, West Sussex,
RH12 3SL**

Full application for a proposed six pitch settled gypsy accommodation site,
retention of hardstanding.

Site and Proposal

Long Wells Vineyard, circled yellow below, lies to the south of Marches Road, Warnham. Site is located within countryside but no other statutory designations. The site is within a rural area characterised by farms and individually designed dwellings.



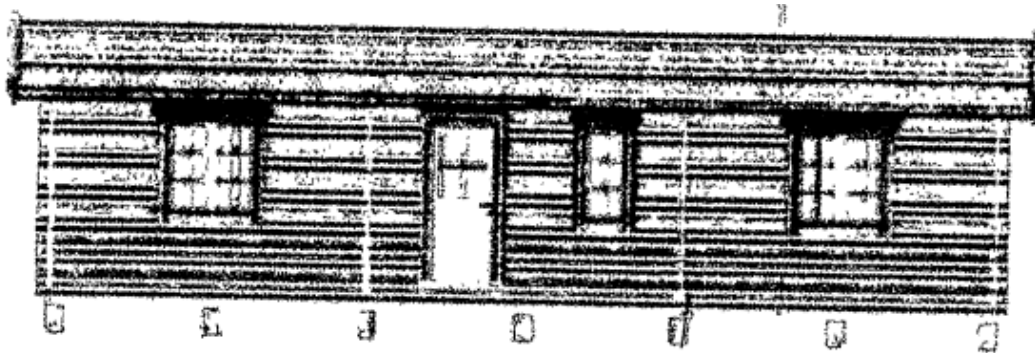
The property is not visible from public vantage points being screened by the adjoining mature boundary trees and hedging.

The proposal is for a six pitch site for settled gypsy accommodation. The site will include commensurate amenity areas within each pitch. The remainder of the land to the north will be used for the grazing of horses. **The existing permeable access track, again visible in the aerial photo, will be used to serve the development.** Each pitch will have a permeable hardstanding area to provide space for parking (including an area for a touring caravan) and turning.

As highlighted on the proposed site plan the site will be laid out ergonomically in accordance with the extant guidance within the May 2008 CLG 'Designing Gypsy and Traveller Sites - Good Practice Guide'; the proposed development will fit in well with the surrounding sporadic development context.

Each pitch has been set out to accord with site licence conditions. **The proposed development is being advanced to assist in meeting the long outstanding unmet need for Gypsy sites within the District.**

The traffic light highlighting and bold type face throughout the Planning Statement emphasises the suitability of the proposal against the material planning considerations as part of the planning balance exercise.



As per the image above the applicant is agreeable to the mobile homes being timber clad as a planning condition

Relevant Planning History:

Adjacent site to the north

DC/25/0497 Land at , Marches Road, Warnham, West Sussex - Change Of Use of land for the siting of 2no. static caravans, 2no. touring caravans for human habitation to be occupied by Gypsies and Travellers, with associated parking, relocation of existing access and erection of day room. (Retrospective) – **refused** for the following reasons – **COMMENTS added.**

1 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015) and the National Planning Policy Framework (2024), thus the Local Planning Authority is unable to discharge

its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

COMMENTS – It has recently been confirmed that Natural England have withdrawn their objection to developments on the basis of water neutrality.

2 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal would not result in an adverse visual and/or landscape impact, or cause harm to the semi-rural character and setting of the site, with particular reference to the laying of hardstanding and removal of vegetation and pressures to remove more on the boundary with the road. The development is therefore contrary to Policies 23, 25 and 33 of the Horsham District Planning Framework (2015).

COMMENTS – Landscape impact is a common theme of refusal for gypsy sites; given the substantial unmet need for pitches and need for a Planning Balance (i.e. any development in the countryside will have an impact to some degree) rarely are such matters upheld at appeal; please refer to Sussex Topiary and Hillybarn Farm ALLOWED appeal decisions (included as background documents).

Design and Development Objectives:

Good quality design with siting, layout, scale, form and appearance respecting the local context. The primary consideration has been to ensure the nature and extent of the proposed development are acceptable in planning terms, including any impact of the proposal on general and neighbouring amenity.

Ongoing substantial unmet need.

Precedent permission

**DC/21/1796 Appeal B Ref:
APP/Z3825/W/22/3311819 - Pear Tree
Farm, Furners Lane, Woodmancote BN5
9HX The development proposed is a
settled gypsy accommodation site
comprising 5 pitches and associated utility
buildings. ALLOWED ON APPEAL 29
FEBRUARY 2024**

Summary of Decision: The appeal is allowed subject to conditions. DC/17/1374 - Pear Tree Farm Furners Lane Woodmancote Henfield West Sussex BN5 9HX - The development proposed is described as a settled gypsy accommodation site comprising 3 pitches and associated utility building. APP/Z3825/W/18/3198550 – ALLOWED ON APPEAL with full cost award against Council – 19 FEBRUARY 2020

Full copy of appeal and costs decisions included as background documents confirming the suitability of the site for settled gypsy accommodation.

Italicised extracts below from allowed appeal decision for 5 pitches (APP/Z3825/W/22/3311819)

*10. The Statement of Common Ground (SoCG) handed up at the Hearing **confirms that there is a requirement for 60 pitches to be provided within the district over the 10-year period to 2027, rising to a requirement of 93 pitches over a 15-year period. The Council confirmed it does not have a 5-year land supply of pitches for gypsy and travellers.** While the revisions to the Framework have changed the approach to calculating need and supply, it is unlikely that they have changed these figures to such a degree that there is no longer a requirement to provide pitches.*

Based on the outstanding general need for pitches a personal permission is not requested; the applicant is happy to accept a standard planning condition to the effect that:

‘This permission does not authorise use of the land as a caravan site by any persons other than Gypsies and Travellers, as defined in Annex 1 of Planning Policy for Traveller Sites (Department for Communities and Local Government 2015).

Reason: To enable the Local Planning Authority to control the use of the site and in accordance with Policy 21, Policy 22 and Policy 23 of the Horsham District Planning Framework 2015’.

Planning Policy for Traveller Sites (PPTS) **The Planning Policy for Travellers Sites (PPTS)** document confirms that local planning authorities should set pitch targets for Gypsies, Travellers and Travelling Showpeople (GTTS), which addresses the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities. **Specifically, local planning authorities should, in producing their Local Plan identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. This is reiterated at paragraphs 9 and 10 of the PPTS document.**

Paragraph 24 of the PPTS relating to the determination of planning applications for traveller sites and states that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for site;
- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant;
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- e) that they should determine applications for sites from any travellers and not just those with local connections.

Paragraph 26 of the PPTS also notes that local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land;
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

Horsham District Planning Framework (HDPF) The main local policies relating to Gypsy, Traveller and Travelling Showpeople (GTTS) provision are policies 21, 22 and 23 of the HDPF.

Policy 22 of the HDPF: ‘Gypsy and Traveller Sites’ sets out criteria for allocating land for pitches for Gypsies and Travellers, including the use of publically owned land; and the allocation of sites in strategic development sites or stand-alone allocations.

Policy 23 (1) of the HDPF: ‘Strategic Policy: Gypsy and Traveller Allocations’ confirms in relation any planning applications for non-allocated sites that there must be no significant barriers to development exist in terms of flooding, drainage and ground stability; that the site is served by a safe and convenient vehicular and pedestrian access; that the site has essential services; that the site is located in or near to existing settlements and that the development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties.

The Council has acknowledged under paragraph 8.8 of the HDPF that further work will need to be undertaken to identify and monitor need and to provide for additional pitches beyond the initial five year period planning period (i.e. beyond 2017) and this will be addressed through a Site Allocations DPD. A call for sites was undertaken in May 2016 for Gypsy, Traveller and Travelling Showpeople sites (amongst other uses) which included advertising this call for sites on the Friends, Families and Travellers website. **The Council is in the relatively early stages of developing its Site Allocations document HDC – Internal Consultation** (with a regulation 18 consultation programmed for May / June 2017), and is actively assessing sites and accommodation needs within the District.

It is acknowledged that the sites allocated through policy 21 of the HDPF have yet to come forward and therefore, the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites. This is a significant consideration in terms of the determination of this planning application and would weigh in favour of the proposal, provided that the proposed development does not significantly depart from the criterion laid out in policy 23 of the HDPF.

Summary	<i>It is acknowledged that Gypsy and Traveller sites allocated through policy 21 of the HDPF have yet to come forward and therefore, the Council is currently unable to demonstrate an up-to-date 5 year</i>
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	<i>supply of deliverable sites.</i> <u><i>This is a significant consideration in terms of the determination of the planning application and would weigh in favour of the proposal.</i></u> <i>Given the above, it is considered that at least temporary planning permission should be considered and if the HDC – Internal Consultation criteria laid out in policy 23 of the HDPF can largely be met, then permanent planning permission should be considered.</i>
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Need for additional sites:

There are no vacancies at any gypsy sites within the Council's administrative area. Further it is widely understood that there is a long waiting list for any pitches both within the Council's administrative area and in the surrounding authorities.

Historical background - To understand Gypsies and Travellers today, it is very important to understand their history; where they come from, their traditions, customs and beliefs and how they have been viewed and treated over the ages. Travellers are part of a tradition which we all have roots in. Humankind has only settled in permanent settlements for the last 5,000 years in Britain and maybe 8,000 years worldwide. Gypsy and Traveller heritage, is of over 100,000 years of nomadism. Within Britain the roads have thronged with travellers of various sorts over the centuries, even before Romanies arrived about 600 years ago. All types and descriptions of Travellers moved around looking for work; selling, buying, spreading the gospels. There has always probably been friction between nomads and the sedentary population - partly from competition for resources and partly from the inherent fear of the free by the settled population.

Traditionally Travellers integrated with the local rural economy via seasonal agricultural labour and also by supplying other needs of the rural population. With increasing mechanisation the need for seasonal labour slackened during the 1950's and many travellers forsook the rural for the urban and semi-urban environment.

Legislation and Guidance for Gypsies and Travellers

Decision-making for policy concerning Gypsies sits within a complex legislative and national policy framework, the following key pieces of legislation and guidance are relevant when developing policies relating to Gypsies, Travellers and Travelling Showpeople:

- » The Housing and Planning Act, 2016
- » Planning Policy for Traveller Sites (PPTS), 2024
- » National Planning Policy Framework (NPPF), 2024
- » Planning Practice Guidance (PPG), 2014

PLANNING ASSESSMENT

Italicised extracts below from allowed appeal decision for 5 pitches (APP/Z3825/W/22/3311819) which can be analogously applied to the current application:

Appeal B: Policy Context

8. The appeal site is in the countryside, which falls outside the Council's hierarchical approach to the location of new development, and it is not allocated as a gypsy and traveller site. The development does not represent the provision of community facilities, leisure or recreation development. I therefore find that policies 3, 21, 24 and 43 of the Horsham District Planning Framework (excluding the South Downs National Park) (November 2015) (the HDPF) are not relevant.

9. Policy 2: Strategic Development, criterion 10 confirms that the Council's strategic approach to new development will provide for the specific temporary and permanent needs of gypsy and travellers. The parties agree that the number of additional pitches referenced in policy 21 is out of date. The Council is therefore failing to meet the strategic objective set out in policy 2(10) of the HDPF.

10. The Statement of Common Ground (SoCG) handed up at the Hearing confirms that there is a requirement for 60 pitches to be provided within the district over the 10-year period to 2027, rising to a requirement of 93 pitches over a 15-year period. The Council

confirmed it does not have a 5-year land supply of pitches for gypsy and travellers. While the revisions to the Framework have changed the approach to calculating need and supply, it is unlikely that they have changed these figures to such a degree that there is no longer a requirement to provide pitches.

11. The SoCG also confirms that the appellant and Council agree that the site is sustainably located in respect of local services and facilities required for day to day living, there are no highway safety or operational highway network concerns, and the development does not affect the significance or setting of a heritage asset. The proposal therefore complies with Policy 23, criteria 1.a, 1.b and 1.d.

12. The appeal site represents a windfall site being considered through the planning process. It is generally accepted that the provision of gypsy and traveller pitches will minimise the distance occupiers have to travel to access services and facilities. The scale of this development is appropriate to the level of existing infrastructure. Adequate provision can be made for parking facilities likely to arise from the residential occupation of the development. Parking demand could increase if future occupiers were to operate businesses from the land. Such demand could be controlled through the imposition of appropriately worded conditions. The proposed development seeks to provide for the specific needs of a recognised minority group. For these reasons, I find that the proposed development complies with policies 22, 40, 41 and 42 of the HDPF.

13. While the reasons for refusal do not cite policies contained within the Henfield Neighbourhood Plan 2017 – 2031 (June 2021) (the HNP), it does form part of the development plan. The Council directed my attention to policies 1.2, 4.1 and 4.4 at the Hearing. Policy 1.2 offers support to development outside the built-up area boundary, where it is appropriate to its location and conforms with HDPF policies or the Framework in respect of development in the countryside. There is no conflict between the proposal and policy P4.1 or P4.4 relating to access to services and facilities, or provision of adequate parking facilities.

Main Issues

14. The main issues are the effect of the proposed settled gypsy accommodation site comprising 5 pitches and associated utility buildings on:

- The character and appearance of the countryside; and

- *The integrity of the qualifying features of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar in terms of water neutrality.*

Reasons

Character and appearance

15. The site is located within the Henfield and Small Farmlands Landscape Character Area (LCA) as defined by the Horsham District Landscape Character Assessment. This describes the area as having a 'scart footslope rolling farmlands' landscape character type. I saw that Pear Tree Farm sits within an undulating rural landscape of low ridges, divided into a mix of field sizes with a strong hedgerow network incorporating mature hedgerow trees and other areas of mature woodland.

16. The appeal site is located within the countryside, approximately 0.8 kilometres to the east of the settlement of Henfield. Residential development extends out from the settlement in a linear pattern along Furners Lane, although further away from the settlement there are clusters of development set back from the road separated by agricultural land. Pear Tree Farm forms one such cluster of development, including 3 new detached dwellings, a 3 pitch Gypsy and Traveller site, stables used for leisure purposes, and commercial tyre storage with associated buildings and structures.

17. The aerial imagery provided shows that Pear Tree Farm has been developed over recent years. Both operational development and material changes of use have occurred within the property. While some of the development was unauthorised, much has now been regularised or carried out with the benefit of planning permission. It is therefore appropriate to consider the effects of the proposed development in conjunction with the lawful development position, which is that set out in paragraph 16.

18. The appeal scheme would introduce development into what is currently a grassed field. The site has little influence on the wider area as established hedgerows and tree planting around the site's periphery, coupled with intervening development, such as the 3 detached houses and commercial tyre storage, provide effective screening. The development would however be visible from public rights of way located to the south. It would however be seen in the context of a developed site rather than undeveloped countryside. The proposed development would therefore have a negligible visual impact on the LCA.

19. The addition of 5 pitches would inevitably increase the number of occupiers and consequently the level of activity associated with the site, such as vehicle movements. **There is however no substantive evidence before me that convinces me that this would have an unacceptable effect on the character of the locality or the wider rural landscape.**

20. For these reasons, I find that the proposal would have no significant adverse effect on the character or appearance of the countryside. The proposed development would therefore accord with policies 23 criterion 1.e and 26 of the HDFP, insofar as they seek to ensure that development of gypsy and traveller accommodation does not have an unacceptable effect on the character and appearance of the landscape and that development in the countryside should be of an appropriate scale.

Other matters

35. Each development proposal must be determined on its own merits. While this proposal may be acceptable in planning terms, having regard to the particulars of this case, it does not mean that a similar development elsewhere would be found acceptable. Furthermore, what potential future uses the land or development could be put to are not matters before me for consideration.

36. The site is well screened and set apart from its neighbours. Consequently, the use of the land for the proposed settled gypsy accommodation site would cause no significant loss of residential amenity due to loss of privacy, overshadowing or loss of outlook.

The applicant is agreeable to the **Suggested planning conditions** that were part of the appeal and have been reproduced at **APPENDIX 2**.

Design content:

The orientation and position of the proposed development has been chosen to provide the accommodation required for each family and to minimise its impact on the surrounding area.

The mobile homes will be sited over a permeable base bricked up under the perimeter to assist in insulating the mobile home. Each mobile home will retain its axles and wheels but these will be concealed by the brick surround.

The low pitched roof will be of dark colouring.

The hardstanding and access shall be constructed in a permeable 20mm pea shingle road planings material over a hardcore base.

Amount:

The proposed footprint of the mobile homes are anticipated to be units measuring c12.2m (40') x 6m (20'). In any event they will remain within the dimensions for a caravan under the Caravan Act 1960 (as amended); *i.e. Length – 20 metres (65.616 feet), Width – 6.8 metres (22.309 feet), Internal Height – 3.05 metres (10.006 feet)*

Layout:

As shown on the block plan - the location of the mobile homes has been chosen to make the most efficient use of the land available along with meeting the necessary 6m separation distance and the need to leave 2m to boundaries and the proposed utility room.

Scale and context:

The height of the mobile homes will be less than the height of buildings on adjoining sites. The mobile homes and proposed development will be set away from the highway boundary.

The size and scale of the proposed development will respond well to the existing sporadic pattern of development in the area and therefore will not have a detrimental effect on the area or adjacent properties. It is not considered that the development will have a detrimental effect on the adjacent area or harm any long distance views.

Any anticipated associated use / enjoyment of land surrounding the proposed development and curtilage would similarly not materially harm the character and amenities of the area. The neighbouring properties will not be affected by the proposed development. The proposed development will not cause overshadowing or overlooking. No external lighting shall be installed on the site unless it is sensor-controlled security lighting. Reason: In the interests of visual amenity.

Sustainability of the site:

The thread of achieving sustainable development runs through the Framework. As indicated in paragraph 7 of the Framework, sustainable development has economic, social and environmental roles and this is taken through into the PPTS.

To meet all the wider roles of sustainability identified in the Framework, the PPTS advises that policies should ensure that peaceful and integrated co-

existence with the local community is promoted. Policies should ensure access to appropriate health facilities and provide for children to have the opportunity to attend school regularly. A settled base would reduce the need for long-distance travelling and possible associated environmental damage through unauthorised camps. Plan-making should reflect the extent to which traditional lifestyles, whereby some gypsies live and work in the same location, can contribute to sustainability by omitting many travel to work journeys. The paragraph goes on to indicate that sites should not be in areas at high risk of flooding, including functional floodplains given the particular vulnerability of caravans.

The site would be sustainable for the proposed use and would be sustainable in terms of the full implications of the Framework paragraphs 18-219. **In the wider interpretation taken through from the Framework into the Plan-making section of the PPTS, the site would also meet all of the sustainability objectives.**

In terms of the narrower considerations of sustainability covering access to transport links and facilities, the site is in a sustainable location being well related to bus stops; railway stations, convenience stores and schools with medical facilities further away. The distances to facilities are not excessive.

Impact on Neighbouring Properties

With regard to the impact of the proposed development on neighbouring occupiers, in each instance it is considered that due to this distance and the existing boundary planting together with the additional planting proposed by the applicant that the proposed mobile homes and utility buildings / dayrooms would not result in harm to the amenities of neighbouring occupiers. The applicant is also willing to supplement the existing landscaping in order to further screen the development, and a condition to this effect is agreeable.

Policy considerations:

It is considered that the application will need to be assessed against the following policies. The proposed development suitably meets the requirements of each of the policies. The **traffic light highlighting** and bold type face throughout the Planning Statement emphasises the suitability of the proposal against the material planning considerations as part of the planning balance exercise.

In terms of the need for an overall planning balance, particularly given the multitude of applicable considerations in this instance, it is respectfully and forcefully made out that the proposed development suitably meets and creates positive outcomes against the requirements of each of the policies.

National Guidance

Planning policy for traveller sites (PPTS) - 2024

The proposed development, against the backdrop of a longstanding unmet need for additional sites, can only be seen to create positive favourable outcomes against the planning criteria within the Department for Communities and Local Government document , "**Planning policy for traveller sites" August 2015** – See extracts below – **Traffic light highlighting** and bold added with reference to the suitability of the proposed development.

3. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

4. To help achieve this, Government's aims in respect of traveller sites are:

- a. that local planning authorities should make their own assessment of need for the purposes of planning
- b. to ensure that local planning authorities, **working collaboratively**, develop fair and effective strategies to meet need through the identification of land for sites
- c. to encourage local planning authorities to plan for sites **over a reasonable timescale**
- d. that plan-making and decision-taking should protect Green Belt from inappropriate development
- e. **to promote more private traveller site provision** while recognising that there will always be those travellers who cannot provide their own sites
- f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
- g. **for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies**

- h. **to increase the number of traveller sites in appropriate locations with planning permission**, to address under provision and maintain an appropriate level of supply
- i. to reduce tensions between settled and traveller communities in plan-making and planning decisions
- j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- k. for local planning authorities to have due regard to the protection of local amenity and local environment

Using evidence

Policy A: Using evidence to plan positively and manage development

7. In assembling the evidence base necessary to support their planning approach, local planning authorities should:

- a) pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves, their representative bodies and local support groups)
- b) co-operate with travellers, their representative bodies and local support groups; other local authorities and relevant interest groups to prepare and maintain an up-to- date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan, **working collaboratively with neighbouring local planning authorities**
- c) use **a robust evidence base** to establish accommodation needs to inform the preparation of local plans and make planning decisions.

Plan-making

Policy B: Planning for traveller sites

8. Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the policies in the National Planning Policy Framework, including the presumption in favour of sustainable development and the application of specific policies in the Framework, and this planning policy for traveller sites.

9. Local planning authorities should set pitch targets for gypsies and travellers as defined in Annex 1 and plot targets for travelling showpeople as defined in Annex 1 which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities.

10. Local planning authorities should, in producing their Local Plan:

- a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets

- b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15
- c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, **particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)**
- d) relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density
- e) protect local amenity and environment.

*NB - To be considered **deliverable**, sites should be available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within five years. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.*

To be considered **developable**, sites should be in a suitable location for traveller site development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged

11. Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.

12. In exceptional cases, where a local planning authority is burdened by a large-scale unauthorised site that has significantly increased their need, and their area is subject to strict and special planning constraints, then there is no assumption that the local planning authority is required to plan to meet their traveller site needs in full.

13. Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community
- b) promote, in collaboration with commissioners of health services, access to appropriate health services
- c) ensure that children can attend school on a regular basis
- d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development

- f) avoid placing undue pressure on local infrastructure and services
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

Policy C: Sites in rural areas and the countryside

14. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Policy D: Rural exception sites

15. If there is a lack of affordable land to meet local traveller needs, local planning authorities in rural areas, where viable and practical, should consider allocating and releasing sites solely for affordable traveller sites. This may include using a rural exception site policy for traveller sites that should also be used to manage applications. A rural exception site policy enables small sites to be used, specifically for affordable traveller sites, in small rural communities, that would not normally be used for traveller sites. Rural exception sites should only be used for affordable traveller sites in perpetuity. A rural exception site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities

Policy F: Mixed planning use traveller sites

18. Local planning authorities should consider, wherever possible, including traveller sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants and neighbouring residents. Local planning authorities should consider the scope for identifying separate sites for residential and for business purposes in close proximity to one another if mixed sites are not practical.

Decision-taking

Policy H: Determining planning applications for traveller sites

22. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

23. Applications should be assessed and determined in accordance with the **presumption in favour of sustainable development** and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.

24. Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

e) that they should determine applications for sites from any travellers and not just those with local connections. However, as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

25. Local planning authorities should very strictly limit new traveller site development in **open countryside** that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

26. When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

27. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be **a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission**⁹. *The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).*

28. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:

- a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise

b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)

c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site.

National Planning Policy Framework 2024

Core planning principles

17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These principles are that planning should:

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the **homes**, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, Promoting the vitality of our main urban areas, protecting the Green Belts around them, **recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;**

6. Delivering a wide choice of high quality homes

47. **To boost significantly the supply of housing**, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.

49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and **create sustainable, inclusive and mixed communities**, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as,

but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);

- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

7. Requiring good design

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

59. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain

development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

61. Although visual appearance and the architecture of individual buildings are very important factors, **securing high quality and inclusive design goes beyond aesthetic considerations**. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

65. Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.

Decision-taking

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

Determining applications

196. The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

197. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Horsham District Planning Framework 2015

The proposed development suitably meets the requirements of each of the policies. The **traffic light highlighting** and bold type face throughout the Planning Statement emphasises the suitability of the proposal against the material planning considerations as part of the planning balance exercise.

Policies relevant to the application from the Horsham District Planning Framework 2015 are considered to be; Policy 1 Sustainable Development,

Policy 2 Strategic Development, Policy 21 and 22 Gypsy and Traveller Allocations and Gypsy and Travellers Site, Policy 23 Gypsy and traveller Site Accommodation, Policy 24 Environmental Protection, Policy 25 District Character and Natural Environment, Policy 26 Countryside Protection, Policy 32 Quality of New Development, Policy 33 Development Principles, and Policy 40 Sustainable Transport.

Chapter 8: Gypsy and Traveller Accommodation

The following issues have been identified that would will be addressed through the policies in this document;

The Council must assess the accommodation needs of Gypsies and Travellers and plan for these needs in accordance national guidance. The current lack of authorised sites means that the Council faces difficulty resisting applications for windfall sites in less suitable or desirable locations. If enough sites are provided the number of illegal encampments and incursions of Gypsy/Traveller pitches which occur across the district will reduce. There is a desire for the travelling and settled communities to recognise and appreciate each other's needs and work together to build cohesive communities.

Policy 22 - Gypsy and Traveller Sites

1. Existing authorised sites for Gypsies, Travellers and Travelling Showpeople will be safeguarded from development that would preclude the continued occupation by these groups, unless the site is no longer required to meet identified need.
2. The provision of sites to meet the objectively assessed needs beyond 2017 will be identified in a Site Allocations DPD. Further sites may be provided:
 - a. On windfall sites through the planning process in accordance with the criteria in this policy. These will be identified and safeguarded through the Annual Monitoring Report.
 - b. Extensions to existing sites.
 - c. The redevelopment and redesign of existing sites to provide more efficient use of the site to deliver additional pitches.
 - d. The allocation of sites in strategic development sites or stand alone allocations.
 - e. The use of public owned land to be developed for publicly managed traveller provision.
 - f. The release of public owned land to be used as a site available to be purchased and occupied by a Gypsy, Traveller or Travelling Showpeople family.
3. The Council will work with neighbouring authorities to make appropriate provision to meet the requirements for Gypsies and Travellers.

Policy 23 - Strategic Policy: Gypsy and Traveller Accommodation

1. The following criteria will be taken into consideration when determining the allocation of land for Gypsies, Travellers and Travelling Showpeople and any planning applications for non-allocated sites:

- a. There must be no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable;
- b. The site is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users;
- c. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas;
- d. The site is located in or near to existing settlements, or is part of an allocated strategic location, within reasonable distance of a range of local services and community facilities, in particular schools and essential health services;
- e. The development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.

2. In assessing sites for Travelling Showpeople or where mixed-uses are proposed, the site and its surrounding context must be suitable for mixed residential and business uses, including storage required and/or land required or exercising animals, and would not result in an unacceptable loss of amenity and adverse impact on the safety and amenity of the site's occupants and neighbouring properties.

Access and parking:

Access to the site will remain as existing. Visibility from the site meets the required standards and is sufficient to serve the vehicle movements related to the proposed development.

Sufficient parking and servicing area is proposed within the site.

Landscaping:

The site has very good landscaping to its boundaries. The granting of consent would facilitate consideration as to the improvement of landscaping and addition of native planting which will enhance biodiversity and ecology.

If required additional proposed native hedging and understorey planting around the site boundaries could comprise a double staggered row mix of:

Hawthorn - *Crataegus monogyna* (25%) / Field maple - *Acer campestre* (25%)
/ Blackthorn - *Prunus spinosa* (25%) / Common hazel - *Corylus avellana* (25%)

Planting density will be 5 per linear metre (understorey planting 1/sq.m). Hedging will be planted as bare root plants at 60-80cm planting height so as to achieve the effect in the images below.



Existing boundary trees and hedging will be maintained. No trenching is required within 5m of any trees. Ground levels will not be required to be raised within 5m of any trees.

Infrastructure:

Adequate services and infrastructure already exist / are capable of being provided and public resources will not be required to improve services.

Foul Sewage – A detailed drainage layout will be designed in due course, for the proposed utility blocks and mobile homes. All drainage will be new and sized and laid in full accordance with the building regulations.

A Matrix sewage treatment tank or similar is proposed with capacity proportionate to the number of occupants. The tanks are modern, sealed systems and will be emptied by way of a regular service contract.

The images below are of the suggested sewage treatment tank. The installation of the sewage treatment tanks would be the responsibility of the pitch holder and will be of suitable capacity.



The “**Matrix**” treatment plant is of unitank design and incorporates Primary Settlement (PST) Biological Treatment (Biozone), and Final Settlement (FST) within the same structure, allowing delivery to site as a complete unit to provide for a simple and straightforward installation. The Treatment plant has been designed to optimize the aesthetic qualities of the final installation by ensuring that there is minimum visual impact. The “**Matrix**” process is designed in accordance with the requirements of BS 6297.

The primary settlement tank is a two stage tank designed to maximize the removal of gross and suspended solids prior to transfer of the settled effluent to the biozone for treatment. The primary settlement tank also incorporates for a sludge storage volume (based on full load) depending on the desludge periods as identified for individual applications.

The biological treatment phase utilizes BAF technology (biological aerated filter) which incorporates two proven principles of biological process in the form of a fixed film reactor for process stability and a suspended floc dispersed growth system for high transfer rates and operational control, to ensure a stable treatment process which is largely unaffected by shock loads. The process incorporates a submerged, high rate, plastic media on which a fixed film of biomass is grown. This film takes nutrition from the incoming settled effluent and is provided with oxygen by means of a small blower unit which aerates the media through HDPE membrane diffusers to provide fine bubble aeration. The action of the fine bubble aeration is carefully controlled to provide optimum oxygen transfer rates and to provide a scouring action to slough off excess biomass to keep the thickness of the fixed biological film at optimum levels, thereby preventing the production of anaerobic bacteria and ensuring maximum process efficiency. The fact that the media remains submerged allows for an element of suspended floc dispersed growth which basically means that there will be biomass which is “unfixed” to the media but achieves treatment through suspended aeration.

The biozone incorporates a two stage process as standard that allows for constant mixing of incoming settled effluent to provide optimum treatment stability and to avoid any “short-circuiting.” The use of a two stage biozone ensures a high degree of process efficiency to not only reduce B.O.D. levels to that required, but will also achieve reductions in ammoniacal nitrogen in excess of standard requirements. The final settlement tank is designed in accordance with the requirements of BS 6297 to ensure relevant surface areas and rise rates are achieved to provide maximum settlement of any suspended solids prior to discharge.

The “Matrix” system also incorporates continuous and automatically timed humus sludge return systems to return humus sludge from both the final settlement tank and each biozone, back to the primary settlement tank. Additionally this system also provides for continuous recycling of treated effluent back to the P.S.T. to not only provide dilution of incoming settled effluent but to also ensure continuous flow during periods of low or no flow,

thereby keeping the biomass in prime condition. To maximize efficiency and to minimize maintenance requirements and potential problems, there are NO mechanical or moving parts contained within the treatment plant.

Surface water disposal details.

The site preparation and finished development would not present any increased risk from flooding or water pollution. Water butts would be proposed to down pipes to facilitate rain water recycling for landscaping.

The development in question does not involve the construction of soakaways. Rather, surface water drainage utilises the existing properties of rainfall infiltration through the moderate permeability ground. The proposed development would not significantly change the existing infiltration mechanism. The proposal will not increase flood risk in the 1% climate change event, either through uncontrolled increase in surface run-off or by increasing the risk of groundwater flooding.

The existing drainage ditches in the vicinity of the site and there is limited overland surface flow of surface water from the site with the great majority of surface water soaking into the ground. There are no nearby water features that would be contaminated by runoff.

Surface water from proposed development can be reduced by the use of water butts attached to the drainage down pipes. Should it be found to be necessary a sustainable drainage system, designed by experts, will be incorporated.

Water and electricity utilities (gas is via Calor gas bottles) are available to the site and connection is practicable. All services are believed to be capable of sustaining the load of the proposed development.

All services will be connected in accordance with the relevant undertaker's requirements and existing equipment limitations. All will be sited to as to facilitate maintenance and inspection.

Summary and Conclusion:

In terms of the need for an overall planning balance, **particularly given the multitude of applicable considerations in this instance**, it is respectfully and forcefully made out that the proposed development suitably meets and creates positive outcomes against the requirements of each of the policies.

The proposed development has been carefully considered so as to relate sympathetically to its natural and built surroundings. The level of development proposed is predominantly related to the needs of the applicant.

The proposed development will be set well away from the highway boundary. The associated uses of land surrounding the proposed development would not materially harm the character and amenities of the area and will not conflict with the openness of the site, the countryside and the purposes of including land within it. The proposed use and the form, bulk and general design of the proposed development are in keeping with their surroundings.

The application suitably takes into account Local and National planning policies and guidance. There is a need to look at the applicable planning policies sensibly with respect to the site. The Council has no sites to meet the unmet demand that are deliverable now; **the proposed site is deliverable now.**

The proposal involves a small-scale site, it is considered that the site is capable of peaceful and integrated co-existence with the local community. The proposals comply with the wider considerations of sustainability, and represent sustainable forms of gypsy site development. As such it is considered that the application is in compliance with the relevant policies in the Development Plan and is consistent with the NPPF and CLG guidance on Traveller sites.

The site provides for a local need and on the basis of our assessment the proposed permanent Gypsy and Traveller site:

- would not detract significantly from the appearance and openness of the countryside; would not cause unacceptable levels of noise, effluent discharge or damage to designated sites;
- promotes peaceful and integrated co-existence between the site and the local community;
- promotes access to appropriate health services for the family;
- ensures that children can attend school on a regular basis;
- provides a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- provides for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
- avoids placing undue pressure on local infrastructure and services

- is not located at a site at risk of flooding
- avoids prominent locations and blends into the landscape;
- would not generate volumes of traffic that would prejudice highway safety or cause significant harm to the environmental character of country roads.
- is well-related in terms of its location, size and colour to existing buildings
- would not adversely affect the amenities of any nearby residential properties.

Both the general need for gypsy sites for whom there is currently no suitable available alternative accommodation, carry significant weight. Personal circumstances of intended occupiers would no doubt provide further weight in support of the proposals. Taken together, the general and personal need for accommodation provide the compelling circumstances required to justify development. Any marginal harm arising from the proposals is clearly outweighed by other material considerations. A personal condition restricting occupancy is unnecessary.

Given the limited progress made to date by the Council in facilitating the provision of other gypsy sites and the lack of information available, it is not considered that there is a realistic expectation that sites would be available in the immediate future. For the reasons given above, and having regard to all matters raised it is concluded that the application should be permitted.

Thank you in advance of your balanced consideration of the proposed application.

In advance of any decision on the application, please maintain a dialogue with myself and the applicants if you have any questions, concerns or matters that require further elaboration.

APPENDIX 1 – Suggested planning conditions.

Conditions Schedule 1 (Appeal B)

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan; and Proposed Utility Building Plans (Scale 1:100@A4).

3. No development shall take place until a scheme, hereafter referred to as the Site Development Scheme, shall have been submitted to and approved in writing by the local planning authority. The Site Development Scheme shall include a timetable for its implementation and details of:

(a) The means of foul and surface water drainage of the site.

(b) The facilities for, and the location of, the storage and collection of refuse and recycling.

(c) External lighting on the boundary of and within the site.

(d) The internal layout of the site (notwithstanding the submitted 1:500@A2 Site Layout Plan), including: the siting of caravans and pitches; hardstanding; access road; parking; amenity areas; gates; fencing and boundary treatments; vehicle turning space of sufficient size to accommodate a waste/recycling vehicle and that of emergency/fire services.

(e) Tree, hedge and shrub planting and where appropriate earth mounding including details of species, plant sizes and proposed numbers and densities.

(f) Ecological enhancements.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved utility building(s) has been submitted to and approved in writing by the local planning authority and all materials used in the construction of the development hereby permitted shall conform to those approved.

5. There shall be no more than five pitches on the site and on each of the five pitches hereby approved no more than two caravans shall be stationed at any time, of which only one caravan shall be a static caravan.

6. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their

family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

7. No industrial, commercial or business activity shall be carried out on the five pitches hereby approved as shown on the Site Development Scheme.

8. No development shall commence until evidence that water from the spring has been sampled by a suitably qualified person and analysed by an accredited laboratory and the findings submitted to the local planning authority. In the event the samples show that any of the parameters are above prescribed concentrations or values, as detailed in Schedule 1 of the Private Water Supplies (England) Regulations 2016, no development shall commence until a mitigation scheme has been submitted to and approved in writing by the local planning authority that demonstrates how the water will be treated to meet the requirements of Schedule 1 of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent). The mitigation scheme shall then be implemented in full prior to first occupation of any pitch and it shall be retained and maintained thereafter at all times.

9. No development above ground floor slab level shall commence until a management and maintenance plan for the spring water supply system has been submitted to and approved in writing by the local planning authority. The management and maintenance plan shall include the following details:

(a) The sampling regime and parameters etc, recognising that the sampling will need to be undertaken by a suitably qualified person and accredited laboratory.

(b) Detail on how any failure of any samples will be investigated and managed.

(c) Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each of the five pitches.

(d) Detail on what type of treatment will be installed on the supply, with information clearly indicating that it is appropriate for the amount of water being used.

(e) Detail on how the treatment system, pipework, tanks etc will be cleaned and maintained and who will maintain them for the lifetime of the development. This should include any re-activation of the system after it has been out of use due to rainfall/use.

(f) The completion and sharing of Regulation 6 risk assessment by a suitably competent person (as required by the Private Water Supplies (England) Regulations 2016) prior to the water supply being put to use.

(g) Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

(h) Details of contingency plans to ensure any failures or reported concerns with the supply are investigated and rectified as soon as possible, including timeframes. This should include notification of the investigation and corrective actions to the local planning authority.

The management and maintenance plan shall be operated in full at all times. No alterations or revisions to the approved management and maintenance plan shall be implemented without the prior written approval of the local planning authority.

10.No pitch shall be first occupied until evidence has been submitted to and approved in writing by the local planning authority that water taken from the water treatment plant meets the requirements of Schedule 1 'Prescribed concentrations or values' of the Private Water Supplies (England) Regulations 2016.

11.No pitch hereby permitted shall be connected to or draw supply from the mains water supply. Where a temporary failure has occurred, the occupiers shall undertake the contingency measures set out in the management and maintenance plan agreed under condition 8 until such time as the system is fully operational.

-END-