

# 4

## CORE POLICIES

**4.1** The core policies set out in this chapter provide the overarching framework for evaluating all development proposals in the National Park. These core policies will be used in the assessment of all planning applications and thereby avoids the need for duplicating criteria in other policies. The core policies apply equally across the National Park. The three core policies relate to sustainable development, ecosystem services and major development.

**4.2** These core policies are relevant to all the Local Plan objectives.

## MANAGING DEVELOPMENT IN THE NATIONAL PARK

### INTRODUCTION

**4.3** The *NPPF* sets out how the presumption in favour of sustainable development is a golden thread running through both plan-making and decision-making. This means that local planning authorities should positively seek opportunities to meet the development needs of their area. They should also take a positive approach when deciding planning applications. Core Policy SD1 and its supporting text reflects these principles, within the context of the National Park's statutory purposes and duty. The supporting text also provides general guidance to clarify on the development management process.

### Core Policy SD1: Sustainable Development

1. When considering development proposals that accord with relevant policies in this Local Plan and with National Park purposes, the Authority will take a positive approach that reflects the presumption in favour of sustainable development. It will work with applicants to find solutions to ensure that those development proposals can be approved without delay, unless material planning considerations indicate otherwise.
2. The National Park purposes are i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and ii) to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Where it appears that there is a conflict between the National Park purposes, greater weight will be attached to the first of those purposes. In pursuit of the purposes, the National Park Authority will pay due regard to its duty to seek to foster the economic and social well-being of the local communities within the National Park.
3. When determining any planning application, the Authority will consider the cumulative impacts of development.
4. Planning permission will be refused where development proposals fail to conserve the landscape, natural beauty, wildlife and cultural heritage of the National Park unless, exceptionally:
  - a) The benefits of the proposals demonstrably outweigh the great weight to be attached to those interests; and
  - b) There is substantial compliance with other relevant policies in the development plan.

**4.4** The purpose of this policy is to reflect the three guiding principles of this Local Plan. The three principles are reflected in the policies that appear throughout the Local Plan. These are:

- Firstly, the presumption in favour of sustainable development set out in the *NPPF*;
- Secondly, the statutory duty of the Authority to have regard to National Park purposes when determining planning applications; and
- Thirdly, the great weight to be attached, in the determination of planning applications, to conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

### NATIONAL PARK PURPOSES AND DUTY

**4.5** The Authority will seek to achieve the right balance between conservation and recreation in the National Park when delivering the purposes of the National Park. However, at times this can cause conflict. To help national park authorities make decisions relating to conservation and recreation, the National Parks Policy Review Committee made a recommendation in 1974, which is now known as ‘*The Sandford Principle*’. This principle was included in the *Environment Act 1995 (as amended)* which states that: “*If it appears that there is a conflict between those purposes, [the National Park Authority] shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area*”.

**4.6** The *Environment Act 1995 (as amended)* states that a national park authority, in pursuing the purposes, shall seek to foster the economic and social well-being of local communities within the national park and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of the national park.

### CUMULATIVE IMPACTS OF DEVELOPMENT

**4.7** It is important to consider the impact of cumulative development in the National Park. Cumulative impacts can be defined as the additional changes caused by a proposed development in conjunction with other similar developments or as the combined effect of a set of developments.

### DETERMINATION OF PLANNING APPLICATIONS

**4.8** On adoption, the *South Downs Local Plan* will form part of the statutory development plan for the whole of the National Park, along with the minerals and waste plans and ‘made’ (adopted) NDPs. It is important that the Local Plan should be read as a whole because all relevant policies apply to all planning applications. Decisions on planning applications must be taken in accordance with the development plan unless material planning considerations indicate otherwise. It is implicit within Criterion 1 of Policy SD1 that if a development proposal does not comply with key policies in the development plan, then it will be contrary to the development plan, and may therefore be refused. The Authority is committed to working with applicants to find solutions where they are seeking to conserve and enhance the landscapes of the National Park in accordance with the development plan.

**4.9** The application of planning policies will be proportionate to the nature and scale of development proposals, and the combination of policies will depend on the details of the development proposal.

**4.10** A material planning consideration is one which is relevant to making the planning decision in question, and will generally be concerned with ensuring that the land use is in the public interest. The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-maker.

**4.11** The National Park Authority will work positively and in partnership with other local authorities to ensure that development outside of the National Park does not have a detrimental impact on its setting or otherwise prejudice the achievement of the National Park purposes. *Section 62 of the Environment Act 1995* requires all relevant authorities, including statutory undertakers and other public bodies, to have regard to these purposes.


### ECOSYSTEM SERVICES

#### INTRODUCTION

**4.12** Ecosystem services are the benefits that people and society get from the natural environment. An ecosystems approach helps us to identify the

benefits we get from nature, value them and build them into planning, decision making and management. In Chapter 1, Figure 1.3 – The Four Aspects of Ecosystem Services illustrates how the landscapes of the South Downs provide a multitude of ecosystem services. Figure 4.1 illustrates the inter-relationships between ecosystem services and people’s enjoyment and understanding of the National Park. Figure 4.2 provides further detail on ecosystem services within the National Park.

**4.13** The National Park Authority adopted an ecosystems approach to the *PMP*<sup>23</sup>, and this is embedded into the Local Plan. This has been achieved in three main ways:

- Firstly, there is a core policy on ecosystems services (SD2)
- Secondly, an assessment has been made of all the strategic and development management policies, to identify those that make a positive contribution to a significant number of ecosystem services; these are identified with the icon 

- Thirdly, consideration was given to the site allocations, the settlements within which they sit and the ability to deliver multiple ecosystem services. Symbols and site specific development requirements relating to specific ecosystem services indicate how these sites in particular are expected to contribute. These symbols are set out in Figure 9.1 and throughout Chapter 9: Sites and Settlements

**4.14** A GIS based tool (EcoServ GIS) has been developed to provide supporting evidence for the Local Plan on ecosystem services. The EcoServ models and maps have been used to map and understand the delivery of ecosystem services within the National Park in spatial terms. EcoServ maps have been generated, which have informed the spatial portrait and all the allocations in the Local Plan. Further details are set out in the evidence based study *Mapping of Ecosystem Services within the South Downs National Park using the EcoServ GIS Tool*<sup>24</sup>.

<sup>23</sup> Partnership Management Plan: Shaping the Future of Your South Downs National Park 2014 – 2019 (South Downs National Park Authority, 2013)

<sup>24</sup> Mapping of Ecosystem Services Within the South Downs National Park Using the EcoServ GIS Tool (South Downs National Park Authority, 2016)

**FIGURE 4.1: 'PEOPLE SUPPORTING LANDSCAPE, LANDSCAPE SUPPORTING PEOPLE**



## FIGURE 4.2: THE FOUR ASPECTS OF ECOSYSTEM SERVICES IN THE SDNP

There are four main categories of ecosystems services, namely, supporting, provisioning, regulating and cultural services. The natural environment is a dynamic system and these four services cannot be viewed in isolation from one another. They are ecologically and functionally interdependent.

**Supporting services** offered by flora and fauna and micro-organisms are essential for healthy soils, habitats and nutrient cycling, which underpin the environment's natural goods and services which benefit people. The National Park has a rich variety of species, landscapes, rivers and coastline which support the other ecosystems services, such as soil and water quality.

**Provisioning services** relate to the products and productivity of the natural environment. Approximately 85 per cent of the National Park is farmed and its soils support it being a major producer of cereal crops, which are grown mainly on the dip slopes. These soils also support grazing and biodiversity of important native habitats and species like the Duke of Burgundy butterfly. Approximately 25 per cent of the National Park is wooded, which contributes renewable fuel like biomass. The chalk hills, which sweep across the National Park, filter and store fresh water, providing us with high-quality drinking water.

**Regulating services** are the controls from the natural environment. For example, rivers which help to control water flow, drainage and flooding. Rivers such as the Meon, Ouse and Cuckmere support habitats and biodiversity. Enhancing species like bees and other pollinators are vital for food crops as well as other plants and wildflowers. Woodland also prevents soil erosion and is an important resource for carbon storage which helps to mitigate climate change. These services also regulate pollution in the air, water and on land. These include regulating carbon dioxide and air quality from cars and industry, chemicals from the treatment of agricultural fields or viticulture or surface water run-off and percolation from the urban environment into rivers and ground water.

**Cultural services** relate to people's enjoyment of the National Park and its special qualities. The distinctive landscape of the Western Weald, the chalk ridge, scarp and dip slopes and the dramatic Seven Sisters cliffs are of inspirational value through their sense of place and tranquillity, including dark night skies. Embedded in the landscape is important cultural heritage which is rich in arts and literature, archaeological remains, traditional historic towns and villages and architecture. These special qualities and an extensive network of bridleways and footpaths enhance people's health and wellbeing.

All of these ecosystem services can be utilised and enhanced to provide for sound growth within properly understood limits. The services described above are assets that should guide all growth, hence their thinking underpins this core policy. Through careful management of development, the various provisions of ecosystem services can be used to ensure that the multiple benefits they give to society are supported and protected.

### Core Policy SD2: Ecosystem Services

1. Development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services. This will be achieved through the use of high quality design, and by delivering all opportunities to:
  - a) Sustainably manage land and water environments;
  - b) Protect and provide more, better and joined up natural habitats;
  - c) Conserve water resources and improve water quality;
  - d) Manage and mitigate the risk of flooding;
  - e) Improve the National Park's resilience to, and mitigation of, climate change;
  - f) Increase the ability to store carbon through new planting or other means;
  - g) Conserve and enhance soils, use soils sustainably and protect the best and most versatile agricultural land;
  - h) Support the sustainable production and use of food, forestry and raw materials;
  - i) Reduce levels of pollution;
  - j) Improve opportunities for peoples' health and wellbeing; and
  - k) Provide opportunities for access to the natural and cultural resources which contribute to the special qualities.
2. Development proposals must be supported by a statement that sets out how the development proposal impacts, both positively and negatively, on ecosystem services.

**4.15** The purpose of this policy is to embed a holistic approach to managing our natural resources sustainably for the future. Its criteria encapsulates the ecosystem services that the natural environment contributes to people. This integrated approach is important because development can have multiple effects across these services. Development proposals should take a positive

approach to the delivery of ecosystem services and take adequate account of the economic benefit of enhancing ecosystem services. There are many ways to deliver on these criteria. These should be delivered on a site by site basis with reference to the aspects of ecosystem services set out in Figure 4.2.

**4.16** All planning applications should be accompanied by a statement that sets out how the development proposal impacts, both positively and negatively, on ecosystem services. The preparation of the statement should be proportionate to the impact. Use should be made of the EcoServe GIS maps, and other evidence that can be sourced from a variety of sources such as the *Habitat Connectivity Study* and the *Strategic Flood Risk Assessment (SFRA)*, when available. Two technical advice notes<sup>25</sup> have been produced by the National Park Authority, which provide checklists and further guidance to help applicants meet the requirements of Policy SD2.

**4.17** This core policy should not be read in isolation but instead linked to all other Local Plan policies. For example, Criterion (d) of Policy SD2 is about managing and mitigating the risk of flooding and is linked to the ecosystem services of water flow and flood. The relevant Local Plan Policies are SD45: Green Infrastructure, SD17: Protection of the Water Environment and SD48: Climate Change and Sustainable Use of Resources. It should be noted that where more detailed applicable criteria are contained in other policies within the Plan, SD2 should be read as supporting that detailed criteria. Site specific development requirements linked to ecosystem services are set out in allocation policies as appropriate.

## MAJOR DEVELOPMENT

### INTRODUCTION

**4.18** The *NPPF (Paragraph 116)* sets out the approach local planning authorities should take to development in national parks. The *NPPG* states that: "Whether a proposed development in these designated areas should be treated as a major development, to which the policy in Paragraph 116 of the

<sup>25</sup> Ecosystem Services and Householder Planning Applications Technical Advice Note (South Downs National Park Authority, 2018) and Ecosystem Services Technical Advice Note (Non-householder) (South Downs National Park Authority, 2018)

*Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context."*

**4.19** The NPPF does not define major development. The National Park Authority has sought legal opinions<sup>26</sup> on what constitutes major development. These opinions are that the definition of "major development" is based on whether, prima facie, the development might potentially have adverse impacts on a national park, rather than whether, after a careful and close assessment, it will have such adverse impacts.

**4.20** Major development can include various forms of both infrastructure and works associated with infrastructure projects. Development proposals should address the requirements of Policies SD3: Major Development, SD42: Infrastructure and any other specific policy relevant to that form of infrastructure.

<sup>26</sup> Legal Opinion In the Matter of the South Downs National Park Authority and in the Matter of Paragraph 22 of PPS7 (James Maurici, 2011); Legal Opinion In the Matter of the National Planning Policy Framework and In the Matter of the South Downs National Park Authority (James Maurici, 2014); Further Opinion in the Matter of the National Planning Policy Framework and in the Matter of the South Downs National Park Authority (James Maurici, 2014)

### Core Policy SD3: Major Development

1. In determining what constitutes major development the National Park Authority will consider whether the development, including temporary events should they be deemed to constitute development, by reason of its scale, character or nature, has the **potential** to have a significant adverse impact on the natural beauty, wildlife or cultural heritage of, or recreational opportunities provided by, the National Park. The potential for significant adverse impact on the National Park will include the consideration of both the impact of cumulative development and the individual characteristics of each proposal and its context.
2. Planning permission will be refused for major developments in the National Park except in exceptional circumstances, and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
  - a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - b) The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
  - c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
3. If it is considered that exceptional circumstances exist and development would be in the public interest, all opportunities to conserve and enhance the special qualities should be sought. Development proposals should be sustainable as measured against the following factors:
  - Zero Carbon
  - Zero Waste
  - Sustainable Transport
  - Sustainable Materials
  - Sustainable Water
  - Land Use and Wildlife
  - Culture and Community
  - Health and Wellbeing



**4.21** The purpose of this policy is to set out how the National Park Authority will determine what constitutes major development and, if an application is deemed to constitute major development, how that application will be considered. It should be noted that this policy applies to all development proposals that require planning permission including temporary events should they be deemed to constitute development.

## MAJOR DEVELOPMENT TEST

**4.22** Core Policy SD3 sets out the two stages of decision making in relation to major development. Firstly, an assessment will be made to determine whether development constitutes major development. For the purposes of this policy, all of the following principles will be applied when determining whether an application constitutes major development:

- A judgement will be made in light of all of the circumstances of the application and the context of the application site
- The phrase ‘major development’ will be given its common usage, and will not be restricted to the definition of major development in the *Town and County Planning (Development Management Procedure) (England) Order 2015*, or to proposals that raise issues of national significance
- The determination as to whether the development is major development will consider whether it has the potential to have a significant adverse impact. It will not include an in-depth consideration of whether the development will in fact have such an impact
- The application of other criteria may be relevant to the considerations, but will not determine the matter or raise a presumption either way

**4.23** It is important to consider the impact of cumulative development in the National Park. An individual development viewed in isolation may, in itself, constitute minor development, but when viewed with neighbouring development within the National Park could be considered to form part of a major development. In such cases the National Park Authority will apply all of the principles in Paragraph 4.22 to assess whether major development is proposed.

## CONSIDERATION OF MAJOR DEVELOPMENT PROPOSALS

**4.24** If the proposal is considered to be major development, then the second part of the policy will apply. It will then be assessed against the following considerations which are consistent with *Paragraph 116 of the NPPF*:

- The need for development in the location proposed. Where residential development is proposed, taking account of any local need identified by the relevant housing authority and bearing in mind that housing in the National Park should focus on the needs of its local communities;
- The possible impact on the local economy, in particular any that is specific to the site or location as opposed to general benefits such as on the construction industry;
- The cost of, and scope for, meeting the need in some other way, on the assumption that it is a local need which should ideally not be met outside the designated area (the National Park);
- Detrimental effects on the environment, including wildlife and cultural heritage, and the extent to which the effects can be moderated;
- Detrimental effects on the landscape and the extent to which the effects can be moderated; and
- Detrimental effects on recreational opportunities and the extent to which the effects can be moderated.

**4.25** A consideration will then take place as to whether there is a reasonable expectation that the exceptional circumstances exist, and that it could be demonstrated that development would be in the public interest.

## PRINCIPLES OF SUSTAINABLE DEVELOPMENT

**4.26** The third part of the policy applies to applications for major development for which the Authority considers exceptional circumstances exist and would be in the public interest. The extent to which mitigation can overcome any detrimental effect on the environment, the landscape and recreational opportunities will be taken into account when considering proposals. Any short-term and long-term harm or adverse impact will need to be minimised and it should be clearly demonstrated how the proposals have

incorporated all opportunities to conserve and enhance the special qualities of the National Park.

**4.27** The sustainability of the development proposals will be measured against the following principles of sustainable development:

- Zero Carbon – Making buildings energy efficient, supplying energy from on-site renewable sources, where possible, and seeking to deliver all energy with renewable technologies
- Zero Waste – Reducing waste generation through good design, encouraging reuse, recycling and composting and seeking to send zero waste to landfill
- Sustainable Transport – Reducing the need to travel and dependence on fossil fuel use and encouraging low and zero carbon modes of transport to reduce emissions
- Sustainable Materials – Where possible, using local, reclaimed, renewable and recycled materials in construction and products, which minimises transport emissions, encourages investment in local natural resource stocks and boosts the local economy
- Sustainable Water – Implement water use efficiency measures, reuse and recycling and minimise the need for water extraction. Designing to avoid local issues such as flooding, drought and water course pollution
- Land Use and Wildlife – Protecting and restoring biodiversity and creating new natural habitats through good land use and integration into the built environment
- Culture and Community – Celebrate, respect and revive cultural heritage including the historic environment and the sense of local and regional identity. Encourage the involvement of people in shaping their community and creating a new culture of sustainability
- Health and Wellbeing – Promote healthy lifestyles and physical, mental and spiritual well-being through design and community engagement