

**Unconfirmed minutes – to be confirmed at the next meeting of the Authority**

**SOUTH DOWNS NATIONAL PARK AUTHORITY**

**AUTHORITY MEETING**

Held at 10.00am on 24 May 2018 at the Memorial Hall, South Downs Centre, North Street, Midhurst, West Sussex, GU29 9DH

Present:

Alun Alesbury	Sebastian Anstruther	Heather Baker	Ken Bodfish
Tim Burr	Jo Carr	David Coldwell	Norman Dingemans
Chris Dowling	Janet Duncton	Mark Dunn	Neville Harrison
Barbara Holyome	Daniel Humphreys	Roger Huxstep	Helen Jackson
Gary Marsh	Robert Mocatta	Russell Oppenheimer	Margaret Paren (Chair)
Ian Phillips	Pete West		

South Downs National Park Authority Officers:

Trevor Beattie (Chief Executive), Andrew Lee (Director of Countryside and Policy Management), Tim Slaney (Director of Planning), Louise Read (Monitoring Officer), Andy Beattie (Countryside and Policy Manager - Wealden Heath), Veronica Craddock (Infrastructure and Environment Strategy Lead), Alan Brough (Head of Business Services), Robin Parr (Head of Governance), Richard Sandiford (Senior Committee and Member Services Officer).

**OPENING REMARKS**

520. The Chair informed those present of general housekeeping and that:

- The meeting was being web-cast by the National Park Authority and would be available for subsequent on-line viewing. By coming into the Meeting Room members of the Authority, public and press were considered to have given their consent to be filmed or recorded, and for the possible use of images and sound recordings for webcasting and/or training purposes.
- South Downs National Park Authority Members had a primary responsibility for ensuring that the Authority furthered the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and acted in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.

**ITEM 1. APOLOGIES FOR ABSENCE**

521. Apologies were received from Philip Ede, Doug Jones, Tom Jones and Gill Mattock.

**ITEM 2. DECLARATION OF INTERESTS**

522. The following declarations of interest were made:

- Norman Dingemans - Public Service Interest as Arun District Councillor for the wards of Arundel and Walburton.
- Janet Duncton - Public Service Interest as West Sussex County Councillor.

**ITEM 3. URGENT MATTERS**

523. There were none.

**ITEM 4. PUBLIC PARTICIPATION**

524. The Chair invited Oliver Harwood, speaking as a representative of the Folkington Estate, to address the meeting.

525. Oliver Harwood made the following points on proposals for a new dual carriageway between Polegate and Lewes:

- Previous studies had shown that the proposals were unacceptable in terms of landscape, biodiversity severance and value for money.
- The importance of the low weald immediately adjacent to the National Park should be recognised.

**Unconfirmed minutes – to be confirmed at the next meeting of the Authority**

- The setting of the National Park should be taken as of equal importance as the National Park itself.
526. The Chair invited Angela Devas, speaking as a user of the South Downs National Park, to address the meeting.
527. Angela Devas made the following points on the importance of public access to the National Park by public transport:
- The South Downs National Park was of critical importance to large conurbations in the local area.
  - Relatively cheap but important improvements, such as additional shared cycle routes, could be made.
  - The area of the National Park south of the A27 offered excellent accessibility for families with children and persons with mobility impairments, however, additional crossing points and a bridge were needed on the A27 to allow access to the wider park.
  - Access to the National Park should not be restricted to car users only. Poorer and differently abled persons should also be able to access the National Park.
528. The Chair invited Mike Tristram, speaking as a member of the South Downs Partnership, to address the meeting.
529. Mike Tristram made the following points on the proposals for the A27 Arundel:
- Option 5A had been demonstrated to be the most damaging to the special qualities of the National Park by the Arundel Bypass Neighbourhood Committee's evidence, spoiling an exceptional area with rich wildlife, historic landscapes and long views.
  - Highways England had ignored evidence provided to them and failed to do their own adequate analysis of impacts.
  - The purported benefits to Storrington and the National Park did not stand up to scrutiny.
  - Highways England failed to take to consultation options with less impact on the National Park and presented a badly researched public consultation which left consultees in no position to make a well informed decision.
530. The Chair invited Tony Whitbread, speaking as Chief Executive of Sussex Wildlife Trust, to address the meeting.
531. Tony Whitbread made the following points on the proposals for the A27 Arundel:
- There were concerns about environmental damage not only around Arundel, but in the wider area of Sussex and the National Park.
  - As the option for a bypass at Arundel had been dismissed in 2003 on the grounds of significant environmental damage, for this to be considered again there had to be clear evidence of the benefits it would bring to balance the significant environmental damage.
  - Highways England had sold these proposals on the grounds of improved congestion, however, Highways England had also presumed an increase of traffic by 25% which would mean additional cars through Chichester, Worthing and the villages of the National Park. The 1996 SACTRA report showed that roads that were supposed to be relieved by a scheme actually received up to 20% more traffic than projected. This increased demand would require further developments of the road network in the National Park in the future.
  - Highways England were implementing a strategy that was contrary to the purposes of another government body, the National Park.
532. The Chair invited Kay Wagland, speaking as Chair of Arundel Scate, to address the meeting.
533. Kay Wagland made the following points on the proposals for the A27 Arundel:
- The Commission on Travel Demand recently stated that irrevocable decisions based on high levels of uncertainty were being made on transport policy and that modelling tools

**Unconfirmed minutes – to be confirmed at the next meeting of the Authority**

were failing to take into account changing behaviour. Option 5a had been selected within this climate.

- The benefits to Storrington were regularly commented on, however, for traffic to be relieved at Storrington the real congestion issues at Worthing and Lancing would need to be addressed. A new road at Arundel would make little or no difference to traffic at Storrington.
  - Alongside other measures Arundel Scate would be keen to see the Purple Proposal implemented.
534. The Chair invited Camilla Lambert, speaking as Chair of the Arun Countryside Trust, to address the meeting.
535. Camilla Lambert made the following points on the proposals for the A27 Arundel:
- Option 5a was potentially very damaging to the whole area it traversed, destroying an area of peace and tranquillity which included a high level of biodiversity.
  - Mid Arun Valley Environmental Survey (MAVES) evidence was not used by Highways England or communicated in the consultation.
  - Accepting developments such as this could create a precedent.
536. The Chair invited David Johnson, speaking as Chair of the Campaign to Protect Rural England (CPRE), Sussex, to address the meeting.
537. David Johnson made the following points on the proposals for the A27 Arundel:
- National Parks were afforded the highest protection in the National Planning Policy Framework and development should only take place in exceptional circumstance, these were not exceptional circumstances. Option 5a did not accord with national policy.
  - Option 5a would set a precedent for other development along the A27.
  - Option 5a would induce traffic.
  - CPRE's research report demonstrated that the majority of major road schemes failed to meet the goals set and also had unintended consequences.
538. The Chair invited Dr Mike Davis, speaking as a resident of Walberton, to address the meeting.
539. Dr Mike Davis made the following points on the proposals for the A27 Arundel:
- Binstead Woods was the best woodland south of the downs and this area of the National Park was unique on the West Sussex coastal plain.
  - Highways England had not done enough to show that option 5a was necessary, the only solution or in the national interest.
  - It was wrong to hold a public consultation in an environment of 'here today, gone tomorrow' road budgets.
  - In the 25 year Environment Plan the Prime Minister said this should be the first generation to leave the environment in better shape than we found it. Option 5a should not be built.

**ITEM 5. NEED FOR PART II EXCLUSION OF PRESS AND PUBLIC**

540. Members were asked to consider whether, in respect of Agenda Item 6 the public, including the press, should be excluded from the meeting on the basis that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if a member of the public were present during the items there would be disclosure to them of exempt information within Paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972, being information relating to the financial and business affairs of the Authority and in respect of which a claim to legal professional privilege could be maintained in legal proceedings, and that in all the circumstances of the case, the public interest in maintaining the exempt information outweighed the public interest in disclosing the information. This conclusion was reached on the basis that whilst there was a public interest in maintaining

**Unconfirmed minutes – to be confirmed at the next meeting of the Authority**

transparency of Authority proceedings and ensuring public understanding in relation to the business of the Authority it was felt that on balance this was outweighed by the requirement of the National Park Authority to be able to discuss its business, take legal advice and fully consider the implications of its actions or proposed actions without confidential information being released into the public domain.

541. Further explanation was requested on the reasons for agenda item 6 being considered in private session and for the report and its appendices being private as one of the appendices, which made up a significant proportion of the papers for agenda item 6, was already a public document.
542. The Authority was advised that the report and appendices were exempt as legal advice provided to the Authority was embedded throughout the report and a written legal opinion was included with the report as an appendix; the public document was appended to the report for ease of reference but as the report was exempt, its appendices would be also. It was strongly advised that agenda item 6 be considered in private session and that the NPA's position would be prejudiced if it was not.
543. Members made the following comments:
- The matters should be considered in the public domain to ensure transparency and for the reputation of the Authority.
  - The purpose of this meeting was to consider the Authority's actions in response to the legal advice it had received. The advice did justify consideration in private session, possible legal proceedings should not be discussed in public.
  - The judicial review process should not be an adversarial one, but a collegiate one where both parties considered the right way forward. If there was not advice that we should consider all legal advice in private session but could judge each case on its merits, then in this case the benefits of considering the item in public session outweighed the benefits of considering it in private session.
  - Discussion of this paper in public could prejudice the NPA, hence, it should be considered in private session.
  - The merits of the A27 proposals and the discussion of the legal advice were two separate areas. Any discussion on the merits of the proposals should be in public, however, the consideration of the legal advice should be in private session.
  - Members could be instructed what they could discuss within the public and private sessions of the meeting. The Authority should be able to express its position to the public, but also not prejudice its position in relation to the legal advice received.
  - Discussion on the legal advice and possible associated financial costs should be held in private.
544. It was proposed and seconded that the meeting move into private session to consider agenda item 6.
545. **RESOLVED:** The Authority resolved to move into private session for agenda item 6 and the public, including the press, were excluded from the meeting.
546. The Chair closed the meeting to the public, including the press, at 10.43am.