

SOUTH DOWNS NATIONAL PARK LOCAL PLAN EXAMINATION

REPRESENTORS 244 & 245 - CPRE HAMPSHIRE & CPRE SUSSEX

Position Statement re Matter 3 -Core Policies

Policy SD1- Sustainable Development, with reference in particular to the exceptions permitted by criterion 4 of the Policy

This Position Statement amplifies the comments made by CPRE Hampshire regarding Core Policy SD1(4) on page 3 of its Response to the Pre-Submission South Downs National Park (SDNP) Local Plan dated 21 November 2017, and also the comments made by CPRE Sussex in similar vein.

Pre-submission Core policy SD1(4) provides as follows

"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"

The statutory purposes of a national park are set out in SD1(3). The primary purpose is "to conserve and enhance the natural beauty, wildlife and cultural heritage of the area". Statute does not set out any circumstances when this purpose should be overridden or diluted. This is set out clearly in the SDNP Partnership Management Plan where Outcome 1 states "The landscape character of the National Park, its special qualities and local distinctiveness have been conserved and enhanced by effectively managing land and the negative impacts of development and cumulative change". Accordingly Policy 1 is to "Conserve and enhance the natural beauty and special qualities of the landscape and its setting....."

Further, to implement the primary purpose of a national park, NPPF para 115 provides that "great weight should be given to conserving and enhancing scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in....these area, and should be given great weight in National Parks...."

In terms of major developments in national parks exception is allowed by NPPF para 116, but only "in exceptional circumstances and where it can be demonstrated they are in the public interest". This test is correctly set out in Core Policy SD3(2):Major Development.

It follows that any application which does not give great weight to conserving and enhancing scenic beauty must be refused unless it is, exceptionally, for major development in exceptional circumstances and demonstrated to be in the public interest.

Accordingly, we would support Core Policy SD1(4) if it were to state that "Planning permission will be refused where development proposals fail to conserve [and enhance] the

landscape, natural beauty, wildlife and cultural heritage unless, exceptionally, they are for major development to which the circumstances set out in Policy SD3(2) apply"

Unfortunately, the wording of SD1(4) goes much wider than this and appears to pick up wording relating to the presumption in favour of sustainable development in NPPF para 14, which sets out a test of adverse impacts significantly and demonstrably outweighing the benefits in certain specified circumstances, none of which apply to the SDNP Local Plan. In any event, it is made clear by Footnote 9 that this test does not apply to National Parks in any circumstances.

If left unchanged, developers are likely to tailor their proposals to meet the incorrect exception permitted by the wording of SD1(4) and this exception is likely to become the focus of appeals from refusals of planning applications, contrary to the interests and statutory purposes and interests of the SDNP

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