

## Harting Parish Council [R407]

### Sustainability Appraisal (SA): Position Statement<sup>1</sup>

1. The results of the site appraisals for Housing, Vitality of Communities and Local Economy show that these themes are proxies for one another and put an undue positive bias on the overall appraisal of each allocation<sup>2</sup>. Furthermore, it is axiomatic that a plan which allocates sites for housing development will provide housing.
2. However, the results of the SA analysis of independent, non-predetermined, themes (Landscape, Biodiversity and Cultural Heritage), vital to supporting the assertion that the *Plan* is landscape-led and, more fundamentally, to demonstrating that it is 'at one' with the statutory first purpose of a National Park, do not support either premise. Of the site allocations, 78% are assessed as having an uncertain or negative impact on the landscape, 53% as having an uncertain effect on wildlife and 43% uncertain or potentially negative impact on cultural heritage.
3. In a National Park, allocating such high proportions of sites with uncertain impacts, let alone negative ones, is unacceptable.
4. The SDNPA responded<sup>3</sup>:  
 Summarised Issue: "Objection to the general approach of the assessment: flawed, simplistic....."  
 SDNPA Response: "The SA has been undertaken using a robust methodology which complies with the appropriate regulations and national guidance....."
5. The methodology may be robust and may comply with guidelines; however, just because a methodology is robust, does not mean that the interpretation of the resulting data is equally robust. This would appear to be the case for the Housing, Vitality of Communities and Local Economy themes. While the objectives, sub-objectives and questions used to assess<sup>4</sup> the *Plan* policies suggest that each theme will be evaluated using independent markers, the site appraisal results are far from independent (see also HPC's 2017 representation below, paras 5-7).
6. The bias created by these three themes should be removed.
7. The SDNPA's response goes on to say:  
 "The National Park landscape designation, including the purposes and duty of the National Park, is of fundamental importance and is woven throughout the Local Plan process and is an appropriately important element of the SA".

---

<sup>1</sup> The Council's 2017 response (#583) is reiterated below for ease of reference

<sup>2</sup> SA, 2017, Table 4.1 Summary of the Appraisal of Site Allocations Proposed through the Submission Local Plan, pp.65-7.

<sup>3</sup> SDNPA-4 NPA Responses by policy and site: Revised Appendix 4 of the Submission Consultation Statement, p.372.

<sup>4</sup> SA, Table 1.2 SA Framework for the South Downs Local Plan, pp11-3.

This states crucial and legal SDNPA objectives. The difficulty is that the landscape, biodiversity and cultural heritage outcomes of the SA regarding the site allocations do not support the first purpose of the Park (para 2 above).

8. The development strategy, SD25, adopted by the SDNPA allocates sites in settlements which were selected according to their facilities scores<sup>5</sup>. Allocations have not been selected so as to minimise landscape, wildlife and cultural heritage impacts. Hence, the outcome of the SA on the relevant three themes is perhaps unsurprising, despite the SA's aim being "...to inform and influence the plan-making process with a view to avoiding or mitigating negative effects and maximising positive effects" (p.7).
9. Although the development strategy in the submitted *Plan* is slightly more flexible than it was in the *Preferred Options Plan* (2015, SD22), the sites appear to have been allocated prior to the revision and there has been no retrospective assessment.
10. The Council's Position Statement on SD25 (and corresponding 2017 Representation, #575) suggests mitigation measures wherever possible using brownfield sites.
  - 10.1 SD25 could be better aligned with the *NPPF's* Core Planning Principle on re-use of brownfield land in settlements whether or not they have facilities and whether or not they have a settlement boundary; small-scale development on such sites could be beneficial to small communities.
  - 10.2 In light of the 2017 development strategy revision (para 9 above) and suggested revision (para 10.1), all previously proposed and available brownfield alternatives to inappropriate greenfield allocations should be seriously considered.
  - 10.3 Fully cooperative consultation with parish councils and the wider public is essential.

---

<sup>5</sup> *Development Strategy Background Paper*: "...the starting point for determining the list of settlements in Policy SD25 was the Settlement Facilities Assessment" (*TSF-02*, p.6, para 5.3).

## HPC: Comments on the Sustainability Appraisal (2017) Regulation 19 Consultation

### ***Comments on the 'Themes' and the Conclusions of the Sustainability Appraisal***

1. The Sustainability Appraisal Full Report (SA full) presents its findings under nine 'themes' (p. AECOM 9). As used in the Report, three of these themes are utterly interdependent. Hence, 'by definition', each gives a likely positive/neutral outcome, and cumulatively they give the false impression that the overall impact of development will not be significant for many of the settlements appraised.
2. The themes in question are Housing, Vitality of Communities and Local Economy.
3. It is axiomatic that a Local Plan which allocates sites for housing development will provide housing. It is hardly surprising, therefore, that this simplistic 'analysis' leads to 'Housing' being a 100% positive outcome of the Plan.
4. However, the analysis appears to be equally simplistic for Vitality of Communities and Local Economy.
5. Taking the comments on the allocation SD90 (Land at Loppers Ash) in South Harting as an example:

<b>SA theme</b>	<b>SA Appendix E (pp 136-7)</b>
Housing	"The construction of around 6-8 additional dwellings on this site would contribute positively to the meeting of local need for housing. A policy target of at least 40% of all net dwellings being affordable (Strategic Policy SD?) could increase access of younger villagers to local housing."
Vitality of Communities	"The development of, in the region of 6-8 dwellings will help to support the vitality and vibrancy of South Harting village and there will be some on site affordable housing provision."
Local Economy	"Through increasing local housing stock, the delivery of housing at this site has the potential to support the village's vitality."

6. The comment under Vitality of Communities is virtually the same as for Housing, and the comment for Local Economy is circular, referring to both housing and vitality which are effectively the same thing in this appraisal. As used in the SA, these themes are therefore proxies for one another and bias the overall allocation appraisal.
7. A scan down the comments on the other allocations in Appendix E shows the same pattern for the great majority of them.

8. Of the 37 allocations appraised, it is therefore hardly surprising that the results (SA Full, Fig. 5.1) are:  
*Housing* – 100% positive outcome  
*Vitality of Communities* – 100% positive or neutral outcome  
*Local Economy* – 97% positive or neutral outcome
9. However, looking at other themes (SA Full, Fig. 5.1) which **are** independent of each other, the percentages are not so rosy.
10. The first and over-riding purpose of the SDNP is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. Looking at the three components of the first purpose against the relevant SA themes (Landscape, Biodiversity and Cultural Heritage):  
 natural beauty – 78% of the allocations have an uncertain or potentially negative landscape effect  
 wildlife – 51% have an uncertain biodiversity effect  
 cultural heritage – 43% of allocations have an uncertain or potentially negative effect on cultural heritage.
11. These figures do not support the assertion in the *Pre-Submission Local Plan* that this is a landscape-led Plan nor that the resultant development will be sustainable as defined in the NPPF (2012):  
 “The purpose of planning is to help achieve sustainable development.  
 Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations.” (Ministerial foreword to the NPPF)
- and in paragraph 29 of the English National Parks and the Broads, Vision and Circular 2010 as:  
 “Sustainable development is about ensuring a better quality of life for everyone, both now and for generations to come.”
12. Despite statements in the *Key Messages* in the *Pre-Submission Local Plan* (p. iii), such as “This is a landscape led Local Plan ...” and “... whilst we end up with site allocations, these are driven by landscape focussed assessments ...”, Harting Parish Council has argued that a landscape focus was not the predominant starting point taken by the SDNPA (response to SD25: Development Strategy).
13. For example, paragraph 3.116 of the SDNPA’s *Pre-Submission Local Plan* makes this clear:  
 “... the spatial strategy of dispersed growth is limited to the 53 settlements listed in Policy SD25 .... These are the settlements for which there are defined boundaries, and where the principle of growth is accepted.”  
 This is not a stricture arising in the NPPF (see paragraphs 11 & 12 of the Council’s comments on SD25).
14. Furthermore, the first criterion for site selection was future sustainability of settlements in terms of their facilities and services (*Pre-Submission Local Plan*, paragraph 7.7). Sustainability of rural facilities and services is a fallacy in the modern

world. For a very long time increased car usage and more recently internet shopping mean that rural facilities and services are vulnerable and will continue to be so.

15. The most obvious spatial strategy for a landscape-led local plan surely should be to start from the premise of preferentially assessing sites associated with settlements (not isolated) which have no, or very limited, landscape impact independent of the size of those settlements and independent of whether or not they have facilities, services or settlement boundaries. Only when such assessments have been exhausted should other options be considered.
16. In the phrase of the SA, “as judged against reasonable alternatives”, this is the most reasonable and, more importantly, the most crucial alternative in a landscape-led plan. However, the starting point for the 2017 Sustainability Appraisal appears to have been a predetermined list of settlements chosen because they are sustainable in terms of facilities and services and because they should be allowed some element of growth as they happen to have a settlement boundary (Pre-Submission Local Plan, paragraphs 7.7 and 3.116 respectively).
17. The SA’s conclusions regarding uncertain/negative landscape impact (paragraph 10 above) should therefore not be surprising, even though they are depressing. Equally, its conclusions on unwelcome cultural heritage and biodiversity effects are not uplifting.
18. The very first sentence of the SDNPA’s vision for 2050 as set out in its *Partnership Management Plan* is:  

“The iconic English lowland landscapes and heritage will have been conserved and **greatly** enhanced.” (Italics and bold added for emphasis).

Yet 78% of the sites being allocated by the SDNPA will have an uncertain or potentially negative impact on the landscape and 43% will similarly impact on cultural heritage. How can allocation of such sites fulfil that Vision?
19. ***In conclusion:*** On this basis and to ensure that the Local Plan will provide sustainable development that “... is about ensuring a better quality of life for everyone, both now and for generations to come.” (*English National Parks and the Broads, Vision and Circular 2010*), the SDNPA has a duty as a matter of urgency to re-visit its site allocations and its overall policy thinking. It also needs to enter into fully cooperative consultation with parish councils and the wider public to see what alternative sites there might be.

### ***Site-Specific Comments on SD90 (Land at Loppers Ash)***

20. Without prior and proper consultation, this site has been increased in size by about 60% and the settlement boundary has been changed.
21. In the Sustainability Appraisal it has been appraised as having both uncertain landscape and uncertain cultural heritage impacts. The landscape impact of this enlarged site will in fact be negative.
22. The Council has commented in detail on this policy in the *Pre-Submission Local Plan* section of this consultation. In summary:

- a. The site now extends well into an arable field and is no longer in-line with adjacent houses on New Lane. It will be highly visible from the South Downs Way at Harting Down which is less than 1km to the south.
  - b. The change in the shape of the site, pushing it behind the line of the adjacent long-established development will have a negative impact on the local landscape and on views from New Lane and other public view points.
  - c. The site will have a significant impact on a historic rural road and the recreational value of that road.
23. An alternative 'brownfield' site is being proposed by Harting Parish Council as a substitute for this allocation and for SD91. It will provide at least as many **affordable** dwellings as, and possibly more than, these two sites together.

### ***Site-Specific Comments on SD91 (Land North of the Forge)***

24. This site was allocated without prior and proper consultation and the settlement boundary has been changed.
25. In the *Sustainability Appraisal* it has been appraised as having both uncertain landscape and uncertain cultural heritage impacts. The impact on the South Harting Conservation Area will in fact be negative.
26. The Council has commented in detail on this policy in the Pre-Submission Local Plan section of this consultation. In summary:
- a. The site will have a significant negative impact on the South Harting Conservation Area, in particular it will have a very high housing density
  - b. There is a cumulative development impact
  - c. It will have a negative impact on the views from within the Conservation Area and to and from the wider landscape of the SDNP
  - d. It will transfer large agricultural vehicles from one historic rural road to a much narrower one, with consequent impacts on that road and on road safety
  - e. It will potentially increase flooding in the area and impact on an ecologically sensitive stream corridor.
27. An alternative brownfield site is being proposed by the Council to substitute for this allocation and for SD90. It will provide at least as many **affordable** dwellings as, and possibly more than, these two sites together.
28. ***In conclusion, regarding SD90 & 91:*** The *Sustainability Appraisal* evidence does not support the allocation of these two sites. Neither site is pursuant to the SDNPA's purposes or supportive of its Vision and neither should have been allocated in a landscape-led plan.
29. An alternative brownfield site with no negative landscape, wildlife or cultural heritage impacts, but with positive local landscape and community vitality ones, is being proposed by Harting Parish Council. It will provide at least as many affordable dwellings as, and possibly more than, these two sites together.

### ***Comments on 'Fairness' and the Neighbourhood Planning Process***

30. While it might be said that communities likely to have been allocated sites for development should have prepared a Neighbourhood Plan. Such Plans are not necessarily the answer, especially as the process has proved to be very divisive in some communities where suitable non-controversial sites were not available.
31. The SDNPA should have supported, rather than penalised, communities like Harting which chose not to do Neighbourhood Plans and which expected the Authority to be fair about allocations rather than foisting additional sites upon them at the last minute, well after the Regulation 18 consultation had closed.
32. As a result of *Moseley v. Haringey* 2014, the Gunning/Sedley Principles have been extended. These now incorporate the concept that the demands of fairness are likely to be higher when a consultation relates to a decision which is likely to deprive someone of an existing benefit.
33. In case law, an existing benefit might well be interpreted as fairness over enlarged sites, additional sites or increased housing number allocations: only settlements not preparing a Neighbourhood Plan have been allocated more sites and additional housing numbers in last-minute target-led changes. The key issue is the demand of 'fairness'.
34. The SDNPA must therefore look to its duty of care to all communities and settlements in the National Park, be they large or small, with or without settlement boundaries and with or without a Neighbourhood Plan.

### **Changes Necessary to Make the Sustainability Appraisal & the SDNPA Allocations Sound or Legally Compliant**

#### *Summary comments and necessary changes re the Sustainability Appraisal & SD25*

35. ***Change necessary:*** In the SA, 'Housing', 'Vitality of Communities' and 'Local Economy' are totally interdependent and therefore bias the overall assessment of each site. The bias must be removed (see paragraph 36).
36. At maximum, only one of these three themes is allowable in the current appraisal. Indeed, because a land allocation for housing development will axiomatically lead to housing, arguably none of these themes should be in the SA.
37. The conclusions from the independent 'Landscape', 'Biodiversity' and 'Cultural Heritage' themes in the SA do not support the majority of the designated site allocations because, as stressed by the SDNPA, this is a landscape-led plan. The outcomes of these three themes are fundamental to the SDNPA's purposes and to its Vision for 2050.

38. **Change necessary:** The large percentage of inappropriate site allocations must be reviewed in fully cooperative consultation with parish councils and the wider public to see what alternatives there might be.
39. The inappropriate sites have arisen as a result of the spatial strategy adopted (only settlements with settlement boundaries) and the focus on settlement facilities and services, which together have led to SD25.
40. **Change necessary:** SD25 should be more flexibly worded to allow alternative sites to be allocated for small-scale development in settlements which do not have a settlement boundary. In particular, there should be more flexibility regarding brownfield sites, and in exceptional circumstances possibly even greenfield ones, provided the substitute sites have substantially less negative impacts than the original allocations.

*Summary comments and changes necessary specific to allocations SD90 & 91*

41. **Changes necessary:** Replace allocations SD90 & 91 with the alternative brownfield site proposed by Harting Parish Council and re-instate the South Harting settlement boundary to its previous position in these localities.
42. The *Sustainability Appraisal* evidence does not support the allocation of these two sites.
43. Furthermore, the substitute brownfield site has no negative landscape, wildlife or cultural heritage impacts, but does have positive local landscape and community vitality ones. It will provide *at least* as many affordable dwellings as, and possibly more than, these two sites added together.