

Harting Parish Council [R407]

SD25 Development Strategy: Position Statement

1. SD25 is not consistent with national policy, in particular with the policies on delivery of sustainable development as set out in the *Nation Planning Policy Framework (NPPF, 2012)*.
2. The *Local Plan* is not compliant with legal requirements: the development strategy does not demonstrably support the first statutory purpose for National Parks – to conserve and enhance the natural beauty, wildlife and cultural heritage of the area (*Environment Act 1995*).
3. Legal/procedural requirements have not been followed: there was no Regulation 18 consultation on changes to settlement boundaries post the *Preferred Options* consultation.
4. In mitigation:
 - 4.1 SD25 could be better aligned with the *NPPF's* Core Planning Principle on re-use of brownfield land (paragraphs 8 and 12 below).
 - 4.2 In light of the 2017 development strategy revision (paragraphs 9-11 below) and suggested revision (paragraph 4.1), all previously proposed and available brownfield alternatives to inappropriate greenfield allocations should be seriously considered.
 - 4.3 Necessary public consultation.

Supporting Statement

5. Contrary to statements in the *Plan* that it is landscape-led, hence pursuant to the first purpose of the Park, SD25 has led to site allocations of which 78% have an uncertain or negative landscape impact (*Sustainability Appraisal, 2017, pp. 65-7, Table 4.1*). In terms of wildlife and cultural heritage, 51% and 43% respectively of allocations have an uncertain or potentially negative effect.
6. SD25 is focussed on settlements with facilities ('sustainable settlements') as most clearly articulated in the *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*). Development in settlements with facilities is not a requirement of the *NPPF* – "... housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby" (2012, p.14, para 55).
7. Because of the underlying facilities approach of SD25, sustainable development is settlement focussed and hence has a more limited meaning in the *Plan* than it does in either the *NPPF* or in the *English National Parks and the Broads, Vision and Circular*

2010 where “Sustainable development is about ensuring a better quality of life for everyone, both now and for generations to come” (para 29).

8. As a first consideration in a Plan purported to be landscape-led, a reasonable alternative to allocating inappropriate greenfield sites in ‘sustainable settlements’ would be to assess brownfield ones in settlements whether or not ‘sustainable’. The exception should be isolated developments (*NPPF* para 55, p.14).
9. Aside from the major strategic sites, the *Preferred Options Plan* (2015, SD22, p.123) limited brownfield development outside settlement boundaries to “...the reuse or redevelopment of an existing building(s)”. Consultation comments prompted a revision of the strategy: “Policy SD25 now includes a clear ‘brownfield first’ approach, This is set out as 1(b) and also 2(d) of the policy.” (*SDLP-03 Submission Consultation Statement*, p.182, fifth bullet point).
10. While the changes are welcome, SD25 only prioritises brownfield development in settlements assigned settlement boundaries (clause 1(b)) because of their facilities scores. For other settlements, where small-scale brownfield development could be of visual and amenity benefit and have the potential to improve the vitality of a small community (in line with *NPPF* 2012, para 55), exceptional circumstances have to be argued (clause 2(d)).
11. Supporting paragraph 7.11 (p.119) of the *Plan* states that “Policy SD25 also provides *some limited flexibility*, in exceptional circumstances, to allow ‘brownfield’ development outside settlement boundaries, where demonstrably necessary to meet the wider objectives of this Local Plan. An example would be where development necessary to uphold the purposes of the National Park can be provided on previously developed land as an alternative to encroaching on undeveloped countryside” (Italics added for emphasis).
12. SD25 could give more weight to the re-use of brownfield land (paragraph 8 above). It would then align with the relevant principle in *NPPF’s* twelve Core Planning Principles to “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value” (*NPPF*, 2012, p.6, para 17).
13. Shortly before the revision of SD25 was made public (SDNPA Meeting 11 July 2017), Harting Parish Council asked the SDNPA to reconsidered housing allocations SD90 and 91¹ (SDNPA Planning Committee Meeting, 9 March 2017) and proposed a brownfield site outside the South Harting settlement boundary² as an alternative at a meeting with SDNP officers (11 April 2017). Contrary to SD25, clause 2(d), the officers stated categorically that the alternative could not be considered.
14. The Council’s response (#575, below) to the 2017 consultation gives detail to some of the points above.

¹ Consultation responses #576 & #578

² Builders yard & offices at Station Yard, Nyewood, GU31 5HX

HPC comments on SD25 (2017)

(Regulation 19 consultation)

Not Compliant with Legal and Procedural Requirements

1. There has been no public/statutory consultation on the settlement boundary changes that have been made subsequent to *The Preferred Options* consultation: this is required under Regulation 18. The current consultation is only on the matter of 'soundness' and legal/procedural compliance under Regulation 19.
2. The Gunning Principles have been ignored. These state *inter alia* that
 - 2.1 consultation must be undertaken at a time when proposals are still at a formative stage,
 - 2.2 consultation must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response, and
 - 2.3 the demands of fairness are likely to be higher when the consultation relates to a decision which is likely to deprive someone of an existing benefit (*Moseley v. Haringey* 2012).
3. Also, the *English National Parks and the Broads: UK Government and Circular 2010* requires National Parks to engage with their communities "... in an effective and co-ordinated way ..." (para 101). The consultation which has taken place has failed to "understand the resident community's economic and social view of the area they live in ..." (para 102).

Unsound, Contrary to the SDNPA's First Purpose and Contrary to National Policy:

4. The first clause of the *Key Messages* in the *Pre-Submission Local Plan* (p. iii) states: "This is a landscape led Local Plan ..." and this clause is subsequently reinforced by other comments such as "... whilst we end up with site allocations, these are driven by landscape focussed assessments ...". However, when considering sites for development, the predominance of a landscape focus was not the starting point taken by the SDNPA. The Authority started from the premise of future sustainability of settlements based on facilities. Even in the current version of the *Local Plan* this concept persists as the first of two principle criteria:

"7.7 The purpose of Policy SD25 is to identify towns and villages across the broad areas and river corridors of the National Park that are able to accommodate growth of a scale and nature appropriate to their character and function. These have been identified in line with two principle criteria:

 - The future sustainability of the settlement, in terms of its facilities and services; and
 - The form and character of the settlement within its landscape context."
5. Future sustainability in terms of facilities and services is a fallacy for many settlements. Only large settlements (i.e. towns) can be certain of retaining facilities and services

such as good public transport. The historical ideal of small settlements being largely self-sufficient is irrelevant in the modern world. For a long time, the increased use of cars has accelerated the demise of many rural bus routes; more latterly the rise of internet shopping has caused a further shift away from using small-scale rural shops. Both have left rural facilities and services vulnerable. However, that has little or nothing to do with population or the range of facilities/services in a settlement: it is a fact of modern life styles.

6. For example, South Harting lost two shops in 2017. In the previous year, its Post Office was taken into the Village Stores, but is proving not to be financially viable and is therefore under threat. The Village lost one of its pubs in 2012; now the small-scale brewery chain which took over the one remaining pub only a couple of years ago is looking for a buyer for its business.
7. A development criterion aimed at ensuring future sustainability of settlements in terms of services and facilities is also very flawed in a landscape-led Plan. 'Sustainability' in this context is a very long way from its meaning in the *English National Parks and the Broads, Vision and Circular 2010* "Sustainable development is about ensuring a better quality of life for everyone, both now and for generations to come" (paragraph 29).
8. In a truly landscape-led Plan, the decision about where to support development should "take a holistic and flexible approach" to use the words of the 2016 *Settlement Facilities Assessment*. Recognising the flaws in the earlier *Settlement Hierarchy Study*, the 2016 *Assessment* states:
 - 1.2 The Local Plan Options Consultation Document, published in 2014, applied a settlement strategy which was based primarily on the findings of the Settlement Hierarchy Study. This was published in 2013 and looked at the services and facilities available within the settlements of the South Downs National Park, and uses the availability of these services to apply a score to each settlement. The settlements were then ranked by score and divided into five tiers.....
 - 1.3 *Feedback on the Options Consultation was overwhelmingly against taking such a prescriptive approach to development based primarily on set levels of services and facilities. Therefore, the emerging development strategy seeks to take a holistic and flexible approach to development in the National Park pursuant to its Purposes*, recognising the interdependencies that exist between, for example, a series of hamlets / small groups of development, a small village and a larger village." (Italics and bold added to the text for emphasis)
9. Despite this apparent shift in strategy to a "holistic and flexible approach", Policy 25 does nothing of the sort as is made clear in paragraph 3.116 of the SDNPA's Pre-Submission Local Plan:
 - "... 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."

10. In adopting such a limited spatial strategy, the SDNPA is not “pursuant to its Purposes”, of which the first and over-riding purpose is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. This contradiction between strategy and purpose is clear in the evidence provided in *The Sustainability Appraisal* (Table 5.1). Looking at the three components of the first purpose for the 37 site allocations appraised:
 - 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 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:
 - “Sustainable development is about ensuring a better quality of life for everyone, both now and for generations to come.”

12. There is nothing in the NPPF 2012 which states, or even implies, that development should normally only be supported in settlements which have a settlement boundary. Rural areas are addressed in NPPF paragraph 55:
 - “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances....”

13. The key messages are to enhance or maintain the vitality of rural communities and to avoid isolated homes in the countryside. The latter is self-evidently sensible in a National Park. Regarding the former, a few dwellings in a settlement of a few hundred cannot contribute significantly to the vitality of a community, but a few dwellings in a few dozen can. Furthermore, the example given in NPPF paragraph 55 is of development in a small settlement supporting services in one nearby, so, contrary to the SDNPA’s approach, there is no presumption that development must be in settlements with pre-existing facilities.

14. The most obvious spatial strategy for a landscape-led local plan surely should be to start from the premise of preferentially assessing sites with no, or very limited, landscape impact provided they are associated with settlements (not isolated), 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.

15. To use the *Sustainability Appraisal* phrase “as judged against reasonable alternatives”, starting from sites with no landscape impact is the most reasonable and, more importantly, the most crucial alternative in a landscape-led plan, but it does not seem to have been considered by the SDNPA and its multitude of consultants.
16. The *Sustainability Appraisal* assessed a predetermined list of settlements, development of which the *Appraisal* has shown will potentially have detrimental consequences in the majority of cases (paragraph 10 above).
17. Those settlements have been selected on the basis of their future sustainability in terms of facilities and services and on the basis that they can be allowed to grow because they happen to have settlement boundaries (*Pre-Submission Local Plan* paragraphs 7.7 and 3.116 as quoted above in paragraphs 4 and 8 respectively). They have not been chosen *a priori* because development will have no detrimental impacts.
18. We will refer to these settlements as ‘sustainable settlements’ in the remainder of this response.
19. Within South Harting and undoubtedly within other ‘sustainable settlements’ where highly inappropriate sites have been allocated, other sites might be positive in landscape terms but not be currently available (not that site availability alone should be the main criterion for development in the SDNP).
20. However, in our own parish of Harting, a ‘brownfield’ site is being ignored because it is not in or close to a ‘sustainable settlement’. Development of that site would have no impact on the wider landscape but it would enhance the local setting and the vitality of the small community within which the site sits. This contrasts with the ‘uncertain’ landscape and cultural heritage impacts of the two site allocations in South Harting (SD90 & 91).
21. Furthermore, this site would straightforwardly provide five affordable homes in a total of nine. There would be no loss in the provision of affordable dwellings and potentially a gain: together SD90 & 91 would be required to provide a maximum of five affordable homes and a minimum of three, but possibly not all on site. The provision of affordable homes in National Parks is the first priority over any other development.
22. Harting Parish Council met with SDNPA officers on 11 April 2017; contrary to expectation, no alternative sites in South Harting were presented by the officers. Furthermore, the Council was told that the ‘brownfield’ site could not be considered as an alternative to other allocations in the Parish because only sites in ‘sustainable settlements’ are being allocated. That response is apparently contrary to the SD25 which was already drafted in its current form by 11 July 2017 when it was considered at a meeting of the Authority:

“...SD25 also provides some limited flexibility, in exceptional circumstances, to allow ‘brownfield’ development outside settlement boundaries, where demonstrably necessary to meet the wider objectives of this Local Plan. An example would be where development necessary to uphold the purposes of

the National Park can be provided on previously developed land **as an alternative to encroaching on undeveloped countryside.**" (SD25, clause 2, as expanded on in paragraph 7.11; italics added to the text for emphasis).

23. Harting cannot be the only parish where at least one site with all of the necessary credentials of an appropriate site for development has been excluded from consideration because it happens not to be in a 'sustainable settlement'.
24. **In conclusion:** Given this is supposed to be a landscape-led Local Plan, the spatial strategy adopted in Policy SD25 is not justified; furthermore, the strategy is not supported by the evidence presented in *The Sustainability Appraisal*. The policy is therefore contrary to both the first purpose of the SDNPA (section 61, Environment Act 1995) and the overarching principle of sustainable development in the *National Planning Policy Framework* (NPPF, 2012) and *English National Parks and the Broads; Vision and Circular* (DEFRA, 2010, paragraphs 28-30).

Changes necessary to make the document legally compliant or sound

25. On the basis of the evidence in *The Sustainability Appraisal*, many of the site allocations arising from SD25 are not justified, particularly in landscape terms. Soundness is unlikely to be possible without either a radical re-think of the spatial strategy (paragraph 3.116 of the *Plan*) or a much more flexible approach under SD25 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 (see also the Council's response to SD90 & 91).
26. The question also needs to be asked as to whether the SDNPA has given adequate guidance in the neighbourhood planning process to ensure that landscape impact is minimised in those communities which have chosen to do a Neighbourhood Plan.