

Position Statement on behalf of The Goodwood Estate Company Limited

MATTER 3 : Core Policies

It is the position of the Goodwood Estate that the response of the local planning authority to concerns raised in representations to the local plan is unacceptable. Neither the proposed modifications nor the reasoning offered through the Summary of Issues and responses offers the Estate with any comfort or certainty that the concerns raised have been considered and adjusted appropriately.

The concerns raised in the representation relating to the soundness of the authority's development strategy within the national park remain. The objectives of restriction and protection are easily stated but the local plan lacks any detail strategic response to how it will deliver such aims.

The broad-brush approach to policy definition and drafting is lacking in the detail that allows for clear interpretation and application. The plan lacks clarity, precision and balance and consequently it provides uncertainty to developers, landowners, businesses and communities with the National Park.

Matter 3 :

Do the three Core Policies of the Plan make appropriately justified and effective provision respectively for:

- Policy SD1 – Sustainable Development - with respect in particular to:
- a. the exceptions permitted by criterion 4 of the Policy
 - b. consistency with national policy?

The Estate believes the weight given to the pursuit of landscape objectives by resisting the amount of new development permitted, fails to acknowledge true sustainability as a balance of social, economic and landscape matters (emphasised through the NPPF). It is accepted that landscape protection and enhancement should be given greater weight within the national park but not at the expense of all other considerations. The Estate in particular believes that the stewards of the landscape over many hundreds of years, prior to the establishment of the park (the landed estates), are to be frustrated in their continued enhancement of the park by inflexible and unreasonable restrictions placed on their operations through the local plan.

The Estates have always balanced their development needs against environmental protection – had they not done so there would be no national park. The Estates must be given appropriate confidence and certainty to continue with their sustainable management which includes the bringing forward of appropriate development as changing needs arise. The local plan, even with Whole Estate plans, does not provide that certainty – Whole Estate Plans do not have a statutory function within the development plan.

Striving for high quality design accords with latest Government guidance¹, but measurement is difficult to determine and quantify. It is unclear if the authority is seeking a higher standard to be reached than in NPPF guidance, as no benchmark for measurement is offered.

Criterion 4 goes far beyond the tests of sustainable development without sound reasoning for this requirement being given. Requirements such as “demonstrably outweigh” contain no means by which they can be measured and is open to misinterpretation readily, unintentional or otherwise. The criterion does not provide justification why the general presumption in favour through the NPPF should be set aside, other than an inappropriate application of Footnote 9² which is applied too liberally and against court advice.³ The plan should set out clearly what factors apply and when, such that the presumption is set aside when appropriate. It is insufficient to quote a broad-brush application of landscape protection as justification, without individual site consideration.

¹ NPPF Review 2018 not applicable to this local plan and therefore not a matter to which the plan must comply - despite all future planning applications being considered against it's provisions

² NPPF 2012 paragraph 14

³ See Representation on behalf of Goodwood Estate November 2017 and Position Statement in respect of Matter 4 this examination

Policy SD2 – Ecosystem Services – with respect in particular to:

- a. the requirement of the Policy for all proposals to be supported by a statement on its impact upon ecosystem services?

While the holistic approach to sustainability promoted is understood and supported, policy SD2 may be too onerous for many developments that do not implicitly lead to environmental enhancements, but which may indirectly do so. For example, provision of low-cost affordable housing can reduce commuting, and existing business expansion and diversification may give rise to economic benefit that can be reinvested subsequently in environmental enhancements. Policy SD2 does not distinguish between direct and indirect benefits, but should do so. Many developments are self-evidently harmful but others not so. It would be appropriate for the plan to include statements describing how harm will be measured or how it might be mitigated and ecosystems enhanced. It may be extremely difficult for some small developments to offer any demonstration of direct benefit, particularly where any benefit is indirect or collective.

Conceivably, it may be possible to promote a development that ‘ticks all the boxes’ such as a very sustainable visitor attraction, but it proves so popular that it gives rise to undue traffic pressures, loss of countryside etc. The policy, while well-intentioned fails to provide sufficient flexibility to address all development scenarios. Accepted it is intended to be broad-brush but it requires a greater attention to flexible drafting and detail at a site specific level.

In any event, an effective “traditional” planning process should follow the principles outlined in Policy SD2. The need for the policy in addition, is unproven. The authority has not provided evidence to justify why this additional level of proof is required; it is not required by national policy, either through the NPPF or guidance on National Parks. It is difficult to see how the presentation of an additional report on ecosystem services will ensure a development is acceptable, whereas a development following tried and tested planning procedure with supporting evidence, but no ecosystem report, might not.

Policy SD3 – Major Development - with respect in particular to:

- a. whether part 1 of the policy provides a justified and effective basis for an objective identification of proposals considered to comprise major development,
- b. whether part 2 of the policy makes appropriate exceptions for permitting major developments in the SDNP,
- c. whether part 3 of the policy sets appropriate requirements and constraints for the control of major development exceptionally permitted within the SDNP,
- d. whether the policy should refer to major events, as distinct from permanent development?

Policy SD3 should include a provision requiring the authority to discuss with a developer/landowner the reasoning why a development is deemed to be major and to allow the developer/landowner the opportunity to challenge that position. This could be through a requirement for pre-application discussions.

The presumption that all applications deemed major will be refused is unsound and unreasonable. Justification provided in paragraph 4.19 of the local plan is unacceptable in that it may be interpreted as referring to any development where the authority considers there to be the potential of harm being raised – the degree of harm at which a major application is deemed to be promoted is not offered. It is therefore reasonable to assume this can be applied to any development, irrespective of size, should an officer or opponent deem harm to be generated.

“major development” is based on whether, prima facie, the development might potentially have adverse impacts on a national park,⁴

The policy should offer greater clarity on the circumstance when a development individually or collectively will give rise to harm and therefore be deemed a major proposal. It is inferred in paragraph 4.20 that major development could apply to developments akin to infrastructure and works associated with infrastructure projects, but the policy does not apply to that scale exclusively. The policy is drafted specifically to offer the authority the opportunity to apply the criterion to any project deemed harmful, irrespective of scale, character or nature.

⁴ Paragraph 4.19 SDNP Local Plan