

Local Plan Examination - South Downs National Park

Position Statement filed on 30 November 2018 – SD90

Rupert and Jan Grey

1. INTRODUCTION

I have lived at the foot of Harting Down, on New Lane, since 1956. I am Chair of the Friends of Harting Down.

2. SUMMARY

2.1 The allocation of SD90 does not conserve and enhance the landscape. The process by which it has been selected for allocation is flawed.

2.2 The Authority has not resolved, or sought to resolve, major issues with SD90 such as parking and access.

2.3 The Authority's consultation exercise in relation to SD90 was fundamentally flawed.

3. KEY FACTS

3.1 The Loppers Ash site abuts New Lane, the single thread linking the village of South Harting with Harting Down and the South Downs Way. Viewed from any vantage point on the South Downs, the building of 6-8 houses at the Loppers Ash site will be highly visible, and have an impact on the landscape. It will enhance the urbanisation of the valley in which South Harting lies. It cannot, by any stretch of the imagination, be said to "enhance or conserve the landscape".

3.2 In allocating the site the Authority is flying in the face of:

- the statutory purposes of national park designation¹
- the opinions and concerns of the parish Council
- the views of local residents
- its obligation to properly consult *and conscientiously take into account*² the response of the local community to the proposed allocation
- the merits of the alternative site proposed by the Harting Parish Council in 2017 and of which the Authority had been well aware since 2015.

4. STATUTORY PURPOSES

4.1 The statutory purposes, supported by national planning policy, require landscape to be put first in any consideration of development in a national park.³

¹ See my previous position statement, submitted on 23 October 2018; see sections 61-62 of the Environment Act 1995 - and emphasised in the Plan, for example at pages iii, 4, 35 and Policy SD5.

² My emphasis, taken from para (v) of the Gunning Principles and endorsed by the Supreme Court in R (Mosely) v Haringey 2014 UKSC 56.

³ Paragraph 115 of the NPPF

This is acknowledged in the Plan: “*This is a landscape led Local Plan...*”⁴ This statement is repeated - “*whilst we end up with site allocations, these are driven by landscape focused assessments...*”. Although the statutory purposes do not set up an independent ‘test’ of each and every area of policy, landscape concerns must nevertheless drive all development management policies. This has not taken place with the preparation of this plan.

4.2 In practice, the allocations in South Harting and elsewhere have been driven by targets and settlement vitality. The SHLAA and Sustainability Appraisal treat landscape as simply one factor amongst many, rather than the principal basis for selecting sites. The preferred options stage initiated a target-led approach, whereby development would be permitted provided it was of a scale and nature appropriate to the character and function of the settlement. This is evidenced in relation to South Harting clearly at paragraph 4.19.4 of the document SS-02 (April 2018):

“...the two proposed housing allocation sites in South Harting provided the most sustainable options for a modest amount of residential development as befits the village”. (emphasis added)

4.3 The approach taken begins with settlement sustainability in terms of services/facilities, then identifies sites to allocate that level of growth – considering landscape issues only at the very end of the exercise, as an ancillary concern. If the only difference between site allocation in and outside a national park is a slightly heightened awareness of landscape, then the purpose of designating a national park is rendered toothless. Rather, inside a park there must, as a minimum, be evidence that landscape concerns have driven the agenda for site allocations. It is not sufficient merely to state that the adopted growth level has been chosen having regard to the landscape when the way in which the Sustainability Appraisal ‘had regard’ failed to put landscape first.⁵

4.4 The allocation of 6-8 houses on site SD90 is symptomatic of the Plan’s failure to conform to the statutory purposes of the Park.⁶ The SHLAA finds SD90 has medium landscape sensitivity, and it is therefore one of the 78% of the sites, which, on the Authority’s own admission, have a negative or uncertain landscape impact.⁷ This surprising statistic is further proof of the relativizing of landscape issues, as simply one relevant factor amongst many, which has infected the whole plan preparation process, beginning with the SHLAA and Sustainability Appraisal. Given the statutory requirement to enhance and conserve the landscape the allocation SD90 is unlawful.⁸

4.5 Insofar as SD25, and the general approach that has been taken to site allocation (inc. *Sustainability Appraisal*), seeks to give effect to or comply with NPPF paragraph 55 and its discouragement of new isolated homes in the countryside, it

⁴ Page iii, Key Messages.

⁵ Pre-Submission plan, paragraph 3.1, figure 3.1.

⁶ As I submitted to the Inspector on the opening day of the examination.

⁷ Sustainability Appraisal, table 5.1; also see TSF-10.

⁸ Furthermore, settlements which did not have an adopted or emerging Neighborhood Development Plan (inc. South Harting) have taken all of the housing allocation. Those in the process of preparing NDPs have had no housing allocated (save for a very few large sites, see Submission Plan paragraph 1.39) (see document SS-02, paragraph 2.1-2.2) (April 2018). This inconsistency with application of the statutory purposes is both unsound and manifestly unfair.

misunderstands the policy.⁹ Paragraph 55 of the NPPF does not mean that development must be in settlements with pre-existing facilities, or those that have settlement boundaries. All it indicates is that development should be focused on settlements of some kind, no matter how small. In *Braintree v Secretary of State for Communities and Local Government* [2018] EWCA Civ 610 at [32], the Court of Appeal has recently clarified that “settlement” has no specific definition by reference to availability of services and facilities or minimum number of dwellings, nor is the existence of a settlement boundary relevant.¹⁰ The Authority’s approach is therefore unsound by reference to the correct interpretation of national policy. SD25, in treating all land outside a settlement boundary as open countryside (paragraph 7.9), is subverting the purpose of paragraph 55 of the NPPF, which is not intended to stifle smaller rural settlements, but to nurture them.

5. SD90 SITE SPECIFIC MATTERS

5.1 Further to the procedural failings identified in relation to the selection of SD90, there are a number of matters of substance in relation to the site which mean it fails the tests set out in the submitted plan, thereby making the Plan internally incoherent, and is otherwise unsound.

Outcomes

5.2 Development on the SD90 Loppers Ash site would:

- (a) Alter substantially the view from Harting Down: The development is at the end of the village nearest to Harting Down;
- (b) Enhance the urbanisation of the village create a domestic sprawl readily visible from the top of Harting Down and a long stretch of the South Downs Way;
- (c) Double (at least) the volume of traffic;
- (d) Alter the identity of New Lane: it would cease to be in substance a historic rural road;
- (e) Discourage pedestrians (who are themselves crucial to the village’s economy);
- (f) Require New Lane to be doubled in width up to the entry to the new estate, if access to the dwellings to the south is not to be impeded;
- (g) Block decisively the view to the East from the northern end of New Lane;
- (h) Block decisively the view to the South – ie the Downs - from the residential properties on the Elsted Road;
- (i) Enclose the view from South Acre, changing its character from edge of village, to suburban.

Views

5.3 Policy SD6 requires that “views from publicly accessible areas which are within, *to* and *from* settlements which contribute to the viewers’ enjoyment of the National Park” must be conserved and enhanced.¹¹ The 2015 View Characterisation and Analysis document, part of the evidence base for the plan, refers to the view from Harting Down (View 36) as one of its selected views that reveals the special

⁹ The 2012 NPPF.

¹⁰ <https://www.bailii.org/ew/cases/EWCA/Civ/2018/610.html>

¹¹ SD6, paragraph 2(b).

qualities of the Downs: as a natural vantage point over the Rother Valley, and because it is viewed in conjunction with South Harting and East Harting.¹²

5.4 The plan entirely fails to recognise the contextual importance of the settlements in the view described. Development at SD90 would damage this, increasing the sense of sprawl into the countryside.

5.5 SD90 is highly visible from the South Downs Way, which is less than 1km to the south. It is therefore absurd to say, as does the Sustainability Appraisal, that the landscape impact is 'uncertain', rather than negative. Even if the impact is 'uncertain', this itself fails the Authority's own test in its Vision for 2050 (and the statutory purposes): "The iconic English lowland landscapes and heritage will have been conserved and greatly enhanced."

5.6 Policy SD6 calls for consideration of sequential views, that is, those which are experienced when moving through the landscape, "for example, when walking along a footpath or travelling along a road".¹³

5.7 There has been no such consideration. Development on SD90 would block the view to the East from the northern end of New Lane; enclose the view from South Acre, changing its character from being on the edge of the village, to feeling suburban; and block decisively the view to the South (of the Downs) from the residential properties on the Elsted Road.

5.8 Policy SD20 requires development proposals to conserve and enhance the amenity value and tranquillity of views from non-motorised travel routes and access land.¹⁴

5.9 Since New Lane is an important footpath, and indeed the only direct and safe footpath linking the village to Harting Down, it is all the more important that the view from the lane be given value: yet in selecting SD90 there has been no attempt by the Authority to grapple with its own policy, and it seems instead to seek to defer all such considerations to the development control stage – something it is not permitted to do on matters of substance going to the heart of the national park designation.

Traffic and access

5.10 The SD90 site sits 1.2-1.4m above New Lane, a single-track historic rural road, much used by walkers and to get to the Downs, thus the impact of increased traffic is a significant issue.

5.11 Policy SD21 (paragraph 1) states that development will only be permitted where it would protect and enhance highway safety. Paragraph 6.31 of the Plan states that where a development would create an increase of more than 10% in traffic "it must be demonstrated that the changes to traffic levels and patterns arising from the development would conserve or enhance the ecological, landscape and *recreational value* of those roads" (emphasis added).

¹² <https://www.southdowns.gov.uk/wp-content/uploads/2015/10/Viewshed-Study-Report.pdf>

¹³ SD6, Paragraph 5.39.

¹⁴ SD20, paragraph 6.

5.12 The inevitable doubling, at least, of traffic use of New Lane, would reduce highway safety and recreational value, given the natural width constraints and extensive use of the road as a footpath by walkers.

5.13 Policy SD20 (paragraph 6) requires development proposals to maintain existing public rights of way, and conserve and enhance the amenity value and tranquillity of, and views from, non-motorised travel routes and access land (paragraph 6 of SD20). Policy SD21 (paragraph 2) states that development will not be permitted where it would reduce biodiversity, landscape and amenity value and character of historic rural roads, with particular attention being paid to new access points and other physical alterations to roads, and to the impacts of additional traffic. Paragraph 6.29 states that “the integrity of banks, hedges, walls and roadside trees must be maintained.”

5.14 SD90 is contrary to these objectives. Although the amended policy SD90 no longer makes mention of the access onto New Lane, acquaintance with the site map reveals any other access route as impossible.¹⁵ The Plan does not feature any protection for the status of New Lane as the single conduit between village and Downs. Nor would it be possible to maintain the integrity of the banks of New Lane.

5.15 When this point was raised directly with Ms Howard, in 2015, she refused to accept that it was a footpath as well as a road. [**EXHIBIT 1 – LH EMAIL 4/12/2015, answer to question 5**]

5.16 The issues of access and traffic are not simply ancillary matters to be dealt with when an application comes forward, as the Issues and Responses document asserts. Rather, these unavoidable and inevitable effects would significantly alter the character and use of an historic rural lane (which has been there since roman times¹⁶) and are fundamental to the suitability of the site as such.¹⁷

Parking

5.17 SD90 would need 20 parking spaces.¹⁸ There is no room for overflow of parking onto New Lane or South Acre; the former is too narrow and the latter is already crowded. It would inhibit vehicular and pedestrian access (including for emergency services) to a wholly unacceptable degree. This hurdle to suitability has not been considered at all by officers preparing the Plan.

6. CONSULTATION

6.1 The Authority has failed to comply with the relevant requirements of procedural fairness in relation to the allocation of the site, and the issue of settlement boundaries. At the preferred options stage, it appeared to be a factor counting against SD90 that it was outside the settlement boundary as was an alternative site proposed by the Parish Council, yet subsequently the Authority moved the boundary for SD90, but not the alternative site.

¹⁵ See page 343 of the Plan: <https://www.southdowns.gov.uk/wp-content/uploads/2018/04/SDLP-01.1-Schedule-of-Changes-to-the-SDLP.pdf>

¹⁶ It led to the roman villa some 100 yards south of SD90.

¹⁷ As is recognized in many other discussions in the SHLAA, where a site is discounted for access problems.

¹⁸ At least 20; in addition to loading/delivery space, and space for emergency vehicles.

6.2 The Authority's obligation to consult is embedded in public law principles of fairness in decision-making, enshrined in the 'Gunning Principles,' as recently expanded by the Supreme Court in *R. (Moseley) v London Borough of Haringey* [2014] UKSC 56.¹⁹

6.3 In *R. (Capenhurst) v Leicester*²⁰ Silber J. emphasised that consultees must be "aware of the basis on which a proposal put forward for the basis of consultation has been considered and will thereafter be considered by the decision-maker...".²¹ A decision maker may not impose unpublished criteria, which serve to determine what factors will be considered decisive or of substantial importance.²²

Lack of clarity over settlement boundary

6.4 The absence of information provided concerning settlement boundary changes means consultees were unable to understand the basis on which the proposal (SD90) was put forward, and therefore unable to provide 'intelligent consideration' and response.

6.5 The 'Issues and Responses' document (SDNPA.4) (August 2018) states at page 6 "changes to the settlement boundaries were consulted on at both Preferred Options and Pre-Submission stages." This is demonstrably untrue: page 224 of the 2015 Preferred Options consultation document makes no mention of the settlement boundary; pages 334-335 of the Pre-Submission Local Plan do not mention settlement boundaries, only site allocation.

6.6 Paragraph 3.3 of TSF-05, in which the settlement boundary move was revealed, shows that amendment of boundaries to reflect site allocations "was left to the end of the review process, to allow time for the list of potential allocations to be finalised," thereby proving the point that the allocation of sites has driven boundary changes, without consultation. This point is reinforced by the Interim Consultation Statement document (September 2017), at page 181.²³

¹⁹ Per Lord Wilson at paragraphs 25-26: six essential elements emerge: (i) *Consultation must be undertaken at a time when proposals are still at a formative stage;* (ii) *It must include sufficient reasons for the particular proposals to allow those consulted to give intelligent consideration and an intelligent response;* (iii) *Adequate time must be given for this purpose;* (iv) *The product of consultation must be conscientiously taken into account when the ultimate decision is taken.* (v) *The degree of specificity regarding the consultation should be influenced by those who are being consulted;* and (vi) *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;* see also the remarks of Lord Woolf in *R. v North and East Devon Health Authority, ex p. Coughlan* [2001] QB 213 at p.108

²⁰ See *R (on the application of Capenhurst) v Leicester City Council* [2014] EWHC 2124 (Admin), per Silber J., at paragraph 46.

²¹ "...as otherwise the consultee would be unable to give... intelligent consideration to the proposals or to make an intelligent response to it. This requirement means that the person consulted was entitled to be informed or had to be made aware of what criterion would be adopted by the decision-maker and what factors would be considered decisive or of substantial importance by the decision-maker in making his decision at the end of the consultation process."

²² Ibid.

²³ Furthermore, It is evident that the Authority itself is confused about whether settlement boundary change has taken place: page 333 of the Responses document (SDNPA.4) assumes that the site (SD90) is outside the settlement boundary

6.7 The basis for putting forward SD90 has been confused from the outset, and has therefore not provided members of the public with an opportunity to give adequate or intelligent comment. As per the Issues and Responses document, and the answer given by Ms Howard at the Examination hearing for matter 2, the Authority asserted they had proposed the boundary change for SD90 at regulation 18 stage, as they have done in numerous other examples in the Park. This is untrue, and Ms Howard has not produced any evidence subsequently to support her assertion. It is procedurally unfair to have allowed most communities to comment at regulation 18 stage on proposed settlement boundary changes in relation to site allocations, but not to allow similar opportunities in relation to SD90.

Alternative site

6.8 The approach taken to the proposal of an alternative site reveals the unlawfulness of the consultation exercise.

6.9 The response to representations made on the submission version of the plan states, in relation to SD90 and SD91, that there was “no alternative site submitted”. This is incorrect. Shortly before the revision of SD25 was made public²⁴, Authority officers requested to meet with the Parish Council to discuss alternative sites in confidence (11 April 2017). This meeting was attended by two officers, seven councillors and the Clerk to the Council. Members of the public such as myself who asked to attend were excluded by the officers. In the event, the officers presented no alternative sites, stated categorically that the alternative site could not be considered, as it was outside of the South Harting settlement Boundary, and asserted that there would be no reconsideration whatsoever of the sites at that time proposed for allocation.²⁵ This was despite the fact that at the time there was no proposal to move the settlement boundary to include SD90 (that idea only being made public in September 2017²⁶), and that the regulation 19 consultation had not yet concluded. The Authority was invited to attend a further Parish Council meeting on 19 October 2017, but refused to attend. This approach undermines the sincerity of Ms Howard’s assurance in her 2015 email to me that the Authority “will seek ongoing meaningful consultation with communities, including through formal consultation periods and engagement with parish and town councils during the process”.²⁷

6.10 If the difference between the two sites (SD90 versus Nyewood) was that for SD90 they were willing to move the boundary, but for Nyewood they weren’t, then this was an application of unpublished criteria. The only criteria of which the public were aware was that sites outside of the settlement boundary would not be considered. However, at the same time as this meeting was taking place, the Authority was considering SD90, which was then outside the settlement boundary, but which was soon to be included within it. Therefore the actual, unpublished, criteria applied by the Authority was to move settlement boundaries where they wanted to improve the planning merits of a proposed site, and refuse to move them, and thereby exclude *ab initio*, for alternative sites put forward by the public.²⁸

²⁴ Authority meeting, 11 July 2017.

²⁵ See exhibited letter from Andrew Shaxson to Tim Slaney.

²⁶ In TSF-05

²⁷ See Exhibit 1 – answer to question 8.

²⁸ The legal error is the application of an unpublished criteria, having the effect of undermining the consultation and engagement process regarding alternative sites.

6.11 This refusal to even consider the alternative site was unsound and unlawful for additional reasons. First, the Authority were failing to follow their own policy SD25(2)(d) which allows for development outside of a settlement boundary where it is an appropriate reuse of a previously developed site. Second, the failure of process is unlawful in the same way identified by the Divisional Court in *Kohler v MOPAC*²⁹: the Authority were obliged to at least consider alternatives, and were not entitled to rule them out of account and close their minds before having even considered them.

CONCLUSION

SD90 should therefore be removed from the Plan.

Yours Sincerely,

Rupert and Jan Grey

30 November 2018

²⁹ *R. (Kohler) v Mayor's Office for Policing and Crime* [2018] EWHC 1881 (Admin) at paragraphs 60-68; <https://www.bailii.org/ew/cases/EWHC/Admin/2018/1881.html>

EXHIBIT I

EMAIL FROM LUCY HOWARD - 4/12/2015:

From: Lucy Howard [Lucy.Howard@southdowns.gov.uk]
Sent: 04 December 2015 16:50
To: 'rupert grey'; tyriea@parliament.uk
Cc: Andrew Shaxson; Jan Grey; Anna Ludford
Subject: RE: The vote on Wednesday - and South Downs national park - Planning - housing in South Harting

Dear Rupert

Thank you for your email about the proposed housing allocation in South Harting. I apologise that you have not received a response to your questions set out your original email to me.

Before I answer your questions I thought it may be worth setting out the process for preparing the Local Plan and what will happen next.

The Preferred Options version of the Local Plan was being published for public consultation between September and October 2015. It follows on from the Issues and Options document that was published for public consultation in 2014. The Preferred Options is effectively a first draft of the Local Plan, where we seek views from the community on draft policies and allocations in the Local Plan.

All the comments received during this consultation will be collated and analysed by the SDNPA. The responses will then be taken into account alongside the evidence base, the sustainability appraisal and the Duty to Cooperate to help formulate the next version of the Local Plan. This will be the Publication version, which will be subject to another, more limited, round of public consultation expected to take place in Autumn 2016. All representations made at this stage along with the Publication version will be submitted to the Planning Inspectorate (on behalf of the Secretary of State) for independent examination. The SDNPA aims to adopt the sound Local Plan in 2017.

The answers to your 8 questions in turn are as follows.

1. Is the New Lane site outside the agreed settlement boundaries?

The proposed allocation in South Harting (SD-SS01 - Land at south of Loppers Ash, South Harting) is currently outside of the adopted settlement policy area in the current development plan for the area - Chichester Local Plan (1999) (Policy BE1).

If it is, what specific reasons have the Park put forward for selecting it?

In January 2015, we published a Strategic Housing Land Availability Assessment (SHLAA) for the South Downs National Park in January 2015. This provides evidence for the Local Plan by identifying potential housing sites, such as Land South of Loppers Ash, which is proposed as a draft allocation in our Local Plan.

When preparing the SHLAA we used the published methodology to ensure that

every site has been subject to the same assessment process. You may find it helpful to read the SHLAA covering report which is available to download here -

<http://www.southdowns.gov.uk/wp-content/uploads/2015/02/SHLAA-Covering-Report.pdf>

Figure 1 in this report summarises the process and more detail is available in the methodology for the assessment process in section 4 of this report (page 13). The assessment criteria used is available in Appendix A

<http://www.southdowns.gov.uk/wp-content/uploads/2015/02/SHLAA-Appendix-A-Assessment-Criteria.pdf>

The SHLAA report set out four recommendations:

(i) Excluded - The site does not meet the initial criteria (shown in Figure 2, pages 16-17) and is therefore excluded from the assessment process.

(ii) Rejected - Following a detailed assessment using the methodology the site is not considered to be suitable for development.

(iii) Has Potential (Deliverable) - Following a detailed assessment using the methodology the site is considered to have potential for some housing development. It is considered to be available and development is considered achievable.

(iv) Has Potential (Developable) - Following a detailed assessment using the methodology the site is considered to have potential for some housing development. It may not be considered to be currently available or development may not be considered achievable, but there is considered to be reasonable prospect that the site be available within the next 15 years.

We have then taken into account the assessment of the sites from the SHLAA when deciding on potential allocations in the Preferred Options Local Plan.

The sites considered in the Chichester District part of the National Park are set out in Appendix D (iv) of the SHLAA. The section on South Harting is on page 225. You can download the full appendix from here -

<http://www.southdowns.gov.uk/wp-content/uploads/2015/02/SHLAA-Appendix-D-iv-Chichester.pdf>

The SHLAA assessed four sites in South Harting. Land at Loppers Ash was the only site considered to have potential. I would recommend reading the assessments in Appendix D (iv).

I would emphasise that the site is still a proposed or draft allocation at this stage and we have recently asked for people's views through the public consultation. We will be considering the responses we receive during this consultation on all policies and site allocations and the Plan will be subject to change at the next stage. We are also continuing to invite the submission of new sites for assessment, as part of the Local Plan consultation. These will be assessed in an update to the SHLAA later this year. This may result in new allocations in the next version of the Local Plan.

Do those reasons match the requisite conditions laid down in the Park's equivalent of the old Area Plan?

The South Downs Local Plan follows on from but does not duplicate the saved policies from the Chichester Local Plan.

2 There has been a suggestion that the Park will solve the problem by unilaterally shifting the the settlement boundary to include New Lane. Is that true?

As part of the preparation of the South Downs Local Plan all settlement boundaries have been comprehensively reviewed, apart from in neighbourhood planning areas. We consulted on these proposed boundaries as part of the Preferred Options consultation alongside the proposed site allocations. In order to not prejudice the allocation of these sites, the reviewed boundary is not drawn around the proposed allocation. If the decision is made by the NPA to include an allocation in the next version of the Local Plan (known as the Publication or Pre-Submission version) then the boundary will be drawn around the proposed allocation prior to the next Local Plan consultation and before being submitted to the government for independent examination.

3. Why has the Park selected New Lane for 8 houses when it knows - or ought to have known - that you can't fit 8 houses (in the style and spacing specified) into 85 metres?

The draft allocation is based on the assessment in the SHLAA which estimated that approximately 8 dwellings could be accommodated on the site, based on a density of 20 dwellings per hectare. We will take on board your comments about the appropriate number for the site and when reviewing the draft allocation we will reconsider the approximate number it is allocated. We have included approximate numbers in the allocation policies, but any site allocated would still be subject to a detailed planning application where details regarding design, layout and other considerations may determine that a different number of homes is appropriate.

4. The New Lane site is by far the most prominent site from the top of the Downs. The visual impact from the Downs will be inescapable. So why has Harting PC been asked to comment before the view-data is available? I understand it will be, but how can our PC - or anyone else - provide an informed comment for you to consider until it is?

As part of the SHLAA assessment, the site will have been subject to a detailed landscape assessment by our Landscape Officer. The methodology for this assessment is set out methodology (see link I have provided above). In summary the landscape assessment will have considered historic landscape analysis, landscape character, visual sensitivity, relationship to settlement pattern and settlement edge qualities, the landscape framework and scale and impact on key characteristics and special qualities of the National Park.

As you note, further evidence is has been or is being prepared in additional to the SHLAA which will inform the final allocations, such as the Viewshed Analysis. This is now available on our website at www.southdowns.gov.uk/evidence. I would reassure you that there will be further opportunities for parish councils and communities to engage with the Local Plan process once all the evidence is available.

5 Is the Park aware that New Lane is, in practice, more of a footpath than a road? Has it addressed and analysed the heightened risk of accidents? New Lane is narrow but tarmacked and to all appearances is an adopted road, **certainly not a footpath**. Further information on highway safety will be sought as part of the allocation process.

6. What reasons have the Park given for not selecting the site opposite Smithfield? From a visual point of view it is clearly the better site; it

will make less impact; it is closer to the shops; I assume drainage/water etc are closer to hand. How many houses can be fitted on the site? If 5 (as I surmise) then it is only one less than the New Lane site. James Langmead is (I am told) a willing seller.

From your description, I understand you are referring to a site which was assessed in the SHLAA (reference CH122). The summary of the landscape assessment in the SHLAA states: Medium high sensitivity for the eastern section classed as medieval fieldscapes and associated with the watercourse and mill Lane which is included in the conservation area, Medium Sensitivity for the western part of the site which adjoins existing property to the west. The portion of the site found to be of 'medium' sensitivity is too small to accommodate five dwellings. From a visual point of view, whilst it may be less visible from the chalk ridge than the New Lane site is, the land north of Smithfield is important for the way it connects the historic part of the village with the wider countryside.

7 On what grounds were the other nominated sites rejected?

Please see my response to question 1. This is set out in the SHLAA 2015 report which I have provided links to above.

8 What our village really needs is affordable housing. But it seems as though there is no requirement for this in the plan. Affordable housing is what villages like Harting badly need. Can you impose a condition on the developer at the application stage that at least half, whichever site is chosen, will be Affordable?

The Local Plan does acknowledge that provision of affordable housing is a major issue for the National Park with house prices above the national and regional averages and the NPA is committed to maximise opportunities for, and deliver affordable housing wherever possible.

Draft Policy SD24 in the Preferred Options sets a target of at least 40 per cent of all net dwellings (C3 use class) on schemes of 6 or more units will be provided as affordable homes in perpetuity to meet local needs.

This was drafted following Government changes to the National Planning Practice Guidance (NPPG) which introduced a mandatory minimum size threshold for affordable housing requirements from residential development sites, below which no affordable housing can be secured through Section 106 obligations. The threshold is described as "10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm" and excludes rural exception sites. This change is effective immediately and, in practice, means affordable housing can only be secured on sites of 11 units or more as part of normal planning applications. However, this was removed following a High Court judgement in August 2015 just before the Local Plan Preferred Options was published. Therefore draft Policy SD24 will be reviewed to take this into account.

The Preferred Option document is, in essence, a grant of planning permission without an applicant, without plans and - more importantly - without the safeguards required by law to enable local persons to have a voice. I am thinking of advance notice and the right to be consulted.

What this means in practice is that the placing of these 8 houses, which will have a major impact on our community, is being decided by an external authority and a property-developer neither of whom are in any way accountable to us. Our official representatives, Harting Parish Council,

have no say in this. There has been no public meeting. This doesn't sound right to me.

The Preferred Options is effectively a first draft of the Local Plan, where we seek views from the community on draft policies and allocations in the Local Plan. We have sought to and will continue to seek to undertake ongoing and meaningful consultation with communities, including through formal consultation periods and engagement with parish and town councils during the process.

Do please get back to me if you have any further queries on this matter.

Lucy Howard

EXHIBIT II -

LETTER FROM ANDREW SHAXSON TO TIM SLANEY - 18/04/2017

-

Harting Parish Council

To:-

Mr T Slaney,
Director of Planning,
South Downs National Park Authority

18th April 2017

Dear Tim,

You attended the 9th March 2017 meeting of the SDNPA planning committee, at which Dr Sheridan Bowman and I spoke to address the constructive concerns which Harting Parish Council (HPC) have with the two South Harting housing allocations as they currently stand. Along with this letter I attach the words we read out. At that meeting Margaret Paren noted that 14 dwellings had been allocated to South Harting, but in essence queried whether that was the number for which *suitable* sites had been found – or was it the number that it was felt the settlement should be able to accommodate? An important point that all parties must properly consider and address.

We hope that what Dr Bowman and I said indicates the concerns HPC have about the way the allocations currently take account of the (currently?) outstanding and unaddressed issues affecting both sites. It was further clear that the relatively small committee who were considering the report and agreeing to 'endorse the direction of the policies' hadn't then visited the sites to judge for themselves whether HPC were justified in having concerns. If they had chosen to debate the issues they would have been effectively in the dark, but I understand they have now seen the sites? Perhaps anticipating the strength of the feelings expressed by a meeting in Midhurst on 28th March to which all parishes and District Councillors in Chichester District part of the SDNP were called, arrangements were made for SDNPA officers to meet HPC in South Harting on 11th April. The invitation indicated that officers would consider our concerns, and furthermore introduce different proposals to hopefully address those concerns. This seemed to indicate that SDNPA officers had some sympathy and understanding of where we were coming from. I wrote to Lucy Howard after the 28th March meeting, and although I have been told she has replied to me, something in the email or attachment has been deemed sensitive, and been stopped by the CDC Antispam filter. I wrote and told Lucy, but I haven't yet read it.

At 4.30 on 11th April Chris Paterson and Robert Thain met most of the Harting Parish Councillors and clerk. Robert spoke to us, with Chris taking a secondary role in proceedings. Very quickly it became apparent that the 'promised' approach, let alone mention of other sites, would not be forthcoming. It was the Parish council's unanimous view that Robert didn't approach the exercise in a constructive manner; it was clear that he treated us as a nuisance to be confronted rather than properly elected representatives and partners in this

Local Plan consultation process – a process that should be made to work as well as possible for both local people and the whole the South Downs National Park. When we tried to constructively open up the debate he blocked us by effectively indicating that he as a ‘planning officer knows best’. This is in spite of the fact that he admitted that he only started with the SDNPA in August 2016 as a Minerals and Waste Policy officer and has only recently become involved in housing allocations. Two of the Councillors who attended this meeting work full-time and to attend left work early, one cancelling a necessary trip to Cornwall in anticipation that he would take part in proper debate, and learn about something new and constructive. They like the rest of us felt badly let down and disappointed. Arguably cancellation of our meeting, on the grounds that Robert and Chris had nothing to say to us and were unwilling to give considerate attention to our concerns, would have been better – can we assume that the exercise wasn’t a tick-box communication, to be pointed out to the Local Plan Inspector further down the line? But of course an open and constructive exercise would and should have been better for both the SDNPA and Harting parish.

Back to what Margaret Paren said at the planning meeting - the current allocation sites entail ‘rural cramming’, which cannot be integrated within a smallish settlement in a National Park. Robert Thain made it clear that as this is what is on the table that is what we will have. In spite of this it is clear that changes of greater or lesser importance are taking place behind the scenes, as we put it the ‘goal posts’ are constantly moving. We were told that it is proposed that the re-amended document will go to the planning committee on 8th June and then to the Full Authority on 4th July. Thereafter it will go out to public consultation ‘for soundness’. I pointed out to Robert Thain that CDC is currently reviewing their Local plan, and that all newly allocated sites are out for public consultation in a DPD. The site in New Lane, South Harting(SD87) was the subject of public consultation last Autumn, but the entirely new allocation opposite Smith Field (SD88) will not be subject to any public consultation until then. There are a number of other sites throughout the SDNP where this is also the case, we are in touch with some of the parishes affected. As Harting parish hasn’t got a Neighbourhood Plan, it should mean that the SDNPA and the parish work closely to ensure the right and best outcome. Is this the case?

I asked Robert Thain whether as a result of the way that extra Housing sites were being allocated in South Harting and elsewhere without public consultation the SDNPA was confident that they would not be threatened by either a Judicial Review, or that the Inspector might find the plan unsound. Having answered all questions up until that point, he told me to address that point to you as Head of Planning. That is the reason why I have written to you, though taking advantage to express some other concerns.

Though Harting residents had knowledge of it, the 11th April meeting was held in private. At the end of it Robert and Chris were asked if anything had been discussed which was publicly sensitive. They said not, other than a reference they made to a site in another parish. Consequently, at the Harting Annual Public Meeting this Thursday I shall refer to it. Likewise, if you think it is constructive please share the contents of this letter.

Kind regards,

Andrew Shaxson
Chairman, Harting Parish Council

Member CDC, Harting ward

Cc Harting Parish Councillors and clerk