

**Agenda Item 11**  
**Report PC20/21-44**

Report to	<b>Planning Committee</b>
Date	<b>15 April 2021</b>
By	<b>Director of Planning</b>
Title of Report	<b>Viticulture Technical Advice Note</b>
Purpose of Report	<b>To seek approval of the Viticulture Technical Advice Note</b>

**The Committee is recommended to**

- 1) Approve the draft Viticulture Technical Advice Note set out in Appendix I for publication**
- 2) Delegate authority to the Director of Planning , in consultation with the Chair of the Planning Committee , to make any amendments to the Viticulture Technical Advice Note required to address any issues raised by the Committee.**

**I. Summary**

- I.1 The growing of grapes for wine, known as viticulture, and the processing of grapes to make wine is expanding rapidly in the National Park as it is in many other parts of the United Kingdom. The purposes of the Technical Advice Note (TAN) set out in **Appendix I** is to explain how to make successful planning applications for new viticulture, wine making and other related development that deliver multiple benefits for the National Park. The TAN is primarily written for existing and prospective vineyard owners, estate managers, planning agents, Members and planning case officers both at the National Park Authority and host authorities, and consultees on planning applications. It is the first planning document of this type to be published on viticulture that we are aware of.
- I.2 The TAN is one of a suite of documents that is currently being prepared by the Authority on viticulture. The impact of viticulture growth has been assessed in the South Downs National Park Viticulture Growth Impact Assessment<sup>1</sup> commissioned by the National Park Authority and recently completed by Vinescapes. We have started work on best practice guidance on environmental measures, which will provide further information on how to improve ecosystem services. We are also intending to carry out some natural capital accounting on viticulture.
- I.3 This document is one of several TANs and supplementary planning documents (SPD) that are being prepared to help with the implementation of the South Downs Local Plan. We have already adopted the Affordable Housing and Sustainable Construction SPDs and published the Extensions and Replacement Dwellings TAN, Habitat Regulations Assessment TAN and Dark Skies TAN. A number of other SPDs and TANs are in the pipeline.

<sup>1</sup> <https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/technical-advice-notes-tans/viticulture-technical-advice-note-tan/>

## 2. Background

- 2.1 Viticulture and wine making is expanding rapidly in the South Downs. The impact of this growth has been assessed in the South Downs National Park Viticulture Growth Impact Assessment commissioned by the National Park Authority and recently completed by Vinescapes. We have also published useful six page summary and infographic on our website.
- 2.2 The study identifies some important facts and figures. There are currently 51 vineyards, of which 11 include wineries, covering 436 ha of land in the National Park. These vineyards and wineries employ 358 people including seasonal labour, attract approximately 33,000 visitors a year and contribute directly approximately £24.5 million to the local economy; this contribution increases to £54 million if impacts on the wider economy are included. The scale of cool climate viticulture in the South Downs has the potential to increase dramatically with the study identifying 39,700ha of land in the National Park (34.2% of existing farmland) as being suitable for viticulture. If just one-tenth of this land (3,970 ha) were to be converted for growing grapes, this would represent an area larger than the current UK viticulture sector (3,500 ha in 2019) and more than 22 million bottles of wine could be produced annually.
- 2.3 The TAN is primarily a planning document, but there is other legislation and regulations relating to viticulture and winemaking such as tax and duties that vineyard owners and managers should be mindful of. If it approved by Planning Committee it will become a material consideration that will be taken into account by decision makers at the Authority and the host authorities when determining planning applications for new viticulture, wine making and other related development.

## 3. Legal and policy context

- 3.1 The TAN sets out the legal background for viticulture, which is a form of agriculture. It explains when an environmental impact assessment (EIA) may be needed and how a winery is an ancillary use if it only processes grapes grown on the associated vineyard. The TAN explains the legal context of development in a national park with the purposes and duty. It then highlights the relevant outcomes and priorities of the Partnership Management Plan.
- 3.2 Ecosystem services are the goods and services we get from nature. Multiple ecosystem services can be derived from viticulture. The Vinescape study considers this in considerable detail and we have included a diagram for illustrative purposes in the TAN; this is currently being truth tested by local experts in the field and may be subject to change.
- 3.3 The TAN then goes through the main Local Plan policies that are relevant to viticulture and winemaking. As viticulture is a type of agriculture, it is particularly important to explain the relevant criteria of the agriculture and forestry policies

## 4. Going forward

- 4.1 If Planning Committee approve the TAN it will be published on our website and will be a material consideration that will be taken into account by decision makers at the Authority and the host authorities when determining planning applications for new viticulture, wine making and other related development.
- 4.2 We will formally publish the TAN and the Growth Impact Assessment during English Wine Week<sup>2</sup> in June.

## 5. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No

<sup>2</sup> <https://www.winegb.co.uk/trade/english-wine-week-2021/>

Does the proposal raise any Resource implications?	The TAN was produced in house with a small contract for the ecosystem services diagram
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes, due regard has been taken of the equality duty in the preparation of the TAN. This document follows on from and seeks to implement the South Downs Local Plan for which a full equalities impact assessment was carried out.
Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:	The TAN seeks to implement the South Downs Local Plan for which a full sustainability appraisal was carried out.

## 6. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
Don't publish TAN	Low	Low	Explain to Members the function of the TAN to help implement the policies of the Local Plan in regard to viticulture applications

### TIM SLANEY

#### Director of Planning

#### South Downs National Park Authority

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Appendices	I. Draft Viticulture Technical Advice Note
SDNPA Consultees	Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning
External Consultees	Vinescapes, Wine GB and Rathfinny Vineyard on ecosystem services diagram
Background Documents	<p>South Downs National Park Viticulture Growth Impact Assessment, six page summary document and infographic can be viewed here:</p> <p><a href="https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/technical-advice-notes-tans/viticulture-technical-advice-note-tan/">https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/technical-advice-notes-tans/viticulture-technical-advice-note-tan/</a></p> <p>South Downs Local Plan:</p> <p><a href="https://www.southdowns.gov.uk/wp-content/uploads/2019/07/SD_LocalPlan_2019_17Wb.pdf">https://www.southdowns.gov.uk/wp-content/uploads/2019/07/SD_LocalPlan_2019_17Wb.pdf</a></p>

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# **South Downs Local Plan**

## **Viticulture Technical Advice Note**



**April 2021**

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Image courtesy of Ridgeview Estate Winery Ltd, 2021

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## Introduction

The growing of grapes for wine, known as viticulture, and the processing of grapes to make wine is expanding rapidly in the South Downs National Park (SDNP) as it is in many other parts of the United Kingdom. The impact of this growth has been assessed in the *South Downs National Park Viticulture Growth Impact Assessment* commissioned by the National Park Authority and recently completed by Vinescapes<sup>1</sup>. This study identifies some important facts and figures. There are currently 51 vineyards, of which 11 include wineries, covering 436 ha of land in the SDNP. These vineyards and wineries employ 358 people including seasonal labour, attract approximately 33,000 visitors a year and contribute directly approximately £24.5 million to the local economy; this contribution increases to £54 million if impacts on the wider economy are included. The scale of cool climate viticulture in the SDNP has the potential to increase dramatically with the study identifying 39,700ha of land in SDNP (34.2% of existing farmland) as being suitable for viticulture. If just one-tenth of this land (3,970 ha) were to be converted for growing grapes, this would represent an area larger than the current UK viticulture sector (3,500 ha in 2019<sup>2</sup>) and more than 22 million bottles of wine could be produced annually.

The Growth Impact Assessment is a major step forward in our understanding of local viticulture, and this Technical Advice Note (TAN) seeks to address and provide advice on the main planning matters. The purpose of the TAN is to explain how to make successful planning applications for new viticulture, wine making and other related development that deliver multiple benefits for the National Park. The TAN is primarily written for existing and prospective vineyard owners, estate managers, planning agents, Members and planning case officers both at the South Downs National Park Authority (SDNPA) and local authorities providing planning services through hosted arrangements<sup>3</sup>, and consultees on planning applications.

The key issues that this TAN seeks to address are:

- How viticulture relates to the purposes and duty of the National Park and delivers on Partnership Management Plan 2020-2025 outcomes
- What you can do without planning permission in the National Park
- What you need planning permission for in the National Park
- How to deliver multiple ecosystem services for the National Park in the context of a planning application
- How to comply with Local Plan policies

This TAN is primarily a planning document, but there is of course other legislation and regulations relating to viticulture and winemaking such as tax and duties. Advice should be sought on these matters from the relevant authorities.

This TAN was approved by the Planning Committee of the SDNPA on 15 April 2021. It is a material consideration that will be taken into account by decision makers at the Authority and the host authorities when determining planning applications for new viticulture, wine making and other related development.

<sup>1</sup> South Downs National Park Viticulture Growth Impact Assessment, Vinescapes, 2021  
<https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/technical-advice-notes-tans/>

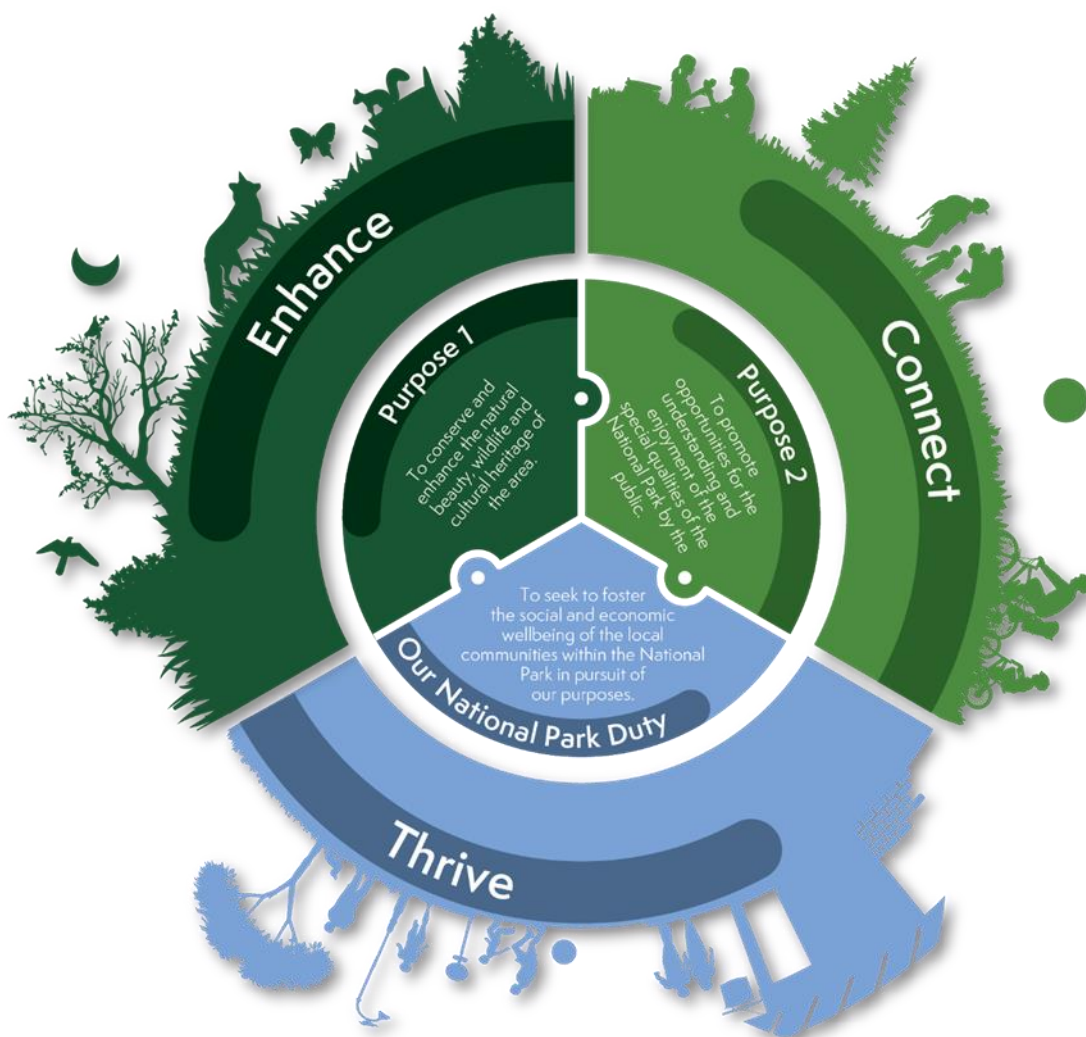
<sup>2</sup> WineGB. (2019). An industry coming of age. Accessed online <https://www.winegb.co.uk/wp-content/uploads/2019/09/2019-Industry-coming-of-age-WineGB-industry-report-2019.pdf>

<sup>3</sup> Winchester District Council, East Hampshire District Council, Chichester District Council, Horsham District Council and Lewes District Council

## Viticulture in a national park

The South Downs was established as a National Park in 2010. The South Downs National Park Authority (SDNPA) became the local planning authority for the National Park in 2011. The National Park contains over 1,600km<sup>2</sup> of England's most iconic lowland landscapes stretching from Winchester in the west to Eastbourne in the east.

The statutory purposes and duty for all national parks including the South Downs are specified in the National Parks and Access to Countryside Act 1949, as amended by the Environment Act 1995. It should be noted that the socio-economic duty applies only to the National Park Authority. The purposes and duty are illustrated in figure 1, which shows how they are all interlinked. The DEFRA Vision and Circular on English National Parks and the Broads<sup>4</sup> provides guidance to national park authorities on how *through the harnessing of the economy to environmental ends, tangible economic benefits can be delivered through the statutory purposes whilst at the same time enhancing those purposes.*



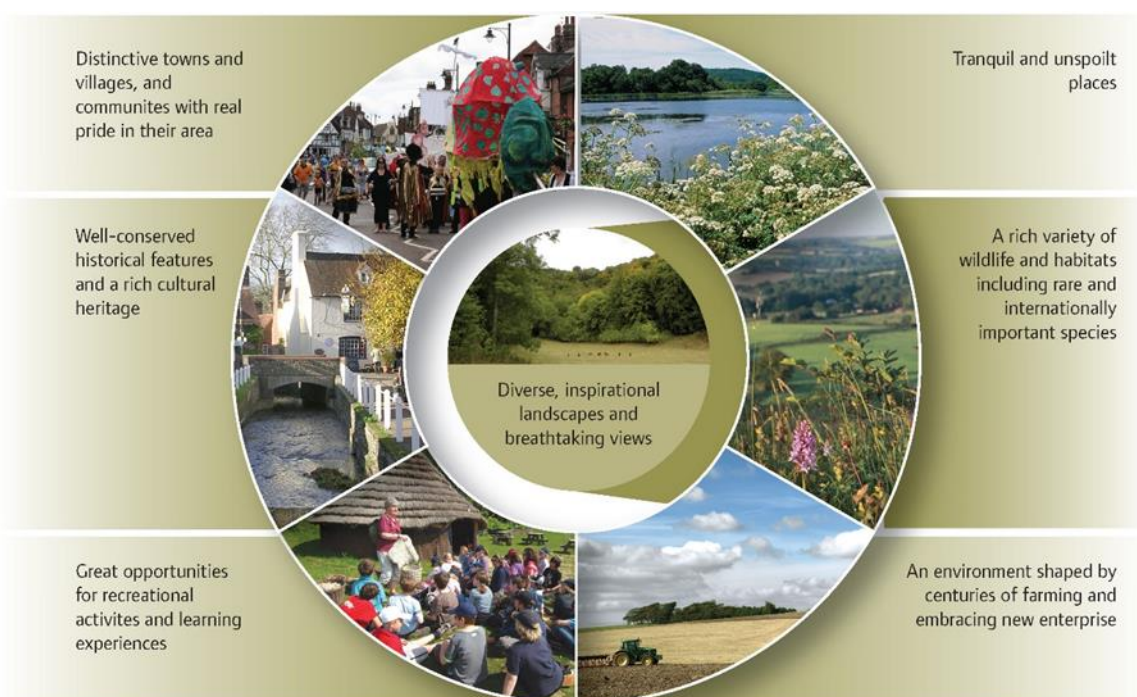
**Figure 1: Purposes and duty of national parks**

The special qualities are set out in the Partnership Management Plan (PMP) and the Local Plan and are illustrated in Figure 2. One of the special qualities of the South Downs is that it is an

<sup>4</sup> <https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010>

environment shaped by centuries of farming and embracing new enterprise. Viticulture is a form of both farming and new enterprise. We recognise that the South Downs is not a wilderness, but rather that it is made up of living working landscapes with our communities forming a fundamental part of their character. The Vision and Circular states that national park authorities should give sufficient weight to socio-economic interests in order to fulfil their duties appropriately to sustain thriving local communities.

New viticulture, wine making and other related development undoubtedly impact, both negatively and positively, on a number of the National Park's special qualities. The Authority does not wish to see viticulture causing an adverse impact on the National Park's diverse, inspirational landscapes and breathtaking views, its tranquil and unspoilt places, its rich variety of wildlife and habitats and rich cultural heritage. Indeed, we wish to see the conservation and enhancement of these special qualities in line with our first purpose. This marries up with the philosophy of winemaking where for centuries, vineyards and wine producers have drawn on landscape character, soils and a sense of place or terroir to impart or explain the difference and uniqueness of their wines. The vineyards in the SDNP have their own chalky terroir making sparkling wines of international repute.



**Figure 2: Special qualities of the South Downs National Park**

The Partnership Management Plan 2020-2025 (PMP)<sup>5</sup> sets out an overarching strategy for the management of the National Park. It contains a number of outcomes and priorities for what our partners across the National Park together will deliver over the next five years. The outcomes and priorities most relevant to new viticulture, wine making and other related development are set out below.

### **Outcome 1: Landscape & Natural Beauty**

<sup>5</sup> [https://www.southdowns.gov.uk/wp-content/uploads/2020/04/SD\\_PMP\\_2019\\_F\\_22-FINAL.pdf](https://www.southdowns.gov.uk/wp-content/uploads/2020/04/SD_PMP_2019_F_22-FINAL.pdf)

The landscape character of the South Downs, its special qualities, natural beauty and local distinctiveness have been conserved and enhanced by avoiding or mitigating the negative impacts of development and cumulative change. For this outcome our priorities for the next five years are:

- Protect landscape character
- Create green infrastructure

### **Outcome 2: Increasing Resilience**

There is increased resilience within the landscape for its natural resources, habitats and species to adapt to the impacts of climate change and other pressures. For this outcome our priorities for the next five years are:

- Improve soil and water
- Improve trees and woodland

### **Outcome 3: Habitats and Species**

A thriving and connected network of habitats and increased population and distribution of priority species now exist in the National Park. For this outcome our priorities for the next five years are:

- Join up habitats
- Manage priority and invasive species

### **Outcome 8: Creating Custodians**

More responsibility and action is taken by visitors, communities and businesses to conserve and enhance the special qualities and use resources more wisely. Existing and prospective vineyard owners and estate managers have their role to play as custodians of their land within the National Park.

### **Outcome 10: Great Places to Work**

A diverse, sustainable, dynamic economy which is positively linked to the special qualities of the National Park. For this outcome our priorities for the next five years are:

- Strengthen enterprise
- Increase destination awareness
- Promote Sustainable Tourism

The *South Downs National Park Viticulture Growth Impact Assessment* explains in some detail the potential adverse impacts and positive benefits of viticulture development on both the biodiversity and landscape of the National Park. Chapter 10 of the study explains the environmental impact of vine growing and wine making. Chapter 11 sets out a series of photomontages that illustrate the landscape and visual impacts of viticulture and wine production in the National Park. Chapter 15 lists mitigants, opportunities and recommendations. Through the planning application process, the National Park Authority wishes to avoid and/or minimise adverse impacts and maximise positive benefits on the South Downs.

## Legal background

Viticulture is defined as agriculture under Section 336 of the Town and Country Planning Act 1990 ("the Act") as follows:

*"Agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;*

Development is defined under Section 55(1) of the Act as follows:

*"Development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.*

If land is currently in agricultural use, planning permission is not required to cultivate the land, plant grapes, grow grapes or install trellising as it is not defined as development.

If land has been uncultivated for the last 15 years, is in a semi-natural area (this includes priority habitats, heritage or archaeological features, and protected landscapes) or has not been intensively farmed, such as unimproved grassland or lowland heath, and is typically 2 ha or more then the applicant is required to apply to Natural England for an environmental impact assessment (EIA) screening decision. This would be required prior to any activity taking place on the land. Guidance has been published by the Government on when you need to apply for an EIA screening or consent decision to change rural land use<sup>6</sup> and further more detailed advice is published directly by Natural England<sup>7</sup>. Natural England provides advice directly to applicants on this matter.

In planning law, conducting an activity which is incidental or ancillary to a primary purpose does not change the fundamental character of use of the land. It has been established through case law<sup>8</sup> that it is the primary purpose, which determines the character of the use.

In planning, the making and selling of wine from grapes grown on the premises (associated vineyard), including tours and tastings, are classified as 'ancillary agricultural activities' where the growing of grapes is the primary use. This was established in the Supreme Court with the Millington case<sup>9</sup>. Therefore, winemaking is classified as an agricultural activity if the winery only processes their own grapes. Where wineries process grapes on behalf of other growers, the site takes on more commercial use characteristics and different impacts may be considered to fall outside the scope of an agricultural use. Associated vineyard shops and other ancillary businesses on-site are just that, ancillary.

If the intention is to process the grapes from outside the land holding, then the Authority will determine as a matter of fact and degree whether the wine making is the primary use or an ancillary process. Each case will be considered on its individual merits and full details will need to be submitted as part of the application so that the Authority can fully consider the circumstances of the holding. We would encourage applicants to be open and transparent with us and provide best estimates of how much of their own grapes and other vineyards' grapes they intend to process. The

<sup>6</sup> <https://www.gov.uk/guidance/eia-agriculture-regulations-apply-to-make-changes-to-rural-land>

<sup>7</sup> <http://publications.naturalengland.org.uk/publication/4038539?category=49001>

<sup>8</sup> Brazil (Concrete) Limited v. Amersham DC (1967) 18 P. & C.R. 396

<sup>9</sup> <https://swarb.co.uk/millington-v-secretary-of-state-for-environment-transport-and-regions-v-shrewsbury-and-attham-borough-council-ca-25-jun-1999/>

extent to which wine from outside the holding is bottled or stored on site may also be a factor in the Authority's assessment of the primary use. Information can be kept confidential on request.

## The application process

### Do I need planning permission?

It was explained in the previous section of this document that if land is currently in agricultural use, planning permission is not required to cultivate the land, plant grapes, grow grapes or install trellising as it is not defined as development. Furthermore, planning permission is not required for winemaking that only processes grapes grown on site. However, it is likely that planning permission will be required for wineries that process grapes on behalf of other growers as established in the Millington case. A winery is classified as B2 general industrial in the Use Class Order. Planning permission will also be required for retail outlets, tasting rooms, overnight accommodation and other related development.

It is always advisable to seek advice from us at the earliest opportunity and we offer a free advice service to answer queries about whether planning permission is required or not. More information is available on our website<sup>10</sup>.

### Permitted development and prior notification

Permitted Development (PD) rights refer to work that can be carried out without the need for planning permission. Information on what constitutes PD can be found on the Planning Portal website<sup>11</sup>

It is the applicant's responsibility to check that a development can be undertaken under PD rights. It should be noted that PD rights are different in national parks to elsewhere in the country, for example, Class Q provisions in the General Permitted Development Order (GPDO) do not apply in national parks or AONBs. It is always a good idea to check and if in doubt fill out and submit a *Do I Need Planning Permission?* form<sup>12</sup>, which is downloadable from our website.

If your development is considered to be permitted development, you may still need to notify us of the proposals so that we can determine whether they require prior approval. This process is called prior notification. In cases of agricultural development including viticulture, a prior notification application requires the submission of an application form, fee and location plans. Further details are available on our website<sup>13</sup>.

The Authority has published *A Farmer's Guide to Agricultural Permitted Development Rights in the South Downs National Park*<sup>14</sup>, which is relevant to viticulture as a form of agriculture. The guide explains the GPDO's key requirements and procedures before undertaking any proposed agricultural development. It also highlights where potential pitfalls and difficulties might be for development proposals.

<sup>10</sup> <https://www.southdowns.gov.uk/planning-applications/do-i-need-planning-permission/>

<sup>11</sup> [https://www.planningportal.co.uk/info/200187/your\\_responsibilities/37/planning\\_permission/2](https://www.planningportal.co.uk/info/200187/your_responsibilities/37/planning_permission/2)

<sup>12</sup> <https://www.southdowns.gov.uk/planning-applications/do-i-need-planning-permission/>

<sup>13</sup> <https://www.southdowns.gov.uk/planning-applications/apply/local-validation-list/>

<sup>14</sup> [https://www.southdowns.gov.uk/wp-content/uploads/2018/09/SD\\_Farmers\\_Guide2019\\_V2.pdf](https://www.southdowns.gov.uk/wp-content/uploads/2018/09/SD_Farmers_Guide2019_V2.pdf)

## Pre application advice

Once it has been confirmed that planning permission is required, we would always advise seeking pre-application advice. We offer a paid pre-app service and again further information is available on our website<sup>15</sup>.

Pre-application advice provides an opportunity for a vineyard owner/agent to receive a professional opinion from the local planning authority on a potential application. We can give more well informed advice when we are told about emerging development proposals in the context of both immediate and longer term plans. We will always suggest how an application can add value to the National Park.

There are a number of related issues that need to be addressed early and considered iteratively throughout the development process. These include ecosystem services, landscape-led design, biodiversity net gain and sustainable construction. The policy requirements for these issues are discussed in detail later on in this document.

## Environmental Impact Assessment (EIA)

EIAs were mentioned under the Legal Background section of this TAN in relation to screening by Natural England for EIA (Agricultural) development that does not require planning permission. An EIA (Planning) may be required to be submitted as part of a planning application and all applications are routinely screened as part of the validation process. A proposal is more likely to require additional environmental assessment if it involves intensive agricultural practices, is on a large scale, and/or if the development is likely to have a significant impact on the environment. You can request a planning screening opinion from us as the local planning authority in writing, and we are happy to provide advice on the matter.

## Planning application

The best way to submit a planning application in the National Park is online through the Planning Portal website<sup>16</sup>. Applications will be automatically forwarded to the correct authority. The planning portal website has both interactive forms that can be completed online and forms that can be printed and posted in. The SDNPA website provides information on all aspects of making an application including how applications are decided and how long it will take to decide an application<sup>17</sup>.

It is important that you send in all the necessary supporting information with your application. Both the national<sup>18</sup> and local<sup>19</sup> requirements are on our website. Our local validation list sets out what scaled plans of existing and proposed development plus supporting reports are required to support different scales and types of development. The level of detail for the supporting documents should be proportionate to the scale of the development.

## Community Infrastructure Levy and Section 106 legal agreements

<sup>15</sup> <https://www.southdowns.gov.uk/planning-applications/advice/>

<sup>16</sup> <https://www.planningportal.co.uk/applications>

<sup>17</sup> <https://www.southdowns.gov.uk/planning-applications/apply/>

<sup>18</sup> <https://www.gov.uk/guidance/making-an-application#Validation-requirements-for-planning-permission>

<sup>19</sup> <https://www.southdowns.gov.uk/planning-applications/apply/local-validation-list/>

The SDNPA is a Community Infrastructure Levy (CIL) charging authority and further information on CIL is available on our website<sup>20</sup>. Within the National Park, you may need to pay the levy if you are undertaking development, which creates new residential or retail floor space with a net retail selling space of over 280 m2. New viticulture, wine making and other related development that is not residential or large format retail is not currently liable to CIL.

'Residential' includes all development within Use Class C3 of the Town and Country Planning (Use Classes) Order (as amended). It includes agricultural workers' dwellings that could be tied to the vineyard and holiday lets for overnight stays at the vineyard. These uses are considered 'normal' homes for the purposes of calculating CIL and any restrictive occupancy conditions do not provide exemption from CIL liability. However, they may be exempt from CIL liability if they are self-built or converted from an existing building.

A Section 106 legal agreement may be required to secure site specific measures, such as a new access road, to make the development acceptable. This may include the payment of a developer contribution.

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<sup>20</sup> <https://www.southdowns.gov.uk/community-infrastructure-levy/guidance-forms/>

## South Downs Local Plan

The South Downs Local Plan (SDLP) is the statutory development plan for the South Downs National Park along with minerals and waste plans and made neighbourhood development plans. The planning system in this country is plan-led and statute states that decisions on planning applications must be taken in accordance with the development plan unless material considerations indicate otherwise.

The SDLP seeks to deliver multiple ecosystem services and is landscape led. This section of the TAN explains how a planning application for new viticulture, wine making and other related development can achieve both of these outcomes. It then sets out an analysis of the main Local Plan policies that are relevant to such developments. Applicants should check our website to see if there is an emerging or made neighbourhood development plan for the parish in which the vineyard is located. A number of parish councils in the National Park have prepared village design statements, which have then been adopted as supplementary planning documents (SPD) by the Authority. Applicants should also check our website to see if there is an emerging or made village design statement for the parish in which the vineyard is located.

## Ecosystem services and natural capital

Ecosystem services are the goods and services we get from nature. Natural capital is the stock of natural resources from which ecosystem services flow. For example, 78 per cent of the National Park is classed as highly productive aquifers that provide drinking water for 1.2 million people living within and around the National Park; in this example, the aquifer is the natural capital and the clean drinking water is the ecosystem service. The range of ecosystem services provided in the South Downs can be divided into supporting, provisioning, regulating and cultural services; these are illustrated in figure 3.

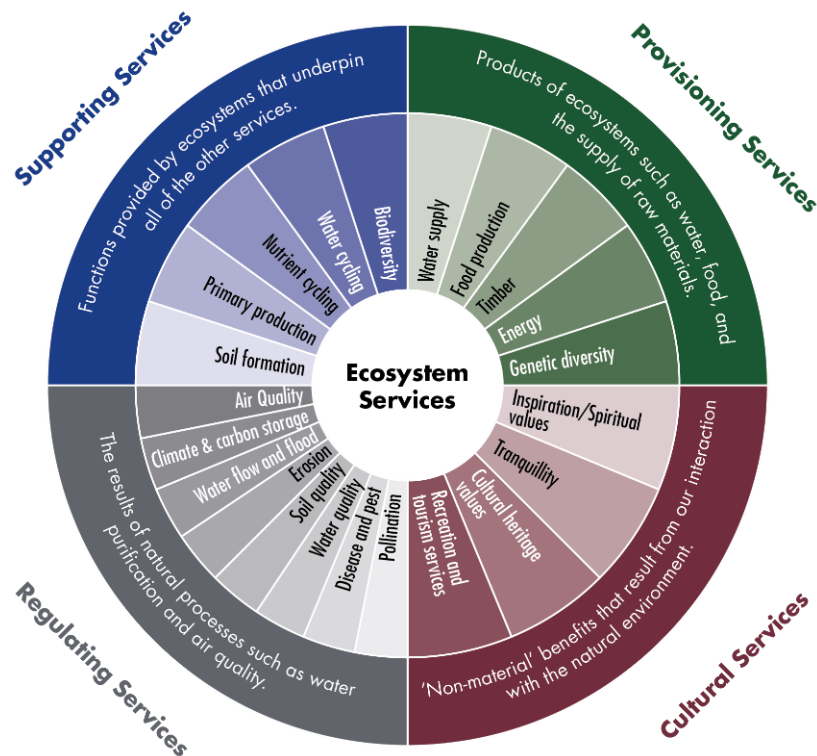


Figure 3: Ecosystem Services

All planning applications in the National Park, including those for viticulture and wine making, have to comply with Core Policy SD2: Ecosystem Services. This requires development proposals to have an overall positive impact on the ability of the natural environment to contribute goods and services. This needs to be evidenced by an Ecosystem Services Statement to be submitted as part of the application. The preparation of the statement should be proportionate to the impact and so a proposed new winery, tasting rooms and retail outlet would require a much more comprehensive and ambitious Ecosystem Services Statement than a small side extension to an existing winery. Use should be made of the EcoServ GIS maps<sup>21</sup>, and other evidence available on our website such as the Habitat Connectivity Study<sup>22</sup> and the Strategic Flood Risk Assessment<sup>23</sup>. A separate technical advice note<sup>24</sup> has been produced by the National Park Authority, which provide checklists and further guidance to help applicants meet the requirements of Policy SD2.

Figure 4 identifies and illustrates some measures that can be taken to improve ecosystem services in a proposal for new viticulture, wine making and other related development. It should be noted that this diagram is for illustrative purposes and is neither to scale or technically accurate. Some of these measures, such as reduced spraying and increased cover crops to manage pests, relate to the long term management of the site. The Vinescape study notes that nutrient cycling and soil quality benefits and risks are very much dependant on practices employed in vineyard management and the importance of environmental stewardship. A Landscape Ecological Management Plan (LEMP) should be prepared to support large scale viticulture developments and they will in turn inform the preparation of the Ecosystem Services Statement.

Only around 15 to 20 per cent of British vineyard land is covered by vines, leaving 80 to 85 per cent of the vineyard available for biodiversity improvements such as ground cover of grasses and flowering plants in the inter-row vineyard alleys and headlands. It is essential that you think about ecosystem services, early on and throughout the development process. This is all part of adding value through the development process. The Authority has started work on best practice guidance on environmental measures, which will provide further information on how to improve ecosystem services.

Chapter 12 of the *South Downs National Park Viticulture Growth Impact Assessment* addresses ecosystem services and natural capital in the National Park in regard to viticulture. Tables 18 and 19 of the study illustrate at a high level the broad range of ecosystem services that vineyards and wine production can offer. In the cases of biodiversity, recreation and tourism, and climate and carbon storage, vineyards can offer a higher degree of ecosystem services than either of the dominant land use types they replace. With regards to tranquillity, vineyards are likely to deliver less ecosystem service benefits as they require more intensive management. It is the intention of the Authority to produce a natural capital account for the National Park specific to viticulture.

<sup>21</sup> <https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/technical-advice-notes-tans/>

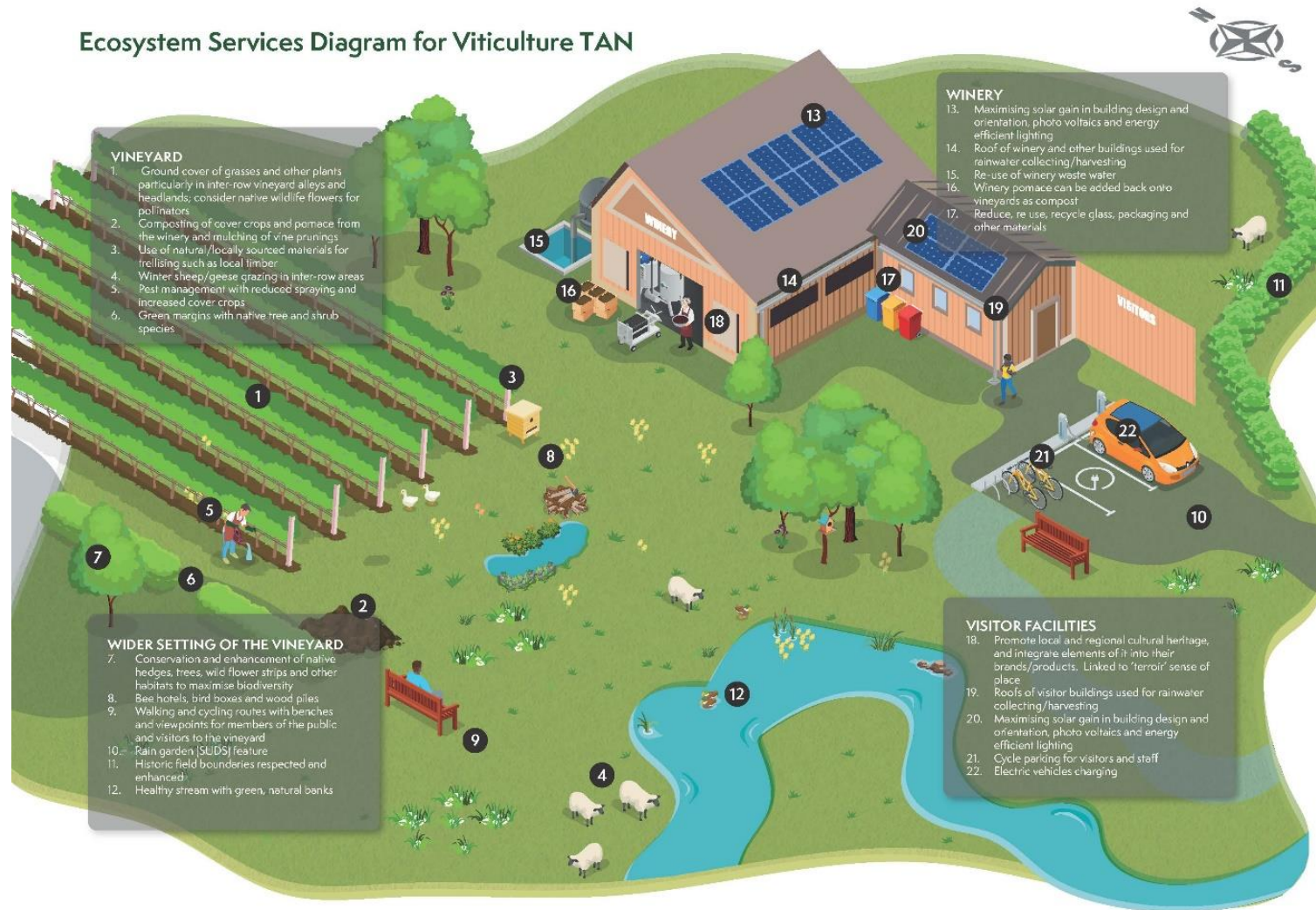
<sup>22</sup> <https://www.southdowns.gov.uk/wp-content/uploads/2018/04/TLL-14-Habitat-Connectivity-and-Habitat-Opportunity-Mapping-Main-Report.pdf>

<sup>23</sup> <https://www.southdowns.gov.uk/planning-policy/south-downs-local-plan/local-plan-evidence-base/evidence-and-supporting-documents/level-1-update-and-level-2-strategic-flood-risk-assessment/>

<sup>24</sup> <https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/technical-advice-notes-tans/>

**Figure 4: Jill's vineyard diagram**

Please note that the measures shown on the diagrams are for illustrative purposes only and are simply indicative of measures that could be used to enhance ecosystem services. It does not form a comprehensive or exhaustive list of ecosystem services measures for viticulture and associated developments.

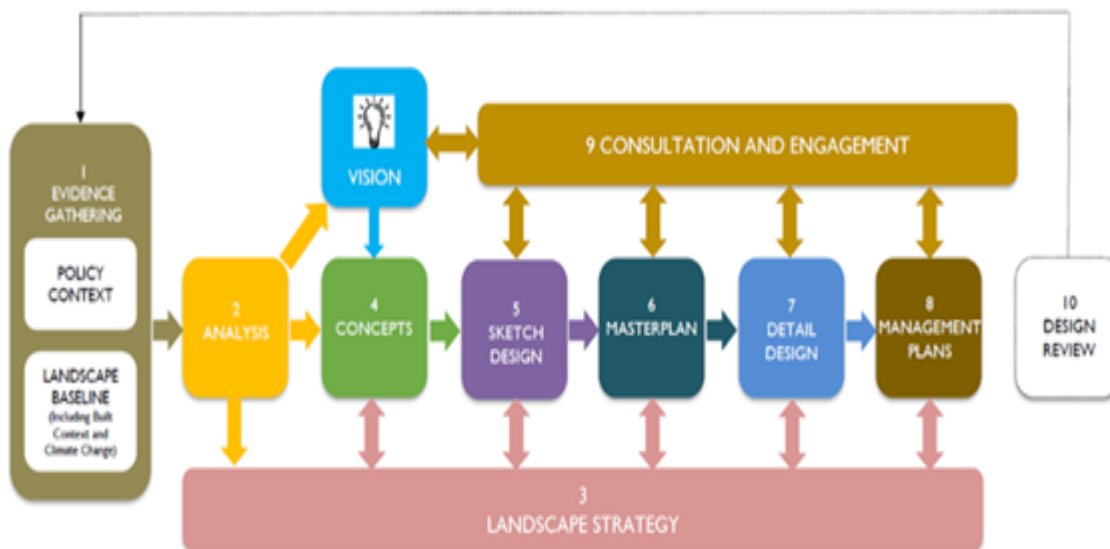


## Landscape-led design

The SDLP requires all development proposals to take a landscape led approach to design that makes a positive contribution to the overall character and appearance of the area. This is explained in figure 5. The landscape led approach requires the front loading and analysis of evidence in order to directly influence design choices. Gathering and accurately interpreting this evidence will be the foundation for the rest of the scheme. It is the analysis of the evidence producing an understanding of the site's landscape character, with its sensitivities opportunities and constraints, which leads to the most appropriate design responses. This in turn should lead to the best way of conserving and enhancing the beauty, wildlife and cultural heritage of the National Park. The better the evidence and communication of it, the better the scheme. It will also enable specialists working on the proposal to work together to achieve the vision for the site.

Most of the winemaking process takes place within a winery and winery buildings range from simple agri-sheds to converted listed buildings. Applications for new wineries and associated buildings should seek to accommodate the operational needs of the winery through good contextual design. After the grapes are delivered to the winery at harvest time, there is a year-long production process that includes numerous steps, for example, settling, racking, tank transfers, inoculation, fermentation, analysis, filtering, fining, blending and bottling. The winery needs to accommodate the equipment for all these steps, for example, hoppers and conveyor systems to load the presses. The wine needs to be stored and aged after it has been made and for sparkling wines, this can take several years before it is finally disgorged and finished. This process requires temperature-controlled, secure and bonded storage facilities that may be within part of the winery or stand as a separate building or buildings. The space required for ageing facilities can be significant compared with that required for the actual winery.

**Figure 5: The process for developing a landscape-led design**



Ancillary facilities such as tasting rooms, restaurants, offices and overnight accommodation are by definition less utilitarian in nature than wineries. All of the proposed building should be considered holistically rather than in individual silos as part of a diversification plan, which is discussed in further detail under Policy SD40: Farm and Forestry Diversification.

## Policy analysis of the South Downs Local Plan

The park-wide policies of the Local Plan follow the headings of the PMP as follows:

- A Thriving Living Landscape
- People Connected to Places
- Towards a Sustainable Future

The following policy analysis follows the same structure. However, it must be remembered that all Local Plan policies should be viewed together and not in isolation in the preparation and consideration of planning applications.

### **A Thriving Living Landscape**

Strategic Policy SD4 of the Local Plan deals with landscape character and requires development proposals to conserve and enhance the landscape character of the National Park. Proposals should be accompanied by a Landscape Appraisal, which should be proportionate to the size and likely impacts of the scheme. Landscape Appraisals should be carried out in accordance with the *Guidelines for Landscape and Visual Impact Assessment 3rd Edition* (Landscape Institute & IEMA, 2013) and successor documents. If the proposals require a full Environmental Impact Assessment (EIA) then a Landscape and Visual Impact Assessment (LVIA) undertaken by a Chartered Landscape Architect will be required. Most applications will be likely to require a bespoke Landscape Appraisal.

Strategic Policy SD5: Design states that development proposals will only be permitted where they adopt a landscape led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area. A Design Supplementary Planning Document (SPD) is being prepared by the Authority.

Diverse, inspirational landscapes and breathtaking views is one of the special qualities of the National Park, and Policy SD6 safeguards views. In conjunction with taking a landscape led approach to design reference should be made to the South Downs Integrated Landscape Character Assessment<sup>25</sup> and the View Characterisation & Analysis Study<sup>26</sup>.

Tranquil and unspoilt places is another of the special qualities of the National Park, and Policy SD7 deals with relative tranquillity. Reference should be made to the Policies Map to see if the development site is in an area of high, intermediate or poor tranquillity. Tranquility is much more than a lack of noise. The Local Plan states that tranquility is a state of calm, quietude and is associated with a feeling of peace. Consideration should be given to any noisy machinery in the winery and significant lorry movements particularly at harvest times on narrow rural roads. Noise assessments are required in line with Policy SDS54: Pollution and Air Quality. Reducing and mitigating noise has the dual purpose of conserving relative tranquillity and protecting neighbour amenity if the winery is located close to residential properties.

The whole of the National Park is designated as an International Dark Sky Reserve. Policy SD8 seeks to ensure that development does not harm the quality of dark night skies, and particular care should be taken to minimise external lighting and glazing. More information is provided in a Technical Advice Note<sup>27</sup>.

<sup>25</sup><https://www.southdowns.gov.uk/landscape-design-conservation/south-downs-landscape-character-assessment/>

<sup>26</sup> <https://www.southdowns.gov.uk/wp-content/uploads/2015/10/Viewshed-Study-Report.pdf>

<sup>27</sup><https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/technical-advice-notes-tans/>

It is important for development proposals to conserve and enhance the biodiversity of the National Park in line with its first purpose. Policy SD9 deals with biodiversity and geodiversity and criterion I(c) requires development proposals to identify and incorporate opportunities for net gains in biodiversity. Work is underway on an SPD on the subject that will provide further details on how development proposals can provide at least 10 per cent net gain on site. It is strongly recommended that applicants make use of the Defra Biodiversity Metric 2.0<sup>28</sup> or any subsequent updates as this provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change. The metric takes a habitat based approach to determine a proxy biodiversity value. Habitat creation, enhancement and restoration to achieve net gain should follow the landscape-led approach and must be appropriate for the landscape and ecological network context of the site. It is important to note that other biodiversity requirements, policy and best practice still apply, including following the mitigation hierarchy and supporting habitat connectivity, and biodiversity net gain is in addition to existing requirements for mitigation for protected species and designated sites. An example of habitat restoration in the South Downs would be the transformation of a derelict chalk grassland dominated by scrub and coarse grasses to a continuous area of chalk grassland with isolated woody species and an abundance of fine-leaved grasses.

Water is needed both to grow grapes and to make wine. Policy SD17 deals with the protection of the water environment and criterion 3 requires development proposals to incorporate measures that eliminate risk of pollution to groundwater, surface water and watercourse corridor features. Reference should also be made to Policy SD50 on sustainable drainage systems (SuDS), which requires there to be no net increase in surface water run-off taking into account climate change. SuDS can also support green infrastructure objectives delivering multiple benefits by providing additional habitats.

### **People Connected to Places**

Many of our vineyards offer visitors opportunities to tour the vineyard taste the wine and dine in a beautiful setting. Further facilities range from boutique hotels to gift shops. A survey carried out for the *South Downs National Park Viticulture Growth Impact Assessment* found that wine related tourism brings more than 33,000 visitors per annum to the vineyards and wineries in the National Park that are open to the public, providing a significant economic contribution to the local economy. The average spend per visitor in the SDNP was £62, on wine purchases, tours, tastings and meals.

Some vineyards have become wedding venues offering a bucolic setting for the wedding ceremony itself, reception and overnight accommodation for guests. It may be that planning permission is not required for the use of land for weddings under the 28-day rule, but please note that this rule only applies outdoors and does not apply to buildings. You will undoubtedly require a licence or other authorisation from the local council as the licensing authority. You will need to think about the capacity of your venue, the need for marquees and practicalities such as catering. Any planning application will need to address issues of noise and relative tranquillity.

Strategic Policy SD23 of the Local Plan deals with sustainable tourism. Wine related tourism accords with criterion I(a) of the Policy as it provides opportunities for visitors to increase their awareness, understanding and enjoyment of the National Park's special qualities particularly 'an environment shaped by centuries of farming and embracing new enterprise.' A development proposal that sought to explain the chalky terroir of the South Downs to visitors would be welcomed providing that it complied with other relevant policies.

<sup>28</sup> <http://publications.naturalengland.org.uk/publication/5850908674228224>

Criterion 1(b) of the Policy is about reducing the need to travel. It is recognised that vineyards are by definition located in the countryside where public transport is limited. Development proposals should consider sustainable transport and provide opportunities for accessing the vineyards by wine tours, public transport and walking/cycling, or linking up with other local visitor attractions to provide a bespoke rural transport solution,

Criteria 1(d) and (e) deal with ancillary facilities such as shops and cafes. Such facilities should be bespoke to the vineyard they serve and should not compete with village and town centres, which are at the heart of our communities. It is recommended that the shops and cafes stock local produce and products such as locally farmed meat or artwork, which will both supplement the bespoke wine offer and help to support local supply chains.

Criterion 3 of the Policy states that the Authority supports a year-round visitor economy and we welcome the fact that wine tourism can support the visitor economy out of season.

The *South Downs Visitor Review*<sup>29</sup> found that there was a shortage of all types of accommodation in the National Park. New overnight accommodation that was of a high quality design would help to meet this need. The accommodation could range from boutique hotels to glamping; reference can be made to the Camping and Glamping Technical Advice Note<sup>30</sup>.

Transport and accessibility needs to be taken into account in the development of viticulture, wine making and other related development. This is an important issue both in regards to agricultural and visitor vehicles with movements reaching a peak at harvest time as grapes are transported from the vineyards where they are grown to the wineries to be processed. Increased traffic movements particularly of HGVs along narrow country lanes often give rise to concerns from local residents. Policy SD19: Transport and Accessibility requires documentation such as a transport assessment for a development proposal that generates significant amounts of traffic movement. The National Park covers land under four different local highway authorities<sup>31</sup> and reference should be made to their relevant guidance and thresholds whilst having strong regard to the environmental sensitivity of the National Park. Policy SD21: Public Realm, Highway Design and Public Art requires development proposals to follow the principles set out in the document *Roads in the South Downs*<sup>32</sup>.

Parking should be provided in accordance with Policy SD22: Parking Provision and the draft Parking SPD<sup>33</sup>. Both car and cycle parking should be provided along with electric vehicle and cycle charging points. The use of hardstanding should be minimised.

### **Towards a Sustainable Future**

Development proposals for new viticulture, wine making and other related development are likely to be located outside of settlement boundaries. Therefore, it is necessary for the application to meet

<sup>29</sup> <https://www.southdowns.gov.uk/wp-content/uploads/2015/02/Visitor-Accommodation-Review-Report.pdf>

<sup>30</sup> <https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/technical-advice-notes-tans/>

<sup>31</sup> Hampshire County Council, West Sussex County Council, East Sussex County Council and Brighton & Hove City Council.

<sup>32</sup> <https://www.southdowns.gov.uk/wp-content/uploads/2015/09/Roads-in-the-South-Downs.pdf>

<sup>33</sup> <https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/>

one of the exception tests set in criterion 2 of Policy SD25: Development Strategy. Particular attention should be given to criterion 2(b) and the essential need for countryside location.

Vineyard owners and managers may be interested in producing a Whole Estate Plan (WEP). These non-statutory documents enable collaboration between individual estates and the National Park Authority in order to achieve the ambitions of the organisation and the purposes of the National Park. It is generally expected that WEPs will be land holdings in excess of 400 acres, with multiple diverse activities, and employing or having residents in excess of 30 people. Criterion 3 of Policy SD25: Development Strategy states that positive regard will be given to development proposals that are part of a WEP that has been endorsed by the Authority. Further details on preparing a WEP are available on our website<sup>34</sup>.

As discussed previously, viticulture is a form of agriculture and so the agricultural policies of the Local Plan are relevant to development of viticulture, wine making and other related development are discussed below. These policies require the submission of a number of pieces of evidences most notably a diversification plan. Documents that the applicant consider commercially sensitive can be kept confidential by the Authority on request.

Policy SD39: Agriculture and Forestry deals with new agricultural buildings. Criterion 1(a) requires there to be a need for the development and evidence needs to be to be provided of yield and the tonnage of grapes to be processed; this evidence could be taken from an existing business plan or other financial documents. As stated above, applications for new wineries and associated buildings should seek to accommodate the operational needs of the winery through good contextual design.

Criterion 1(b) is about choosing the best site for the development. Wherever possible this should be within the existing farmstead rather than the wider land holding and should re-use or build on the footprint of an existing building. Sometimes a vineyard owner will own several sites both inside and outside the National Park. In these cases, evidence should be provided on why the new winery or other building needs to be located inside the National Park. Paragraph 7.186 requires a thorough analysis of reasonable alternative sites and advice should be sought on this matter at the earliest opportunity from the Authority.

Existing and proposed buildings should be considered holistically rather than individually. There are often buildings on a farm that are redundant and have a negative impact on landscape character, and criterion 1 (f) states that they should be removed where appropriate. This provides an opportunity to add value to your planning application.

Sometimes vineyard extensions require new or improved access tracks. Criterion 2 deals with this matter and the opening up of these tracks as permissive footpath is encouraged by the Authority.

Wine needs to be aged before it can be released to market and the aging process requires temperature-controlled, secure and bonded storage facilities that may be within part of the winery or stand as a separate building or buildings. The space required for ageing facilities can be significant compared with that required for the actual winery. Unlike some traditional Champagne 'cellars', thousands of metres of underground chalk tunnels for this purpose do not exist in the UK. Therefore, a wine cellar may form part of the development proposal for a new or extended winery. If this is the case, then careful consideration should be given groundwater sensitivities and to the extracted spoil and resulting levels. Full details should be set out in a construction management plan.

Diversification in viticulture ranges from the provision of a small shop selling wine and associated products to a winery serving several vineyards to a boutique hotel and art gallery. Policy SD40 deals

<sup>34</sup> <https://www.southdowns.gov.uk/planning-policy/whole-estate-plans/producing-a-whole-estate-plan/>

with farm diversification and requires the submission of a diversification plan. This requires the applicant to think holistically about their landholding and the businesses that are run from it. Evidence for the diversification plan could be taken from an existing business plan or other financial documents such as loan applications. Advice on the scale and scope of the diversification plan should be sought at the earliest opportunity from the Authority.

Criterion 1(a)(ii) deals with the subsidiary nature of the diversification and seeks to ensure that diversification activities supplement rather than replace core agricultural values in terms of physical scale or environmental impact. This does not mean that the income from the diversified business needs to be less than the income from the core agricultural business. The purpose of this policy criterion is to prevent the development of a large hotel or an out of town shopping centre on a vineyard. It would not prevent the development of a small boutique hotel or retail outlet selling local wine and cheese to complement the core business of the vineyard.

Policy SD41 deals with the conversion of redundant agricultural buildings. As previously stated, the conversion of existing rather than new build is preferred on farmsteads. Criterion 1(g) sets out a cascade of appropriate viable uses and employment is the second highest on the cascade after housing for essential workers or succession housing. Some information would be required on why the building is not required for essential workers or succession housing.

Policy SD32 deals with new agricultural workers' dwellings. A planning application to provide a new home for a vineyard worker would need to demonstrate that the nature and demand of the work concerned make it essential for one or more people engaged in viticulture to live at, or very close to, the vineyard. The occupancy of the dwelling by a vineyard worker would be secured either by condition or through a legal agreement. The Authority understands that work on a vineyard continues all year round with training and pruning the vines, soil care, foliage treatment and thinning, but the main work comes from harvesting the grapes. Any applications for temporary dwellings would have to comply with criterion 4 of the Policy.

Viticulture and winemaking make a notable contribution to the local economy. Policy SD34 is about sustaining the local economy and names farming as a key sector of the National Park's economy. An application would benefit from meeting as many of the criteria in Policy SD34 as possible particularly criteria 1 (b) on green businesses linked to ecosystem services and 1(c) on rural supply chains. Making wine in a winery from grapes that are not grown on site is classed as B2 general industrial and the relevant Local Plan policy is SD35: Employment Land.

Many vineyards have a small shop selling bottles of wine. Policy SD38 deals with shops outside centres. Criterion 3 deals with farm shops and requires at least 40 per cent of the goods sold to be own produce or local.

Mitigating against and adapting to climate change is an international and national priority. The replacement of arable or livestock farming with viticulture is a form of adaptation to climate change. Chapter 15 of the Vinescapes study identifies a number of ways that vineyards and wineries can mitigate against and adapt to climate change, for example, by using the winery and other related buildings for rainwater collection/harvesting from roofs, which, if treated, can be used in wine production and spray operations. Heating, cooling and ventilation are the greatest sources of energy consumption in English wineries, and there are significant opportunities here for energy efficiency improvements. Internal environments can be designed with efficient mechanical systems and responsive localised controls, using strategies such as efficient mechanical ventilation and heat recovery systems which reclaim energy from expelled air to preheat fresh air for heated areas, use of variable speed fans and pumps which adapt to the required output, and high efficiency air source heat pumps to heat large occupied spaces. If cellars are going to be excavated and used to store wine thought should be given to ground sourced temperature control.

Policy SD48 relates to climate change and requires commercial major development to achieve Building Research Establishment Environmental Assessment Method (BREEAM) Excellent. Further guidance on sustainable construction is set out in our Sustainable Construction SPD<sup>35</sup>. Opportunities should also be explored for small scale renewable energy such as solar power, wind power and geothermal energy in line with Policy SD51: Renewable Energy.

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<sup>35</sup> <https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/technical-advice-notes-tans/>

## **Looking forward**

Viticulture and winemaking is expanding rapidly in the South Downs.

This technical advice note has explained the legal and planning context for viticulture development in the National Park and highlighted the most relevant policies in the South Downs Local Plan.

If you are considering a viticulture development do get in touch to find out if you need planning permission and if you do please use our pre-app service.

We encourage you to devise development proposals that take a landscape-led approach to design and deliver multiple ecosystem services.

## Glossary

**Ancillary:** A subsidiary or secondary use or operation closely associated with the main use of a building or piece of land.

**Cool climate viticulture** denotes vine growing regions that have cooler temperatures during the summer and the potential to frost or freeze during the winter. The viticulture in these cool climate regions must be strategically planned to promote heat conservation, control of soil moisture and wind/water flow.

**Environmental Impact Assessment (EIA):** A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment. There are specific regulations for different types of development, including agricultural operations and planning applications.

**Farm Diversification:** How farmers can add business activities to traditional farming, namely growing food crops and conventional livestock keeping, to develop new sources of income.

**Fermentation** is a winemaking process that uses yeast to convert the sugars in grape juice to alcohol. In the winemaking process, fermentation starts during crushing and can last until after bottling. It is a necessary process in winemaking, in order to make the wine alcoholic.

**General industrial B2 use class:** An employment use defined by the Use Classes Order for the carrying on of an industrial process (excluding incineration purposes, chemical treatment, landfill or hazardous waste).

**General Permitted Development Order (GPDO):** A set of regulations made by the Government which grants planning permission for specified limited or minor forms of development including operational development and changes of use.

**Landscape:** an area perceived by people whose character is the result of the action and interaction of natural and/or human factors (European Landscape Convention definition).

**Landscape and Ecological Management Plan (LEMP)** provides instructions and processes for the management and operations of a site. The instructions in this site-specific document are provided to ensure the protection and enhancement of the ecology and biodiversity on, and around a development site.

**Pomace** is the solid remains of grapes or other fruit after pressing for juice. It contains the skins, pulp, seeds, and stems of the fruit and can be added back to the vineyard as compost.

**Section 106 Agreement:** A legal agreement under section 106 of the 1990 Town & Country Planning Act. Section 106 agreements are legal agreements between a planning authority and a developer, or undertakings offered unilaterally by a developer, that ensure that certain extra works related to a development are undertaken.

**Supplementary Planning Document:** Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

**Terroir** is a French term used to describe sense of place and the environmental factors that affect a crop's phenotype, including unique environment contexts, farming practices and a crop's specific growth habitat.

**Use classes order:** The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories. Planning permission is not needed for changes of use within the same use class.

**Viticulture** is the growing of grapes, or the science or study of growing grapes.

**Winery:** a place where wine is made from grapes. A winery will employ a winemaker who produces wines from grapes either grown on the property or purchased from an outside vineyard. Producing wine requires several steps, which include the fermenting of the grapes themselves, along with the aging and blending of the juice.